

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	JRPP Reference Number: 2015SYW032
DA Number	DA/67/2015
Local Government Area	Parramatta City Council
Proposed Development	Demolition of existing structures and construction of a 41 level building containing 216 units and 1 shop over basement car parking
Street Address	11 Hassall Street, PARRAMATTA NSW 2150 (Lot 1 DP 951181)
Applicant and Owner	Sonenco Parramatta Pty Ltd and Saab Parramatta Pty Ltd
Number of Submissions	Five
Regional Development Criteria	The development has a capital investment value of greater than \$20 million dollars
List of All Relevant s79C(1)(a) Matters	State Environmental Planning Policy 55 – Remediation of Land, State Environmental Planning Policy 65 (Design Quality of Residential Flat Buildings), State Environmental Planning Policy (Infrastructure) 2007, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Parramatta City Centre LEP 2007, Parramatta Development Control Plan 2011
Recommendation	Approval
Report by	Liam Frayne, Senior Development Assessment Officer



Parramatta City Council	
(January 2012 Version)	
File No:	DA/67/2015

ASSESSMENT REPORT – Mixed Use Development S79C – Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/67/2015
Assessment Officer:	Liam Frayne
Property:	11 Hassall Street, PARRAMATTA NSW 2150 (Lot 1 DP 951181)
Proposal:	Demolition and construction of a 41 level building containing 216 units and 1 shop over basement car parking
Date of receipt:	13 February 2015
Applicant:	Sonenco Parramatta Pty Ltd and Saab Parramatta Pty Ltd
Owner:	Saab Parramatta Pty Ltd and Sonenco Parramatta Pty Ltd
Submissions received:	5 submissions
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Issues:	Solar access, building separation, traffic, privacy, design quality.
Recommendation:	Approval

Legislative requirements

Zoning:	B4 Mixed Use
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Permissible under: Parramatta City Centre Local Environmental Plan 2007

Relevant legislation/policies: Parramatta Development Control Plan 2011
BASIX SEPP, Section 94A Plan, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65, Urban Renewal SEPP, Policy for the Handling of Unclear insufficient and amended development applications

Variations: DCP variations include setbacks, private open space, common open space, building separation, unit mix, and solar access.

Integrated development: No

Crown development: No

The site

Site Area: 1782m²

Easements/rights of way: Yes – an easement for stormwater drainage runs along the rear of the site.

Heritage item: No

In the vicinity of a heritage item: No

Heritage conservation area: No

Site History: The site was historically used for St Ioannis Greek Orthodox Church and the associated church hall.

Site History

3 July 2015 Planning proposal for the site gazetted. This increased the permissible floor space ratio from 6.56:1 to 10.2:1 and increased the maximum permitted height from 72m to 130m.

DA history

13 February 2015 Application lodged.

25 February to 18 March 2015 Advertising Period.

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is located on the southern side of Hassall Street in the Parramatta CBD. Occupying the property at the time of lodgment was the St Ioannis Greek Orthodox Church and Church Hall (now demolished). There are no significant trees on the site which slopes to the stormwater channel running behind the property.

The site has an area of 1782m². The site has a frontage of 20.115m, and is a deep, narrow site. The property has frontage to Hassall Street, but is separated from Parkes Street by a concrete stormwater channel.

Development surrounding the site is mixed in use and scale. To the east, the site adjoins a property containing mixed use towers, one containing a 22 storey tower and the other an 18 storey tower. To the west the site adjoins a vacant allotment which has benefit of an operational consent for two 23 storey towers.

Opposite Hassall Street from the site are a mix of 1 to 3 storey residential and commercial buildings, and an 18 storey residential building. Across Parkes Street from the site are residential flat buildings.

The site does not contain any significant vegetation, but the southern half of the site is identified as a high hazard flood area and is impacted by flood events above 1 in 5 year level.



Figure 1: Aerial photograph of the site



Figure 2: The Orthodox Church previously on the site (since demolished)

THE PROPOSAL

Consent is sought for the following:

- Demolition of the existing buildings on the site, including the church and hall;
- Construction of a 40 storey mixed use building over 4 levels of basement car parking;
- 216 apartments (32 x 1bd, 172 x 2 bd, and 12 x 3bd);
- 22 adaptable units; and
- 198 parking spaces are proposed (153 below natural ground level, 45 above ground).

There are no significant trees on the site for which consent for removal is required. The site is so designed that there will be no increase on flood behaviour distortion as compared with the existing situation on the site.

PERMISSIBILITY

Parramatta City Centre Local Environmental Plan 2007

The site is zoned B4 Mixed Use under Parramatta City Centre Local Environmental Plan 2007. The proposed works are for the construction of a mixed use development.

The definition of a 'mixed use development' is as follows:

Mixed Use Development *means a building comprising 2 or more different land uses.*

The proposal meets the definition of a mixed use development with both proposed uses being themselves permissible. Accordingly, the proposed development is considered to be permissible.

REFERRALS

Development Engineer

The development application was referred to the Development Engineer for comment as the site is a type for which on-site detention is required and the property is flood affected.

The Development Engineer advised that the site is subject to significant flooding from Clay Cliff Creek, now an open culvert running between the southern boundary of the site and Hassall Street.

Flooding of this site occurs when the culvert capacity is exceeded during storms heavier than the 1 in 5 year event, or when lateral inflows from Hassall Street towards the culvert run over the site.

The proposed building footprint covers almost all of the site and has been designed to be above the relevant flood levels, with the exception of the basement car park.

TUFLOW 2D flood modeling provided by the applicant demonstrates that the proposal will have only a negligible impact at or near neighbouring properties in comparison to existing development on the site.

The area on the basement level adjacent to the Clay Cliff Creek Channel is within a high flood hazard area and accordingly conditions are included to restrict the use of this space. Additionally, the basement car park crest is to be installed above the 1% AEP flood level plus 500mm freeboard, with emergency warning and evacuation measures also required.

The removal of stormwater from the basement relies upon a basement pump-out system, with water pollution controlled by appropriate measures, and rainwater harvesting of 20,000 litres provided.

Conditions are included to ensure the stormwater design and flood mitigation measures are appropriately incorporated into the finished design.

Landscape and Tree Management

Council's Landscape and Tree Management Officer reviewed the proposal and advises that there are no trees on site for which consent is required for removal. The proposed landscape plan was found to be satisfactory and conditions were recommended with respect to the manner in which this landscaping is to be carried out. These conditions are included in the recommendation.

Traffic and Transport Investigations Engineer

The application was referred to the Traffic and Transport Investigations Engineer who found that the proposal was acceptable subject to appropriate turning circle and ramp diagrams being submitted to ensure the functionality of the car park.

The applicant has submitted these details and they demonstrate that the car park is functional. Conditions are included in the recommendation requiring compliance with the relevant Australian Standards for car parks, and requiring that appropriate permits are sought when necessary.

Council's Traffic and Transport Investigations Engineer has identified that the proposal will result 41.04 vehicle trips per hour at the AM peak hour, and 32.4 vehicle trips for the PM peak hour. The Traffic and Transport Investigations Engineer did not consider that the traffic generation expected for the proposed development would have a significant impact on Hassall Street or on the surrounding road network.

Conditions were recommended by the Traffic and Transport Investigations Engineer, including one ensuring that the loading area is suitably accessible, and that adequate visibility is available at the site exit points.

These conditions have been incorporated into the recommendation.

Waste Management

The application was referred to Council's Waste Management Officer as part of the Clearing House process. The application was found to be satisfactory from a waste management perspective subject to the imposition of appropriate conditions to ensure waste is appropriately managed during and after construction.

The recommended conditions are incorporated into the proposed conditions of consent.

Environmental Health Officer – Acoustic

The application was referred to Council's Environmental Health Officer – Acoustic who advised that the submitted Acoustic Report was satisfactory.

The advice notes that air conditioning should be provided to the apartments facing Parkes Street to ensure that these units provide an acceptable internal noise environment, and provides other recommendations as to the manner in which the development is to be completed.

It is noted that conditions have been recommended including certification that the necessary noise standards have been achieved in the apartments, and that exhaust fans and A/C units do not produce an unacceptable amount of noise.

The conditions recommended are included in the recommended conditions.

Environmental Health – Contamination

The application was referred to Council's Environmental Health Officer – Contamination given the site is impacted by acid sulfate soils and contains groundwater. The submitted contamination report was conservative with regard to previous vehicle use of the site and possible fuel drop/spillage.

The Environmental Health Officer found that the proposal was acceptable subject to the imposition of conditions to ensure works on site are appropriately conducted. These conditions form part of the recommendation.

Heritage Advisor

The application was referred to Council's Heritage Advisor as although the site is not near any listed heritage item or conservation area, it is located on land that contains the St Ioannis Greek Orthodox Church that has significant community and aesthetic value to the Greek Community of Parramatta.

Council's heritage advisor recommended retention of individual significant elements on the site (such as the foundation stone with its inscription) be retained for interpretation reasons. The applicant has since provided documentation from the Orthodox Community indicating that this item has been removed from the site and is retained by the Orthodox community. In this context, this item cannot be retained on the site.

There is opportunity for the site history to be otherwise interpreted on site as part of the arts plan, and it is considered acceptable that this be left to the discretion of the arts plan author for the site.

Design Excellence

In addition to the Planning Proposal modification to the maximum height and floor space controls associated with the site the Development Application is made pursuant to Clause 22B of Local Environmental Plan 2007 (design excellence).

This clause states that consent cannot be granted for a building over 55m in height or 13 storeys in height unless an architectural design competition has been held with respect to that application.

Additionally, under Clause 22B(6), a consent authority may consent to a building with a floor space ratio of up to 10% more, or a height 10% more, than would normally be permitted under the LEP provided the building has been subject to an architectural design competition and the concurrence of the Director General of the NSW Planning Department has been obtained.

The design competition was held on 19 September 2014. The submission made by PTI Architecture was the winning submission to the competition. The competition awarded a 10% floor space bonus (a new total equivalent of 11.22:1 up from the planning proposal of 10.2:1) and a 10% height bonus (equivalent to 143m – up from the planning proposal of 130m). Council has benefit of the standing concurrence of the Director General with respect to these matters.

The submitted architectural plans were reviewed by Council's Urban Designer who identified that the lodged proposal differed from the competition winning design in a number of key areas. Accordingly, the matter was sent for review by the Jurists (Michael Newstein for the applicant, Deena Ridenour for Council and Dillon Kombumerri for the Department of Planning) who oversaw the design competition. Amended plans were ultimately provided by the applicant which were found to be satisfactory by the Jurists on 26 June 2015 subject to conditions as follows:

- (1) The project architect is to be PTI Architects, the winner of the design competition held for the site. In the event that the applicant wishes to change architects, a Section 96(2) application is to be lodged to justify the change of architect.

The objective of this condition is to ensure that the architect who has won the design competition remains in place throughout the project and is able to realize the vision that Council endorses by way of the design completion outcome and the recommendation of this report.

- (2) The applicant, the architect, the design consultants (i.e. structural and façade engineers) and the competition jury are to hold consultation on the key design elements listed below, through the process of development of project documentation, to ensure that the competition winning design is able to be realised faithfully. Meetings are to be held as requested by the applicant but not less than once before the Construction Certificate is submitted, and not less than once before the tender documents are completed. The meetings are to discuss key design elements and shall be held in good faith to advise on the design. The fees for such meetings shall be paid by the applicant at industry rates determined in consultation with Council.

The key design elements of this project are:

- The metal screening;
- Balconies;
- The ground floor entrance area including café and entry lobby;
- The lift lobbies;
- Landscaping of the podium, and
- Materials and finishes.

It is considered that the above requirements are reasonable and appropriate means by which the design quality of the delivered scheme ultimately is at the level of the architectural design competition scheme. The condition will be additionally modified to require that the plans approved at Construction Certificate stage have the prior approval of the design jury in writing. These conditions are included in the recommendation.

Creative Broker comment on Arts Plan

Council's Creative Broker found that the provided arts plan was satisfactory subject to appropriate conditions being incorporated into the recommendation to ensure its implementation on the site.

Land Use

As the application was dependent on, and lodged prior to, gazettal of a concurrent and associated planning proposal for the site, the matter was referred to Council's Land Use Team for comment.

The Land Use team advised of the nature of the planning proposal (i.e. increase to the permissible floor space ratio from 6.56:1 to 10.2:1 and increase to the maximum permitted height from 72m to 130m – note these figures do not include the floor space bonus for design excellence which is a 10% bonus to each under Clause 22B of LEP 2007).

The planning proposal was also subject to a voluntary planning agreement under which the developer is to provide a monetary contribution for public works, and a unit and a car space to Council for the purposes of affordable housing. It is noted that this provision is in addition to normal Section 94A contributions.

Conditions are included in the recommendation to implement the voluntary planning agreement.

External Referrals

Roads and Maritime Services

The application was referred to RMS for comment on 18 February 2015 as the proposal is identified in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as Traffic Generating Development (75 or more dwellings within 90m of a connection to a Classified Road in Parkes Street). 21 days have since elapsed and no response has been received. Accordingly, in accordance with the SEPP, it is assumed that RMS have no objection to the proposal.

Endeavour Energy

The application was referred to Endeavour Energy for comment. 21 days have elapsed and no comment has been received.

PUBLIC CONSULTATION

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties were given notice of the application for a 21 day period between 25 February 2015 and 18 March 2015. In response 5 submissions were received. Submissions were as follows:

- Confidential submission
- Submission from owner of 60/13-15 Hassall Street
- Submission from 30/13-15 Hassall Street

- Submission from representative of owners of 60 Hassall Street
- Submission from representative of owner of 56 Station Street

The issues raised within those submissions are addressed below:

Concern about the height of the proposed development and its impacts on streetscape and shadowing in the surrounding area

The proposal is of a substantially greater height compared to surrounding development, and will bring with it an associated shadowing impact. However, the proposal also provides a landmark building on the southern edge of the Parramatta CBD, and its impacts are considered to be acceptably limited by a slender building form and careful site design (which places the tower itself at the centre of the site).

The development incorporates an appropriate podium that will contribute to the activation of Hassall Street.

Concern that the application was submitted accompanied by a variation request prior to gazettal of the planning instrument.

The Development Application was lodged prior to the gazettal of the planning proposal for the site. However, final detailed assessment and reporting on this matter were held off prior to the gazettal of the planning proposal.

Concern that the proposal does not comply with the floor space ratio requirements applying to the site.

Parramatta City Centre Local Environmental Plan 2007 provides a base floor space ratio, and provides a bonus for development proposals developed through a design excellence process of 10% to floor space and height.

The proposal complies with the height and floor space applying to the site (including the bonus).

It is noted that the gazettal of the planning proposal for this site increased the maximum permissible height to 130m and the maximum permissible floor space to 10.2:1. The 10% design excellence bonus applies on top of these base requirements.

Concern that the extent of excavation has potential to impact on the structural stability of surrounding buildings and sites

The application is accompanied by a geotechnical report which outlines the measures that will be employed to minimise the impact of works on surrounding sites. Conditions are included on the recommendation to manage the geotechnical impacts of works and additionally ensure that appropriate dilapidation inspections are carried out before and after works.

Concern about construction impacts including dust, excavation impacts, machinery and noise impacts, hours of operation, truck routes, and the estimated number of truck movements during work

All construction activity is necessarily disruptive; however conditions are included in the recommendation to manage these impacts to reasonable levels. These conditions seek to limit the impact by limiting the hours of works, requiring a construction traffic management plan be submitted for approval by Council, and generally manage construction impacts.

It is considered that these conditions will acceptably manage construction impacts.

Concern about the reflectivity of the development

The issue raised requests that Council specifically condition the recommendations of the provided sun reflectivity report. Conditions are included in the recommendation to ensure that the report recommendations are implemented.

Concern about the traffic impact of the development and the adequacy of the traffic assessment provided by the applicant.

The traffic impact of the proposal has been assessed independently by Council's Traffic and Transport Investigations Engineer. It is estimated that the proposal will generate an additional 41.04 vehicle trips per hour at the AM peak hour, and 32.4 vehicle trips for the PM peak hour. Council's Traffic and Transport Investigations Engineer found that the proposal was unlikely to impact significantly on the functioning of the surrounding local road network.

Concern that the façade treatment is unsatisfactory and the building architecturally disappointing.

The façade treatment of the proposal has been developed via a design competition process and additionally has been reviewed by the jurists of that competition as part of the application process. It is considered that the proposed scheme is of good design quality and conditions are incorporated into the recommendation requiring that the proposal is implemented in a manner that is acceptable to the design competition jurists.

Comment that an open design excellence competition process would achieve an improved design outcome

Procedures for design excellence competitions are outlined in LEP 2007, and are carried out in consultation with the Department of Planning. The design process followed was carried out in accordance with LEP and Department of Planning requirements and is considered an acceptable approach.

Concern about the lack of building separation between the proposal and units in 60/13-15 Hassall Street

Unit 60 in the neighbouring development is located on the 17th floor of the southern tower, on the north western corner, the side closest to the proposal. The balcony and

1 window of that unit faces directly west, into the development site, and is setback just 3.5m from the boundary at its nearest point.

To achieve numerical separation between the proposal and that existing building, the proposal would need to provide a 14.5m setback to the boundary. With the given site width of 20.115m, and the fact that there is a proposal approved for the site on the western side of the development site, it is neither reasonable or possible for the required separation to be achieved, and this outcome is a result of historic design and planning decisions made when 13-15 Hassall Street was developed in the 1990's.

A separation of 6.5m is achieved between the two buildings (the proposal and the affected neighbour), and no balconies in the proposed buildings are oriented towards the neighbouring development. Some bedroom windows and one living room window do face the neighbour, however given the depth and design of the balcony on the affected neighbour, it is considered that close and direct views will not result in this instance.

Concern about overshadowing of adjoining development.

The proposal will overshadow the southern tower of 13-15 Hassall Street, and will directly impact on solar access to the units on the north western corner of that building from approximately 2p.m on June 21. It is acknowledged that this impact is likely to be significant for the affected units given the development at 13-15 Hassall Street overshadows itself for most of the day, and the units of the western side of the southern tower obtain most of their solar access during the afternoon period.

The proposal will also shadow a number of surrounding sites, including 56 Station Street, which is specifically overshadowed during the morning between 9am and 11am (although it is noted that the approved development at 9 Hassall Street will shadow the building meaning that additional impact from this proposal will only be significant at 10am).

Although the impact is significant, in the context of historic design and planning decisions, and the zoning of the respective properties, it is considered that the proposal overall acceptably manages its solar access impact as far as is reasonable, and it is noted that an alternate design scheme providing two towers in line with neighboring sites would result in significant overshadowing of units in both northern and southern towers of adjoining development (whereas the present scheme limits its impact to the southern tower).

Concern about privacy impacts

The design of the proposal is such that close and direct views to adjoining development will not result. It is noted that although just 6.5m separates the proposal from the southern tower of 13-15 Hassall Street, the deep design of balconies on that building mean that close and direct views between living spaces will not occur, and the proposed unit design orients the outlook of the near units to the south, towards Parkes Street.

Concern about the impact on natural ventilation

There is no evidence that the proposal will impact on the ventilation of adjoining properties in an adverse manner.

Concern about land use conflict with surrounding and existing commercial developments.

The site is surrounded by a mix of land use types, including commercial and residential development. The development has been designed to have regard to its context, and it specifically incorporates measures identified in an acoustic report to ensure an appropriate internal noise environment is achieved for units inside the development notwithstanding existing surrounding noise.

Concern that the proposal does not comply with SEPP 65 solar access or separation guidelines

It is acknowledged that the proposal does not comply with SEPP 65 solar access or building separation requirements. It is noted that the context of the site means that compliance with these controls would not be possible for any redevelopment of the site in accordance with the planning objectives of the zone, and result from historic planning decisions. It is also noted that the additional height and placement of the tower in the centre of the site results in a significantly improved solar access and privacy outcome compared with if the proposal was developed in the manner approved and existing on the two adjoining sites.

Amended Plan

Yes – minor design changes to the form of the levels of the building to maintain design quality.

In accordance with clause 5.5.9 of Council's notification procedures entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The site is not identified in Council's records as being contaminated. Further, the site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. However, the applicant has submitted a preliminary site investigation that indicates that there is potential for contamination on the site due to oils leaking from parked motor vehicles, the importation of fill material onto the site historically, and from adjoining properties. It was noted that the site can be made suitable for the proposed development.

A condition is included in the recommendation requiring a detailed site investigation, and if necessary, a remedial action plan, be implemented prior to the release of a Construction Certificate for the site.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained within the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road – it is separated by Clay Cliff Creek from that road. The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Parkes Street and Hassall Street at this location is less than 40,000 vehicles.

It is noted in any event that the proposal will provide access from a road other than Parkes Street (the classified road), and the safety, efficiency and ongoing operation of the classified road will not be affected as a result of the design of vehicular access to the land, the emission of smoke or dust from the development, or the nature, volume, or frequency of vehicles using the classified road to gain access to the land.

The development is for a mixed use development containing a substantial number of residential units. While not required under Clause 102 of the SEPP given the traffic volume of the road, Council's DCP has requirements that relate to noise-sensitive developments near noise generating roads, and an acoustic report is provided addressing this requirement (see DCP section).

The development is classed as traffic generating development under Clause 104 of the SEPP. The RMS was notified of the proposal but no response was received. As 21 days have elapsed, in accordance with this clause it is considered that the RMS has no objection to the proposal.

STATE ENVIRONMENTAL PLANNING POLICY 65 Design Quality of Residential Flat Development 2002

It is noted that the current application was lodged prior to and not determined before the notification on the NSW Legislation Website of the making State Environmental Planning Policy No 65 – Design Quality of Residential Flat Developments (Amendment No 3) on 17 July 2015. Under Clause 31 of SEPP 65 (amendment 3) the application is required to be assessed as if that amendment had never been made. The assessment below is therefore made against the provisions of SEPP 65 as the relevant legislation that applies to this application.

It is further noted that issues of context, height, scale and density were considered at length during the planning proposal process completed prior to the detailed assessment of this application, resulting in site specific height and floor space controls.

SEPP 65 (amendment 2) applies to the development as the building is more than 3 storeys in height. As discussed in the referral section of the report, the application was the winning scheme from a design competition and has subsequently been reviewed by the design jury who considered SEPP 65 and found the proposal to be satisfactory.

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The statement addresses each of the 10 principles and an assessment of this is made below. Council's assessing officer's comments in relation to the submission is outlined below.

Context

Generally, the design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale and form of the proposal is site appropriate, accounts for the form of

development on each of the neighbouring sites, and has a form and design appropriate for its location on the southern part of the Parramatta CBD.

This DA meets the requirements of the LEP in terms of height, as well as being a permissible land use. The context of the building is appropriate for its location, providing as it does an active street front and a good level of housing in close proximity to a major centre and transport interchange.

Scale

No issues arise in terms of the scale of the proposal. The scale of the building in itself is considered suitable within its locality, with the building meeting envelope and footprint controls prescribed by the LEP (including design excellence bonuses) and its DCP (where appropriate in the context of existing and approved surrounding development).

The scale is appropriate for a site at the southern gateway of Parramatta CBD.

Built form

The design generally achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements. The building has been carefully designed with respect to neighbouring buildings on each side (existing and approved), and is suitably positioned within the site to minimise impacts resulting from the close proximity of neighbouring developments.

Density

The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable. The proposed density is considered to respond to the excellent availability of infrastructure, public transport, community facilities, services and environmental quality in and around the Parramatta CBD in which the site is situated.

Resource, energy and water efficiency

A Basix Certificate has been submitted with the application and the required design measures have been incorporated into the design of the building. The construction certificate plans will need to address certain other requirements outlined in the Basix Certificate.

Landscape

A landscape plan was submitted with the proposal. The landscaping design is considered to be adequate given the highly urban context of the site, and provides sufficient opportunity for residents to spend time outside of their apartments if so desired. The landscaping to the southern edge of the site along Clay Cliff Creek is also considered appropriate.

Amenity

Generally, the proposal as amended is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. It is considered that the scheme makes the best of its difficult context, and the height of the proposal will allow the upper level apartments in the development to have an appropriate level of amenity (in contrast to the two-tower form on neighbouring sites).

Safety and security

The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy and ensuring that the ground floor tenancies are located at the street boundary. Whilst the building architecturally addresses the street and activates the frontage visually, the future uses of the ground floor will determine the degree to which activation occurs in a more physical sense.

The development incorporates sufficient access control measures and definition between public, semi public and private spaces within the scheme and accordingly it is considered opportunities for unintended access are limited insofar as possible for a development of this nature.

Social dimensions

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements, providing additional housing choice within the area in close proximity to public transport and potential employment opportunities.

The proposal also responds to the relatively limited availability of housing stock actually within the Parramatta CBD itself.

Aesthetics

The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area. The proposal will significantly improve the public domain of Hassall Street by activating and improving that street.

An assessment is now provided against the numerical requirements within the Residential Flat Design code referenced in SEPP 65.

RESIDENTIAL FLAT DESIGN CODE

The proposal compares in the following manner to the relevant provisions of the Residential Flat Design Code:

The proposal compares to the RFDC in the following manner:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	14-17m	Yes
Storage	1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³	All units provided with sufficient storage in unit or in the basement. A condition will be incorporated into the recommendation to ensure these areas are provided.	Condition
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All primary balconies have a depth greater than 2m	Yes
Residential Ceiling heights	Minimum 2.7m	The plan shows that a 2.7m floor to ceiling height can be provided. A condition is included to ensure that this is achieved in the final development	Condition
Min. Apartment size for affordable housing development	1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	Although the proposal is not for affordable housing, all units except G3 comply with the minimum size specified.	Yes
Open Space	The area of open space should be between 25-30% of the site area (534.6m ²)	603.14m ² on ground and first floor (podium)	Yes
Deep Soil	A minimum of 25% (133.65m ²) of the open space area should be of deep soil zone	74m ² (rear on ground)	No
The proposal provides the amount of deep soil zone possible on the subject site, adjacent to the Clay Cliff Creek channel at the rear of the site. Council's DCP does not require a deep soil zone given its CBD location and the difficulties of providing parking for a building of this scale in a dense urban environment. Landscaping is			

provided on the first floor podium for the use of residents and this is considered to be satisfactory.			
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	No more than 6 units provided off double loaded corridors.	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice except in high density areas, where 2 hours solar access is acceptable.	65.7% of the apartments receive 2 hours direct solar access in mid-winter. The site is in a dense urban environment, and suffers from the narrow setbacks provided by developments on either side. In this context, the amount of solar access achieved is acceptable in this instance.	No – but satisfactory in the given context.
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	No single aspect south facing apartments proposed.	Yes
Natural ventilation	60% of units should be naturally cross ventilated	At 82.4% of units will be naturally cross ventilated.	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	At least 25% of kitchens have access to natural ventilation.	Yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window	Kitchens for all units are located within 8m of a unit.	Yes
Separation	12m between habitable rooms (up to 4 storeys); 18m between habitable rooms/balconies (5-8 storeys) 24m between habitable rooms/balconies (9+ storeys).	0-3m from the boundary. It is noted that adequate separation is provided for balconies (given that the proposed balconies face	No – see discussion below.

		<p>Hassall or Parkes Street, or the gap between the 2 towers on the adjoining sites)</p> <p>Windows of habitable rooms do not comply.</p>	
<p>Although the site is sufficiently sized to accommodate a mixed use development, it is a relatively narrow, but deep, site, and is also constrained by the existing and approved form of development on adjoining sites.</p> <p>To the east of the site is a development consisting of two towers, one 18 storeys and the other 22 storeys, with a gap between. The site to the west has a similar form but with 2 towers 23 storeys in height.</p> <p>The two buildings mentioned do not provide sufficient setback to their boundaries to allow the RFDC separation distances to be met.</p> <p>Building separation is a planning tool used to minimise privacy and solar access issues. As a useful building separation cannot be achieved in this instance due to the form of surrounding development, the proposal has been designed in a different manner to the form envisaged by Council's DCP. The proposal seeks to place all of its gross floor area in a single taller tower as opposed to in two separate towers (as on adjoining sites).</p> <p>The benefit of this arrangement is that windows and balconies located above the buildings on adjoining sites do not have close or direct views to their neighbours, while the location of the building in the centre of the site (aligned to the break in the adjacent buildings) means that balconies and windows provided there do not have close or direct views into the neighbouring buildings.</p> <p>The development incorporates privacy louvres, privacy screens and locates windows carefully to minimise privacy impacts at the front and rear of the building where proximity to the neighbouring developments is of most concern.</p> <p>It is acknowledged that building separation controls also seek to manage solar access impacts, and it is conceded that the development will have a significant impact on solar access achieved by the adjoining developments, particularly on the towers at the southern end. However, the tall and slender design of the scheme is considered to reasonably manage the shadow impact and will have a lesser impact on neighbouring developments and within the site itself as opposed to replicating the two tower site plan applied on the adjoining sites.</p> <p>Given compliant building separation cannot be achieved, that the proposal satisfactorily limits its privacy impacts on adjoining properties by way of its careful design, and does not have a worse impact in terms of shadowing compared with the form adopted for adjoining sites, it is considered that the proposed site arrangement is satisfactory.</p>			

The proposal is therefore considered to achieve compliance with the provisions of the Residential Flat Design Code.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2007

The relevant matters to be considered under Parramatta City Centre Local Environmental Plan 2007 for the proposed development are outlined below:

COMPLIANCE TABLE		
Development standard	Yes/No	Compliance
Land Use Table – B4 Mixed Use	Yes	Mixed use residential buildings with retail at ground floor are permitted in the B4 zone.
<p>21 Height of Buildings</p> <p>Does the building comply with the maximum building height shown for the land on the Height of Buildings Map?</p>	Yes	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 130m above existing natural ground level.</p> <p>In addition, as the proposal was developed via a design competition process (and in accordance with Clause 22B), the development has further benefit of a 10% (13m) bonus to its maximum height. In this context, a maximum height of 143m applies as the permissible height for this development on this site.</p> <p>The development has a maximum height of 133.7m.</p>

<p>22 Floor Space Ratio</p> <p>Does the development comply with the maximum floor space ratio shown for the land on the Floor Space Ratio Map?</p>	Yes	<p>The floor space ratio map indicates a maximum floor space ratio of 10.2:1 (a GFA of 18176.4m²) applies to the site.</p> <p>In addition, as the proposal was developed via a design competition process (and in accordance with Clause 22B), the development has further benefit of a 10% bonus to its maximum floor space ratio. In this context, a maximum floor space ratio of 11.22 (or 1994.04m²) applies as the permissible height for this development on this site.</p> <p>The development has a maximum gross floor area of 18203.7m² and a floor space ratio of 10.22:1.</p>
<p>22A Minimum Building Street Frontage</p>	Yes	<p>At least one frontage is required to be 20m in the B4 Mixed Use zone.</p> <p>The site has a frontage of 20.115m.</p>
<p>22B Design Excellence</p> <p>Buildings over 13 storeys or 55m are required to be developed via a design competition process.</p>	Yes	<p>The building was developed via a design competition process (see referrals section of this report) and assessment has been carried out in accordance with Clause 22B</p>
<p>22C Car Parking</p> <p>A maximum car parking rate applies to the development under Clause 22C.</p>	Yes	<p>A maximum of 216 resident car spaces, 43 visitor spaces, and 30 commercial car parking spaces are permitted under this clause.</p> <p>The proposal seeks provision of 198 spaces (197 resident, 1 retail). The proposal therefore complies with the maximum provision.</p>
<p>22E Ecologically Sustainable Development</p> <p>Is the proposal ecologically sustainable as outlined in this clause?</p>	Yes	<p>The proposal is accompanied by a BASIX Certificate, is located in close proximity to public transport, and provides a level of off-street parking appropriate for its location near public services. Accordingly, the proposal is consistent with the principles outlined in clause 22E</p>

<p>29E Sun Access</p> <p>Development is prohibited on land to which this plan applies if the development results in any part of a building projecting above the sun access plane controls for the Lancer Barracks, Parramatta Square, or Jubilee Park.</p>	<p>Yes</p>	<p>The proposal is not subject to a sun access plane as defined in DCP 2011.</p>
<p>30 Classified Road</p> <p>Development must not be granted consent where it has frontage to the satisfied road unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of: <ul style="list-style-type: none"> (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the proposed development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development. 	<p>Yes</p>	<p>The access to the site is provided via Hassall Street (which is not a classified road unlike Parkes Street).</p> <p>The proposal will not impact in the manners outlined on a classified road.</p> <p>The development is accompanied by an acoustic report that outlines how the building can be built to minimise vehicle noise impacts.</p>

<p>33A Development on Flood Prone Land</p> <p>Prior to determining a development application for development on flood prone land, the consent authority must consider the matters outlined in this clause</p>	Yes	Council's Senior Development Engineer has reviewed the proposal against the matters in Clause 33A, and the details of that assessment are summarised in the referral section of this report.
<p>33B Acid Sulfate Soils</p> <p>The site contains Class 4 and Class 5 Acid sulfate soils.</p> <p>As works are 2m below the natural ground surface; an acid sulfate soils management plan is required.</p>	Yes	The application is accompanied by an Acid Sulfate Soils Management Plan.

The proposal therefore achieves reasonable compliance with the relevant provisions of Parramatta City Centre Local Environmental Plan 2007.

Zone Objectives

The objectives of the B4 Mixed Use zone include:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone.
- To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including:
 - commercial and retail development,
 - cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,
 - tourism, leisure and recreation facilities,
 - social, education and health services,
 - high density residential development.
- To protect and enhance the unique qualities and character of special areas within the Parramatta city centre.

The proposal is consistent with the above objectives as it provides a mixture of compatible land uses, provides high density housing in close proximity to services and transport, will support the commercial core by bringing population to the CBD, and does not impact on the special areas within the CBD.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The proposal compares to the relevant provisions of DCP 2011 in the following manner:

Development Control	Proposal	Compliance
Site Considerations		
<p>2.4.1 Views and Vistas</p> <p>Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas.</p> <p>Are views to and from public domain areas protected?</p>	<p>The site is not identified as having views and vistas identified as being significant by either Appendix 2 nor is located in the Harris Park Conservation Area.</p> <p>The proposal does not impact on views to any part of the public domain.</p>	Yes
<p>2.4.2.1 Flooding</p> <p>Is the site flood affected by local or mainstream flooding?</p>	<p>The site is flood affected at its rear. Council's Development Engineer has assessed the proposal and considers that it is consistent with the DCP principles.</p>	Yes
<p>2.4.2.2 Protection of Waterways</p> <p>Does the site adjoin a waterway?</p> <p>If yes does the proposed landscaping comprise of local indigenous species?</p>	<p>The site adjoins the Clay Cliff Creek channel.</p> <p>Conditions are included to ensure that the landscaped area at the rear of the site is landscaped with native species as required.</p>	Condition
<p>2.4.2.3 Protection of Groundwater</p> <p>Is a basement carpark proposed?</p>	<p>The submitted site geotechnical investigation identifies that one of the boreholes contains groundwater at a depth of 8m below ground level. Given the</p>	Condition

	<p>basement depth will exceed this; conditions are included in the recommendation requiring that any dewatering be carried out in such a manner as not to contaminate ground water.</p> <p>It is noted that the extent of excavation proposed and the presence of ground water may necessitate the applicant obtain a controlled activity approval (aquifer interference). A condition is contained in this regard.</p>	
<p>2.4.3.1 Soil Management</p> <p>Are there adequate erosion control measures?</p>	<p>An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.</p>	Yes
<p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p>	<p>The development site is known to contain Ashfield Shale, and accordingly has moderate salinity potential under the Western Sydney Salinity Code of Practice 2003. A condition is included requiring that the development incorporate protection measures to mitigate the impact of the development on soil salinity.</p>	Condition
2.4.4 Land Contamination	The site is not	Yes

Is the site identified as or likely to be contaminated?	considered to be contaminated.	Precautionary conditions imposed
<p>2.4.5 Air Quality</p> <p>Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?</p>	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.	Condition
<p>2.4.6 Development on Sloping Land</p> <p>Does the design of the development appropriately respond to the slope of the site?</p>	The proposal responds appropriately to the topography of the land.	Yes
<p>2.4.6 Biodiversity</p> <p>Is vegetation removal appropriate?</p> <p>Does the landscape plan incorporate indigenous planting listed in Appendix 3?</p>	Council's landscape officer has reviewed the application and advises that vegetation removal is appropriate, the landscape plan is appropriate and that a Statement of Flora/ Fauna Impact is not required.	Yes
<p>2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone</p> <p>Does the site adjoin land zoned E2 or W1?</p>	The site does not adjoin land zoned E2 or W1.	Yes
<p>2.4.7 Public Domain</p> <p>Does the building appropriately address the public domain?</p> <p>Does the development provide appropriate passive surveillance opportunities?</p> <p>Have appropriate public domain</p>	<p>The development appropriately addresses the public domain with a lobby and shop at ground level.</p> <p>The development provides opportunities for passive surveillance by the outlook of units.</p> <p>A public domain plan</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?	accompanies the application.	
3. Preliminary Building Envelope		
<p>3.1.2 Height Transition</p> <p>Where there is a common boundary between areas with different heights, the top storey on land with the higher height limit is to be stepped back to fit within a plane projected at a 45 degree angle from the floor below the topmost floor.</p>	<p>The development does not provide the outlined height transition.</p> <p>The height and density of the proposal was considered as part of the planning proposal process.</p> <p>It is not considered such a transition would be of any value given the difference between the height of the proposed building and its neighbours (i.e. 15-20 storeys) meaning that applying the control would at best provide a token change in building form while not providing any amenity benefit, and also potentially having impact on the design quality of the building.</p>	No – but acceptable.
<p>Special Precincts?</p> <p>Is the site located within a town or neighbourhood centre where site specific controls contained in section 4.1 have been prepared?</p> <p>Is the site located in a special character area where area specific controls contained in section 4.2 have been prepared?</p> <p>Is the site located in strategic precinct where area specific controls contained in section 4.3 have been prepared?</p>	<p>The site is located within the Parramatta CBD.</p> <p>The proposal compares to the relevant controls relating to that part of the City as below.</p>	See Below

<p>4.3.3.1 Building Form</p> <p>(a) Development is to have a minimum building street frontage of 20m or more.</p> <p>(b) Street setbacks and building elements are to reinforce the definition of streets and where possible development should be built to the street at ground level and the lower building levels.</p> <p>For this site a street setback of 3m applies to Hassall Street, 0m to Parkes Street.</p> <p>(c) Street and river frontage heights and upper level setbacks.</p> <p>The DCP identifies a 4 storey/14m street wall with a 6m upper level setback (as per fig. 4.3.3.1.6).</p> <p>(d) Building depth and bulk</p>	<p>The site has a frontage of 20.115m.</p> <p>The proposal provides appropriate street setbacks that define the southern side of Hassall Street.</p> <p>The proposal provides a setback at lower levels of 4m, but the architectural screen feature reduces this setback by extending over the front forecourt of the building.</p> <p>The building is setback 7m from Parkes Street. This is appropriate as a creek separates the site from Parkes Street.</p> <p>The proposal provides a 3 level podium and a 9m height. Upper levels are setback 25m from the street.</p> <p>This design was arrived at via a design competition due to the constraints imposed on the site by surrounding finished and approved development.</p> <p>The proposal is acceptable in this context.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No – but satisfactory given context</p> <p>Yes</p> <p>N/A</p>
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<p>N/A (only applies to commercial buildings)</p> <p>(e) Building separation Side setbacks are to be: 0 at lower levels of the building 6m above street frontage height Rear setback: 12m</p> <p>(f) Building form and wind mitigation A wind effects report is to be submitted for buildings over 32m in height demonstrating that a wind speed of not more than 16m/s is not exceeded. Buildings over 50m are to be wind tunnel tested.</p>	<p>0m at lower levels; 3m east, 0-3 west;</p> <p>Rear: 6m ground, 21m above street frontage height.</p> <p>The application is accompanied by a wind effects report that was prepared using a wind tunnel assessment.</p> <p>The wind tunnel assessment found that while compliance with the specified DCP standard would not be achieved year round, the, proposal would generally provide comfortable, and always provide safe wind conditions for pedestrians (with a weekly Gust Equivalent Mean (GEM) of 7.5m/s and an annual peak of 23m/s. The report identifies 23m/s as the safe limit for gust speeds, and 7.5m as the maximum GEM wind speed for comfortable walking.</p> <p>The report also</p>	<p>No – but satisfactory given defensive sides where facing other buildings and context.</p> <p>Yes</p> <p>No – but satisfactory.</p>
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<p>(g) Building Exteriors</p> <p>Adjoining buildings are to be considered in the development of building forms;</p> <p>Balconies provided on lower levels to overlook the public domain</p> <p>Opaque or blank walls to the ground floor is not to exceed 30% of street frontage.</p> <p>The design of lift and plant rooms is to be integrated into the design of the building.</p> <p>New facades should not result in glare that would impact on pedestrians or drivers.</p>	<p>identifies measures to ensure that the wind outcome is achieved, and conditions are imposed to ensure that these are incorporated into the final building design.</p> <p>The proposal has been developed with reference to adjacent buildings</p> <p>A podium open space area is provided overlooking the street.</p> <p>16% of the frontage is blank wall. The remainder is active.</p> <p>Plant and lift rooms are designed integrated into the building.</p> <p>A reflectivity report has been submitted. Conditions are included to ensure that the recommendations of this report are implemented into the final design.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Condition</p>
<p>4.3.3.2 Mixed Use Buildings</p> <p>Retail and business to be provided at ground level to activate the street, residential uses above the street.</p> <p>Ground floor commercial spaces to have a height of 3.6m, residential units 2.7m.</p> <p>Separate service areas to be provided for residential and</p>	<p>The proposal provides retail at the ground level to activate Hassall Street, with residences above.</p> <p>4m provided for the commercial space (mezzanine above). Residential levels will provide a clear floor to ceiling height of 2.7m.</p> <p>Separate residential and commercial service</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

commercial. Residential entrance to be clearly demarcated from the street and distinct from commercial entry. Access to private areas to be secured.	areas provided. The residential and commercial entrances are clearly distinct from the street. Access to the private parts of the building is secured.	Yes Yes
4.3.3.3 Public Domain and Pedestrian Amenity. Active frontages are to be provided for at least 40% of a frontage on a secondary pedestrian road. Active frontage to be at the same level as the footpath.	 53% of the frontage provided is active. The frontage is at the same level of the footpath.	 Yes Yes
4.3.3.5 Access and Parking Maximum of one vehicle access point permitted. Doors to vehicle access to be located behind the front building line. Building entrances to be clearly visible from primary frontage. Barrier free access provided from the lift lobby to the street. The driveway should be provided from a secondary street, and appropriately located within the given site context. The driveway should be located at least 10m from an intersection. All vehicle are to be able to enter and leave the site in a forwards	 The site provides a single vehicle access point. The vehicle access is located behind the front building line. Building entrances will be clearly visible from Hassall Street. Barrier free access provided. The driveway is provided from Hassall Street, which is defined as a secondary street. The driveway point is more than 10m from the nearest intersection. Council's Traffic and transport investigations	 Yes Yes Yes Yes Yes Yes

direction.	engineer has found that the proposal provides maneuvering as stated.	
Pedestrian and vehicular access are to be differentiated.	Pedestrian and vehicular access points are differentiated.	Yes
Basement parking is to be provided under the building footprint.	Basement parking is provided beneath the podium footprint.	Yes
1-2% of spaces are to be accessible.	Four spaces required, 4 provided.	Yes
Motorcycle parking is to be provided at a rate of 1 car space per 50 car parking spaces.	4 proposed, 4 required.	Yes
Above Ground Parking Where above ground parking is proposed, it is to be of high design quality and is to minimise acoustic and visual impacts on neighbours and the public domain.	The above ground parking is of high design quality with screening provided from the street, and will not impact on neighbours.	Yes
Above ground parking is to be located behind active uses on the site.	The ground floor car park is located behind active uses on the site.	Yes
Above ground parking is to be screened from the public domain.	The above ground parking is screened and enclosed from the public domain.	Yes
Does not extend higher than the podium height of the building.	The parking does not extend above the podium.	Yes

Is setback at least 6m from the rear boundary.	The parking is setback 10m from the rear boundary.	Yes
<p>4.3.3.6 Environmental Management</p> <p>Landscape plan is to be provided for all landscaped areas.</p> <p>Street trees are to be provided as per Council's Street Tree Plan.</p> <p>Planting on structures is to be carried out with appropriate soil depths for plants, and appropriate plant choice.</p>	<p>A landscape plan accompanies the application.</p> <p>Conditions require a public domain plan which will address this issue.</p> <p>Council's Landscape and Tree Management Officer is satisfied that the planting proposed is adequate and appropriate.</p>	<p>Yes</p> <p>Condition</p> <p>Yes</p>
3.2. Building Elements		
<p>3.2.1 Building Form and Massing</p> <p>Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?</p>	While the building proposed is taller than buildings on adjoining sites, its podium and density are consistent with adjoining buildings.	Yes
<p>3.2.2 Building Façade and Articulation</p> <p>Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?</p> <p>Are Multiple stair lift/cores provided to encourage multiple street entries?</p>	<p>The building façade and elevations are appropriately articulated in plan and elevation, minimizing the apparent bulk of the proposal.</p> <p>Only one entry point is provided, however this is considered acceptable given the narrow width of the site.</p>	<p>Yes</p> <p>Yes</p>
<p>3.2.3 Roof Design</p> <p>Does that roof form minimise the bulk and scale of the building?</p>	The roof design is appropriate for the development and does not add to the apparent bulk and scale of the proposal.	Yes

<p>3.2.5 Streetscape</p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?</p> <p>Do Garages and parking structures dominate the building façade and front setback?</p> <p>Are the mail boxes visually integrated within the built form?</p> <p>Are mail boxes located for convenient access by residents and deliverers?</p>	<p>The development responds to the existing and proposed character around the site.</p> <p>The façade is not dominated by car parking. Car parking is appropriately screened where above ground level.</p> <p>Mail boxes are integrated into the form of the building, in a location convenient to deliverers and residents.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.3 Environmental Amenity</p>		
<p>3.3.1 Landscaping</p> <p>Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and incorporated into the design of the development?</p> <p>If the basement carpark extends beyond the building envelope is a minimum soil depth of 1m provided from the top of the slab?</p>	<p>The natural fall to the creek is the only natural element on the site and this is retained.</p> <p>The basement does not extend beyond the building footprint.</p>	<p>Yes</p> <p>Yes</p>
<p>3.3.2 Private Open Space</p> <p>Is a minimum of 10m² of private open space with minimum dimensions of 2.5m?</p>	<p>Private open space complies with the requirements of the RFDC and is considered acceptable.</p>	<p>No – but satisfactory</p>
<p>3.3.2 Common Open Space</p> <p>Is a minimum of 10m² of COS provided per dwelling?</p>	<p>Given 216 units are proposed, 2160m² of common open space is required. 1258m² is provided, including common recreation areas (e.g. gym, multi-function room) and a</p>	<p>No – but satisfactory.</p>

	roof terrace. This is considered acceptable given the context of the development.	
<p>3.3.3 Visual Privacy</p> <p>Do balconies face the street or another element of the public domain such as a park?</p> <p>Is a minimum building separation of 18m provided between habitable rooms/ balconies?</p>	<p>The context of the site is complex with respect to privacy, with four 16-20 storey residential towers surrounding the proposed tower.</p> <p>The proposal has been carefully designed to orient balconies to face the common areas on adjoining sites, or the street. It is considered that the treatment of windows and balconies with respect to privacy is acceptable.</p> <p>Separation is not achieved for all parts of the building given the form of existing and approved development on surrounding sites.</p> <p>It is, however, considered that the proposal is appropriate in that the areas where close and direct views might occur are provided with defensive facades, while balconies and windows are carefully oriented, and if necessary screened, to limit privacy impacts.</p>	<p>Yes</p> <p>No – but satisfactory in given context.</p>
<p>3.3.4 Acoustic Amenity</p> <p>Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?</p> <p>If yes have habitable rooms of dwellings affected by high levels of</p>	<p>The southern side of the development faces Parkes Street, which is a major noise generator. The development proposal is accompanied by an</p>	<p>Condition.</p>

external noise been designed to achieve internal noise levels of no greater than 50dBA.?	acoustic report that provides recommendations the implementation of which would bring about compliance. Conditions are included in the recommendation to ensure that the recommendations are adopted.	
<p>3.3.5 Solar Access Do all dwellings receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p> <p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?</p> <p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?</p>	<p>65.7% of the dwellings receive 2 hours solar access as required.</p> <p>The proposal will significantly overshadow some dwellings on adjoining sites reducing solar access to below 3 hours and shadowing their private open space.</p> <p>Where possible, living areas are oriented with a northerly aspect.</p>	<p>No –see below.</p> <p>No – see below.</p> <p>Yes</p>
<p>The design principles above are principles that relate to all development in Parramatta. A typical development site in the Parramatta local government area (LGA) is located in a suburban context, consisting of either a two storey detached building, a two storey attached building, or a residential flat building in a landscaped setting with comparatively generous setbacks.</p> <p>The subject site is significantly different from the average site in the Parramatta LGA. To the east, the site adjoins a development consisting of two towers, one 18 storeys high, the other 22 storeys high. The site to the west has benefit of a consent for two 23 storey towers.</p> <p>The developments on those sites are arranged in such a manner that one tower is located on the northern half of the site, the other on the southern half of the site.</p> <p>The adjoining building provide no effective separation to the subject site, with the</p>		

separation provided insufficient to off-set the potential shadow impact of those proposals on the subject site.

In this context, achieving the solar access level sought under DCP 2011 is not in the realm of the possible. The more appropriate control to apply is that contained in the Residential Flat Design Code for developments in high density locations, which seeks 2 hours solar access for 70% of units.

The proposal achieves 2 hours solar access to 65.7% of units. This, while below the RFDC standard, is considered likely to be at or near to the best achievable solar access outcome on a site as significantly constrained with respect to solar access as the subject one.

In terms of the impact on surrounding development, the proposal will have a shadow impact on units in the southern towers (existing and approved) on the adjoining properties east and west. The proposal will also have a shadow impact on those units located on the southern side of Parkes Street.

This shadow impact is substantial, however the proposal has a tall and slender form reflected in that shadow impact. The shadow cast by the proposal moves relatively quickly across the facades of the buildings impacted by it and in the context of a building of this density, limits its impact in a reasonably satisfactory manner.

The proposal itself does not shadow any individual building for more than 3 hours on June 21.

In this context, while the proposal will impact on solar access to some surrounding units, is considered to have an acceptable impact within the context of the height and density permitted on the site, and impacts imposed on the site by surrounding development.

Cross Ventilation		
Is the minimum floor to ceiling height 2.7m?	3m ceiling to floor heights is shown on the plans. A condition is included requiring 2.7m floor to ceiling heights be marked on CC section plans.	Yes
Are 80% of dwellings naturally cross ventilated?	82.4% of units can be naturally cross ventilated.	Yes
Are single aspect apartments limited in depth to 8m from a window?	Yes	Yes
Does the building have a maximum depth of 18m?	Yes (14-17m)	Yes

<p>3.3.6 Water Sensitive Urban Design</p> <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?</p> <p>Does the development contain more than 5 dwellings?</p> <p>If yes has a WSUD plan that achieves the pollution reduction targets outlined in table 3.30 been prepared?</p>	<p>Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.</p> <p>These details include a WSUD plan that has also been found to be satisfactory.</p>	<p>Yes</p>
<p>3.3.7 Waste Management</p> <p>Is the waste management plan satisfactory?</p> <p>Is the bin room appropriately sized for the number of bins required?</p>	<p>The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.</p>	<p>Yes</p>
<p>3.4 Social Amenity</p>		
<p>3.4.1 Public Art</p> <p>Is an arts plan required?</p>	<p>An arts plan is required and has been provided. Conditions are included in the recommendation with respect to the implementation of this plan.</p>	<p>Condition</p>
<p>3.4.4 Safety and Security</p> <p>Has the development been designed in accordance with crime prevention principles?</p> <p>Are the building entries orientated to the street?</p>	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur.</p> <p>The proposal addresses</p>	<p>Yes</p>

Are habitable rooms located at the front of dwellings?	the street, and has an active street frontage. The rear of the site is appropriately access controlled to discourage unintended access.	
<p>3.4.5 Housing Diversity and Choice</p> <p>Is the unit mix in accordance with the following:</p> <p>The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 3 bedroom 10% - 20% <input type="checkbox"/> 2 bedroom 60% - 75% <input type="checkbox"/> 1 bedroom 10% - 20% <p>Have adaptable dwellings been provided in accordance with the following ratio:</p> <p>Less than 10 = 1 10-20 = 2 more than 20 = 10%</p>	<p>1 bd – 14.8% 2 bd – 79.6% 3 bd – 5.5%</p> <p>The proposed unit mix generally complies with the requirement with the exception of 3 bedroom units. The provision of 5% of the unit mix as 3 bedroom units has been previously accepted in the Parramatta CBD on a number of other proposals and is accepted as an acceptable minimum.</p> <p>The proposal provides 21 adaptable apartments which is equivalent to 9.7% of the mix. Given the size of the building, this is considered acceptable.</p>	<p>No- but satisfactory.</p> <p>No – but satisfactory.</p>
<p>3.5.2 Archaeology</p> <p>Is excavation proposed?</p>	<p>The site is within Parramatta CBD and is identified as having local and moderate archaeological research potential.</p> <p>A condition is included in the recommendation requiring that appropriate practice be followed in the event that any archeological remains are identified on the site.</p>	Yes – Condition.
3.5.3 Aboriginal Cultural Heritage Proposals in areas of low	The site is identified as	Yes

indigenous sensitivity with aboriginal associated are to be assessed for aboriginal heritage impact.	having aboriginal association, but is wholly altered consisting of a concrete channel and sites substantially developed. There is no evidence of the natural or pre-settlement state of the land apparent on or around the site. Accordingly, no further assessment is required.	
<p>3.6.2 Sustainable Transport</p> <p>If the development contains more than 50 apartments and is located within 800m of a railway station/ 400m of a bus stop with a service frequency of an average of 15minutes or less between 7am and 9am is a car share parking space provided?</p>	The proposal incorporates a car share space. Conditions are included to ensure that this space is delivered in the final development.	Yes-condition
3.6 Parking Provision		
<p>Car parking as per LEP 2007 (see LEP 2007 section above)</p> <p>Is 1 bicycle parking space provider per 2 units?</p>	<p>216 units so 108 bicycle spaces required.</p> <p>108 bicycle spaces provided.</p>	Yes
<p>3.6.3 Accessibility and Connectivity</p> <p>If the development is a large site with a street pattern that limits pedestrian movements is it appropriate for pedestrian through link with a minimum width of 3m to be provided?</p>	<p>The site is narrow and deep, and cut-off from Parkes Street at the rear by a stormwater channel (Clay Cliff Creek) which is a flood zone.</p> <p>In this situation, it is not considered that any benefit would be gained by provision of a through site link.</p>	N/A

The proposal therefore achieves satisfactory compliance with the relevant provisions of DCP 2011.

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for the development exceeds \$250,000 a Section 94A development contribution **3.0%** is required to be paid. A Quantity Surveyor who is a member of the Australian Institute of Quantity Surveyors prepared a Quantity Surveyors Report which **did not** detail any exemptions. Accordingly, the Section 94A contributions will be calculated on the value of **\$52,578,000**.

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

Bonds

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

As the development has a value of works in excess of \$500,000.00 and relates to a Class 2-9 proposal with one street frontage, the applicant is required to pay a Security Bond of \$20,000.

The application will not require the installation of hoardings, and there is no street furniture located adjacent to the site.

A condition will be incorporated in the consent to this effect.

PLANNING AGREEMENTS

While the subject Development Application itself is not subject to a Planning Agreement under Section 93F, a Voluntary Planning Agreement formed part of the Planning Proposal lodged and subsequently gazetted for this site. The Voluntary Planning Agreement provides for a monetary contribution for public works, and a unit and car space to Council for the purposes of affordable housing.

REGULATIONS

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 4.

LIKELY IMPACTS

Social & Economic Impact

It is considered that the proposed development will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

ESD & The Cumulative Impact

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

SUITABILITY OF THE SITE

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

SUBMISSIONS & PUBLIC INTEREST

5 submissions were received in response to the notification of the application. The issues raised within these submissions have been discussed within this report.

The proposed development is not contrary to the public interest.

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

Recommendation

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

APPROVAL SUBJECT TO CONDITIONS

That Council as the consent authority grant development consent to Development Application No. DA/67/2015 for demolition of all existing structures on the site and construction of a 41 level building containing 216 units and 1 shop over 5 levels of basement car parking at 11 Hassall Street, PARRAMATTA NSW 2150 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the following conditions:

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing No.	Prepared By	Dated
Basement 5 job number 328.1 drawing 04 revision B	PTI Architects	January 2015
Basements 3 & 4 job number 328.1 drawing 05 revision C	PTI Architects	January 2015
Basement 2 job number 328.1 drawing 06 revision A	PTI Architects	January 2015
Basement 1 job number 328.1 drawing 07 revision E	PTI Architects	January 2015
Ground Floor job number 328.1 drawing 08 revision D	PTI Architects	January 2015
Mezzanine job number 328.1 drawing 09 revision A	PTI Architects	January 2015
Level 1 Podium job number 328.1 drawing 10 revision C	PTI Architects	January 2015
Levels 2 to 14 job number 328.1 drawing 11 revision C	PTI Architects	January 2015
Levels 15 to 33 job number 328.1 drawing 12 revision C	PTI Architects	January 2015
Levels 34 to 39 job number 328.1 drawing 13 revision C	PTI Architects	January 2015
Section job number 328.1 drawing 15 revision C	PTI Architects	January 2015
North Elevation Hassall Street job number P328.1 drawing 16 revision C	PTI Architects	January 2015
East Elevation job number P328.1 drawing 17 revision B	PTI Architects	January 2015
South Elevation Parkes Street job number P328.1 drawing 18	PTI Architects	January 2015

revision B		
West Elevation job number P328.1 drawing 19 revision B	PTI Architects	January 2015
Post Adaptable Unit Plan – 1 & 2 Bed project number P328.1 drawing number 25 revision B	PTI Architects	January 2015
BASIX Commitments – Sheet 1 project number P328.1 drawing number 27 Issue A	PTI International	January 2015
BASIX Commitments – Sheet 2 project number P328.1 drawing number 28 Issue A	PTI International	January 2015
Detail Sections – Sheet 2 project number P328.1 drawing number 34 Issue B	PTI International	January 2015
Detail Sections – Sheet 2 project number P328.1 drawing number 34 Issue B	PTI International	January 2015
Screen Framing Concepts Details project number P328.1 drawing number 35 Issue A	PTI International	January 2015
Landscape Plan (Level 1 – Podium) drawing number 2015.0102DA1-1 issue A	TGS Landscape Architects	28 January 2015
Landscape Plan (Roof Terrace Basement Level) drawing number 2015.0102DA1-2 issue A	TGS Landscape Architects	28 January 2015
Stormwater Drainage Design as per CC conditions		

Document(s)	Prepared By	Dated
Waste Management Plan	Unstated	Undated
Preliminary Geotechnical Investigation report E22386	Environmental Investigations	12 February 2015
Energy Efficiency Evaluation Revision2	Partners Energy	12 February 2015
Crime Prevention Through Environmental Design Assessment	JBA Planning	February 2015
Preliminary Site Investigation Report E22386	Environmental Investigations	29 January 2015
Architectural Design Statement	PTI Architects	13 February 2015
Statement of Heritage Impact	Archnex designs	January 2015
Traffic and Parking Assessment ref 14754	Varga Traffic Planning	13 February 2015
Arts Plan	Milne & Stonehouse	February 2015

Acoustic Assessment	Acoustic Dynamics	10 February 2015
Baseline Historical Archaeological Assessment	Archaeological & Heritage Management Solutions	February 2015
Solar Light Reflectivity Analysis ref WC310-01F03 (REV 0) – SR Report	Windtech	6 February 2015
Pedestrian Wind Environment Study ref WC310-01F02(REV2) – WE Report	Windtech	6 February 2015
Access Report job IAC-261	Iaccess consultants	31 January 2015
BASIX Certificate 603157M	Partners Energy Management	28 January 2015
Flood Impact Report	Mott MacDonald	June 2014
Acid Sulfate Soil Management Plan E22386	Environmental Investigations	2 April 2015

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

2. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways.

3. Prior to the commencement of excavation works on the site, the applicant is to either:
 - (a) Obtain a controlled activity approval from the NSW Office of Water with respect to works interfering with groundwater on the site or;
 - (b) Obtain written confirmation from the NSW Office of Water that a controlled activity approval is not required.

Reason: To ensure compliance with the Water Management Act 2000.

4. Trees greater than 5 metres in height must not be removed or damaged.

Reason: To preserve existing landscape features.

5. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).
Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
6. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.
Reason: To ensure compliance with legislative requirements.
7. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.
Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.
8. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-
 - (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.
Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
 - (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - (d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
 - (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words

- “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council’s officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under “Prior to Works Commencing” in this Consent.
 - (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
 - (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
 - (i) Demolition is to be completed within 5 days of commencement.
 - (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
 - (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
 - (l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
 - (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
 - (n) Before demolition works begin, adequate toilet facilities are to be provided.
 - (o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
 - (p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.

- (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

Prior to the issue of a Construction Certificate

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

- 9. The Project Architect for the site is to be PTI International, the winner of the design competition of the site.

The applicant, the architect, the design consultants (such as structural and façade engineers, mechanical engineers etc.) and the competition jury are to hold consultation meetings on the key design elements listed below, through the process of project documentation, to ensure that the competition winning design is able to be realised faithfully.

Meetings shall be held as requested by the applicant but not less than once prior to the submission of the Construction Certificate, and not less than once prior to the completion of the tender documentation. The meetings are to discuss key design elements and shall be held in good faith to advise on the design. The fees for such meetings shall be paid by the applicant at industry rates determined in consultation with Council.

The key design elements of this project are:

- (1) metal screening;
- (2) balcony position and design;
- (3) ground floor entrance area including the café and entry lobby;
- (4) lift lobbies;
- (5) landscaping on the podium, and
- (6) materials and finishes as approved.

The Principal Certifying Authority is to ascertain that at least one meeting prior to the issue of the Construction Certificate has been held prior to the release of the Construction Certificate.

Reason: To ensure that the vision put forward in the design competition process (leading to development bonuses) is maintained through to the completion of the development.

Note: In the event that a change of architect or any of the above design elements is sought, a S96(2) modification application is required with supporting documentation to justify the change.

10. Details are to be provided to the Principal Certifying Authority prior to the release of the Construction Certificate demonstrating that all units on the southern side of the building will have access to adequate air conditioning so as to not necessitate the opening of windows during noise sensitive periods.

Reason: To ensure the amenity of future residents.

11. All roof water and surface water is to be connected to an approved drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

12. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary.

Reason: To minimise impact on adjoining properties.

13. Prior to the issue of any Construction Certificate for the site, a detailed site investigation in accordance with SEPP 55 is to be completed. If this investigation identifies that a remedial action plan is necessary, this is to be also submitted to the Principal Certifying Authority prior to the release of any Construction Certificate for the site.

If a remedial action plan is required, a site validation certificate is to be obtained prior to the release of any Occupation Certificate for the site.

All documentation mentioned in this condition are to be provided to Council and to the satisfaction of the Principal Certifying Authority.

Reason: To ensure compliance with SEPP 55.

14. The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. This process will result in the plans being appropriately stamped.

The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of any Construction Certificate and works commencing on site.

Notes: For Quick Check agent details please refer to the web site www.sydneywater.com.au – see Building and Developing – then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

15. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To ensure Council's assets are not damaged.

16. The basement stormwater pump-out system, must be designed and constructed to include the following:

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

17. All cleaning and washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

18. The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to flooding.

A Flood Evacuation & Management Plan must also be prepared by a suitably qualified professional.

The design and certification of the building and the Flood Evacuation & Management Plan must be prepared and submitted with the application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the structure can withstand flooding events.

19. The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority.

Reason: To ensure the flood warning system is installed.

20. A CDS model 0506 interceptor water quality treatment device or approved equivalent must be installed to manage stormwater quality to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed device and location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure appropriate water quality treatment measures are in place.

21. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

22. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers [DS9 & DS10]. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

23. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

Reason: To preserve community health and ensure compliance with acceptable standards.

24. A minimum of 12 accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must

comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

25. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure visitor carparking is accessible.

26. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

27. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

28. Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements – Parramatta City Council Code E-3". The engineering details are to form part of the Construction Certificate documentation.

Reason: To ensure Council's assets are not damaged.

29. Foundations adjacent to the existing stormwater channel (Clay Cliff Creek), must be constructed in accordance with Sydney Water requirements. Details must accompany an application for a Construction Certificate.
Reason: To ensure structural stability of the stormwater channel.
30. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.
Reason: To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.
31. Prior to release of the Construction Certificate, the applicant is to submit detailed working drawings for Council approval and complying with Council’s requirements, specifications, levels and alignment for the construction of new kerb and guttering, drainage inlets and pits, streetscape treatment and footway reserves for the full Hassall Street and Parkes Street frontages of the site.
Reason: To ensure renewal of existing infrastructure.
32. The basement is to be constructed and maintained so as to prevent the ingress of seepage and subsurface water. Details shall be submitted for the Certifier’s approval prior to the release of the Construction Certificate.
Reason: To protect the basement from seepage.
33. Development shall be generally in accordance with amended drawings 08 Basement 1 D and 08 Ground Floor D received 23 07 2015 (attached). The design shall include the following requirements and details are to be submitted for approval by the Certifier at Construction Certificate Stage:
- a) The basement level landscaped area between the Clay Cliff Creek channel and the southern wall of the car park structure shall be clear of any built obstructions to the flood flow.
 - b) The wall adjacent to the staircase is deleted. This stair is to have an open balustrade.
 - c) There shall be no boundary walls and the security fence is to be an open metal fence such that water can easily pass through
 - d) There shall be no furniture or fixtures on this level
 - e) The eastern footbridge is to be removed.
 - f) The exit door from the fire escape from Ground level that comes out at this level is to be alarmed so that it can only be used for emergency egress from the building.
 - g) Details of measures to ensure the use of this area is discouraged by design and must only be accessed in case of fire.
 - h) The trees provided are to be robust such that they do not require maintenance.

- i) The finished ground levels of this area shall be as low as possible, providing a 1% surface fall to the Clay Cliff Creek concrete channel.

Reason: To ensure the development is appropriately designed to off-set flood impacts.

34. The stormwater design shall be amended as follows and details shall be submitted as part of the overall stormwater design for approval of the Certifier prior to release of the Construction Certificate:

- a) Roof water shall be collected through series of grated outlet points and drained through the building to rainwater tanks.
- b) All balconies are to have a smart-trap waste point provided to capture wind driven rain. This is to be drained through separate downpipe system. This is typical for all northern and southern elevations.
- c) For vertical walls, wind driven rain is to be collected by the roof extension on L34 or the roof extensions on L2 and the majority of all flows will be directed towards the grated drainage elements on Level 1 Podium. A trimming strip drain shall be provided if necessary to the building footprint on Level 1 and on the roof elements on Level 34 and Level 2 to receive the flows collected by the wall elements.

Reason: To ensure appropriate stormwater management.

35. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

36. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

37. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.

38. An acid-sulphate soils management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) must be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and must include a site analysis from a National Association of Testing Authorities (NATA) registered laboratory. This strategy must address the following aspects:

- (a) Specific mitigating measures to minimise the disturbance of acid sulphate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- (b) Management and disposal of the excavated material;
- (c) Measures taken to neutralise the acidity; and
- (d) Run-off control measures.
- (e) The recommendations of the strategy must be completed prior to the commencement of building works.

Reason: To protect the development from the harmful effects of acid-sulphate soils.

39. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the quality built form of the development.

40. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

41. A monetary contribution comprising **\$1,577,339.95** is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta City Centre Civic Improvement Plan (Amendment No. 3). Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. Parramatta City

Centre Civic Improvement Plan (Amendment No. 3) can be viewed on Council's website at:

http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions

Reason: To comply with legislative requirements.

42. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason: To comply with the requirements of SEPP 65.

43. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

44. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

45. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

Reason: To prevent loss of amenity to the area.

46. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

47. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA 67/2015;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Hoarding	\$10,400
Nature Strip and Roadway	\$20,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

48. The development must incorporate 21 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason: To ensure the required adaptable dwellings are appropriate designed.

49. Individual air conditioning units for units within this development are not to be clustered. This is to be confirmed on the Construction Certificate Plans by the Principal Certifying Authority.

Reason: To protect internal amenity.

50. Prior to the release of a Construction Certificate, an artist/s is to be engaged to develop site specific artwork/s consistent with the proposed themes and treatment areas outlined in the Arts Plan (referenced in Condition 1).

On completion of the artwork design stage, all additional documentation is to be submitted to Council. This is to include:

- (a) Details of the realisation of the arts plan through final design concepts;
- (b) A site plan identifying where the art works will be implemented on site; and
- (c) Construction and project management documentation.

These details are to be submitted to Council prior to implementation of the art work.

Reason: To ensure that the art works are appropriately developed.

51. Prior to the issue of the first Construction Certificate for work to which this consent relates, the applicant will enter into a Voluntary Planning Agreement with Council in terms of the offer (as signed and executed on 12 June 2015) made by the applicant in connection with the Planning Proposal.

Reason: To ensure compliance with the agreed VPA.

52. Prior to the issue of the first Construction Certificate for the site the developer must register the Voluntary Planning Agreement on the relevant folios Torrens Title Register held by the NSW Office of Land and Property Information pertaining to this land.

Reason: To ensure appropriate recording of the VPA.

53. Prior to the issue of the first Construction Certificate, the applicant is required to provide to Council a Bank Guarantee or Bank Guarantees in the amount of \$305,000.00 indexed in accordance with CPI from the date of execution of the VPA to the date of the Bank Guarantee.

Reason: To ensure the VPA is complied with.

54. Prior to the issue of the first Construction Certificate, the applicant must have paid the monetary contribution of \$200,000.00 as stipulated within the Voluntary Planning Agreement. **Note:** This is in addition to S94A contributions.
Reason: To comply with the terms of the VPA.
55. A minimum floor to ceiling height of 2.7m is to be provided for all residential floors of the development. Details are to be submitted to the Principal Certifying Authority at Construction Certificate stage to demonstrate this.
Reason: To ensure adequate natural ventilation.
56. Planting adjacent to Clay Cliff Creek at the rear of the site is to consist of locally indigenous species and is to be designed so as to be low maintenance.
Reason: Environmental protection and flood safety.
57. Prior to the issuing of the Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document -Western Sydney Salinity Code of Practice 2003.
Reason: To ensure appropriate safeguards against salinity.
58. The recommendations of the report WC310-01F03 (REV0) – SR Report titled Solar Light Reflectivity Analysis dated 6 February 2015 are to be incorporated in the Construction Certificate plans to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
Reason: To ensure the recommendations provided are implemented in the final design.
59. The recommendations of the report WC310-01F02 (REV 2)– WE Report titled Pedestrian Wind Environment Study dated 6 February 2015 are to be incorporated in the Construction Certificate plans to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
Reason: To ensure the recommendations provided are implemented in the final design.
60. Prior to the release of the Construction Certificate by the Principal Certifying Authority, an alignment plan and public domain plan is to be approved in writing by Council's Civil Assets division.
Reason: To ensure that an appropriate alignment plan is approved.
61. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1 , AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.
Reason: To ensure appropriate vehicular manoeuvring is provided.

62. 109 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-1993. Details are to be illustrated on plans submitted with the construction certificate.
Reason: To comply with Council's parking requirements.
63. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.
Reason: To comply with Australian Standards and ensure pedestrian safety.
64. 8 motor cycle spaces are to be provided on the site in accordance with Clause 3.6.2 of DCP 2011. These are to be shown on the plans submitted to the Principal Certifying Authority at Construction Certificate stage.
Reason: To ensure provision of motorcycle parking.
65. Swept turning paths and a driveway long section profile are to be submitted demonstrating to the satisfaction of the Principal Certifying Authority that vehicles will not scrape at the lower end of the access ramps, and that vehicles can enter and exit the site in a forwards direction from all car parking spaces.
Reason: To ensure car parking is appropriately designed.
66. The columns adjacent to the area marked "bulky goods storage" on the application plans are to be relocated to the opposite side of the loading bay to improve the maneuvering for service vehicles into and out of this service area.
Reason: To ensure adequate maneuvering.

Prior to Work Commencing

67. Prior to work commencing, adequate toilet facilities are to be provided on the work site.
Reason: To ensure adequate toilet facilities are provided.
68. Prior to the commencement of any works on site, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:
- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,

- (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (c) Traffic Control Plan(s) for the site:
- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- (i) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (iii) Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

69. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

Reason: To protect Council's assets throughout the development process.

70. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

71. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description

- of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
 - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
 - (d) The impact on groundwater levels in relation to the basement structure.
 - (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.

- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason: To ensure the ongoing safety and protection of property.

72. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

73. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

74. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

75. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

(a) On-street mobile plant:

E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.

(b) Storage of building materials and building waste containers (skips) on Council's property.

(c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.

(d) Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

Reason: Proper management of public land.

76. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve,

regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

77. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

78. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

Reason: To ensure public safety.

79. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried.

Reason: Statutory requirement.

80. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works re being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

81. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Identify sensitive location near the site;
- (b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- (c) Mitigation measures to control noise and dust from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (d) Selection criteria for plant and equipment;
- (e) Community consultation;
- (f) Details of work schedules for all construction phases;
- (g) Selection of traffic routes to minimise residential noise intrusion;
- (h) Schedule of plant and equipment use and maintenance programs;
- (i) Noise monitoring techniques and method of reporting results;
- (j) The methodology to be employed for handling and investigating any complaints should they arise;
- (k) Site induction details for employees and contractors; and
- (l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

Reason: To maintain appropriate amenity to nearby occupants.

82. Prior to the commencement of work, the a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary. This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

During Work

83. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit

of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

84. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason: To protect public safety.

85. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

Reason: To ensure appropriate car parking.

86. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

Reason: To ensure Council's assets are appropriately constructed.

87. Flood warning signs, clearly audible warning alarms and a flood safety and evacuation plan shall be maintained in operation throughout the construction phase of the work. All site personnel shall be made aware of the flood prone nature of this site, potentially hazardous conditions and short warning times of flood events, as part of the mandatory Worksafe health and safety requirements.

Reason: To ensure worksite safety.

88. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

89. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

90. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

91. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

92. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

Reason: To protect the amenity of the area.

93. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;
 - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
 - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the principal certifying authority upon request.

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

94. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: To protect the amenity of the area.

95. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

Reason: To ensure the development is being built as per the approved plans.

96. In the event that any archaeological remains are identified during works, works are to stop on site until authorisation is obtained from the NSW Heritage Office.

Reason: To protect archaeological heritage.

97. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the

development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

98. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

99. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

- (a) The development application and Construction Certificate number as registered;
- (b) The address of the property at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with stator requirements.

100. Works-As-Executed stormwater plans are to address the following:

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

Reason: To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

101. Prior to the issue of the Occupation Certificate, the applicant must create an easement to drain water and a restriction on the title of the subject property.

The restriction is to be over the 100 year ARI flood zone between the southern wall of the new building at basement level and the existing easement adjacent to Clay Cliff Creek, preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

Parramatta City Council is to be the Authority whose consent is required to release, vary or modify the restriction.

Reason: To protect the environment.

102. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the approved stormwater management and pollution control facilities on the lot.

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" to Council's satisfaction.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

Reason: To ensure maintenance of on-site detention facilities.

103. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

104. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

105. An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Principal Certifying Authority

prior to the issue of the Occupation Certificate. A copy of the report shall be attached to the Occupation Certificate when forwarded to Council.

Reason: To make property owners/residents aware of the procedure in the case of flood.

106. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: Pedestrian and Vehicle safety.

107. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. SD004. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

108. Flood warning signs (graphic and English only) are to be provided at all egress points from the building or basement to the rear section of the building adjacent to Parkes Street. An additional flood warning sign is to be located in a position so that it is visible to people crossing the footbridge over Clay Cliff Creek. The signs are to be installed on site prior to the release of any Occupation Certificate by the Principal Certifying Authority.

Reason: To ensure users of that part of the site have adequate knowledge with respect to the flood risk.

109. Prior to the issue of any Occupation Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying

Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

(a) Acoustic Report No. 356R001.CG.150210, dated 10/2/2015 prepared by Acoustic Dynamics Pty. Ltd.

Reason: To ensure internal acoustic amenity.

110. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

111. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

Reason: To complying with legislative requirements of the Environmental Planning and Assessment Act 1979.

112. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

113. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 603157M, will be complied with prior to occupation

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

114. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate electricity services are provided.

115. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

116. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State

Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason: To comply with the requirements of SEPP 65.

117. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwellings have achieved a class C design in accordance with the requirements of AS 4299 -1995.

Reason: To ensure the requirements of DCP 2011 have been met.

118. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and A copy of this report is to be forwarded to Council.

Reason: To establish any damage caused as a result of the building works.

119. The artworks are to be completed in full in accordance with documentation submitted throughout the development process and are to be installed to the satisfaction of Council prior to the release of any Occupation Certificate for the site.

Reason: To ensure delivery of the arts plan on site.

120. Prior to the issue of the Occupation Certificate, the Council Strata Lot and Car Space (Unit 204 and Basement Car Space B5-19) to be dedicated to Council for the purpose of affordable housing is to be completed and fitted out with the agreed appliances, and security in the form of the transfer documents (refer to Clause 10.2(a) of the VPA) is to be provided to Council.

Reason: To comply with the VPA.

121. The Council Strata Lot (Unit 204 and Basement Car Space B5-19) be transferred to Council within 15 business days after:
- (i) The issue of an Occupation Certificate for any part of the Development; or
 - (ii) The registration of a Strata Plan for any part of the development,
- Whichever occurs later, the Developers must transfer the Strata Lots to Council in accordance with the terms outlined in the VPA.

Reason: To ensure compliance with the VPA.

122. All units are to be provided with the following designated storage areas:

1 Bedroom – 6m³

2 Bedroom – 8m³

3 Bedroom – 10m³

These are to be clearly identified for the Principal Certifying Authority prior to the release of any Occupation Certificate.

Reason: To ensure provision of appropriate storage.

123. Certification is to be received from a suitably qualified consultant confirming that the recommendations of the report WC310-01F03 (REV0) – SR Report titled Solar Light Reflectivity Analysis dated 6 February 2015 have been

incorporated into the built development prior to the release of any Occupation Certificate by the Principal Certifying Authority.

Reason: To ensure the recommendations provided are implemented in the final design.

124. Certification is to be provided from a suitably qualified consultant that the recommendations of the report WC310-01F02 (REV 2)– WE Report titled Pedestrian Wind Environment Study dated 6 February 2015 have been implemented in the final design to the Principal Certifying Authority prior to the release of any Occupation Certificate.

Reason: To ensure the recommendations provided are implemented in the final design.

125. Construction of a full-width footpath (i.e between the front boundary of the property and the kerb) in accordance with Council's CBD Public Domain Guide and Standard Drawing DS40 on Hassall Street. Details of the proposed footpath works shall be submitted to and approved by Council prior to commencement of footpath works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to release of any Occupation Certificate. All costs are to be borne by the applicant.

Reason: To provide pedestrian passage and satisfy the requirements of Council's CBD Public Domain Guide

126. 1 car share space, operated by a car share operating company, is to be dedicated prior to the issue of any Occupation Certificate for the site. Evidence to be provided to the Principal Certifying Authority is to include a contract between the car share operator and the developer guaranteeing future use of that space for use by the car share provider.

Reason: To ensure provision of sustainable transport options.

127. Prior to the issue of the Occupation Certificate and to the satisfaction of the Principal Certifying Authority, a convex mirror is to be installed on each basement level within the ramp access (with one near the entry driveway and one at the bottom of the ramp) with its height and location adjusted to allow an exiting driver a full view of the driveway.

Reason: To ensure the safety of drivers.

The Use of the Site

128. The property owner/body corporate is to ensure the flood warning system is in good working order, through regular testing and maintenance.

Reason: To ensure the integrity of the flood warning system.

129. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the

NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

130. The air conditioner/s must not: (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

- (a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
- (b) before 7.00am and after 10.00pm on any other day.
- (c) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and
- (d) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

131. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

132. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

133. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

134. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

135. Service vehicles delivering to the site to be limited to a small rigid vehicle.

Reason: To ensure that the loading bay is used for its intended purpose.

136. The motorised vehicular access gate to be provided at the driveway entry/exit point from Hassall Street is to be operated via remote control. If an intercom or security gate is to be installed, it is to be provided at the centre of the driveway to the car park in accordance with Clause 3.3(b) of AS2890.1-2004.

Reason: To comply with Australian Standards.
