

# ASSESSMENT REPORT – MIXED USE DEVELOPMENT S79C – Environmental Planning & Assessment Act 1979

## SUMMARY

### Application details

DA No:	DA/540/2016
Assessment Officer:	Kate Lafferty
Property:	78-100 Church Street Parramatta Lot 100 DP 792374, Lot 504 DP 701136
Proposal:	Demolition of existing structures and construction of a 39 storey mixed use development containing ground floor commercial/retail tenancies and 398 apartments over 4 levels of basement car parking
Cost of works:	\$181,999,111
Date of receipt:	27 June 2016
Applicant:	Ecoworld c/- Think Planners Pty Ltd
Owner:	Eco World Sydney Development Pty Ltd
Submissions received:	3 submissions received
Property owned by a Council employee or Councillor:	No
Political donations/gifts disclosed:	No
Council application:	No
Issues:	Access to the site - right of carriageway
Recommendation:	Deferred Commencement Consent - creation of rights of carriageway over Council owned land
Determining Authority:	The development will be determined by the Sydney West Joint Regional Planning Panel as the capital investment value exceeds \$20 million

## Legislative Requirements

Zoning:	Mixed Use B4
Permissible under:	Parramatta LEP 2011
Relevant legislation/policies:	SEPP65, SEPP55 (Remediation of Land), SEPP (Infrastructure), SEPP (Urban Renewal), SEPP (Basix), Parramatta LEP 2011, Parramatta DCP 2011, Parramatta Section 94A Contributions Plan
Variations:	Street alignment setbacks, street frontage height and unit mix (DCP 2011) Deep soil and building separation (ADG)
Integrated development:	Yes (an aquifer interference activity approval is required under the Water Management Act 2000)
Crown development:	No
Designated development:	No

## The site

Site Area:	4,778m <sup>2</sup>
Easements/rights of way:	Endeavour Energy easement over the site (for an indoor substation)
Heritage item:	No
In the vicinity of a heritage item:	Yes Nearby items located at: <ul style="list-style-type: none"><li>- 47 Campbell Street (38m to W)</li><li>- 39 Campbell Street (114m to W)</li><li>- 21 Wentworth Street (63m to NE)</li><li>- 140 Church Street (133m to N)</li></ul>
Site History:	See "Background" section of the report

## DA history (key dates only)

27 June 2016	DA lodged
7 July 2016 to 8 August 2016	DA notified
17 August 2016	JRPP Briefing Meeting

## SECTION 79C EVALUATION

### SITE & SURROUNDS

The site is an irregular shaped land parcel located on the north eastern corner of the intersection of Church Street and Parkes Street, Parramatta. The site has a 110m frontage to Church Street and 55m frontage to Parkes Street.

**Site Area:** 4,778m<sup>2</sup>

The subject site is located on the southern edge of the Parramatta City Centre and is in close proximity to the Westfield Shopping Precinct, Parramatta train station and bus interchange. A mix of residential, retail and commercial premises surrounds the subject site. The broad locality is undergoing a significant transformation towards higher density mixed uses and residential development. Currently two 2 storey older style commercial/retail buildings reside within the subject site.

A concept application for the redevelopment of the former Heartland Holden site opposite in Church Street has recently been approved by the JRPP. This concept proposal incorporates the construction of 7 buildings containing 753 apartments and approximately 39,000m<sup>2</sup> of retail/commercial floor space.

The following aerial photograph indicates the location of the subject site and its relationship to adjoining properties.



Location Map



View of subject site (view towards NE corner of Church Street & Parkes Street)

## BACKGROUND

The relevant planning background for this application is contained within the table below.

<b>LA/60/2014</b>	<b>Architectural Design Competition</b> Design Competition Jury awarded design excellence to a mixed use proposal designed by Gilsenan Associates on 2 July 2014.
<b>DA/484/2014</b>	<p>A development application for the consolidation of lots, demolition and construction of a 39 storey mixed use development containing ground floor commercial/retail tenancies and 364 units over 4 levels of basement car parking was approved (deferred commencement consent) by the JRPP on 13 May 2015.</p> <p>The details of the approved application are as follows:</p> <ul style="list-style-type: none"> <li>- Construction of a 5 storey podium level containing commercial/retail on the ground floor with residential units and communal open space above</li> <li>- Construction of a 34 storey residential tower above the podium</li> <li>- 4 levels of basement parking containing 423 car spaces accessed from a proposed right of carriageway located at the eastern side of the property.</li> <li>- The proposed mixed use development included a total of 1,258m<sup>2</sup> of retail space and 364 residential units</li> <li>- Cost of works = \$116,563,354</li> </ul>

<b>DA/484/2014A</b>	A Section 96(2) application to modify the approved 39 storey mixed use development containing ground floor commercial/retail tenancies and 364 units over 4 levels of basement car parking was refused by the JRPP on 9 December 2015 as the proposed development was not “substantially the same” as the approved development for the purposes of Section 96 of the EP&A Act.
<b>LA/395/2015</b>	<b>Architectural Design Competition</b> Design Competition Jury awarded design excellence to a mixed use proposal designed by Woods Bagot on 17 February 2016.
<b>DA/540/2016</b>	A development application for a mixed use development lodged with Council. This application is the subject of this briefing report. This application is based upon the recent design competition held for the site.
<b>DA/573/2016</b>	A development application for the demolition of structures was lodged with Council on 4 July 2016. The application involves the demolition of structures above ground only. This application was approved under delegation on 18 August 2016.

## THE PROPOSAL

Demolition of existing structures and construction of a 39 storey mixed use development containing ground floor commercial/retail tenancies and 398 apartments over 4 levels of basement car parking.

The details of the proposed new building are as follows:

- Construction of a 6 storey podium level containing commercial/retail on the ground floor with residential units above
- Construction of a 33 storey residential tower above the podium
- 4 levels of basement parking containing 401 car spaces accessed from the proposed right of carriageway located at the eastern side of the property.
- The proposed mixed use development includes a total of 780m<sup>2</sup> of retail/commercial floor space (6 tenancies) and 398 residential apartments.

The proposal has the following dwelling mix:

- 123 x 1 bedroom units
- 254 x 2 bedroom units
- 21 x 3 bedroom units.
- No subdivision is proposed as part of this application.

**Cost of works = \$181,999,111**





Photomontages of Proposed Development

## PERMISSIBILITY

The site is zoned Mixed Use B4 under the provisions of Parramatta LEP2011. The proposed development is defined as a “mixed use development” and is permissible with consent under Parramatta LEP 2011.

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

The development will be determined by the Sydney West Joint Regional Planning Panel (JRPP) as the capital investment value exceeds \$20 million.

The application was considered at the JRPP Briefing Meeting on 17 August 2016. At that meeting, the JRPP panel members raised a number of matters to be addressed within the assessment report. These matters are discussed in detail below.

JRPP Concern	Planning Comment
<b>Commercial Component</b> Concern was raised that the proposed development does not provide an appropriate amount of commercial floor space to assist in supporting the higher order Zone B3 Commercial Core of the City Centre or encouraging	The applicant has provided the following comments in response to this matter:  <i>“The site is zoned B4, which is distinct from the B3 Commercial Core zone that has been identified as being the primary place for commercial offices within the CBD. Nevertheless, the commercial concept for the site is to provide a ground floor plane that introduces a new retailing node that contributes to a “diverse/gritty fine grain laneway approach potentially providing</i>

<p>employment opportunities within the area. A detailed analysis is required to be submitted to demonstrate why additional retail and/or commercial floor space should not be provided.</p>	<p><i>a good model for Parramatta and contribute to a vibrant laneway network for this area". This new urban space within the CBD will make a positive contribution to the city centre in terms of pedestrian movement, shared public space and retailing. In addition, the Design Excellent winning scheme incorporates "pop up" retailing spaces that were recognised by the Design Jury as a positive element that would contribute to the commercial/retailing character of the CBD. I note that the mix of residential and retailing as proposed, is not only permissible, but was agreed to in the terms set out in the Design Excellence Competition Brief. Both Council and the developers have agreed upon the mix. Finally, I note that the podium and tower have been designed for apartments and there is no opportunity to now introduce commercial tenancy's above the ground floor that would require separate lifts and total redesign of the podium and tower."</i></p> <p>There are no current development standards or controls which stipulate the amount of commercial floor space required to be provided within the B4 mixed use zone applying to the site. It is considered that the proposal provides for an acceptable amount of retail/commercial (with 21 x tenancies), ample activation of 3 street frontages and the incorporation of an arcade as a through site link.</p>						
<p><b>Unit Mix</b></p> <p>Concern was raised with the high percentage of 1 bedroom units and low percentage of 3 bedroom units which is inconsistent with the DCP2011 controls.</p> <p>An analysis is required to be submitted to demonstrate why the proposed unit mix is acceptable.</p>	<p>The development proposes the following unit mix:</p> <table border="0"> <tr> <td>Studio/1 bedroom</td> <td>123 units = 30.9%</td> </tr> <tr> <td>2 bedroom</td> <td>254 units = 63.8%</td> </tr> <tr> <td>3 bedroom</td> <td>21 units = 5.3%</td> </tr> </table> <p>The applicant has provided the following comments in response to this matter:</p> <p><i>"The objective within the DCP that is relevant to this design principle is:</i>  <i>To ensure a range of housing options are available in terms of dwelling type and size, to maximise housing choice to meet the needs of diverse household types.</i></p> <p><i>Concern has been expressed with regard to the bedroom mix. Despite the numerical non-compliance the application is considered to meet the objective of the design principle as:</i></p> <ul style="list-style-type: none"> <li>- <i>The site is located within 160m of the Parramatta Train Station and associated Bus Interchange. Given this the provision of three bedroom units in an area likely to be occupied by one and two person's households is inappropriate;</i></li> <li>- <i>The site is located within Sydney's 2<sup>nd</sup> CBD, however, as can be seen in the map extract below, the city is fringed by various residential zones in close proximity to the CBD that provide a range of housing types, including 3 bedroom dwellings in the locality;</i></li> </ul>	Studio/1 bedroom	123 units = 30.9%	2 bedroom	254 units = 63.8%	3 bedroom	21 units = 5.3%
Studio/1 bedroom	123 units = 30.9%						
2 bedroom	254 units = 63.8%						
3 bedroom	21 units = 5.3%						



- *The Parramatta centre contains employment opportunities in a high density urban environment and on this basis is more suitable and in more demand from a higher proportion of smaller households seeking 1 and 2 bedroom units that are typically occupied by one or two person households that would typically walk to white collar office premises; and*
- *The proposal contains a wide variety of apartment types and unit sizes that meet the needs of occupants and are also provided at different pricing points for the alternative sizes which will provide various pricing points that will contribute to affordability.*

*Accordingly, the DCP suggests that the mix of apartments can be refined based on the developments location and its proximity to public transport, public facilities, employment areas, schools, universities and retail centres. It is clear that the subject site exhibits proximity to each of these and the variation is consistent with the DCP terms.*


*Reference should also be made to the letter dated 15 September 2016 that sets out further arguments relating to the appropriateness of the proposed mix. In particular we note -*

- *In 2015 a DA was approved by the JRPP on the site with a 5% 3 bedroom unit mix*
- *In late 2015 Council signed off on a 5% 3 bedroom mix as part of the Design Competition Brief for the site*
- *The Design Competition Jury has raised no issues with the 3 bedroom mix*
- *The proposal provides a significant variety of unit types*

*Based on the above discussion the variation to the unit mix suggested by the DCP is considered reasonable."*

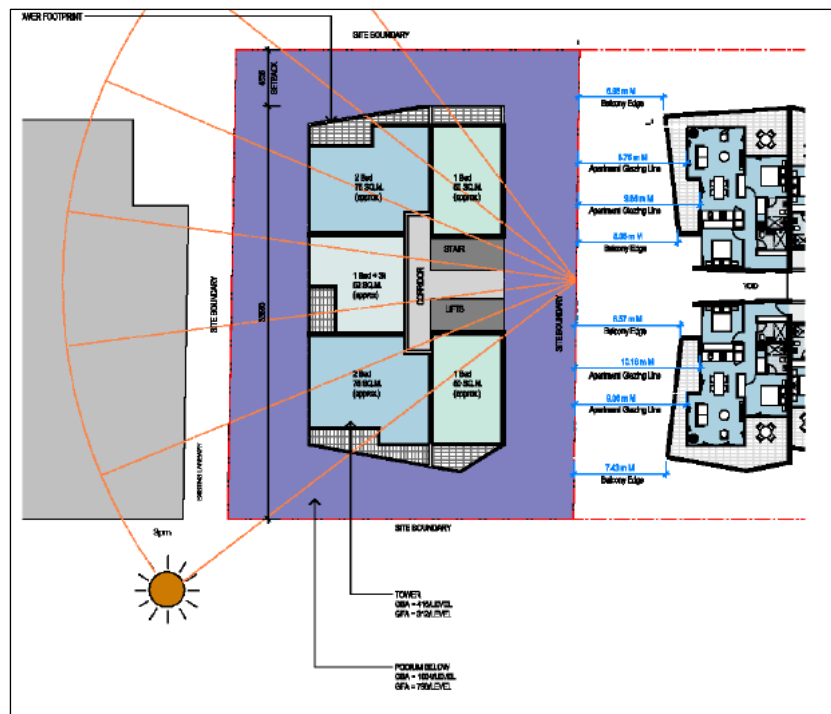
The justification provided by the applicant is acknowledged and is partially supported. Given the application proposes a higher percentage of three bedroom units than previously approved on this site, the DCP offers guidelines to unit mix only, and the planning process has proceeded on this basis, the unit mix is considered acceptable in the circumstances of this case.



<p><b>Adaptable Retail</b></p> <p>Clarification as to the treatment and purpose of the adaptable retail areas on the ground floor is requested to be provided. Details are to be provided regarding their use, their appearance, and integration with the ground floor pedestrian and courtyard areas.</p>	<p>The applicant has provided the following comments in response to this matter:</p> <p><i>“The purpose of the adaptive retail spaces are to allow a variety of activities and uses such as market stalls, art displays, performance and exhibitions. Accordingly, as stated in the Design Report the spaces are “fully open spaces with granite flagstone paving finish” and there is no “fit out” proposed. As can be seen in the elevation pasted below, the space will be open and it will be the responsibility of those who use the space to bring the temporary furniture, carts, display boards, etc.”</i></p>  <p>A portion of the adaptive retail has been located to assist in activating Anderson Lane. It should be noted that Anderson Lane is not a formal road, although it currently functions as a roadway. This is Council owned operational land and may be developed at any time in the future. Should this “laneway” no longer be available for public use, the adaptive retail spaces may be converted to areas for the private or public use of the development, such as outdoor terrace areas, or landscaping. This matter is contained within an advisory note within the Recommendation section of this report.</p>
<p><b>Treatment of Car Park</b></p> <p>Concern was raised as to how all previous concerns relating to the screening and mitigation of impacts from the car park were to be addressed.</p>	<p>The applicant has provided the following comments in response to this matter:</p> <p><i>“The former consent for the site set a deferred commencement condition requiring an agreement to be made with Council on the screening of the Council carpark site to improve its visual appearance.</i></p> <p><i>We raise concerns that such a condition is not appropriate as it is not a condition that can readily be satisfied by our client. In evidence of this I note that Think Planners has sought to engage with Council to reach agreement on a measure that might address the JRPP concerns. It has become apparent that no such agreement can be reached or is desired by Council. We have received correspondence from Council raising issues with:</i></p> <ul style="list-style-type: none"> <li>- <i>how such a condition can be imposed on land not the subject of the Development Application?</i></li> <li>- <i>how would the arrangement be legally struck (easement,</i></li> </ul>

	<p>VPA, cash contribution, etc)</p> <ul style="list-style-type: none"> <li>- what does a "barrier" comprise?</li> <li>- can the carpark structurally support any barrier?</li> <li>- what would be the impact on the usability of the carpark?</li> <li>- how does the proposal impact on the commercial arrangement with the contractors operating the carpark?</li> <li>- who is responsible for the public liability insurance of the barrier?</li> <li>- who is responsible for the ongoing maintenance costs of the barrier?</li> <li>- if only a portion of the barrier is erected for the area that is adjacent</li> </ul> <p>the development site, is it necessary for Council to fund the rest of the barrier around the carpark?</p> <p>Given these legitimate questions raised by just one part of Council, we have sought to provide a solution to the concern through provision of an alternative screening solution.</p> <p>To mitigate the potential impact of the car park on adjacent residential units the following strategies are proposed and illustrated in the DA Report prepared by Woods Bagot-</p> <ul style="list-style-type: none"> <li>a) Double glazing to relevant apartments to minimise vehicle noise impacts from the carpark;</li> <li>b) Speciality blinds will be fitted to effected apartments to address headlight glare and overlooking from and of the carpark; and</li> <li>c) Fritted glass screens.</li> </ul> <p>The roller blinds allow the resident to control light and privacy from within the apartment."</p> <p>There is no agreement between the applicant and Council with respect to the provision of a barrier screen. It is considered that the above design mitigation measures are acceptable in the circumstances of the case and have been incorporated within the "Recommendation" section of the report.</p> <p>It is also noted that the car park may not be a long term land use for the adjoining operational land, and may be redeveloped in the future.</p>
<p><b>Setback to Northern Property</b></p> <p>Concern was raised with respect to the impacts of the non-complying setbacks to the northern boundary on the redevelopment potential of the adjoining property.</p>	<p>The applicant has provided the following comments in response to this matter:</p> <p><i>"As discussed within the Woods Bagot DA Report and the Think Planners SEE the setback to the north is compliant with Council's DCP controls specific to the city centre. This was also the subject of significant discussion ahead of the preparation of the Design Excellence Competition Brief. Most relevantly, the technical studies confirm that the location of the tower appropriately balances the protection of Jubilee Park from overshadowing, the provision of amenity to the apartments in</i></p>

This matter has been reviewed by the Design Excellence Jury and no objections are raised with respect to the separation distances and redevelopment potential of the adjoining property. Council officers are satisfied that the proposed development will not unduly impact upon the redevelopment potential of the adjoining northern property at 104-108 Church Street.



## Water NSW

JRPP (Sydney West Region) Business Paper – Item 3 – 18 Nov 2016 – JRPP Ref 2016SYW121

## **Roads & Maritime Services**

The application was referred to the Roads and Maritime Services (RMS) for comment in accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

RMS correspondence dated 3 August 2016 raised no objection to the application. The RMS have made comments for the consideration of Council, mainly regarding the following matters:

- building within boundaries
- stormwater design to RMS satisfaction
- excavation and support structure documentation
- submission of a construction traffic management plan
- requirement for road occupancy licence
- demolition and construction vehicles to be contained on site
- vehicles to enter and exit in a forward direction.

These matters have been considered within the assessment of the application. Appropriate conditions have been incorporated within the Recommendation section of this report.

## **Sydney Water**

The application was referred to Sydney Water for comment. Sydney Water correspondence dated 2 August 2016 raised no objections to the proposal. Appropriate conditions have been incorporated within the Recommendation section of this report.

## **Endeavour Energy**

There is an easement over the site benefitting Endeavour Energy for an indoor substation and there are underground power lines running along the road frontages of the site. The application was referred to Endeavour Energy for comment. Correspondence dated 25 July 2016 was received and advised of numerous matters to be considered, including the following:

- network capacity/connection
- asset relocation
- easement management/network access
- excavation
- vegetation management
- asbestos
- dial before you dig
- demolition
- public safety training resources
- emergency contacts.

The information provided was forwarded to the applicant as requested by Endeavour Energy. Appropriate conditions have been incorporated within the Recommendation section of this report.

## **Design Competition Jury**

The application (including all revised plans) was referred to the Design Competition Jury to ensure that the quality of the design is maintained through all development approval stages. The Design Jury concluded that the proposed development met all criteria of design excellence in accordance with the winning scheme of the competition.

The Design Competition Jury also recommended specific conditions of consent be imposed on any consent granted including the following requirements:

- further review by the Jury of the development prior to the Construction Certificate release and the Occupation Certificate release
- the retention of the design competition architectural firms throughout the project.

These conditions will assist in ensuring the retention of the design excellence of the development through all development and construction stages. The recommended conditions are incorporated within the Recommendation section of this report.

## **INTERNAL REFERRALS**

### **Heritage Advisor**

The application was referred to Council's Heritage Advisor who reports as follows:

*The site of proposed development is not of heritage interest in its own right, however, it is in the vicinity of several listed items in the PLEP 2011, including:*

- 47 Campbell Street
- 39 Campbell Street (State item)
- 21 Wentworth Street
- 140 Church Street.

*Due to the height of the proposed development, some additional over-shadowing will inevitably occur, particularly to the item at 47 Campbell Street. However, given separations between sites, and given the densely developed nature of the existing urban context, it is deemed that the significance of these items will not be impacted by the proposed development.*

*Based on the above, I have no objections to this proposal from heritage perspective.*

### Planning Comment:

The shadow diagrams submitted with the application indicate that there is **no** additional overshadowing of the heritage item at 47 Campbell Street. It is noted that there is no objection raised to the proposed development from a heritage perspective.



## **Traffic Officer**

The application was referred to Council's Traffic Officer who carried out a detailed review of the application. The traffic assessment results in a satisfactory outcome, and appropriate conditions have been incorporated within the Recommendation section of this report.

## **Tree Management & Landscape Officer**

The application was referred to Council's Tree Management & Landscape Officer who reports as follows:

*There are no existing trees required for removal. It is noted that there are street trees located to the external perimeter of the Council owned carpark, that are sufficiently distanced and no impacts are expected however tree protection conditions will be applied.*

Planning Comment: It is noted that the final landscape plans were found to be satisfactory. The recommendations of Council's Tree Management & Landscape Officer are incorporated in the Recommendation section of this report.

## **Development Engineer**

The application was referred to Council's Development Engineer who raised no objections to the proposed development subject to the imposition of appropriate conditions.

Planning Comment: The recommended conditions of Council's Development Engineer are incorporated within the Recommendation section of this report.

## **Public Arts Officer**

The application was referred to Council's Public Arts Officer who reports as follows:

*The Arts Plan is generally well considered document that meets the intention of Council's policy in regard to public art for major developments, while still at a low level of specificity or detail.*

*The Arts Plan does review in broad terms the site of the building, but includes little detail as to its post-colonial and Victorian uses or history.*

*The central concept is one of "breath" and the potential opportunities for artworks are said to connect to this central concept.*

*There are several opportunities, in various combinations, proffered:*

- a. Suspended light-based works in two foyers*
- b. Sculptural artworks in two foyers*

- c. *Light based works in Laneways and Arcade*
- d. *Treatment of Wentworth St Carpark façade (shielding from headlamps)*

Planning Comment: Concerns are raised with the provision of public art on Council's land, being Anderson Lane, which is Council owned operational land. In this regard, the Arts Plan will need to be amended to remove all encroachments into Council land. A revised and detailed Arts Plan will be required to be submitted before the issue of a Construction Certificate.

### **Environmental Health Officer**

The application was referred to Council's Environmental Health Officer who reviewed the application with respect to contamination and acoustics. No concerns were raised. The recommended conditions of Council's Environmental Health Officer are incorporated within the Recommendation section of this report. Further discussion regarding contamination issues is contained within the 'SEPP 55' section of this report.

### **Waste Management Officer**

The application was considered by Council's Waste Management Officer who raises no objections or concerns with the proposed design. Further details are required to be submitted regarding the waste created during demolition and construction before works commence. Appropriate conditions are incorporated within the Recommendation section of this report.

### **Civil Assets/Urban Design**

The application was referred to Council's Civil Assets Team and Urban Design Team for review of the Alignments Plan submitted with the application and public domain. The following comments are noted:

#### Civil Assets

Civil Assets were satisfied with the Alignment Plan and raise no significant concerns.

#### Urban Design

Urban Design raised a number of matters regarding the public domain which may be satisfied via appropriate conditions of consent. These matters include the following:

- placement of trees within the public domain
- revision of sections along the footpaths for smoother transitions
- details on paving treatments
- details on the Anderson Lane upgrades
- readjustment of awning lines.

Appropriate conditions are incorporated within the Recommendation section of this report to address these matters.

## PUBLIC CONSULTATION

In accordance with Council's notification procedures contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties given notice of the application for a 30 day period between 7 July 2016 and 8 August 2016. In response, 3 individual submissions were received.

A map indicating the location of the submitters is provided below.



**Submissions Map**

The issues raised within these submissions are discussed below.

<b>SUBMISSION 1</b>	
<b>Unit 202/33 Cowper Street - Parramatta</b>	
<b>Concern</b>	<b>Response</b>
Overshadowing of the unit (and balcony)	The shadow diagrams submitted indicate that there is no overshadowing of the objector's property between 9am to 3pm during any time of the year.
Overshadowing impacts upon Jubilee Park	The shadow diagrams submitted indicate that there is no overshadowing of Jubilee Park between 12noon to 2pm (being the times the sun access plane is generated upon). There is minor overshadowing at 3pm, however this is outside the critical public usage times and is currently overshadowed by existing buildings adjacent to the park.
Overlooking into the unit	The objector's property is located approximately 140m from the subject site. It is considered that the proposed development will not have any impact upon privacy due to the distance between buildings.

<b>SUBMISSION 2</b>	
<b>Unknown Unit/33 Cowper Street – Parramatta</b>	
<b>Concern</b>	<b>Response</b>
Increased traffic congestion	Council's Traffic Officer has reviewed the application in detail. The generation of additional vehicle trips during weekday peak hours by the proposed development is consistent with the anticipated development of the area and is not expected to have a significant traffic impact on Parkes Street and surrounding road networks. It is noted that there are existing traffic lights and pedestrian crossings at the intersection of Church Street and Campbell Street which will not be impacted by the proposed development.
<b>SUBMISSION 3</b>	
<b>113 Church Street - Parramatta</b>	
<b>Concern</b>	<b>Response</b>
The proposal is of an inappropriate height and density	The proposed development is compatible with the existing and future planning controls for the City Centre. The proposal is the result of an Architectural Design Competition and is deemed to exhibit design excellence. The proposed development is therefore considered to be compatible with the area in terms of height and density.
Overshadowing of the property	The objector's property is located to the northwest of the subject site and will not be affected by overshadowing.

## **AMENDED PLANS**

Yes

### **Summary of amendments**

The plans were amended as follows:

- Reconfigure the basement to enable better functionality and access
- Relocation of awnings
- Modification of the south-western corner of the tower involving the relocation and reconfiguration of the corner unit to comply with height requirements.

### **Amended Plans re-advertised or re notified**

No

### **Reason amendments not renotified**

In accordance with the notification procedures contained within Clause 5.5.9 of DCP2011 entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*", the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

## **ENVIRONMENTAL PLANNING INSTRUMENTS**

### **STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

The provisions of SEPP No. 55 have been considered in the assessment of the development application.

A Stage 1 Site Contamination Assessment prepared by Coffey was submitted with the application. The results of the Stage 1 Site Contamination Assessment identified the following potential sources of contamination at the site:

- Fill material beneath the south-eastern and south-western corners of the site;
- Limited use of pesticides; and
- Uncontrolled wastewater releases.

The report states that based on a review of the site history and observations made during the site walkover, it was considered that the potential sources of contamination pose a low to moderate likelihood of contamination. Evidence of other potential sources of contamination, such as industrial activities/processes and the presence of hazardous building materials, were not identified.

The Contamination Assessment notes the following gaps in the site history and site characterisation were identified during this assessment:

- Visual confirmation regarding the presence, or otherwise, of a UST beneath the southern portion of the motorcycle dealership
- The presence of other unknown USTs, relating to previous use of part of the site as an automotive dealership and lack of a WorkCover NSW dangerous goods search
- The condition of the substation and the presence, or otherwise, of surface staining
- The condition of grease traps.

The Contamination Assessment states:

***“Overall, Coffey considers that the site is suitable for the proposed mixed use redevelopment.”***

The Contamination Assessment also makes recommendations regarding further soil assessment if underground storage tanks are discovered during excavation and the characterisation of waste prior to disposal.

Council’s Environmental Health Officer has reviewed the application and appropriate conditions are included within the Recommendation section of this report.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

## **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

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

### **Development likely to affect electricity transmission or distribution networks**

The application is subject to Clause 45 of the SEPP as the development does propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority. Endeavour Energy have provided a referral response which raises no objection to the proposed development subject to appropriate



conditions. Details of this correspondence is discussed within the 'Referrals' section of the report.

### **Development with frontage to a classified road**

Parkes Street is classified as a regional road. Accordingly, Clause 101 of the SEPP applies to the proposed development, requiring the consent authority to ensure that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
  - (i) the design of the vehicular access to the land, or
  - (ii) the emission of smoke or dust from the development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

In response, the following comments are made:

- (a) vehicular access to the site is to be provided off Anderson Lane, which is not a classified road;
- (b) the safety, efficiency and ongoing operation of Parkes Street will not be adversely affected by the development having regard to the criteria outlined by Clause 101(2)(b);
- (c) although the development is sensitive to traffic noise, the applicant has submitted an acoustic report prepared by Wood & Grieve Engineers which addresses potential noise levels of road traffic, mechanical plant and internal sound insulation. The report makes numerous recommendations relating to construction materials and design matters. A condition has been imposed requiring the incorporation of these acoustic measures into the building design.

The issue of air emissions is much wider than individual Councils and requires a broader, state-wide response. However, there is no current evidence to suggest that the approval of residential development along main roads generally has adverse health impacts such to warrant refusal of the application. The extent of amenity of the future occupants of the mixed uses building is not considered to be so sufficiently poor to warrant refusal of this DA. In addition, any prudent, hypothetical future occupant of the building would be able to make up his/her own mind concerning whether the location was suitable for his/her needs and acceptable in terms of air pollution resulting from the volume of cars travelling along this part of Parkes Street.

### **Impact of road noise or vibration on non-road development**

Clause 102 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship. The application of Clause 102 is mandatory in relation to development adjacent to roads with an annual average daily traffic (AADT) volume in excess of 40,000 vehicles and recommended in relation to development adjacent to roads with an AADT of between 20-40,000 vehicles. Although neither this section of Church Street or Parkes Street adjoining the property fall within the category of having an AADT of in excess of 40,000 vehicles, the property is in close proximity to the Great Western Highway and Church Street (south) which do also carry a substantial traffic flow. An assessment under Clause 102 of the SEPP is therefore considered warranted in this case.

Clause 102(3) of the SEPP states that:

- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
  - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
  - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The application of Clause 102 of the SEPP is recommended for this development, in this location and the recommendations of the approved acoustic assessment which form part of the draft conditions of consent will ensure that the residential units within the proposed development will be able to meet the requirements of the SEPP. The submitted acoustic report satisfactorily demonstrates that the internal amenity will be achieved.

### **Traffic-generating development**

The proposed development is deemed to be traffic generating development under Schedule 3 of the SEPP. The application was referred to the RMS, who raise no significant concerns with the proposed development. Details of this correspondence is discussed within the 'referrals' section of the report.

### **STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING & SIGNAGE**

The application does not propose the display of any signage. Any future signage for the commercial tenancies may be subject to a separate application.

### **STATE ENVIRONMENTAL PLANNING POLICY – BASIX**

The application for the mixed use development has been accompanied with a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

## STATE ENVIRONMENTAL PLANNING POLICY (URBAN RENEWAL) 2010

On 15 December 2010, the NSW Government published the Urban Renewal State Environmental Planning Policy (SEPP). The Urban Renewal SEPP outlines the necessary criteria and steps for identifying an existing urban precinct as a potential candidate for renewal and revitalisation. The first three precincts identified under the SEPP are Redfern-Waterloo, Granville town centre and the Newcastle CBD.

The key principle of the SEPP is to integrate land use planning with existing or planned infrastructure to create revitalised local communities, greater access to public transport and a broader range of housing and employment options. This is also sometimes referred to as transit oriented development.

The subject site falls under the Granville Potential Precinct Map. In accordance with Clause 10 of the SEPP, the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal as the proposed development is unlikely to restrict or prevent the following:

- (a) development of the potential precinct for higher density housing or commercial or mixed development,
- (b) the future amalgamation of sites for the purpose of any such development within the potential precinct,
- (c) access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.

## STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principles in the following way:

Design quality principle	Response
<b>Context</b>	The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta LEP 2011 and DCP 2011.
<b>Built form</b>	<p>The design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements.</p> <p>The non-residential function of the ground floor of the building better defines the public domain and contributes to the character of the future streetscape.</p>
<b>Density</b>	The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density. The proposed

	density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.
<b>Sustainability, resource, energy &amp; water efficiency</b>	<p>The development provides opportunities in this regard, as reflected within the submitted Basix Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting.</p> <p>A Sustainability Management Plan prepared by Wood &amp; Grieve Engineers has also been prepared and submitted to Council which outlines the project's environmentally sustainable design components.</p>
<b>Landscape</b>	The landscaping solutions depicted in the architectural plans are considered to be of high quality.
<b>Amenity</b>	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.
<b>Safety &amp; security</b>	<p>The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. In addition to the (as yet) unknown uses of the ground floor spaces, this level of the building features pedestrian and vehicle access to the building and is generally satisfactory in terms of perceived safety in the public domain.</p> <p>A security roller door is provided to the basement and security doors to the residential lobby is provided in order to enhance occupant and visitor safety.</p> <p>The main ground courtyard and east-west pedestrian link will be controlled access that is closed to the public between 10pm and 6am daily.</p>
<b>Social dimensions/housing affordability</b>	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements.
<b>Aesthetics</b>	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing to the desired future character of the area. The design was the winning entrant in a Design Excellence Competition and has met all the requirements of achieving design excellence.

Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development. The development's compliance with the ADG is assessed below.

PARAMETER	DESIGN CRITERIA			PROPOSAL	COMPLIANCE												
Communal Open Space	Min 25% of the site area (1195m²)			Tower = 470m² Podium = 800m² <b>Total = 1270m² or 26%</b>  <u>Ground Floor</u> = Additional 1400m² (however is publicly accessible)	Yes												
	Min 50% of the communal open space is to receive 2 hours direct sunlight between 9.00a.m and 3.00p.m on June 21			Rooftop tower will receive full solar access all day and podium tower will receive full solar access between 9am to 2pm.	Yes												
Deep soil zone	Minimum dimension of 3m required  7% of the overall site area = 335m²)			Nil	No (however large areas with landscaped planters have been provided)												
Building Separation	<table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>			Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<b>North</b> (currently commercial) <u>Tower:</u> 5 storeys = 2.4m L6-27 = 8.7m (bldg) and 6.9m (balcony)  <b>East</b> (currently car park) <u>Tower:</u> 6.2m (building)  4.1m (balcony)  <u>Podium:</u> 23.6m  • Note: the above are minimum distances	No No          In part (only on lower levels) No
	Building Height	Habitable rooms and balconies	Non-habitable rooms														
	up to 12m (4 storeys)	6m	3m														
	up to 25m (5-8 storeys)	9m	4.5m														
over 25m (9+ storeys)	12m	6m															
Solar Access	At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9.00a.m and 3.00p.m on June 21			72% achieve compliant solar access	Yes												
	A maximum of 15% of apartments are permitted			10% of apartments do not receive solar	Yes												



	to receive no direct sunlight between 9.00am and 3.00pm midwinter.	access	
Cross Ventilation	At least 60% of apartments are to be naturally cross ventilated.	65% achieve compliant cross ventilation	Yes
	Building depth is not to exceed 18m	Building depth is 23.5m	Yes
Ceiling Heights	2.7m for habitable, 2.4m for non-habitable	3.1m floor to floor heights provided for the residential apartments	Condition consent
Apartment Size	Studio – 35m <sup>2</sup> 1 bd – 50m <sup>2</sup> 2 bd – 70m <sup>2</sup> 3 bd – 90m <sup>2</sup> (note: minimum internal size increases by 5m <sup>2</sup> for additional bathrooms, 10m <sup>2</sup> for 4 + bedroom)	Unit areas comply.	Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	Plans notate that this has been provided.	Yes
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)	All comply.	Yes
	Maximum depth (open plan) 8m from a window.	All comply.	Yes
Bedroom size	Master bedrooms – 10m <sup>2</sup> Other bedrooms – 9m <sup>2</sup> Bedroom dimensions – 3m min.  Living rooms have a width of: - 3.6m for studio/1bd - 4m for 2 or 3 bd	All comply.	Yes
Balconies	Studio – 4m <sup>2</sup> 1bd – 8m <sup>2</sup> /2m 2bd - 10m <sup>2</sup> /2m 3bd – 12m <sup>2</sup> /2.4m	All comply.	Yes
	Ground or podium apartments to have POS of 15m <sup>2</sup> /3m	No ground apartments proposed.	N/A
Circulation	Maximum 8 apartments per level	12-13 apartments per floor	No A lift traffic study has been provided and is deemed acceptable by the Design Competition Jury

Storage	1bd – 6m <sup>3</sup> 2bd – 8m <sup>3</sup> 3bd – 10m <sup>3</sup>	All comply. Drawings provided.	Yes
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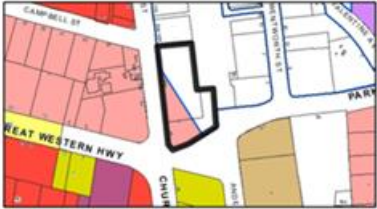
## **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)**

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


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

## **PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011**

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

<b>COMPLIANCE TABLE</b>		
<b>Development standard</b>	<b>Proposal</b>	<b>Compliance</b>
Land Use Table – B4 Mixed Use Zone	Mixed use buildings are permissible in the B4 zone.	Yes
<p>Clause 4.3 <b>Height of Buildings</b></p> <p>Part of the site has a 28m height limit.</p> <p>BONUS 15% awarded through the Design Excellence Competition process (Clause 7.10)</p> <p>= 32.2m</p> <p>There is no height limit provided as a development standard for part of this property. It is dependent upon a sun access plane to Jubilee Park (refer to Clause 7.4).</p>  <p><b>Height of Buildings Map</b></p>	<p>Podium roof = 23.85m Podium features = 28.10m</p> <p>Tower roof = 127.80m Tower features = 134.45m</p> <p>The sun access planes of the DCP have been taken into consideration and there is no overshadowing of Jubilee Park between 12pm and 2pm on 22 June.</p>	Yes

<p>Clause 4.4 <b>Floor Space Ratio</b></p> <p>Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 6:1</p> <p>Note: Car parking to meet any requirements of the consent authority (including access to that car parking) is excluded from gross floor area in the LEP.</p> <p>BONUS 15% awarded through the Design Excellence Competition process (Clause 7.10)</p> <p>= 6.9:1 or 32,968.2m<sup>2</sup></p>	<p><b>Total</b> = 6.9:1 or 32,968m<sup>2</sup></p>	<p>Yes</p>
4.6 Exceptions to development standards	The application does not seek to vary any development standards within LEP 2011.	N/A
5.6 Architectural roof features	Not applicable.	N/A
5.7 Development below mean high water mark.	The proposal is not for the development of land that is covered by tidal waters.	N/A
5.9 Preservation of trees	There are no significant trees to be removed as part of this application.	Yes
5.10 Heritage Conservation	<p>According to the heritage item and heritage conservation maps the subject site is not a heritage item.</p> <p>The site is in close proximity to the following heritage items:</p> <p><b>47 Campbell Street</b> The former Masonic Temple in Campbell Street is of significance for the local area for historical and aesthetic reasons. The building was originally associated with the free Masons, and has since become a place of public worship. It also makes an important contribution to the streetscape.</p> <p><b>39 Campbell Street (State item)</b> A large stuccoed mid-Victorian brick house of one storey with a three-roomed attic. The Lennox House is of significance for the State of NSW for historical, aesthetic and reasons of representativeness, and for its</p>	<p>Yes</p>

	<p>associations with David Lennox, the important early engineer in NSW for whom it was built.</p> <p><b>19-21 Wentworth Street</b> Houses at 19-21 Wentworth Street are of significance for the local area for historical and representativeness reasons. Built c.1890, they are readily identifiable as part of historic building stock and are contributing to the streetscape.</p> <p><b>140 Church Street</b> The former Fire Station is of significance for the local area for historical reasons and as a representative example of this type of building. Originally built in 1898 and modified in 1920 and then in c.2000, the building is identifiable as a historic structure and contributes to the streetscape.</p>  <p><b>Map indicating nearby heritage items</b> Council's Heritage Advisor has reviewed the proposal and raises no concerns with any impacts upon these heritage items. See the 'Referrals' section of this report for further detail.</p>	
5.10.7 Archaeological Sites	The site is listed as having local significance with moderate research potential. The site is not listed in Council's heritage schedule.	Yes
5.10.8 Aboriginal Places of Heritage significance  What is the identified Aboriginal significance of the site?	The site is identified as having low sensitivity under the Aboriginal Pleistocene Study. Given the low sensitivity of the site, the local Aboriginal communities were not notified of the application.	Yes
6.1 Acid sulfate soils	The site is identified as containing Class 5 Acid Sulfate Soil. In accordance with the LEP table, an Acid Sulfate Soils Management plan is not required to be prepared.	Yes

	In addition, the submitted geotechnical report notes that no acid sulfate soils were encountered (or expected) on this site.	
6.2 Earthworks	<p>The amount of earth works, specifically that required for the basement car park, is not considered significant for a development of this nature.</p> <p>Council's Development Engineer has reviewed the application including the proposed amount of excavation and considers that the proposed earthworks are satisfactory.</p>	Yes
6.3 Flood planning	The site is located outside of the identified 1:100 year flood. Part of the southern section of the site is affected by the Probable Maximum Flood (PMF) which is identified at 12.4m AHD. All residential habitable areas are located above the PMF. Two retail tenancies and a portion of the basement entry are affected by the PMF however evacuation is available in the case of a large storm event. Council's Development Engineer raises no concern with the PMF affectation of the site.	Yes
6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?	The subject site is not identified on this map	N/A
6.5 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?	The subject site is not identified on this map	N/A
6.6 Development on landslide risk land	The site is not identified as landslide risk land	N/A
6.7 Affected by a Foreshore Building Line	The site is not located in the foreshore area.	N/A
<b>7.3 Car Parking</b>  Commercial 1 space/100m <sup>2</sup> = 7 spaces  Residential 1 space/unit plus 1 space/5 units for visitor = 398 resident = 79 visitor  Total = 484 spaces (maximum)	401 spaces including:  <ul style="list-style-type: none"> <li>- 15 x retail component</li> <li>- 377 x residential</li> <li>- 9 x visitor</li> </ul> (residential component includes 4 x car share spaces and a car wash bay)	Yes



7.4 Sun Access  Applies only if excessive overshadowing of Lancer Barracks and Jubilee Park	No excessive overshadowing of Jubilee Park. Complies with the sun access requirements in DCP 2011	Yes
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### **Aims and Objectives**

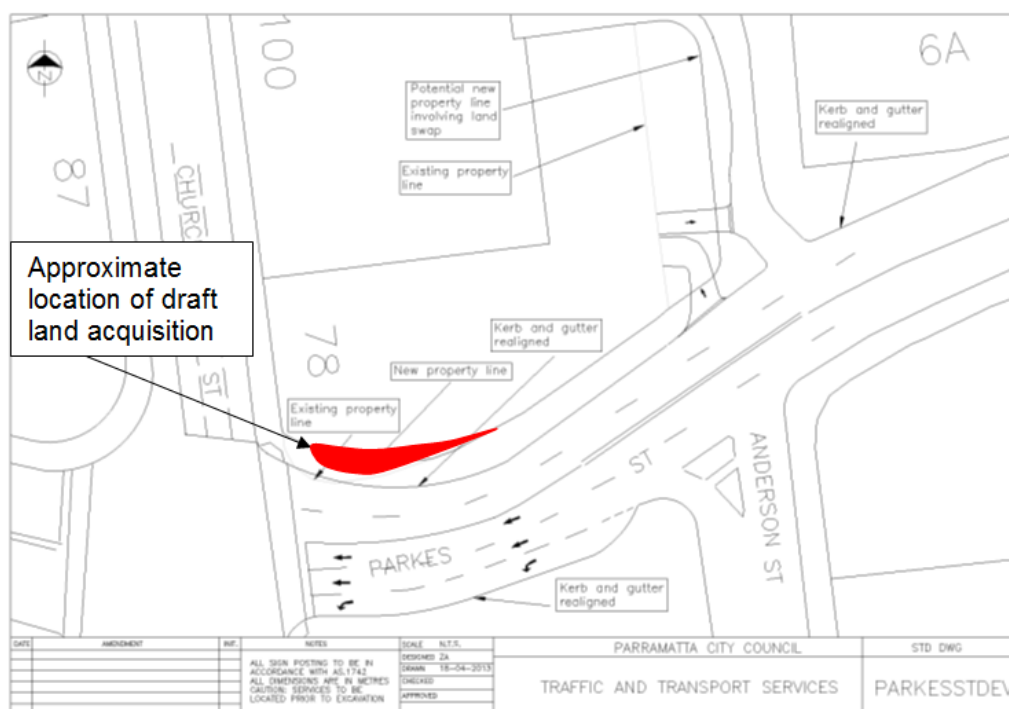
The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land. The proposal provides a mixture of compatible land use, integrates suitable business and residential activities in accessible locations to maximise the use of public transport, creates opportunities to improve the public domain and supports the higher order Commercial Core Zone.

### **LAND ACQUISITION PLANNING PROPOSAL**

No. 78 Church Street was included in this list of properties to be added to the Land Reservations Map of LEP 2011. The land required is only a portion of the property being a strip required for road widening at the corner of Church Street and Parkes Street.

The planning proposal for the Land Reservations Acquisition Maps has been submitted to the Department of Planning and Environment for finalisation. As the planning proposal affects several sites in the new local government area of Cumberland Council, written consent is required from Cumberland Council to enable the Planning Proposal to proceed. Cumberland Council are currently considering whether they wish these sites to be deferred or to remain in the planning proposal. Once that advice is received from Cumberland Council, the Department of Planning will be in a position to finalise the Planning Proposal and proceed to notification. As such, it is not expected that the Planning Proposal will be notified until December 2016 at the earliest.

The application has provided for the proposed land acquisition in the design of the development.



Map indicating area of site affected by the Land Acquisition Planning Proposal

## DEVELOPMENT CONTROL PLANS

### Parramatta Development Control Plan 2011

The proposed application is subject to general provisions of the DCP and the Special Precinct - City Centre controls. A detailed assessment of the proposed development with the provisions of this DCP is indicated below.

#### City Centre Controls:

Requirement	Proposal	Comply
<b>Building Form</b>		
<b>Minimum building street frontage</b> = 20m	Church Street = 110m Parkes Street = 55m	Yes
<b>Building to street alignment &amp; street setbacks</b>  Nil setback required to Church Street, Parkes Street and Anderson Lane	Partial nil setback	In part (acceptable design response)
<b>Street frontage heights</b>  Nil setback - 8 storeys/26m With 6m setback above (to tower)	The podium is 6 storeys and has varied setbacks  Upper levels are recessed in varying distances (minimum 4.4m)	NO (acceptable design response)
<b>Building depth and bulk</b> B4 – residential building plate not to exceed 1000m <sup>2</sup>	Residential floor plate is maximum 850m <sup>2</sup>	Yes

<b>Building separation</b>		
To side setbacks = Nil up to 26m = 6m up to 54m	Between Nil and 6.9m (balcony)	Yes
To rear setbacks = Nil up to 26m = 9m up to 54m	No rear setback.	N/A
<b>Building form and wind mitigation</b>		
10m/sec for retail streets 13m/sec along major pedestrian streets & parks/public 16m/sec for other streets	Wind report & wind tunnel test submitted  Parkes Street and Church Street will achieve 13m/sec criterion with street trees and awning amendments incorporated	Yes
<b>Building exteriors</b>		
	Details of the external finishes was submitted with the application. The building finishes are considered to be of a high quality and suitable for the proposed development.	Yes
<b>Sun access to public places</b>		
To comply with sun access plane controls for Lancer Barracks and Jubilee Park	No overshadowing of Jubilee Park	Yes
<b>Mixed Use Buildings</b>		
Controls for ground level uses and activation of streets	<ul style="list-style-type: none"> <li>- Ground floor to ceiling generally comply</li> <li>- Separate entries for residential and retail</li> <li>- Buildings and shops front streets for active street frontages</li> </ul>	Yes
<b>Public Domain and Pedestrian Amenity</b>		
<b>Site Links &amp; Lanes</b>		
Requirements for through site links and lanes	Pedestrian link provided from Church Street through to Anderson Lane	Yes
No pedestrian link required	Access for people with disabilities is provided throughout the development. It is noted that direct access cannot be provided through the north-south Anderson Lane link due to the required head height clearance of the driveway below. Alternative access is provided through the site.	In part
3m non-leasable area adjoining pedestrian links	Setbacks provided are variable in width	

<b>Active Frontages</b> Active frontages are required for a minimum of 50% of each building front & 40% for secondary streets/lanes  Appropriate address and access for residential component	All street frontages are activated with appropriate street addresses provided.	Yes
<b>Pedestrian Overpasses and Underpasses</b>	Not required or proposed for this development	N/A
<b>Awnings</b> To be provided in accordance with the DCP. The DCP does not require an awning for development on the subject site	Awnings provided along Church Street and Parkes Street	N/A But has been provided
<b>Courtyards and Squares</b> Requirements for expanding and enhancing the public domain	The proposal incorporates a large ground floor plaza that expands the public domain and incorporates through site links for the public	Yes
<b>Views and View Corridors</b>		
Protection and enhancement of specific city viewlines	No identified view lines are affected	Yes
<b>Access and Parking</b>		
<b>Vehicle footpath crossings</b> Single vehicle point only	Single vehicle access point only	Yes
Access to be from lanes or minor streets	Access proposed from right of carriageway at rear	Yes
<b>Pedestrian access &amp; mobility</b>	Multiple access points are provided and are accessible.	Yes
<b>Vehicular driveways and manoeuvring areas</b>	This has been reviewed by Council's Traffic Officer and found to be satisfactory.	Yes
<b>On-site parking</b>	The proposal provides sufficient car parking, notwithstanding that it falls short of the maximum number of spaces permitted.  Given that the site is located in good proximity to public transport, no objection is raised to the provision of parking.	Yes
<b>Environmental Management</b>		
<b>Landscape Design</b>	There is no natural deep soil areas proposed however the communal areas are landscaped with deep planters.	Yes
<b>Green roofs</b> Buildings encouraged to have a green roof	Communal open space and landscaping is provided on the tower roof and the podium level.	Yes
<b>Energy and Water Efficient Design</b> - 5 Green Star Office Design for residential (4 or more floors)	The application was accompanied by a Sustainability	Yes

<ul style="list-style-type: none"> <li>- 5 Green Star Office Design for non-residential developments</li> <li>- Refurbishments greater than \$500,000 to have 3.5 NatHERS rating</li> </ul>	Management Plan which provides an overview of the proposed project's environmentally sustainable design response.	
<b>Recycled Water</b> Dual reticulation systems to be installed  Water harvesting and treatment systems is encouraged	The application was accompanied by a Sustainability Management Plan which provides an overview of the project's environmentally sustainable design response.  The water measures include the provision of a rainwater tank, water efficient fittings, landscape irrigation systems, recyclable fire system test waters.	Yes
<b>City Centre Special Areas</b>		
Special Controls for the River Foreshore, Parramatta Square and Park Edge	The subject site is not located within a <b>Special Area</b>	N/A
<b>Design Excellence</b>		
To improve the design excellence of buildings within the City	The application was subject to review by the Design Excellence Jury and found to achieve design excellence.	Yes

### General Controls:

<b>Social Amenity – Part 3.4 DCP2011</b>		
<b>Culture &amp; Public Art</b>	An Arts Plan was submitted with the proposed development which is considered acceptable in principle. A revised plan is to be submitted before the issue of a Construction Certificate.	Yes
<b>Access for People with a Disability</b>	Access for people with disabilities is provided throughout the development. It is noted that direct access cannot be provided through the north-south Anderson Lane link due to the required head height clearance of the driveway below. Alternative access is provided through the site.	In part
<b>Amenities in Buildings available to the Public</b>	Sanitary facilities have been provided at ground level.	Yes
<b>Safety and Security</b>	The development is considered acceptable from a CPTED perspective, as the proposed development provides for natural surveillance over the public domain, access control and guardianship of semi public areas.	Yes

<b>Housing Diversity and Choice</b>		
<b>Adaptable Units</b> 10% of units = 39.8 units (min)	40 units (mix of 1 bed & 2 bed units)	Yes
<b>Unit Mix</b> Studio/1 bedroom = 10% - 20%	Studio/1 bedroom 123 units = 30.9%	In part
2 bedroom = not more than 75%	2 bedroom 254 units = 63.8%	
3 bedroom = not less than 10%	3 bedroom 21 units = 5.3%	
	<p>The number of 1 and 3 bedroom units is appropriate given there is still a diverse mix of dwellings that contributes to housing choice, consistent with the objective of the control. The minor non-compliance is considered acceptable as the shortfall in units is unlikely to have significant impacts upon housing choice within the City Centre.</p> <p>The dwelling layouts provide for high levels of residential amenity and 40 adaptable dwellings are provided.</p>	

## POLICIES

### PUBLIC DOMAIN GUIDELINES

The Parramatta Public Domain Guidelines were adopted in August 2011. The objectives for the Parramatta Public Domain Guidelines are to define design principles and provide a standard palette of materials and elements to:

- Establish a clear and consistent public domain image for Parramatta
- Provide clarity in design requirements and construction standards for the public domain
- Facilitate asset management, maintenance and repairs by reducing the number of different elements and requirements
- Uphold required technical, engineering and environmental standards
- Provide equitable access
- Improve the sustainability of Parramatta
- Reinforce the streetscape hierarchy
- Promote pedestrian priority
- Build upon existing public domain treatments and experience.

The Guidelines require the submission of an Alignment Plan at the development stage and the submission of a Public Domain Plan before the construction stage.

An Alignment Plan was submitted for Council's consideration. This plan indicates acceptable footpath levels and gradients for the proposed development. Council's Civil Assets Team and Urban Design Team have reviewed and approved the Alignment Plan.

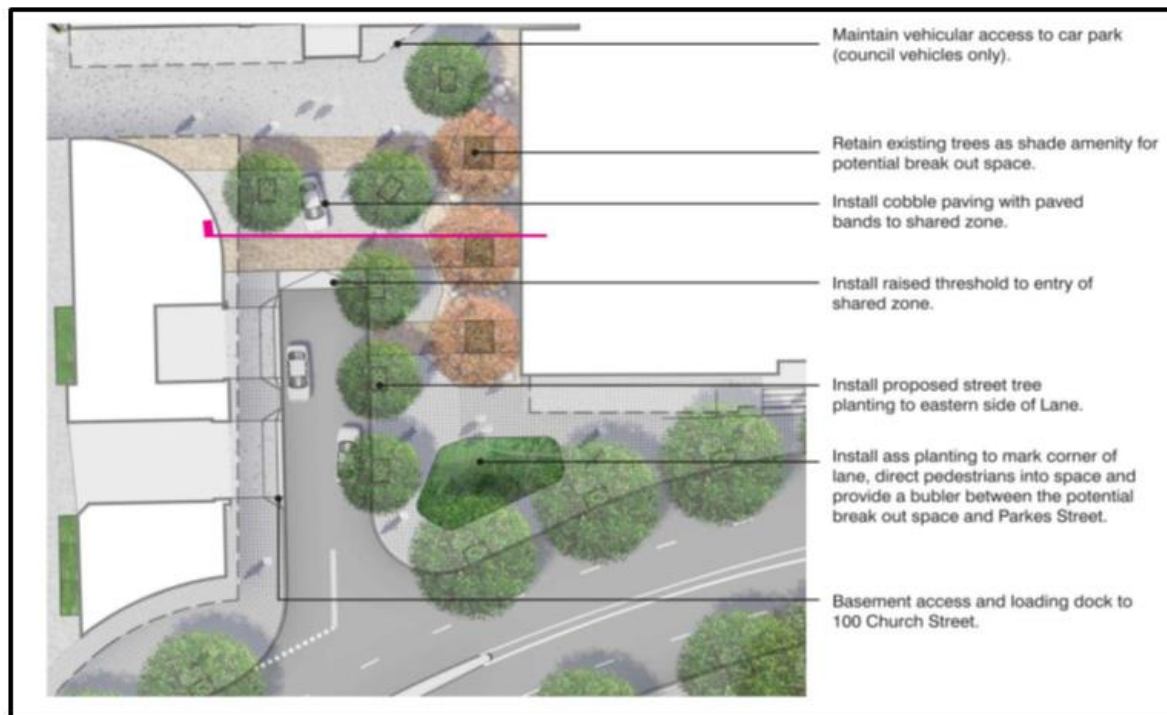
Given the importance of the pedestrian environment surrounding this site, a detailed Public Domain Plan is to be submitted to Council before the issue of a Construction Certificate. This requirement is contained within the Recommendation section of the report.

### **Draft Southern Precinct Master plan**

The draft Southern Precinct Master Plan is a document prepared by Oculus (dated 3/10/2014) for Parramatta Council which provides for public domain improvements in and around the Wentworth Street Car Park. Anderson Lane at the rear of the proposed site (to the east) has been identified as an area requiring pedestrian improvement. This area is identified as "Lane 20" within the master plan and is described as follows:

Lane 20 allows access to Wentworth Car Park from Parkes St and exit from laneway that runs along the western edge of the car park. It has a dual carriageway and varied footpath widths with generous street tree and verge plantings.

*The proposal for this space looks to consolidate the roadway to allow one carriageway to provide access to the 100 Church Street basement parking and loading area as well as council only access to the car park. Lane 20 (north of the 100 Church Street entry) marks the start of the shared zone and is treated with a cobblestone surface with some artistic inlays or paving variation. A large consolidated zone of public domain space is located to the east of this space adjacent to the building. This will allow opportunities for future activation of this space through breaking down the facade of the adjacent building. Existing street trees are to be retained as established trees for the public domain.*



**Proposed Upgrading of 'Lane 20' in the draft Southern Precinct Master Plan**

The application proposes to remove a large proportion of the existing median strip in this accessway on Council land to enable vehicles to enter and exit the subject site. The development also proposes to utilise much of this area for vehicular access to and from the development site. Modifications to existing traffic facilities, such as removal of the traffic island at the end of the laneway adjoining Parkes Road is also required for the development to operate.

The application does not propose any improvements to this laneway.

Given the significant reliance on Council's land for this development to occur, the reduction in pedestrian amenity through the loss of the median strip and increase in vehicular traffic, it is considered that the proposal should incorporate the redesign and upgrade of this area. The proposal also seeks to activate this section of the laneway and there will be encouragement for increased pedestrian usage. Improvements would include redesigning the area to reflect the urban design proposal under the master plan and the incorporation of appropriate pavement (between the raised threshold and the existing cobblestone pavement near the northern property boundary), realignment of kerb and gutter and raised footpath treatment on the service lane located on the east side of the property boundary for shared zone and safe vehicle access to the property.

These improvements are considered to be necessary works to protect and enhance the post development pedestrian environment.

The improvements have been considered in consultation with Council's traffic and urban design sections who support the upgrades to Anderson Lane. Council's Property Assets Team have not raised any objection to the proposed works. It is noted that the previous application for the mixed use development also



incorporated these requirements, with no objection from the applicant or developer. Appropriate conditions of consent have been incorporated within the Recommendation section of this report.

## ARTS PLAN

An arts plan was submitted with the application. This conceptual framework revolves around the notion of “breath” which refers to *“living public spaces of the building which inhale and exhale with the passage of people within.”* The plan identifies the following opportunities for artwork:

- Anderson Lane and Arcade – the provision of suspended artworks incorporating flowers, lanterns and suspended curtains
- Corner lobby – the provision of a small suspended sculpture or ground sculpture
- Church Street lobby – the provision of large dynamic artwork within the atrium (eg. suspended light sculpture)
- Car Park Façade – screen artwork.

The location of the proposed artwork is identified in the following diagram.



Concerns are raised with the provision of public art on Council’s land, being Anderson Lane, which is Council owned operational land. In this regard, the Arts Plan will need to be amended to remove all encroachments into Council land and redesign the provision of artworks for the development. A revised and detailed Arts Plan will be required to be submitted before the issue of a Construction Certificate.

## **PARRAMATTA CITY CENTRE – LANES STRATEGY**

The Parramatta City Centre Lanes Strategy applies to the proposed development. Anderson Lane is identified as a key lane in the Public Domain Framework, PCC Lanes Policy and DCP 2011.

The documentation notes that Parramatta's streets, lanes, arcades and through site links should form an integrated and legible pedestrian network providing choice of routes at ground level for pedestrians. The design of individual developments will be required to contribute to and integrate with this network.

The applicant has incorporated measures to improve this laneway, including fronting adaptive retail on to the laneway. In addition, the development provides for a through site link between the laneway and Church Street.

Additional works required for the improvement of Anderson Lane have been addressed in the above section of this report.

## **S94A DEVELOPMENT CONTRIBUTIONS PLAN – PARRAMATTA CITY CENTRE**

The proposal requires the payment of S94A development contributions (3% levy) based upon the estimated cost of works. The total cost of works provided on the cost report is **\$181,999,111**. It is noted that no exclusions were provided in the cost report. A condition requiring the payment of **\$5,459,973.30** has been incorporated within the Recommendation section of this report.

## **PARRAMATTA CITY COUNCIL 2016/2017 SECURITY BONDS FOR THE PROTECTION OF CIVIL INFRASTRUCTURE**

In accordance with Council's 2016/2017 Schedule of Fees and Charges, the developer will be required to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. As the development has a value of works in excess of \$1,000,000, the applicant will be required to pay a Security Bond of \$35,000 including the following prior to the release of a Construction Certificate:

<i>Hoarding</i>	<i>\$15,000</i>
<i>Development Site</i>	<i>\$20,000</i>

## **PLANNING AGREEMENTS**

The proposed development is not subject to a planning agreement entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

## **REGULATIONS**

### **ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

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

## **COASTAL ZONE MANAGEMENT PLAN**

There are no Coastal Zone Management Plans applicable to the site.

## **LIKELY IMPACTS**

The likely impacts of the proposed development have been discussed within this report.

## **SUITABILITY OF THE SITE**

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

## **SUBMISSIONS & PUBLIC INTEREST**

Three (3) submissions were received in response to the notification of the application. The issues raised within the submissions have been addressed within this report and do not warrant the refusal of the application.

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta LEP 2011 and Parramatta DCP 2011
- The proposal will contribute to the overall commercial viability and housing demand of the Parramatta CBD
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

## **Conclusion**

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. A new right of carriageway will need to be created for vehicular access across Council owned land. Therefore, it is recommended that the application be approved via a deferred commencement consent subject to the imposition of appropriate conditions.

## Recommendation

### DEFERRED COMMENCEMENT CONSENT

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979

That the Sydney West Joint Regional Planning Panel, as the consent authority, grant a **deferred commencement consent** to Development Application No. DA/540/2016 for the demolition of existing structures and construction of a 39 storey mixed use development containing ground floor commercial/retail tenancies and 398 apartments over 4 levels of basement car parking on land at 78-100 Church Street, Parramatta.

Upon strict compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, the deferred commencement consent shall become operational, inclusive of all conditions appearing in Schedule 2, pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979.

### SCHEDULE 1 – DEFERRED COMMENCEMENT CONSENT

- (1) Suitable documentary evidence that indicates the creation of a right of carriageway over Council land at the rear of the site (being Lot 1 in DP 731072, 17 Wentworth Street, Parramatta) has been registered with the NSW Land and Property Information is to be submitted to the satisfaction of Council's Manager, Development and Traffic Services Unit.

#### Advisory Notes:

1. The written consent of the owner of the land will need to be submitted to Council before making a formal application to the Council for the proposed right of carriageway.
2. The terms for the right of carriageway will be advised on receipt of the application.
3. Notification of the right of carriageway proposal for public comment is required.
4. There will be fees payment for the application, advertising and granting of the right of carriageway.
5. All Council's costs (legal, valuation and survey etc) are to be borne by the applicant.
6. The application is subject to final approval of the Council.

Evidence of the above matters must be produced to the Council or its delegate within two (2) years of the date of this determination otherwise the consent will not operate.

## SCHEDULE 2 – CONDITIONS OF CONSENT

### General Matters:

- 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:

Drawing N <sup>o</sup>	Prepared By	Dated
<b>Architectural Plans</b>		
<b>Site Plan – Existing</b> Dwg No. A-DA0010 Rev A	Woods Bagot	22/06/2016
<b>Site Plan - Proposed</b> Dwg No. A-DA011 Rev B	Woods Bagot	19/10/2016
<b>Basement Level B3 Floor Plan</b> Dwg No. A-DA1205 Rev B	Woods Bagot	22/08/2016
<b>Basement Level B2 Floor Plan</b> Dwg No. A-DA1206 Rev B	Woods Bagot	22/08/2016
<b>Basement Level B1 Floor Plan</b> Dwg No. A-DA1207 Rev B	Woods Bagot	22/08/2016
<b>Basement Level BM Floor Plan</b> Dwg No. A-DA1208 Rev B	Woods Bagot	22/08/2016
<b>Basement Plan Level</b> Dwg No. A-DA1209 Rev B	Woods Bagot	22/08/2016
<b>Ground Floor Plan</b> Dwg No. A-DA1210 Rev F	Woods Bagot	19/10/2016
<b>Level 2 Floor Plan</b> Dwg No. A-DA1212 Rev D	Woods Bagot	19/10/2016
<b>Level 3-5 Floor Plan</b> Dwg No. A-DA1213 Rev C	Woods Bagot	19/10/2016
<b>Level 6 Floor Plan</b> Dwg No. A-DA1216 Rev C	Woods Bagot	19/10/2016
<b>Level 7 Floor Plan &amp; Podium Roof</b> Dwg No. A-DA1217 Rev C	Woods Bagot	19/10/2016
<b>Level 8-27 Floor Plan</b> Dwg No. A-DA1218 Rev B	Woods Bagot	19/10/2016
<b>Level 28-37 Floor Plan</b> Dwg No. A-DA1238 Rev B	Woods Bagot	19/10/2016
<b>Level 38-39 Floor Plan</b> Dwg No. A-DA1248 Rev B	Woods Bagot	19/10/2016
<b>Level Roof Plan</b> Dwg No. A-DA1250 Rev B	Woods Bagot	19/10/2016
<b>North Elevation</b> Dwg No. A-DA3201 Rev B	Woods Bagot	06/09/2016
<b>East Elevation</b> Dwg No. A-DA3202 Rev D	Woods Bagot	06/09/2016
<b>South Elevation</b> Dwg No. A-DA3203 Rev D	Woods Bagot	19/10/2016

<b>Drawing N<sup>o</sup></b>	<b>Prepared By</b>	<b>Dated</b>
<b>West Elevation</b> Dwg No. A-DA3204 Rev A	Woods Bagot	19/10/2016
<b>Internal Courtyard Elevation</b> Dwg No. A-DA3205 Rev A	Woods Bagot	19/10/2016
<b>Fence Elevation - Courtyard Adaptive Retail</b> Dwg No. A-DA3220 Rev A	Woods Bagot	06/09/2016
<b>Retail Elevation - East Tower</b> Dwg No. A-DA3221 Rev A	Woods Bagot	06/09/2016
<b>Section AA</b> Dwg No. A-DA3301 Rev B	Woods Bagot	06/09/2016
<b>Section BB</b> Dwg No. A-DA3311 Rev B	Woods Bagot	06/09/2016
<b>Adaptable Apartment Type 01</b> Dwg No. A-DA4231 Rev A	Woods Bagot	22/06/2016
<b>Adaptable Apartment Type 02</b> Dwg No. A-DA4232 Rev A	Woods Bagot	22/06/2016
<b>Setback Indicative Footprint</b> Dwg No. A-DA5000 Rev B	Woods Bagot	19/10/2016
<b>Section Details 01 - Driveway Section</b> Dwg No. A-DA5201 Rev A	Woods Bagot	06/09/2016
<b>Section Details 02 - Tower Façade</b> Dwg No. A-DA5203 Rev A	Woods Bagot	05/10/2016
<b>Section Details 03 - OSD Tank Sections</b> Dwg No. A-DA5204 Rev A	Woods Bagot	19/10/2016
<b>External Finishes - Material Board</b> Dwg No. A-DA9201 Rev A	Woods Bagot	22/06/2016
<b>Photomontage 01</b> Dwg No. A-DA9901 Rev B	Woods Bagot	19/10/2016
<b>Photomontage 02</b> Dwg No. A-DA9902 Rev B	Woods Bagot	19/10/2016
<b>Photomontage 03</b> Dwg No. A-DA9903 Rev A	Woods Bagot	22/06/2016
<b>Landscaping Drawings</b>		
Ground Floor Plan Dwg No. MB_WV_20 - Issue I	Myels Balwin Design	18/08/2016
Level 07 Podium Landscape Plan Dwg No. MB_WV_10 - Issue G	Myels Balwin Design	16/06/2016
Rooftop Plan Dwg No. MB-WV_30 - Issue H	Myels Balwin Design	22/06/2016
Ground Floor Plan - Details Dwg No. MB_WV_21 - Issue B	Myels Balwin Design	11/06/2016
<b>Engineering Plans</b>		
Revised Stormwater Management report and plans	Wood & Grieve Engineers	5/10/16

<b>Drawing N<sup>0</sup></b>	<b>Prepared By</b>	<b>Dated</b>
Dwg No. C101 & C121 Revision D  Dwg No. C102 – C106 - Revision C Dwg No. C111 – Revision C		21/08/2016 21/08/2016
On-site detention section in elevation through the building Dwg No. A-DA6204 - Revision A	Woods Bagot	19/10/16
<b>Alignment Plans</b>		
<b>Street Frontage Plan</b> Dwg No. C501 Rev 5	Wood & Grieve Engineers	05/10/2016
<b>Street Frontage Long Section</b> Sheet 1 Dwg No. 510 Rev 2	Wood & Grieve Engineers	12/08/2016
<b>Street Frontage Long Section</b> Sheet 2 Dwg No. 511 Rev 2	Wood & Grieve Engineers	12/08/2016
<b>Street Frontage Cross Section</b> Sheet 1 Dwg No. 520 Rev 2	Wood & Grieve Engineers	12/08/2016
<b>Street Frontage Cross Section</b> Sheet 2 Dwg No. 521 Rev 2	Wood & Grieve Engineers	12/08/2016
<b>Street Frontage Cross Section</b> Sheet 3 Dwg No. 522 Rev 2	Wood & Grieve Engineers	12/08/2016

<b>Document N<sup>0</sup></b>	<b>Prepared By</b>	<b>Dated</b>
<b>Acoustic Report</b> Project No. 28629-SYD-N – Revision 2	Wood & Grieve Engineers	03/06/2016
<b>Arts Plan</b> (concept only and subject to revision and Council approval under this consent)	Milne & Stonehouse	June 2016
<b>Basement Groundwater Inflow and Water Quality Assessment Report</b> Reference LCOV24919A Revision V1	Coffey Corporate Services Pty Ltd	29/01/2015
<b>BASIX Compliance Report</b> Project No.27427-SYD-G – Revision 4	Wood & Grieve Engineers	22/06/2016
<b>Basix Certificate</b> No. 630505M_03	-	22/06/2016
<b>Geotechnical Investigation Report</b> Reference - GEOTLCOV24919AB-AC – Revision V1	Coffey Geotechnics Pty Ltd	09/12/2014
<b>Stage 1 Site Contamination Assessment</b> Project No. GEOTLCOV24919AA	Coffey Environments Australia Pty Ltd	16/08/2013
<b>Pedestrian Wind Environment Study</b> Reference WB748-02F04(REV0)-WE	Windtech Consultants Pty Ltd	1/09/2016
<b>Sustainability Management Plan</b> Project No. 27427-1-SYD-G Revision	Wood & Grieve Engineers	31/08/2016



Document N <sup>o</sup>	Prepared By	Dated
1		
<b>Waste Management Plan</b> Revision F	Elephants Foot	20/06/2016

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

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

2. Following issuing of any operative consent for the site physical commencement must occur in accordance with the requirements of Section 95(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the deferred commencement consent. In this regard should physical commencement not occur by (insert date 5 years from issue of deferred consent) the consent will lapse.

**Reason:** To provide certainty to the community as to when physical commencement must occur.

3. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area or over adjoining properties.

**IMPORTANT NOTE:**

The land identified on the stamped approved plans as "Anderson Lane" is not a public road. It is Council owned operational land with no legal right of public access. For the purposes of BCA assessment, the land is to be considered as private property.

**Reason:** To ensure no injury is caused to persons.

4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

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

5. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-
  - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
  - b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days



prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.

- c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent 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. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9806 5050. 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 28 days of commencement.
- j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

- k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- l) A Pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - (i) Proposed ingress and egress of vehicles to and from the construction site;
  - (ii) Proposed protection of pedestrians adjacent to the site;
  - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- n) Before demolition works begin, adequate toilet facilities are to be provided.
- o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- p) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
- q) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials.

**Reason:** To ensure appropriate demolition practices occur.

- 6. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

**IMPORTANT NOTE:**

The land identified on the stamped approved plans as “Anderson Lane” is not a public road. It is Council owned operational land with no legal right of public access. For the purposes of any BCA assessment, the land is to be considered as private property.

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

- 7. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.

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

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

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

9. Strata subdivision requires development consent and therefore the lodgement of a separate development application and subsequent approval from Council or an accredited certifier, of the strata plan, under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.  
**Reason:** To comply with the Environmental Planning & Assessment Act 1979 and Strata Schemes (Freehold Development) Act 1973.
10. The development is to be carried out in accordance with the General Terms of Approval of WaterNSW (Reference No. 10 ERM2016/0688) dated 22 September 2016. Note: The General Terms of Approval are not the authorisation for the Aquifer Interference Activity. The Applicant must apply to WaterNSW for authorisation before the commencement of any works.  
**Reason:** To comply with legislative requirements.

### **Prior to the issue of a Construction Certificate:**

11. Revised plans including the following modifications are to be prepared to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate:
- (a) The provision of highlight windows in the apartment study areas
  - (b) Screening of all apartments directly facing the car park to the east of the site with double glazing, fitted specialty blinds and fritted glass screens. The details of the glass screens shall be submitted to Council's Manager, Development & Traffic Services for pre-approval)
  - (c) No encroachments (including basements) within the road identified for road widening or under Council owned property.
- Reason:** To improve the amenity of the future occupants of the site and to protect the area for future road widening.
12. Revised plans indicating compliance with the following traffic matters are to be submitted to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate. These plans are to indicate the following:
- (a) Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and AS 2890.1, AS 2890.2, AS 2890.3 and AS 2890.6, with the exception of the modifications below.
  - (b) 4 car share spaces are to be provided for residential tenants in accordance with stamped approved plans.
  - (c) Disabled shared spaces are to be provided beside the designated disabled parking spaces adjacent to the blind aisles (B2 spaces 98 & 116 & B3 spaces 98 & 116) with kerb protection on the northern side and appropriate bollard location in accordance with AS2890.6.
  - (d) Designated disabled parking spaces adjacent to the aisles (B1 spaces 1 & 5, B2 spaces 48 & 71 & B3 spaces 48 & 71) are to be removed from these locations and relocated elsewhere away from the aisles.
  - (e) No drop off facilities are permitted on Church Street or Parkes Street.
- Reason:** To comply with Council's parking requirements and Australian Standards.

13. Prior to the issue of a Construction Certificate, a set of **Public Domain Plans** must be submitted and approved by the Manager, Development and Traffic Services Unit for all the works within the public domain and publicly accessible areas, which consist of the following areas:
- all the frontages of the development site between the gutter and building line in Church St, Parkes St, Anderson St and Anderson Lane, including kerb & gutter, footpath, drainage, forecourt, front setback and awning details
  - the laneway upgrades in Anderson Lane between site northern boundary and Parkes St
  - the 3 proposed through site links across the site.

The Public Domain Plan documentation and specification shall be prepared in accordance with the following:

- the latest City of Parramatta Public Domain Guidelines;
- approved alignment plans prepared by Wood & Grieve Engineers;
- approved landscape plans prepared by Myles Baldwin Design; and
- all the listed conditions in this consent.

The Public Domain Plan must be prepared by a qualified landscape architect and engineer. The consultants are encouraged to contact Council's Urban Design Unit before finalising the documentation for the latest design standards and material specifications. The Public Domain Plan shall be prepared in accordance with, but not limited to, the following requirements:

- (a) The kerb alignment may need to be revised based on the RMS work program on the proposed road widening in Parkes Street. An updated alignment plan is required to be submitted and reviewed by Council before the submission of the Public Domain Plan.
- (b) The information provided in different sets in the Public Domain Plan package is **fully coordinated** that include survey, architectural, landscape, engineering, lighting, stormwater and lighting plans.
- (c) The existing kerb and gutter outside the development site shall be reconstructed to the full length of the boundaries in accordance with Council's design standard DS1. A 500mm wide road bitumen pavement shall be removed and replaced to meet the proposed kerb levels.
- (d) Kerb ramps must be designed and posited in accordance with Council's design standards (Drawing No: DS4) and RMS design standards. The applicant must obtain an approval of the kerb ramp design from RMS prior to the issue of a Construction Certificate.
- (e) In accordance with the Public Domain Guidelines CBD paving strategy, granite treatment ('Adelaide Black' or 'Austral Black') shall be applied on Church St, and standard 'City Centre' treatment is to be used in Parkes St. The paving upgrade should include the entire public domain areas between building lines on the ground level and the back of kerb. The granite treatment shall continue to the kerb return before changing to the 'City Centre' treatment. The paving layout design at the corner shall be detailed in the Public Domain Construction Plan subject to the site conditions. The Council standard paving details, DS40 ('City

Centre' treatment) and DS45 (granite treatment), can be provided upon request.

- (f) The existing public vehicle access in Anderson St and Anderson Lane is required to be upgraded according to Council standards as part of the approved development. The extent of the upgrade works includes the full width of the existing lane along the site eastern and northern boundaries on Anderson Land and full width of Anderson St between the Wentworth Car Park exit and Parkes. The design of the laneway shall be based on the Draft Southern Precinct Master Plan prepared by Oculus dated 3/10/2014. A concept plan shall be provided to Council for comments before the preparation of any detailed landscape plan and the Public Domain Plan. The area is to be a shared zone and is to be in accordance with the Shared Zone Technical Direction (TTD 2014-003) and to the satisfaction of Council and Roads and Maritime Services.
- (g) The laneway upgrades shall incorporate upgrades on drainage infrastructure, lighting and stormwater management as necessary. The relevant proposals shall be indicated in the required concept plan for review and comments prior to the submission of Public Domain Plan.
- (h) The awning details shall be properly illustrated in the public domain plans in term 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 footpath, street tree, street wall, and overhead structures. The proposed awning alignments outside Retail 05 & 06 need to be reviewed. A consistent awning line parallel to the building/kerb line is preferred. A minimum **2m** clearance shall be provided between kern face to awning outline to ensure sufficient growth spaces for street trees.
- (i) Any proposed gates for the proposed thru-site links must be shown in the Public Domain Plan.
- (j) 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.
- (k) A Council standard waste bin might be required to be provided and installed in the footpath outside the site.
- (l) The Public Domain Plan shall incorporate fourteen (14) new street trees provided in the footpaths surrounding the development site. Sufficient soil volume must be provided to all new street tree plantings to ensure the ability to grow into an expected form at a reasonable rate and maintain vitality for a long life span. Expanded tree pits with paving over soil using structural cell system, e.g. 'StrataVault', or suspended paving design are required.

The applicant is required to develop the tree planting details in accordance with the site conditions and Council's CBD street tree planting details with 'StrataVault', or concrete vault, and the requirements detailed as below (unless otherwise advised by Council

prior to the issue of a Construction Certificate). The standard detail drawings can be provided upon request.

The required tree species, quantities and supply stock are:

Street Name	Botanical Name	Common name	Pot Size	Quantity	Avg Spacing
Church St	<i>Platanus orientalis 'Digitata'</i>	Cut-leaf Plane	400L	11	10m
Parkes St	<i>Flindersia australis</i>	Australian Teak	400L	4	12m

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
400 litre	3.5 metres	80mm	1.8 metres

The required soil volumes are:

Tree Species	Crown Spread	Crown Projection	Approx. Soil Volume Range
<i>Platanus orientalis 'Digitata'</i>	12m	113m <sup>2</sup>	50-55m <sup>3</sup>
<i>Flindersia australis</i>	8m	50.2m <sup>2</sup>	22-25m <sup>3</sup>

The sizes and finishes of the tree pits are:

Street Name	Tree Species	Pit Sizes	Finishes	Understorey Planting Species/Sizes
Church St	<i>Platanus orientalis 'Digitata'</i>	1.8m X 2.4m	Mass Planting	to be confirmed
Parkes St	<i>Flindersia australis</i>	1.5m X 4m	Mass planting	to be confirmed

The new street trees shall be placed to comply with the clearance requirements in the Council's Public Domain Guidelines.

Note: A site investigation and underground service mapping may be required prior to the issue of CC to identify any potential constraints on tree planting.

- (m) A lighting design for the new thru-site links shall be prepared by a qualified lighting engineer and included within the plans.
- (n) A conduit for Council's multi-media facilities is required to be installed to the full length of the street frontages on Hassall and Macquarie Street. The conduit must be positioned and installed in accordance with Council's standards drawing and specifications.

Note: The requirements of this condition may be modified where appropriate with the agreement of Council's Urban Design Unit.

**Reason:** To ensure the public domain is appropriately designed for public use.

14. Final stormwater plans prepared by a suitably qualified drainage engineer addressing the following engineering issues shall be submitted to the satisfaction of Council's Manager, Development & Traffic Services before the issue of a Construction Certificate:
- (a) The provision of 3 x PVC Ø100mm pipes for ventilation within the on-site detention tank
  - (c) The provision of multiple sealed and grated accesses to the on-site detention tank along both sides of the tank including each corner and three along the middle of the top slab of the tank
  - (d) The provision of a detailed stormwater boundary pit located prior to discharge into the street stormwater pit
  - (e) A longitudinal section detail of the site discharge pipe within the footpath area showing the location of the public utility services
  - (f) A flood evacuation map with indication of its installation within the building.

The final plans shall not conflict with the approved landscaping plan and the approved drainage plan.

**Reason:** To provide appropriate stormwater detention and disposal.

15. A revised Arts Plan is to be submitted to the satisfaction of Council's Manager, Development and Traffic Services Unit before the issue of a Construction Certificate. The Arts Plan is to remove all proposed art work from Council's property in Anderson Lane and appropriately provide additional art work elsewhere on the site. The Arts Plan shall also detail the design development process through final design concepts, budget, engineering specifications, materials, site plan for artworks, construction documentation and project management prior to issue of the construction certificate.

**Reason:** To ensure that appropriate art work is provided on the subject site.

16. Details of the balcony screening recommended within the Pedestrian Wind Environment Study – Reference WB748-02F04(REV0)-WE prepared by Windtech Consultants Pty Ltd dated 1 September 2016 are to be submitted to Council's Manager, Development & Traffic Services for approval before the issue of a Construction Certificate.

**Reason:** To ensure the balcony screening does not adversely impact upon the visual appearance of the building.

17. The recommendations of the following reports are to be incorporated within the documentation and design details submitted with the Construction Certificate:

Document Report	Date
Acoustic Report – Project No. 28629-SYD-N – Revision 2 prepared by Wood & Grieve Engineers	03/06/2016

Basement Groundwater Inflow and Water Quality Assessment Report – Reference LCOV24919A Revision V1 prepared by Coffey Corporate Services Pty Ltd	29/01/2015
BASIX Compliance Report Project No.27427-SYD-G – Revision 4 prepared by Wood & Grieve Engineers	22/06/2016
Geotechnical Investigation Report Reference - GEOTLCOV24919AB-AC – Revision V1 prepared by Coffey Geotechnics Pty Ltd	09/12/2014
Stage 1 Site Contamination Assessment – Project No. GEOTLCOV24919AA prepared by Coffey Environments Australia Pty Ltd	16/08/2013
Pedestrian Wind Environment Study – Reference WB748-02F04(REV0)-WE prepared by Windtech Consultants Pty Ltd	1/09/2016
Sustainability Management Plan – Project No. 27427-1-SYD-G Revision 1 prepared by Wood & Grieve Engineers	31/08/2016

Note: Approval is not granted for any recommendations requiring work on public land.

The Principal Certifying Authority shall be satisfied that the recommendations have been incorporated into the plans before the issue of a Construction Certificate.

**Reason:** To protect the amenity of the area and confirm the details submitted with the application.

18. All car wash bays must be provided with a water connection and drainage to sewer. All wash bay discharges are to be disposed of according to the requirements of Sydney Water which requires a trade waste agreement. Details of the design of the car wash bay are to be included on the construction certificate plans.

**Reason:** To ensure that stormwater drains are not polluted.

19. Plans submitted with the Construction Certificate shall clearly indicate that all residential floors are provided with a minimum internal floor to ceiling height of 2.7m (excluding the thickness of the floor and ceiling slabs). This condition does not authorise the height of the building to be increased.

**Reason:** To ensure appropriate opportunities for access to natural light and ventilation are provided.

20. In order to ensure the design quality excellence of the development is retained:

- (a) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project (including signing off any required certifications at DA, S96 Applications, Construction Certificate and Occupation Certificate stages)
- (b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the life of the project



- (c) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate
- (d) Council's Design Competition Panel (The Jury) reviews and provides comment on the architectural drawings, landscape drawings and samples of all external materials, in particular the external glazing and façade detailing prior to the issue of any Construction Certificate and any Occupation Certificate
- (e) The design architect of the project is not to be changed without prior notice and approval of the Council.

**The Principal Certifying Authority must be satisfied that the above matters have been complied with, in accordance with written confirmation from City of Parramatta Council.**

**Reason:** To ensure the design quality excellence of the development is retained.

- 21. The finishes and materials of the building as approved in Condition 1 of this consent are to be incorporated within the Construction Certificate Plans.  
**Reason:** To ensure the quality of the design finishes is maintained.
- 22. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.  
**Reason:** To ensure Council's approval is obtained prior to commencement of any work on council's road, nature strip and concrete footpath and reinstated to its original state upon completion of the works.
- 23. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.  
Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
- 24. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to 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.
- 25. A monetary contribution comprising **\$5,515,119.03** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta City Centre Civic Improvement Plan*. Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction

certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

**Reason:** To comply with Council's Section 94A Contributions Plan.

26. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee 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 (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

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

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/540/2016;
- 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:

<b>Hoarding</b>	<b>\$15,000</b>
<b>Development Site</b>	<b>\$20,000</b>

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 to the Civil Assets Unit. The dilapidation report is required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to 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.

27. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that 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.

28. The PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2, AS2890.3 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.  
**Reason:** To ensure appropriate vehicular manoeuvring is provided
29. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. If a substation is a requirement of the energy provider, it is to be located internal to the building/s on site. Substations cannot be located within the front setback of a site or within the street elevation of the building, unless such a location has been indicated and approved on the Council stamped Development Application plans. Substations cannot be located in Council's road reserve.  
**Reason:** To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.
30. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Principal 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.
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. Details are to be provided to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

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

32. Waste storage rooms are to be provided on the premises 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 are to be provided to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

**Reason:** To ensure the appropriate storage of waste.

33. Prior to the issue of a Construction Certificate 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.

34. All roof water and surface water is to be connected to an operable drainage system complying with Council's policy requirements. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

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

35. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
  - (i) Revised Stormwater Management report and plans Dwg No. C101 & C121 Revision D, dated 5/10/16 by Wood & Grieve Engineers.
- (b) A Site Storage Requirement of 215 m<sup>3</sup>/ha and a Permissible Site Discharge of 235 L/s/ha (when using 3rd edition of UPRCT's handbook) OR  
the Site Reference Discharge (Lower Storage), SRDL of 40 L/s/ha, Site Storage Requirement (Lower Storage) SSRL of 246 m<sup>3</sup>/ha, Site Reference Discharge (Upper Storage), SRDU of 150 L/s/ha, Site Storage Requirement (Total) SSRT of 396m<sup>3</sup>/ha (when using the Extended/Flood detention method - 4th edition of UPRCT's handbook).
- (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

**Reason:** To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

36. In order to make satisfactory arrangements for the operation of the stormwater pump-out system, the system shall be designed and constructed to ensure the following are provided:
- (a) A holding tank (minimum 10m<sup>3</sup>) capable of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure and the seepage from all basement levels.
  - (b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
    - The permissible site discharge (PSD) rate; or
    - The rate of inflow for the one hour, 5 year ARI storm event.
  - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
  - (d) A 100 mm freeboard to all parking spaces.
  - (e) Submission of full hydraulic details and pump manufacturers specifications.
  - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

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

37. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. [DS9 & DS10]. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

**Reason:** To ensure appropriate vehicular access is provided.

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

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

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

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

**Reason:** To protect Council's infrastructure.

40. Prior to issue of a Construction Certificate, approval is to be obtained from the property owner for any anchors that may be proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

If the use of permanent or temporary rock anchors is required extending into the road reserve then approval must be obtained from Council and/or the Roads and Maritime Services in accordance with Section 138 of the Roads Act 1993 prior to issue of a construction certificate. A fee is payable for this approval.

**Note:** If works impact a Council designated road, the consent holder is to contact Council's Property Services Officer to seek approval for rock anchors under Section 138 of the Roads Act 1993.

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

41. In order to address the groundwater inflow during the excavation process and the construction activities, the Principal Certifying Authority is to ensure that the recommendations of the submitted geotechnical report are implemented prior to the commencement of the excavation works. In this regard, a groundwater monitoring and modelling are prepared to address:
- The depth to groundwater level and seasonal variations if any,
  - The likely rate of groundwater inflow into the excavation.
  - The likely groundwater level drawdown level due to site dewatering during the proposed excavation.
  - The likely impact of dewatering to structures in the vicinity of the site
  - The likely impact of the proposed development on the regional groundwater system.

In addition, details of the dewatering system option is to be included with the final engineering plans and submitted to the Principal Certifying Authority prior to the commencement of excavation works.

**Reason:** To ensure adequate dewatering system is in place to manage any on-going seepage at the basement floors.

42. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding events up to the 1 in 100 year level plus 500mm freeboard. Details are to be shown on the Construction Certificate plans.

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

43. The following are to be provided with an application for a Construction Certificate:

- Construction details showing substrate depth, drainage, waterproofing etc for ground floor and roof top planter boxes.
- A detailed Irrigation Plan is to be provided for all above structure raised planting boxes/beds.

**Reason:** To ensure the creation of functional gardens.

44. The final Landscape Plan must be consistent with plan Prepared by Myles Baldwin Design dwg nos. MB\_WV\_10 Issue G dated 16/6/16, MB\_WV\_20 Issue I dated 4/10/16, MB\_WV\_30 Issue H dated 22/6/16, MB\_WV\_21 together with any additional criteria required by the Development Consent to the satisfaction of the Principal Certifying Authority addressing the following requirements:

- (a) A proposed planting schedule must include, species type (botanic/ common name) mature dimensions, plant numbers/planting density and the size of the containers at planting.
- (b) A detailed planting plan defining planting locations and numbers to be planted.
- (c) Co-ordination with the Stormwater Design Plan. NOTE: Landscaped areas and proposed tree planting shall not be in conflict with the stormwater drainage for the site.

- (d) The removal of all *Ficus* sp from the Planting Schedule for all proposed landscape areas to be replaced with a more appropriate tree species from the proposed Planting Schedule.
- (e) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

**Reason:** To ensure that appropriate landscaping is implemented.

- 45. The approved plans must be submitted to a Sydney Water Quick Check agent or 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of a Construction Certificate.

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

- 46. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose prepared by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Any recommendations made by the qualified practising structural engineer shall be complied with.

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

- 47. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

**Reason:** To minimise costs to Council.

- 48. In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

**Reason:** To protect public safety.

- 49. Any exhaust ventilation from the car park is to be ventilated in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

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



50. The proponent shall submit to the Principal Certifying Authority and Council, a Construction Noise Management Plan prior to the issue of the Construction Certificate as described in the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009. The Construction Noise Management Plan must describe in detail the methods that will be implemented during the construction phase of the project to minimise noise impacts on the community.

The Construction Noise Management Plan must include:

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

**Reason:** To prevent loss of amenity to the area

51. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer (at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".

The engineer shall:

- (a) provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
  - (i) all relevant statutory requirements,
  - (ii) all relevant conditions of development consent
  - (iii) construction requirements detailed in the above Specification, and
  - (iv) the requirements of all legislation relating to environmental protection,
- (b) On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
- (c) Certify that the Works as Executed plans are true and correct record of what has been built.

52. Prior to the release of the Construction Certificate design verification is required to be submitted from a registered architect to confirm the development is in accordance with the approved plans and details and continues to satisfy 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.

53. Prior to the issuing of the Construction Certificate details are to be submitted to the Principal Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The

design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document - *Western Sydney Salinity Code of Practice 2003*.

**Reason:** To ensure appropriate safeguards against salinity.

54. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

**Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity.

55. The development must incorporate a minimum of 40 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

56. Access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

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

57. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the Construction Certificate plans.

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

58. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:
- (a) entrance
  - (b) lift or bank of lifts; and
  - (c) sanitary facility
- This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.
59. Prior to the issue of a Construction Certificate, the applicant/developer is to approach the NSW Office of Environment & Heritage to satisfy any archaeological requirements for the site. This may include a further archaeological assessment or a request for an exemption permit.
- A copy of the written correspondence from the NSW Office of Environment & Heritage confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.
- Reason:** To ensure that the requirements of the NSW Office of Environment & Heritage are satisfied.
60. The Principal Certifying Authority is to be satisfied that the proposal complies with the following Endeavour Energy requirements before the issue of a Construction Certificate, or before works commence (whichever occurs first):
- (a) The new development will require the existing substation to be decommissioned and removed along with any high voltage cable works necessary to maintain supply to the rest of the electricity grid in this location.
  - (b) Any asset relocation works will need to be funded by the developer as it appears that some high voltage cables may be impacted by the development footprint.
  - (c) Anderson Lane is fronted by other Endeavour Energy indoor substations. It is imperative that access to these indoor substations by Endeavour Energy crews and plant is maintained during the whole construction period of this development. Any indication this cannot be achieved should be discussed with Endeavour Energy prior to the development commencing.
- The applicant is required to consult with Endeavour Energy on the proposed development to comply with all requirements in regard to working within the vicinity of energy infrastructure.
- Reason:** To comply with Endeavour Energy requirements.

### **Prior to Commencement of Works:**

61. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:  
*The Sydney Asset Management*

*Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.*

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 88492766.

**Reason:** To comply with Roads and Maritime Services requirements.

62. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GT02012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:  
*Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8849 2114  
Fax 8849 2766*

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

**Reason:** To comply with Roads and Maritime Services requirements.

63. Prior to the commencement of any works on the site the applicant must submit a Construction Traffic Management Plan to the satisfaction of the **Council's Manager, Development and Traffic Services**. 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. Access arrangements to and from the site. **The plan is to show continued public access through Anderson Lane during all demolition and construction phases of the development.**
  - ii. Proposed number of trucks during the demolition and construction phases of development
  - iii. Hours of proposed truck movements to and from the site
  - iv. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,

- v. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
  - vi. The locations of proposed Work Zones in the egress frontage roadways,
  - vii. Location of any proposed crane standing areas,
  - viii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - ix. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - x. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- (b) Traffic Control Plan(s) for the site:
- i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA '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.
- (c) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.

Where applicable, the plan must address the following:

- Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- 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.
- Minimising construction related traffic movements during school peak periods,

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

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

64. A Hoarding Application together with the appropriate fee and details is to be submitted to and approved by Council for the enclosure of public space as required by Council's Hoarding Policy.

The hoarding is required to protect persons from construction or demolition works and no works can commence until approval for the hoarding has been obtained. Hoardings in the City Centre Local Environmental Plan area must also address the "Parramatta First - Marketing the City Brand". Details on policy compliance and brand marketing can be obtained by contacting Council's Construction Services on 02 9806 5602.

**Reason:** To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

65. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

**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 on public land.

66. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate 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 is appointed within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

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

67. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

**Reason:** Statutory requirement.

68. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

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

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

The report should include a photographic survey of 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 as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required 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.

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

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on

nearby footings/foundations must be established together with methods to ameliorate any impact.

- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

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

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

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

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

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.



- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

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

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

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

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

72. 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 received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having 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 prevent any damage to underground utility services.

73. 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:

- Protect and support the adjoining premises from possible damage from the excavation
- 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.

74. 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 on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer

Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:  
Eg. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, 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 that 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. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space 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 construction zone, 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.

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

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

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

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

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

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

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

76. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development.

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

### **During Construction or Works:**

77. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

**Reason:** To ensure compliance with this consent.

78. A Waste Management Plan is to be submitted to the satisfaction of Council's Manager, Development and Traffic Services Unit before the issue of a Construction Certificate. This plan is to provide details for the demolition and construction stages of the development, including:

- (a) Expected types and volumes of waste to be generated during demolition and construction;
- (b) Details of how this waste will be re-used on site, recycled and/or disposed of off site;
- (c) Details of how waste will be managed on site during demolition and construction (e.g. staff training, part of sub-contractor agreement, etc).

**Reason:** To minimise waste generation during the demolition and construction phases of development.

79. A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

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

80. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

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

81. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

**Reason:** To ensure pedestrian access.

82. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

**Reason:** To ensure public safety and amenity on public land.

83. 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.

**Note:** Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- (a) Delivery of cranes required to the site outside of normal business hours;
- (b) Site is not located in close proximity to residential use or sensitive land uses;
- (c) Internal fit out work.

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

84. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall 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 shall be made available to Council and/ or the principal certifying authority upon request.

85. 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. The proponent may be required to produce these documents to Council on request during the site works.

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

86. 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.

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

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

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

88. Hazardous or intractable wastes 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.

89. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

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

90. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

**Reason:** To protect public safety.

91. A footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.  
**Reason:** To provide pedestrian passage.
92. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.  
**Reason:** To ensure pedestrian safety.
93. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.  
**Reason:** To ensure Council's assets are appropriately constructed.
94. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.  
**Reason:** To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.
95. Any underground tanks shall be decommissioned and removed in accordance with:
  - (a) Australian Institute of Petroleum (AIP) Code of Practice for the Removal and Disposal of Underground Petroleum Storage Tanks (ref. AIP CP22).
  - (b) Australian Standard AS 1940: 2004 AS 1940:2004 The Storage and Handling of Flammable and Combustible Liquids.
  - (c) Work Cover NSW Code of Practice for the Storage and Handling of Dangerous Goods
  - (d) NSW Department of Environment and Climate Change: Environmental Guidelines: Assessment, Classification and Management of Liquid and Non Liquid Wastes**Reason:** To ensure the safe removal of underground storage tanks.
96. Following demolition activities (and removal of any underground storage tank), 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.

At the completion of the investigation a site audit statement shall be issued 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.

97. 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.
98. Occupation of any part of the footpath or road (including the private lane on the east side of the site) at or above (carrying out work, storage of building materials and the like) during construction of the development shall require owner's consent and 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. Vehicle access to the laneway is to be maintained at all times of occupancy.  
**Reason:** Traffic safety and efficiency.
99. 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.
100. 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.
101. 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.
102. 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.
103. The applicant shall arrange public domain inspections with Council 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.

- (a) Commencement of public domain works including tree protection measures installed and set out of tree pits;
- (b) 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;
- (c) Installation of required underground conduits;
- (d) 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;
- (e) Delivery of street trees to site. Trees shall be installed within 24hrs of delivery;
- (f) 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 public domain works are carried out to the satisfaction of Council.

### **Prior to the issue of an Occupation Certificate:**

104. An application for street numbering shall be lodged with Council for approval, prior to the issue of an Occupation Certificate.

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

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

105. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

**Reason:** To ensure a visible house number is provided.

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

**Reason:** To ensure provision of appropriately located telecommunication facilities.

107. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 630505M\_03 dated 22 June 2016 will be complied with prior to occupation.

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



108. The Principal Certifying Authority shall be responsible for ensuring the recommendations of the following reports have been incorporated within the design and construction of the development:

Document Report	Date
Acoustic Report – Project No. 28629-SYD-N – Revision 2 prepared by Wood & Grieve Engineers	03/06/2016
Basement Groundwater Inflow and Water Quality Assessment Report – Reference LCOV24919A Revision V1 prepared by Coffey Corporate Services Pty Ltd	29/01/2015
BASIX Compliance Report Project No.27427-SYD-G – Revision 4 prepared by Wood & Grieve Engineers	22/06/2016
Geotechnical Investigation Report Reference - GEOTLCOV24919AB-AC – Revision V1 prepared by Coffey Geotechnics Pty Ltd	09/12/2014
Stage 1 Site Contamination Assessment – Project No. GEOTLCOV24919AA prepared by Coffey Environments Australia Pty Ltd	16/08/2013
Pedestrian Wind Environment Study – Reference WB748-02F04(REV0)-WE prepared by Windtech Consultants Pty Ltd	1/09/2016
Sustainability Management Plan – Project No. 27427-1-SYD-G Revision 1 prepared by Wood & Grieve Engineers	31/08/2016

Certification from appropriately qualified consultants shall be submitted to the Principal Certifying Authority confirming that all relevant works have been carried out or complied with before the issue of an Occupation Certificate.

**Reason:** To ensure the recommendations of the reports have been implemented within the development.

109. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

110. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number;
- (b) the address of the property at which the inspection was carried out;

- (c) the type of inspection;
  - (e) the date on which it was carried out;
  - (f) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
  - (g) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.
111. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.  
**Reason:** To ensure restoration of environmental amenity.
112. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.  
**Reason:** To ensure landscaping is completed in accordance with the approved plans and maintained.
113. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.  
**Reason:** To ensure appropriate electricity services are provided.
114. Prior to the issue of an Occupation Certificate (including interim OC), the public domain construction works must be completed to Council's satisfaction and a **Final Approval** shall be obtained from Council's Assets and Urban Design teams. In regard to the public domain works, the following is required:
- (a) A **final inspection** will be conducted by Council staff after all the works are completed and any defects identified during inspections shall be rectified. The Certificate of Completion shall not be issued until Council's final approval is obtained.
  - (b) Work-as-Executed Plans shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to the issue of an Occupation Certificate
  - (c) A two-year (104 weeks) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain. A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council, prior to the issue of final approval. This schedule shall specify the 2 year maintenance period and details of all maintenance requirements of the public domain works.  
**Reason:** To ensure the public domain is provided in a satisfactory condition.
115. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in

accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved verses installed Drainage Design (OSD) Calculation Sheet.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

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

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

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

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

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

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

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

118. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no Construction Certificate has been applied for.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction.

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactory repaired Council will advise in writing that this condition has been satisfied and will organise for the bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

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

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

119. 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, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council.

**Reason:** To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

120. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

121. All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

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

122. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

123. An Operational Management and Maintenance Report is required to be lodged with the Occupation Certificate application as a separable section of the Stormwater Drainage Plan to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. As a guide the maintenance report is required to cover all aspects of on-site facilities associated with the management of stormwater quality and is to outline the following requirements:

- (i) aims and objectives (including water quality and filter media parameters);
- (ii) a plan showing the location of the individual components of the system
- (iii) manufacturer's data and product information sheets for any proprietary products
- (iv) location of inspection and monitoring points shown clearly on the plan
- (v) describe inspection/maintenance techniques and the associated rectification procedures
- (vi) A schedule or timetable for the proposed regular inspection and monitoring of the devices, (Council recommends a visual inspection at least 3 times per year between October and May the following year, with a maximum of 3 months between successive inspections). Inspection should be made not less than 24 hours and not more than 72 hours after the cessation of rainfall if the total rainfall on any day exceeds 30mm
- (vii) record keeping and reporting requirements
- (viii) review and update requirements

The report is required to be prepared by a suitably qualified and experienced professional to the satisfaction of Council and utilise the maintenance checklists located '*Product Design Manual*' or (in the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland).

In this regard, the approved report is required to be implemented in perpetuity to the satisfaction of Council. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

**Reason:** To ensure the adequate on-going maintenance and operation of the drainage system.

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

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

**NOTE:** For more information contact NBN Co.

**Development Liaison Team:**

*Call 1800 881 816*

*Email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au)*

*Web [www.nbnco.com.au/NewDevelopments](http://www.nbnco.com.au/NewDevelopments)*

125. The artworks (Arts Plan) are to be installed to the satisfaction of Council's Manager, Development and Traffic Services Unit prior to the issue of an Occupation Certificate.

Note: Interpretative signage considered appropriate by the Artist and Council is to be installed within the artwork.

**Reason:** To ensure that the Arts Plan is implemented appropriately.

126. Certification must be provided prior to the issue of an 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.

127. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

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

**Reason:** To comply with the requirements of SEPP 65.

128. The Principal Certifying Authority must be satisfied that the building has been constructed in accordance with the finishes and materials of the building as approved in Condition 1 of this consent before the issue of an Occupation Certificate.

**Reason:** To ensure the quality of the design finishes is maintained.

129. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from any frontage.

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

130. An Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/540/2016** has been submitted to the Principal Certifying Authority.

**Reason:** To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

## Use of the Site:

131. All vehicles shall enter and exit the site in a forward direction at all times.  
**Reason:** To protect the amenity of the surrounding neighbourhood.
132. The hours of operation/delivery hours for any ground floor tenancy is restricted to between the hours of 7:00am to 10:00pm daily. Any modification to these hours is subject to separate development consent for the tenancy.  
**Reason:** To protect the amenity of the area.
133. Access gates shall be provided to the site in accordance with the approved plans. Site access is to be open to the public during the hours of 6am to 10pm daily.  
**Reason:** To enable pedestrian usage of the through site links during reasonable hours and protect the amenity of the residents of the site.
134. All loading and unloading must take place within the designated loading areas on the subject property and wholly within the site at all times.  
**Reason:** To protect the amenity of the neighbourhood.
135. All waste storage areas are to be maintained in a clean and tidy condition at all times. 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. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.  
**Reason:** To ensure the ongoing management of waste storage areas.
136. The operation of the premises is to be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.  
**Reason:** To ensure that stormwater drains are not polluted.
137. 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.
138. Any air conditioner/s must not:
- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
    - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
    - (ii) before 7.00am and after 10.00pm on any other day.

- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

**Reason:** To prevent loss of amenity to the area.

139. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

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

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

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

**Reason:** To prevent loss of amenity to the area.

141. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.

142. To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the retail/commercial premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille and see through.

**Reason:** To provide an appropriate streetscape appearance.

143. No air-conditioning condensers/units are to be located on any of the balconies which are visible from the public domain.

**Reason:** To ensure the amenity of the units and visual amenity of the building.

144. In the event that any future development of the commercial premises may generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence. The permit application should be emailed to Sydney Water's Business Customer Services at [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au). It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.



A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

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

## Advisory Notes

- (A) The land identified on the stamped approved plans as “Anderson Lane” is not a public road. It is Council owned operational land with no legal right of public access. Whilst no formal objection is raised at this point in time regarding the public utilising this land, it may at some time in the future be redeveloped with no public access. In this regard, the following is advised:
  - (i) For the purposes of BCA assessment, the land is to be considered as private property. There shall be no encroachments onto, or use of this land, other than the roadworks approved as part of this application.
  - (ii) The proposed adaptive retail areas indicated on the approved ground floor plans may only be temporary and may need to be reused as part of the subject site in the future.
  - (iii) Site through links may not be functional in the long term future redevelopment of this land.
- (B) All works and/or regulatory signposting associated with the proposed development shall be at no cost to Council and Roads and Maritime Services.
- (C) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the approved works and as required by the various public utility authorities and/or their agents.