



SYDNEY WEST CENTRAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2015SYW171_DA
DA Number	DA/709/2015
LGA	City of Parramatta
Proposed Development	Staged development comprising lot consolidation, demolition of existing structures, tree removal, site remediation, excavation of 4 storey basement providing 255 car parking spaces and construction of a 20 storey mixed use building comprising 5 retail tenancies and 264 residential units, landscaping and construction of a public vehicular lane in 2 stages (The application is Nominated Integrated Development for the purposes of the Water Management Act 2000)
Street Address	2 – 6 Cowper Street & 5 East Street, Granville NSW 2142 (Lot 2 DP 998932, Lot 1 DP 559802, Lot 2 DP 558199, Lot 1 DP 786191)
Applicant/Owner	R S Dpg Project 11 Pty Ltd / A A Abba Spray (Properties) Pty Ltd
Date of DA lodgement	2 October 2015
Number of Submissions	None
Recommendation	Deferred Commencement Consent
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the development has a capital investment value of more than \$20 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulations 2000• Water Management Act 2000• SEPP (Building Sustainability Index: BASIX) 2004• SEPP (Infrastructure) 2007• SEPP (State and Regional Development) 2011• SEPP (Sydney Harbour Catchment) 2005• SEPP No. 55 (Remediation)• SEPP No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• Architectural Drawings• Landscape Plans• Civil & Stormwater Drawings• Sydney Trains and Water NSW Referral Responses• Applicant Agreement to Conditions
Report prepared by	Alex McDougall Executive Planner, City Significant Development
Report date	13 April 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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1. Executive summary

The proposal provides for construction of a mixed use building comprising 264 residential units and 5 retail tenancies in a 20 storey building (5 storey podium with 15 storey tower above). Works also include demolition of the existing light industrial / warehouse buildings, construction of a one-way vehicular lane between Cowper and East Street, and landscaping. The works will occur in two stages, the northern and southern halves of the building, due to existing leases on the southern half of the site.

The proposed building generally follows the form for the site envisaged by Parramatta LEP 2011 and Parramatta DCP 2011 except for a significant exceedance of the maximum height development standard. The applicant has submitted a request to vary the height development standard under clause 4.6 of PLEP 2011. The request is considered to be well founded for reasons including, but not limited to the scale of surrounding development, the separation from adjoining developable land to the east, public domain improvements, site constraints, and design excellence.

The development has been subject to review by Council's Design Excellence Advisory (DEAP) Panel who consider that the proposal is of design excellence and generally consistent with the requirements of the Apartment Design Guide and as such is considered to provide a high standard of accommodation for future occupants

The site constraints include flooding and contamination. However, it is considered that sufficient evidence has been provided that these risks can be managed appropriately.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the high-density character of the area and the built forms envisaged by the controls. It is considered that the proposed increase in traffic would not compromise the efficient function of the local road network.

The proposal includes dedication of a publicly accessible vehicular laneway to the east of the site as required by PDCP 2011. The proposal, in conjunction with a concurrent proposal under assessment within the same block bound by Cowper Street, Rowell Street and East Street (DA/961/2015) will provide block-wide public domain upgrades including new kerb and guttering, stormwater infrastructure, electrical wire undergrounding and planting.

Sydney Trains have recommended a deferred commencement condition relating to the undergrounding of high voltage power lines.

The application has been assessed relative to section 79C of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, deferred commencement consent is recommended.

2. Site description, location and context

Site

The site is located at the eastern terminus of, and has street frontages to, Cowper Street to the north, and East Street to the south. The site is composed of 4 allotments and a total area of 3,469m², an East Street frontage of 52.0m and a Cowper Street frontage of 58.1m. The site exhibits a moderate cross fall of 1.2m from west to east.

The site is located 300m to the east of Granville train station (3 minute walk).

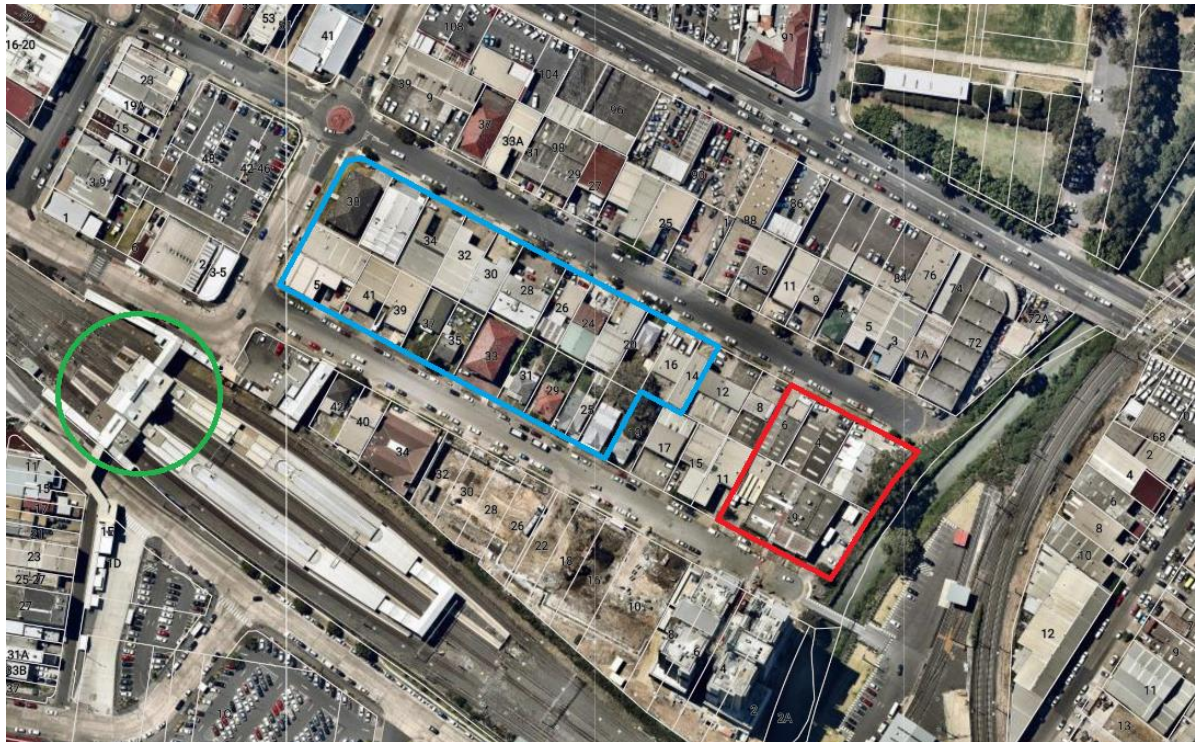


Figure 1. Locality Map (subject site in red, concurrent application site DA/961/2015 in blue, Granville train station green)

Site Improvements & Constraints

The site is currently occupied by 5 x 2-storey light industrial buildings and as such may be contaminated. There are 2 heritage items of local significance in the vicinity of the site, namely 21-23 East Street (item Nos. I106 & I107), a pair of semi-detached buildings on the northern side of East Street to the west of the site. The land directly adjoins Duck Creek to the east of the site and as such is also likely to contain acid sulphate soils. The site is not identified by Council mapping as likely to be of archaeological or aboriginal significance.



Figure 2. Subject site (to the right) as viewed from East Street looking west.



Figure 3. [Left] View of development opposite subject site (No. 2-8 East Street, Granville – DA/315/2013) from East Street looking west & **[Right]** View of subject site (left side of photo) and boundary with Duck Creek (right side of photo).



Figure 4. View of subject site from Cowper Street looking west.

Statutory Context

The section of Granville between the Western railway line and Parramatta Road is undergoing significant redevelopment transitioning from its historic light industrial and warehouse uses to high density residential.

The following applications are relevant to the proposal:

Site	DA	Description / Details
2-6 East Street (opposite subject site to south)	DA/315/2013	Approved 30 May 2013 for demolition, tree removal and construction of a 19 storey mixed used development containing 211sqm of commercial floor space and 208 apartments over 4 levels of basement carparking. The proposal was determined by the Western Sydney Joint Regional Planning Panel.
10-42 East Street (opposite subject site to south-west)	DA/738/2014	Approved 31 October 2014 for demolition, tree removal and construction of a staged mixed use development complex containing three buildings [1 x 19 storey and 2 x 17 storey] with 6 commercial tenancies and 463 residential units, over basement car parking. The application was determined by the Sydney West Joint Regional Planning Panel.
	DA/418/2016	Refused 3 June 2016 for alterations and additions to mixed use development approved under DA/738/2014, namely 3 additional floors to Building A (19 to 22 storeys) and Building B (17 to 20 storeys) resulting in 63 additional residential units. Section 82A currently pending.
14-38 Cowper St, 21-41 East St & 5-5A Rowell St, Granville (west of subject site)	DA/961/2015	Currently under assessment, consolidation, demolition, tree removal and construction of mixed use development comprising 618 residential apartments and 14 commercial tenancies within a building with 4 storey podium and 3 tower forms above ranging between 14 to 21 storeys, 633 car parking spaces, public park, through site links, refurbishment and adaptive reuse of heritage item, public domain works and landscaping.



Figure 5. East Street elevation of approved development to the south of the subject site.

3. The proposal

The proposal involves the following:

- Consolidation of 4 allotments;
- Demolition of existing structures and concrete pavement;
- Removal of 5 trees (3 on site, 2 in road reserve);
- Construction of 20 storey mixed use building comprising;
 - 255 car parking spaces (196 residential, 53 visitor, 6 retail inclusive of 12 accessible), 130 bicycle parking spaces and storage in 4 basement levels and the ground floor;
 - 5 retail tenancies on the ground floor (335m²); and
 - 264 residential units (60 x 1-bed, 189 x 2-bed and 15 x 3-bed) above.

- Dedication of approximately 499m² of land to a future laneway parallel to the subject site's eastern boundary to provide a connection between East Street and Cowper Street; and
- Public domain works including new kerb and guttering, stormwater infrastructure, electrical wire undergrounding and street tree planting.



Figure 6. Photomontage of proposal as viewed from Cowper Street looking south-west.

The construction of the proposed development is to be undertaken in two stages: Stage A (Construction across 2-6 Cowper Street) and Stage B (Construction across 5 East Street).

The Applicant has indicated that Stage A would commence immediately and Stage B would commence when the current operators of 5 East Street vacate the premises in 3 years. The Applicant has indicated that the development has been designed to operate independently in terms of staging and has provided staging plans.

The application is identified as Nominated Integrated Development pursuant to the provisions of Section 91 of the Environmental Planning and Assessment Act 1979 as an approval is required from the NSW Office of Water in accordance with the requirements of the Water Management Act 2000.

The application is also deemed to require concurrence from Sydney Trains under clause 86 of State Environmental Planning Policy (Infrastructure) 2007 due to the proximity of the site to above ground rail electricity infrastructure.

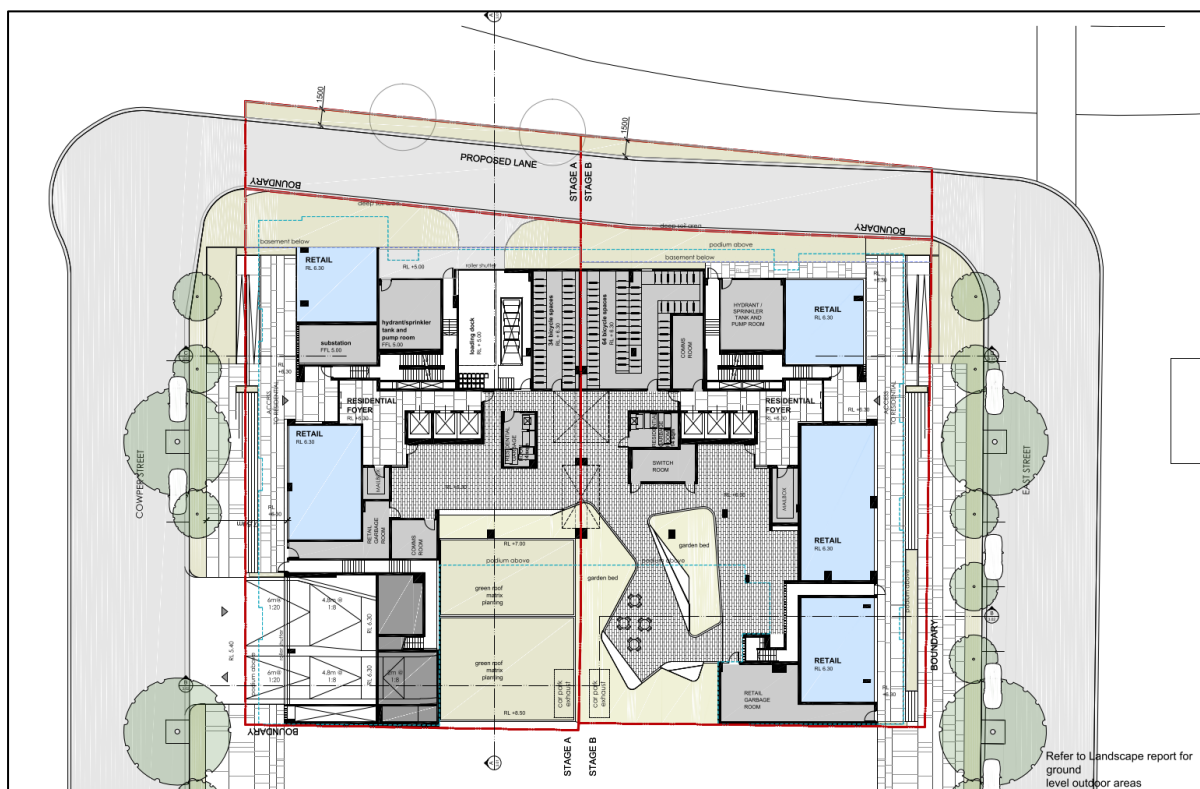


Figure 7. Revised ground floor plan showing proposed laneway.

Summary of Amended Proposal

In response to concern's raised by Council's Design Excellence Advisory Panel and Council officers the applicant submitted revised drawings which included the following changes:

- Increase in building height to 67.7m, variation of 30.2% to permitted maximum building height of 52m (previous building height was 64.5m representing a variation of 24%).
- Roof top terrace has been provided for additional communal open space.
- Increase in retail/commercial area to 335m² (previously 215m², 2 tenancies)
- Modifications to ground floor and public domain.
- Increased building separation and setbacks.
- Reconfiguration of apartment mix and internal layouts.
- Deep soil now provided on development site.
- Basement Level 5 has been deleted.

4. Referrals

The following referrals were undertaken during the assessment process:

Sydney West Joint Regional Planning Panel

Briefing 9 December 2015	<p>Concerns were raised with respect to the below matters by the Panel Members:</p> <ul style="list-style-type: none"> • Flooding matters relating to evacuation, safe refuge for both pedestrians within the public domain, and residents and visitors • Provision of pedestrian linkages within the flood zone adjacent to the creek as shown within Figure 4.1.6.1 within the Granville Town Centre of PDCP 2011. • Details of the proposed 6m wide laneway required – need to clearly detail how the laneway is used for vehicles, cyclist, and pedestrians (i.e.
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	<p>footpath).</p> <ul style="list-style-type: none"> The proposal is unable to achieve the maximum FSR permitted for the site, as the maximum building height permitted limits the development from reaching the maximum FSR. Concerns were raised with respect to the correlation between the max. FSR and building height as prescribed by PLEP 2011. The applicant has sought a 24% variation to the max. building height permitted in order to achieve the max. FSR. The Panel did not wish to comment on the variation sought until the technical and fundamental matters of the proposal are addressed.
Briefing 18 November 2016	<p>The following issues were discussed at the meeting:</p> <ul style="list-style-type: none"> Context of site Layout of proposed development on site Height and FSR Potential delays and issues Proposed laneway Sydney Trains concurrence

Design Excellence Advisory Panel

Council's Design Excellence Advisory Panel (DEAP) first considered the application at a meeting 12 November 2015 raising several concerns. The applicant submitted revised drawings responding to these concerns and a second meeting was held to consider the revisions on 8 September 2016. The Design Excellence Advisory Panel made the following relevant comments in relation to the project:

The proponent has responded to each of the previous comments by the Panel in writing, explaining how they have amended the design accordingly, and generally the Panel is happy with the proposed amendments.

The Panel would also like to note that they are generally in support of the overall architectural design approach shown in the current drawings.

The Panel believes that there may be justification to propose a height in excess of previous approvals in East Street due to the space lost through the Laneway dedication. This is on the basis that the overall proposal complies with the FSR controls and there are no other negative outcomes of the increased height.

The full comments, available at Appendix 2, include commentary on various issues discussed elsewhere in this report. Where appropriate, conditions have been included to resolve outstanding concerns of the panel.

External

Authority	Comment
Roads and Maritime Services	No objection.
Endeavour Energy / Ausgrid	No response received.
Water NSW (Integrated)	General Terms of Approval provided.
Sydney Water	No objections subject to conditions.
Sydney Trains	Concurrence and conditions provided (subject to deferred commencement condition).

Internal

Authority	Comment
Landscape / Tree Management	Supported subject to conditions.
Civil Assets	Supported - Detailed sections for laneway to be approved prior to issue of a Construction Certificate.
Urban Design	Acceptable. Consider the proposed lane would be of more public value as a two-way lane. For the reasons listed in this

Authority	Comment
	report a two-way lane was not considered to be necessary.
Public Domain	Supported subject to conditions.
Development & Catchment Engineer	Supported subject to conditions.
Heritage Advisor	No objections.
Social outcomes	Recommended an increased in 3 bedroom dwellings from originally proposed 1.5% to 10% of units in line with future demographics. Revised proposal increased 3-bed units to 6% and is considered to be acceptable as per assessment below.
Environmental Health - Contamination	Supported subject to conditions.
Environmental Health - Acoustic	Supported subject to conditions.
Waste	Supported subject to conditions.
Traffic	Supported subject to conditions.
Public Art	Supported. Conditions to be imposed to require Council sign off on final plan.
Open Space and Natural Areas	Supported subject to conditions.
Property	No objection.

5. Environmental Planning and Assessment Act

The sections of this Act which require consideration are addressed below:

5.1 Section 5A: Significant effect on threatened species, populations or ecological communities, or their habitats

Council's Landscape and Tree Officer has considered the Arborist Report provided with application, and raises no objection to the extent of tree removal.

5.2 Section 79C: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

Provision	Comment
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 6
Section 79C(1)(a)(ii) - Draft environmental planning instruments	Refer to section 7
Section 79C(1)(a)(iii) - Development control plans	Refer to section 8
Other	Refer to section 9
Section 79C(1)(a)(iia) - Planning Agreement	Refer to section 10
Section 79C(1)(a)(iv) - The Regulations	Refer to section 11
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 12
Section 79C(1)(c) - Site suitability	Refer to section 13
Section 79C(1)(d) - Submissions	Refer to section 14
Section 79C(1)(e) - The public interest	Refer to section 15

Table 2: Section 79C(1)(a) considerations

6. Environmental planning instruments

6.1 Overview

The instruments applicable to this application comprise:

- SEPP (Building Sustainability Index: BASIX) 2004

- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011
- SEPP (Sydney Harbour Catchment) 2005
- SEPP No. 55 (Remediation)
- SEPP No. 65 (Design Quality of Residential Apartment Development)
- Parramatta Local Environmental Plan 2011

Compliance with these instruments is addressed below.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is 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.

6.3 State Environmental Planning Policy (Infrastructure) 2007

The proposal is not considered to constitute 'traffic generating development' as it proposes less than 300 dwellings and is not directly fronting a classified road. Notwithstanding, the proposal was referred to Roads and Maritime Services (RMS), who did not raise any objection, nor recommend that any conditions be imposed.

6.4 State Environmental Planning Policy (State and Regional Development) 2011

As this proposal has a Capital Investment Value of more than \$20 million, Part 4 of this Policy provides that the Sydney West Central Planning Panel is the consent authority for this application.

6.5 State Environmental Planning Policy (Sydney Harbour Catchment) 2005

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during construction and operational phases.

6.6 State Environmental Planning Policy No. 55 – Remediation of land

A preliminary site investigation report was submitted with the application. This report concluded that, due to a number of historical and current activities in and around the site, further detailed investigation was required to determine the extent of possible contamination. The applicant subsequently submitted a new site investigation report where limited sampling was conducted to determine the extent of any contamination. The report conducted limited sampling due to site constraints of existing buildings covering most of the site. This was deemed acceptable due to the proposed development having 4 levels of basement car parking where most filling will be removed from the site during demolition and excavation. The results of the soil and water samples indicated that they were below the levels of reporting for contaminants of concern and below the adopted HIL's. As such the report concluded that the site is suitable for the proposed development.

The proposal was reviewed by Council's Environmental Health team who determined that satisfactory evidence has been provided that the site is suitable for the proposed development.

6.7 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)

SEPP 65 applies to the development as the proposal is for a new building, is more than 3 storeys in height and will have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

Design Quality Principles

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be consistent with the design principles for the reasons outlined below:

Requirement	Council Officer Comments
Principle 1: Context and Neighbourhood Character	<p>The proposed development is considered to make a positive contribution to the locality and improve the existing streetscape. The character of this locality is undergoing transition from industrial uses, to high density mixed use developments. This proposal is consistent with that shift. The following can be noted:</p> <ul style="list-style-type: none"> · The existing character of this section of Granville is a mixture of industrial buildings and residential apartments. This is due to the transition of Council's desired future character for the area indicating strength in residential growth and infrastructure. The proposed development suits the future character of the area. · The site is in close proximity to Granville train station and Parramatta Road and as such is well connected in terms of public transport. · The proposal includes a new public lane which will increase connectivity and accessibility with the proposed buildings and the locality.
Principle 2: Built Form and Scale	<p>The height and location of the proposed building is generally consistent with the built form proposed under the Parramatta LEP and DCP.</p> <p>While the tower form is slightly taller than the tower form envisaged under the LEP, the applicant has demonstrated that the form as proposed is appropriate and would not result in unacceptable amenity impacts on adjoining/nearby properties.</p>
Principle 3: Density	<p>The proposal has a complying FSR and as such is considered to provide a density of housing in keeping with the desired future character of the area.</p>
Principle 4: Sustainability	<p>A BASIX Certificate and relevant reports have been submitted with the development application.</p> <p>The certificates require sustainable development features to be installed into the development.</p> <p>The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices.</p> <p>The development achieves a good level of cross ventilation throughout the development with a majority of the proposed units having dual aspects or diagonal cross ventilation.</p> <p>The application has given suitable provision of bicycle parking for both visitors (provided in accessible areas) and residents (provided in secure areas).</p>

Requirement	Council Officer Comments
Principle 5: Landscape	This development proposed is consistent with the objectives of the Parramatta DCP and provides appropriate screen planting, street planting, private courtyards, neighbourhood park and foreshore promenade to create an appropriate landscape setting.
Principle 6: Amenity	<p>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.</p> <p>A satisfactory wind assessment report has been provided which concludes that wind conditions around the site are expected to be suitable for pedestrian walking activities and pass the distress criterion under Lawson without any additional wind mitigation measures.</p>
Principle 7: Safety	<p>The proposal is considered to provide appropriate safety for occupants and the public for the following reasons:</p> <ul style="list-style-type: none"> · The majority of units are orientated towards public streets creating passive surveillance. · The new lane will be pedestrian friendly and will be well lit. · Entry points into all buildings are clearly identifiable for ease of access with residents and visitors. · Security points will restrict unwanted visitors into private domain. · Retail components at ground level will activate the precinct to further enforce a sense of passive surveillance.
Principle 8: Housing Diversity and Social Interaction	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.
Principle 9: 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.

Design Review Panels

As outlined above the application was referred to the City of Parramatta's Design Excellence Review Panel, in keeping with the requirements of this clause, who found the revised proposal to be acceptable.

Apartment Design Guide

The relevant provisions of the ADG are considered within the following assessment table:

Standard	Requirement	Proposal	Compliance
Part 3			
3B: Orientation	<p>The podium has been oriented in a horseshoe form to provide a consistent hard edge to Cowper Street, the proposed lane and East Street. The podium provides blank walls on the western boundary with no setback, in keeping with the form of podiums approved to the south side of East Street, with the intention that future development on the neighbouring site will provide a similar form. The tower form above has been set as far as possible away from the western boundary to minimise constraints on the development of that site in the future. The form is considered to be appropriate to the site and locality.</p>		

Standard	Requirement	Proposal	Compliance
3C: Public Domain Interface	The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to residential use foyers. The separation between the private and public domains is established by stairs, level changes, planting and paving material. The ground floor consists of commercial tenancies and servicing in accordance with the topography of the land.		
3D: Communal & Public Open Space	Min. 25% of site area (867m ²)	910m ² of communal open space inclusive of ground floor courtyard (300m ²) and roof top (610m ²).	Yes
	Min. 50% direct sunlight to main communal open space for min. 2hrs 9am & 3pm, June 21 st (434m ²)	The 610m ² rooftop communal open space would receive direct sunlight all day.	Yes
	The proposal includes ground floor and roof top open space accessible internally from lobbies. The landscape plan outlines a variety of seating, shading structures, soft landscaping, planting and the like in these areas that will ensure they are of good amenity to residents.		
3E: Deep Soil	Min. 7% with min. dimensions of 6m for sites of 1500m ² or greater (243m ²)	0m ² (dim >6m) 167m ² (no min dim)	No
	A suitable landscaping scheme has been submitted which provides for adequate plantings including planters and trees in the internal courtyard and roof top, building surrounds, public domain and road network. This is seen to be consistent with the Parramatta DCP and other buildings within the area. The deficiency in deep soil planting is considered to be acceptable given the DCP requirement for a laneway.		
3F: Visual Privacy	<ul style="list-style-type: none"> Podium: 4.5m (non-habitable), 9m (habitable) Tower: 6m (non-habitable), 12m (habitable) [to adjoining boundary] Internal Separation: 18m 	North: >12m East: >12m South: >12m West: 0m (podium) >12m (tower) >18m	Yes Yes Yes No Yes Yes
	While the podium does not achieve the standard, the west elevation does not contain any windows and as such maintains privacy to the adjoining properties. This form of zero side setback is in keeping with the podiums approved on the south side of East Street and as such is considered to be acceptable.		
3G: Pedestrian Access and Entries	A residential pedestrian access foyer is provided to each street frontage. Each lobby is serviced by 3 lifts and fire stairs to facilitate access to other lobby floors. It is considered that suitable pedestrian access will be accommodated on site and will be in the form of grade ramps, paths access ways and lifts. Separate entries have been provided for pedestrian and vehicles.		
3H: Vehicle Access	The proposal incorporates 1 vehicular entry point and a separate loading dock for the retail units which will ensure no conflict between the two uses during peak periods. The vehicular entry point is separated from building entry points to improve pedestrian safety and comfort. Waste collection is made from the loading dock off of the laneway.		
3J: Bicycle and car parking	Car Parking 0.6 per 1 bed (36) 0.9 per 2 bed (170) 1.4 per 3 bed (21) 1 per 5 visitors (53) Total: 280 [The site is within 300m of Granville train station. As such RMS rates apply.]	Residential: 196 Visitor: 53 Total: 249	No Yes No

Standard	Requirement	Proposal	Compliance
	While the proposal would not provide a level of car parking in keeping with the minimum recommended in the RMS Guide to Traffic Generating Development, it is considered that the proximity to trains at Granville station, and buses on Parramatta Road, that the non-compliance is acceptable.		
Part 4			
4A: Daylight / Solar Access	Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-winter (>184);	184 out of 264 apartments (69.7%)	No
	Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (<39)	15 out of 264 apartments (5.7%)	Yes
	While the proposal would not provide sufficient solar access to the required number of apartments, the minor nature of the non-compliance and the minimal units which will receive no direct solar access is considered to compensate for the non-compliance.		
4B: Natural Ventilation	Min. 60% of apartments below 9 storeys naturally ventilated (>79)	81 out of 132 apartments (61.4%)	Yes
	A revised ventilation analysis and pedestrian level wind report has been submitted to support and demonstrate compliance.		
4C: Ceiling heights	Min. 2.7m habitable Min 2.4m non-habitable Min 3.3m for mixed use	2.7m 2.4m 3.4m	Yes Yes Yes
4D: Apartment size & layout	1B – Min 50m ² 2B – Min 75m ² (2 baths) 3B – Min 95m ² (2 baths)	1B – min. 50m ² 2B – min. 73m² 3B – min. 90m²	Yes No No
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	Complies	Yes
	Habitable room depths max. 2.5 x ceiling height (6.75m)	Up to 5.6m	Yes
	Max. habitable room depth from window for open plan layouts: 8m.	Up to 8.4m	Partial
	Min. internal areas: Master Bed - 10m ² Other Bed - 9m ²	>9m² >9m ²	No Yes
	Min. 3m dimension for bedrooms (excl. wardrobe space).	All bedrooms have a minimum dimension of 3m excluding wardrobes.	Yes
	Min. width living/dining: 1B – 3.6m 2B – 4m 3B – 4m Cross-through: 4m	>3.6m >3.8m >4.3 m 3.6m – 5.2m	Yes No Yes No
	The majority of 2—bed units meet the minimum size requirements and the 3-bedroom units are slightly undersized. The units will have good amenity otherwise with cross ventilation and north and east aspects. As such the minor non-compliance is considered to be acceptable.		

Standard	Requirement	Proposal	Compliance
	<p>The 3-bed unit has been drawn as a 2-bed + study arrangement. As such a condition will be included requiring that this be revised prior to CC.</p> <p>The dimensional non-compliances are considered to be minor and not compromise the amenity of future occupants.</p> <p>While the proposal is considered to adequately satisfy the minimum apartment sizes, several units include large studies that could be easily adapted for use as an additional bedroom. Such units would then be significantly undersized. As such it is recommended that a condition be included requiring that the studies be reduced in size.</p>		
4E: Private open space & balconies	Min. area/depth: 1B - 8m ² /2m 2B - 10m ² /2m 3B - 12m ² /2.4m	>7.7m²/2m >9m²/1.8m >12m²/2.4m	No No Yes
	<p>While the proposal is slightly non-compliant in the size and dimensions of some of the balconies, the provision of an excess of communal open space areas is considered to be sufficient to ensure the amenity of future applicants.</p> <p>Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms. Balustrades on the upper floors are see through to promote views however primary living rooms are setback from the balcony edge to maximise privacy. The separation between the private and public domains is established by stairs, level changes and paving material.</p>		
4F: Common circulation & spaces	Max. apartments –off circulation core on single level: 8 - 12	Stage A - 11 Stage B - 10	Yes Yes
	10 storeys or over, max. apartments sharing single lift: 40	Stage A – 45/lift Stage B – 43/lift	No No
	Corridors >12m length from lift core to be articulated.	Corridors articulated	Yes
	<p>Where more than 8 units have been allocated off a single corridor, substantial openings have been provided to allow natural ventilation and light to these spaces, as well as wider corridors.</p> <p>While the tower cores are slightly over subscribed to lifts the extent is not considered to be sufficient to have a material impact on the liveability of the units.</p>		
4G: Storage	1B – Min 6m ³ (x60) 2B – Min 8m ³ (x189) 3B – Min 10m ³ (x15) Total – 2,022m ³	Not clearly demonstrated on drawings.	No
	Min. 50% required in Basement (1,011m ³)	1,113m ³	Yes
	A detailed breakdown of the allocation of storage is not provided. As such a condition is included requiring that this be detailed prior to CC.		
4H: Acoustic Privacy	The proposal has been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible. Noisier areas such as kitchens and laundries are designed to locate away from bedrooms when possible.		
4J: Noise and pollution	The application includes an acoustic report which recommends construction methods / materials / treatments to be used to meet the criteria for the site, given both internal and external noise sources and the proximity to Parramatta Road and high density residential development.		

Standard	Requirement	Proposal	Compliance
	<p>The development has the following bedroom mix:-</p> <ul style="list-style-type: none"> • 60 x 1 bedroom apartments (23%) • 189 x 2 bedroom apartments (72%) • 15 x 3 bedroom apartments (6%) <p>These units vary in size, amenity, orientation and outlook to provide a mix for future home owners. A variety of apartments are provided across all levels of the apartment building.</p>		
4M: Facades	The proposal provides a clear and legible distinction between the podium buildings and the tower element. The podium is broken up with framing to reduce the horizontality of the façade. Similarly, the towers are broken up with indentations to reduce their verticality. The facades are sufficiently punctuated by openings to avoid large expanses of blank facades.		
4N: Roof design	The proposed building is to have a flat roof which is considered to be appropriate given the horizontality of the design. Rooftop plant and lift overrun are to be suitably setback to ensure they are not visible from the street. Rooftop communal open spaces have been incorporated into the building, increasing the amenity of the building.		
4O: Landscape Design	The application includes a landscape plan which demonstrates that the proposed building will be adequately landscaped given its high density form. The proposal includes landscaping at ground level to screen changes in levels and well landscaped rooftop spaces which will provide ancillary open space for occupants. The proposed landscaping will also adequately provide habitat for local wildlife; contributing to biodiversity.		
4P: Planting on structures	The drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting.		
4Q: Universal Design	20% Liveable Housing Guidelines Silver Level design features (53)	No info provided	No
	The site is considered to be appropriately barrier free with wheelchair access possible from the street and lift access from the basement and to the upper residential floors of the development. Vehicular and pedestrian entries are well separated. It is considered that more than 20% of units as set out can achieve the Liveable Housing silver standards. A condition is included to this effect.		
4S: Mixed Use	The proposal is considered to provide an appropriate public domain interface for commercial uses at ground level, by employing clearly delineated entrances, additional landscaping and varying materials. All commercial parking and service areas are located at the entry level of the car park and on street.		
4T: Awnings and Signage	Sun and rain protection is provided by the podium above the forecourt of the commercial activity areas of the building. No signage is proposed.		
4U: Energy Efficiency	The BASIX Certificates demonstrates the development achieves the pass mark for energy efficiency.		
4V: Water management	The BASIX Certificates demonstrates that the development achieves the pass mark for water conservation.		
4W: Waste management	Waste areas have been located in convenient locations in the ground floor communal residential area, discreet from the external building appearance. Waste collection would occur within the loading dock. A construction waste management plan has been prepared by a qualified waste consultant adhering to council's waste controls. All units are provided with sufficient areas to store waste/recyclables.		
4X: Building maintenance	The proposed materials are considered to be sufficiently robust, minimising the use of render and other easily stained materials.		

6.6 Parramatta Local Environmental Plan 2011

The relevant objectives and requirements of the Parramatta Local Environmental Plan 2011 have been considered in the assessment of the development application and are contained within the following table.

Development standard	Proposal	Compliance
2.3 Zoning B4 – Mixed Use	The proposed use is defined as ' <i>mixed use development</i> ' which is permissible with development consent in the zone.	Yes
Zone Objectives	The proposal is considered to be in keeping with the objectives of the B4 Mixed Use zone for the following reasons: <ul style="list-style-type: none"> The proposal provides an appropriate mix of land uses. The proposal provides additional residential and commercial space in a highly accessible area. The proposal provides significant upgrades to the public domain and pedestrian links. 	Yes
4.3 Height of Buildings Control: 52m	Max Height 67.7m (lift overrun)	No (15.7m, 30.2% breach)
4.4 Floor Space Ratio Control: 6.0:1 (21,066m ²).	Total GFA: 21,309m ²	No (243m ² , 1.15% breach)
4.6 Exceptions to Development Standards	Variation to Height and Floor Space Ratio Standards.	Yes (see below)
5.9 Preservation of trees or vegetation	The proposal includes the removal of 5 trees (3 on site, 2 in road reserve). The proposal retains two large trees adjoining the creek and includes 14 new trees and other planting on site in the landscape plan. As such there will be a net increase in vegetation on the site.	Yes
5.10 Heritage conservation	The separation between the site and the nearby heritage items is approximately 40m, with the tower of the proposed development set back an additional 12m from the boundary. Given the separation between sites, and given the siting, it is considered that the impact on significant views and on the significance of the items in general would be acceptable.	Yes
6.1 Acid Sulfate Soils Class 4	The application includes a geotechnical report which concluded that acid sulphate soils were not present on site. As such a management plan is not required.	Yes
6.2 Earthworks	The application includes a geotechnical report which outlines measures to reduce the impacts of earthworks. A condition will be included requiring non-contaminated fill be used.	Yes
6.3 Flood Planning	The site is subject to a 1:100 year flood risk, both from overland above the site and from Duck Creek. The proposed building floor levels and driveway crest have been designed to be appropriately above the assumed flood level. Conditions are included to ensure the building will adequately respond to the risk.	Yes
6.4 Biodiversity Protection	As outlined above, the proposal would result in a net increase in flora on the site and as such is considered likely to have a positive impact on biodiversity.	Yes

Development standard	Proposal	Compliance
6.5 Water Protection	The site is adjacent to Duck Creek. Conditions have been included to ensure the proposal does not result in erosion or sedimentation to the waterway.	Yes



Figure 8. PLEP 2011 Height of Buildings map (subject site outlined in red).

Clause 4.6 Variation Assessment

Clause 4.6 of Parramatta LEP allows Council to provide an appropriate degree of flexibility in applying certain development standards where flexibility would achieve better outcomes.

The proposal does not comply with the Clause 4.3 'Height of Buildings' or Clause 4.4 'Floor space ratio' development standards as outlined in the table above.

Clause 4.6(1) – Objectives of clause 4.6

The objectives of this clause are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances*

Clause 4.6(2) – Operation of clause 4.6

The operation of clause 4.6 is not limited by the terms of clause 4.6(8) of this LEP, or otherwise by any other instrument.

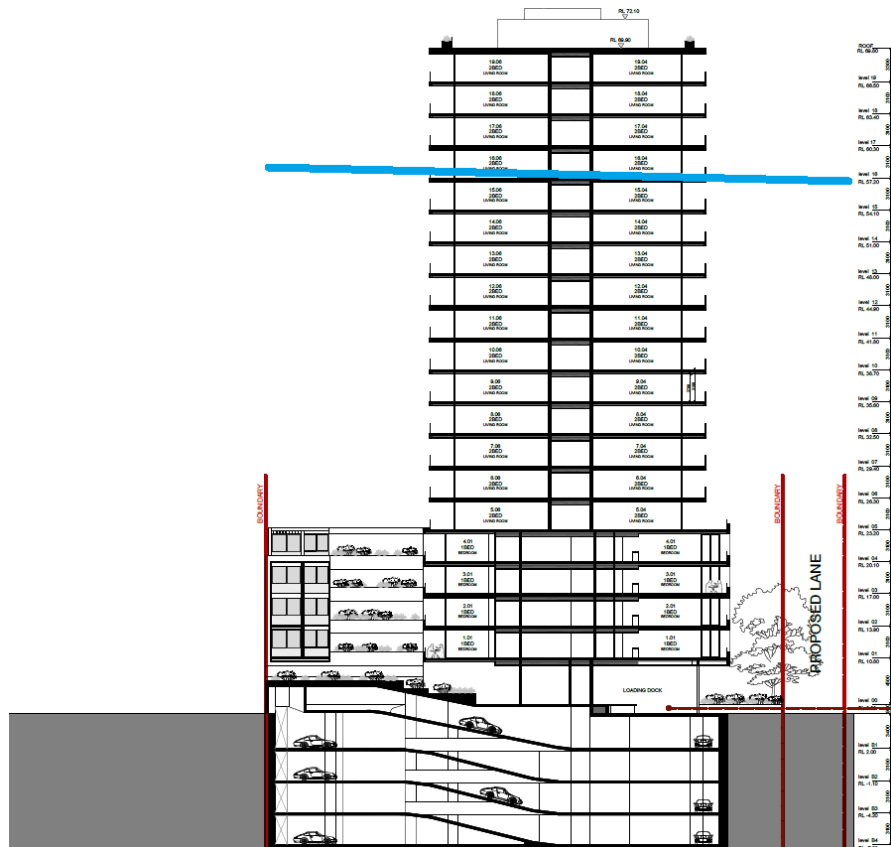


Figure 9. Revised east-west section showing breach of building height (blue line represents 52m height standard).

Clause 4.6(3) - The Applicant's written request

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the development standard. The request must demonstrate that:

- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has provided the following justification for the non-compliances with the development standards (relevant extracts provided, complete requests attached at Appendix 1):

Height

In summary the departure to the height control is a better outcome because:

1. *The departure enables a more slender tower with increased building separation to surrounding properties;*
2. *The departure facilitates the delivery of the desired laneway link which provides a discernible public benefit and will deliver a key piece of infrastructure in the precinct;*
3. *The departure does not discernibly increase overshadowing from the additional height;*
4. *The departure facilitates the delivery of a rooftop common area to the building to enhance amenity for future residents through achievement of quality solar access and district and city views which can only be delivered through the increase in the height of the lift shaft and fire egress that increases the overall building heights;*

5. *The departure enables full compliance with the ADG recommended floor to ceiling heights of 3.1m, noting that the proposal adopts 3.1m rather than 3m that was previously considered acceptable, noting this results in a building height increase of 2m (100mm x 20 storeys). This gives greater amenity for residents;*
6. *The departure provides for a modulation of building heights within the Granville Precinct, noting that development with a consistent 52m height results in a poor urban form and there are buildings across the road with 17-19 storey heights and the adoption of the 20 storey form provides further modulation of the tower heights.*
7. *The departure enables the increase in the finished ground levels to create a safer environment for pedestrians and residents at the ground floor level. In addition the driveway crest designed ensures that no floodwater can enter the basement. This results in an improved outcome through safeguarding the development from flood risk;*

FSR

The departure to the floor space ratio is a better outcome based on the following key points:

1. *The departure facilitates the delivery of the desired laneway link which provides a significant public benefit, increasing permeability in line with Council's vision and will deliver a key piece of infrastructure in the precinct;*
2. *The departure being only 243m² and 1.15% will not increase the bulk and scale of the development; and*
3. *The departure to the LEP remains fully compliant with the incentive floor space contained within the DCP.*
4. *The additional FSR does not generate any substantial amenity impacts given the location of the site and the surrounding site context.*

Clause 4.6(4) - Consent Authority Assessment of Proposed Variation

Clause 4.6(4) outlines that consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- *Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

Case law in the NSW Land & Environment Court has considered circumstances in which an exception to a development standard may be well founded. In the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827 the presiding Chief Judge outlined the following five circumstances:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

As outlined below the proposal achieves the objectives of the standards.

2. *The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*

The objectives that are not relevant are outlined below. However, each standard has objectives which are relevant and which are achieved.

3. *The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is*

unreasonable

The applicant does not suggest that the objectives would be thwarted if compliance was required; rather that the objectives are retrieved in spite of the breach.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*

Council approvals in the vicinity of the site and the degree of non-compliance are outlined in the table below:

Address	Reference	Status	Height		
			LEP	Proposal	Variation
2-6 Bold, 80-82 Cowper	DA/490/2014	Refused	52m	55m	6%
10-42 East	DA/738/2014	Approved	52m	61m	17%
10-32 East	DA/418/2016	Refused	52m	69m	33%
2 – 8 East	DA/315/2013	Approved	52m	64m	23%
14-38 Cowper, 21-41 East	DA/961/2015	Assessment	52m	70m	35%

It is considered that the standard has not been abandoned but some flexibility has been provided in the past given the locality specific characteristics.

With regard to FSR, the Council is considered to have effectively abandoned the control in that the DCP allows for the breach proposed.

5. *The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant does not challenge that the zoning is inappropriate.

- *There are sufficient environmental planning grounds to justify contravening the development standard.*

The decision in the Land & Environment Court case of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, suggests that 'sufficient environmental planning grounds' is more onerous than compliance with zone and standard objectives. The commissioner also established that the additional grounds had to be particular to the circumstances of the proposed development and not merely grounds that would apply to any similar development.

In this case, the following planning grounds are considered to be sufficient to justify contravening the standards.

Height of Buildings Standard

- The proposal will construct and dedicate a public laneway which would provide new road connections from East Street to Cowper Street. The vehicular connection provided by way of the proposed laneway plays a vital role in alleviating traffic congestion on the existing East Street and Cowper Street network within the Granville Precinct. Pedestrian connections between East Street and Cowper Street will also be provided within the laneway design. The requirement to provide a lane reduces the footprint of

the site and the ability to accommodate the allowable FSR in a compliant building height.

- The non-compatible relationship of the high allowable FSR and relatively low Height of Buildings control is such that a compliant building would have a high footprint to site area ratio. In order to also achieve ADG building separation, and the proposed lane, the tower element must be narrower, and thus higher. The existing building approved on the south side of East Street both exceed the height limit and have much wider towers. As such the proposal will provide visual interest and relief from this dynamic.
- Due to flooding constraints from the adjoining site, the ground floor level needed to be raised up to 1.4m above natural ground level, further restricting the ability of the site to achieve the allowable FSR within the height limit.

Floor Space Ratio Standards

- Design Principle 1 of Section 4.1 Town and Neighbourhood Centres – PDCP 2011 outlines that the maximum FSR may be increased by the equivalent area represented by 50% of the land area to be dedicated to Council for public access. As such Council anticipate the need to exceed the controls where land dedication is required. The breach is equivalent to 50% of the land dedicated.

Both Standards

- The proposal in conjunction with DA/961/2015 (14-38 Cowper St, 21-41 East St & 5-5A Rowell St, Granville) will provide comprehensive public domain improvements to East Street and Cowper Street as follows:
 - Undergrounding power lines
 - Provision of wider footpaths on East and Cowper Street
 - Street tree planting
 - New kerb and guttering and stormwater infrastructure

The extent of improvements is considered to be above and beyond that which would normally be required for such a proposal. As outlined above Council's Public Domain team consider the proposal to be a high quality much needed improvement to facilitate the transformation of the area.

- *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

As outlined above, the proposal is considered to be consistent with the objectives of the zone. An assessment of the proposal against the objectives of the Height of Building and Floor Space Ratio standards is provided below:

Height of Buildings

- (a) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*

The site is located on the outer eastern edge of the 52m height zone of which it is a part. The adjoining height limit to the east, across the creek, is 12m. There are no areas with a higher height limit in the vicinity of the site. However, the land for a significant distance to the east of the site is zoned General Industrial (IN1). As such the lack of transition in built form will not be visible from heavily trafficked areas of the public domain.

- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

As discussed in this report the proposal is not considered to result in disruption of views, loss of privacy or loss of solar access and would have an acceptable visual impact.

- (c) *to require the height of future buildings to have regard to heritage sites and their settings,*

As discussed elsewhere in this report, the proposal is considered to have an acceptable impact on the nearby heritage items.

- (d) *to ensure the preservation of historic views,*

As discussed elsewhere in this report, there are no historic views across the site.

- (e) *to reinforce and respect the existing character and scale of low density residential areas,*

Not applicable. The site is not located in, or in close proximity to, any low density residential areas.

- (f) *to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

The narrowness of the tower (in comparison to those approved in the vicinity) along with complying ADG building separation would ensure the proposal would also provides a new lane to the east of the site that will maintain solar access until midday and will open up the site to pedestrians.

Floor Space Ratio

- (a) *to regulate density of development and generation of vehicular and pedestrian traffic,*

The extra lane provided as part of the development is a sufficient offsetting public benefit to make up for the negligible exceedance of the allowable density.

- (b) *to provide a transition in built form and land use intensity within the area covered by this Plan,*

As discussed under the similar height control objective, the proposal is considered to provide an appropriate transition.

- (c) *to require the bulk and scale of future buildings to have regard to heritage sites and their settings,*

As discussed elsewhere in this report, the proposal is considered to have an acceptable impact on the nearby heritage items.

- (d) *to reinforce and respect the existing character and scale of low density residential areas.*

Not applicable. The site is not located in, or in close proximity to, any low density residential areas.

- *The concurrence of the Secretary has been obtained*

Such concurrence is assumed.

Conclusion

In summary, it is considered that breaching the height and floor space controls and the public benefits provided would result in a better environmental outcome. The applicant has provided an adequate written request demonstrating site-specific reasons that the proposal would be a better environmental outcome than a complying scheme and that the breaches would have no unacceptable amenity impacts. As such the request to vary the height and floor space ratio standards are supported.

In reaching this conclusion regard has been had to the relevant Judgements of the LEC, including *Zhang v City of Ryde Council* (2016).

7. Draft Environmental planning instruments

There are no draft environmental planning instruments relevant to the subject application.

8. Development control plan

8.1 Parramatta Development Control Plan 2011

An assessment of the proposal against the relevant controls in the Parramatta Development Control Plan 2011 is provided below:

Development Control	Proposal	Comply
2.4 Site Considerations		
2.4.1 Views and Vistas	The site is not identified as having significant views and vistas by Appendix 2 and is not located in the Harris Park Conservation Area.	Yes
2.4.2.3 Protection of Groundwater	The application was referred to Water NSW who provided general terms of approval.	Yes
2.4.3.1 Soil Management	The erosion and sediment control plan submitted with the application is considered to be sufficient.	Yes
2.4.3.3 Salinity	The site is not identified as being subject to high salinity soils.	N/A
2.4.5 Air Quality	Standard conditions would be sufficient to ensure that the potential for increased air pollution is minimized.	Yes
2.4.6 Development on Sloping Land	The floor levels are dictated by the flood risk on the site. As such this clause is not considered to be applicable.	N/A
2.4.7 Biodiversity	The proposal retains the two large trees adjoining the creek and includes 14 new trees on site in the landscape plan. As such the proposal is considered to result in a net increase in biodiversity on the site.	Yes
2.4.8 Public Domain	The proposal includes significant upgrades to the public domain to the north, east and south of the site, including new public laneway, undergrounding power lines, provision of wider footpaths, street tree planting, new kerb and guttering and stormwater infrastructure. Council's Public Domain team consider the proposal to be a significant improvement to the public domain in	Yes

Development Control	Proposal	Comply
	<p>the area and to be above and beyond what would normally be considered necessary.</p> <p>Concurrent with DA/961/2015 the proposal would provide upgrades to the entire block bound by Cowper Street, Rowell Street and East Street. The proposal represents 27% of the investment value of the two applications. 8 Cowper Street and 11 East Street, the 2 sites directly to the west of the subject site, represent 29% of the site frontage between the 2 application sites. As such conditions will be included requiring that the subject application be responsible for upgrading the public domain to the front of these adjoining sites.</p> <p>The proposed building provides adequate address to the public domain, and will permit passive surveillance of the public domain, including the new lane.</p>	
3.1 Preliminary Building Envelope		
See Section 4.1.6 below.		
3.2. Building Elements		
3.2.1 Building Form and Massing 3.2.2 Building Façade and Articulation 3.2.3 Roof Design 3.2.5 Streetscape	See ADG assessment above.	N/A
3.3 Environmental Amenity		
3.3.1 Landscaping	As outlined above, the proposal is considered to provide sufficient landscaping.	Yes
3.3.2 Private and Communal Open Space 3.3.3 Visual Privacy 3.3.4 Acoustic Amenity	See ADG assessment above.	N/A
3.3.5 Solar Access		
Proposed units	See ADG assessment above.	N/A
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	The building primarily overshadows the adjoining buildings under construction to the south of the site on East Street. The shadow diagrams submitted with the application demonstrate that the adjoining units would still receive the required solar access from morning sun.	Yes
Cross Ventilation	See ADG assessment above.	N/A
3.3.6 Water Sensitive Urban Design	The proposal includes rainwater harvesting with a 40000 litre tank and WSUD approaches including bioswales and 'end of pipe' water treatment. The in-ground site stormwater system drains into a biofiltration swale located alongside the laneway on the eastern side of the development before being discharged from site into Council's drainage system. The Applicant has modelled water quality outcomes from this system and these achieve Council's DCP 2011 targets. This approach is satisfactory. OSD has	Yes

Development Control	Proposal	Comply
	not been required because the site is surrounded by floodwaters in severe storms and OSD would either not work or would worsen local flooding behaviour.	
3.3.7 Waste Management	The applicant submitted a comprehensive operational waste management plan which demonstrates that the building can safely, quickly, and quietly store and remove waste.	Yes
3.4 Social Amenity		
3.4.4 Safety and Security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The dwellings face towards the streets and lane, promoting natural surveillance from within the units to the public domain.	Yes
3.4.5 Housing Diversity and Choice <ul style="list-style-type: none"> • 3 bed 10% - 20% • 2 bed 60% - 75% • 1 bed 10% - 20% • 10% adaptable units 	<p>15 x 3 bed (6%) 189 x 2 bed (72%) 60 x 1 bed (23%) 30 x adaptable (11%)</p> <p>While the proposal is slightly deficient in 3-bed units, given the proximity to the train station and the lack of open space in the area, the site is considered to be slightly less attractive to families and thus the proposed mix is acceptable.</p>	Partial
3.6 Parking Provision		
Car Parking Control	See ADG assessment above.	N/A
Bicycle Parking Residential component = 1 space per 2 dwellings (264 units) = 132 Retail component = 1 bicycle space per 200m ² of floor space (335m ²) = 2 Total: 134	Ground Level = 98 Each Basement Level = 8 (x4) = 32 Total = 130 Stage A: 34 Stage B: 96	No, acceptable subject to condition requiring 4 additional spaces
4.1.6 Granville Town Centre		
Pedestrian Connections and Laneways Map outlines north-south laneway required on eastern side of site.	<p>The proposal includes provision and dedication of a new laneway on the eastern side of the site connecting East Street and Cowper Street. The laneway would provide the public benefit of improving through block connections, reducing traffic congestion, remove dead end streets and providing public views of the creek.</p> <p>Where a lane is provided a variation to Council's floor space ratio control can be sought under Section 4.1 P.1 of the DCP. The proposal includes dedication of 499m² as a public lane. As such an additional 249.5m² of gross floor space can be accommodated on site.</p>	Yes
C.1 Front Setbacks 3m (up to 4 storeys) 6m above 4 storeys	<p>East Street: 2.0m – 3.0m Cowper Street: 1.2m</p> <p>East Street: 4.9m – 6.2m Cowper Street: 3.8m – 4.8m</p> <p>While the proposal would be mostly non-compliant with the required setbacks the application also includes</p>	Partial

Development Control	Proposal	Comply
	widening of the footpath (by 1.3m – 1.6m) and thus the effective setback from the roadway. Further, the proposal is in keeping with the setback established by the larger development proposed to the west of the site under DA/961/2015. As such the proposed setbacks are considered to be sufficient.	
C.2 Rear setbacks	No 'rear' boundary; two street frontages.	N/A
C.2 Side Setbacks	See ADG assessment above.	N/A
C.4 Lane Setbacks	The proposal activates the laneway with commercial shop fronts and allows for required servicing	Yes
C.7 Minimum Site Frontage Sites >3,200m ² – 60m Sites <3,200m ² – 45m	<p><i>Full Site (3,469m²):</i></p> <p>East Street frontage - 52.0m Cowper Street frontage - 58.1m</p> <p>The site is 3,469m² and as such the larger site frontage requirement applies. However, the proposal includes dedication of a lane. If the lane is not included the proposal complies with the frontage requirements.</p> <p><i>Site without Lane (2,970m²):</i></p> <p>East Street frontage – 45.3m Cowper Street frontage - 50.0m</p> <p>As such the proposal is considered to have an acceptable frontage.</p>	<p>No</p> <p>Yes</p>
C.8 Land amalgamation The preferred pattern of land amalgamation is to be side by side to maximize lineal street frontage and east-west built form.	Side-by-side	Yes
Landscaping and Deep soil	See ADG assessment above.	N/A
Development between Parramatta Road and Railway Line C.14 Residential and commercial apartments are to be designed to enable casual surveillance of public spaces.	As outlined above, the proposal is considered to provide adequate surveillance of the surrounding public domain and open spaces.	Yes
C.15 For development greater than 15m in height, buildings with large floor plates, must be expressed as separate building elements.	The proposed tower floorplate, at 1,400m ² , is considered to be sufficiently small so as not to require expression as two tower forms and is in keeping with the footprint of towers approved on adjoining and nearby sites.	Yes
C.16. For development greater than 15m in height, façade horizontal dimension < 35m	12m – 30m	Yes

Development Control	Proposal	Comply
C.19 Use Light wells and courtyards to improve internal building amenity and cross ventilation.	The podium includes a courtyard to provide light and air to units. The tower includes several lightwells to provide for additional cross ventilation.	Yes
C.20 the roof forms of all buildings are to add interest to the skyline.	The strong parapet around the top floor is considered to add sufficient visual interest to the building.	Yes

9. Other

The proposal includes dividing construction of the building over two stages. The staging is considered to be acceptable for the following reasons:

- The two stages are fairly symmetrical and as such an equal amount of ancillary services such as parking, waste storage and communal open space are provided across the stages. The occupants of the first stage will thus not suffer a loss of amenity while awaiting construction of the second stage.
- The first stage stands alone as a sufficiently aesthetic building.

The conditions are set out such that construction and occupations certificates can be obtained independently.

10. Planning Agreements

The subject application is not subject to a planning agreement.

11. The Regulations

The recommendation of this report includes conditions to ensure the following provisions of the Regulation will be satisfied:

- Clause 92 - Demolition works are to satisfy AS 2601 - 1991; and
- Clause 98 - Building works are to satisfy the Building Code of Australia.

12. The likely impacts of the development

The likely impacts of the development have been considered in this report. Fire safety will be addressed by way of appropriate conditions.

13. Site suitability

The subject site and locality is affected by flooding. Council's Engineering Department have assessed the application and considered the proposal to be satisfactorily designed to minimise risk to human safety and property.

Suitable investigations and documentation has been provided to demonstrate that the site is suitable for the proposed development in terms of contamination and acid sulphate soils.

No other natural hazards or site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site is considered to be suitable for the proposed development. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

Subject to the conditions provided within the recommendation to this report the site is suitable for this development.

14. Submissions

The application was notified and advertised in accordance with Appendix 5 of DCP 2011 for a 30 day period between 22 October and 23 November 2015. No submissions were received.

The revised drawings were notified and advertised in accordance with Appendix 5 of DCP 2011 for a 30 day period between 28 July and 29 August 2016. No submissions were received.

15. Public interest

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

16. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

17. Parramatta S94A development contributions plan

As the cost of works exceeds \$200,000 a Section 94A development contribution of **1.0%** is required. A Capital Investment Value Report was provided which estimated a development cost of \$31,436,457 for Stage A and \$30,621,853 for Stage B. This amount is considered to be acceptable given the works proposed.

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

18. Summary and conclusion

The application has been assessed relative to section 79C of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval of the development application is recommended.

The proposed development is appropriately located within a locality earmarked for high-density residential redevelopment, however some variations (as detailed above) in relation to SEPP 65, PLEP 2011 and PDOP 2011 are sought.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

19. Recommendation

- A. **That** the Sydney West Central Planning Panel approve variations to the building height and floor space ratio standard in clauses 4.3 and 4.4 of Parramatta Local Environment Plan 2011 respectively, being satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standards and the objectives for development within the zone; and
- B. **That** the Sydney West Central Planning Panel as the consent authority grant **Deferred Commencement Consent** to Development Application No. DA/709/2015 for staged development comprising lot consolidation, demolition of existing structures, tree removal, site remediation, excavation of 4 storey basement providing 255 car parking spaces and construction of a 20 storey mixed use building comprising 5 retail tenancies and 264 residential units, landscaping and construction of a public vehicular lane in 2 stages at Nos 2 – 6 Cowper Street & 5 East Street, Granville NSW 2142 (Lot 2 DP 998932, Lot 1 DP 559802, Lot 2 DP 558199, Lot 1 DP 786191) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under schedule A of Appendix 3.

CLAUSE 4.6 VARIATION:
MIXED USE DEVELOPMENT
2-6 COWPER STREET AND 1-9 EAST STREET, GRANVILLE

CLAUSE 4.6 VARIATION TO BUILDING HEIGHT CONTROL



Prepared by: Think Planners Pty Ltd
Document Date: 4 July 2016
Consent Authority: Sydney West JRPP

QUALITY ASSURANCE

PROJECT: Clause 4.6 Variation– Maximum Building Height
ARCHITECT: Marchese Partners
ADDRESS: 2-6 Cowper Street and 1-9 East Street, Granville
COUNCIL: City of Parramatta
AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
4 July 2016	Draft Issue for comment	Draft	JW	AB

Background

This Clause 4.6 variation has been prepared in support of development application for the demolition of the existing structures on site in order to construct a 20 storey mixed use development at 2-6 Cowper Street and 1-9 East Street, Granville.

The key aspects of the development proposal are as follows:

Residential and Commercial Elements

Residential Mix:

- 60 x 1 Bed Units (22%);
- 189 x 2 Bed Units (72%);
- 15 x 3 Bed Units (6%)

Commercial Space:

- 335m² of retail floor space across 5 tenancies with access from Cowper Street, East Street and also via the future planned laneway along the site's southern boundary.

Parking:

- A total of 255 carparking spaces within 4 basement levels with the following parking mix:
 - Residential parking spaces: 196 spaces
 - Residential visitor parking spaces: 53 spaces
 - Retail parking spaces: 6 spaces

Laneway

- Construction and Dedication of approximately 499m² of land to a future laneway that is to run along the site's eastern boundary to align with the desired laneway connection as per the Granville Town Centre Precinct, associated with the Parramatta Development Control Plan 2011. It noted that this is not proposed via a VPA but rather will be carried out via the DA and then dedicated to Council. The location of the laneway aligns with the Granville Precinct controls in the Parramatta DCP 2011 and provides a discernible public benefit. It is noted that this laneway is a fundamental reason behind the height departure as it results in the loss of 14.2% of the site area and associated 'air space' in which to contain the building.

Height Departures

The proposal presents the following departures to the height controls:

- Upper Most Level: The proposal has a 15.7m departure to the maximum building height at the highest point of the building, which equates to 30.2% of the control;
- Habitable Floor Areas: The height to the top of the slab of the residential units is 12.6m at the highest point, which equates 24.23% of the control.

Therefore, a Clause 4.6 variation request has been prepared, noting that the request addresses a number of recent Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*.

The key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate how the proposal achieves a better outcome than a complying scheme; and
- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the building height standard;
- Demonstrating consistency with the B4 zoning; and
- Satisfying the relevant provisions of Clause 4.6.

These matters are addressed below, noting that the proposal presents significant public benefit through the construction and dedication of a new laneway which has necessitated additional height in order to achieve the permitted FSR on the site. In addition, the proposal has provided for increased separation to the western boundary, being 13.2m-15.5m, which exceeds the ADG in order to provide greater separation to any future tower on that site and to reduce the bulk and scale of the proposed tower.

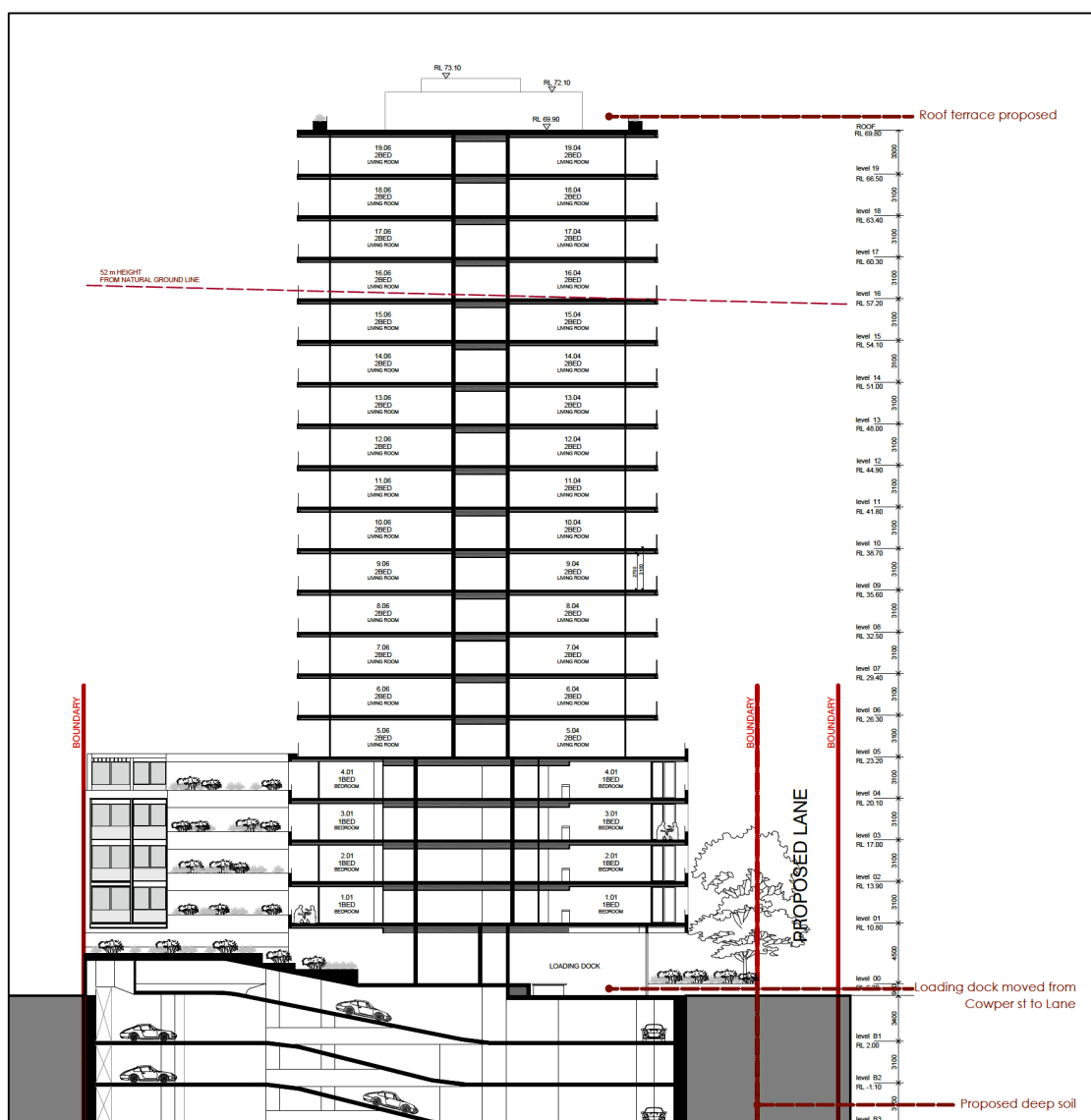
Clause 4.6 Variation: Building Height

As addressed the proposal is non-compliant with Clause 4.3 – Height of Buildings which stipulates that the maximum building height is 52m on the site.

The proposal presents the following departures to the height controls:

- Upper Most Level: The proposal has a 15.7m departure to the maximum building height at the highest point of the building, which equates to 30.2% of the control;
- Habitable Floor Areas: The height to the top of the slab of the residential units is 12.6m at the highest point, which equates 24.23% of the control.

This is reflected on the section drawing below.

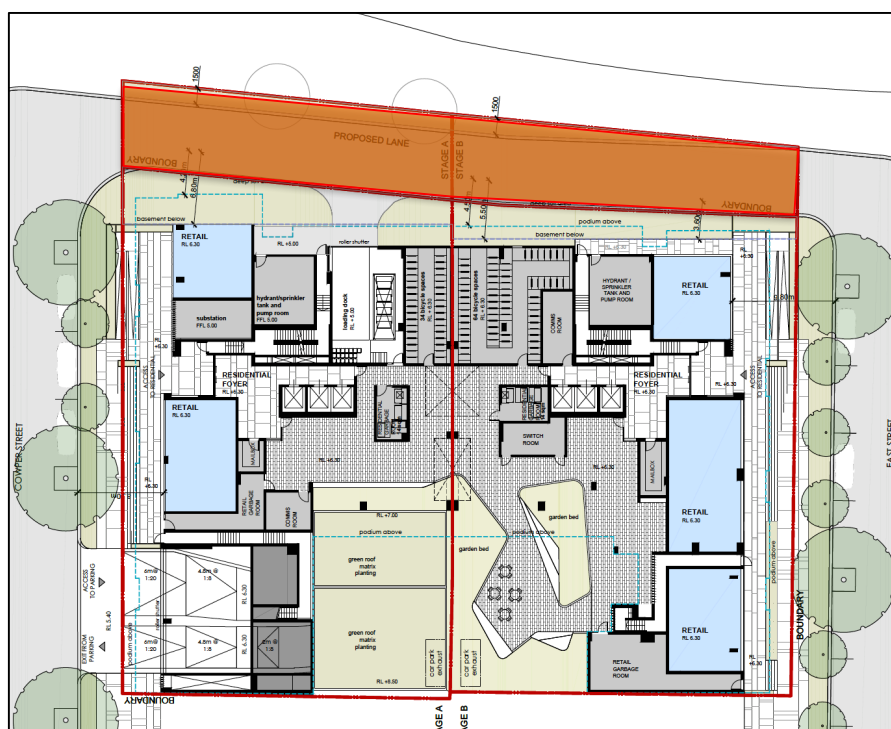


Building Height Context Consideration: Laneway

The proposed non-compliance occurs to make up for the loss of approximately 499m² of area associated with the laneway. This net loss obviously cannot be built upon and this equates to approximately 8000m² of lost 'airspace' over the 16 levels permitted under the DCP>LEP. The proposal adopts a 20 storey form and incorporates a height variation of approximately 24% however it is important to note that the proposal is fully compliant with the maximum permitted FSR of 6:1, being 5.99:1 and does not seek additional floor space above that envisaged by the LEP/DCP- even though the DCP outlines an FSR bonus is afforded under the DCP at Section 4.1 P.1 that states that the FSR can be increased up to 50% of the land area dedicated to Council.

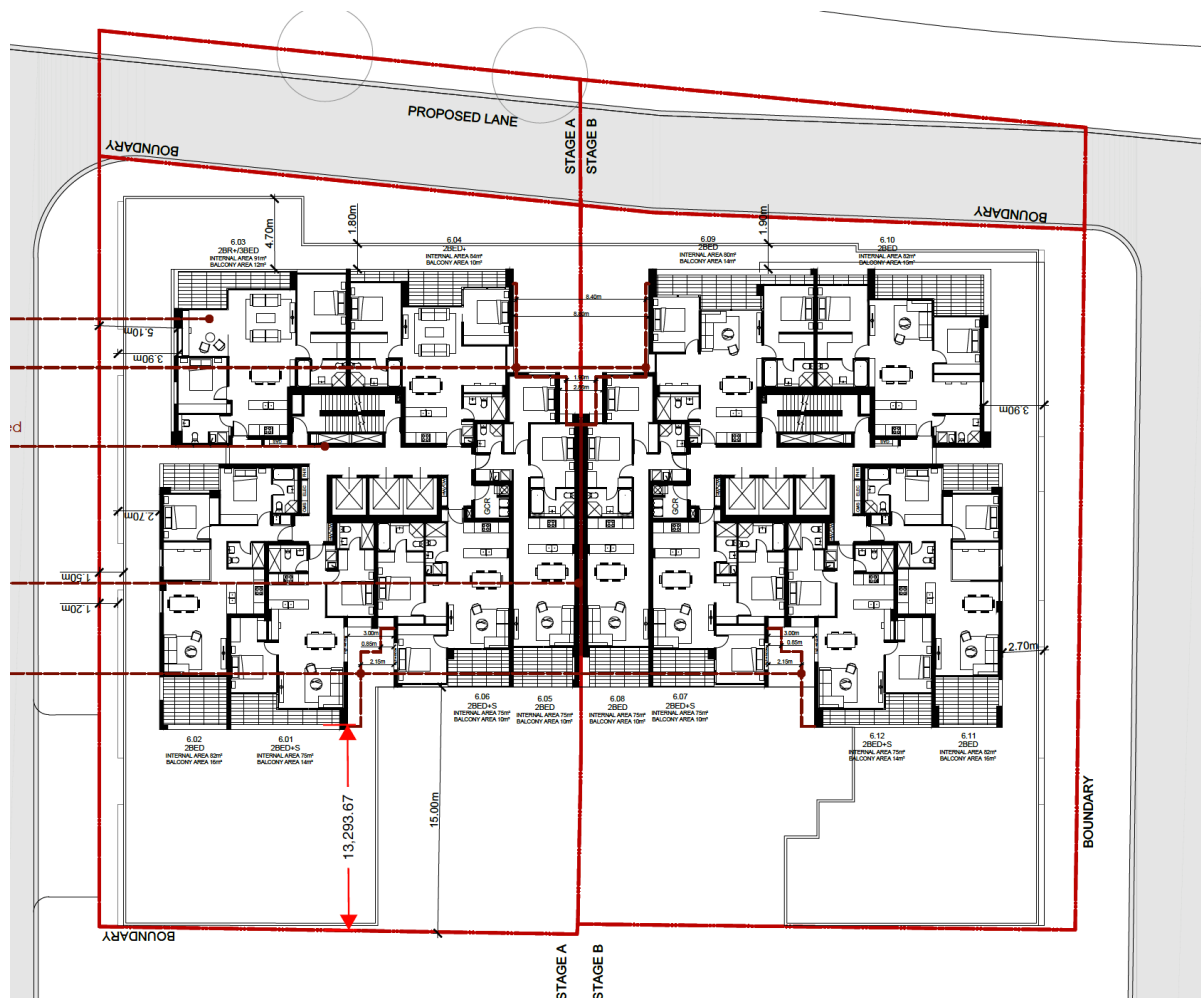
In this instance no additional yield is requested, however dispensation to the height control is requested to offset this loss of land. The proposal aligns with the intent of the DCP provisions relating to laneways in that the proposal seeks dispensation from a development standard to offset the public benefit proposed by the development- reinforcing that no additional yield is sought as the FSR is compliant.

The diagram below shows the area of the site that is 'undevelopable' by virtue of the proposed laneway that is to be constructed and dedicated to Council at no cost- noting the laneway equates to 14.2% of the site area. When equating back the extent of floor space above the 16 storeys (4 levels) the GFA proposed is 4100m² above the height limit which is half the 8000m² of potential GFA that is 'lost' through the construction and dedication of the laneway. Therefore it can be seen that the breach in the height limit is partly a means of achieving half the gross floor area lost to the laneway construction and dedication.



Building Height Context Consideration: Building Separation

A further diagram has also been prepared that shows the building separation to the adjoining site to the west, noting the ADG only requires a 12m separation. As indicated on the diagram this shows the separation provided is 13.2m-15m:



This increased separation enables a taller and slender building with less bulk and enables improved separation between a tower on the adjoining site to the west rather than ‘filling the building envelope’ to provide for the maximum GFA per level. This approach could utilise the additional floor space built form but would be a poorer outcome than the current proposal.

Building Height Context Consideration: Overshadowing

Detailed overshadowing diagrams have been prepared that demonstrate the additional shadow cast by the development, with a comparison between a compliant building height and the current proposal.

These diagrams show there is a marginal increase in overshadowing as follows:

- 9am: There is a small shadow cast on the Granville Memorial Park that is limited to 9am only, with the shadow cast by 10am being substantially clear of the park;
- 10am-12 noon: There is a small additional shadow cast that falls on the adjoining development to the south and the rail corridor, noting this impact is limited to between 10am and 12 noon.
- 12 noon onwards: The additional shadowing is limited to the Railcorp Facility and Railtrack.

These marginal increases need to be considered in the context of the more slender tower form proposed which means that the shadow cast is 'thinner' and more fast moving than a wider and shorter tower. Therefore, the overshadowing is acceptable in this high density context.

Building Height Context Consideration: Better Development Outcome

In summary the departure to the height control is a better outcome because:

1. The departure enables a more slender tower with increased building separation to surrounding properties;
2. The departure facilitates the delivery of the desired laneway link which provides a discernible public benefit and will deliver a key piece of infrastructure in the precinct;
3. The departure does not discernibly increase overshadowing from the additional height;
4. The departure facilitates the delivery of a rooftop common area to the building to enhance amenity for future residents through achievement of quality solar access and district and city views which can only be delivered through the increase in the height of the lift shaft and fire egress that increases the overall building heights;
5. The departure enables full compliance with the ADG recommended floor to ceiling heights of 3.1m, noting that the proposal adopts 3.1m rather than 3m that was previously considered acceptable- noting this results in a building height increase of 2m (100mm x 20 storeys). This gives greater amenity for residents;

6. The departure provides for a modulation of building heights within the Granville Precinct, noting that development with a consistent 52m height results in a poor urban form and there are buildings across the road with 17-19 storey heights and the adoption of the 20 storey form provides further modulation of the tower heights.
7. The departure enables the increase in the finished ground levels to create a safer environment for pedestrians and residents at the ground floor level. In addition the driveway crest designed ensures that no floodwater can enter the basement. This results in an improved outcome through safeguarding the development from flood risk;

Relevant Provisions of Parramatta LEP 2011

Clause 4.6 of the Parramatta Local Environmental Plan 2011 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.**
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and**
 - (b) the concurrence of the Director-General has been obtained.**
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.**

Each of these provisions are addressed individually below.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the Height development standard are stated as:

- (1) The objectives of this clause are as follows:
 - (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,**

- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) to ensure the preservation of historic views,*
- (e) to reinforce and respect the existing character and scale of low density residential areas.*

The current development proposal is designed to offset the laneway dedication as a means of achieving a suitable density on the site and to present an appropriate design response, noting consistency with the maximum FSR control applying to the site.

The proposal remains consistent with the objectives based on the following:

- Given the scale of the proposal, being 20 storeys, the extent of the variation is not perceptible at street level given the podium and tower design which means that the tower is highly recessive in the streetscape;
- The proposed buildings will present an appropriate bulk and scale on the site with a podium element design and slender tower above that will deliver a complying overall FSR of 5.99:1. The additional height does not generate any substantial amenity impacts given the location of the site and the surrounding site context noting particularly the location of the site and relationship to the development opposite the site in East Street that has a comparable height;
- The proposal provides for a discernible public benefit through provision of the laneway and embellishment works and this net loss of 499m² obviously cannot be built upon and this equates to approximately 8000m² of lost 'airspace' over the 16 levels permitted under the DCP>LEP. The proposal adopts a 20 storey form however it is important to note that the proposal is fully compliant with the maximum permitted FSR of 6:1, being 5.99:1 and does not seek additional floor space above that envisaged by the LEP/DCP which indicates a suitable density however a need to reconsider the height envelope on the site given the unique attributes of this site in requiring the laneway. When equating back the extent of floor space above the 16 storeys (4 levels) the GFA proposed is 4100m² above the height limit which is half the 8000m² of potential GFA that is 'lost' through the construction and dedication of the laneway.
- The overall height of the development presents as a compatible form of development to the anticipated mixed use buildings that will emerge in the locality, noting that development in the locality. It is also noted that the located to the northern side of East Street and opposite the subject site will be constrained by the heritage items and as such may not be able to provide optimum yield in terms of residential yield and as such the proposed additional floor levels will ensure that the area is provided with a high density of residential development to support the growth of Granville and to align with the principles of urban consolidation that seek to ensure the efficient use of community infrastructure by providing higher density

residential development at strategic locations, noting that both the Granville Train Station and Bus Interchange as well as arterial roads service the area.

- The DCP advises within Part 4 Section 1 sub-section 4.1.6 that mixed use development within the Granville Town Centre is to be located between the railway line and Cowper Street with increased height limits and floor space ratios permitted on larger sites. The proposed lot amalgamation will ensure that the subject site represents a large site and as such warrants the application of the increased height limit.
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors - noting that as the site backs onto the railway line there will be no detrimental overshadowing impacts arising from the development.
- The proposal does not result in any discernible increased shadow impact given the slender tower form and the orientation of the site means the impact is limited to the morning period on June 21;
- The proposal has been designed to ensure that the flooding context of the site is appropriately addressed with a raised FFL and crest to the basement driveway and graded access ramp, which has an impact of increasing the overall height of the proposal.
- The non-compliance to the height control has no impact on the setting of any items of environmental heritage or view corridors;
- The proposal does not adjoin any low-density areas or sensitive interfaces as the allotment has 3 frontages and will integrate with future development to the west.

The unique circumstances of the case that warrant support of the departure are:

1. The departure enables a more slender tower with increased building separation to surrounding properties;
2. The departure facilitates the delivery of the desired laneway link which provides a discernible public benefit and will deliver a key piece of infrastructure in the precinct, with 499m² of land to be utilised as a future laneway and constructed and dedicated at no cost to Council.
3. The departure does not discernibly increase overshadowing from the additional height;
4. The departure facilitates the delivery of a rooftop common area to the building to enhance amenity for future residents through achievement of quality solar access and district and city views which can only be delivered through the increase in the height of the lift shaft and fire egress that increases the overall building heights;

5. The departure enables full compliance with the ADG recommended floor to ceiling heights of 3.1m, noting that the proposal adopts 3.1m rather than 3m that was previously considered acceptable- noting this results in a building height increase of 2m (100mm x 20 storeys). This gives greater amenity for residents;
6. The departure provides for a modulation of building heights within the Granville Precinct, noting that development with a consistent 52m height results in a poor urban form and there are buildings across the road with 17-19 storey heights and the adoption of the 20 storey form provides further modulation of the tower heights.
7. The departure enables the increase in the finished ground levels to create a safer environment for pedestrians and residents at the ground floor level. In addition the driveway crest designed ensures that no floodwater can enter the basement. This results in an improved outcome through safeguarding the development from flood risk;

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in these unique circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the B4 zone, being:

- *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 encourage development that contributes to an active, vibrant and sustainable neighbourhood.*

The proposal will provide a high quality mixed use development in a strategic location within close proximity to the Granville Train Station, Bus Interchange and Town Centre to maximise public transport patronage and to encourage walking and cycling. The scale of the development will help to revitalise the area with the proposed ground level, street facing commercial units enabling the activation of East Street/Cowper Street and the laneway.

As a result, the development will contribute towards creating a vibrant and sustainable neighbourhood that will support both the function and growth of the Granville Town Centre.

The proposal is designed to set the tone and scale for comparable future developments within the locality whilst adhering to the established design and height principles approved under DA/315/2013 at 2-8 East Street. Furthermore, the proposal will complement and enhance the local streetscape by virtue of the strong articulated podium building line and recessed tower element and will provide clear legibility at the street level that will also benefit the approved development at No. 2-8 East Street.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality. The significant public benefit of the proposal must be emphasised in considering the merits of the departure to the height control and the proposal is a site specific response and is not replicated elsewhere in the precinct and as such 'precedent' issues are not relevant.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.



2-6 Cowper St, 1-9 East St, Granville

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

CLAUSE 4.6 VARIATION: MIXED USE DEVELOPMENT 2-6 COWPER STREET AND 1-9 EAST STREET, GRANVILLE

CLAUSE 4.6 VARIATION TO FLOOR SPACE RATIO



Prepared by: Think Planners Pty Ltd

Document Date: 3 November 2016

Consent Authority: Sydney West JRPP

QUALITY ASSURANCE

PROJECT: Clause 4.6 Variation– Maximum Floor Space Ratio
ARCHITECT: Marchese Partners
ADDRESS: 2-6 Cowper Street and 1-9 East Street, Granville
COUNCIL: City of Parramatta
AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
3 November 2016	Draft Issue for comment	Draft	SF/JW	AB

Background

The proposal presents a technical departure to the maximum floor space ratio control as the gross floor area proposed exceeds the FSR development standard as prescribed by the LEP. However as part of the development proposal a portion of the site is being dedicated to Council for a proposed public laneway. The Parramatta DCP (Section 4 Special Precincts 4.1 Town and Neighbourhood Precincts 4.1 Design Principles) permits an adjusted maximum floor space control to be considered.

The proposal aligns with the provisions of the Parramatta DCP which states that the maximum FSR may be increased by the equivalent area represented by 50% of land to be dedicated to Council for public access. The DCP also states that the site area can include the area to be dedicated to Council for the purpose of the FSR calculation. These provisions are not provided for in the LEP itself as it was prepared in the Standard Instrument format and therefore this Clause 4.6 variation request is necessary in order to permit the technical departure to the FSR- however the proposal is fully consistent with the intended maximum FSR as prescribed within the DCP and the desired laneway link diagrams associated with the Granville Precinct.

The proposal involves the construction and dedication of approximately 499m² of land to a future laneway that is to run along the site's eastern boundary to align with the desired laneway connection as per the Granville Town Centre Precinct, associated with the Parramatta Development Control Plan 2011. It noted that this is not proposed via a VPA but rather will be carried out via the DA and then dedicated to Council. The location of the laneway aligns with the Granville Precinct controls in the Parramatta DCP 2011 and provides genuine public benefit.

The following points summarise the key issues:

- The proposal has a gross floor area of 21,309m²
- Total site area including proposed public lane = 3,511m² and therefore according to the LEP the maximum permitted gross floor area is 21,066m².
- Departure proposed is therefore 243m² OR 1.15%.
- Taking into consideration the guidance outlined in the DCP and that the land to be dedicated for the public laneway is 499m²
- The adjusted maximum permitted FSR thus is calculated as (6 x 3,511m² PLUS 50% of 499m²) = 21,315.5m².
- The proposal complies with the DCP adjusted maximum permitted FSR, being 21,309m².

This request addresses several recent Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*.

The key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.

- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in Wehbe v Pittwater.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate how the proposal achieves a better outcome than a complying scheme; and
- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum floor space ratio standard
- Demonstrating consistency with the B4 zoning
- Satisfying the relevant provisions of Clause 4.6.

These matters are addressed below, noting that the proposal presents significant public benefit through the construction and dedication of a new laneway and where the relevant the DCP makes specific provision for this land to be considered in an adjusted FSR calculation.

Clause 4.6 Variation: Floor Space Ratio

As addressed the proposal is non-compliant with Clause 4.4 – Floor Space Ratio which stipulates that the maximum floor space ratio is 6:1. The proposal presents the following departure:

- The proposal has a gross floor area of 21,309m²;
- Total site area including proposed public lane = 3,511m² and therefore according to the LEP the maximum permitted gross floor area is 21,066m²;
- Departure proposed is therefore 243m² OR 1.15%.

Parramatta DCP 2011 Section 4 Special Precincts

4.1 Town and Neighbourhood Centres

Design Principle P1 requires the provision of new pedestrian connection and then permits (where land is dedicated to Council) that the floor space ratio for the development site can be increased. As a guide the DCP says the FSR may be increased by the equivalent area represented by 50% of the land area to be dedicated to Council for the public access. The DCP also states that any variation to FSR is to be addressed under Clause 4.6 of the Parramatta LEP 2011.

The proposed non-compliance occurs to permit an adjusted FSR calculation due to the dedication of land for a new public laneway which excises 499m² of site area. This development seeks to utilise the provisions detailed in the DCP.

The departure to the floor space ratio is a better outcome based on the following key points:

1. The departure facilitates the delivery of the desired laneway link which provides a significant public benefit, increasing permeability in line with Council’s vision and will deliver a key piece of infrastructure in the precinct;

2. The departure being only 243m² and 1.15% will not increase the bulk and scale of the development; and
3. The departure to the LEP remains fully compliant with the incentive floor space contained within the DCP.

Relevant Provisions of Parramatta LEP 2011

Clause 4.6 of the Parramatta Local Environmental Plan 2011 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided so that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Each of these provisions are addressed individually below.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the floor space ratio development standard are stated as:

1) *The objectives of this clause are as follows:*

- a. to regulate density of development and generation of vehicular and pedestrian traffic,*
- b. to provide a transition in built form and land use intensity within the area covered by this Plan,*
- c. to require the bulk and scale of future buildings to have regard to heritage sites and their settings,*
- d. to reinforce and respect the existing character and scale of low density residential areas.*

The current development proposal is designed to offset the laneway dedication as a means of achieving a suitable density on the site.

The proposal remains consistent with the objectives based on the following:

- Given the scale of the proposal, being 20 storeys, the extent of the variation is not perceptible at street level given the podium and tower design which means that the 243m² of additional gross floor area is not discernible.
- The additional FSR does not generate any substantial amenity impacts given the location of the site and the surrounding site context.
- The proposal provides for a valuable public benefit through provision of the laneway and embellishment works and this net loss of 499m² of land that will not be built upon.
- The bulk and scale of the development presents as a compatible form of development to the anticipated mixed use buildings that will emerge in the locality.
- The DCP specifically outlines provisions that relax the FSR controls and permit an adjusted FSR calculation to apply to the development site.

The unique circumstances of the case that warrant support of the departure are:

1. The departure facilitates the delivery of the desired laneway link which provides a substantial public benefit and will deliver a key piece of infrastructure in the precinct, with 499m² of land to be utilised as a future laneway and constructed and dedicated at no cost to Council.
2. The departure does not discernibly increase overshadowing or other amenity related impacts resulting from the additional floor space.
3. The DCP outlines specific guidelines to permit an adjusted FSR in these circumstances and the development proposal complies with an adjusted FSR calculation.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the floor space ratio control. In addition, the proposal is consistent with the objectives of the B4 zone, being:

- *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 encourage development that contributes to an active, vibrant and sustainable neighbourhood.*

The proposal will provide a high quality mixed use development in a strategic location within proximity to the Granville Train Station, Bus Interchange and Town Centre to maximise public transport patronage and to encourage walking and cycling. The scale of the development will help to revitalise the area with the proposed ground level, street facing commercial units enabling the activation of East Street/Cowper Street and the laneway.

The development will contribute towards creating a vibrant and sustainable neighbourhood that will support both the function and growth of the Granville Town Centre.

The proposal is deigned to set the tone and scale for comparable future developments within the locality whilst adhering to the established design and height principles approved under DA/315/2013 at 2-8 East Street. Furthermore, the proposal will complement and enhance the local streetscape by virtue of the strong articulated podium building line and recessed tower element and will provide clear legibility at the street level that will also benefit the approved development at No. 2-8 East Street.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the floor space ratio control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the floor space ratio control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality. The significant public benefit of the proposal must be emphasised in considering the merits of the departure to the floor space ratio control and the proposal is a site specific response.

Strict compliance with the maximum floor space ratio requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

APPENDIX 2 – DEAP COMMENTS 8 SEPTEMBER 2016

DEAP comments from meeting 8 September 2016 in response to the submission of revised drawings:

1. The Panel noted that development for this site has been reviewed a number of times by the Panel, though Panel members have varied.
2. The proponent has responded to each of the previous comments by the Panel in writing, explaining how they have amended the design accordingly, and generally the Panel is happy with the proposed amendments.
3. The Panel would also like to note that they are generally in support of the overall architectural design approach shown in the current drawings.

Discussion mostly centred on FSR calculations and Height. It was noted that this part of Granville is subject to a major uplift in FSR and Height and that a number of new developments along East Street are either proposed, approved or under construction that aim to take advantage of the development potential of the site. Each of these developments have exceeded the height control for the site by varying amounts. As has been noted in previous Panel meetings regarding this part of Granville, the FSR of 6:1 and the Height limit of 52m do not appear to align, in that to achieve a FSR of 6:1 requires exceedance of the Height control if a reasonable level of building articulation is to be achieved. This issue has been discussed each time a proposal along East Street has been lodged. The amalgamated site adjacent at 21-41 East St was viewed on the 3rd March 2016 by the Panel and the comments made at that time are equally relevant to this proposal and are quoted for reference:

“The principal issue that arose was that the LEP controls of FSR for the site of 6:1 did not appear to align with the Height limit of 52m. In this regard the applicant argued that to realise the development potential for the site required exceeding the height limit by a substantial margin.

This position appeared to be reinforced by the height exceedance proposed and approved for other sites on East Street, however it was also noted that the height non-compliance proposed for this site was in excess of that considered for the adjacent sites.

Given that there appears to be a mismatch between the allowable FSR and Maximum height limit for sites along Cowper and East Streets; the Panel has previously requested some guidance as to how the 52m height limit was determined. Without understanding the intent of the height limit, it remains difficult for the Panel to offer an opinion on how much exceedance is reasonable.

To date Council have been unable to provide such guidance.”

4. With regard to FSR, Council planners have confirmed that the proposed floor space for the site complies with the allowable floor space, including additional area granted due to the Lane dedication. However the Panel did note that calculation of the proposed FSR did not include corridor areas on Levels 1-4 where the Proponent maintained that being naturally ventilated these could be excluded from the GFA used as the base for the FSR. The Proponent suggested there was a precedent for this and would supply details to substantiate their view.
5. With regard to Height, a precedent has already been set in East Street where exceedance of the height control has been granted; therefore the issue is ‘*what is an acceptable exceedance for this site?*’ Currently the proposal is to vary the height control by 15.7 metres, or 30% - which equates to 4 levels. Our understanding is that this is in excess of height variations granted on other sites in East Street which exceed the

height control by 2 to 3 levels.

However the applicant claims that the additional height requested is due to the loss of 500m² of developable land dedicated to Council for the cross site laneway, which equates to 3,000m² of floor space, (not 8,000m² as claimed in the applicant's documentation.) This translates to approx. 3 levels of the tower.

Therefore the Panel believes that there may be justification to propose a height in excess of previous approvals in East Street due to the space lost through the Laneway dedication. This is on the basis that the overall proposal complies with the FSR controls and there are no other negative outcomes of the increased height.

6. Other issues with regard to height:

- a. Overshadowing – the applicant has provided shadow diagrams showing the difference between 16 levels (complying) and 20 levels (proposed). The additional overshadowing appears to mainly fall on the railway reserve or the industrial areas to the east, and therefore is not considered of concern.
- b. Streetscape – whilst the proposed development will be higher than adjacent developments within East Street, it is not substantially higher and will not look out of scale in comparison. It can also be argued that some variation in tower heights is a positive to avoid the 'flat-top' appearance of all buildings being built to the same height.

7. Ventilation – Drawing DA 6.08 indicates that 72 of the 132 units up to Level 8 are naturally cross-ventilated, which is 55%, not 60% as required under the ADG. The applicant explained that nine units had ventilated skylights which brought the number up to 61%. This was not clear on the drawings and required further verification.

The Panel also noted that a number of single aspect units were shown to have cross-ventilation and questioned whether this was appropriate. The applicant advised that a Ventilation Report had been lodged (not issued to the Panel) explaining how each of these units achieved cross-ventilation. This should be verified by Council.

8. For ground level retail set above footpath level to deal with potential stormwater overland flow issues the configuration of long stairs and planters was questioned by the Panel. The suggestion was made that insertion of some pop-out bays would help to alleviate the long raised plinths and create space for seating closer to the street that could complement adjacent retail spaces.
9. The Panel acknowledged that the communal roof top terrace was a positive gesture, but requested provision for accessible unisex amenities. Some wind protection at this level was also considered necessary, and should, along with other features shown on plans, be clearly indicated on sections and elevations.

This application does not need to be reviewed by the Panel again.

“Appendix 3” to Section 79C Assessment Report - DA/709/2015
DRAFT CONDITIONS OF CONSENT

Upon the signature of the applicable delegate the conditions in this Appendix will form the conditions of development consent.

Property Lot 2 DP 998932, Lot 1 DP 559802, Lot 2 DP 558199, Lot 1
Address: DP 786191
2 - 6 Cowper Street & 5 East Street, GRANVILLE NSW 2142

The application be determined by the granting of a “deferred commencement” consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979. Upon strict compliance with all conditions appearing in Schedule 1 and with the issue of confirmation to that effect in writing from Council, the “deferred commencement” consent shall revert to development consent, inclusive of all conditions appearing in Schedule 2, pursuant to Section 80(1) of the Act:

SCHEDULE 1

1. The applicant is to provide written verification that it has:
 - (i) Sydney Trains agreement to either:
 - a. the undergrounding of the Sydney Trains high voltage power lines (preferred), or
 - b. the relocation of the Sydney Trains high voltage power lines.

The design and construction of either option above, if directed by Sydney Trains, are to be designed and constructed by an Asset Standards Authority (ASA) Authorised Engineering Organisation (AEO), and must comply with all applicable ASA and Sydney Trains requirements.

The timing of the undergrounding or relocation of the power line will be as nominated by Sydney Trains.

The Applicant shall also provide details as to how the undergrounded or relocated power lines will be protected during excavation/construction works and during the maintenance of the building.

In the event the power lines will be relocated the following documentation is to be provided to Sydney Trains:

-
- a. blow-out design and calculations
 - b. compliance with AS 7000
 - c. compliance with ISSC 20, Guideline for the management of activities within Electrical Easements and Close to electrical Infrastructure.
 - d. compliance with SMS-06-GD-0268 – Working around electrical equipment.
 - e. construction management plan detailing as to the unloading of building material and equipment and method of construction in close proximity to power lines
- (ii) Certification from the Geotechnical and Structural engineer that the proposed excavation and construction works will not have a detrimental impact on the rail corridor or rail infrastructure.
 - (iii) If required by Sydney Trains, the entering into an Agreement(s) with respect to the undergrounding or relocation of the power lines.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

The applicant must provide to the Council appropriate documentary evidence sufficient to enable it to be satisfied of the matters in the above conditions within **24 months**.

Upon compliance with the above requirement, a full Consent will be issued subject to the following conditions:

SCHEDULE 2

General Matters

Standard 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
<i>Civil Drawings</i>		
0549-DA-STW-001-F Title Sheet / Locality Plan	Marchese Partners	13/02/17

Drawing No.	Prepared By	Dated
0549-DA-STW-002-F Legend, Abbreviations and Drawings List	Marchese Partners	13/02/17
0549-DA-STW-003-F General Notes	Marchese Partners	13/02/17
0549-DA-STW-004-F Survey Plan	Marchese Partners	13/02/17
0549-DA-STW-005-F Erosion & Sedimentation Plan	Marchese Partners	13/02/17
0549-DA-STW-006-F Erosion & Sedimentation Details	Marchese Partners	13/02/17
0549-DA-STW-012-E Site Stormwater Drainage Basement 4 Plan	Marchese Partners	31/10/16
0549-DA-STW-013-E Site Stormwater Drainage Basement 3 Plan	Marchese Partners	31/10/16
0549-DA-STW-014-E Site Stormwater Drainage Basement 2 Plan	Marchese Partners	31/10/16
0549-DA-STW-015-E Site Stormwater Drainage Basement 1 Plan	Marchese Partners	31/10/16
0549-DA-STW-016-F Site Stormwater Drainage Ground Floor Plan	Marchese Partners	13/02/17
0549-DA-STW-017-E Site Stormwater Drainage Levels 1-4 Plan	Marchese Partners	31/10/16
0549-DA-STW-019-E Site Stormwater Drainage Levels 5-19 Plan	Marchese Partners	31/10/16
0549-DA-STW-021-E Site Stormwater Drainage Roof Level Plan	Marchese Partners	31/10/16
0549-DA-STW-023-E Site Stormwater Drainage Stormwater Details - Sheet 1	Marchese Partners	31/10/16
0549-DA-C-101-F Council Infrastructure Civil Works Levels Plan	Marchese Partners	13/02/17
0549-DA-C-102-F Council Infrastructure Civil Works Drainage Plan	Marchese Partners	13/02/17
0549-DA-C-103-F Council Infrastructure Civil Works Driveway Plan	Marchese Partners	13/02/17
0549-DA-C-104-F Council Infrastructure Civil Works Driveway Longitudinal Section A	Marchese Partners	13/02/17
0549-DA-C-105-F Council Infrastructure Civil Works Driveway Longitudinal Section B	Marchese Partners	13/02/17
0549-DA-C-106-F Council Infrastructure Civil Works Laneway Longitudinal Section	Marchese Partners	13/02/17
0549-DA-C-107-F Council Infrastructure Civil Works Loading Dock Longitudinal Section	Marchese Partners	13/02/17
0549-DA-C-108-F Council Infrastructure Civil Works Site Frontage Cross Section	Marchese Partners	13/02/17
0549-DA-C-109-F Council Infrastructure Civil Works Pavement Plan	Marchese Partners	13/02/17

Drawing No.	Prepared By	Dated
0549-DA-C-111-F Council Infrastructure Civil Works Civil Details - Sheet 1	Marchese Partners	13/02/17
0549-DA-C-301-F Council Infrastructure Civil Works Stormwater Long Sections	Marchese Partners	13/02/17
<i>Architectural Drawings</i>		
15038-DA0.00-H Cover Sheet	Marchese Partners	10/02/17
15038-DA1.01-G Location Plan	Marchese Partners	28/11/16
15038-DA1.02-E Site Analysis	Marchese Partners	17/05/16
15038-DA1.03-H Site Plan	Marchese Partners	10/02/17
15038-DA1.04-E Stage Plan	Marchese Partners	17/05/16
15038-DA2.01-E Level Basement 4	Marchese Partners	17/05/16
15038-DA2.02-E Level Basement 3	Marchese Partners	17/05/16
15038-DA2.03-E Level Basement 2	Marchese Partners	17/05/16
15038-DA2.04-E Level Basement 1	Marchese Partners	17/05/16
15038-DA2.04.01-E Access Driveway	Marchese Partners	17/05/16
15038-DA2.05-H Ground Level	Marchese Partners	10/02/17
15038-DA2.06-F Levels 1 – 4	Marchese Partners	26/10/16
15038-DA2.07-F Levels 1 – 4 e 1/150	Marchese Partners	26/10/16
15038-DA2.08-F Levels 1 – 4 e 1/150	Marchese Partners	26/10/16
15038-DA2.09-E Levels 5 – 19	Marchese Partners	17/05/16
15038-DA2.10-E Levels 5 – 19 e 1/150	Marchese Partners	17/05/16
15038-DA2.11-E Levels 5 – 19 e 1/150	Marchese Partners	17/05/16
15038-DA2.12-E Level Roof	Marchese Partners	17/05/16
15038-DA3.01-E Section AA	Marchese Partners	17/05/16
15038-DA3.02-E Section BB	Marchese Partners	17/05/16
15038-DA3.03-F Cowper Street Section	Marchese Partners	26/10/16
15038-DA3.04-F East Street Section	Marchese Partners	26/10/16

Drawing No.	Prepared By	Dated
15038-DA4.01-E East Elevation	Marchese Partners	17/05/16
15038-DA4.02-H South Elevation	Marchese Partners	23/03/17
15038-DA4.03-E West Elevation	Marchese Partners	17/05/16
15038-DA4.04-E North Elevation	Marchese Partners	17/05/16
15038-DA5.01-E Adaptable Unit Plans	Marchese Partners	17/05/16
15038-DA5.02-E Adaptable Unit Plans	Marchese Partners	17/05/16
15038-DA8.01-E Photomontage 1	Marchese Partners	17/05/16
15038-DA8.02-E Photomontage 2	Marchese Partners	17/05/16
15038-DA8.03-E Photomontage 3	Marchese Partners	17/05/16
15038-DA8.04-E Photomontage 4	Marchese Partners	17/05/16
15038-DA8.05-E Photomontage 5	Marchese Partners	17/05/16
15038-DA9.01-E Materials Board	Marchese Partners	17/05/16
15038-DA10.00-E Dedication Plan	Marchese Partners	17/05/16
15038-DA10.02-E Level Basement 4 Stage A	Marchese Partners	17/05/16
15038-DA10.03-E Level Basement 3 Stage A	Marchese Partners	17/05/16
15038-DA10.04-E Level Basement 2 Stage A	Marchese Partners	17/05/16
15038-DA10.05-E Level Basement 1 Lower Stage A	Marchese Partners	17/05/16
15038-DA10.06-E Ground Level [Stage A]	Marchese Partners	17/05/16
15038-DA10.07-E Levels 1 – 4 Stage A	Marchese Partners	17/05/16
15038-DA10.08-E Levels 5 – 19 [Stage A]	Marchese Partners	17/05/16
15038-DA10.09-E Level Roof [Stage A]	Marchese Partners	17/05/16
15038-DA10.08-E Section BB [Stage A]	Marchese Partners	17/05/16
15038-DA2.05-D Stage A East Elevation	Marchese Partners	12/04/16
15038-DA2.05-E Stage A South Elevation	Marchese Partners	17/05/16
15038-DA2.05-E Stage A West Elevation	Marchese Partners	17/05/16
<i>Landscape Drawings</i>		

Drawing No.	Prepared By	Dated
101-F Regional Context	Arcadia	02/2017
102-F Site Approach	Arcadia	02/2017
103-F Site Approach	Arcadia	02/2017
104-F Vision Concept + Philosophy	Arcadia	02/2017
105-F Vision Concept + Philosophy	Arcadia	02/2017
106-F Landscape Master Plan	Arcadia	02/2017
107-F Landscape Communal Space	Arcadia	02/2017
108-F Section Communal Space	Arcadia	02/2017
109-F Landscape Rooftop	Arcadia	02/2017
110-F Landscape Laneway	Arcadia	02/2017
111-F Section Streetscape Laneway	Arcadia	02/2017
112-F Section Streetscape - East Street	Arcadia	02/2017
113-F Section Streetscape - Cowper Street	Arcadia	02/2017
114-F Vision Character + Precedents	Arcadia	02/2017
115-F Vision Planting Palette	Arcadia	02/2017
201-F Planting Plan - Ground Floor	Arcadia	02/2017
202-F Planting Plan - Rooftop	Arcadia	02/2017
501-F Landscape Details and Specification	Arcadia	02/2017
502-F Landscape Details	Arcadia	02/2017
503-F Landscape Details	Arcadia	02/2017

Documents	Prepared By	Dated
Statement of Environmental Effects	Think Planners	01/10/15
Addendum Statement of Environmental Effects	Think Planners	04/07/16
Report on Geotechnical Investigation Ref 85079.02	Douglas Partners	06/2016
Report on Preliminary Site Investigation with Limited Sampling Ref 85079.03	Douglas Partners	02/06/16
BASIX 668930M_02	Victor Lin &	29/06/16

	Associates	
Fire Engineering Letter Ref 15-0059 R1	iFire Engineers	26/05/16
Access Report Revision B	Ergon Consulting	02/10/15
Arboricultural Impact Assessment	Footprint Green	30/06/16
Public Art Plan	Guppy & Associates	16/06/16
Traffic and Parking Assessment Report Ref 15628	Varga Traffic Planning	29/06/16
Operational Waste Management Plan - Revision 2	Foresight Environmental	06/05/16
Pedestrian Level Wind and Natural Ventilation Assessment – Revision 5	CPP	20/06/16
Design Report on Site Stormwater and Soil Management	Marchese Partners	20/05/16
Social Impact Assessment	Think Planners	01/10/15
Statement of Heritage Impact	NBRS & Partners	10/2015
Building Code of Australia Report Ref RE2171.1 Rev R02	Kudos	14/05/15
Planning Stage Acoustic Report Ref S15516	Resonate Acoustics	29/09/15

Note: In the event of any inconsistency between the architectural plans and the landscape plans or stormwater disposal plans, the architectural plans shall prevail to the extent of the inconsistency.

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

2. The development shall be carried out in two stages. The breakdown of stages are as follows:

Stage A (2 - 6 Cowper Street, GRANVILLE NSW 2142)

- Consolidation of 3 lots being – Lot 2 DP 998932 (2 Cowper Street), Lot 1 DP 559802 (4 Cowper Street), and Lot 2 DP 558199 (6 Cowper Street) – into 1 lot.
- Demolition of all existing structures on the consolidated site.
- Construction of Stage A building along with associated public domain works in Cowper Street.

Stage B (5 East Street, GRANVILLE NSW 2142)

- Demolition of all existing structures on the site.
- Construction of Stage B building along with associated public domain works in East Street.

- Construction and dedication of the eastern laneway and creation of the right of carriageway.

Reason: To allow development to be completed in stages.

3. 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.

4. With the exception of the approved public domain works, 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.

5. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

6. 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.

7. Approval is granted for the demolition of all buildings and outbuildings currently on the subject site, 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 the properties 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 2 months 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
 - (q) 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.
 - (r) 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.

Landscaping & Public Domain

8. Trees to be retained are:

Tree	Name	Common	Location	DBH	Tree
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No.		Name		Diameter at breast height (mm)	Protection Zone (m)
4	Eucalyptus sp	Gum Tree	Duck Creek riparian zone	650mm	7.80 metres
5	Eucalyptus sp	Gum Tree	Duck Creek riparian zone	600mm	7.20 metres

Reason: To protect significant trees which contribute to the landscape character of the area.

9. Trees greater than 5 metres in height must not be removed or damaged from the subject property or adjoining properties unless approved by this Consent.

Reason: To preserve existing landscape features.

Planning

10. The development shall comply with the requirements of the General Terms of Approval in the Water NSW letter dated 12 October 2016.

Reason: To comply with Water NSW requirements.

11. No advertisement/signage shall be erected on or in conjunction with the development without prior consent.

Reason: To comply with legislative controls.

Environmental Health

12. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

13. Any garbage chutes must be designed in accordance with the requirements of the *Building Code of Australia* and the Department of Environment and Climate Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Reason: To ensure waste conveyance equipment is appropriately designed and managed.

14. The waste storage rooms to be provided on the subject site shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

Reason: To ensure provision of adequate waste storage arrangements.

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.)

Standard Conditions

15. Separate construction certificates shall be issued for the 2 stages as per the approved Stage Plan Drawing No. 15038-DA 1.04-E by Marchese Partners dated 17 May 2016 (i.e. Stage A and Stage B). For the avoidance of doubt, each Stage is independent and Stages A & B are not required to be completed concurrently or contemporaneously.

Reason: To ensure compliance with the Staging plan.

16. Prior to commencement of any construction works and drainage works associated with the subject site (including excavation if applicable), it is mandatory to obtain a Construction Certificate **for that respective Stage**. 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.

17. 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.

18. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for each 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.

19. Electricity provision within the subject site is to be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for each Construction Certificate.

Reason: To ensure appropriate streetscape amenity.

20. A monetary contribution comprising **\$620,583.05** is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act, 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 4). Payment must be

by EFTPOS, bank cheque or credit card only. The contributions are to be paid to Council as follows:

- **\$314,364.54** is to be paid to Council prior to the issue of a **Construction Certificate** for Stage A.
- **\$306,218.51** is to be paid to Council prior to the issue of a **Construction Certificate** for Stage B.

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. Indexation will be applied on the outstanding balance until the final payment is made.

Parramatta Section 94A Development Contributions Plan (Amendment No. 4). 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.

21. The Construction Certificate for Stage A 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.

22. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of the Construction Certificate for Stage A. 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.

23. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of the Construction Certificate for Stage A. 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.

24. 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 for each Stage. 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/709/2015;
- (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	\$5000
Street Furniture	\$2000
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 for each Stage.

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.

25. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. This shall include ventilation for all kitchens. Details are to be included within the plans and documentation accompanying each Construction Certificate to the satisfaction of the Certifying Authority.

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

26. 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 each Stage of the development. A connection is to be provided internally to each dwelling/unit within the Stage.

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

Reason: To protect the visual amenity of the area.

27. Plans submitted with each Construction Certificate application must show that 10% of dwellings at each stage are accessible and 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.

28. To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the building it shall be acoustically designed and constructed to meet the requirements of AS3671-1989 (Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction), AS 2107-2000 (Recommended design sound levels and Reverberation times in Building interiors), the NSW Environment Protection Authority's Environmental Criteria for Road Traffic Noise and the Environmental Noise Control Manual (Sleep Disturbance).

A report from an appropriately qualified person that these acoustic and vibration design requirements will be met shall be provided to the satisfaction of the PCA prior to the issue of each Construction Certificate.

Reason: To ensure a suitable level of residential amenity not affected by excessive noise and vibration from surrounding activities.

29. The recommendations outlined in the acoustic report Planning Stage Acoustic Report Ref S15516 by Resonate Acoustics dated 29/09/15 shall be incorporated into the plans and documentation accompanying each Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure a suitable level of residential amenity.

30. External materials must be pre-colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of external finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details

must accompany each Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To have a minimal impact on the neighbouring property.

31. All outdoor lighting must comply with the relevant provisions of AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany each Construction Certificate application and be to the satisfaction of the Certifying Authority.

Reason: To provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

32. All 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 Stage A Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

33. 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 AS 1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany each application for a Construction Certificate.

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

34. 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 each 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.

35. 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 each 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.

36. All individual parcels of land holding a separate title within each respective stage must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to the Construction Certificate being issued for the corresponding relevant Stage.

Reason: To comply with the Conveyancing Act 1919.

Landscaping & Public Domain

37. Prior to the issue of **any Construction Certificate for works at ground level or above**, a set of **Public Domain Plans**, prepared by a qualified landscape architect and engineer, detailing the provision of public domain upgrades, must be submitted to and approved by Council.

The Public Domain Plans are to cover the following areas:

- The frontages of Nos. 2 – 8 Cowper Street (inclusive) and Nos. 5 – 11 East Street (inclusive):
- The land to be dedicated to Council adjacent to Duck Creek connecting Cowper Street and East Street.

The Public Domain Plans shall include details of the road pavement, kerb returns, pedestrian refugee islands, kerbs & gutters, in-road planting, footpaths, planting beds, drainage, and front setback areas within the public domain and publicly accessible areas generally in accordance with the Public Domain Civil Works drawings by Marchese Partners Engineers and Landscape Plans by Arcadia Landscape Architecture hereby approved subject to the following additional requirements:

- The latest CoP Public Domain Guidelines (PDG). The consultant shall contact Council's Urban Design team for the latest design standards and material specifications before finalising the documentation;
- Fully coordinated across the survey, architectural, landscape, engineering, lighting, stormwater and lighting plans;

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- The kerb and gutter shall be reconstructed in accordance to CoP design standard DS1. A 500mm wide road bitumen pavement shall be removed and replaced to meet the proposed kerb levels;
 - Kerb ramps shall be provided in end of Cowper Street and East Street in accordance with CoP design standards (DS4);
 - The kerb return and radius connecting the new laneway shall be designed to minimise pedestrian crossing distances and prioritise pedestrian movement in the area;
 - Provide a 1.5m footpath with asphaltic concrete finish in the western side of the new laneway abutting the property boundary to continue the footpaths in Cowper and East Street;
 - According to the Public Domain Guidelines - Granville town centre paving strategy, the 'Secondary Stone Treatment' shall be applied on the footpath. The treatment consists of granite flagstone ('Adelaide Black' or 'Austral Black' at 100x200x50mm) and asphaltic concrete. The paving upgrade should include the entire public domain areas between the street walls, planter beds or stairs/ramps on the street level and the back of kerb. The detailed paving design shall comply with Council's standard paving details - DS45 (granite treatment), which can be obtained from Council's Urban Design team;
 - Details of the proposed in-road tree planting shall be included in the Public Domain Construction Certificate package to clearly demonstrate the intent of stormwater treatment or passive irrigation, and associated drainage system for each tree pit;
 - Incorporate porous asphalt pavement in the parking lane where 'StrataVault' system is installed;
 - Paving material and finishes for the public accessible areas (i.e. terraces) shall be compatible with the paving material used in the public domain. A sample of the selected material shall be provided to Council's Urban Design team for approval prior to the issue of Construction Certificate;
 - All the public domain, site entries, thru-site links and other public-accessible areas must comply with the DDA and AS1428 requirements. Any required accessible facilities, including ramps, hand rails, TGSIs at site entries, shall be located within the site boundaries without encroaching pedestrian desire lines or clear paths of travel. The long stairs interfacing Cowper Street and East Street shall be recessed back to allow space for required tactile; and
 - Public seating furniture and bin enclosure may be required to be provided in the public domain area. Any proposed public furniture shall comply with the requirements in the PDG.

Reason: To ensure the approved works are consistent and required amendments are addressed in accordance with Council's Policy.

38. Detailed drawings demonstrating the provision of new street trees in the public domain as specified below shall be submitted to the satisfaction of Council officers prior to the issue of **any Construction Certificate for works at ground level or above**.

The new street trees shall be placed in accordance with the minimum clearance requirements in the CoP Public Domain Guidelines. The required tree species, quantities and supply stock are:

Street Name	Botanical Name	Common name	Pot Size	Ave. Spacing
East Street (in-road)	<i>Lophostemon confertus</i>	Brush Box	200L	20m
East Street (footpath)	<i>Tristaniopsis laurina</i> 'Luscious'	Luscious Water Gum	200L	8m
Cowper Street (in-road)	<i>Ulmus parvifolia</i>	Chinese Elm	200L	20m
Cowper Street (footpath)	<i>Tristaniopsis laurina</i> 'Luscious'	Luscious Water Gum	200L	8m

The tree supply stock shall comply with the guidance given in publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are:

Container Size	Height (above container)	Caliper (at 300mm)	Clear Trunk Height
200 litre	2.8 metres	60mm	1.1 metres

The tree planting details shall be in accordance with the site conditions and Council's standard street tree planting details with 'StrataVault', and the requirements detailed as below (unless otherwise advised by CoP Urban Design Team prior to the issue of Construction Certificate).

The required soil volumes are:

Tree Species	Crown Spread	Crown Projection	Approx. Soil Volume Range
<i>Lophostemon confertus</i>	12m	113m ²	50-55m ³
<i>Ulmus parvifolia</i>	12m	113m ²	50-55m ³
<i>Tristaniopsis laurina</i> 'Luscious'	6m	28m ²	13-15m ³

The sizes and finishes of the tree pits are:

Street Name	Tree Species	Pit Sizes	Finishes	Understorey Planting Species/Sizes
East St	<i>Tristaniopsis laurina</i>	2m x 6m	Mass planting	<i>Dianella caerulea</i> 'Little Jess'; <i>Dianella tasmanica</i> 'Silver Streak';

	<i>'Luscious'</i>			and <i>Nandina domestica 'Golf Stream'</i>
	<i>Lophostemon confertus</i>	2.5m x 2.5m	Mass planting	TBC
Cowper St	<i>Tristaniopsis laurina 'Luscious'</i>	2m x 6m	Mass planting	<i>Dianella caerulea 'Little Jess';</i> <i>Dianella tasmanica 'Silver Streak';</i> and <i>Nandina domestica 'Golf Stream'</i>
	<i>Ulmus parvifolia</i>	2.5m x 2.5m	Mass planting	TBC

A site investigation and underground service mapping is required prior to the issue of the first Construction Certificate to identify any potential constraints on tree planting.

The base of all tree pits shall incorporate a drainage pipe that connects to Council's road stormwater system wherever possible.

Reason: To ensure street trees are planted in appropriate locations.

39. To reduce the extent of overhead cabling, all service mains required to facilitate the development must be underground both within the allotment boundaries and the public way. Details must be provided with the plans and documentation accompanying the application of a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape.

40. A lighting design for the new laneway hereby approved shall be prepared by a qualified lighting engineer and submitted to Council for approval prior to the issues of any Stage B Construction Certificate.

Reason: To ensure the safety of the new lane and amenity of adjoining residential units.

41. Prior to the issue of each Construction Certificate, the Certifying Authority must be satisfied the design, demonstrating finished levels, of the proposed lane will be designed so as not to impact on the trees required to be retained. In order to reduce the impact on the root structure, isolated piers or pier and beam construction is to be used within the following radius of the nominated trees:

Tree No.	Name	Common Name	Radius from the trunk
4	Eucalyptus sp	Gum Tree	7.80 metres
5	Eucalyptus sp	Gum Tree	7.20 metres

Plans submitted with each Construction Certificate application must reflect the above requirements.

Reason: To ensure adequate protection of existing trees.

42. All planting beds and boxes shall have no less than **700mm** soil level with free draining soil mixes, in accordance with AS 4419:1998 – Soils for landscaping and garden use, and incorporated with drainage layers and pipes connecting to stormwater or drain. An automatic irrigation system shall be set up for the planting beds. The public domain construction documentation must include the full performance specifications for the installation and operation of the planters and be submitted for the approval of Council officers prior to the issue of each construction certificate.

Reason: To ensure the appropriate streetscape is maintained.

43. Construction and section details of all proposed on-slab planter boxes showing substrate depth, drainage, waterproofing etc., for ground floor and roof top planter boxes are to be provided with each application for a Construction Certificate.

Despite the requirements of any other conditions of consent, planter boxes located over on-site detention tanks and/or podium slabs are to have a minimum depth of 600mm for the planting of shrubs and/or trees and a minimum of 300mm depth for turf/groundcovers proposed.

The proposed soil depths are to be certified by the Landscape Architect to meet the requirements of the proposed species to be planted and provided with each application for a Construction Certificate.

Reason: To ensure the creation of functional gardens.

Flooding & Development Engineering

44. All roof water and surface water is to be connected to an operable drainage system and such system shall be maintained in accordance with the design in perpetuity. Details are to be shown on the plans and documentation accompanying the application for each Construction Certificate. The stormwater design shall be generally in accordance with the amended stormwater plans submitted under drawing set “Site stormwater drainage and Council infrastructure civil works” by Marchese Partners Rev C 19 05 2016 received 15 07 2016 and “Design report on site stormwater and soil management/ Amended WSUD report” Marchese Partners 20 05 2016 received 15 07 2016.

Reason: To ensure satisfactory stormwater management.

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45. The perimeter walls and floor of the basement shall be constructed using a "Tank Construction" method, to prevent any flood and ground waters seeping through the basement walls and floorbase.

Plans and design 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 each Construction Certificate.

The landowner shall manage groundwater inflows and outflows during construction and thereafter in perpetuity, including monitoring, to ensure all of the requirements of the Water NSW/DPI Water are satisfied and that there are no adverse effects on the environment and public health, including water table levels, surface and groundwater flow regimes, contamination and pollution, flooding and water quality and structural stability.

Reason: Protection of the environment and public health.

46. The basement stormwater pump-out system for the relevant Stage, 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.

47. The proposed kerb inlet pit for any relevant Stage must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.

Reason: To ensure appropriate drainage.

48. Details of the following flood protection measures shall be submitted for the approval of Council's Team Leader Technical Specialists, which must be obtained prior to release of each Construction Certificate.
- (a) The minimum finished floor level FFL for the habitable floors of the proposed development shall be RL 6.30m AHD.
 - (b) The proposed basement carpark entry ramp at the north western corner of the development shall be provided with a crest at a minimum level of RL 6.30m.
 - (c) Self-operating flood gates such as 'Flood Break' or equal shall be provided at or near the crests to provide protection to the Probable Maximum Flood Level (PMF).
 - (d) Other means shall also be provided such as continuous bunding and flood doors to fire stairs to prevent ingress of floodwaters into the car park to RL 6.30m AHD and to the PMF.
 - (e) Council notes that plant rooms and the loading dock have been set to match the existing ground level at RL 5.00m with access to the development through stairs up to RL 6.30m.
 - (f) Separate to the fire stairs, the building shall be provided with a safe all weather, flood-protected exit route / staircase(s) from the basement car park to the first floor of the building to a suitable location which is to be established and maintained as a refuge/shelter in place to enable occupants of the building to remain during flooding events when emergency access and egress may be unavailable.

Reason: To ensure the site has adequate flood protection.

49. Stormwater discharges from the site must be connected with an underground connection to Council's piped drainage system, including extension of such system as needed to Council specifications. Council require that street drainage pipelines be constructed to 20 ARI capacity. The Applicant is required to assess and design this infrastructure to Council's satisfaction and incorporate it in the development. Details of this shall be submitted for the approval of Council's Team Leader Technical Specialists, which must be obtained prior to release of each Construction Certificate.

Reason: To ensure adequate infrastructure is provided.

50. Detailed drawings of the laneway hereby approved shall be submitted to the satisfaction of Council's Team Leader Technical Specialists, prior to release of the Stage B Construction Certificate, incorporating the following changes:

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- (a) The reserve between the laneway and Duck Creek is to be densely planted with suitable trees and shrubs to deter access and moderate the floodwater flow.
 - (b) The laneway is to comprise a typical 4m max width motor-trafficked pavement and a separate 2m footpath.
 - (c) Parking is not to be facilitated in the laneway.
 - (d) Each end of the laneway's trafficked pavement is to be designed and constructed as a driveway approximately 3.0-3.5 m wide, at right angles to the turning circle kerbs with standard layback and footpath crossing treatment on both East and Cowper Streets.
 - (e) The construction of both the trafficked part of the laneway and the footpath must be durable, scour resistant, and designed in recognition of this being a floodway.
 - (f) The footpath and trafficked pavement must be provided with a one way cross-fall towards the Duck Creek channel to ensure drainage is by sheet flow directly into the reserve and runoff is not concentrated in a kerb and/or channel system.
 - (g) The box culvert underneath the driveway off the laneway is to be deleted because of its hazardous nature in floods. Simple earthworks may be used in its place.

Reason: To ensure adequate infrastructure is provided.

51. The building for any relevant Stage must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding events up to the 1 in 100 year level plus 500mm freeboard.

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 Stage A application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the structure can withstand flooding events.

52. The building for any relevant Stage 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.

53. 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 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany each application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

54. Foundations adjacent to existing drainage pipes and structures must be constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements". Details must accompany each application for a Construction Certificate.

Reason: To ensure structural stability of the stormwater pipe.

55. Prior to the issuing of the Construction Certificate for each Stage details are to be submitted to the Principle Certifying Authority that the footings and slabs of each Stage 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.

56. 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 each 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.

57. Adequate clearance shall be provided to all tanks, chambers, filters and electrical components. Details of clearance provisions for ongoing maintenance and servicing shall be indicated on the plans submitted

with each Construction Certificate to the satisfaction of the Principal Certifying Authority.

Reason: To enable access for maintenance.

Traffic & Parking

58. 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 each 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.

59. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with each construction certificate.

Reason: To comply with Council's parking requirements and Australian Standards.

60. A total of 134 bicycle spaces/racks are to be provided on-site. At least 67 spaces are to be provided with Stage A with the remainder provided as part of Stage B. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with each construction certificate.

Reason: To comply with Council's parking requirements.

61. The Applicant shall provide written evidence demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The written evidence is to be submitted to Council prior to the release of the Stage B construction certificate.

Reason: To comply with Council's parking requirements.

62. Prior to the issue of each construction certificate, the PCA shall ascertain that any new element in the basement car parking areas 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 each construction certificate.

Reason: To ensure appropriate vehicular manoeuvring is provided

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 to Cowper Street. This shall be illustrated on plans submitted with the Stage A construction certificate and not be compromised by the landscaping, signage fences, walls or display materials. Any such materials may only be permitted if they are less than or equal to 900mm height above the driveway level.

Reason: To comply with Australian Standards and ensure pedestrian safety.

64. Where a security roller shutter or boom gate prevents access to visitor car parking, 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 the Stage A application for a Construction Certificate to the satisfaction of the Certifying Authority. If an intercom or security access card to the basement level car park is installed, it is to be provided at the centre of the driveway (not attached on the wall) in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

Reason: To ensure visitor car parking is accessible.

65. 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 Stage A application for a Construction Certificate.

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

66. Each basement visitor car parking space is to be signposted. Details are to be provided with the application for each Construction Certificate.

Reason: To comply with Australian Standards.

Planning

67. The study rooms in units marked as ‘6.03 3 bed’ on Levels 5 - 19 in drawings 15038-DA2.09-E and 15038-DA2.10-E by Marchese Partners dated 17/05/16 shall be converted to a bedroom separated from the living space by wall and door in keeping with the other bedrooms in the

units. Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the Construction Certificate for Stage A.

Reason: To provide the proposed unit mix.

68. The study rooms in units marked as '1.18 2 bed' on Levels 1 - 4 in drawings 15038-DA2.06-F and 15038-DA2.08-F by Marchese Partners dated 26/10/16 and '6.10 2 bed' and '6.11 2 bed' on Levels 5-19 in drawings 15038-DA2.09-E and 15038-DA2.10-E by Marchese Partners dated 17/05/16 shall be reduced in size such that each internal dimension is no more than 2m. Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the Construction Certificate for Stage B.

Reason: To ensure study rooms are not convertible for use as bedrooms.

69. At least 20% of all residential units shall be designed and fit-out to achieve the 'silver level' requirements as set out in the Liveable Housing Design Guidelines Details published by Liveable Housing Australia. Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the Construction Certificate for each stage.

Reason: To ensure study rooms are not converted to use as bedrooms.

70. Access and services for people with disabilities shall be provided to the 'affected part' of the building in accordance with the requirements of the Access to Premises Standard 2010 and the National Construction Code 2013. Detailed plans, documentation and specification must accompany each application for a Construction Certification to the satisfaction of the Certifying Authority.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

71. Prior to the issue of each Construction certificate, the Certifying Authority must be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement or otherwise suitably concealed within the building envelope or in rooftop plant that is concealed from view from adjoining public places and no higher than the lift overrun.

Note: Architectural plans identifying the location of all plant and equipment must be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

72. Design Verification issued by a registered architect is to be provided with

each 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.

Environmental Health

73. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities as indicated in the Waste Management Plan.

Prior to the issue of the construction certificate for Stage A a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the subject site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

Reason: To ensure waste is adequately separated and managed in mixed use developments.

74. Exhaust gases shall be discharged via a ventilation system installed in accordance with AS/NZS 1668: 2002- The Use of Mechanical Ventilation and Air-conditioning in Buildings. Details of the ventilation system demonstrating compliance shall be submitted with the Construction Certificate to the satisfaction of the Principal Certifying Authority.

Reason: To ensure the correct installation and operation of equipment for the protection of the local environment.

Sydney Trains

75. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation

to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

76. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

77. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

78. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

79. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

80. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all crane and other aerial operations for the development and must comply with all Sydney Trains requirements. It should be noted that crane and other aerial operations will not be permitted over or in close proximity of the adjacent Sydney Trains high voltage power line. If required by Sydney Trains, the Applicant must amend the plan showing all crane and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

81. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

Prior to Work Commencing

Standard Conditions

82. 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.

83. 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.

84. The subject site must be enclosed by a 1.8m high security fence erected wholly within the confines of the subject 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.

85. A sign must be erected in a prominent position on any subject 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.

86. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

Reason: To ensure adequate toilet facilities are provided.

87. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website

<http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

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

88. 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 are 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.

89. Prior to the commencement of work, 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 subject 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.

90. Prior to the commencement of any excavation works on the subject 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.

91. Prior to commencement of works and during construction works, the subject site and any road verge immediately in front of the subject 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 subject site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the subject site on a fortnightly basis;
- (d) the subject 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.

92. 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 relevant Stage 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 relevant Stage 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.

93. Unless otherwise specifically approved in writing by Council, all works,

processes, storage of materials, loading and unloading associated with the subject site are to occur entirely within the property boundaries of that Stage. 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 subject site. 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.

Landscaping & Public Domain

- 94. The trees identified for protection within the Arborist Report prepared by Footprint Green Pty Ltd dwg no. aiasc3.01 Revision 1 Sheets 1-7 dated 30 June 2016 shall be protected prior to and during the demolition/construction process in accordance with the documents referenced above.

Reason: To ensure the protection of the tree(s) to be retained on the site.

- 95. Consent from Council must be obtained prior to any pruning works being

undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

Reason: To ensure the protection of the tree(s) to be retained.

Flooding & Development Engineering

96. Prior to the commencement of any excavation works on the subject 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.

97. Details of the proposed reinforced concrete pipe-work within the adjoining road reserves shall be submitted for Council's City Works Unit approval prior to commencement of any work.

Reason: To ensure adequate stormwater infrastructure is provided.

98. 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 subject site. These measures are to be maintained throughout the entire works. Particular care is to be given to ensuring no materials or other pollution enter Duck Creek.

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

Traffic & Parking

99. Prior to the commencement of any works on subject 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 subject 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 subject 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 subject site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the subject 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.
 - (x) 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 subject 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 subject 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.

100. 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.

101. 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 Council's 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.

Environmental Health

102. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

103. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts for the development project detailing the:
- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
 - (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

Reason: To ensure waste is managed and disposed of properly

Sydney Trains

104. The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding adjacent to the Sydney Trains high voltage power lines.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

105. Prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

During Work

Standard Conditions

106. 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.

107. Cigarette butt receptacles must be provided during the construction stage of the development. The receptacles are to be placed adjacent to designated break room/area of the subject site.

Reason: To ensure that adequate provision is made for the disposal of cigarette butts to prevent littering of the public domain.

108. 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.

109. 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.

110. 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.

111. 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.

112. A survey certificate for that relevant Stage 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.

113. 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 on the subject site must ensure sediment is not tracked out from the subject site.

Reason: To ensure no adverse impacts on neighbouring properties.

114. 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 on the subject site.

Reason: To protect public safety.

115. If any European archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW Heritage Act.

If any Aboriginal archaeological relics are discovered (or are believed to be discovered) during works, the works must cease and the NSW Office of Environment and Heritage must be notified, in accordance with the NSW National Parks and Wildlife Service Act.

Reason: To ensure that the requirements of the Office of Environment and Heritage are met.

Landscaping & Public Domain

116. 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 "Public Domain Guidelines" 2016.

Certification is required to be provided with the Occupation Certificate.

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

117. A range of inspections will be carried out by CoP officers during the construction phase. The applicant must contact Council's Civil Assets Inspector on **(02) 9806 8250** for each inspection listed below. At least **48 hour** notice must be given for all inspections. The required inspections include the following and apply to all Council and privately certified projects.

- 1) Commencement of public domain works including tree protection measures installed and set out of tree pits;
- 2) Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- 3) Installation of required underground conduits;
- 4) Blinding layer/concrete slab based completion and initial (indicative) setout of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- 5) Delivery of street trees to site. Trees shall be installed within 24hrs of delivery;
- 6) Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

Reason: To ensure the quality of public domain works complying with Council standards and requirements.

118. All excavation within the following radius of trees numbered 4 and 5 as identified within the Arborist Report prepared by Footprint Green Pty Ltd dwg no. aiasc3.01 Revision 1 Sheets 1-7 dated 30 June 2016, is to be supervised by an Australian Qualifications Framework (AQF) Level 5 arborist (Project Arborist) at all times. Once the work is completed the Project Arborist is to provide certification to the Principal Certifying Authority.

Tree No.	Species	Common Name	Location	Distance from trunk
4	Eucalyptus sp	Gum Tree	Duck Creek riparian zone	7.80 metres
5	Eucalyptus sp	Gum Tree	Duck Creek riparian zone	7.20 metres

Reason: To provided adequate protection of trees.

119. All trees supplied above a 25L container size must be grown and planted in accordance with:
- (a) Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing

tree quality.

(b) Natspec Guide No.2.

Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with each Occupation Certificate.

Reason: To minimise plant failure rate and ensure quality of stock utilised.

120. Trees to be removed are:

Tree No.	Species	Common Name	Location
1	<i>Syncarpia glomulifera</i>	Turpentine	East Street frontage
2	<i>Ulmus procera</i>	Golden Elm	East Street frontage
3	<i>Melaleuca linariifolia</i>	Snow in Summer	East Street frontage
6	<i>Callistemon sp</i>	Bottlebrush	Cowper Street Tree
7	<i>Callistemon sp</i>	Bottlebrush	Cowper Street Tree

Reason: To facilitate development.

121. All trees planted within the subject site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the planting and growth requirements of Council's Standard Drawing DS39.

Reason: To ensure the trees planted within the site are able to reach their required potential.

122. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

Reason: To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

123. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.

Reason: Protection of existing environmental infrastructure and community assets.

124. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

Reason: To ensure the protection of the tree(s) to be retained on the site.

125. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

Reason: To ensure the protection of the tree(s).

Traffic & Parking

126. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

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

Reason: To ensure appropriate car parking.

128. 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

129. 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.

Environmental Health

130. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

131. All friable and non-friable asbestos-containing waste on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines - 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

132. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all

receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines – 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

133. Hazardous or intractable wastes and materials arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

(a) Work Health and Safety Act 2011

(b) NSW Protection Of the Environment Operations Act 1997 (NSW) and

(c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

134. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To prevent pollution of the environment.

135. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances

136. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

137. 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 subject 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.

138. 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.

139. 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 in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' 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) Confirmation of the level of community engagement that has is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- (c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on the subject site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- (e) What plant and equipment is to be used on the subject site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

Reason: To maintain appropriate amenity to nearby occupants.

140. Should any part of the existing building at No. 5 East Street, which is indicated on the approved plans to be retained during Stage A, be damaged in any way during Stage A works, all works on site are to cease and written notification to be provided to the occupants of No. 5 East Street and Council. No work is to resume until the written approval to continue works is obtained from the Council.

Reason: To maintain appropriate amenity to nearby occupants.

Sydney Trains

141. No rock anchors/bolts are to be installed into RailCorp's property.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

142. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

143. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical infrastructure. This applies to the adjacent Sydney Trains high voltage power line.

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

Prior to the issue of an Occupation Certificate

Standard Conditions

144. Separate occupation certificates shall be issued for each Stage. For the avoidance of doubt, each Stage is independent and Stages A and B are not required to be completed concurrently or contemporaneously.

Reason: To ensure compliance with legislative requirements.

145. Occupation or use of the building for a relevant Stage or part of a

relevant Stage is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979 for that Stage.

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

146. 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 and the relevant Stage 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 statutory requirements.

147. 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 Certificates No. 668930M_02, will be complied with prior to occupation for that relevant Stage.

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

148. Prior to the issue of an Occupation Certificate, a final fire safety certificate must be issued as required by Clause 153 of the Environmental Planning and Assessment Regulation 2000.

Reason: Protection of life and to comply with legislative requirements.

149. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services to the relevant stage/site from an approved electrical energy provider prior to the issue of an Occupation Certificate for the relevant Stage.

Reason: To ensure appropriate electricity services are provided.

150. Prior to the issue of the Stage A Occupation Certificate, the developer is to provide evidence that satisfactory arrangements have been made with the National Broadband NBN Co have been made where relevant and implemented at no cost to Council for the provision of broadband access

to the subject stage/site.

Note: For more information contact NBN Co.; Development Liaison Team: Call 1800 881 816; Email: newdevelopments@nbnco.com.au; Web: www.nbnco.com.au/NewDevelopments.

Reason: To ensure that appropriate provision has been made to accommodate broadband access to the development.

151. The developer must submit to the Principal Certifying Authority a letter from the telecommunications company confirming satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the issuing of any Occupation Certificate.

Reason: To ensure provision of appropriately located telecommunication facilities.

152. Design Verification issued by a registered architect is to be provided with the application for each 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.

153. Certification must be provided prior to the issue of each Occupation Certificate that the required adaptable dwelling(s) have been provided and that they achieve a class C design in accordance with the requirements of AS 4299 -1995.

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

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

The report is to be submitted to the PCA prior to the issue of each 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.

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155. 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.

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

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.

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

Reason: To ensure a visible house number is provided.

158. A separate application must be made to Council or an accredited certifier to obtain approval of any strata plan under section 37 of the Strata Schemes (Freehold Development) Act 1973. The linen plan must not be issued until an occupation certificate has been issued for each stage.

Reason: To comply with the Strata Schemes (Freehold Development) Act 1973.

159. 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 & Stage 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 for the relevant Stage 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.

Landscaping & Public Domain

160. Prior to the issue of each Occupation Certificate (including interim Occupation Certificate), the approved Public Domain Plan works, street trees, and stormwater infrastructure must be completed as approved to Council's satisfaction along the frontage of the relevant areas (see below) and a **Final Approval** shall be obtained from Council's Assets & Urban Design teams.

- Stage A – Nos. 2 – 8 Cowper Street
- Stage B – Proposed Laneway and Nos. 5 – 11 East Street

Council will issue the **Final Approval** for the finished public domain works that complies with the approved public domain documentations and Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

Reason: To ensure the required public domain improvements are provided.

161. Prior to the issue of the relevant Occupation Certificate (including interim Occupation Certificate), the power lines to the front of the following sites shall be undergrounded to the satisfaction of the energy provider, Sydney Trains and Council:

- Stage A – Nos. 2 – 8 Cowper Street
- Stage B – Nos. 5 – 11 East Street

Reason: To ensure the required public domain improvements are provided.

162. The **Work-as-Executed Plans** shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to issue of the relevant Occupation Certificate.

Reason: To ensure the required public domain improvements are provided.

163. A two-year (104 weeks) maintenance period, from the date of issue of the Stage B Occupation Certificate, is required to be carried out by the applicant for all the works constructed in the public domain. A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council, prior to the issue of the Stage B Occupation Certificate, that specifies after Council's final approval who and how to maintain the public domain works during the 104 weeks.

Reason: To ensure the required public domain improvements are maintained.

164. The 'proposed lane' depicted in the submitted architectural drawing titled 'Dedication Plan' – 15038-DA-10.00-E, prepared by Marchese Partners, dated 17/05/2016 shall be constructed and dedicated to Council at no cost as a public place. For the avoidance of doubt, the lane shall be dedicated prior to any Stage B Occupation Certificate.

Reason: To ensure required community benefits are achieved.

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

Reason: To ensure restoration of environmental amenity.

Flooding & Development Engineering

166. Certification from a qualified civil engineer is to be provided prior to the issue of the relevant Occupation Certificate that all public area civil and drainage works have been completed in accordance with Council's "Public Domain Guidelines" 2016.

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

167. 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) Certificate of Structural compliance of the OSD tank walls and

cover slab from a qualified structural engineer

The above is to be submitted to the Principal Certifying Authority prior to the issue of each 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.

168. Prior to the issue of the relevant 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 on-site stormwater management facilities on the lot.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

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 stormwater management facilities, including their 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 stormwater management facilities.

169. 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 subject 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 each 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.

Traffic & Parking

170. To prevent vehicle collisions where a single lane access/egress ramp

exists a signal system shall be installed and located:

- (a) Within the building adjacent to the street alignment; and
- (b) Along the ramp.

The system is to illuminate green when it is safe to use the ramp and red when a vehicle is negotiating the ramp.

Certification the system is in working order is to be provided to the Principal Certifying Authority prior to the issue of each Occupation Certificate.

Reason: To properly manage vehicle entry to, and exit from the subject site.

Planning

171. The Public Art Plan by Guppy & Associates dated 01/10/2015, is to be completed in full (as outlined in the 'Art in the Public Domain' Guidelines) for the subject site and approved by Council prior to issue of Occupation Certificate for Stage B.

On completion of the artwork design stage, the applicant shall submit all additional documentation to Council that details the realisation of the Arts plan through final design concepts, site plan for artworks, construction documentation and project management prior to its implementation.

The arts works shall be completed in full in line with the documentation submitted and the artworks installed to the satisfaction of the Council.

Reason: To ensure compliance with Council's DCP requirements.

172. Prior to the issue of each Occupation Certificate, the basement storage areas will be allocated to the applicable units. The allocation will be such that each unit has a minimum total secure storage volume (including the storage space within each unit) as follows:

- 1 bedroom units – 6m³
- 2 bedroom units – 8m³
- 3 bedroom units – 10m³

Reason: To ensure each unit has sufficient on-site storage capacity.

Environmental Health

173. Prior to the issue of an Occupation Certificate (Interim or Final) for each Stage 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: Acoustic report titled *1-9 East Street and 2-6 Cowper Street, Mixed Use Development – Planning Stage Acoustic Report* prepared by *Resonate Acoustics* dated 29 September 2015 (reference No. S15516RP1).

Reason: To demonstrate compliance with submitted reports.

174. Prior to the issue of an Occupation Certificate for each Stage a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc., will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

175. Prior to issue of an occupation certificate for that Stage, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all-waste contracts and receipts shall be kept on site and made available to Council officers on request.

Reason: To comply with the Requirements of the Protection of the Environment Operations Act 1997 and Regulations.

Sydney Trains

176. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

Reason: To comply with the requirements of Sydney Trains and Clause 86(4) of SEPP (Infrastructure) 2007.

The Use of the Site

Flooding & Development Engineering

177. 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.

178. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.

Reason: To ensure effective operation of equipment.

Traffic & Parking

179. All loading and unloading must:

- (a) take place within the designated loading areas on the subject property, or
- (b) take place within the approved loading dock to minimise disruption of public spaces, and
- (c) is to be carried out wholly within the subject site

Reason: To protect the amenity of the neighbourhood.

180. Any vehicular roller shutter door it is to be left open between 7am and 7pm each day.

Reason: To comply with Australian Standards and ensure that adequate queuing area is available to allow free influx of traffic which will not adversely affect traffic or pedestrian flows along Cowper Street.

Planning

181. 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.

182. A separate development application is required for the initial use of the retail premises unless the use is permissible under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Reason: To ensure compliance with legal requirements.

183. The hours of operation of the ground floor retail premises are restricted

to 7am to 7pm daily.

Reason: To minimise the impact of the use on adjoining properties.

Environmental Health

184. 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.

185. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

Reason: To ensure compliance with Sydney Water's requirements and protect the environment.

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

Reason: To ensure provision of adequate waste disposal arrangements.

187. Between collection periods, all waste/recyclable materials generated on subject 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.

188. Any external plant must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Any air conditioners must not 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 a boundary of any other residential property, at a time other than those specified in (a) and (b) 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 minimise noise impact of air conditioning equipment and protect amenity.

Right of Appeal:

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court **within six months after the date** on which you receive this notice.