



## **SYDNEY WEST CENTRAL PLANNING PANEL**

### **COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2016SYW004
<b>DA Number</b>	DA/961/2015
<b>LGA</b>	City of Parramatta
<b>Proposed Development</b>	Consolidation of lots, demolition of all structures except heritage item, tree removal and construction of mixed use development comprising 618 residential apartments and 12 commercial tenancies within a building with a 4 storey podium and 3 tower forms (Tower A 21 storeys, Tower B 14 storeys and Tower C 21 storeys), two level basement with capacity for 633 car parking spaces, new public park to be dedicated to Council, new public through site link to be an easement for public access, refurbishment and adaptive reuse of heritage item for use as a community facility, public domain works and landscaping.
<b>Street Address</b>	14 to 38 Cowper Street, 21 to 41 East Street and 5-5A Rowell Street, GRANVILLE NSW 2142 (Lot 4 DP 805104, Lot 2 DP 214806, Lot 3 DP 805104, Lots 1 and 2 Section E DP 979437, Strata Plan 10731, Lot 1 DP 195699, Lot 1 DP 1123847, Lot A, B, C and D DP 163550, Strata Plan 62990, Lots 1, 2 and 3 DP 566931, Lot 1 DP 195830, Lot 4 DP 566931, Lot 1 DP 75063, Lots 1 and 2 DP 113317, Lot 5 DP 998927, Lot 1 DP 572768, Lot 1 DP 735418)
<b>Applicant/Owner</b>	DPG Project No.7 Pty Ltd / Various – See Attachment 2
<b>Date of DA lodgement</b>	30 December 2015
<b>Number of Submissions</b>	None
<b>Recommendation</b>	Deferred Commencement Consent
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	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.
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li><li>• Environmental Planning and Assessment Regulations 2000</li><li>• Water Management Act 2000</li><li>• SEPP (Building Sustainability Index: BASIX) 2004</li><li>• SEPP (Infrastructure) 2007</li><li>• SEPP (State and Regional Development) 2011</li><li>• SEPP (Sydney Harbour Catchment) 2005</li><li>• SEPP (Urban Renewal) 2010</li><li>• SEPP No. 55 (Remediation)</li><li>• SEPP No. 65 (Design Quality of Residential Apartment Development) &amp; Apartment Design Guide</li><li>• Parramatta Local Environmental Plan 2011</li><li>• Parramatta Development Control Plan 2011</li></ul>
<b>List all documents</b>	<ul style="list-style-type: none"><li>• Architectural Drawings</li></ul>

<b>submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Design Statement</li> <li>• Landscape Plans</li> <li>• Public Domain Civil Works Drawings</li> <li>• Sydney Trains and Water NSW Referral Responses</li> <li>• Applicant Agreement to Conditions</li> </ul>
<b>Report prepared by</b>	Planning Ingenuity Pty Ltd on behalf of Parramatta Council
<b>Report date</b>	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**

## 1. Executive summary

This report considers a proposal to construct a mixed use development described in brief as follows:

- Two levels of basement. Basement Level 2 is to contain 219 parking spaces for residents and 103 bicycle parking spaces. Basement Level 1 is to contain 63 parking spaces ancillary to the commercial premises, 76 spaces for residents and 61 spaces for visitors ancillary to the apartments. Within Basement Level 1, resident and commercial parking spaces are to be separated by boom gates;
- Waste and recyclables management rooms and two loading docks are to be located on the ground floor level. The loading docks are to be used for waste management vehicles as well as loading and unloading ancillary to the commercial premises;
- A common podium of four storeys containing ground level commercial premises and three levels of apartments. The ground floor level includes a tenancy suitable for a supermarket and 12 speciality commercial tenancies. Levels 1, 2 and 3 within the podium contain apartments sleeving resident and visitor parking (total 214 spaces) as well as bicycle and motorcycle parking spaces;
- Three towers are proposed being Tower A (21 storeys including podium levels), Tower B (14 storeys including podium levels) and Tower C (21 storeys including podium levels);
- The total number of apartments is 618. The apartment mix is 48 studio apartments (8%), 106 one-bedroom apartments (17%), 426 two-bedroom apartments (69%) and 38 three-bedroom apartments (6%);
- The total commercial floor space is 2,907m<sup>2</sup>;
- The total number of car parking spaces is 633. 337 bicycle parking spaces are proposed;
- A gymnasium and associated amenities for the use of future residents is to be located on Level 1 and 2;
- A new public park of 1,380m<sup>2</sup> and pedestrian through site link is to be landscaped and dedicated to Council as a separate allotment;
- Works within the adjoining public road reserves including reconstruction of footpaths, kerb and gutter and roads, installation of stormwater infrastructure, undergrounding of all utilities and street tree planting;
- Alterations to the existing heritage listed dwellings for use as a community facility.

Planning Ingenuity Pty Limited has been engaged by Parramatta Council to provide the Sydney West Central Planning Panel (SWCPP) with an independent town planning assessment of this application including the preparation of this report and recommended conditions of consent. Part of the subject site, being Lot 1 DP 1123847, is owned by Parramatta Council.

From a town planning point of view the application is considered to be acceptable, subject to recommended conditions of development consent. Non-compliances with the height of buildings control development standard are the subject of a Clause 4.6 variation request and are considered reasonable and acceptable in the circumstances as analysed in this report.

Assessment of urban design, traffic, heritage, stormwater, waste management, public works, BCA compliance, accessibility, landscaping, public art, social and cultural impact and economic impacts has determined that the proposal can be supported with appropriate conditions of development consent.

No written submissions were received by Council in response to the notification process.

The application requires concurrence from Sydney Trains in accordance with Clauses 85 and 86 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). Concurrence was granted in accordance with correspondence from Sydney Trains dated 31 March 2017 subject to a deferred commencement condition. Sydney Trains deferred commencement condition has been included in Schedule 1 Condition 2 to the attached recommended conditions.

Accordingly it is considered that the application can be approved and deferred development consent can be issued in accordance with the draft conditions included in Attachment 3.

## 2. Site description, location and context

The site is bounded by East Street to the south, Rowell Street to the west and Cowper Street to the north. The site contains 24 allotments with street addresses of 21 to 41 East Street, 5A Rowell Street and 14 to 38 Cowper Street. The site is a regular shape with a total area of 9,950m<sup>2</sup>. An aerial photograph of the site and immediate surrounds is included in Figure 1 with the site outlined in red.



**Figure 1:** Aerial photograph of site and surrounds (Source: [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au))

The site is relatively flat and drains eastward towards Duck Creek. There is one large eucalypt on the site within the rear of No.21-23 East Street. The site is affected by flooding and overland flows as detailed in Sections 5 and 11 of this report.

No.21-23 East Street contains a heritage item of local significance in Schedule 5 to Parramatta Local Environmental Plan 2011 (PLEP 2011) and contains a pair of semi-detached dwellings (see Figure 2). The proposal includes alterations to this building to make it suitable for use as a community facility.

No.25-27 East Street contains a similar pair of semi-detached dwellings to No.21-23 however this building is not heritage-listed (see Figure 3).



No.29, No.31 and No.35 East Street contain detached single storey dwellings (see Figures 4, 5 and 7).

An older style residential flat building with ground level garages is located on No.33 East Street as shown in Figure 6.

A vacant community hall owned by Parramatta City Council is located at No.37 East Street (see Figure 8).

There are two storey light industrial buildings at No.39 and 41 East Street and 5 and 5A Rowell Street as shown in Figure 9.

No.38 Cowper Street is located at the intersection of Rowell Street and Cowper Street and contains a two storey residential flat building which is strata subdivided.

No.36 Cowper Street is a two storey building used as the Nabi Akram Islamic Centre which is a place of public worship offering prayer meetings, religious classes, family and relationship counselling and special events. No.36 and No.38 Cowper Street are shown in Figure 10.

Properties along Cowper Street east of No.36 are mostly light industrial premises as shown in Figure 11 with a community service headquarters for SDN Cumberland Blacktown Inclusion Support Agency (a not-for-profit Children and Disability Services provider) at No.28 Cowper Street (see Figure 12) and a single detached dwelling at No.18 Cowper Street (see Figure 13).



**Figure 2:** No.21-23 East Street (Heritage Item I107 to be re-fitted for community use)



**Figure 3:** No.25 and 27 East Street



**Figure 4:** No.29 East Street



**Figure 5:** No.31 East Street





**Figure 6:** No.33 East Street



**Figure 7:** No.35 East Street



**Figure 8:** No.37 East Street (former community hall owned by Parramatta City Council)



**Figure 9:** No.39-41 East Street and No.5 Rowell Street (light industrial premises)



**Figure 10:** No.36 Cowper Street (white building) and No.38 Cowper Street (red brick)



**Figure 11:** Streetscape along the southern side of Cowper Street





**Figure 12:** Community Service provider premises at No.28 Cowper Street



**Figure 13:** Dwelling at No. 18 Cowper Street

### Adjoining Properties

The adjoining property at No.19 East Street contains a single storey dwelling as shown in Figure 14. This adjoining dwelling is Heritage Item I106 in Schedule 5 to PLEP 2011. The dwelling is of local significance.

The proposal retains and improves the existing semi-detached heritage-listed dwelling at No.21 East Street which adjoins the western boundary of the neighbouring site at No.19 East Street. The proposed new public park is to adjoin the rear boundary of the neighbouring site at No.19 East Street. The potential impacts to these heritage items have been assessed by Council's Heritage Advisor as detailed in Section 11.8 of this report.

The adjoining property in East Street is a two storey light industrial building located at No.10-12 Cowper Street. The building has a nil setback to the shared boundary with the site as shown in Figure 15. The proposal will create a new public park adjacent to the blank side wall of this neighbouring industrial building. The area immediately adjacent to the neighbouring blank wall is proposed to be a grassed area with canopy trees planted approximately 4 to 5m away from the wall to allow for healthy long term canopy spread. The proposed canopy trees will provide planting of a scale and density which is anticipated to be compatible with the scale of the neighbouring building and appropriate clear lines of sight from Cowper Street to ensure safe space within the public park whilst also visually screening the blank wall of the neighbouring building.



**Figure 14:** Adjoining Heritage Item I106 at No.19 East Street



**Figure 15:** Adjoining light industrial building No.12 Cowper Street (left with red roof)

### Context and Setting

At present the northern side of East Street (east of the site) and Cowper Street are predominantly light industrial premises as shown in Figures 16 and 17. There is also a heritage item of local significance being Mount Beulah Hall located at No.37 Cowper Street north of the site (see Figure 18).





**Figure 16:** No. 19 and 21 Cowper Street Vehicle sales and servicing premises



**Figure 17:** Light industrial premises northern side of Cowper Street



**Figure 18:** Heritage Item I99 Mount Beulah Hall No. 37 Cowper Street north of the site

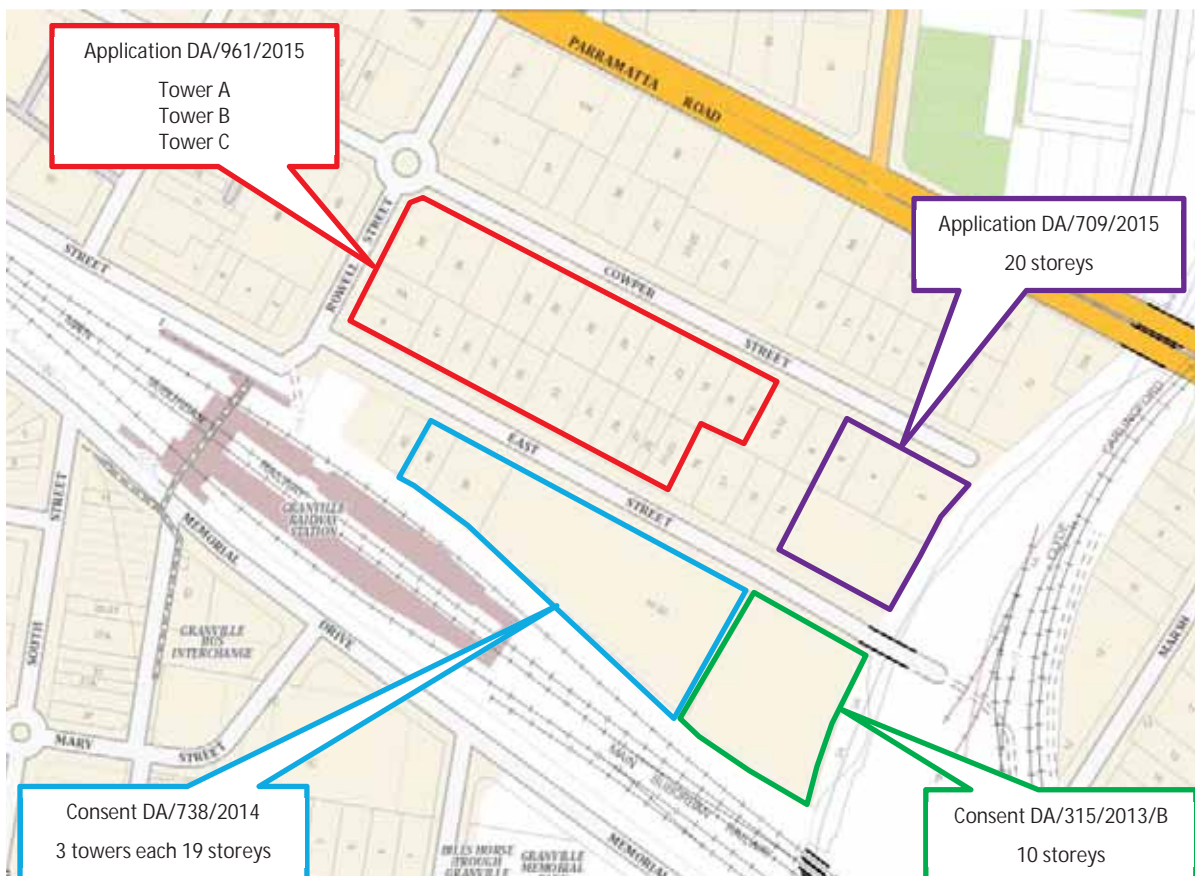
The site is located to the north east of Granville Railway Station and is within close proximity to the established town centre of Granville which extends to both sides of the rail line. Community facilities in the Granville town centre include the town hall and library located west of the site in Carlton Street. The Memorial Park and Granville sports complex and public swimming pools are south of the site in Memorial Drive. Parramatta Road is 80m north of the site. A locality map is included in Figure 19 with the site outlined in red.





**Figure 19:** Locality map of site and surrounds

The neighbourhood is undergoing redevelopment with several nearby amalgamated properties the subject of recent development applications as shown in Figure 20.



**Figure 20:** Map of development proposals in the vicinity of the subject site (subject site outlined in red)

To the south of the site on the opposite side of East Street are two development sites at No.2-8 East Street (outlined green in Figure 20) and No.10-42 East Street (outlined blue in Figure 20).

Development Consent DA/315/2013/B applies to No.2-8 East Street and grants consent for a nineteen (19) storey mixed use building containing four basement levels with capacity for 268 car parking spaces, 211m<sup>2</sup> of commercial floor space on ground level and 208 apartments. An extract of the approved plans is included in Figure 21 showing part of the northern elevation to East Street. Figure 22 is a photograph of the approved building under construction.



**Figure 21:** Extract from approved plans DA/315/2013 No.2-8 East Street



**Figure 22:** Photo of DA/315/2013 under construction at No.2-8 East Street as viewed from the north west



No.10 to 42 East Street is a construction site the subject of Development Consent DA/738/2014 for a staged mixed use development. Development Consent DA/738/2014 applies to No.10-42 East Street and permits three buildings containing six (6) ground floor commercial tenancies and three (3) tower elements each 19 storeys. The development will contain a total of 463 apartments. A pocket park of 155m<sup>2</sup> located between Buildings B and C is to be dedicated to Council. An extract of the approved plans for DA/738/2014 being the North Elevation to East Street is included in Figure 23.

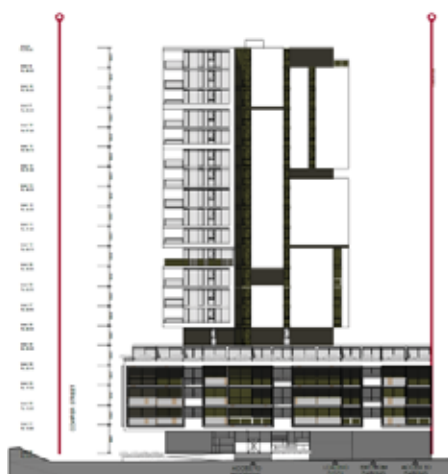
An application to modify Development Consent DA/738/2014/A was approved by the JRPP on 13 December 2016. The proposed modifications are summarised as follows:

- Consolidation of Basements levels below Blocks A and B increasing the capacity of on-site parking by 51 spaces; and
- Reconfigure ground floor commercial space reducing commercial floor space by 29m<sup>2</sup>.



**Figure 23:** North elevation to East Street – approved plans DA/738/2014

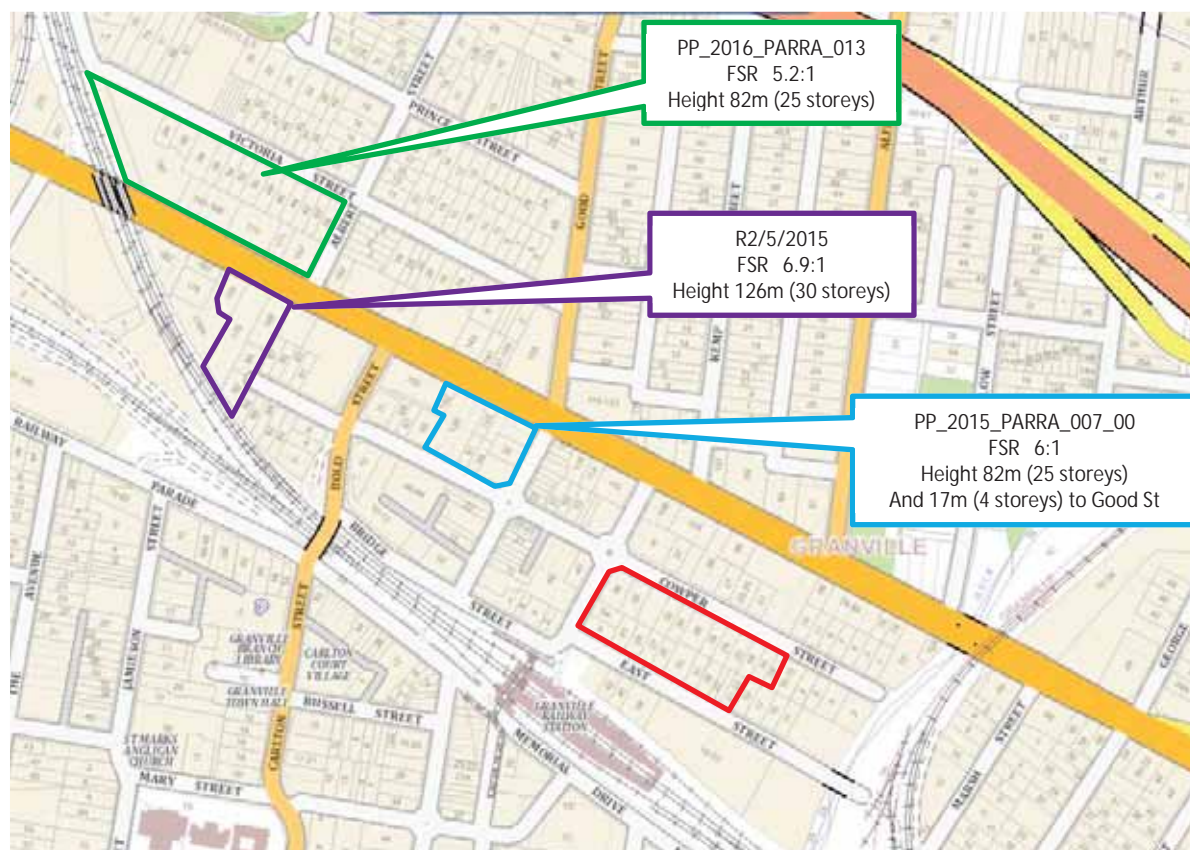
Development Application DA/709/2015 applies to No.2-6 Cowper Street and 1 to 9 East Street and is currently under assessment. The application proposes a two stage development for a 20 storey mixed use building with five levels of basement parking, 215m<sup>2</sup> of commercial floor space at ground level and 264 apartments. A public laneway is proposed to be constructed, landscaped and dedicated to Council along the eastern boundary of the site with Duck Creek to link between Cowper Street and East Street. An extract of the plans submitted with the application is included in Figure 24 showing the proposed northern elevation to Cowper Street.



**Figure 24:** Extract from plans submitted with DA/709/2015 northern elevation to Cowper Street



There are three applications for Planning Proposals for sites further west of the subject site. These sites are shown in Figure 25.



**Figure 25:** Map of Planning Proposals in vicinity of the subject site (subject site outlined in red)

Planning Proposal Reference PP\_2015\_PARRA\_007\_00 applies to land bound by Good Street, Cowper Street and Parramatta Road. The pre-Gateway application sought a FSR of 6:1 and a height of buildings control of 111m (approximately 34 storeys) inclusive of a potential design excellence bonus. The application received a conditional Gateway determination on 9 November 2015. The Gateway determination stated as follows:

*"it is important that future development is guided by the vision for the area identified in the draft (Parramatta Road Urban Renewal) Strategy. The Strategy identifies an average height of buildings within the Granville Precinct of 14 storeys and a maximum height of 25 storeys, well below the 35 storeys proposed by the planning proposal.*

*For this reason, the planning proposal is to be amended to permit a maximum building height of 82 metres (25 storeys). Further, to ensure consistency with the Strategy, a 17 metre (4 storey) maximum building height is also to be applied to land fronting Good Street.*

*It is also noted that Council proposes to include a site specific provision to ensure a minimum 4,000 square metres of non-residential floorspace is provided in a future development. While commercial and retail uses are supported and encouraged on ground and lower storeys, it is important that the growth of business related uses are sustainable having regard to the overall growth and development of the broader Precinct and the potential impacts on the Granville Centre. Therefore, Council is also to amend the planning proposal to apply a maximum of 4,000 square metres of non-residential floorspace."*

Planning Proposal Reference PP\_2016\_PARRA\_013\_00 applies to land at 171 to 189 Parramatta Road. It seeks to rezone land to Zone B4 Mixed Use with a floor space ratio (FSR) of 5.2:1 and a height of buildings control of 82m (approximately 25 storeys). The application received a conditional Gateway determination on 15 June 2016 subject to requirements to:

- Expand the site to include all land bound by Parramatta Road, Victoria Street, Albert Street and the rail corridor;
- Amend the draft planning controls to align with the (then) draft Parramatta Road Urban Transformation Strategy; and
- Apply a maximum height of buildings control of 82m (25 storeys) and a FSR as applied to PP\_2015\_PARRA\_007\_00 described above.

Planning Proposal Application Reference R2/5/2015 applies to land at the western end of Cowper Street which has frontage to Parramatta Road. The application is seeking a floor space ratio of 6.9:1 and a height of buildings control of 126m. This application is yet to be forwarded for a Gateway determination.

The subject site is within the Granville Precinct as detailed in the Parramatta Road Urban Transformation Strategy (UTS) published by UrbanGrowth in November 2016. The details of the Parramatta Road UTS are described in Section 11 of this report.

### 3. The proposal

On 30 December 2015 Development Application DA/961/2015 was lodged. The original proposal was described as demolition of all existing structures, consolidation of all allotments to a single lot and the construction of a mixed use development. The proposed development included 680 apartments, a five-level basement with capacity for 924 car parking spaces and 4,953m<sup>2</sup> of non-residential floor space (as one supermarket and 18 speciality tenancies). The podium section shared between buildings A and B was proposed to be four (4) storeys with ground floor retail, first floor suitable for residential or retail use and the upper levels of the podium containing apartments. Building C was to contain a separate 4 storey podium with ground floor retail and residential apartments above. Above four storeys the building was to be divided into three towers being Tower A (65.9m, 22 storeys including podium), Tower B (73.7m, 21 storeys including podium) and Tower C (77.5m, 19 storeys including podium). The FSR was estimated at 5.99:1.

As detailed in Section 4 to this report, the application has been amended in response to issues raised in the assessment process. The application, the subject of this assessment report, is described as follows:

- Two levels of basement parking;
- A common podium of four storeys containing ground level commercial premises and three levels of apartments sleeving parking spaces;
- Three towers being Building A (21 storeys including podium levels), Building B (14 storeys including podium levels) and Building C (21 storeys including podium levels);
- The total number of apartments is 618. The apartment mix is 48 studio apartments (8%), 106 one-bedroom apartments (17%), 426 two-bedroom apartments (69%) and 38 three-bedroom apartments (6%);
- The total commercial floor space is 3,378m<sup>2</sup>;
- The total number of car parking spaces is 633;
- The total number of bicycle parking spaces is 337;
- A gymnasium and associated amenities for the use of future residents located on Level 1 and 2;

- A new public park of 907m<sup>2</sup> and publicly accessible pedestrian through-site link to be landscaped and dedicated to Council as a separate allotment;
- Works within the adjoining public road and footpath reserves including reconstruction of footpaths, kerb and gutter and roads, installation of stormwater infrastructure, undergrounding of all utilities and street tree planting;
- Works extending along the public road and footpath reserves fronting 11 to 19 East Street and 8 to 12 Cowper Street to integrate the site frontage works with the broader public domain; and
- Alterations to the existing heritage listed dwellings for use as a community facility (the use of the facility is to be subject to a separate development application). The floor space of the community facility is to be 104m<sup>2</sup>.

The development construction is proposed to be staged over a time sequence which is summarised as follows:

#### Stage 1A:

- Basement Levels 1 and 2 beneath Buildings A and B including temporary sheet pile shoring to the western edge of the basement to allow for staged construction and 'break through' to link with Stage 2;
- Ground floor level beneath Buildings A and B including a temporary pedestrian access point in East Street to the proposed supermarket. Ground floor level will include five (5) commercial tenancies and vehicle and pedestrian access via East Street and Cowper Street;
- Public open space landscaping and dedication of the public open space area to Council;
- Construction of the publicly accessible through site link between East and Cowper Streets and registration of the through link as an easement for public access;
- Refurbishment of the existing heritage-listed dwelling and curtilage for future use as a community facility;
- Podium levels 1, 2 and 3 for Buildings A and B providing sleeved parking. This requires construction of a temporary external wall to the western elevation of the podium and ground floor level in the form of pre-cast concrete panels and a temporary balustrade to the western edge of the rooftop of the podium; and
- Tower A and landscaping to the perimeter of the tower at podium level.

#### Stage A2:

- Tower B and podium landscaping including communal open space area landscaping.

#### Stage B:

- Basement levels 1 and 2 beneath Building C;
- Ground level and podium levels 1, 2 and 3 of Building C; and
- Tower to Building C and podium perimeter landscaping.

The application is identified as Nominated Integrated Development for the purposes of the Water Management Act 2000. NSW Department of Primary Industries - Water was notified of the application on 5 January 2016. General Terms of Approval were provided on 22 February 2016.

Concurrence of Sydney Trains is required in accordance with Clause 85 and 86 to State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). Sydney Trains has 33kV high voltage overhead power cables in both East Street and Cowper Street which are proposed



to be undergrounded with the development application. Sydney Trains granted concurrence by correspondence dated 31 March 2017 and subject to a deferred commencement condition which has been included in Attachment 3, recommended conditions of consent.

A referral to NSW Roads and Maritime Services (RMS) was issued by Council on 5 January 2016 as the proposal fits the definition of Traffic Generating Development in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007. On 2 March 2016 NSW RMS provided a written response stating there were no objections to the proposal and no conditions were recommended.

On 5 January 2016, Council notified Sydney Water of the development application. Sydney Water provided a written response dated 22 February 2016 advising that there were no objections to the proposal and that requirements in terms of potable water supply and wastewater servicing would be provided with a future Section 73 Certificate.

#### **4. Assessment History**

On 22 January 2016 Council issued a letter to the applicant requesting that the following matters be addressed:

- The need for a Planning Proposal – Height of Buildings. Given other issues outlined below in combination with the proposed variations to the height of buildings development standard of between 25% and 48% Council provided the applicant with an opportunity to withdraw the development application and submit an application for a Planning Proposal to amend the height of buildings control in PLEP 2011;
- Additional information in accordance with Schedule 1 to the EP&A Regulations 2000 including:
  - Context analysis;
  - Photomontages; and
  - Detailed sections of facades.
- A Phase 2 Site Investigation and site audit statement as required by SEPP 55;
- Information demonstrating compliance with the SEPP 65 and ADG requirements for solar access, minimum apartment size and dimensions, cross ventilation and storage;
- Information demonstrating gross floor area (GFA) and FSR calculations;
- Acid Sulfate Soils Management Plan;
- Details indicated on the plans and in the Statement of Environmental Effects that the construction and dedication of a laneway required by Part 4.1.6.1 to the PDCP 2011 is to be part of the development application including a dedication plan of survey;
- Alignment plans to verify finished levels within the site are compatible with levels in the public road and footpath reserve;
- Revised Waste Management Plan for demolition and construction stages;
- 3D digital model;
- Crime Risk Report as required by Control 3.4.4 to PDCP 2011;
- Economic Impact Assessment for the quantum of retail floor space and proposed supermarket;
- Verification from NSW Office of Water as to whether the proposal requires a dewatering license and whether the application is Nominated Integrated Development in accordance with Section 91 to the EP&A Act, 1979;

On 24 February 2016 the Sydney West Central Planning Panel was provided with a briefing on the development application. The key issues identified for the anticipated assessment process were:

- The extent of variation sought to the height of buildings control;

- The context provided by the (then) draft Parramatta Road Urban Transformation Strategy;
- The Clause 4.6 variation request and scale of variation in comparison to a potential application for a Planning Proposal;
- The redevelopment context of the site and surrounds which includes development consents, development applications and applications for Planning Proposal (as described in Section 2 of this report);
- The requirement for concurrence from Sydney Trains which is fundamental to the potential timing and scale of works within the public road reserve (but noting concurrence requirements as explained in Section 1 to this report).

The JRPP noted at the time that the LEP controls are relatively recent, have a degree of integrity and that the site has few physical constraints to limit building footprints. Since the JRPP Briefing the strategic planning context of the Granville Precinct has been solidified by the adoption of the Parramatta Road Urban Transformation Strategy (see Section 11) and the proposed towers have been revised in height, floorplate size and external appearance (see amended scheme described below submitted to Council on 7 July 2016).

On 24 February 2016 the applicant met with Council assessment staff and discussed matters raised in the assessment process to date.

On 3 March 2016 the application was considered by Parramatta Design Excellence Advisory Panel (DEAP). The applicant attended the Panel meeting and was provided with a copy of the Minutes from the meeting. The recommendations from this DEAP meeting are summarised as follows:

- LEP controls for FSR of 6:1 and height of buildings of 52m do not appear to align;
- Support for the lodgement of a Planning Proposal application to address the proposed building height;
- Insufficient information available regarding shadow impacts;
- The FSR is generous and the Panel would not support exceeding the FSR;
- Precedent for 3m setback at ground level for other applications in East Street to be applied to this site to allow street tree planting;
- All vehicle accesses along East Street make approximately 50% of East Street inactive, consider relocating one vehicle crossing to Cowper Street;
- Support the retention and refurbishment of semi-detached heritage cottages at No.21-23 East Street and the protection of the curtilage with public open space to the rear. Suggest an active interface between cottage and development and separation from driveway;
- Design of new public park to accommodate a new laneway;
- Communal open space for Building C appears inadequate;
- Common circulation corridors within towers are up to 46m long which is excessive. They require modulation;
- Tower designs require further resolution and articulation to add interest and variety in expression;
- Further detailed design resolution required at ground level including 1:20 scale sections through the podium, 3D modelling and perspectives from public spaces and streetscapes; and
- Detailed ADG compliance report required with consideration to apartment layouts and consideration to separate bedrooms and living spaces.

On 21 March 2016, the applicant met with Council assessment staff including the Urban Design Team and discussed matters raised in the assessment process to date.

On 6 April 2016, Council issued a letter to the applicant requesting that the following matters be addressed:

- Reiterated issues raised at the meeting of 21 March 2016 including ground and upper level setbacks to be compliant with the PDCP 2011, public domain improvements including provisions for canopy street trees, the provision of awnings;
- Outcomes from consultation with NSW Office of Water regarding Nominated Integrated Development;
- Response to issues raised by Sydney Trains as part of concurrence required under the Infrastructure SEPP 2007;
- Preliminary feedback from internal referrals as follows:

Development Engineer:

- Flood impact report required;
- Details of flood risk and safety management for occupants and visitors;
- Minimum floor levels, car park access crest levels and bund levels compatible with the 100 ARI level (1% AEP) plus 500mm freeboard;
- Design details for stormwater infrastructure required in adjoining streets;
- Design and construction details for full reconstruction of all street frontages including kerb and gutter, drainage and footway;
- Details of On-site Detention and Water Sensitive Urban Design (WSUD) provisions;
- Construction details for future public laneway between Cowper Street and East Street.

Heritage:

- Maximum separation from the curtilage of heritage items. Locate proposed public spaces closer to heritage items for greater separation;
- Local lower towers closer to the heritage items;
- Conservation Plan required;
- Podium and tower elevations provided a backdrop to heritage items to be neutral visual environments.

Landscape and Tree Officer:

- Revised Landscape Plan, Arborists report, Public Domain Plan and Alignment Plans required.

City Animation:

- Arts Plan requires more detail on proposed gates, integrated paving, wall artwork, foyer lighting, podium sculpture in Cowper Street and screen design for Building C.

Social Outcomes:

- Potential for positive outcomes for housing variety and commercial diversity;
- More information required on cumulative impacts on community infrastructure and maintenance demands, new playspaces for children and youth within the development;
- Consider including low cost space for community service providers to offset the two community services displaced by the proposal (including leasable office space, consultation rooms, private group space, meeting rooms and amenities);
- Consider inclusion of affordable housing units within the development.



On 26 April 2016, the applicant met with Council assessment staff to discuss the abovementioned request for additional information.

Amended plans and additional information were submitted to Council on 7 July 2016 and included:

- A reduction in the number of apartments from 680 to 618;
- Reduced number of onsite parking spaces and reduced number of basement levels with the introduction of sleeved parking on Levels 1, 2 and 3 within the podium;
- Extending the podium across the site beneath all three towers;
- Change to the towers from three towers each 22, 21 and 19 storeys to two x 21 storey towers and a lower central tower of 14 storeys;
- Adjustment to the location of new public park and future road dedication;
- New supermarket at ground floor level.

On 25 July 2016, Sydney Trains issued a 'stop the clock' letter and requested additional information as follows:

- Geotechnical and structural report/drawings;
- Construction methodology including structural support during excavation;
- Cross section drawings through site to rail corridor;
- Survey plans showing proximity of works to rail corridor and infrastructure;
- With regard to the Sydney Trains 33kV High tension transmission lines adjoining the development site:
  - Blow-out design and calculations
  - Compliance with AS 7000
  - Compliance with ISSC 20 Guideline for the management of activities within Electrical Easements and Close to Electrical Infrastructure;
  - Compliance with SMS-06-GD-0268 – Working around electrical equipment;
  - Compliance with relevant Transport for NSW Asset Standards Authority (ASA) standards/guidelines;
  - Construction Management Plan detailing unloading of building materials and equipment and method of construction in close proximity to power lines;

The applicant has been providing information direct to Sydney Trains and liaising with Sydney Trains staff in seeking concurrence.

The revised proposal was subject to re-notification between 28 July and 29 August 2016. No submissions were received.

The revised proposal was considered by the DEAP on 11 August 2016. The applicant attended the meeting and was provided with a copy of the recommendations from the meeting. The recommendations from DEAP are summarised as follows:

- The panel notes the mismatch between the height and the FSR controls for the site and to realise the full potential and provide a quality urban environment, the development would need to exceed the maximum allowable height;
- Other sites in East Street have been approved with height non-compliances and the Panel noted at the site inspection the substantial bulk and scale of the East Street development with sheer wall facing the street and little differentiation between tower and podium;
- *"In comparison, it is considered that the subject proposal, whilst higher than those developments, provides clear definition of the podium level, towers set back from the podium, more slender towers with large spaces between the towers and more variety in height and façade treatment";*

- *“It is the opinion of the Panel that this modelling, together with the well-considered façade treatment that provides textural variety along with sun and privacy control measures, helps justify the proposed additional height of the development. This justification is augmented by the proposed improvements to the public domain with public open space, through-site links, and landscape treatment such as street tree planting, footpath paving and undergrounding of services.”*
- *“Overall the Panel is of the opinion that the proposal is of a reasonably high standard and that the benefits to the area establishing a more appropriate design benchmark will outweigh any impacts that may arise from the height exceedance of two of the three towers, while noting the third (central) tower is well below the maximum height limit”.*
- The following areas require more detailed consideration:
  - Public domain – elevated walkways between retail facades and footpaths are dark and shaded and separate the active frontages from the street. Increased connection to be shown with 1:50 cross sections;
  - Detailed drawings at 1:20 of metal screen façade treatment;
  - Provide opportunities for car share spaces and reduce the number of parking spaces by up to 60 to reduce the basement footprint and increase deep soil planting;
  - Consider retaining both semi-detached cottages in the south east corner of the site to create a better gateway to the public open space;
  - Sunlight access is deficient and the Panel acknowledges the difficulties in achieving compliance and avoiding overshadowing;
  - Redesign bedroom windows adjacent to study windows of east-facing single aspect units in Buildings A and C to eliminate privacy issues;
  - Consider providing some affordable housing;
  - Incorporate more opportunities for commercial uses such as co-work office spaces or short term office space within the first floor level; and
  - Service lane will need to be closed with security gates after hours and more detail of the gate design is required.

On 21 October 2016 Council issued the applicant with a request for additional information requiring the following matters to be addressed:

- Clarify proposed staging of works in the private and public domains;
- Resolve site boundary details between the survey plans and the architectural plans;
- Revised Landscape Concept Plan including soil volume details, canopy tree spacing and location, street tree planting along all three street frontages, footpath and verge treatment details and means of access to podium planter areas;
- Arboricultural Impact Assessment for retention and protection of the mature eucalypt at the rear of Lot 4 DP 805104;
- Continuous paths of travel and Tactile Ground Surface Indicators (TGSi) through the development site and linked to the public footpath;
- Detailed sections to demonstrate the interface between the public and private domain to achieve high quality microclimate, optimum natural light, Safer by Design principles, casual surveillance, universal access, clear lines of sight, lower finished floor levels of retail tenancies to minimise steps, ramps and separation of ground floor from footpath levels;
- 1:20 architectural details of the metal façade screens;
- Simplified landscape scheme for proposed public park and through link and universal access throughout the park, through link and heritage building;
- All plans relating to civil works to be consistent with Chapter 2 to the Parramatta Public Domain Guidelines (January 2016);
- Adjust dimensions of disabled parking to comply with Australian Standard As2890.6-2009;

- Plans to demonstrate compliant headroom clearance above driveway ramps, compliant gradients of ramps, sight triangle splays for vehicle crossings, revised manoeuvring to avoid reverse entry to western loading dock, swept path analyses for vehicle crossings and kerb corners;
- Details of stormwater management and flood-proofing for car parking and vehicle crossings, stairwells and security gates;
- Details of emergency egress routes, refuges and public safety measures in flood events;
- Verification that on-site detention is compatible with flood management measures;
- Revised Water Sensitive Urban Design Measures (WSUD);
- Public works plan details coordinated with DA/709/2015;
- Additional acoustic assessment for the proposed gymnasium;
- Public Art Plan to be revised to include detailed drawings and budget information and locate all proposed art works within private space which is accessible to the public;
- Details of the methods by which the public through link and public park are proposed to become public land;
- Response to the comments of the DEAP recommendations dated 11 August 2016.

The applicant submitted additional information to Council on 16 November 2016 and additional information on 29 November including:

- Architectural plans and urban design analysis;
- Staging plans and plan of dedication;
- Revised Landscape Strategy, Arboricultural Impact Assessment and Tree Protection Plan;
- Public domain plans;
- Flood Risk Management Assessment and revised WSUD measures;
- Acoustic report addendum; and
- Legal advice from Mills Oakley regarding the scope of Clause 4.6.

A meeting was held with the applicant, assessment staff of Parramatta Council and independent planners Planning Ingenuity on December 2016. Discussion included the following matters:

- Outstanding Sydney Trains concurrence;
- Urban Design matters including tower setbacks and separation between podium and tower elements;
- Alignment of public footpath in comparison to property boundaries and building works;
- Awning and colonnade design refinement;
- Frontage works and works to integrate public domain along East Street and Cowper Street beyond the site;
- Further information required to address Clause 4.6; and
- Further meetings to be held with applicant and Council's Urban Design and Stormwater Engineers.

The applicant submitted additional information to Council on 16 January 2017 including a revised Clause 4.6 variation request, revised staging details, revised plans addressing public domain interface and civil works in particular, flood compatibility information, stormwater design details, a long section demonstrating accessibility through the proposed public park and through link.

Internal referrals have been completed with final issues resolved on 16 February 2017.

Concurrence from Sydney Trains was provided by letter dated 31 March 2017.



## 5. Referrals

The following internal referrals were undertaken:

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

City Animation	No objections – conditions required.
Development Engineer	No objections – conditions required. See Section 11.9.
Heritage	No objections – conditions required. See Section 11.8
Landscape Officer	No objections – conditions required. See Section 5.1 and 11.5.
Public Domain	No objections – conditions required. See Section 11.3.
Traffic Engineer	No objections – conditions required. See Section 11.5.
Urban Design	No objections - conditions required. See Section 11.3.
Waste	No objections – conditions required. See Section 11.12.

## 6. Environmental Planning and Assessment Act

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

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

The site does not contain threatened species or endangered populations or ecological communities. The site does not contain habitat suitable to support threatened species or populations or endangered ecological communities. The proposal and its impacts will not have a significant effect on threatened species, populations or ecological communities, or their habitats.

Council's Landscape and Tree Officer have considered the Landscape Concept Plans, Arboricultural Assessment report and tree protection plan provided with the application and raises no objection to the extent of vegetation removal, proposed new landscaping works and the methods proposed for protection and retention of the Lemon-scented gum within the site. Conditions recommended from Council's Landscape and Tree Officer have been included in the recommended conditions of consent in Attachment 3.

### 6.2 Section 79C: Evaluation Summary

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

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

<b>Provision</b>	<b>Comment</b>
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 7
Section 79C(1)(a)(ii) - Draft environmental planning instruments	None applicable
Section 79C(1)(a)(iii) – Development control plans	Refer to section 8
Section 79C(1)(a)(iiia) - Planning agreement	N/A
Section 79C(1)(a)(iv) - The Regulations	Refer to section 10
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.

Section 79C(1)(b) - Likely impacts	Refer to section 11
Section 79C(1)(c) - Site suitability	Refer to sections 11 and 12
Section 79C(1)(d) – Submissions	Refer to section 13
Section 79C(1)(e) - The public interest	Refer to section 14

## 7. Environmental planning instruments

### 7.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No.55 - Remediation of Contaminated Land;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Urban Renewal) 2010;
- State Environmental Planning Policy (State and Regional Development) 2011;
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

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

This Policy seeks to ensure that new development is designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water consumption reduction targets which are based on a NSW average benchmark. The Policy sets out minimum performance levels for the thermal comfort of a dwelling.

BASIX Certificates have been submitted for the residential apartments proposed with the development. The Certificates demonstrate compliance with the requirements of the Policy. The BASIX Certificates are referenced in the recommended conditions of development consent.

### 7.3 State Environmental Planning Policy No. 55 – Remediation of land

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. A site investigation and sampling was conducted by Douglas Partners and the results included in a report titled 'Report on Preliminary Site Investigation with Limited Sampling' project reference number 84892.03 dated June 2016. The original investigation and report did not include Lot 1 DP 735418 and Lot 1 DP 572768 being No.s 14 and 16 Cowper Street and the proposed location of the new public park. An addendum report was submitted to Council dated 1 December 2016 to address the portion of the site to be used as a public park and community centre.

With regard to the remainder of the site, Report No.84892.03 notes:

- There are some contaminants detected in shallow fill material and some marginal exceedences in contaminants in ground water; and
- No remediation is warranted as the majority of fill will be excavated and removed and the development footprint will cover the majority of the site removing the potential for an exposure pathway to future users.

The Report concludes that *"it is considered that the site can be made suitable for the proposed multi-storey mixed use development"*. The report recommends pre-demolition hazardous building materials assessment plus a post-demolition inspection, sampling and validation as well as an 'unexpected finds protocol' to be included in the Construction and Environmental Management Plan to be submitted with a Construction Certificate. The Addendum Report dated 1 December 2016 states that the eastern portion of the site can be made suitable for use as a public park and community facility subject to the same recommendations as the original report.

Council's Environmental Health Officer has reviewed these documents and concluded that Report No.84892.03 and the addendum address the requirements of SEPP 55 and conditions are recommended for the requirements of report No.84892.03 and Addendum dated 1 December 2016 to be implemented for the entire site.

#### **7.4 Deemed 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 to improve 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.

#### **7.5 State Environmental Planning Policy (Infrastructure) 2007**

Consistent with clause 104 of this Policy (Traffic Generating Development) this application was referred to Roads and Maritime Services (RMS), who did not raise any objection, nor recommend that any conditions be imposed.

Clause 45 to the ISEPP applies to development applications requiring excavation within 2m of an electricity distribution pole or within 5m of an exposed overhead electricity power line and to development involving or requiring the placement of power lines underground. The safety risks have been considered in the assessment of this application and the recommended conditions of consent include conditions for all existing overhead wires surrounding the site to be placed underground in suitable conduits as per standard conditions and Council's ongoing agreement with the electricity supply authority. This work is also subject to the concurrence granted by Sydney Trains on 31 March 2017.

Clause 85 to the ISEPP applies to development immediately adjacent to rail corridors if the development involves the placing of a metal finish on a structure and the rail corridor is used by electric trains or the use of a crane in air space above any rail corridor. The proposal includes metal finishes to be installed within close proximity to the electrified rail corridor and will require the use of cranes which may have cause to use air space above the rail corridor. These details were the subject of the referral to Sydney Trains and concurrence has been granted subject to a Deferred Commencement condition as specified in Sydney Trains notice of concurrence dated 31 March 2017.

Clause 86 to the ISEPP relates to development proposing excavation in, above and adjacent to rail corridors where excavation is more than 2m and within 25m horizontally of a rail corridor. This matter has been considered by Sydney Trains in granting concurrence



subject to a deferred commencement condition as detailed in the notice of concurrence dated 31 March, 2017.

Clause 87 to the ISEPP relates to development including buildings for residential use in or adjacent to a rail corridor which the consent authority considers likely to be affected by rail noise or vibration. Clause 87 requires a consent authority to take into consideration any guidelines issued and for residential uses sets maximum LAeq levels for all bedrooms and other interior spaces within dwellings. An Acoustic Planning Report prepared by Resonate Acoustics Reference SI1523SRPI Revision 1 dated 28 July 2016 and addendum dated 9 November 2016 have been assessed by Council's Environmental Health Officer and determined to be satisfactory with regard to acoustic amenity to proposed dwellings. Therefore the requirements of Clause 87 have been met. The recommended conditions of consent include the implementation of the details of these acoustic reports.

## **7.6 State Environmental Planning Policy (Urban Renewal) 2010**

This Policy aims to establish a process for assessing and identifying sites as urban renewal precincts, facilitate orderly and economic redevelopment within and around the precincts and deliver the objectives of *"any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport"*. The Granville locality including the subject site is within a potential urban renewal precinct as mapped in the SEPP (Urban Renewal) 2010.

Clause 9 of the Policy requires the Director-General to ensure a study is undertaken to investigate the suitability of a potential urban renewal precinct. The urban renewal potential of the Granville locality has been examined in the Parramatta Road Urban Transformation Strategy (Parramatta road UTS) published by UrbanGrowth on 9 November 2016. The Parramatta Road UTS identifies the potential of land in the Parramatta Road Corridor, including Granville and the subject site, as suitable for urban renewal and includes Urban Design Guidelines.

Clause 10 of the Policy states that the consent authority must not grant development consent to an application in a potential urban renewal precinct unless it is satisfied that the proposed development is consistent with the objective of urban renewal. The consent authority is required to take into account whether a development proposal will restrict or prevent:

- Higher density housing or commercial or mixed use development;
- Future amalgamation of sites for redevelopment; or
- Access to infrastructure, other facilities and public domain areas associated with existing and future public transport.

The proposal does not restrict or prevent any of the abovementioned points. The proposal is an urban renewal project consistent with the aims of the Policy. Further assessment comments in relation to the Parramatta Road UTS are included in Section 11 of this Assessment report.

## **7.7 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 (SWCPP) is the consent authority for this application.

## **7.8 State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65)**

## Design Quality Principles

Part 2 of SEPP 65 sets out 'Design Quality Principles' and Clause 30(2) requires the consent authority, in determining a development application to take into consideration the design quality of residential flat development when evaluated in accordance with these design quality principles.

SEPP 65 prescribes 9 design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A Design Verification Statement from a qualified Architect was submitted with the development application verifying that the design was directed and prepared in accordance with Clause 50 of the SEPP. The proposal is generally acceptable having regard to the 9 design quality principles identified in the SEPP. The following table provides an assessment of the development against the design quality principles.

**Table 3: SEPP No. 65 Apartment Design Guide - Design Quality Principles**

Planning Principle	Comment
<b>Context and Neighbourhood Character</b>  Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic and environmental conditions.  Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.  Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	<p>The redevelopment of this site will be consistent with the desired future character for the Granville Potential Urban Renewal Precinct. The proposal responds appropriately to the recently approved redevelopment projects along the opposite side of East Street and sets a desirable example for future redevelopment projects in the locality with a variety in built form and land uses and positive contributions to public space, community facilities and infrastructure. The development incorporates higher density residential and commercial development on an amalgamated site within walking distance to bus and train transport and expands the commercial centre of Granville. The proposal includes a new publicly accessible through-link to improve pedestrian amenity and permeability. The new public park enhances public recreational space for existing and new residents and visitors.</p> <p>The proposal activates all street frontages and the interface with the new public park.</p> <p>A variety of commercial premises are proposed which will add to the range of commercial premises in the Granville town centre.</p>
<b>Built Form and Scale</b>  Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.  Good design also achieves an appropriate built	<p>The scale is reasonably consistent with the scale of development approved on the opposite side of East Street with Development Consent DA/738/2014 (3 towers each 19 storeys) and Development Consent DA/315/2013 (10 storeys).</p> <p>The anticipated future form of development</p>

Planning Principle	Comment
<p>form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>within the Granville Precinct has been described in the Parramatta Road UTS (November 2016) to include:</p> <ul style="list-style-type: none"> <li>- Amalgamated sites with minimum 40m frontages;</li> <li>- Podium of three to four storeys;</li> <li>- Tower forms setback from streetwalls</li> <li>- Active frontages with awnings;</li> <li>- Maximum building heights between Parramatta Road and the rail line up to 80m (25 storeys) and retaining the existing 6:1 FSR.</li> </ul> <p>The proposal is consistent with the desired built form and scale described in the Parramatta Road UTS.</p> <p>The proposed built form is appropriate to the purpose. The common podium allows for consolidated parking sleeved by apartments and a north-oriented, elevated communal open space area which is readily accessible to all future occupants. The centrally located communal open space also provides a pleasant outlook within the site for surrounding apartments and is securely separated from public space.</p> <p>The proportions and dimensions of the three towers are appropriate to allow solar penetration to and through the site and sight lines between the towers from the developments along the southern side of East Street.</p> <p>A lower tower in the centre of the site adds appropriate modulation to the scale and bulk of the overall development.</p> <p>The bulk of the development is considered acceptable given that the development achieves compliance with most ADG and DCP requirements for setback, separation and apartment depth, common spaces and private open space areas. The treatment, dimensions and arrangement of balconies and architectural features including recesses and changes in materials and colours are consistent with the resolution of fine grain urban design as requested by DEAP.</p> <p>The proposal has been modulated and articulated to provide interest in the design and assist in providing the development with acceptable bulk. The public domain along the</p>



Planning Principle	Comment
	<p>street frontages of the site will be upgraded and activated by commercial tenancies and residential lobbies.</p> <p>The interface with the public domain at ground level has been the subject of intensive discussions between the applicant and Council's Urban Design and Stormwater Engineering staff and has been resolved to a satisfactory level of detail as described in recommended conditions of consent.</p>
<p><b>Density</b></p> <p>Good design has a density appropriate for a site and its context, in terms of the number of units or residents.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed gross floor area (GFA) is 4,607m<sup>2</sup> less than the maximum allowable GFA. The density is considered to be an appropriate response to:</p> <ul style="list-style-type: none"> <li>- the site context in modulating the height of the towers;</li> <li>- providing new public open space and a through link between East Street and Cowper Street;</li> <li>- retaining Heritage Item I107; and</li> <li>- undertaking substantial works within the public domain and ground floor interface.</li> </ul> <p>The proposed commercial floor space includes a supermarket and speciality tenancies of a variety of sizes. An Economic Impact Analysis submitted with the development application concludes that the proposed commercial floor space is appropriate for the context and setting and the anticipated redevelopment density of the site and locality.</p> <p>Infrastructure, particularly stormwater measures and public roads and footpaths, will be upgraded to cater for the proposal and at the same time improve public safety and amenity of the road and footpath areas with improved stormwater management.</p> <p>The proposed residential density is considered appropriate given proximity to the train station, high frequency bus routes and established town centre, community facilities and public open space and anticipated built form subject to the Urban Design Guidelines of the Parramatta Road UTS and the outcomes of the nearby draft Planning Proposals described in Section 2 and shown in Figure 25 located adjacent to Parramatta Road.</p>
<p><b>Sustainability</b></p> <p>Good design involves design features that provide positive environmental and social outcomes.</p>	<p>The applicant has provided a BASIX Certificate which indicates that the residential apartments will meet the energy and water use targets set by the BASIX SEPP.</p>

Planning Principle	Comment
<p>Good sustainable design includes use of natural cross breezes and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>A Waste Management Plan for the demolition, construction and operational phases of the proposal has been assessed by Council's Waste Officer and considered to be satisfactory (See Section 11.12 of this report).</p> <p>A WSUD Strategy submitted with the application has been assessed by Council's Development Engineer and is considered to be satisfactory (See Section 11.9 of this report).</p> <p>The design has also ensured the development will comply with the passive solar design principles, soil depth and cross ventilation as required by the Apartment Design Guide.</p> <p>The communal open space will benefit from a northerly aspect as will the location of the new public open space to the north of the new community facility. The Lemon Scented Gum to be retained will have direct solar access.</p> <p>Solar access corridors will be created by limiting the height of the middle tower and the dimensions of the tower footprints for Buildings A and C.</p> <p>Colonnades and awnings will provide weather protection for pedestrians and encourage walking in the immediate vicinity of the site.</p>
<p><b>Landscape</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The development makes provision for deep soil planting within constructed landscaping beds over the podium surface within the communal open space area and within pocket planter beds across the podium. Street tree planting is proposed to all three street frontages.</p> <p>Deep soil planting is to be provided throughout the new public park.</p> <p>Building B is proposed to have a green roof coordinated with the WSUD strategy (although the roof is not to be accessible for recreational purposes).</p> <p>The Landscape Strategy and Street Tree Planting schedule has been assessed by Council's Landscape and Tree Officer and determined to be satisfactory (See Section 11.15 of this report).</p> <p>The landscaping of the communal open spaces, street setbacks and the publicly</p>

Planning Principle	Comment
	<p>accessible through-link will ensure that these spaces provide useable areas for the residents and for other users of the site including accessible paths of travel.</p> <p>Each apartment is also provided with a private balcony area sufficient for recreational use and amenity benefit.</p>
<p><b>Amenity</b></p> <p>Good design positively influences internal amenity for residents and external amenity for neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p>	<p>The design of the apartments allows for a sufficient level of amenity for occupants of the proposal and residents of surrounding properties. Street frontages to the north, west and south and public open space and the community facility to the east enhances separation from nearby redevelopment sites. The development complies with the controls contained in the Apartment Design Guide in respect to apartment sizes, apartment depth, common spaces and cross ventilation. Visual and acoustic privacy is generally well considered and conditions are recommended to enhance privacy and separation as described in the 'Design Criteria' to this Section of the report.</p> <p>All apartments are visitable and accessible in accordance with the ADG.</p> <p>Specific facilities are proposed within the communal open space area for all age groups and passive and active recreational activities.</p>
<p><b>Safety</b></p> <p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for purpose.</p> <p>Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The development is consistent with CPTED principles as follows:</p> <ul style="list-style-type: none"> <li>• The residential lobbies each have a clear line of sight to the adjoining street and footpath areas;</li> <li>• Each residential entry point to the building at ground level is in close proximity to a public artwork plinth at ground level and aligned with a deep recess to the façade above which adds a rhythm and pattern to the location of residential entries;</li> <li>• Each residential lobby will be required to be clearly legible, signposted and well-lit in accordance with recommended conditions of consent;</li> <li>• Each residential entry is designed to provide a clear threshold between public and private space with secured door access points and intercoms;</li> <li>• Lighting, both internal and external, will be required in accordance with Australian Standards;</li> <li>• Surveillance opportunities are</li> </ul>



Planning Principle	Comment
	<p>created throughout the site via residential and commercial premises, clear lines of sight and permeable pedestrian movement routes throughout the site;</p> <ul style="list-style-type: none"> <li>• Details of lighting of all public spaces, publicly accessible spaces and public domain interfaces will be required to be submitted with the Construction Certificate as recommended by conditions of consent;</li> <li>• Access points between private and publicly accessible spaces will be suitably controlled with intercom and security barriers (gates, doors etc) and operational details are to be submitted with the Construction Certificate as recommended by conditions of consent.</li> </ul>
<p><b>Housing Diversity and Social Interaction</b></p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</p>	<p>The proposed unit mix will result in a range of housing types, layouts and sizes on a site which is highly accessible to public transport and established commercial premises and community facilities.</p> <p>As a guide, the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. The proposal includes 48 studio apartments (8%), 106 one-bedroom apartments (17%) and 426 two-bedroom apartments (69%) all of which include a variety of layouts with most apartments including study rooms.</p> <p>The communal open space is to be shared between all residents and includes a variety of features which facilitate opportunities for social interaction.</p> <p>The new public park and through link will also provide active and passive recreational space with opportunities for social integration of residents of the proposed development and nearby residents.</p>
<p><b>Architectural Expression</b></p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well-designed apartment buildings responds to the existing or future local context, particularly desirable elements and rhythms of the streetscape.</p>	<p>The development has incorporated a variety of materials and finishes to assist in modulating the massing of the buildings as well as providing differentiation between the tower and podium elements within the development and distinction between the towers.</p> <p>The architectural expression of the development is considered to be satisfactory by DEAP (See Section 4 of this report).</p>

## Design Criteria

In accordance with Clause 30 of the SEPP, if the development satisfies the following design criteria, the consent authority must not refuse the application on the following matters:

- if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the ADG;
- if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the ADG;
- if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the ADG.

These specific matters are examined below.

### *Car Parking*

The proposal does not meet the minimum on-site parking requirements specified in Part 3J of the ADG as indicated in the compliance table. The proposed on-site parking has been assessed by Council's Traffic Engineer and is considered to be acceptable subject to conditions as detailed in Section 11.5 of this report.

### *Internal Area of Apartments*

All apartments meet or exceed the minimum internal area for the relevant apartment type in Part 4D of the ADG.

### *Floor to Ceiling Heights*

Section details submitted with the application indicate the ground floor commercial premises have floor to ceiling heights of 3.35m to 4.55m. Residential levels have floor to ceiling heights of a minimum 2.8m and minimum floor to floor heights of 3.1m. Dimensions are compliant with the requirements of Part 4C of the ADG.

The development has been assessed against the relevant design criteria within Parts 3 and 4 of the ADG as detailed in Table 4 below.

**Table 4: SEPP No. 65 Apartment Design Guide (Design Criteria) - Compliance Table**

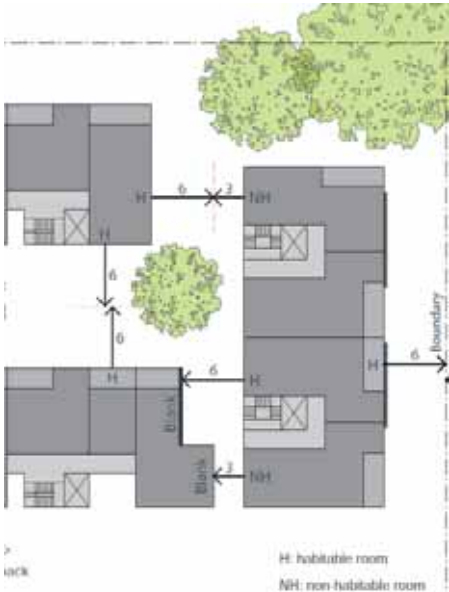
DESIGN CRITERIA	PROPOSAL	COMPLIES
<b>Part 2:</b>		
<b>Building Depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line	Tower A max. 27m Tower B max. 21m Tower C max. 27m	On merit. Assessed to be satisfactory as maximum depth of individual apartments does not exceed 18m and overall development is compliant with natural ventilation requirements. Tower dimensions and orientation allow for satisfactory solar access penetration within and through the

		site.
<b>Part 3 Siting the development Design criteria/guidance</b>		
<u>3A Site Analysis</u>	Site analysis provided with the development application.	Yes
<u>3B-1 Building types and layouts respond to streetscape</u> Buildings along the street frontage define the street, by facing it and incorporating direct access from the street	The entire ground floor level has an active street frontage with vehicle crossings well separated or consolidated to minimise the number of points of discontinuity to the pedestrian environment. There are multiple points of access between the footpath and the publicly accessible spaces at ground floor level with vertical separation treated with landscaping elements and access provided by steps and ramps.	Yes
<u>3B-2 Oveshadowing of neighbouring properties is minimised in midwinter</u>  Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access  Solar access to living rooms, balconies and private open spaces of neighbours should be considered  It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.	The majority of living areas and private open space areas receive direct solar access. The communal open space will receive direct solar access year-round.  The dimensions and siting of the three towers allows for reasonable solar penetration through the site to a degree considered reasonable for a high density urban environment.  Orientation and dimensions of the towers has achieved appropriate solar penetration.	See Section 3D  Yes  Yes
<u>3C Public Domain Interface</u>		
Terraces, balconies and courtyard apartments should have direct street entry, where appropriate	All apartments have access to the adjoining streets via lobbies as the entire ground floor area is for commercial uses. Apartments on Level 4 of the podium have pathway access and in some cases direct access from private courtyards to	Yes

<p>Upper level balconies and windows should overlook the public domain</p> <p>Front fences and walls along street frontages should use visually permeable materials and treatment</p> <p>Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets</p> <p>In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:</p> <ul style="list-style-type: none"> <li>• Architectural detailing</li> <li>• Changes in materials</li> <li>• Plant species</li> <li>• Colours</li> </ul>	<p>the communal open space area.</p> <p>Windows and balconies are oriented to each street frontage and to the new public park.</p> <p>Landscaping treatments within the ground floor level include opportunities for seating.</p> <p>Each entry lobby is differentiated with architectural treatments including deep recesses above each entry and changes in materials. Public artwork plinths, broad steps, wide glazing and security intercoms are to be provided at each entry to distinguish the space from the active commercial frontages.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>3C-2 Amenity of the public domain</u></p> <p>Planting to soften edges</p> <p>Substations, plant rooms and other service requirements to be concealed from view</p> <p>Where design adjoins a public park, street access, pedestrians paths and building entries to be clearly defined and fences and planting to delineate between communal and private open space</p>	<p>The Landscape Strategy incorporates planting around the perimeter of the site and to the edge of the podium parapet.</p> <p>Service and plant equipment is mostly contained in the basement and loading and servicing areas are concealed within the building.</p> <p>The building footprint is not parallel to the site boundary with East Street and Rowell Street and, as shown in the Section diagrams submitted with the application, the site boundary does not align with the proposed planter beds and colonnade at ground level. The alignment of structures with public and private property have been the subject of detailed discussions between the applicant and Council's Urban Design team and</p>	<p>Yes</p>



	<p>conditions and final design details have been resolved as described in Section 11 of this report. The proposed works clearly delineate a public footpath area from a colonnade area and arcade “through links” within private space. Security gates will be provided to prevent after-hours access to loading areas. Details of the treatments to each access point between public and private spaces are required to be provided with the Construction Certificate as recommended in conditions of consent.</p>	
<u>3D - Communal and Public Open Space</u>		
Communal open space has a minimum area equal to 25% of the site.	The sum of the public park, public through link and podium level communal open space is 8,640m <sup>2</sup> (equivalent to 87% of the site area).	Yes
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	More than 50% of the podium level communal open space will receive >2hours sunlight in mid-winter due to its northerly aspect and building separation.	Yes
Minimum dimension of 3m	Complies.	Yes
Facilities provided for a range of age groups incorporating seating, BBQ areas, play equipment and common rooms.	Complies.	Yes
Communal open space and public domain to be well visible from habitable rooms.	Complies.	Yes
Public open space is to be responsive to the existing pattern and uses in the neighbourhood, connected with public streets, follow pedestrian desire lines, provide a range of recreational opportunities and have clearly defined boundaries.	There is no established pattern of public open space. The location of the proposed new park will be accessible from both Cowper Street and East Street and enhances the curtilage of Heritage Items I106 and I107. The landscape scheme for the public park includes landscape beds, recreational space and pathways which clearly indicate publicly accessible	Yes

	open spaces.	
<p><u>3E-1 Deep Soil Zones</u></p> <p>Deep soil zones are to meet the following minimum requirements:</p> <p>Site area greater than <math>1,500\text{m}^2 = 7\%</math></p> <p>Part 3E to the ADG states “Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.”</p>	<p>Excluding the area of the public park, the proposal includes <math>788\text{m}^2</math> of deep soil which exceeds 6m in width. This is equivalent to 8% of the site area. Deep soil planter beds on the podium level will contain soil depths of between 0.6m and 1.2m and will be capable of supporting the long term growth of small canopy trees. Street trees are also proposed along the each street frontage. Large canopy trees are to be provided as street trees and within the public park.</p>	<p>Yes (subject to in-built flexibility of Part 3E of the ADG which allows for alternative forms of planting on the podium and throughout the site particularly in commercial centres and for mixed use developments where the ground level is predominantly commercial uses).</p>
<p><u>Visual Privacy</u></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <ul style="list-style-type: none"> <li>Up to 12m (4 storeys) 6m (habitable) / 3m (non-habitable)</li> <li>Up to 25m (5-8 storeys) 9m (Habitable) / 4.5m (non-habitable)</li> <li>Over 25m (9+ storeys) 12m (habitable) / 6m (non-habitable)</li> </ul>  <p>Extract from Figure 3F-2 to the ADG</p> <p>No separation is required between blank walls.</p>	<p>All separation distances from the eastern site boundary are compliant and are enhanced by the retention of Heritage Item I107 and the provision of a new public park with canopy tree planting.</p> <p>All separation distances from properties on the opposite sides of East Street, Rowell Street and Cowper Street are compliant and are enhanced by proposed street tree planting of canopy trees.</p> <p>Minimum separation between apartments in Towers A and B Levels 5 to 14 is 15m between balconies and blank external walls of habitable rooms (ADG requires 6m);</p> <p>Minimum separation between apartments in Towers B and C Levels 5 to 14 is 14m between balconies and blank walls of habitable rooms (ADG requires 6m).</p> <p>The proposal achieves a high level of visual privacy through skilfull layout of rooms, fin walls to balconies, orientation, design and size of windows.</p>	<p>Yes</p>

	<p>Conditions are recommended for screen fencing suitable to support climbing plants and narrow screening hedging to separate private open space areas for apartments at Level 4 from the adjoining communal open space areas.</p> <p>Conditions are recommended for privacy screens fixed to the windows of bedrooms and study rooms adjacent to the common pedestrian pathways from Building C to the communal open space.</p>	
<p><u>3G – Pedestrian Access and Entries</u></p> <p>Building entries clearly identifiable and visible from the public domain</p> <p>Communal entries clearly distinguished from private entries</p> <p>Multiple entries to activate the street edge Pedestrian through links to facilitate direct connections to streets, open space, public transport</p> <p>Direct, well lit, clear lines of sight and casual surveillance and contain active uses.</p>	<p>All lobby areas have a direct line of sight to the nearest street and public footpath.</p> <p>Communal entries are via the street facades. Private entries are physically separated from the communal entries. Private entries via the car parking areas are to be fitted with access control measures to be detailed with the Construction Certificate in accordance with recommended conditions.</p> <p>Multiple entries are connected to separate vertical circulation cores.</p> <p>Pedestrian “through links” are provided as a public laneway and public park as well as private arcades within the commercial ground floor area.</p> <p>Conditions are recommended for all publicly accessible areas within the site to be well lit.</p> <p>The main pedestrian movement routes adjoin active frontages and are linked to, and pass by, active uses.</p>	Yes

<p><u>3H – Vehicle Access</u></p> <p>Vehicle access integrated with the building façade</p> <p>Minimise the width and number of vehicle accesses</p> <p>Screen garbage collection, loading and servicing areas</p> <p>Separate and distinguish pedestrian and vehicle areas with:</p> <ul style="list-style-type: none"> <li>- landscaping</li> <li>- surface materials</li> <li>- change in level</li> </ul>	<p>Vehicle access points are distributed along the street frontages to optimise uninterrupted sections of pedestrian footpath areas.</p> <p>The number of vehicle crossings is the minimum required to service the proposal in terms of waste management, loading/unloading, access and egress to car parking for residents, visitors and commercial users.</p> <p>Conditions are recommended for the pavement design to include changes in colours to distinguish driveway crossings within the publicly accessible perimeter of the site.</p>	<p>Yes</p>
<p><u>3J Bicycle and Car parking</u></p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>• on sites that are within 800 metres of a railway station; or</li> <li>• within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,</li> </ul> <p>The minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p> <p><i>RMS Guide requires:</i></p> <p>0.6 spaces per studio = <math>0.6 \times 48 = 28.8</math>  0.6 spaces per 1 bedr = <math>0.6 \times 106 = 63.6</math>  0.9 spaces per 2 bed = <math>0.9 \times 426 = 383.4</math>  1.4 spaces per 3+ bed = <math>1.4 \times 38 = 53.2</math>  1 space per 5 units for visitors = <math>618/5 = 123.6</math>  Total resident parking spaces = 539  Total visitor parking spaces = 124</p> <p><i>PDGP 2011 requires:</i></p> <p>1 space per studio apartment, 1 and 2 bed units = <math>1 \times 48 + 1 \times 106 + 1 \times 426 = 580</math>  1.2 spaces per 3 bed apartment = <math>1.2 \times 38 = 45.6</math>  0.25 spaces per apartments for visitors = <math>618 \times 0.25 = 154.5</math>  Total resident parking spaces = 626  Total visitor parking spaces = 155  RMS Guide rates are lower and therefore</p>	<p>See assessment comments related to on-site car parking above and in Section 11.5.</p> <p>The proposal provides:</p> <p>Total resident parking spaces = 509 (30 less than RMS requirement)</p> <p>Total visitor parking spaces = 61 ancillary to apartments and 63 shared with commercial premises outside commercial hours.</p> <p>A Traffic and Parking Impact Assessment has been submitted with the development application to justify the variations proposed to on-site parking. In particular, 40% of the on-site spaces are proposed to be shared between commercial spaces and visitor spaces which is supported by the Traffic Impact Assessment,</p>	<p>See above and Section 11.5.</p> <p>See the assessment comments and recommended conditions from Council's Traffic Engineer in Section 11.5 of this report.</p>



are the relevant rate for the ADG.	Council's Traffic Engineer and the DEAP.	
<p><u>4A Solar Access and Daylight</u></p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.</p>	<p>62.1% of apartments will receive a minimum 2 hours direct sunlight to living room windows and private open space areas between 9am and 3pm midwinter.</p> <p>10.5% of apartments have single southerly aspect. All single aspect apartments are proposed to be provided with double glazing to the windows to improve thermal efficiency.</p>	<p>No</p> <p>Yes</p>
<p><u>4B Natural Ventilation</u></p> <p>All habitable rooms to be naturally ventilated</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>Depth of cross-over and cross-through apartments not to exceed 18m</p>	<p>All habitable rooms have an external window or are part of an open plan living area which includes an external window and glass sliding door to a private open space area.</p> <p>60.7% of apartments are capable of natural cross ventilation.</p> <p>Cross through apartments maximum 18m depth.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>4C Ceiling Height</u></p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> <li>Habitable Rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> </ul> <p>If located in a mixed use area - 3.3m for ground and first floor to promote future flexibility</p>	<p>All habitable and non-habitable rooms minimum 2.8m floor to ceiling height.</p> <p>Ground floor commercial floor to ceiling height varies from 3.55m to 4.55m.</p>	<p>Yes</p> <p>Yes</p>
<p><u>4D Apartment Layout</u></p> <p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> <li>Studio - 35m<sup>2</sup></li> <li>1 Bedroom - 50m<sup>2</sup></li> <li>2 Bedroom - 70m<sup>2</sup></li> <li>3 Bedroom - 90m<sup>2</sup></li> </ul>	<p>All apartments meet or exceed the minimum internal areas.</p>	<p>Yes</p>

<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>	<p>Where more than one bathroom is proposed, the apartment size is increased accordingly.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>4E Private Open Space</u></p> <p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> <li>• Studio - 4m<sup>2</sup></li> <li>• 1 Bed - 8m<sup>2</sup> (Min depth of 2m)</li> <li>• 2 Bed - 10m<sup>2</sup> (Min depth of 2m)</li> <li>• 3 Bed - 12m<sup>2</sup> (Min depth of 2.4m)</li> </ul>	<p>All apartments are proposed to have a private open space area which meets or exceeds the minimum area and dimension requirements.</p>	<p>Yes</p>
<p><u>4F Common circulation and spaces</u></p> <p>The maximum number of apartments off a circulation core on a single level is 8.</p> <p>For buildings 10 storeys and over the maximum number of apartments sharing a single lift is 40.</p> <p>Daylight and natural ventilation to all common circulation corridors above ground.</p> <p>Corridors greater than 12m from a lift lobby to be articulated.</p> <p>Common circulation spaces promote safety and provide opportunities for social</p>	<p>There is a maximum of 14 apartments at Levels 1, 2 and 3 within Buildings A and C that share a circulation space and each group of 14 units is serviced by 6 lifts. The ratio of apartments to lifts is appropriate to the scale of the development and will not be detrimental to the accessibility, function and amenity provided by the common circulation space.</p> <p>All three buildings have multiple lifts to each vertical circulation core to provide appropriate level of service to the apartments.</p> <p>All corridors above ground level have at least one window to an external wall allowing natural light.</p> <p>Corridors are no more than 15m from a lift lobby and are articulated.</p> <p>Common circulation spaces include some lobby areas</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

interaction.	with common seating.	
<p><u>4G Storage</u></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> <li>• Studio - 4m<sup>2</sup></li> <li>• 1 Bedroom - 6m<sup>2</sup></li> <li>• 2 Bedroom - 8m<sup>2</sup></li> <li>• 3 Bedroom - 10m<sup>2</sup></li> </ul> <p>At least 50% of the required storage is to be located within the apartment</p>	<p>50% of the required storage is to be provided within each apartment. Secured storage units in the basement and sleeved residential parking areas will provide capacity for the remainder of the required storage.</p>	Yes
<p><u>4H Acoustic Privacy</u></p> <p>Noise transfer minimised by building siting, separation from neighbouring properties and layout and acoustic treatments</p> <p>Window and door openings oriented away from noise sources</p>	<p>The separation from neighbouring properties is adequate.</p> <p>The layout is well planned with adequate separation and matching of compatible activity spaces and room uses. Conditions are recommended for acoustic treatment of party walls separating living rooms and bedrooms of adjoining apartments.</p> <p>An Acoustic Report and addendum have been submitted with the development application and conditions are included for the recommendations of these reports to be demonstrated with the information submitted with the Construction Certificate and for verification of the installation of provisions to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.</p>	Yes subject to conditions.
<p><u>4J Noise and Pollution</u></p> <p>Impacts of external noise and pollution minimised by careful layout and siting, noise shielding, attenuation techniques, construction methods and materials to mitigate noise transmission</p>	<p>An Acoustic Report and addendum have been submitted with the development application and conditions are recommended for the provisions of these reports to be demonstrated with the information submitted with the Construction Certificate and for verification of the installation of provisions to be submitted to the Principal Certifying Authority prior to</p>	Yes subject to conditions.

	the issue of an Occupation Certificate.	
<p><u>4K Apartment Mix</u></p> <p>A range of apartment types and sizes to cater for different household types</p> <p>Apartment mix is distributed throughout the development</p>	<p>Apartment mix is proposed to be:</p> <p>Studios 48 (8%)</p> <p>One bedroom 106 (17%)</p> <p>Two bedrooms 426 (69%)</p> <p>Three bedrooms 38 (6%)</p> <p>Apartment sizes are mixed at different levels and between buildings.</p>	Yes
<p><u>4M Facades</u></p> <p>Building facades with visual interest</p> <p>Function expressed by facades</p>	<p>All facades have visual interest as supported by comments from DEAP.</p> <p>The ground floor commercial function is distinctly different to the upper level residential facades.</p> <p>Podium facades are distinctly different to tower facades.</p> <p>Each tower is proposed to have distinctive façade treatments to add visual interest.</p>	Yes
<p><u>4N Roof design</u></p> <p>Integrated with building design</p> <p>Positively respond to the streetscape</p> <p>Optimise the use of roof space for residential accommodation and open space</p> <p>Roof design to incorporate sustainability features</p>	<p>The roof design for Building B includes WSUD features including planting. The roof design is flat with clear simple lines and does not add to the bulk and scale of the towers.</p> <p>Podium roof space is to be well utilised for communal open space and landscaping.</p>	Yes
<p><u>4O Landscape Design</u></p> <p>Viable, sustainable, contributes to streetscape and amenity</p>	<p>The Landscape Strategy submitted with the development application has been assessed by Council's Landscape and Tree Officer. The Landscape Concept includes planting on ground level, within the public footpath reserve, on the podium level, on Building B rooftop and within the public park and 'through link'. Planting includes a variety of trees, shrubs and ground covers.</p>	Yes. See assessment comments from Council's Landscape and Tree Officer in Section 11.15 of this report.
<p><u>4P Planting on Structures</u></p>	<p>Details of the planting conditions and plant</p>	See comments from Council's Landscape



Soil profiles to support plant growth and low maintenance	selection have been assessed by Council's Landscape and Tree Officer and considered satisfactory.	and Tree Officer in Section 11.15 of this report.
Planting contributes to the quality and amenity of public and communal spaces		
<u>4Q Universal Design</u>  20% of apartments to incorporate Liveable Housing Guidelines Silver Level universal design features  A variety of apartments with adaptable designs to suit a range of lifestyle needs	10% of apartments are adaptable. 20% of apartments achieve Silver Level design criteria. A variety of apartment sizes and layouts are proposed.	Yes
<u>4S Mixed Use</u>  Provided in appropriate locations with active street frontages that promote pedestrian activity  Residential levels are integrated with safety and security of residents maximised	The site is an appropriate location for a mixed use development being on the edge of the existing Granville commercial centre and within walking distance to a variety of established commercial and community uses and public transport.  All street frontages are active frontages as well as the interface with the proposed new public park.  Residential levels are appropriately and safely separated from the ground floor commercial uses and ancillary facilities are safely separated and concealed to protect residential amenity.	Yes          Yes          Yes
<u>4T Awnings and Signage</u>  Awnings to be well located and integrated with the building design  Located in areas with high pedestrian activity, over active frontages and common entries	Complies. See also comments about the awning design and location from Council's Urban Design staff in Section 11 of this report.	Yes
<u>4U Energy Efficiency</u>  Passive solar design and natural ventilation incorporated	The proposal meets the requirements of BASIX. The communal open space area is well sited for solar access and the dimensions and siting of the towers allow solar penetration.	Yes
<u>4V Water Management and Conservation</u>	A WSUD Scheme has been submitted with the development application and considered to be satisfactory by Council's	See assessment comments provided by Council's Development Engineer regarding

	Stormwater Development Engineers.	WSUD scheme in Section 11 of this report.
<u>4W Waste Management</u>	A Waste Management Plan for the demolition, construction and operational phases of the project has been submitted and assessed by Council's Waste Officer.	See the assessment comments from Council's Waste Officer in Section 11 of this report.
<u>4X Building Maintenance</u>  Ease of maintenance and selection of durable materials	Recommended conditions of consent require details of materials to be submitted with the application for a Construction Certificate. Details submitted with the development application demonstrate low maintenance and durable potential.	Yes subject to conditions.

As indicated by the ADG table, the proposed development meets the ADG design criteria with the exception of building depth and solar access to living room and private open space areas. The variations to these design criteria are discussed in detail as follows.

#### *Building Depth*

In regard to building depth, the apartments perform well in terms of compliance with the requirement for natural ventilation. The minimum dimensions of individual apartments also comply with the ADG requirements for internal sizes and dimensions. The overall dimensions of each tower do not unreasonably compromise the internal amenity of the apartments and common corridors. Appropriate attention has been given to the building modulation, siting, setbacks and separation between the towers and finer grained architectural detailing to the facades to ensure that the external appearance of the towers is aesthetically appealing and makes a positive contribution to the streetscape. The dimensions and siting of the three towers has also considered the provision of solar access corridors through the site to the southern side of East Street and is considered to be an appropriate response to the local topography and approved redevelopment schemes and the future quality of the public domain in the immediate vicinity of the site. The layout includes dual aspect apartments and cross through apartments and common corridors with natural light and ventilation and break-out spaces all of which contribute to improved amenity within each building floorplate despite the non-compliance with the building width dimension. For these reasons the proposed dimensions of the towers are considered acceptable.

#### *Solar Access*

The ADG requires a minimum 70% of apartments receive direct solar access to living room windows and private open space areas for a minimum of 2 hours in midwinter. 62.1% of apartments comply with the solar access requirement and all but 10% of apartments receive some direct solar access during midwinter (although less than the required 2 hours).

The majority of apartments receive direct sunlight for a large proportion of the year. Future residents will also have access to the high quality large area of communal open space

throughout the year which has a northern aspect and will receive direct sunlight exceeding the ADG requirements. The non-compliance is primarily a consequence of:

- the site dimensions and orienting the tower elements to optimise separation and privacy;
- allowing solar access through the site as well as siting the towers to match the grid pattern of the streets which is the preferred urban design outcome as detailed in the Urban Design Analysis submitted with the application and supported by DEAP.

In order to enhance the interior thermal comfort of the single south facing apartments it is proposed to provide double glazing to those apartments. Furthermore floor to floor heights for residential levels are a minimum of 3.1m which exceeds the ADG requirement and adds to the overall amount of ambient natural light (if not direct solar access) to every apartment living room.

For these reasons the variation to the ADG requirement for minimum mid-winter solar access is considered reasonable in the circumstances of this proposal and will not unreasonably compromise the internal amenity of apartments and the open space recreational opportunities available to residents and their visitors.

## **7.9 Parramatta Local Environmental Plan 2011 (PLEP 2011)**

### Zoning and permissibility

The site is within Zone B4 Mixed Use in accordance with the provisions of PLEP 2011. Commercial premises, shop top housing and community facilities are permitted with consent in Zone B4.

### Zone objectives

Clause 2.3(2) of PLEP 2011 requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for development in Zone B4 that are relevant to the proposal are as follows:

- *“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;*
- *To create opportunities to improve the public domain and pedestrian links.”*

Noting the assessment within this report, the proposal is consistent with the above objectives. Commercial premises are to be located at the ground floor level with ancillary facilities and car parking appropriately separated from the residential components of the development. The site is within walking distance to established commercial premises, recreational facilities and community services and facilities. The site is well serviced by public transport with buses and trains within walking distance and has the potential to be linked by proposed new cycleway and walking networks as described in the Parramatta Road UTS. The mix of land uses and activities anticipated from residential and commercial uses as well as the new community facility and public park will enhance activity and diversity within the neighbourhood. The proposal will improve the public domain with a new public park and public through link between East Street and Cowper Street, reconstruction and improvements to stormwater management, public footpaths and road reserves, street

tree planting, undergrounding of overhead wires, public art and a new community facility. For all of these reasons the proposal is considered consistent with the zone objectives.

### Remaining provisions

Consideration of the remaining provisions of the PLEP 2011 relevant to this application are addressed in the following table:

**Table 5: PLEP 2011 compliance table**

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
Clause 2.7 Demolition	The application seeks consent for demolition of all existing structures except the heritage item which is to be retained.	Yes
Clause 4.3 – Building height	Maximum height of buildings on the site is 52m. Proposed building heights are: Tower A = 71.06m to lift overrun Tower B = 49.55m to lift overrun Tower C = 70m to lift overrun	No Yes No See Clause 4.6 Assessment Below
Clause 4.4 FSR	Maximum FSR on the site is 6:1. Proposed FSR is 5.596:1	Yes
Clause 5.6 Architectural roof features	Permissible with consent subject to criteria	See below for assessment comment
Clause 5.9 Trees	One mature tree is to be retained and protected. Other ornamental trees and shrubs to be removed and replaced with more appropriate landscaping.	Yes
Clause 5.10 Heritage	Heritage Item I107 at No.21-23 East Street is part of the site. Heritage Item I106 at No.19 East Street is adjacent to the eastern boundary of the site. Heritage Item I99 at No.37 Cowper Street is located to the north of the site on the opposite side of Cowper Street. A Statement of Heritage Impact and a Conservation Management Plan have been submitted with the development application.	Yes – see assessment comments from Council's Heritage Advisor in Section 11.8 to this report
Clause 6.1 Acid sulphate soils	The site comprises both Class 4 and Class 5 Acid Sulfate Soils (ASS). The proposal required excavation which exceeds 2m depth and requires the submission of an ASS Management Plan. The Geotechnical Investigation by Douglas Partners Project Reference 84892.02 dated June 2016 reported on soil tests within boreholes on the site and concluded that no potential acid sulfate soils are present within the site and an ASS Management Plan is not required.	Yes



Clause 6.2 Earthworks	The proposal includes excavation for two levels of basement. The Geotechnical Investigation by Douglas Partners Project Reference 84892.02 dated June 2016 includes recommendations for engineering works associated with excavation and construction.	Yes
Clause 6.3 Flood Planning	The site is affected by the 1% AEP overland flow flood level. A Flood Risk Management Report by SG Consulting dated 13 and 25 November 2016 and a Flood Impact Assessment by SG Consulting dated 6 July 2016 have been submitted with the development application.	Yes – see assessment comments from Council's Flood Engineer in Section 11.9 of this report

#### Clause 4.6 Assessment – Exceptions to Development Standards

Clause 4.6 to PLEP 2011 provides authority and procedures for the consent authority to consider, and where appropriate grant consent to, development even though the development would contravene a particular development standard. The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards and to provide better outcomes for and from development by allowing flexibility. The provisions of Clause 4.6 may be applied to the height of buildings development standard of PLEP 2011 pursuant to Clause 4.6(6) and (8).

In accordance with Clause 4.6(3), for Council to consent to an exception to a development standard it must have considered a written request from the applicant that seeks to demonstrate that:

*“(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.”*

The applicant has submitted a written request for variation under Clause 4.6 of PLEP 2011 which formed part of the Statement of Environmental Effects submitted with the development application. A revised Clause 4.6 variation request was submitted to Council on 16 January 2017. The applicant's full request is contained at Attachment 1 to this report. The request concludes as follows:

*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.*

*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.*

The reasons advanced by the applicant in support of the height variation that are agreed to are summarised as follows:

- The proposal is consistent with the objectives of Clause 4.3 to PLEP 2012 and thereby satisfying the requirements of Clause 4.6(3)(a) and the first part of the test set out in *Wehbe v Pittwater Council (2007) NSW LEC 827*;
- The proposal is consistent with the objectives for development in Zone B4 and thereby satisfying the requirements of Clause 4.6(4);
- The massing of the towers as taller, more slender building forms allows for improved solar access within and through the site, better natural ventilation opportunities and improved internal and external amenity of proposed apartments;
- The proposal provides a minimum floor to floor height for residential levels of 3.1m which exceeds the ADG requirement and is intended to improve ambient light as well as direct light into all apartments;
- Increased building height is more aesthetically appealing in the streetscape and adds scope for building articulation and modulation;
- Containing floor space to several narrow towers allows greater separation for visual and acoustic privacy and space at ground level for dedication of public open space, conservation of the heritage item and colonnade space and landscaping adjoining the public domain; and
- Slender floorplates for the tower elements allow variations to the siting and orientation of the towers on the podium level and optimise space for a large area of communal open space on the podium with northerly aspect.

Dot points 3 to 7 above also go towards demonstrating that the proposal presents sufficient environmental planning grounds to justify contravening the development standard and thereby satisfies Clause 4.6(3)(b). Dot points 5 to 7 also demonstrate additional public benefit derived from the proposed building heights thereby satisfying the considerations raised in the judgement in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90. The following is a further examination of the merits of the proposal in achieving better planning outcomes and public benefits particular to the proposal and its context and setting.

The shadow cast by the portion of the towers which exceed the building height control impacts on the railway corridor, the bus interchange and commuter parking area with minor and short duration additional impacts to detached dwellings in Enid Avenue. The towers that exceed the height control have narrower east-west dimensions. This results in optimum separation within the site and narrow shadow profiles for improved solar penetration. The proposed tower forms allow excellent levels of solar access to the consolidated communal open space within the site and reasonable solar penetration through the site to residential apartments on the southern side of East Street. In terms of shadow impacts the proposal is a better planning outcome than a compliant scheme which would have increased shadow impacts on the public domain and neighbouring residential apartments in East Street.

Height controls are not required to create a transition in building scale and form as adjoining and surrounding properties are subject to the same zoning, density and height controls. The modulation in height proposed by Towers A and C being 21 storeys and Tower B being 14 storeys creates visual interest and variety which has been supported by Council's DEAP. The DEAP also indicated support for the proposed building height (see Section 11).

The site is subject to flooding and overland flow paths which limit the minimum ground floor levels and the thresholds for vehicle crossings to basement parking. These constraints set minimum floor levels and basement ceiling heights which have some minor implications for overall building height.

The proposed heights of Towers A and C at 21 storeys are greater than the approved height of three 19 storey towers on the southern side of East Street currently under construction. However, the proposed development includes a greater degree of modulation vertically and horizontally with the central tower (Tower B) notably lower than the maximum height control and a more prominent distinction between the podium and tower elements in all street facades. In this regard the proposed building form and massing is a better planning outcome than a compliant scheme for the site and a better outcome than the approved development on the southern side of East Street.

The large consolidated area of communal open space at podium level is a result of the smaller tower floorplates. The communal open space area can accommodate a variety of passive and active recreational areas readily accessible to all future residents and well placed to receive reasonable year-round solar access even with future redevelopment of sites to the north. This design feature is potentially a better planning outcome than a compliant scheme.

The height exceedance sought for Towers A and C is offset by the compliant height of the central Tower B. The modulated built form allows solar penetration and sky views in a mid-block location which is a better design outcome in comparison to a compliant scheme. In addition, the mid-block solar access and sky view opportunities are repeated further east of Tower A due to the siting of the new public park and retention of the heritage item and this provides further improvements to the streetscape and separation of building mass at a neighbourhood scale.

The proposal requires works within the public domain which will be integrated with the ground floor landscaping and colonnade treatments to all street frontages and to the new public through-site link. These works will effectively widen the area available for pedestrian movement and for landscaping works to enhance the streetscape. Widening the publicly accessible space surrounding the proposed building will increase the sense of separation and openness provided by the public domain and balance the scale of the built form. Canopy street tree planting and new footpath pavement and landscaping will enhance the pedestrian and street microclimate which has notable public benefit.

Works required for stormwater management, flood management, installation of utilities and reconstruction of the footpath and road pavement must include works beyond the site to the east in both Cowper Street and East Street. Works will be required to extend across the frontages of Nos. 11 to 19 East Street and Nos. 8 to 12 Cowper Streets. These additional works beyond the site frontages are necessary to ensure utilities, stormwater, flood management, footpath levels, road surface levels and the like are compatible along the full functional length of the road and footpath reserve. These works are an additional public benefit resulting from the proposal.

Particular effort has been made to achieve building proportions which break the built form into a distinct, consolidated podium level and well-separated towers. The proportions of the lower levels of the building are considered to respond well to the site and its setting in particular the setbacks and landscaping at ground floor level which facilitate pedestrian movement through and past the site. The basement levels provide appropriate capacity for on-site parking and ancillary features including storage, waste management, loading and separation of commercial parking from residential parking. The capacity of the basement benefits substantially from the dimensions achieved from site consolidation.

The towers demonstrate a high level of design excellence with a combination of recessed and protruding elements achieved with articulation of external walls, notches, protruding and recessed balconies, variations in window sizes and arrangements and combinations of colours, materials and finishes. Treatments and finishes vary between each tower. There

are also common structural elements and proportions shared by the towers to achieve aesthetic harmony throughout the site. Architectural effort has been invested in ensuring additional building height is aesthetically appealing and attractive in the streetscape which imparts a public benefit.

The proposed height, bulk and scale of the development will not be out of place with the approved height, bulk and scale of redevelopment projects approved on the southern side of East Street. The proposed building height is similar to that anticipated from development applications and draft Planning Proposals within the Granville locality as described in Section 2 and in the Parramatta Road UTS. Noting that the UTS sets guidelines for future changes to LEPs and DCPs which include building height controls of up to 25 storeys in this locality, the proposed development seeks variations to the building height controls whilst not utilising the maximum FSR available for the site in order to achieve better design outcomes for and of the specific proposal.

On the basis of the foregoing, the request for variation to the height of buildings development standard to Clause 4.3 of PLEP 2011 is considered to have addressed the required matters of Clause 4.6. The proposed variation is large in numeric terms but offset by:

- a FSR which is less than the maximum;
- a central Tower B which is less than the height control;
- the provision of new public open space, the adaptive re-use of a heritage item as a community facility;
- increased separation of the new building from neighbouring properties to the east; and
- substantial works within the ground floor setback, along all street frontages and along frontages in East Street and Cowper Street beyond the site boundaries to improve the public domain.

For these reasons the variation to the height control as proposed does not result in a building form, scale and density which might otherwise be achieved through an application for a Planning Proposal. The building height and FSR are both less than the maximum height and FSR envisaged by future amendments to the LEP and DCP as guided by the Parramatta Road UTS. In this case, the variation to the height control enables a redistribution of floor space in a manner which creates new public open space, protects a heritage item, allows solar access to and through the site, natural ventilation and tower forms to create interest and variation in the streetscape and has the potential to deliver public benefits and better planning and design outcomes than a compliant scheme.

The site has suitable dimensions and is in an appropriate location as part of the expanding Granville Town Centre to support additional building height. Therefore on environmental planning grounds, the development has responded to the circumstances that are specific to the site and has accommodated the additional height within a form that is appropriately massed and compatible with the desired scale and presentation at each street frontage.

Pursuant to Clause 4.6(4)(a) consent cannot be granted unless Council 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...*

Pursuant to Clause 4.6(4)(a)(i), the applicant's written request has adequately responded to and addressed the matters required by Clause 4.6(3). The arguments that the applicant has advanced are supported in the circumstances. The merit assessment of the matters



specific to the site and the proposal concludes that the variation to the development standard for building height is warranted in this case.

In relation to Clause 4.6(4)(a)(ii), the applicant's Clause 4.6 variation request responds to the objectives of the standard.

In light of the above, the applicant has submitted a variation request in relation to the building height limit that demonstrates that there are sufficient environmental planning grounds to justify contravening the building height standard and that compliance with the height standards is unreasonable or unnecessary in the circumstances of the case, as required by Clause 4.6(4) of the LEP.

Applying the flexibility granted under Clause 4.6 in this instance, the variation to the height of buildings control is consistent with the objectives of Clause 4.6 as it will represent an appropriate degree of flexibility to allow a better outcome for and from the development in the circumstances. The merit assessment of the matters specific to the site and the proposal concludes that the variation to the development standard for building height is warranted in this case.

#### Clause 5.6 – Architectural roof features

Clause 5.6 to PLEP 2011 permits architectural roof features that integrate with the building composition and form, where the height of the building also satisfies the objectives of clause 4.3 of this Plan.

Building C is proposed to include an architectural roof feature in the form of a rectangular hood element which extends 6.5m above the roof level. As demonstrated in the Clause 4.6 assessment above, the building is considered to satisfy the objectives of Clause 4.3 with regard to the height of buildings control.

In accordance with Clause 5.6, development consent must not be granted to any such development unless the consent authority is satisfied as to the following:

- “(a) the architectural roof feature:*
  - (i) comprises a decorative element on the uppermost portion of a building,*
  - and*
  - (ii) is not an advertising structure, and*
  - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and*
  - (iv) will cause minimal overshadowing, and*
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.”*

The roof feature is a decorative element on the roof. It is not an advertising structure. It does not contribute to floor space and is not capable of being modified to create additional floor space. The roof feature is an open form rectangular shape approximately 4m in depth and 6.5m high. The roof feature does contribute to the overall shadow cast by the building however the proportion of contribution is very minor. The roof feature adds a light weight element to the building complementing the hood elements on lower sections of the building and adding a design element which allows contrasting colours and visual interest to the building components. The architectural roof feature proposed for Building C is compliant with the requirements of Clause 6.5 to PLEP 2011.

## **8. Draft Environmental planning instruments**

There are no draft environmental planning instruments relevant to the assessment of this application.

## 9. Development control plan

### 9.1 Parramatta Development Control Plan 2011

The purpose of this DCP is to supplement the Parramatta LEP 2011 and provide more detailed provisions to guide development. The following parts of the DCP are relevant to this proposal:

- Part 2 - Site planning
- Part 3 - Development principles
- Part 4 - Special precincts Section 4.1.6 Granville Town Centre

Compliance tables are provided below:

**Table 6:** DCP 2011 – Part 2, Site Planning – Compliance table

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
2.4.1 Views and vistas	<ul style="list-style-type: none"> <li>• There are no existing views of significant topographic features, key landmark buildings or sites of historical significance. The approved buildings to the southern side of East Street will have views due to their height in comparison to surrounding existing buildings and along the rail corridor. However, the anticipated future form of development as described in the Parramatta Road UTS between the rail line and Parramatta Road is to include buildings up to 80m. Therefore the proposed buildings are expected to form part of the general landscape amongst other buildings of similar height. For these reasons the proposed buildings will not have unreasonable adverse impact on views.</li> <li>• The provision of a new public park and the retention of the existing heritage item I107 along with street tree planting and public domain interface treatments as supported by Council's Urban Design staff will enhance the visual appearance of the public domain.</li> </ul>	<p><b>Yes</b></p> <p><b>Yes</b></p>
2.4.2 Water management	<ul style="list-style-type: none"> <li>• The site is flood affected – refer to section 11</li> <li>• Groundwater impacts will be subject to a dewatering licence to be issued by NSW Office of Water</li> <li>• Stormwater and water quality, both during and post construction will be suitably managed subject to conditions as recommended by Council's Development and Stormwater Engineers included in recommended conditions of consent.</li> </ul>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>
2.4.3 Soil management	<ul style="list-style-type: none"> <li>• Sedimentation controls during construction will be addressed by recommended conditions</li> <li>• The site has an Acid Sulphate Soils classification of 4 and 5. Geotechnical investigations have determined that there are no potential acid sulfate soils and no requirements for a Management Plan</li> <li>• Salinity is not identified as a site constraint.</li> </ul>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>N/A</b></p>
2.4.4 Land contamination	A Preliminary Investigation has determined the presence of minor contamination in shallow fill which will be subject to the recommendations of the report by Douglas Partners as detailed in recommended conditions of consent.	<b>Yes</b>

2.4.5 Air quality	Not applicable	N/A
2.4.6 Sloping land	Not applicable	N/A
2.4.7 Biodiversity	<ul style="list-style-type: none"> <li>The site is not identified on any of the relevant LEP maps</li> <li>Threatened species is addressed at section 5.1. There are no threatened species or habitat for threatened species within the site and the proposal will have no impacts on threatened species or habitats for threatened species.</li> </ul>	N/A
2.4.8 Public domain	Refer to section 11	

**Table 7: DCP 2011 – Part 3, Development principles – compliance table**

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
3.1 Preliminary building envelope	<ul style="list-style-type: none"> <li>The proposal does not comply with the LEP height control. See the Clause 4.6 Assessment above.</li> <li>Height transition is not a relevant consideration given the setting and context of the site, and the prevailing LEP height controls and potential Urban Design Guidelines to Parramatta Road UTS.</li> </ul>	<p>No</p> <p>N/A</p>
3.2 Building elements	Form, massing and presentation are satisfactory. Refer to ADG Design Principles Assessment.	Yes
3.3 Environmental amenity	Landscaping is satisfactory subject to recommended conditions. See Section 11.15.	Yes
3.4 Social amenity	<ul style="list-style-type: none"> <li>Access for people with a disability is satisfactory. Refer to section 11.</li> <li>The provision of public art is addressed by recommended condition and the approved Public Art Plan listed in recommended conditions of consent.</li> <li>Safety and security is satisfactory subject to recommended conditions. Refer to section 11.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.5 Heritage	Heritage considerations, including Aboriginal and European archaeology, have been fully addressed. Refer to section 11.	Yes
3.6 Movement and circulation	<ul style="list-style-type: none"> <li>Car parking supply and access is satisfactory - refer to section 11.</li> <li>Arrangements for service vehicle are satisfactory - refer to section 11.</li> <li>Supply of bicycle parking and bicycles is satisfactory – refer to Section 11.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.7 Residential subdivision	Not applicable	N/A


**Table 8: DCP 2011 – Part 4.3.3 Special Precincts (Granville Town Centre) compliance table**

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
<p>Desired future character</p> <p><i>The Granville town centre precinct will continue to be a vibrant place with a variety of activities within and surrounding the centre. This will be achieved through a mix of uses, building heights and densities to support the role and function of Granville. Throughout the precinct new development is to retain and enhance the heritage character of the precinct.</i></p>	<p>The proposal will enhance the vibrancy of the town centre by replacing low intensity residential, commercial and light industrial uses with high density residential development, a new public</p>	<p>Yes</p>

<p><i>Mixed use development: to be located between the railway line and Cowper Street with increased height limits and floor space ratios permitted on larger sites. The amalgamation of lots will be required to achieve the maximum building heights and floor space ratios prescribed in the Parramatta LEP 2011. Where the required site amalgamation does not occur, reduced building heights and floor space ratios apply (refer to the Parramatta LEP 2011). The prescribed maximum floor space ratios may not be wholly achievable on all sites due to urban design considerations or site configuration. Residential development will be located away from Parramatta Road to minimise adverse amenity impacts. The interface between development along Parramatta Road and residential development to the rear will be carefully designed to ensure that privacy and visual amenity are managed and protected.</i></p>	<p>park, new community facility and a variety of commercial tenancies including a supermarket. The existing Heritage Item I107 is to be retained, improved and re-used.</p> <p>The proposal achieves amalgamation of lots to create a large development parcel proportional to the size of other redevelopment sites in the immediate vicinity (see Figures 20 and 25).</p> <p>The site is sufficiently separated from Parramatta Road to achieve appropriate levels of internal acoustic amenity and appropriate construction method and materials will be implemented to achieve acoustic attenuation for rail noise and vibration as demonstrated by the acoustic report submitted with the development application. Conditions are recommended for the implementation of the requirements as outlined in the Acoustic Report to be demonstrated with information submitted with the Construction Certificate.</p>	<p><b>Yes</b></p>
<p><i>Retail Centre: New development in the main retail precincts north and south of the railway line will be consistent with the scale and fine grain form of existing development. Active ground level frontages are to be provided, with at grade pedestrian access. The existing street pattern, including rear lanes, will be retained to reflect the main streets' historical context. Shop top housing is encouraged and will be set back from the street alignment in order to respect pedestrian scale of the existing streetscape.</i></p>	<p>The proposal provides active ground level frontages to all three streets and to the new public park and community building. At grade pedestrian access is not possible due to the flood affectation, however, ground floor levels are minimised and multiple pedestrian movement paths are proposed along the interface between the public and private domain.</p> <p>The existing street pattern is to be enhanced with the provision of a new public pedestrian through link adjacent to the new community facility and forming part of the new</p>	<p><b>Yes</b></p>



	public park. Apartments above ground floor level have variable setbacks (see Setbacks section below).	
Objectives specific to Granville Town Centre		
<i>O.1 To ensure that new development provides a strong interface to Granville Railway Station, Parramatta Road, South Street and Good Street.</i>	The proposal addresses all street frontages and relates positively to the Granville railway station south west of the site.	<b>Yes</b>
<i>O.2 To ensure that new development maintains the character and function of South Street as a main retail/commercial street by continuing the fine grain pattern of retail and commercial uses.</i>	The proposal includes a supermarket and speciality commercial tenancies. The Economic Impact Assessment submitted with the development application concludes that the commercial premises proposed will not detract from the viability and function of the established commercial centre and the function of South Street as the focus for commercial activity.	<b>Yes</b>
<i>O.3 To ensure that new development responds well to existing heritage items.</i>	Heritage Item I107 is to be improved and re-used for community purposes. The restoration works have been addressed in the Statement of Heritage Impact and Conservation Management Plan submitted with the development application and assessed by Council's Heritage Advisor (see Section 11). The future use of the building will be the subject of a separate development application as recommended by conditions of consent.	<b>Yes</b>
<i>O.4 To ensure new development within the mixed use area provides active ground floor uses to increase the safety, use and interest of the area.</i>	The ground floor level is commercial floor space.	<b>Yes</b>
<i>O.5 To ensure new buildings within the mixed use area provide articulation and an attractive composition of building elements.</i>	The architectural design of the development is supported by Council's DEAP.	<b>Yes</b>

	<p>A desired new pedestrian link is identified to be provided along the eastern edge of the subject site.</p> <p>The proposal includes a public pedestrian through link in the general location as indicated in the DCP.</p> <p>In addition the proposal includes a new public park incorporating the northern end of the new through link and with frontage to Cowper Street.</p>	<p><b>Yes</b></p>
<p><u>Pedestrian Connections and Laneways</u></p> <p>P1. Developments that provide for new public access connections are eligible for FSR bonus in accordance with Section 4.1 to the DCP.</p> <p>P2. <i>New road connections and laneways should be provided to improve through block connections, remove dead end streets, extend existing connections, improve serviceability of retail development and improve the interface to the railway line.</i></p> <p>New laneways to have a minimum width of 6m and new pedestrian links to have a minimum width of 3m.</p>	<p>The proposal is eligible for a FSR bonus but does not seek a bonus.</p> <p>The proposed new through link improves through-block connections and will facilitate access to and from the station, bus interchange and town centre.</p> <p>A Plan of Dedication submitted with the application indicates the through link to be a minimum 6m wide.</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>
<p><u>C.1</u> <u>Setbacks – First four storeys</u></p> <p>Nil setback plus awning to Rowell Street and returns along both Cowper and East Streets</p> <p>Nil to 3m setbacks along Cowper and East Streets</p> <p><u>C.1</u> <u>Setbacks – Tower elements</u> Additional 3m for building above 4 storeys</p>	<p>Ground floor varies from 5m to 6.1m to create colonnade. Podium from nil to 3m.</p> <p>Ground floor varies from 5 to 6m to create colonnade. Podium from nil to 13m for articulation.</p> <p>Tower A minimum 4.2m from East Street podium edge. Tower A minimum 2.925m from Cowper St podium edge. Tower B minimum 4.2m from East Street podium edge. Tower C from 2.925m to façade and 2.325m to slab</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>No</b></p> <p><b>Yes</b></p> <p><b>No</b></p>

<p><u>C.2</u>  <u>Setbacks from 6m wide laneways</u>  For building height up to 4 storeys</p> <ul style="list-style-type: none"> <li>- 1.5m non-habitable rooms</li> <li>- 3.0m habitable rooms</li> </ul> <p>For building height above 4 storeys</p> <ul style="list-style-type: none"> <li>- 3.5m non-habitable rooms</li> <li>- 6m habitable rooms</li> </ul>	<p>projections to Rowell St podium edge.  Tower C from 2.925m to façade to East Street podium edge.  Tower C from 2.925m to façade to Cowper St podium edge.</p> <p>Setback to eastern boundary exceeds 12m before public open space dedication. Nil setback of podium after public open space dedication. Minimum 2.5m setback after public open space dedication.</p>	<p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p>
<p><u>C.7 Minimum frontage</u>  Site area &gt;3,500m<sup>2</sup> Minimum frontage 60m</p>	<p>Site area 9,950m<sup>2</sup>  Rowell Street frontage 61.19m including splay corner</p>	<p><b>Yes</b></p>
<p><u>C.8 Land Amalgamation</u>  Lineal frontage  Facilitate east-west orientation</p>	<p>Lineal allotment amalgamation  Site dimensions allow east-west podium alignment and variation to tower footprints.</p>	<p><b>Yes</b></p> <p><b>Yes</b></p>
<p><u>Landscaping and Deep Soil</u>  C.10 Deep soil landscaping equivalent to minimum 30% of site area (2,985m<sup>2</sup>)</p> <p>Landscaped area equivalent to minimum 40% of site area (3,980m<sup>2</sup>)</p>	<p>Deep soil equivalent to 8% of site area (not including public open space) and 22% including public open space.</p> <p>Landscaped area equivalent to 65% of the site area (excluding public open space) and 87% of the site area including public open space.</p>	<p><b>No</b></p> <p><b>Yes</b></p>
<p><u>Development between Parramatta Road and the railway line</u>  C.14 Residential and commercial apartments are to be designed to enable casual surveillance of public spaces.</p> <p>C.15 For development greater than 15 metres in height, buildings with large floor plates, must be expressed as separate building elements.</p> <p>C.16 For development greater than 15 metres in height the horizontal dimension of any building façade must not exceed 35 metres.</p>	<p>All street frontages are addressed by both commercial and residential facades.</p> <p>Built form above 15m is separated into three tower elements.</p> <p>Horizontal building elements above 15m in height are well detailed and</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>

	façade treatments are supported by DEAP and Council's Urban Design staff.	
C.18 For commercial buildings, the maximum building depth is 25 metres.	N/A proposal is mixed use development.	<b>N/A</b>
C.19 Use light wells and courtyards to improve internal building amenity and cross ventilation	Cross ventilation satisfactory.	<b>Yes</b>
C.20 The roof forms of all buildings are to add interest to the skyline.	All roof forms have visual interest and external appearance of each tower distinctly different.	<b>Yes</b>

In reviewing Tables 6 to 8 the proposal is compliant with the relevant controls to PDCP 2011 with the exception of:

- Part 4 Control C.1 – setbacks of tower elements from the podium edge;
- Part 4 Control C.2 – setbacks from laneways; and
- Part 4 Control C.10 – minimum deep soil area.

Part 4 to the DCP contains specific provisions for the Granville Town Centre. The overall objectives to Part 4 are listed in Table 8 where it is demonstrated that the proposal meets the relevant objectives. The numeric non-compliances for the setbacks between the tower elements and the podium edges are minor (variations equivalent to 2.5% of the control) and have been the subject of detailed discussions between the applicant and Council's Urban Design staff. The outcome of these discussions were an agreement to the proposed tower setbacks subject to a variety of improvements in the design elements of the podium and colonnade spaces and the inclusion of high quality landscaping to the podium edges to further enhance the visual separation between the podium level and the tower elements. For these reasons the proposed variation to Control C.1 is considered reasonable.

The variation to the setback requirements from the laneway as specified in Control C.2 was intended to apply to new laneways open to vehicular traffic to be dedicated as new through site links. In this case, the laneway is for pedestrian access only plus a right of carriageway for occasional maintenance access for Ausgrid vehicles. The laneway will not carry regular vehicle through traffic and it will be contiguous with the public open space area to be dedicated to Council in Stage A1 of the development. The proposed setbacks apply to apartments from Level 1 above and the proposed proximity to the pedestrian through link and the public open space will not unreasonably the acoustic and visual privacy of the future residents of the development. For these reasons the proposed setbacks to the future boundary with the public open space are considered acceptable.

The proposal does not provide the minimum deep soil area required by Control C.10 to Part 4 of the DCP. However, the proposal meets the requirements for deep soil landscaping contained in the ADG for mixed use developments. The amount of deep soil landscaping proposed is considered to be appropriate for the streetscape and context within the expanded Granville town centre and the variation to the DCP control is considered warranted in the circumstances.

## 9. Planning Agreements

There are no Planning Agreements that apply to or relate to this development proposal. The new public park is to be provided by way of dedication of a Torrens title lot to Council. The publicly accessible through site link is to be provided in the form of a right of public



access in the interest of Council. The works along frontages in Cowper Street and East Street beyond the site are indicated on the approved plans and reflected in conditions of consent as part of the proposed works.

## 10. 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.

## 11. The likely impacts of the development

### 11.1 Context and setting

#### *Statutory Context*

As discussed throughout this report the Granville town centre and surrounds are undergoing significant redevelopment with projects under construction, development applications under assessment and draft Planning Proposals at or pre-Gateway stage (see Section 2).

Since DA/961/2015 was lodged, the Parramatta Road UTS has been published and is now being administered by the Greater Sydney Commission. The Parramatta Road UTS includes recommended planning controls and Urban Design Guidelines (UDGs) to guide and inform future amendments to LEPs and DCPs by Councils and through applications for Planning Proposals for land within the corridor precincts. The planning controls and planning and design guidelines do not supersede current LEP and DCP provisions.

The recommended planning controls for the subject site and adjoining land between the rail line and Parramatta Road include:

- Retaining the Zone B4 Mixed Use Zone with redevelopment anticipating non-residential uses at lower building levels and residential apartments above;
- A building height of 80m (25 storeys);
- Retaining the current FSR of 6:1.

With respect to the recommended building height control the UTS states as follows:

*“maximum building height of 80 metres acknowledges the existing 6:1 floor space ratios in places south of Parramatta Road. Urban design testing has identified that the existing height and floor space controls are delivering lower, bulkier buildings that create an undesirable and uniform built form outcome. Increasing the height control to 80 metres will allow future development to comprise a podium structure of 3-4 storeys and tower forms above. Towers will need to be spaced and positioned to comply with the requirements of State Environmental Planning Policy No. 65 and the Apartment Design Guide”;*

And further:

*“The matching of an appropriate floor space ratio to the recommended heights is important to ensure that loose fit envelopes are achieved. Rather than completely*

*filling sites, this strategy aims at creating flexibility to respond to edge conditions, solar access and Apartment Design Guide requirements.”*

The UTS lists constraints to the current urban form and function of the Granville Precinct as including:

- Traffic congestion;
- Lack of north—south movement connections;
- Fragmentation of lots;
- Lack of accessible public open space; and
- Flooding of Duck Creek.

Opportunities identified in the UTS for the Granville Precinct include:

- New pedestrian prioritised links;
- New mixed use high density development along Cowper Street and Rowell Street within walking distance to the railway station;
- A new urban plaza south west of the subject site at the corner of Rowell Street and Bridge Street.

The proposal is consistent with the UTS in terms of providing increased density of commercial and residential development, a new accessible public open space, a new through-site pedestrian link and stormwater infrastructure compatible with the flooding regime of Duck Creek.

## **11.2 Staging**

The staging of the works as proposed results in two phases of lot consolidation, demolition and construction. The first stage will deliver Buildings A and B and the public park and community facility and part of the podium. The second stage will complete the development with Building C and the remainder of the podium. Each demolition/construction site can operate independently in terms of access from adjoining public streets. Conditions are recommended for a staged construction site management plan to clearly indicate the means of access and egress throughout the staging and the proposed methods of constructing and managing the public domain.

## **11.3 Urban Design and Public Domain**

Following detailed assessment comment and refinement of the proposal with regard to the urban design outcomes and the public domain, Council's Urban Design and Public Domain team have provided recommended conditions of consent which have been included in Attachment 3. Conditions require the submission of Public Domain Plans for all street frontages, the public park, public through link and community facility and the frontages within the public road and footpath reserve of No.11-19 East Street and No.8-12 Cowper Street prior to the issue of a Construction Certificate. As required by Stormwater and Development Engineering conditions, works are required across the frontages of land east of the site in Cowper Street and East Street to enable the practical function of footpaths, roads, utilities and infrastructure downslope from the site and integrated with the overall catchment and public domain. Conditions have also been recommended with regard to:

- the plant selection and planting specifications of street trees to all street frontages;
- inspections by Council officers during construction with regard to civil assets;
- Works-as- Executed plans prior to the issue of any Occupation Certificate; and
- A two year maintenance plan and maintenance period for all works within the public domain.

The DEAP comments from the meeting of August 2016 are summarised as follows:

- *“The Panel notes a mismatch between FSR controls for the site and felt that to realise its full potential, and at the same time to provide a quality urban environment, the development would need to exceed the maximum allowable height;”*
- *“other sites in East Street have been approved with height non-compliances and that the subject proposal is taller than those developments”;*
- *“the Panel noted at the site inspection the substantial bulk and scale of the East Street development nearby with sheer wall facing the street edge and little differentiation between tower and podium. Buildings with similar bulk and scale have also been approved immediately opposite the subject site. In comparison it is considered that the subject proposal, whilst higher than those developments, provides clear definition of the podium level, towers setback from the podium, more slender towers with large spaces between the towers and more variety in height and façade treatment”;*
- *“this modelling, together with the well- considered façade treatment that provides textural variety along with sun and privacy control measures, helps justify the proposed additional height of the development. This justification is augmented by the proposed improvements to the public domain with public open space, through-site links, and landscape treatment such as street tree planting, footpath paving, and undergrounding of services”;*
- *“the proposal is of a reasonably high standard and that the benefits to the area establishing a more appropriate design benchmark will outweigh any impacts that may arise from the height exceedance of two of the three towers, while noting that the third (central) tower is well below the maximum height limit”;*
- *“The overall layout of the development with towers aligned to reinforce the street grid and with good quality north facing common open space on the podium level is considered a good urban design outcome for the site”.*

The DEAP also recommended design improvements as follows and a comment is provided to each point indicating which changes have been incorporated in the final version of the proposal:

- *“the design of the ... zone between the footpath and the elevated walkway (reconsidered) to ensure greater visual and physical connection between critical public spaces. The columns should be removed and where possible retail spaces provided with direct access from the footpath”* Comment – this change has been included in the final version of the proposal;
- *“Façade treatment – the metal screen façade treatment may include matching sliding panels to allow occupants to have more control over privacy, light and sun penetration”.*
- *“provide opportunities for car share spaces in lieu of private car spaces to further reduce the number of car spaces in the development. A reduction of around 60 cars should be considered.”*
- *“Sunlight access to the development is deficient under the ADG. The Panel acknowledges the difficulties in achieving full compliance and avoiding overshadowing of sites opposite and adjacent to the development. As discussed above, the development proposal is of a reasonably high standard and will provide significant improvements to the local urban environment including public domain improvements and open space”.* Comment: Ambient and direct solar access has been improved with minimum floor to floor heights of 3.1m and double glazing to all single south aspect apartments.”

- *“the bedroom windows adjacent to the study windows of the east facing single aspect units in buildings A and C should be redesigned to eliminate privacy issues.”* Comment: This design change has been incorporated into the final version of the proposal.
- *“consider providing some affordable housing within the development to help further justify the non-compliance with the height limit.”*
- *“provide short term office space within the development, possibly within the first floor level of the podium.”* Comment: The proposed ground floor commercial premises have a wide variety of dimensions, sizes and orientation and flexible fitout options.
- *“design of security gates should be articulated in more detail”* Comment: Conditions of consent are recommended for further details of all access control points to be provided with the Construction Certificate.

#### **11.4 Public Open Space and Community Facility**

No objection was raised by Council's Property Division with regard to the proposed dedication of the public park and community facility in Stage 1A of the development. Conditions are recommended regarding the process of subdivision and dedication.

#### **11.5 Access, parking and traffic**

Council's Traffic Engineer is satisfied as to the following:

- the design and geometry of the parking areas, access aisles and vehicle crossings demonstrates consistency with relevant Australian Standards;
- adequate on-site parking spaces have been provided for residents, visitors, ancillary spaces for commercial uses, service and delivery vehicle and waste servicing vehicles., motorcycles and bicycles;

Council's Traffic Engineer has recommended conditions which are included in Attachment 3.

#### **11.6 Minor design amendments for visual privacy**

Minor design changes are recommended for screening devices to be incorporated with the landscaping of the podium level to provide visual privacy between areas of private open space ancillary to apartments on Level 4 and common open space including common pathways. Condition are also recommended for privacy screens to be fixed to the windows of bedrooms and study rooms of apartments on Level 4 of Building C to provide visual privacy from the common pedestrian pathways.

#### **11.7 Relationship with adjacent sites**

The common boundary between the proposed public park and the factory building at No.12 Cowper Street will not require any treatment. The common boundary between No.19 East Street and the proposed community facility will require a landscaped buffer and new boundary fencing. Suitable conditions are recommended.

#### **11.8 Heritage**

Council's Heritage Advisor has assessed the application and the Statement of Heritage Impact and Conservation Management Plans submitted with the development application and provided comments including the following:



*“Majority of the site of proposed development is not of heritage interest in its own right, however, it encompasses one heritage item (Pair of semi-detached dwellings at 21-23 East Street) and it is in immediate proximity of another listed item in the PLEP 2011 (Single storey residence at 19 East Street).*

*The house at 19 East Street is of significance for the local area for historical reasons and as a representative example of modest late Victorian houses in the area. The building is present in the streetscape and contributes to its character.*

*The semi-detached houses at 21-23 East Street are of significance for the local area for historical reasons and as a representative example of modest late Victorian houses in the area. The buildings are present in the streetscape and contribute to its character.*

*The two items are stand-alone single storey residential structures, with property frontages of about 12m each. The proposal is for development of three towers, ranging from 19 to 21 storey, and with frontage to East Street of about 124m.*

*It is thus necessary to prevent overwhelming of the heritage items from the new development by allowing adequate separation and massing of the proposal.*

*In my opinion, the following key points should be noted:*

- From heritage perspective, main concerns are relating to fabric of the items, views of the items and immediate curtilage of items.*
- As a rule of thumb, it is preferred to maximise setbacks between the new development and heritage items.*
- Location of public spaces (e.g. plaza, and through-site corridors) closer to heritage items would allow for greater separation between the new development and the heritage items.*
- Notwithstanding the scale of development in comparison with the heritage items, logical disposition of massing of the proposal would be to locate the lowest, not tallest, tower closest to heritage items.*
- As part of any major development, it is necessary to prepare a Conservation Plan for the heritage items affected in order to ensure that their significant fabric is conserved and that all necessary conservation works and interpretation are completed.*
- Access ramps and major vehicular communications are preferably to be located away from heritage item.*
- Where podium and tower elevations will act as background to views of the heritage item, it is necessary to design them as reasonably neutral visual environments which will not compete with the item in short, medium or long distance views.”*

Conditions are recommended for a schedule of colours, materials and finishes to be submitted with the application for a Construction Certificate and endorsed by a suitably qualified and experienced heritage consultant to verify that the finishes selected will be suitably compatible with the restoration works for the heritage item. Council's DEAP support the building form and massing as proposed with the lower tower in the centre of the site. The proposed public through link provides a clear spatial separation between the heritage item and the new building.

## **11.9 Water management, WSUD and Flood-related matters**

### **Flooding**

Council's Catchment and Development Engineers have assessed the proposed building works and made comments summarised as follows:

*“The lower part of the precinct is subject to fluvial flooding from Duck Creek. Also the site is subject to pluvial flooding from all three street frontages from overland stormwater flow. The Applicant has analysed and modelled this adequately (using Tuflow type 2D modelling). There are significant overland stormwater flows down both East Street and Cowper Street and these roadways may contain areas of high hazard, fast-moving floodwaters. The applicant has responded to the predicted flood levels as they step down the site by setting minimum floor levels generally at 500mm above the predicted 1% AEP overland flow flood levels, which is satisfactory.*

*The applicant has proposed level change treatments between the footway and the elevated ground floors. Car park access below ground will be required to be passively flood proofed to the 1% AEP overland flow flood level plus 500mm freeboard with driveway crests bunding walls etc. Stairwells and other openings will also need to be similarly flood proofed with appropriate levels and flood doors. Emergency egress from basements during floods will need to be adequately addressed.*

*In addition further public safety measures will need to be implemented for flows above the 1% AEP up to the Probable Maximum Flood (PMF). Council is now typically requiring installation of self-triggering and self-propelled floodgates (eg ‘Floodbreak’) at or near the driveway crests (with associated increased bunding wall heights) and flood doors on stairwells to give a higher level of flood protection to basements.*

*Council is also seeking egress from basements and the ground levels to higher levels of the building to provide rescue and shelter in place for occupants and visitors during severe flood events up to the PMF.*

*On Site Detention is proposed.”*

- The 1% AEP flood level for the site is RL 5.7m AHD from Duck Creek*
- The PMF flood level is RL 7.8m AHD from Duck Creek.*
- The 1% AEP Overland Flow flood level for the site varies between RL 8.6m AHD on Rowley Street down to RL 5.7m AHD at the lower end of East and Cowper Streets.*

*These levels are acceptable.” .. “From this the following finished floor or ground levels are proposed.*

### **Building C**

*FFL (adopted Flood Planning Level) is 9.10m AHD fronting Rowell St W of driveway (from 8.6m AHD flood level plus 500mm freeboard).*

### **Building B**

*FFL (adopted Flood Planning Level) is 8.00m AHD East of driveway  
Gutter in Cowper Street driveway is at 7.1m AHD and crests at 7.90m AHD then ramps down into the basement.*

*Gutter in East Street driveway is at 7.2m AHD and ramps up.*

### **Building A**

*FFL (adopted Flood Planning Level) for Café, Supermarket etc is 6.80m AHD.  
Gutter in driveway is at 5.80m AHD. Driveway crest 6.70m AHD*

*East Street driveway gutter is at 6.0-6.1m AHD.*

### **Public Park**

*Ground level is 6.40m AHD. 1% AEP flood level is approx. 5.7m AHD*

*The driveway crests should be at the applicable Flood Planning Level not 100mm lower.*

*Otherwise this is acceptable.”*

#### WSUD and Stormwater Management Concept

Council's Catchment and Development Engineers have assessed the proposed WSUD and Stormwater Management concept internal to the site and have made comments including the following:

*“The application proposes implementation of Water Sensitive Urban Design measures to meet the requirements of the City of Parramatta Development Control Plan (2011). The aims of Water Sensitive Urban Design within this development must include stormwater retention, detention, harvesting, quality treatment, water efficiency and the integration of stormwater management systems into the landscape.”*

Council's Catchment and Development Engineer has concluded that information submitted to date is considered satisfactory for development consent purposes. Recommended conditions of consent require the submission of further information with the Construction Certificate as recommended by conditions of consent.

#### Infrastructure within the public domain

*“Council will require full reconstruction of all street frontages with kerb and gutter, drainage and footway treatments such as inlet pits, paving, street trees, other planting, grass or other ground cover etc. Design and construction of this must be arranged in conjunction with Council's Urban Design, Assets/Infrastructure and Development Engineering teams. Council will consider placing of street trees in front of the kerb on the carriageway side in planter pits using a WSUD approach. Council prefers that this work be planned and designed in conjunction with the other developments in Cowper and East Streets. The Applicant is required to assess and design this infrastructure to Council's satisfaction and incorporate it in the development.*

*As noted above both East Street and Cowper Street are subject to substantial stormwater (overland) flow. There is a 300mm diameter stormwater pipeline along East Street on the northern side. This is not of adequate capacity. There is a 525mm diameter pipeline on the southern side of East Street. Both of these pipelines drain directly to the Duck Creek Channel. There is no current drainage pipeline in Cowper Street. There is also piped drainage diagonally across Rowell Street to the southern side of East Street.*

*Stormwater discharges from this site require an underground connection to Council's piped drainage system, including extension of such system as needed to Council specifications. Council normally requires that such 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 design.*

*The proposal to achieve this is submission of designs for the approval of Council prior to release of the Construction Certificate.”*

Council's Catchment and Development Engineers and Urban Design staff have resolved matters relating to the reconstruction of the public domain and the public domain interface during detailed discussions with the applicant which have resulted in preliminary public

domain plans that are referred to in the recommended conditions of consent. Council's Catchment and Development Engineers have also recommended conditions of consent which include the following:

*"The public and private domains shall be clearly defined around the perimeters of the development. The proposed planter beds along East St shall be redesigned to be aligned with the road reserve/property boundary. Seating and other furniture is to be integrated into the planting strip subject to the final design that is to be approved by CoP Urban Design team prior to the CC issue."*

Subject to the above comments and the conditions included in Attachment 3 the proposal satisfies Council's Catchment and Development Engineering requirements.

#### **11.10 Safety, security and crime prevention**

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard has been given to those considerations.

To ensure a suitable outcome is achieved, the recommendation includes conditions which require the following measures:

- Details of all lighting of publicly accessible places to be submitted with the Construction Certificate to demonstrate compliance with the relevant Australian Standards; and
- Details of the methods for access controls at all points of access between private space and publicly accessible space to ensure authorised access to private spaces within the development.

#### **11.11 Social and economic impacts**

An Economic Impact Assessment report prepared by Macroplan Demasi dated August 2016 was submitted with the development application and concludes that the proposal provides the appropriate mix of commercial and residential floor space so as not to detract from the viability of established commercial premises in Granville town centre.

Council's Social Outcomes staff have reviewed the development proposal including a Social Impact Assessment (SIA) prepared by Think Planners dated December 2015 and revised SIA dated July 2016 submitted with the development application and have determined the proposal is satisfactory subject to a condition requiring further liaison with Parramatta Council Community Capacity Building team regarding future tenancing of the community facility prior to the issue of a Construction Certificate for works associated with the community facility.

#### **11.12 Waste management**

Council's Regulatory Services and Waste Management Officer have assessed the application and raised no concerns with the proposal subject to recommended conditions of consent which are included in Attachment 3.

#### **11.13 Construction Management**

As discussed above with respect to staging of the proposed works, conditions are recommended for a Staged Construction Site Management Plan to be submitted with the Construction Certificate to demonstrate how the site and adjoining public domain are to be managed for the duration of the proposed works. Standard conditions for site and environmental protection are also recommended.

#### **11.14 Utility services**

Standard conditions are recommended regarding the necessary pre-commencement and post-installation approvals and verifications required for the installation of all utilities.

#### **11.15 Landscaping and Tree Protection**

Council's Landscape and Tree Protection officer has assessed the application and recommended conditions of consent which are included in Attachment 3.

#### **11.16 Public Art**

Council's Manager City Animation has reviewed the draft Public Art Plan submitted with the development application and has recommended a more detailed Public Art Plan to be submitted with the Construction Certificate including artwork along the through-site link, podium sculptures and thematic issues and proposed artworks at residential access lobby locations. The referral notes that there are opportunities for connecting new artwork with local history.

#### **11.17 Environmental Health**

Council's Environmental Health Officer has reviewed the development application and in particular the Preliminary Site Investigation Report and recommended conditions of consent which are included in Attachment 3.

### **12. Site suitability**

The subject site and locality are affected by flooding. Council's Engineering Department have assessed the application and consider the proposed measures for management of stormwater and floodwater and the provisions for safe access, egress and refuge to be satisfactory subject to conditions and more detailed information provided with a Construction Certificate.

The demolition and excavation phases of the development will also be required to be conducted in accordance with the requirements of the Preliminary Site Investigation Project No.84892.03 and addendum as referred to in recommended conditions of consent to adequately protect the environment and human health.

The proposal has been determined to have no unreasonable detrimental impacts to the amenity of neighbours, the social and economic dynamics of the locality, the safe and efficient movement of vehicles and pedestrians and the quality of the streetscape and landscaping.

Appropriate measures are required in accordance with recommended conditions of consent with regard to the adaptation of the heritage item for community uses.

Subject to the conditions provided within Attachment 3 to this report the site is considered suitable for the proposed development.



### **13. Submissions**

The application was notified consistent with Appendix 5 of DCP 2011. The period for submissions to the original proposal was 21 January to 22 February 2016 and revised plans were subject to a second notification period from 7 July to 21 July 2016. No submissions were received.

### **14. Public interest**

No circumstances have been identified to indicate this proposal would be contrary to the public interest.

### **15. Political Donations and Disclosures**

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.

### **16. Parramatta S94A development contributions plan**

As the cost of works exceeds \$200,000 the need for payment of a 1% contribution as required by this Plan is addressed by way of a condition of consent.

### **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 subject to the recommended conditions contained in Attachment 3.

The proposed development is appropriately located within a locality undergoing redevelopment to higher densities and accommodating residential and commercial uses. The proposal also provides new public open space and a new community facility which restores and maintains a heritage item.

Minor variations to the ADG with regard to building depth and on-site parking have been assessed and determined to be appropriate for the site context and setting. The dimensions of the proposed towers achieve environmental benefits of solar access, ventilation and acoustic and visual privacy as well as urban design benefits for the streetscape and built form of the neighbourhood. The on-site parking provisions are consistent with encouraging lower rates of car ownership and increased use of public transport and active transport options. The minor non-compliance with mid-winter solar access requirements will not compromise the internal amenity of single south aspect apartments subject to the provision of double glazing and given that future residents will have access to high quality communal open space with year-round direct solar access.

The request for variation to the height of buildings development standard in Clause 4.3 of PLEP 2011 is considered to have addressed the required matters of Clause 4.6. The proposed variation is large in numeric terms but offset by:

- a FSR which is less than the maximum;
- a central Tower B which is less than the height control; and

- the provision of public open space and retention of a heritage item which enhances the separation of the new built form from neighbouring development.

For these reasons the variation to the height control as proposed does not result in a building form, scale and density which might otherwise be achieved through an application for a Planning Proposal. The building height and FSR are both less than the maximum height and FSR envisaged by future amendments to the LEP and DCP as guided by the Parramatta Road UTS. In this case, the variation to the height control enables a redistribution of floor space in a manner which creates new public open space, protects a heritage item, allows solar access to and through the site, natural ventilation and tower forms to create interest and variation in the streetscape.

The variations to ADG, LEP and DCP controls are considered reasonably consistent with the intentions of the relevant planning provisions and appropriate in the context and setting. The proposal represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land and will not set an undesirable precedent for future development.

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.

## RECOMMENDATION

- A. **That** the Sydney West Central Planning Panel approve the proposed variation to the building height standard in clauses 4.3 of Parramatta Local Environment Plan 2011, 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 standard 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/961/2015 for consolidation of lots, demolition of all structures except heritage item, tree removal and construction of mixed use development comprising 618 residential apartments and 12 commercial tenancies within a building with a 4 storey podium and 3 tower forms (Tower A 21 storeys, Tower B 14 storeys and Tower C 21 storeys), two level basement with capacity for 633 car parking spaces, new public park to be dedicated to Council, new public through site link to be an easement for public access, refurbishment and adaptive reuse of heritage item for use as a community facility, public domain works and landscaping at Nos 14 to 38 Cowper Street, No.21 to 41 East Street and 5 and 5A Rowell Street, Granville being Lot 4 DP 805104, Lot 2 DP 214806, Lot 3 DP 805104, Lots 1 and 2 Section E DP 979437, Strata Plan 10731, Lot 1 DP 195699, Lot 1 DP 1123847, Lot A, B, C and D DP 163550, Strata Plan 62990, Lots 1, 2 and 3 DP 566931, Lot 1 DP 195830, Lot 4 DP 566931, Lot 1 DP 75063, Lots 1 and 2 DP 113317, Lot 5 DP 998927, Lot 1 DP 572768, and Lot 1 DP 735418 for a period of five (5) years from the date on the Notice of Determination subject to the conditions under schedule A of Attachment 3.



## Revised Clause 4.6 Request to Vary Maximum Building Height Development Standard

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RELATING TO DEVELOPMENT APPLICATION DA/961/2015 FOR MIXED USE DEVELOPMENT AT 14-38 COWPER STREET, 21-41 EAST STREET & 5-5A ROWELL STREET, GRANVILLE.



**Prepared by:** Think Planners Pty Ltd  
**Document Date:** 16 January 2017  
**Consent Authority:** Sydney West Central  
Planning Panel  
**LGA:** Parramatta City Council

**QUALITY ASSURANCE**

**PROJECT:** Revised Clause 4.6 Request to Vary Maximum Building Height

**ADDRESS:** 14-38 Cowper St, 21-41 East St 5-5A Rowell St, GRANVILLE

**COUNCIL:** Parramatta City

**Consent Authority:** Sydney West Central Planning Panel

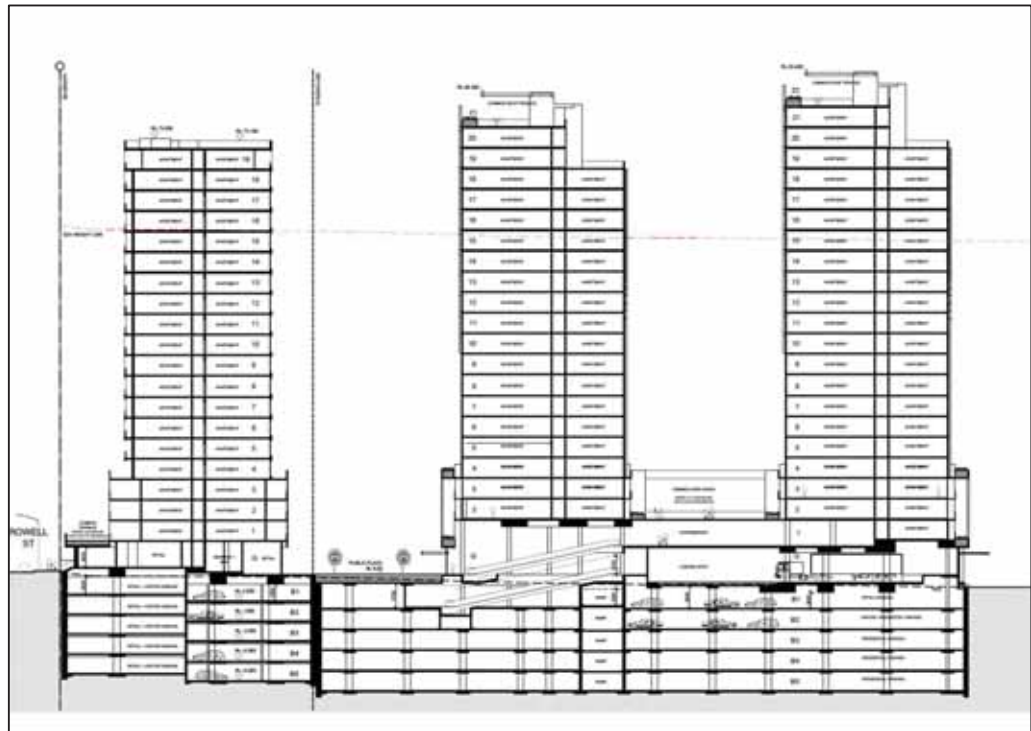
**AUTHOR:** Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
11 December 2015	Draft	Draft	JW/AB	AB
23 December 2015	DA Lodgement Issue	Final	SK/JW	AB
7 July 2016	Revised DA Lodgement	Final	JW	AB
16 January 2017	Revised	Final	SF	JW/AB

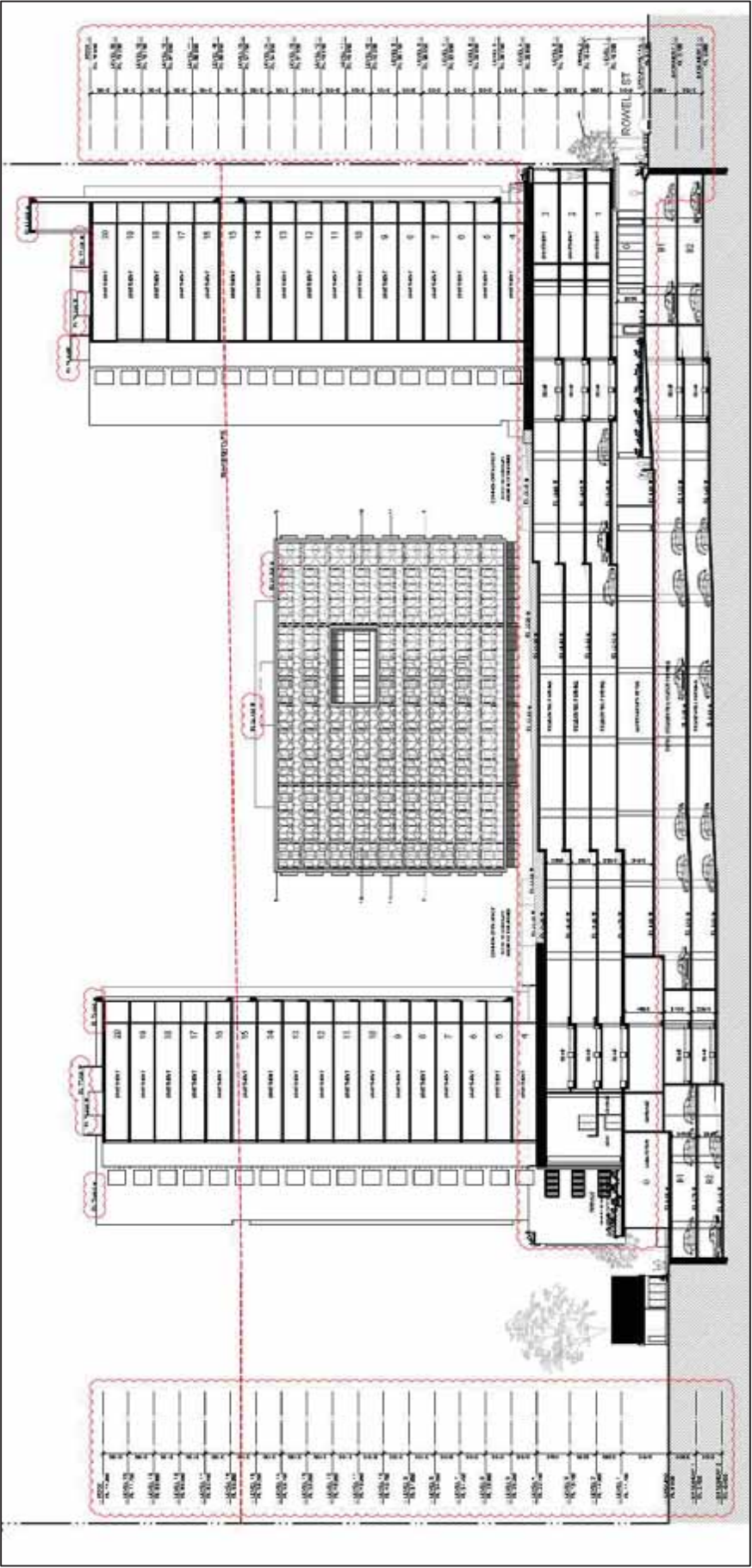


Clause 4.6 Variation Request: Height of Buildings

The images below show the original DA submission and the revised DA submission and the respective building height departures.



Extract: Section Initial DA



Extract: Section Revised

The revised proposal presents the following departures to the height controls:

- Building C (Rowell Street): The height, relative to habitable floor areas, equates to 16.3m (RL77.150) or 31%. The height, relative to the lift over-run and plant areas (excluding architectural roof feature) equates to 18m (RL78.850) or 34.6% of the control.
- Building A: The height, relative to habitable floor areas, equates to 17.3m (RL75.660) or 33.2%. The height, relative to the lift over-run and plant areas (excluding architectural roof feature) equates to 19.06m (RL77.350) or 36.6% of the control.

Therefore, a clause 4.6 variation request has been prepared, noting that the 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.
- 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
- 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 public park and through site links. Further proposal provides for the retention of a heritage item and adaptive re-use as a community facility that also provides an obvious public benefit.



### ***Building Height Context Considerations: Better Development Outcome***

The proposed non-compliance occurs as a means of achieving a better development outcome because it enables the development to achieve the following.

- A Superior Urban Form and Quality Common Open Space: The proposal provides for a variety of building heights and building modulations, with the 2 towers 'bookending' the development site. The central building is contained to the southern portion of the site and is also below the maximum building height. This enables a significant area of more than 5,000m<sup>2</sup> of podium level common open space and associated landscaped area with a northern orientation. *Strict compliance to the height through flattening of the end towers and relocating to the centre of the site reduces the design merit by removing quality common open space with a northern aspect and would provide a homogenous building height with limited design merit.* The variation in tower heights results in a proposal of superior design interest and merit than a compliant tower height.
- Deliver the Pocket Park and Through Site Links: The pocket park is also a substantial area that has no development over this area, noting it equates to approximately 1,300m<sup>2</sup> of land that cannot be built upon. The delivery of the through site links and local park also substantially reduces the available building envelope, noting that the through site link and park are proposed to improve the design quality of the development and are not necessarily required by the LEP and DCP. *Strict compliance with the height limit would not enable delivery of the park as this area would need to contain residential dwellings to relocate these from the increased height in the towers.*
- Redistribute GFA: The proposal is for the redistribution of floor space on the site and does not propose additional floor space above that which is permitted under the planning controls. The redistribution of floor space above the height control frees land for public benefits, that would otherwise be used for GFA in order to ensure the viability of the development.
- Retain the Heritage Item: The heritage item is to be restored and re-used as a community facility. When considering the undevelopable land on the site, being approximately 450m<sup>2</sup> to the heritage item, which equates to 2,700m<sup>2</sup> of lost floor space which could be even more floor space when considering the 17 storeys achievable under the 52m height. It is necessary to relocate the height elsewhere on site to achieve the FSR, also noting that the proposal adopts an FSR of 5.596:1 which is much less than the 6:1 permitted on the site and equates to approximately 4,000m<sup>2</sup> of unutilised floor space.
- Provide a Public Benefit and Align with DCP Provisions for Laneways/Links: 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 utilised for the delivery of through site links. The public park and through site links have substantial public benefit and the proposal does not seek additional FSR, these public benefits actually limit the ability to achieve the maximum permitted FSR. The proposal aligns with the intent of



the DCP provisions relating to a through site link in that the proposal seeks dispensation from a development standard to offset the public benefit proposed by the development being the through site link and public park, reinforcing that no additional yield is sought, only dispensation from the height control.

- The departure enables a slender tower with increased building separation to surrounding properties between the large towers.
- The departure does not discernibly increase overshadowing from the additional height, given the central building is well below the maximum building height this reduces the anticipated overshadowing from the LEP/DCP controls to the site to the south.
- 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.
- 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 14-21 storey form provides further modulation of the tower heights and provides for 2 'book-ends' with a lower central tower to better module building height.

#### ***Consideration of Clause 4.6***

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 this 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 proposed non-compliance occurs for the reasons established previously and the proposal remains consistent with the objectives based on the following:

- 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 5.596:1. The additional height does not generate any additional 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.



- Given the scale of the proposal, being 20 storeys (plus ground floor), 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 proposal provides for a discernible public benefit through provision of the through site link and public park and embellishment works and this net loss of 450m<sup>2</sup> obviously cannot be built upon and this equates to approximately 2700m<sup>2</sup> of lost 'airspace' or gross floor area permitted under the LEP/DCP. The proposal only achieves an FSR of 5.596:1 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 through site link and public park.
- 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. In the absence of additional height the optimum development yield is not achievable 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 building height has been increased as a result of removal of columns that were proposed at the ground level under the original development scheme. Removing these columns from the public domain space means that in order to engineer the building additional slab thickness was required. This has resulted in a modest overall increase to the building height.
- 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.
- 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 through the majority of the development as the longer east/west building is below the maximum building height.
- 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- noting that the increased height is a fundamental reason in the retention of the heritage item.
- 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 east.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable.

The unique circumstances for proposing a variation to the maximum building height limit are complex as related to this proposal. Principally, the issues relate to efficient use of land, access to infrastructure, maximising space at the ground level for public domain, inconsistency with planning controls, no realised environmental impacts and a better heritage/conservation outcome and seeking to deliver a new integrated as well as vibrant community to Granville. The following discussion demonstrates that support of the proposed departure, in these unique circumstances achieves a far superior outcome for this site.

The current move towards taller and more slender buildings comes from several NSW planning policy directions and this is made possible through advances in structural design along with engineering innovation. Advances in building design and technology mean that constructing taller buildings is achievable and can be engineered and constructed in a cost-effective manner.

Consideration is also given to the scarcity of greenfield land within Sydney's Central West and large parcels of land, this has meant that height is favoured over building width. Placing density within taller buildings means that so-called urban sprawl is contained but also means that density can be constructed in a location such as Granville where infrastructure already exists – inter alia public transport with Granville train station.

The current proposal with 21 storeys of building height achieves several 'green' benefits including reduced land take, more green spaces at the ground floor, more through-site links, reduced usage of private vehicles, better patronage of public transport.

#### **Issues arising from current planning controls**

State Government policies including the fundamentally important State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) and the Apartment Design Guide, encourage taller slender buildings through provisions such as the natural ventilation design controls. Below 9 storeys 60% of apartments must be cross ventilated however above 9 storeys the controls for cross ventilation are relaxed. Conversely the controls regulating building separation increase as you move up the building resulting in the building footprint becoming slenderer which in turn pushes the building height taller.

While the proposal seeks variation of the maximum building height standard, the proposal remains well within the maximum limit floor space ratio of 6:1. This reveals that there is a



significant mismatch between the maximum building height and floor space ratio controls which needs to be considered. In circumstances, such as this where the floor space ratio misaligned with the permissible height, redevelopment in the form of a fully compliant development scheme is unlikely to occur. This is because the land is valued at the maximum floor space ratio and when the building height limits are too low the floor space ratio is not achievable.

If the proposal was designed to be a scheme to comply with the maximum building height then it is likely to result in a poor design outcome with features such as deep floor plates, large numbers of apartments on the same floor, long corridor spaces, poor quality ventilation, more single aspect apartments.

Overall a building height compliant scheme would result in a poor quality urban design outcome for the site. Where the building heights are too restrictive, the built form is pushed below street level to achieve the permitted floor space ratio, this scenario again resulting in a poor-quality outcome for the development and Granville as a whole.

In cases where the maximum building height is incongruent with the floor space ratio the internal amenity being offered within the apartments diminishes with inefficient room layouts along with compromised access to natural light and natural ventilation. When the floor plates are smaller it allows delivery of less apartments per level however more apartments can be dual aspect, cross ventilated and this overall design delivers greater building separation between towers meaning that more natural light is available to all apartments. Thus, the result for taller and more slender buildings is they can offer much higher levels of amenity as well as an overall more desirable location to live with apartments offering better outlook and views as proposed within the subject development application.

One of the most significant consequences, where the building heights are too low is the negative impacts on the public domain and relationship with adjoining buildings. Effectively squashing the floor space downwards means there is less room for pedestrian connections, public pathways, through-site connections, large public open spaces and landscape embellishment. In this proposal, space is gained at the ground level for the public park and through site links as well as the preservation of land around the retained heritage item.

A compliant scheme on this site would deliver more horizontal and shorter buildings resulting in less visual connection through to the sky which means less overall access to sunlight from the public domain areas. Having slender tall buildings (as proposed) means that access to direct sunlight is increased resulting in improved usability and enjoyment of outdoor spaces and allows trees and vegetation to thrive.

Relieving the pressure on ground floor built form and placing this on upper levels, allows more space to contribute to the enhancement of the pedestrian and access movements patterns. In this case, taller and more slender buildings are proposed which supports articulated building design with the capacity to address appropriate building separation which in turn results in greater levels of privacy, access to natural light and ventilation.



The proposed taller and more slender buildings also reduce the perceived bulk and scale of a building. Where the floor space is squashed lower to the ground in a compliant scheme and when viewing the building from the public domain, these buildings would have a harsher/greater impact and are perceived as creating an impervious streetscape environment.

### **Overshadowing comparisons**

An overshadowing study is enclosed with this resubmission demonstrating that the proposed arrangement of towers results in a better outcome for this site. In general, the principle reasons for this are that taller more slender buildings reduce the size of shadows and importantly the time these shadows are cast on an area.

Fast moving shadows are cast for a shorter period of time. The overall result is therefore a lesser impact than a compliant development scheme on this site. Shorter and wider buildings cast shadows that result in slow moving shadows that have a greater impact on affected land/buildings.

### **Heritage**

The heritage item being retained is being kept on an allotment that is larger than the land parcel that it currently sits on. Therefore, the development is retaining more of the surrounding space with the aim to preserve the setting of the item and importantly to create the public park at the rear of the heritage item which will open a vista through to Mount Beulah Hall – as shown in the photograph below. Being able to retain additional public space at the ground level is possible where pressure is reduced for gross floor area at the lower levels of a building and additional building height is proposed as per the current development scheme.





The heritage assessment submitted with this development application, has revealed that the development would have negligible adverse heritage impact on views from the heritage item. A development scheme that complied with the maximum building height would deliver wider and shorter buildings which would result in less of a vista towards the Mount Beulah Hall as well as bringing the buildings closer to the retained heritage item on site.

Placement of the apartments within a taller tower frees up the space at the ground floor allowing better preservation of the heritage features of this site. In a scheme where development is concentrated at the lower levels to comply with the building height control, areas of public open space become constrained. The proposed public park is significant in size and provides additional benefits that are not currently available include the opening of vistas towards Mount Beulah Hall.

Any proposed development of this site is going to result in a dramatic contrast in scale compared to the heritage items. This is unavoidable as this land is required to deliver much needed housing in line with the desired future character envisioned under the Parramatta LEP 2011. The placement of voids is the most sensitive design quality included in this scheme to respond to nearby heritage items. The placement of the proposed public park as a void has been carefully considered to make the most sensitive response to the problem of scale between the retained heritage items.

### **Integration**

The proposal has been carefully designed in coordination with the development that is already under construction on the southern side of East Street.

This proposal along with the buildings already being constructed at the south side of East Street seeks to deliver a dense concentration of tall buildings that will assist with making



Granville a true urban centre which already benefits from access to public transport and related community infrastructure. Both proposals contribute to renewal within an existing centre rather than the energy inefficient and unsustainable sprawling suburbs.

A variety of tower form buildings of varied heights will contribute to creation of an interesting and energetic mix needed to make a great centre at Granville. There is a balance to be found between ensuring the city is neither too vertical and big nor too horizontal and flat. The proposal seeks to achieve the right density for this site, in this location which will incorporate a mix of building heights resulting in urban creativity. Cities where there are tall buildings with a variety of heights means that visually, when at ground level there is more ability to see the sky in views captured between buildings. This factor incorporated into this proposal again results in the creation of a vibrant and creative centre at Granville.

Variation in built form and architectural expression, including variation in tower shape, orientation, and the design of each façade results in visual interest and contributes towards the creation of a sustainable community.

The actual total building height for the proposed towers can often play a secondary role to what to being experienced and viewed at the ground floor and within the public domain interface for the proposal. The design of the podium and public domain will create the frame of view experienced by people and as can clearly be seen when looking at the podium under construction on the south side of East Street and the podium proposed. The 2 development sites will result in a good quality urban design outcome.

Overall, the skilful design of the current proposal that places the floor space within a higher building allows the creation of a harmonious public domain space at the ground level with apartments above in a tower formation being afforded the amenity benefits while freeing up the space at the lower levels. The above discussion has demonstrated 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 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.

Furthermore, the proposal will complement and enhance the local streetscape by virtue of the strong articulated podium building line and recessed tower element that will deliver clear legibility at the street level.

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.

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.

# Attachment 2 to Section 79C Assessment Report – DA/961/2015

## LIST OF LAND OWNERS

#	Street	Lot	DP	Owner
14	Cowper Street	1	735418	MAP Group Australia Pty Ltd
16	Cowper Street	1	572768	Powerhouse Corporation Pty Ltd
18	Cowper Street	5	998927	Mr David Ngee Ching Ngui, Mrs Mary Chen Chen Ngui, Mr Jason Khwan Wen Ngui & Mr Justin Khwan Kern Ngui
22	Cowper Street	2	113317	Mobile Fleetservice Pty Limited
24	Cowper Street	1	113317	Ratcliff super Nominees Pty Ltd
26	Cowper Street	1	75063	Mrs Lois Blanch Marsh
28	Cowper Street	4	566931	Barcode Solutions Investments Pty Ltd
30	Cowper Street	1	195830	Mr Mohammad Sharif Barez
32	Cowper Street	3	566931	Mr Gaber Al-Huseyni
34	Cowper Street	2	566931	Mr Bo Zhang & Ms Shu Ying Wang
36	Cowper Street	1	566931	Mr Ghulam Reza Zamiri, Mr Ghulam Sakhi Hasib & Mr Ahmad Shah Sultani
38	Cowper Street	CP	SP62990	The Owners Strata Plan 62990
5A	Rowell Street	B	163550	Rowell Street Investments Pty Limited
5	Rowell Street	A	163550	Rekali Pty Ltd
41	East Street	C	163550	Mr Vincent Ronald Maree
39	East Street	D	163550	Mr Halim Joseph Mouawad & Mrs Margo Mouawad
37	East Street	1	1123847	City of Parramatta
35	East Street	1	195699	Ms Jamal Assaf
33	East Street	CP	SP10731	The Owners Strata Plan 10731
31	East Street	1/E	979437	Mr John Cecil Paul North
29	East Street	2/E	979437	Mrs Erna Maria Adolphi, Ms Rita Margaret Field & Jazup Juchnevics
27	East Street	2	214806	Ms Lyvonne Tuyet-Dung Ly
25	East Street	3	805104	Dpg Project 7 Pty Ltd
21-23	East Street	4	805104	Mr Yau Fuk Longfellow Cheung

## Attachment 1 to Section 79C Assessment Report - DA/961/2015

### DRAFT CONDITIONS OF CONSENT

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

**Property Address:** Lot 4 DP 805104, Lot 2 DP 214806, Lot 3 DP 805104, Lots 1 and 2 Section E DP 979437, Strata Plan 10731, Lot 1 DP 195699, Lot 1 DP 1123847, Lot A, B, C and D DP 163550, Strata Plan 62990, Lots 1, 2 and 3 DP 566931, Lot 1 DP 195830, Lot 4 DP 566931, Lot 1 DP 75063, Lots 1 and 2 DP 113317, Lot 5 DP 998927, Lot 1 DP 572768, Lot 1 DP 735418  
14 to 38 Cowper Street, 21 to 41 East Street and 5-5A Rowell 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 finalised Flood Study by SGC and Engineer’s Certification that all finished floor levels and driveway crest levels are 500mm above the predicted 1% AEP flood levels from adjacent overland flow are to be submitted to Council and approved by Council’s Manager DTSU prior to release of the operational Consent.  
**Reason:** Protection of the environment and public health.
2. 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>Architectural Drawings</i>		
Plan Cover Page	Marchese Partners	20/12/16
Aerial Photo Job 16007, Drawing DA0.01 Rev.A	Marchese Partners	17/06/16

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Context Plan Job 16007, Drawing DA0.01B Rev.B	Marchese Partners	20/12/16
Survey Plan Sheets 1 and 2 Job 16007, Drawing DA0.02 Rev.B	Marchese Partners	10/11/16
Site Analysis Job 16007, Drawing DA0.03 Rev.C	Marchese Partners	20/12/16
Site Plan Job 16007, Drawing DA0.04 Rev.C	Marchese Partners	20/12/16
BASIX Summary Job 16007, Drawing DA0.05 Rev.A	Marchese Partners	29/08/16
Basement 2 Floor Plan Job 16007, Drawing DA1.03 Rev.C	Marchese Partners	20/12/16
Basement 1 Floor Plan Job 16007, Drawing DA1.04 Rev.C	Marchese Partners	20/12/16
Ground Floor Plan Job 16007, Drawing DA1.05 Rev.D	Marchese Partners	20/12/16
Level 1 Floor Plan Job 16007, Drawing DA1.06 Rev.D	Marchese Partners	20/12/16
Level 2 Floor Plan Job 16007, Drawing DA1.07 Rev.D	Marchese Partners	20/12/16
Level 3 Floor Plan Job 16007, Drawing DA1.08 Rev.D	Marchese Partners	20/12/16
Level 4 Floor Plan Job 16007, Drawing DA1.09 Rev.E	Marchese Partners	20/12/16
Level 5-13 Floor Plans Job 16007, Drawing DA1.10 Rev.D	Marchese Partners	20/12/16
Level 14 Floor Plan Job 16007, Drawing DA1.11 Rev.D	Marchese Partners	20/12/16
Level 15-20 Floor Plans Job 16007, Drawing DA1.12 Rev.D	Marchese Partners	20/12/16
Roof Plan Job 16007, Drawing DA1.13 Rev.B	Marchese Partners	20/12/16
Public Domain Civil Works Job 16007, Sheets 1 to 29 Revision D	Marchese Partners Engineering	5/02/17
North – Cowper Street Elevation Job 16007, Drawing DA2.01 Rev.C	Marchese Partners	20/12/16
South – East Street Elevation Job 16007, Drawing DA2.02 Rev.D	Marchese Partners	20/12/16
East – Public Park Elevation Job 16007, Drawing DA2.03 Rev.D	Marchese Partners	20/12/16
West – Rowell Street Elevation Job 16007, Drawing DA2.04 Rev.C	Marchese Partners	20/12/16
Section AA Job 16007, Drawing DA3.01 Rev.D	Marchese Partners	20/12/16
Section BB Job 16007, Drawing DA3.02 Rev.D	Marchese Partners	20/12/16
Section CC Job 16007, Drawing DA3.03 Rev.C	Marchese Partners	20/12/16
Section DD Job 16007, Drawing DA3.04 Rev.B	Marchese Partners	20/12/16
Section EE Job 16007, Drawing DA3.05 Rev.B	Marchese Partners	20/12/16
Section FF Job 16007, Drawing DA3.06 Rev.B	Marchese Partners	20/12/16

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Section GG Job 16007, Drawing DA3.07 Rev.C	Marchese Partners	20/12/16
Detail Section HH and II Job 16007, Drawing DA3.08 Rev.C	Marchese Partners	20/12/16
Detail Section JJ and KK Job 16007, Drawing DA3.09 Rev.C	Marchese Partners	20/12/16
Detail Section LL and MM Job 16007, Drawing DA3.10 Rev.C	Marchese Partners	20/12/16
Detail Section NN Job 16007, Drawing DA3.20 Rev.A	Marchese Partners	10/11/16
Detail Section PP Job 16007, Drawing DA3.21 Rev.B	Marchese Partners	20/12/16
Detail Section QQ Job 16007, Drawing DA3.22 Rev.B	Marchese Partners	20/12/16
Detail Section RR Job 16007, Drawing DA3.23 Rev.B	Marchese Partners	20/12/16
Adaptable Unit Plans Job 16007, Drawing DA5.01 Rev.B	Marchese Partners	24/08/16
Stage A.1 Basement 1 Floor Plan Job 16007, Drawing SK100 Rev.C	Marchese Partners	18/01/17
Stage A.1 Ground Floor Plan Job 16007, Drawing SK101 Rev.B	Marchese Partners	17/01/17
Stage A.1 Level 1 Floor Plan Job 16007, Drawing SK102 Rev.D	Marchese Partners	18/01/17
Stage A.1 Site Plan Job 16007, Drawing SK103 Rev.B	Marchese Partners	15/11/16
Stage A.2 Basement 1 Floor Plan Job 16007, Drawing SK110 Rev.C	Marchese Partners	18/01/17
Stage A.2 Ground Floor Plan Job 16007, Drawing SK111 Rev.B	Marchese Partners	15/11/16
Stage A.2 Level 1 Floor Plan Job 16007, Drawing SK112 Rev.D	Marchese Partners	18/01/16
Stage A.2 Site Plan Job 16007, Drawing SK113 Rev.B	Marchese Partners	15/11/16
Stage B Basement Floor Plan Job 16007, Drawing SK120 Rev.B	Marchese Partners	15/11/16
Stage B Ground Floor Plan Job 16007, Drawing SK121 Rev.B	Marchese Partners	15/11/16
Stage B Level 1 Floor Plan Job 16007, Drawing SK122 Rev.C	Marchese Partners	11/01/17
Stage B Site Plan Job 16007, Drawing SK123 Rev.C	Marchese Partners	11/01/16
Stage A.1, A.2 and B Section Job 16007, Drawing SK130 Rev.B	Marchese Partners	15/11/16
Stage A.1 and A.2 West Elevation Job 16007, Drawing SK131 Rev.A	Marchese Partners	17/01/17
Plan of Dedication Job 16007, Drawing SK200 Rev.A	Marchese Partners	14/11/16
<i>Public Domain, Landscaping &amp; Civil Works Drawings</i>		
Title Sheet & Locality Plan Drawing No. DA-C-001 Rev.D	Marchese Partners Engineering	02/03/17
Legend, Abbreviations & Drawing List Drawing No.DA_C_002 Rev.D	Marchese Partners Engineering	02/03/17

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
General Notes Drawing No.DA_C_003 Rev.D	Marchese Partners Engineering	02/03/17
Erosion and Sediment Control Plan Sheets 1 and 2 Drawing No.DA_C_006 and 007 Rev.D	Marchese Partners Engineering	02/03/17
Erosion and Sediment Control Details Drawing No.DA_C_008 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Levels Plan – Sheet 1, Drawing No. DA_C_101 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Levels Plan – Sheet 2, Drawing No. DA_C_102 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Site Frontage Cross Sections – Sheets 1 and 2, Drawings No. DA_C_103 and 104	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Driveway No.1 Plan and Longitudinal Section A, Drawings No.DA_C_111 and 112 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Driveway No.2 Plan and Longitudinal Section B, Drawings No.DA_C_113 and 114 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Driveway No.3 Plan and Longitudinal Section C, Drawings No. DA_C_115 and 116 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Driveway No.4 Plan and Longitudinal Section D, Drawings No.DA_C_117 and 118 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Drainage Plan – Sheets 1 and 2, Drawings No.DA_C_301 and 302 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Stormwater Long Sections – Sheets 1, 2, 3 and 4, Drawings No.DA_C_321, 322, 323 and 324 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Pavement Plan – Sheets 1 and 2, Drawings No.DA_C_601 and 602 Rev.D	Marchese Partners Engineering	02/03/17
Public Domain Civil Works Detail Sheet 1, Drawing No.DA_C_603 Rev.D	Marchese Partners Engineering	02/03/17
Landscape Concept Plan Drawing No. 101 to 116, Drawing No.200 to 206, Drawing No.501 to 505, Issue D	Arcadia	December 2016
<i>Stormwater Drawings</i>		
Title Sheet and Locality Plan Drawing No. STW-001 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Legend, Abbreviations & Drawing List Drawing No. STW-002 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage General Notes Drawing No. STW-003 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Basement 2 Plan Drawing No. DA-STW-101 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Basement 1 Plan Drawing No. DA-STW-102 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Ground Floor Plan Drawing No. DA-STW-103 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Level 1 Floor Plan Drawing No. DA-STW-104 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Level 2 Floor Plan Drawing No. DA-STW-105 Rev.A	Marchese Partners Engineering	03/02/17

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Stormwater Drainage Level 3 Floor Plan Drawing No. DA-STW-106 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Level 4 Floor Plan Drawing No. DA-STW-107 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Level 5-13 Floor Plan Drawing No. DA-STW-108 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Level 14 Floor Plan Drawing No. DA-STW-109 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Level 15-20 Floor Plan Drawing No. DA-STW-110 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Roof Plan Drawing No. DA-STW-111 Rev.A	Marchese Partners Engineering	03/02/17
Stormwater Drainage Detail Sheets 1, 2 and 3, Drawing No. DA-STW-201, 202 and 203	Marchese Partners Engineering	03/02/17

<b>Document(s)</b>	<b>Prepared By</b>	<b>Dated</b>
Statement of Environmental Effects	THINK Planners	Various
SEPP 65 Design Verification Statement	Marchese Partners	06/07/16
Design Statement	Marchese Partners	August 2016
Urban Design Issues and Response Report	Architectus	15/07/16
Comparison Tower Massing Analysis and Addendum	Architectus	16/11/16
Construction and Demolition Waste Management Plan and Operational Waste Management Plan	Foresight Environmental Pty Limited	July 2016
Exterior Finishes Schedule Job 16007 Drawing DA6.03 Rev.B	Marchese Partners	20/12/16
BASIX Certificate No. 693093M_02	Victor Lin & Associates Pty Ltd	01/09/16
Geotechnical Investigation Project No.84892.03	Douglas Partners	June 2016
Report on Preliminary Site Investigation with Limited Sampling and Addendum Project No.84892.03	Douglas Partners	Original Report June 2016 Addendum 1 December 2016
Flood Risk Management Report Issue 2 Final	SG Consulting	25/11/16
Flood Impact Assessment Report	SG Consulting	6/07/16 and 29/09/15
Water Sensitive Urban Design Plan Project No.25833 Drawing No.SW-02 Revision P3	Waterman Australia	10/11/16
Site Stormwater Management, Public Domain Civil Works and Flood Analysis Design Report for Development Application	Marchese Partners Engineering	06/02/17
Ventilation Assessment Project 9390	CPP Consulting	April 2016



Document(s)	Prepared By	Dated
Acoustic Planning Report Ref.SI1523SRPI Revision 1 and Addendum	Resonate Acoustics	Original Report 28/07/16 and addendum 9/11/16
CPTED Report	THINK Planners	26/07/16
Statement of Heritage Impact and Conservation Management Plan and Revised Conservation Management Plan	NBRS Partners	Original Reports dated January 2016 and Revised June 2016
Preliminary Public Art Plan	Guppy Associates Art Management	25/07/16
Access Report Reference No.216176	Accessible Building Solutions	6/07/16
Economic Impact Assessment	Macro Plan Demasi	August 2016
Traffic and Parking Assessment Report Ref.16435	Varga Traffic Planning	7/07/16
Arboricultural Impact Assessment	Footprint Green P/L	21/11/16
Tree Protection Plan	Footprint Green P/L	21/11/16

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

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

- The development may be carried out in up to 3 stages as indicated on the approved staging plans (i.e. Stages A.1, A.2 & B). The following conditions apply separately and jointly to all stages of the development unless otherwise specified in each condition. Separate Construction Certificates may be issued for each stage of the development. However, sufficient information must be contained within each construction certificate to demonstrate that the works in each stage will be compliant with the conditions of this consent.

**Reason:** To allow development to be completed in stages.

- The development shall comply with the requirements of the General Terms of Approval in the Water NSW letter dated 22 February 2016.

**Reason:** To comply with Water NSW requirements.

### **Separate Approvals Required**

- The specific commercial use or occupation of each commercial tenancy must be the subject of further development approval for such use or occupation.

**Reason:** To ensure development consent is obtained prior to that use commencing.

- The specific use or occupation of the community facility must be the subject of further development approval for such use or occupation.

**Reason:** To ensure development consent is obtained prior to that use commencing.

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

**Reason:** To comply with legislative controls.

7. 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 a final occupation certificate has been issued.

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

### **Other General Matters**

8. Any new information which comes to light during remediation, 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.

9. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

**Reason:** To comply with the statutory requirements of State Environmental Planning Policy 55.

10. Groundwater shall 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 NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

Other options for the disposal of groundwater 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.

*See also the General Terms of Approval issued by NSW Primary Industries – Water contained in this Notice.*

**Reason:** To ensure that contaminated groundwater does not impact upon waterways.

11. All electrical works must be carried out by a licensed electrician and in accordance with the relevant provisions of AS/NZS 3000.

**Reason:** To ensure compliance of relevant standards.

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.

#### **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.)*

13. Separate construction certificates shall be issued for the stages of development as per the approved staging plans approved. For the avoidance of doubt, each stage is independent and are not required to be completed concurrently or contemporaneously.

**Reason:** To ensure compliance with the Staging plan.

14. 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.

15. Prior to the commencement of any excavation works on site and prior to the issue of any Construction Certificate, 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.

16. 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. 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. Requirements for the design and construction of the perimeter walls and floor of the basement are also outlined in the General Terms of Approval from the NSW Primary Industries – Water also contained in this Notice. The General Terms of Approval also prescribe requirements for the management of groundwater flows around the building. Details of the construction in accordance with this requirement and verified by a suitably qualified engineer shall be provided to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate including basement floor levels.

**Reason:** Protection of the environment and public health.

17. 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:

- all the frontages of the development site between the gutter and building line in Rowell Street, East Street and Cowper Street, including road pavement, kerb return, kerb & gutter, in-road planting, footpath, planting beds, drainage, forecourt, and front setback areas;
- the frontages of properties at 15-19 East Street & 10-12 Cowper Street, Granville
- the dedicated public park fronting Cowper Street and the area connecting the existing heritage house; and
- the proposed through-site link connecting Cowper Street and East Street.

The Public Domain Plans shall include details of the road pavement, kerb returns, pedestrian refuge 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 City of Parramatta 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;
- The existing kerb and gutter outside the development site and the adjacent properties at 15-19 East Street and 10-12 Cowper Street shall be reconstructed in accordance with City of Parramatta's design standard DS1. A 500mm wide road bitumen pavement shall be removed and replaced to meet the proposed kerb levels.
- The proposed kerb ramps must be amended to comply with City of Parramatta's design standards (drawing no: DS4) and PDG.
- The two kerb returns on Rowell Street shall be designed to balance the needs for both vehicle and pedestrian. They shall be designed to minimise the lengths of crossing at the intersections to City of Parramatta engineer's satisfaction.
- 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 Asphalt. The paving upgrade should include the entire public domain areas between the planting beds or stairs on the street level and the back of kerb. The detailed paving design must comply with the City of Parramatta standard paving details - DS45 (granite treatment), which can be obtained from the City of Parramatta Urban Design Team.
- The public and private land boundary shall be clearly defined by using metal edges in pavement or planting bed edges.
- The proposed continuous planted verge along the kerb on Rowell, East and Cowper Street should be removed and replaced with extended tree pits and paved egress zone for parked cars. The applicant should consult with City of Parramatta Urban Design Team during the preparation of the final footpath design prior to the submission of the Public Domain Plans.
- Details of the proposed in-road tree planting shall be included in the Public Domain CC set to clearly demonstrate the intent of stormwater treatment or passive irrigation.
- The awning details shall be properly illustrated in the public domain plans in terms of the location, height, width and thickness. A detailed cross section (no less than 1:50 scale) shall be provided to indicate its relationship with kerb, footpath, street tree, street wall, and any overhead structures. A minimum **2m** clearance shall be provided between kerb face to awning outline to ensure sufficient growth spaces for street trees.
- Any proposed gates for the proposed through-site links must be shown in the Public Domain Plan.
- 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, must be located **within** the site boundaries without encroaching pedestrian desire lines or clear paths of travel.



- Public seating furniture and bin may be required to be provided in the footpath area. Any proposed public furniture shall comply with the requirements in the PDG.
- Standard Kerb Ramps are to be constructed at the intersections of East Street, Rowell Street and Cowper Street in accordance with Council Plan No. DS4 and the approved Public Domain Plans. Details must be submitted with the Public Domain Plans to be approved by Council prior to construction. All costs must be borne by the applicant.

**Reason:** To set the standards for reconstruction of the public domain.

18. The proposed landscape works in the public park shall be of low maintenance species. The proposed plantings, including the trees in the raised garden beds, need to be reviewed to ensure this public space requiring minimum maintenance by Council. The detailed design of the public park including details of the paving treatment and the accessible path of travel route between East Street and Cowper Street shall be submitted to Council for approval prior to the issue of **any Construction Certificate for works at ground level or above.**

**Reason:** To improve accessibility in the public domain and comply with AS1428.1.

19. The public park to be dedicated to Council in accordance with the approved plan shall be constructed in according to the finished levels showing in the approved architectural plans and landscape plans to ensure a suitable finished surface across the entire park and an accessible path of travel which is publicly accessible between East Street and Cowper Street. Localised adjustment of levels to suit building entries is not permitted in the dedicated area. These details are to be included in the plans to be submitted to Council for approval in accordance with the above condition prior to the issue of **any Construction Certificate for works at ground level or above.**

**Reason:** To improve accessibility in the public domain and comply with AS1428.1.

20. The public and private domains shall be clearly defined around the perimeters of the development. The proposed planter beds along East Street shall be redesigned to be aligned with the road reserve/property boundary. Seating and other furniture is to be integrated into the planting strip subject to the final design that is to be approved by Council's Urban Design team prior to the issue of **any Construction Certificate for works at ground level or above.**

**Reason:** To define the boundary between the public and private domain.

21. The applicant is to engage a NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997 prior to the issue of the first Construction Certificate. Should the detailed site investigation determine that remediation is required, the remediation work is to be subject to a Remediation Action Plan (RAP) prepared by NSW EPA accredited site auditor.

If a RAP is required, it is to be implemented concurrent with demolition, site preparation and excavation works. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

A site audit statement is to be submitted to Council and the principal certifying authority on the completion of remediation works and prior to the commencement of construction works.

**Reason:** To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines.

22. Details of the methods for access controls (such as security gates, security doors, intercoms and the like) to be installed at each point of access between private space and publicly accessible space are to be indicated on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of **any Construction Certificate for basement works**. The details are to clearly demonstrate that these access points can be secured for authorised access only and to safely separate public and private spaces in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).

**Reason:** To ensure access controls comply with CPTED.

23. Screening in the form of fencing and planting shall be indicated on the Landscape Plan submitted with the Construction Certificate to separate private open space areas for apartments at Level 4 (podium level) from the adjoining communal open space areas.

Privacy screens shall be fixed to the windows of bedrooms and study rooms adjacent to the common pedestrian pathways at Level 4 (podium level) of Building C to achieve visual privacy for these rooms as viewed from the adjoining communal open space. Details of the privacy screens shall be indicated on the plans submitted for any Stage A.2 Construction Certificate to the satisfaction of the Principal Certifying Authority.

**Reason:** To achieve visual privacy between private and communal spaces.

24. A Detailed Public Art Plan prepared by a suitably qualified and experienced public art consultant in accordance with the 'Art in the Public Domain Guideline' shall be approved by Council prior to the issue of **any Construction Certificate for works at ground level or above**. The Public Art Plan is to include contextual and historical themes and design details of each public art work including concept drawings, scale and context, materials and finishes, timeline showing staging of the artwork and an estimated budget indicated on the approved plans.

**Reason:** To achieve public art which is consistent with Council's guidelines.

25. A license shall be obtained from the Department of Planning for approval to extract groundwater under the provisions of the Water Management Act, 2000.

*See also the General Terms of Approval from NSW Primary Industries – Water included in this notice.*

**Reason:** To comply with Department of Infrastructure, Planning and Natural Resources requirements.

26. All outdoor lighting and lighting of publicly accessible spaces including lighting of the public park and publicly accessible through-site link must comply with the relevant provisions of *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting* and designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. A detailed lighting plan demonstrating compliance with these requirements be submitted to the satisfaction of the Certifying Authority prior to the issue of **any Construction Certificate for works at ground level or above.**

**Reason:** To protect the amenity of the surrounding neighbourhood from the emission of light and to provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

27. 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 application to the satisfaction of the Principal Certifying Authority.

**Reason:** To enable access for maintenance.

28. Prior to the issuing of the relevant Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs 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.

29. All chutes for management of garbage and recyclables 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. Chutes for garbage and recyclables must be clearly labelled for separation of items to discourage improper use. Details of the design shall be included in the information submitted with each Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure waste and recyclables management facilities and equipment is appropriately designed and managed.

30. Storage rooms for waste and recyclables are to be provided within the development as indicated on the approved plans and 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.

Details shall be indicated on the plans submitted with each Construction Certificate application that demonstrate compliance with these requirements to the satisfaction of the Principal Certifying Authority.

**Reason:** To ensure provision of adequate waste storage arrangements.

31. 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 **any Construction Certificate for works at ground level or above** a 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.

32. The development must incorporate adaptable dwellings as shown in the approved plans titled 'Adaptable Unit Plans' Job No.16007 Drawing DA5.01 Rev.B dated 24 August 2016 prepared by Marchese Partners. Plans submitted with each construction certificate application must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

**Reason:** To ensure the required adaptable dwellings are appropriately designed.

33. 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.

34. 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.

35. 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.

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

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



37. The recommendations outlined in the acoustic report prepared by Resonate Acoustics, reference SI1523SRPI Rev. 1 dated 28 July 2016 and Addendum dated 9 November 2016 shall be incorporated into the plans and documentation accompanying each application for a Construction Certificate to the satisfaction of the Certifying Authority. In addition to the acoustic treatments recommended in the approved Acoustic Planning Report and Addendum by Resonate Acoustics, plans submitted with each application for a Construction Certificate shall include details of the acoustic treatment of party walls to apartments where party walls separate bedrooms and living rooms in order to demonstrate that appropriate materials and construction methods will be implemented to achieve an appropriate level of internal acoustic amenity to the satisfaction of the Principal Certifying Authority.  
**Reason:** To ensure a suitable level of residential amenity.
38. External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof 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 application for a construction certificate to the satisfaction of the Certifying Authority.  
**Reason:** To have a minimal impact on the neighbouring property.
39. All apartments with single southerly aspects are to be provided with performance glazing to all external windows and glass sliding doors to improve internal amenity in keeping with BASIX requirements and as recommended in the acoustic report prepared by Resonate Acoustics, reference SI1523SRPI Rev. 1 dated 28 July 2016 and Addendum dated 9 November 2016. Details of the glazing treatment for all single southerly aspect apartments compliant with this requirement are to be indicated in the plans submitted each application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.  
**Reason:** To improve the interior amenity and environmental performance of single southerly aspect apartments.
40. In accordance with commitments made in documentation submitted with the development application and as indicated on the approved plans, the minimum floor to floor height of residential apartments is to be 3.1m in order to optimise the level of solar access and ambient light to each apartment. Details indicated on the plans to be submitted with each Construction Certificate application shall verify compliance with this requirement to the satisfaction of the Principal Certifying Authority.  
**Reason:** To improve the interior amenity and environmental performance of all apartments.

41. The bicycle storage area must be capable of accommodating a minimum of 336 bicycles within a fixed bicycle rail. The bicycle storage areas and bicycle rail must be designed to meet the requirements of AS 2890 – Off-street Car Parking Facilities (2004). Details of compliance with this standard are to accompany each Construction Certificate application to the satisfaction of the Certifying Authority.  
**Reason:** To promote and provide facilities for alternative forms of transport.
42. 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 issue of **any Construction Certificate for basement works**.  
**Reason:** To comply with Council's parking requirements.
43. 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 application.  
*Note: Each disabled parking space is to be provided as a 2.4m x 5.4m dedicated space and shared area in compliance with AS2890.6-2009.*  
**Reason:** To comply with Council's parking requirements and Australian Standards.
44. Prior to the issue of each construction certificate, the PCA shall ascertain that any new element in the ground floor and basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1 , AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with each construction certificate application.  
**Note:** *No permanent obstructions (such as landscaping) are to be permitted on-street within 4.5m west of the vehicular crossing on Cowper Street, which services the loading bay.*  
**Reason:** To ensure appropriate vehicular manoeuvring is provided.
45. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany each application for a Construction Certificate to the satisfaction of the Certifying Authority.  
**Reason:** To ensure visitor carparking is accessible.
46. 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.

47. 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.

48. 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.

49. 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.

50. Prior to the issue of each Construction Certificate, the Certifying Authority must be satisfied the footings of the proposed terrace with pergola and stormwater drainage pits and associated drainage lines 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 tree(s):

Tree No.	Name	Common Name	Radius from the trunk
1x	<i>Corymbia citriodora</i>	Lemon Scented Gum	8.4 metres

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

**Reason:** To ensure adequate protection of existing trees.

51. A Methodology Statement, prepared by a suitably qualified Arborist (Australian Qualification Framework Level 5), must accompany each application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of one (1) *Corymbia citriodora* (Lemon Scented Gum) during construction and the expected future health of the tree. The statement is to be structured so that each of the following stages of construction are individually addressed, namely:

- (a) Excavation;
- (b) Canopy trunk and tree root protection;
- (c) Construction of anything located within the canopy dripline;
- (d) Installation of services (i.e. bridging of roots); and
- (e) Back filling

**Reason:** To ensure adequate protection of existing trees.

52. 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 City of Parramatta Public Domain Guidelines. The required tree species, quantities and supply stock are:

Street Name	Botanical Name	Common name	Pot Size	Ave. Spacing
Rowell Street	<i>Melaleuca linarifolia</i>	Narrow-leaved Paperbark	200L	8.5m
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	1.5metres

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 City of Parramatta Urban Design Team prior to the issue of the first Construction Certificate).

The required soil volumes are:

Tree Species	Crown Spread	Crown Projection	Approx. Soil Volume Range
<i>Lophostemon confertus</i>	12m	113m <sup>2</sup>	50-55m <sup>3</sup>
<i>Ulmus parvifolia</i>	12m	113m <sup>2</sup>	50-55m <sup>3</sup>
<i>Melaleuca linarifolia</i>	8m	50.2m <sup>2</sup>	22-25m <sup>3</sup>
<i>Tristaniopsis laurina</i> 'Luscious'	6m	28m <sup>2</sup>	13-15m <sup>3</sup>

The sizes and finishes of the tree pits are:

Street Name	Tree Species	Pit Sizes	Finishes	Understorey Planting Species/Sizes
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Rowell Street	<i>Melaleuca linarifolia</i>	1.8m x 2.4m	Mass Planting	Dianella caerulea 'Little Jess'
East Street	<i>Tristaniopsis laurina</i> 'Luscious'	2m x 6m	Mass planting	Dianella caerulea 'Little Jess'; Dianella tasmanica 'Silver Streak'; and Nandina domestica 'Golf Stream'
	<i>Lophostemon confertus</i>	2.5m x 2.5m	Mass planting	TBC
Cowper Street	<i>Tristaniopsis laurina</i> 'Luscious'	2m x 6m	Mass planting	Dianella caerulea 'Little Jess'; Dianella tasmanica 'Silver Streak'; and Nandina domestica 'Golf Stream'
	<i>Ulmus parvifolia</i>	2.5m x 2.5m	Mass planting	TBC

The new street trees shall be placed to comply with the clearance requirements in the City of Parramatta Public Domain Guidelines and the Public Domain Plans to be submitted with the first Construction Certificate.

A site investigation and underground service mapping might be 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 achieve street tree planting consistent with Council's requirements.

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

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

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

54. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of the first Construction Certificate.  
The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

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

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA 961/2015;
- (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.

56. 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.

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

**Reason:** To ensure that the levy is paid.

58. A monetary contribution comprising **\$1,640,169.55** is payable to Parramatta City Council in accordance with 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 contribution is to be paid to Council prior to the issue of a construction certificate for each stage of the development proportionate to the gross floor area to be constructed in that stage. In this condition 'gross floor area' has the same meaning set out in Parramatta Local Environmental Plan 2011.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

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

**Reason:** To comply with legislative requirements.

59. Details of the following flood protection measures shall be submitted for the approval of Council's Manager, DTSU which must be obtained prior to release of each Construction Certificate.

The minimum finished floor level FFL for the habitable floors of the proposed development shall be as follows:

**Building C** - FFL (adopted Flood Planning Level) is minimum 9.10m AHD

**Building B** - FFL (adopted Flood Planning Level) is minimum 8.00m AHD

**Building A** - FFL (adopted Flood Planning Level) is minimum 6.80m AHD.

The Probable Maximum Flood Level (PMF) for this site may be taken to be RL 7.8m AHD.

The driveway giving access to the basement from Cowper Street shall be provided with a flood proof crest and associated bunding at a level of 8.0m AHD minimum.

The driveway giving access to the basement from East Street shall be provided with a flood proof crest and associated bunding at a level of 6.8m AHD minimum and higher if practical. In addition a "Flood Break" or equivalent self-actuating, self-propelling flood gate shall be provided at or near the crest of this driveway to achieve a minimum flood protection height of RL 7.8m AHD together with associated wiper walls, bunding walls, flood doors, and other flood exclusion measures as needed up to RL7.8m AHD or higher.

Throughout the site, all necessary means shall also be provided such as continuous bunding and flood doors to stairs to prevent ingress of floodwaters into the car park. These measures shall be provided to the adjacent flood planning level for Building A, B or C, or to the PMF of 7.8m AHD - whichever is the higher level.

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 levels within 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.

Details of all of the work the subject of this condition shall be submitted for the approval of Council's Manager DTSU, which must be obtained prior to release of the first Construction Certificate. Construction must be completed to Council's reasonable satisfaction prior to issue of the Occupation Certificate.

**Reason:** To achieve development that is compatible with flooding and overland flow.

60. 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 requires that such street drainage pipelines be constructed to 20 ARI capacity, unless otherwise approved. 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 Manager DTSU, prior to the issue of **any Construction Certificate for works at ground level or above.**

**Reason:** To achieve development that provides appropriate stormwater management.

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

**Reason:** To ensure satisfactory stormwater disposal.

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

The provision of retaining walls along common property boundary lines shall not impact on neighbouring properties. If there is to be an impact on neighbouring properties (including fencing) then written approval from the affected neighbouring landowner shall be obtained and submitted to the Certifying Authority prior to the commencement of any works on the property boundary.

Structural details, certified by a practicing structural engineer, shall accompany each application for a Construction Certificate for assessment and approval by the Certifying Authority prior to the issue of each Construction Certificate.

**Reason:** To minimise impact on adjoining properties.

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

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



- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

**Reason:** To ensure satisfactory storm water disposal.

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

A Flood Evacuation, Emergency Access and 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 first application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure the structure can withstand flooding events.

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

**Reason:** To ensure the flood warning system is installed.

66. As part of the Stormwater Management System, stormwater quality treatment devices must be integrated into the landscape design and installed to manage surface runoff water to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed landscape elements, treatment devices and their location must be submitted for approval of Council's Manager DTSU which must be given prior to release of each Construction Certificate.

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

67. 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.

68. 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.

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

**Reason:** To ensure appropriate drainage.

70. Foundations adjacent to the drainage pipes, within the adjoining public roads and reserves, 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.

71. The grades of the driveways, 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 each application for a Construction Certificate.

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

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

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

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

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

73. All cleaning and washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of each Construction Certificate.  
**Reason:** To ensure satisfactory waste water disposal.
74. 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.
75. 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.
76. 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 each application for a Construction Certificate to the satisfaction of the Certifying Authority.  
**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape.
77. Documentary evidence to the satisfaction of the Certifying Authority is to accompany each application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

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

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

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

78. 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.

79. 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 and concealed from view from adjoining public places.

**Note:** *Architectural plans identifying the location of all plant and equipment must be provided to the Certifying Authority prior to the issue of the Construction Certificate.*

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

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

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

81. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each tower to service the development. A connection is to be provided internally to each dwelling/unit within the development and connections are to be operable prior to the issue of an Occupation Certificate. Details of these connections are to be annotated on the plans and documentation accompanying each Construction Certificate application to the satisfaction of the Certifying Authority.

**Reason:** To protect the visual amenity of the area.

82. 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 each Construction Certificate application 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.

83. 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.

84. 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.

85. 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.

86. 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.

87. 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.

88. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. It should be noted that craneage 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 craneage 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.

89. 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 ANY WORKS COMMENCING**

90. 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.

91. 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.

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

**Reason:** To ensure public safety.

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

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

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

This condition does not apply where works are being carried.

**Reason:** Statutory requirement.

94. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to each site access. This sign shall be displayed throughout the duration of the remediation works if remediation works are required.

**Reason:** To provide contact details for council inspectors and for the public to report any incidents.

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

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

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

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

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

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

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

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

**Reason:** To ensure adequate toilet facilities are provided.

97. 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 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.

98. Prior to the commencement of any works on site, the applicant must submit a Construction Site Management Plan and Construction Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
- (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
  - (iii) The locations of proposed Work Zones in the egress frontage roadways,
  - (iv) Location of any proposed crane standing areas,
  - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.

- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

- (c) Traffic Control Plan(s) for the site:

(i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,

(ii) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.

- (d) Where applicable, the plan must address the following:

(i) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,

(ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.

(iii) Minimising construction related traffic movements during school peak periods,

The Construction Site Management Plan and Construction 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. The Construction Site Management Plan and the Construction Traffic Management Plan shall apply to Stages A.1, A.2 and Stage B of the proposed works.

**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.

99. 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.

100. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

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

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

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

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



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

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

101. Details of the proposed reinforced concrete pipe-work within 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.

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

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

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

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

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

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

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

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

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

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

- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

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

**Reason:** Proper management of public land.

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

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

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

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

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

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

107. The required Tree Protection Zones (TPZ) are to be established and in place prior to any works commencing according to the schedule below.

The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chainmesh. The area enclosed is to be a designated "No-Go Zone" and is to be kept weed and grass free for the entire duration of works. The enclosed area is to be mulched with 100mm of leaf mulch to minimise disturbance to existing ground conditions for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.

Tree No.	Species	Common Name	Location	Radius from Trunk for TPZ
1x	<i>Corymbia citriodora</i>	Lemon Scented Gum	21-23 East Street	8.4 metres

**Reason:** To protect the trees to be retained on the site during construction works.

108. 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.

109. 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

110. 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.

111. 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.

**Demolition, Tree Protection, Tree Removal and Site Preparation (not including site excavation works)**

112. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

**Reason:** To ensure trees are protected during construction.

113. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

**Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta 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 City of Parramatta 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 City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (p) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
  - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
  - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

**Reason:** To protect the amenity of the area.

114. Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

A site audit statement shall be issued at the completion of the investigation by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

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

115. Trees to be retained are:

Tree No.	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
1x	<i>Corymbia citriodora</i>	Lemon Scented Gum	21-23 East Street	700mm	8.4 metres

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

116. Trees to be removed are:

Tree No.	Species	Common Name	Location
1x	<i>Callistemon salignus</i>	Willow Bottlebrush	29 East Street
4x	<i>Callistemon sp</i>	Bottlebrush	Development site
6x	<i>Callistemon sp</i>	Bottlebrush	Street Trees

**Reason:** To facilitate development.

117. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

**Reason:** To ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.

118. 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.

119. A minimum Australian Qualification Framework Level 3 arboriculture service provider is to remove the following street trees:

Tree No.	Name	Common Name	Name of Street Frontage
6x	<i>Callistemon sp</i>	Bottlebrush	Cowper Street

**Note:** All approved tree removal works must conform to the Tree Work Draft Code of Practice 2007.

All new/replacement street tree plantings shall be planted in accordance with approved plans and conditions of this consent.

**Reason:** To ensure restoration of environmental amenity.

120. 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.

121. 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.

### **During Works**

122. 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.

123. 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.

124. A copy of this development consent and any construction certificate together with all 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 and construction certificate details.

**Reason:** To ensure compliance with this consent and future construction certificates.

125. 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.

*See also the General Terms of Approval from NSW Primary Industries – Water included in this notice.*

**Reason:** To prevent pollution of waterways.

126. A range of inspections will be carried out by City of Parramatta 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.

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

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

**Reason:** To comply with statutory requirements.

128. 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.

129. 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.

130. 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.

131. 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.

132. 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.

133. 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.

134. 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.

135. 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.

**Reason:** To ensure appropriate disposal of asbestos materials.

136. 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.

137. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage for each stage of the development. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the basement levels, ground floor level and vehicle crossing levels are 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.

138. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

**Reason:** To ensure no adverse impacts on neighbouring properties.

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

**Reason:** To protect public safety.

140. 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.

141. All excavation between the radial distance of 3 metres and 8.4 metres of *Corymbia citriodora* (Lemon Scented Gum), located on the subject site, is to be supervised by an Australian Qualifications Framework (AQF) Level 5 arborist. If during excavation the Arborist identifies remedial work is necessary, it is to be supervised by this Arborist.

Once the work is completed the Project Arborist is to provide certification to the Principal Certifying Authority.

**Reason:** To provided adequate protection of trees.

142. No excavation is to occur within the distance specified below:

Tree No.	Species	Common Name	Location	Distance from trunk
1x	<i>Corymbia citriodora</i>	Lemon Scented Gum	21-23 East Street	3.0 metres

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

143. 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).

144. 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 the Occupation Certificate.

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

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

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

146. 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.

147. 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.

148. 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.

149. 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 the first Construction Certificate.

**Reason:** To protect against subsidence, erosion and other nuisances

150. 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.

151. 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.

152. The development must be undertaken strictly in accordance with the findings and recommendations contained in the Heritage Impact Assessment Report and Conservation Management Plan prepared by NBR & Partners dated January 2016 and revised CMP dated June 2016 unless modified by another condition of this consent.

**Reason:** To ensure the appropriate maintenance of Parramatta's Heritage.

153. 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.

154. Should any part of the existing building which is indicated on the approved plans to be retained be damaged or in any way altered beyond the approved scope of works, all works on site are to cease and written notification to be provided to Council. No work is to resume until the written approval to continue works is obtained from the Council.

**Reason:** Conservation of listed heritage item and ensure compliance.

155. 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.

156. 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.

157. 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**

158. Separate occupation certificates shall be issued for each stage. For the avoidance of doubt, each stage is independent and is not required to be completed concurrently or contemporaneously.

**Reason:** To ensure compliance with legislative requirements.

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

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

160. 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.

161. 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 footprint of the applicable stage and a **Final Approval** shall be obtained from Council's Assets & Urban Design teams.

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

162. 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 in the relevant areas (see below) and a **Final Approval** shall be obtained from Council's Assets & Urban Design teams.

Stage A.1:

- all the frontages of the development site between the gutter and building line in East Street and Cowper Street between the eastern boundaries of the site and the division between buildings in Stages A.1 and Stage B, including road pavement, kerb return, kerb & gutter, in-road planting, footpath, planting beds, drainage, forecourt, and front setback areas;
- the frontages of properties at 15-19 East Street & 10-12 Cowper Street, Granville
- the dedicated public park fronting Cowper Street and the area connecting the existing heritage house; and
- the proposed through-site link connecting Cowper Street and East Street.

Stage B:

- all the remaining frontage of the development site between the gutter and building line in Rowell Street, East Street and Cowper Street, including road pavement, kerb return, kerb & gutter, in-road planting, footpath, planting beds, drainage, forecourt, and front setback areas;



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.

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

Stage A.1:

- all the frontages of the development site between the gutter and building line in East Street and Cowper Street between the eastern boundaries of the site and the division between buildings in Stages A.1 and Stage B
- the frontages of properties at 15-19 East Street & 10-12 Cowper Street, Granville
- the dedicated public park fronting Cowper Street and the area connecting the existing heritage house; and
- the proposed through-site link connecting Cowper Street and East Street.

Stage B:

- all the remaining frontage of the development site between the gutter and building line in Rowell Street, East Street and Cowper Street

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

164. A **Works-as-Executed Plan** prepared for the Final Approval of public domain works shall be prepared and submitted to Council showing the final-approved public domain works after the completion of public domain works, and prior to any final inspection by Council staff and prior to the issue of the final Stage A.1 and Stage B Occupation Certificates.

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

165. A **two-year** (104 weeks) maintenance period will apply to all the works constructed in the public domain including the public park to be dedicated to Council and the publicly accessible through-site link. A Landscape and Materials maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council, prior to the issue of final approval, that specifies the activities to be undertaken during the 104 weeks after Council's final approval how and who to maintain the public domain works.

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

166. Prior to issue of the first Occupation Certificate (including interim OC), the public domain construction works including the construction and landscaping within the public park to be dedicated to Council and the publicly accessible through-site link must be completed to Council's satisfaction and a **Final Approval** shall be obtained from Council's Assets & Urban Design teams.

Council will issue the **Final Approval** for the finished public domain works that complied with the approved public domain documentations and completed to Council's satisfaction and subject to a Works-as-Executed Plan verifying the completion of works in accordance with all approvals. 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.

167. The public park as shown in the approved Plan of Dedication Drawing SK200 Rev.A prepared by Marchese Partners and dated 14 November 2016 shall be constructed and dedicated to Council at no cost as a public place. For the avoidance of doubt, the park shall be dedicated prior to the issue of the Occupation Certificate (including any Interim Occupation Certificate).

**Reason:** To ensure required community benefits are achieved.

168. Prior to the issue of an Occupation Certificate for the community facility building, the applicant or the person authorized to act on the consent, shall liaise with the City of Parramatta Community Capacity Building team regarding the tenanting and use options for the proposed community facility.

**Reason:** To ensure the adaptive reuse of the heritage item.

169. 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 – 6m<sup>3</sup>
- 2 bedroom units – 8m<sup>3</sup>
- 3 bedroom units – 10m<sup>3</sup>

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

170. The conservation management works specified in the approved Conservation Management Plan by NBR & Partners dated January 2016 and revised June 2016 are to be completed prior to the issue of the first Occupation Certificate for the re-use of the heritage item as a community facility. Verification from a suitably qualified and experienced heritage consultant is to be provided to the satisfaction of the Principal Certifying Authority.

**Reason:** To ensure the adaptive reuse of the heritage item.

171. The acoustic measures required by the acoustic report(s) prepared by Resonate Acoustics, reference SI1523SRPI Rev. 1 dated 28 July 2016 and Addendum dated 9 November 2016 and additional details for party walls indicated on the plans submitted with the Construction Certificate must be implemented prior to issue of each Occupation Certificate and verification of the installation provided by a suitably qualified and experienced acoustic engineer provided to the Principal Certifying Authority.

**Reason:** To minimise the impact of noise and protect the amenity of residents.

172. 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.

173. The artworks indicated in the approved plans and detailed in the Public Arts Plan submitted with the Construction Certificate must be installed to the satisfaction of the Principal Certifying Authority prior to the issue of the Stage B Occupation Certificate.

**Reason:** To ensure the appropriate implementation of the approved public art plan.

174. 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.

175. 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.

176. 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 issue of an Occupation Certificate for the relevant Stage.  
**Reason:** To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
177. Prior to the issue of each 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.
178. Prior to the issue of any 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 development.  
**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.
179. 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 each Occupation Certificate.  
**Reason:** To ensure provision of appropriately located telecommunication facilities.
180. The developer must submit to the Principal Certifying Authority documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider to the development prior to the issue of each Occupation Certificate.  
**Reason:** To ensure appropriate electricity services are provided.
181. A lighting diagram is required to be prepared by a suitably qualified lighting engineer and submitted to the Principal Certifying Authority prior to the issue of each Occupation Certificate. This diagram is to demonstrate lighting of publicly accessible spaces complies with the requirements of Australian Standard AS NZS 1158.3 1999 Pedestrian Area (Category P) Lighting and that light spillage generated by the proposed lighting system complies with the requirements of Australian Standard AS4284 - Control of Obtrusive Effects of Outdoor Lighting. Lighting standards and light spillage mitigating measures shall be maintained at all times.

**Reason:** To achieve safe standards of lighting to publicly accessible spaces and to prevent light spillage onto adjoining properties.

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

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

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

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

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

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

183. Design Verification issued by a registered architect is to be provided with each application for an Occupation Certificate verifying that the residential apartments have achieved 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.

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

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

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

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

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

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.



- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

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

187. Prior to the issue of each 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 stormwater management system on the site.

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

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the stormwater facilities, relative to the building footprints.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

**Reason:** To ensure maintenance of the stormwater management system.

188. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of eac 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](http://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.

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

190. All individual parcels of land holding a separate title within the development site must be consolidated into one lot for each of the two stages of the development with the exception of the lot created for the public park. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to each Occupation Certificate being issued for each stage.

**Reason:** To comply with the Conveyancing Act 1919.

191. Prior to the issue of each occupation certificate, convex mirrors are to be installed in accordance with approved plans, with their height and location adjusted to allow an exiting driver a full view of the driveways, circulation roadways and ramp in order to see if another vehicle is coming through. Convex mirrors are to be installed at both ends of ramps and at curve points.

**Reason:** To ensure safety of drivers.

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

**Reason:** To ensure appropriate car parking.

193. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way. Signage must be installed to the satisfaction of the Certifying Authority prior to the issue of each Occupation Certificate.

**Reason:** To ensure pedestrian safety.

194. Prior to the issue of each occupation certificate, signage is to be installed within the car parking areas clearly indicating the car parking spaces to be made available for visitors to the site.

**Reason:** To ensure adequate provision and use of on-site parking.

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

**Reason:** To ensure restoration of environmental amenity.

196. Final documentation including details of fabrication and installation of the work including a maintenance schedule must be submitted and approved by Council and Artwork completed in full and installed to the satisfaction of Council prior to the issue of the final Occupation Certificate.

**Reason:** To comply with Development control requirements.

197. Prior to issue of the an Occupation Certificate for each 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.

198. 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.

199. 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.

### **On-going Operation and Use**

200. The hours of operation of the ground floor commercial premises are restricted to 7am to 7pm daily unless approved otherwise under a separate application.

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

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

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

202. 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.

203. Trade waste water must be disposed of in accordance with the permit requirements issued by Sydney Water Corporation Ltd, Wastewater Source Control Branch.

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

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

**Reason:** To ensure provision of adequate waste disposal arrangements.

205. 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.

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

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

207. Any external plant/air-conditioning system 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.

208. 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.

209. 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.

210. 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.

**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.