



## Report to Sydney West Central Planning Panel

|  |   |
|--|---|
| <b>SWCCP reference</b>                         | 2016SYW149  |
| <b>DA No.</b>                                  | 620/2016  |
| <b>Date of receipt</b>                         | 15 July, 2016. Amended plans 17 January 2017.   |
| <b>Proposal</b>                                | Residential flat building and child care centre   |
| <b>Street address</b>                          | 1-5 Carter Street, Lidcombe   |
| <b>Property Description</b>                    | Lots 16,17 and 18 in DP 225350  |
| <b>Applicant</b>                               | Karimbla Properties (No 22) Pty Ltd   |
| <b>Owner</b>                                   | The Trust Company Limited   |
| <b>Submissions</b>                             | None  |
| <b>List of All Relevant s79C(1)(a) Matters</b> | <ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations</li><li>• State Environmental Planning Policy No. 55</li><li>• State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li><li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li><li>• State Environmental Planning Policy (State and Regional Development) 2011</li><li>• Auburn Local Environmental Plan 2010</li><li>• Carter Street Precinct Development Control Plan 2016</li><li>• Carter Street Precinct Development Contributions Plan 2016</li></ul> |
| <b>Recommendation</b>                          | Approval  |
| <b>Council Officer</b>                         | Brad Roeleven, Executive Planner  |

### Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report ? Yes

### Legislative clauses requiring consent authority satisfaction

|   |     |
|---|-----|
| Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? | Yes |
|---|-----|

### Clause 4.6 Exceptions to development standards

|   |     |
|---|-----|
| If a written request for a contravention to a development standard has been received, has it been attached to the assessment report ? | Yes |
|---|-----|

### Special Infrastructure Contributions

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

### Conditions

|  |     |
|--|-----|
| Have draft conditions been provided to the applicant for comment ? | Yes |
|--|-----|

## 1. Executive summary

This report considers a proposal to construct a mixed use development comprising 273 residential dwellings and a child care centre.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns. The application is therefore satisfactory when evaluated against section 79C of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve a minor variation to the building height control in Auburn LEP 2010, via clause 4.6 of that plan; and
- Approve the application, subject to the recommended conditions.

## 2. Key issues

- a. Building height – Clause 4.6 written request submitted;
- b. Minor variations to DCP setback control; and
- c. Completion of VPA negotiations.

## 3. Site context

The Carter Street Priority Precinct comprises 52 ha of land bounded by Sydney Olympic Park, the M4 Motorway, Haslams Creek and land immediately adjacent to Birnie Avenue. Rezoning for the Precinct was finalised in November 2015. Transformation to a high density residential precinct is in its early stages, with no new buildings yet approved.



Figure 1: Aerial photo of Carter Street Priority precinct

## 4. Site description and location

### 4.1 Background

Consent was granted by Council on 21 November 2016 to DA 429/2016 to re-subdivide the land shown at Figure 2.

The proposal the subject this application would occupy proposed Lot 1 of that subdivision, as shown at Figure 3 below. That allotment is irregular in shape, with an area of 8,239m<sup>2</sup> and a 91.5m frontage to Carter Street. The land falls approximately 3.9m from north-east to south-west.

Note however that subdivision is not yet registered, and therefore for the purposes of this application the legal description remains as Lots 16-18, DP in DP 225350.

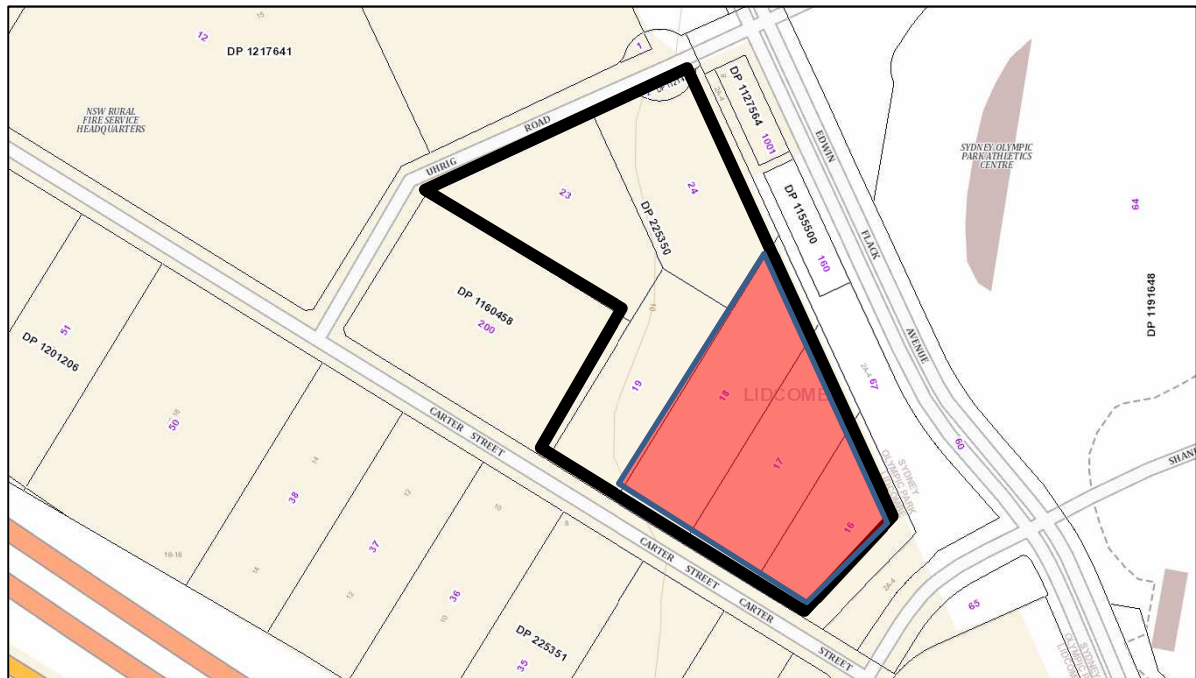


Figure 2: Land the subject of DA 429/216 outlined in black, with the subject site shown shaded

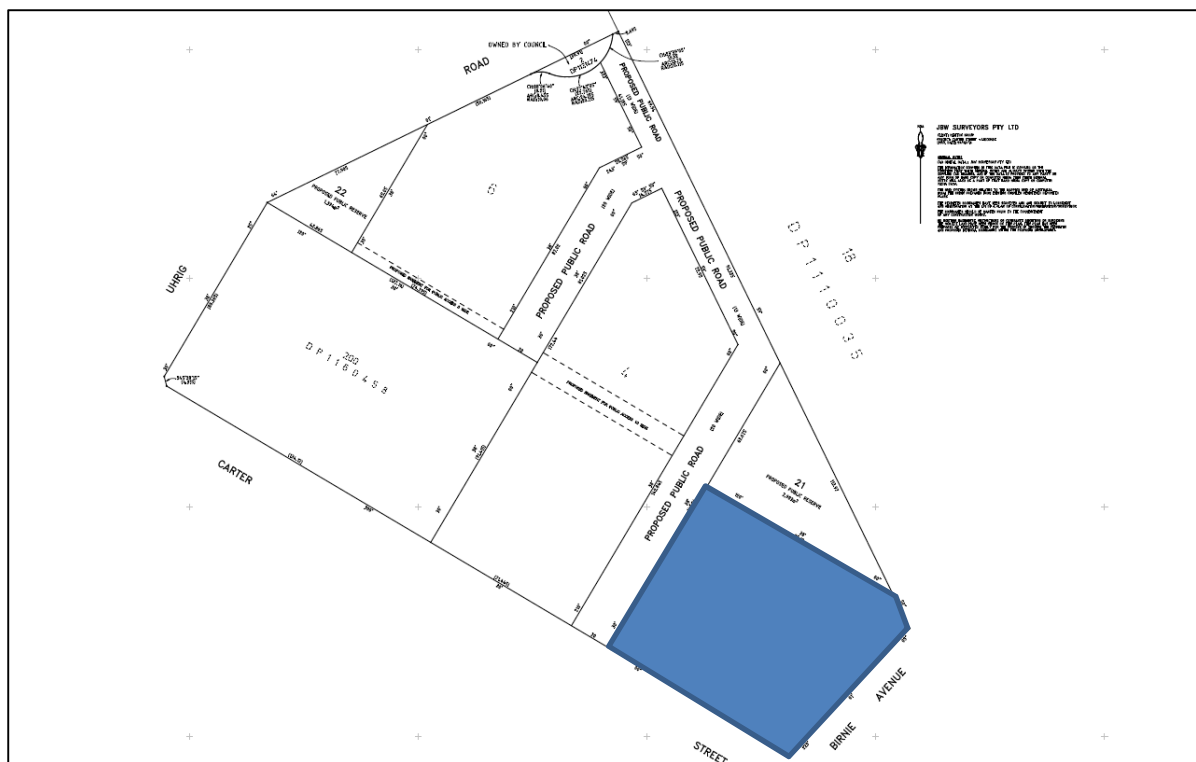


Figure 3: Subdivision approved via DA 429/2016





Figure 4: Land the subject of this DA

#### 4.2 The Meriton subdivision – future context

The applicant has multiple concurrent development applications with Council for the lots created by the recently approved subdivision (DA 429/2016). Figure 5 below illustrates the intended future context:

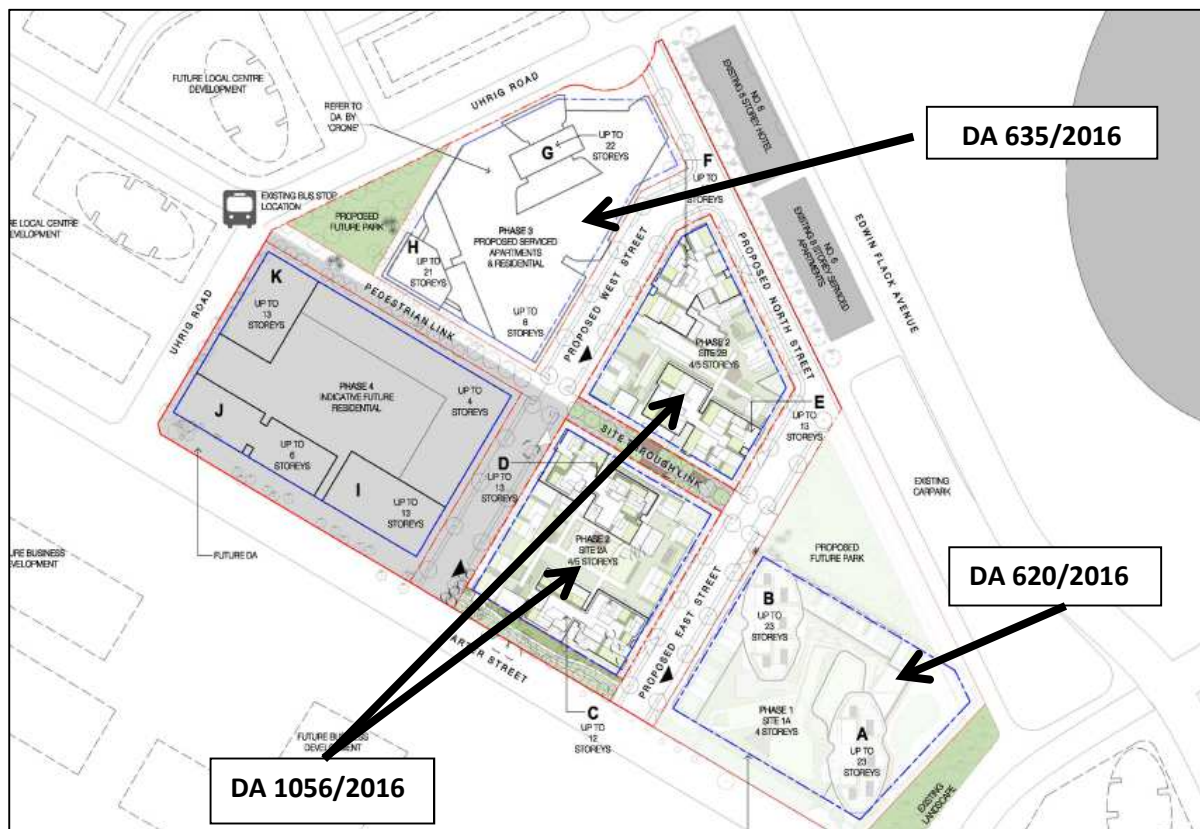


Figure 5: Future context

## 5. The proposal

The proposal comprises the following primary elements:

- 273 apartments located within the podium element, and two towers;
- 435 parking spaces within a partial basement and the podium levels; and
- A child care centre at the ground level.

Broadly, site planning and design comprises:

- A podium element ranging in height from 1-4 storeys. Apartments and the child care centre sleeve parking within the podium to all elevations except Carter Street;
- Two residential towers, of an elliptical shape, positioned at the northwest and south east corners of the site. (19 storeys above podium – maximum 23 storeys each)

The application also includes:

- Landscaping of private open space within the site (ground, podium and roof top terraces);
- Public domain works to Carter Street and the new road adjacent to the western site boundary; and
- All required civil works including an Onsite Detention System for stormwater management.

Regarding the child care centre, this application seeks only consent for that land use, and construction of the basme building. Seperate consent will be sought for the fitout and operational details of the centre.

## 6. Public notification

The notification period was 17 August 2016 - 7 September 2016. No submissions received.

## 7. Referrals

|   |    |
|---|----|
| Any matters arising from internal/external referrals not dealt with by conditions | No |
|---|----|

## 8. Environmental Planning and Assessment Act 1979

|  |     |
|--|-----|
| Does Section 5A (Significant effect on threatened species) apply ? | No  |
| Does Section 77A (Designated Development) apply ?                  | No  |
| Does Section 91 (Integrated Development) apply ?                   | No  |
| Are submission requirements within the Regulations satisfied ?     | Yes |

## 9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs    None - A detailed assessment is provided at **Attachment A**.

## 10. Auburn Local Environmental Plan 2010

The following table is a summary assessment against the LEP. A detailed evaluation is provided at **Attachment A**.

**Table 1: LEP compliance**

|   | <i>Comment or non- compliances</i>   |
|---|--|
| Zones   | <ul style="list-style-type: none"> <li>• R4 High Density Residential</li> <li>• RE1 Public Recreation</li> </ul>   |
| Definition                                    | <ul style="list-style-type: none"> <li>• Mixed use development</li> <li>• Residential flat building</li> <li>• Child care centre</li> </ul>  |
| Part 2<br>Permitted or prohibited development | <ul style="list-style-type: none"> <li>• Permissible in the zone</li> <li>• Consistent with zone objectives</li> </ul>   |
| Part 4<br>Principal development standards     | <ul style="list-style-type: none"> <li>• Non-compliance - Building height<br/>The development standard is 72m. Each tower exceeds that standard as follows: <ul style="list-style-type: none"> <li>○ Tower A- 72.78m (Non- compliance is 0.78m or 1.1%)</li> <li>○ Tower B- 72.85m (Non-compliance is 0.85m or 1.18%)</li> </ul> </li> </ul> <p>A submission under clause 4.6 has been provided. The variation is supported.</p> |
| Part 5<br>Miscellaneous provisions            | All relevant provisions satisfied  |
| Part 6<br>Additional local provisions         | All relevant provisions satisfied  |

## 11. Carter Street Development Control Plan 2016

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

**Table 2: DCP compliance**

|   | <i>Comment or non- compliance</i> |
|---|-----------------------------------|
| Part 2 - Principles and indicative structure plan | Consistent                        |

|   |   |
|---|---|
| Part 3 - Public domain                      | Satisfactory  |
| Part 4 - Residential/ mixed use development | Minor non-compliances for some setbacks – satisfactory on merit |
| Part 5 - Employment uses                    | Not applicable  |
| Part 6 - Environmental management           | All relevant provisions satisfied                               |

## 12. Response to SWCPP briefing minutes

The matters raised by the Panel at its Briefing meeting are addressed below:

### *Issue 1*

*Concerns that on such a large site there needed to be any non-compliance with council controls*

Non-compliances relating to the both the LEP and DCP are not significant, and insistence on a redesign to achieve strict compliance would not result in a better planning outcome.

### *Issue 2*

*Activation: Addressing the street and an improved streetscape in Carter Street, especially near podium levels*

A satisfactory outcome for this façade of the podium has been achieved.

### *Issue 3*

*Panel concerned about overland flow and possible flooding*

The site is not identified on the flood planning map accompanying the LEP. Overland flow of stormwater is to be contained wholly within the roadways approved under related DA 429/2016 for subdivision of the subject land.

### *Issue 4*

*Public infrastructure: How to ensure it would be carried out and provided at an appropriate time and not merely at the end of project*

Dedication of land zoned RE1 to Council is addressed by the consent granted to DA 429/2016 for subdivision – refer to section 4.1 above.

The relevant Contributions Plan proposes that public park would be completed in the short term, being 1-2 years. That timeframe is consistent with the timeframe for construction of the subject development. Alternately those works may be undertaken by the proponent via a VPA, currently the subject of negotiations, in which case Council would tie completion of the park to the issue of Occupation Certificates.



## Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

## RECOMMENDATION

- A. That the Sydney West Central Planning Panel approve a variation to the building height control in clause 4.3 of Auburn LEP 2010, being satisfied that the applicants written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone; and
- B. That pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 the Sydney West Central Planning Panel grant consent to Development Application DA/620/2016 subject to the conditions in **Attachment A**.

Physical commencement is to occur within five (5) years from the date on the Notice of Determination.



## ATTACHMENT A- PLANNING ASSESSMENT

**SWCCP reference** 2016SYW149

**DA No.** 620/2016

### 1. Overview

This Attachment assesses the relevant matters for consideration under section 79C of the Environmental Planning and Assessment Act, as noted in the table below:

**Table 1- Matters for consideration**

| <i>Provision</i>   | <i>Comment</i>           |
|--|--------------------------|
| Section 79(1)(a)(i) - Environmental planning instruments | Refer to section 2 below |
| Section 79C(1)(a)(ii) - Draft planning instruments       | Not applicable           |
| Section 79C(1)(a)(iii) - Development control plans       | Refer to section 3 below |
| Section 79C(1)(a)(iiia) - Planning agreements            | Refer to section 4 below |
| Section 79C(1)(a)(iv) - The Regulations                  | Refer to section 5 below |
| Section 79C(1)(a)(v) - Coastal zone management plan      | Not applicable.          |
| Section 79C(1)(b) - Likely impacts                       | Refer to section 6 below |
| Section 79C(1)(c) - Site suitability                     | Refer to section 7 below |
| Section 79C(1)(d) - Submissions                          | None received            |
| Section 79C(1)(e) - The public interest                  | Refer to section 8       |

The following internal and external referrals were undertaken:

**Table 2: Referrals**

|                              |                                     |
|------------------------------|-------------------------------------|
| Landscape                    | No objections- conditions provided  |
| Development Engineer         | No objections- conditions provided  |
| Traffic                      | No objections- conditions provided  |
| Environmental Health (Waste) | No objections – conditions provided |

|                                      |   |
|--------------------------------------|---|
| Environmental Health (Contamination) | No objections – conditions provided   |
| Environmental Health (Acoustic)      | No objections – conditions provided   |
| Urban Design (Public domain)         | No objections – conditions provided   |
|                                      |   |
| Sydney Olympic Park Authority        | Comments received are precinct specific rather than project specific. Liaison is on-going between the two organisations |
| Ausgrid                              | No objections   |
| NSW Police                           | No objections – conditions provided   |

## 2. Environmental planning instruments

Compliance with these instruments is addressed below.

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

Clause 7 of this Policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

The application is supported by a Land Capability Assessment report, prepared for a significant portion of the Carter Street Precinct. That report identifies and summarises the finding of multiple prior assessments between January 2002 – December 2007, including:

- Phase 1 environmental site assessments
- Phase 2 detailed investigation reports
- Site Audit Statement and Certificates
- Geotechnical investigations
- Remediation Action Plans

The application is also supported by a project specific Site Assessment report which, in summary, notes:

- Prior investigations noted within Land Capability Assessment report have identified four areas of concern within the site, being:
  - Cradle for former Above ground Storage Tank (AST)
  - Soil stockpile 1 (asbestos containing)
  - Soil stockpile 2
  - Suspected AST area
- A review of soil data from samples collected throughout the site indicates asbestos fibers were detected within one borehole, and elevated TPH within an borehole.
- Due to the concrete slabs located on the site, ground penetrating radar (GPR) could not confirm the presence of Underground Storage Tanks.

The report recommends the following actions to address those findings:

- Undertake further soil and groundwater sampling to completely characterise the site

in accordance with the NSW Sampling Design Guidelines, 1995 as well as isolating former exceedances noted in WSP 2013.

- Undertake Ground Penetrating Radar surveys within the site following the removal of concrete slabs to confirm the presence/absence of underground storage tanks.
- Prepare a Remediation Action Plan to address any areas of concern and detail methodology to render the site suitable for the proposed residential development.
- Areas of concern to be remediated in accordance with the RAP, and validated upon completion.

The report provides the following conclusion:

*“Given the site history as predominantly warehouse storage and distribution and the relatively minor nature of contamination identified in report by WSP 2015, ADE considers that it is unlikely that heavy contamination would be encountered during further site investigations and therefore likely that the site can be made suitable for the proposed residential development.”*

Council’s Environmental Health Officer (EHO) has reviewed the applicant’s technical reports and concurs with the methodology and conclusions noted, and agrees the site can be made suitable for the proposed use. Conditions of consent nominated by the EHO are included in the recommendation of this report.

Those circumstances are sufficient to satisfy the requirements of clause 7 of this Policy.

## **2.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- Design Excellence Advisory Panel;
- The 9 SEPP 65 Design Quality Principles; and
- The Apartment Design Guide (ADG).

### Design Excellence Advisory Panel (DEAP)

The proposal was considered by DEAP at pre-lodgement stage, and again as a formal development application at its meeting of 14 September 2016. In summary DEAP noted the following matters:

- *Concerns about consequent visual and landscape impacts were noted by the Panel, particularly with regard to the public domain character of Carter Street.*
- *Provision for an active communal terrace on top of the podium was appreciated as a means of ensuring better environmental amenity for residents, but further landscape details of appropriate soil depth and conditions was requested.*
- *The long corridor circulation for podium apartments was raised as an issue needing further attention*
- *The intention to ‘deliver a mix of housing with a range of unit types’ and inclusion of a child care facility were seen as positive gestures by the Panel*

- *In the detail planning of tower units the Panel noted that while the proposed layouts benefit solar access and cross ventilation, there needed to be more clarification of how the latter might be achieved in some units up to L8.*
- *In addition to the communal open space on the podium, addition of roof top terraces was supported except for their being limited to only top floor apartments. The Panel recommends consideration of some communal roof top space on both towers, with appropriate amenities that should not compromise the private terraces.*

Overall the Panel was supportive of the proposal, concluding:

*“The expression of the two towers in curvilinear forms was appreciated as a valid means of responding to the formal language of SOP’s built form, both pre- and post-Olympics, necessary ADG separation, and balancing views with sustainable design features. Given that it was intended to have a Cl. 4.6 variation sought for height exceedance over the 72m limit, the Panel considered there was scope for the two towers to have different heights. It was suggested that perhaps 2 floors could be removed from Tower A (23 down to 21 storeys) and added to Tower B (23 up to 25 storeys). It was felt this could be justified provide more interest in the context of the overall massing of urban form in this precinct. “*

and;

*“Overall the Panel was impressed with the approach to aesthetic treatment and material palettes for the facades.”*

The plans were subsequently amended to sufficiently respond to the DEAP advice.

### Design Quality Principles

Part 4 of the Policy introduces 9 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions. As required by the Environmental Planning and Assessment Regulation, the application is accompanied by a response to those design principles, as prepared by the project architect.

The following table provides an assessment of the proposal against those principles having regard to the comments of DEAP and assessment by Council’s officers:

**Table 3: Response to SEPP 65 design principles**

| <b>Principle</b>                           | <b>Comment</b>   |
|--|--|
| <b>Context and neighbourhood character</b> | The locality is transforming to a high density residential/mixed use precinct. The development generally accords with the desired future character nominated by the LEP and DCP. The building will contribute to the quality and identity of the area. |
| <b>Built form and scale</b>                | Acceptable noting its consistency with the LEP and DCP controls. Site planning, building volume/ mass presentation and detailing are satisfactory noting the conclusions of the DEAP. Public domain outcomes are satisfactory.                         |



|   |   |
|---|---|
| <b>Density</b>                                  | The proposed density is consistent with the precinct specific controls in the LEP developed by the Department of Planning and Environment. Those controls were developed with regard to the context of the site in terms of availability of infrastructure, public transport, community facilities and environmental quality. |
| <b>Sustainability</b>                           | Energy and water efficiency targets under SEPP (Basix) 2004 are achieved. The design is consistent with best practice design criteria for cross ventilation and solar access under the ADG.   |
| <b>Landscape</b>                                | The landscape treatment is generally satisfactory.  |
| <b>Amenity</b>                                  | Amenity for the apartments is satisfactory when tested against best practice design criteria identified in the ADG which supports the SEPP. The scheme includes a range of communal facilities for the benefit of all residents.  |
| <b>Safety</b>                                   | Appropriate outcomes achieved through the design generally, and otherwise by conditions of consent as proposed.   |
| <b>Housing diversity and social interaction</b> | Since lodgement the application has been revised to provide for a greater mix of unit sizes, including 4 bedroom apartments. The required number of adaptable housing units is provided.  |
| <b>Aesthetics</b>                               | The composition of building elements and materials is satisfactory.   |

### Residential Flat Design Code

The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved.

The application is supported by a detailed table demonstrating consistency with the design criteria in the ADG. The table below considers the proposal against key matters:

**Table 4: Response to ADG**

| <b>Element</b>            | <b>Comment</b>  | <b>Complies</b> |
|---------------------------|---|-----------------|
| Building separation       | A minimum of 24m provided between the towers  | Yes             |
| Visual privacy            | The arrangement of units within the podium and the tower elements ensures a satisfactory level of privacy between apartments and areas of private open space  | Yes             |
| Solar access and daylight | <ul style="list-style-type: none"> <li>73% units &gt;2hrs solar access (Criteria is 70%)</li> <li>12% get no solar access (Criteria is max 15%)</li> <li>50% of podium common open space receives a minimum 2hrs sunlight.</li> </ul> | Yes             |
| Common circulation        | <ul style="list-style-type: none"> <li>Design complies with criteria of maximum 8 units off a circulation core</li> </ul>   | Yes             |
| Apartment size and layout | <ul style="list-style-type: none"> <li>Minimum unit sizes are achieved</li> <li>Apartment layouts are efficient</li> </ul>  | Yes             |
| Ceiling heights           | <ul style="list-style-type: none"> <li>Minimum of 2.7m for habitable rooms is achieved</li> </ul>   | Yes             |

|                                  |   |     |
|----------------------------------|---|-----|
| Private open space and balconies | Balconies meet design criteria  | Yes |
| Natural ventilation              | <ul style="list-style-type: none"> <li>First 9 storeys - 61% of units are ventilated (criteria is 60%)</li> </ul> | Yes |
| Storage                          | Required supply of storage for each unit is achieved  | Yes |

## 2.3 Deemed State Environmental Planning Policy(Sydney Harbour Catchment) 2005

This Policy applies to all of the City of Parramatta local government area. It aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing principles and controls for the whole catchment.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water.

## 2.4 State Environmental Planning Policy (State and Regional Development) 2011

This application is captured by Part 4 of this Policy which provides that the Panel is the consent authority for this application.

## 2.5 Auburn Local Environmental Plan 2010

### Zoning and permissibility

The site has a split zone, being part RE1 'Public Recreation' and R4 'High Density Residential'. The development however is located within the R4 zone.

The proposed uses meet the definitions of '*residential flat building*' and '*child care centre*' and are permissible with consent in that zone.

### Zone objectives

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the R4 zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in close proximity to bus service nodes and railway stations.*

The proposal is consistent with those objectives.

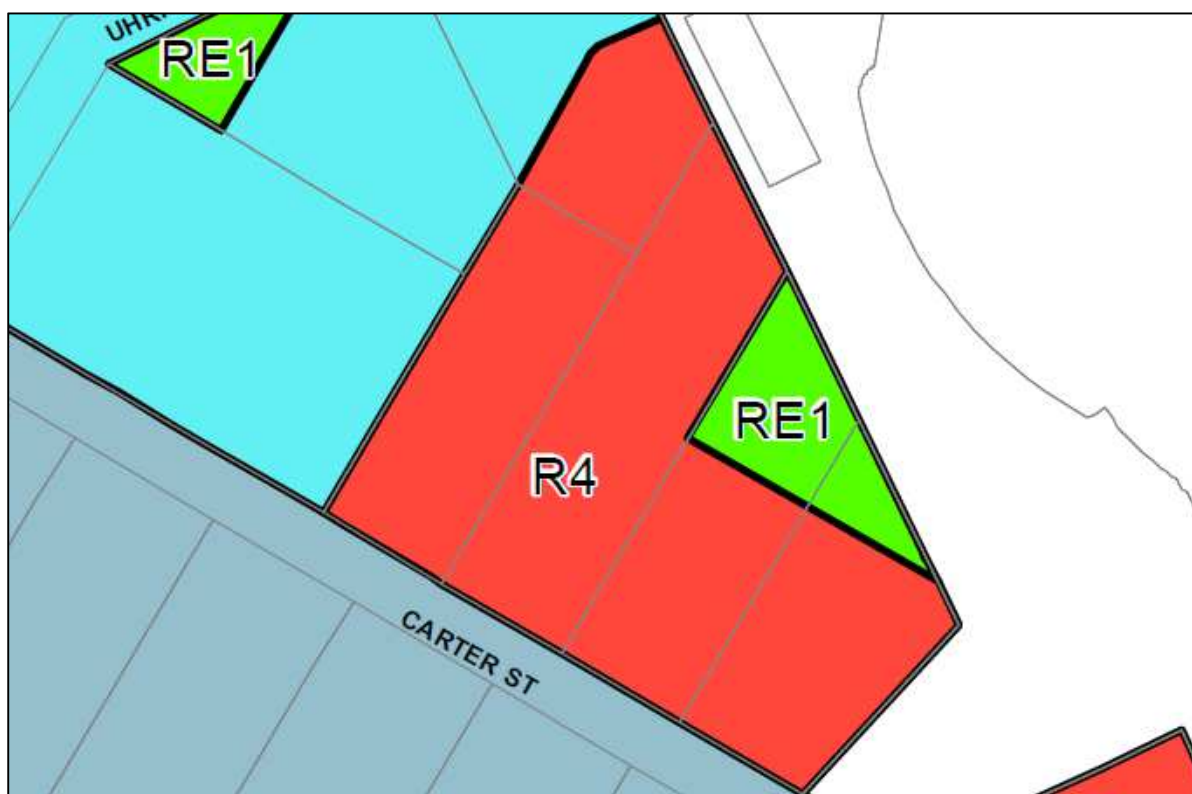


Figure 1: Extract from LEP zone map

## Remaining provisions

Consideration of other relevant provision of the Plan is addressed in the following table:

Table 5: PLEP 2011 compliance table

| Clause   | Comment  | Complies                      |
|--|--|-------------------------------|
| Clause 2.7<br>Demolition                           | Demolition works completed under separate CDC application  | N/A                           |
| Clause 4.3<br>Building height                      | The mapped control is 72m. The defined tower heights are:<br><br>Tower A - 72.78m (non- compliance is 0.78m)<br>Tower B - 72.85m (non – compliance is 0.85m)   | No,<br>defer to<br>clause 4.6 |
| Clause 4.4<br>Floor space ratio                    | The FSR is 3.5:1 consistent with the LEP control.  | Yes                           |
| Clause 4.6<br>Exceptions to<br>standard            | The application relies upon this clause to allow the exceedence of the height standard as noted above. See assessment following at the end of this table.  | Yes                           |
| Clause 5.1<br>Relevant<br>acquisition<br>authority | The site includes land zoned RE1 Public Recreation. That land is noted on the relevant Land Reservation Acquisition Map. Clause 5.1(2) nominates Council as the authority to acquire that land. Dedication of that land to Council is already addressed by the consent granted to DA 429/2016. | Yes                           |

|  |   |     |
|--|---|-----|
| Clause 5.9<br>Preservation of trees  | Two trees require removal.  | Yes |
| Clause 5.10<br>Heritage  | <ul style="list-style-type: none"> <li>The site is not a listed heritage item, nor is it within a conservation area.</li> <li>No heritage items in the immediate locality.</li> </ul>   | N/A |
| Clause 6.1<br>Acid sulphate soils  | <ul style="list-style-type: none"> <li>The site is identified a "Class 5" ASS.</li> <li>The works do not trigger need for an ASS management plan.</li> </ul>  | Yes |
| Clause 6.2<br>Earthworks   | <ul style="list-style-type: none"> <li>Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council's Development Engineer, who is satisfied the works can be managed without adverse impact.</li> <li>Site works will not prejudice the future development of any adjoining land, or the amenity of that land.</li> <li>Issues relating to soil quality are addressed via considerations of SEPP 55</li> <li>No circumstances identified to indicate potential for disturbing relics.</li> </ul> | Yes |
| Clause 6.3<br>Flood Planning   | The site is not identified on flood planning map  | N/A |
| Clause 6.5<br>Essential services   | The site is connected to all relevant utility services. To be augmented to meet service provider requirements.  | Yes |
| Clause 6.8<br>Contributions to State public infrastructure (Carter Street Priority Precinct) | This clause requires that consent must not be granted unless the Secretary has certified in writing that satisfactory arrangements have been made to contribute to designated State public infrastructure. The Secretary's Certificate is dated 10 April 2017.  | Yes |

### ***Non-compliance with building height***

#### ***Overview***

|                            |  |
|----------------------------|--|
| The standard               | Clause 4.3 of ALEP 2010 - Height of buildings – 72m  |
| Objectives of the standard | <p>As per clause 4.3(1) of the LEP:</p> <p>(a) <i>to establish a maximum height of buildings to enable appropriate development density to be achieved, and</i></p> <p>(b) <i>to ensure that the height of buildings is compatible with the character of the locality</i></p> |
| Extent of the variation    | <p>The maximum defined heights and the % variations are:</p> <p>Tower A - 72.78m (Non- compliance is 0.78m or 1.1%)</p> <p>Tower B - 72.85m (Non – compliance is 0.85m or 1.185)</p>   |

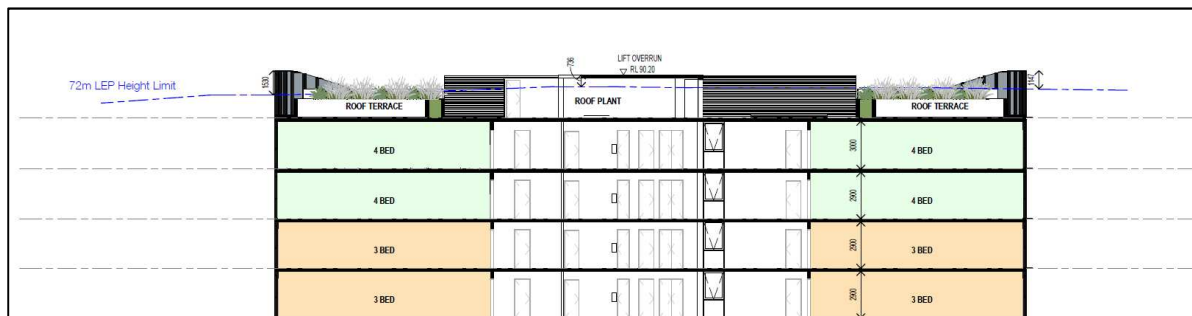


Figure 2: Extract of sectional drawing through Tower A – Blue line represents LEP height limit

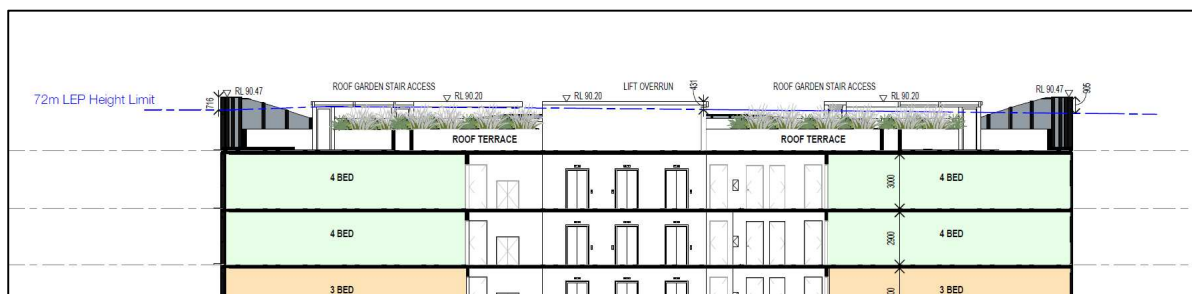


Figure 3: Extract of sectional drawing through Tower B – Blue line represents LEP height limit

## Evaluation

### Clause 4.6(1) of the LEP – Objectives of clause 4.6

The objectives of this clause are:

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

### Clause 4.6(2) of the LEP – Operation of clause 4.6

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

### Clause 4.6 (3) - The applicant's written request

*Clause 4.6 (3)(a) - Is strict compliance unreasonable or unnecessary in the circumstances of the case*

The applicant contends this consideration is met by reliance upon one of the 'five ways' established by the Land and Environment Court (LEC) in its judgement *Wehbe v Pittwater Council* (2007), being that:

*Compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding noncompliance with the standard.*

To that end, and in summary, the proponent contends:



- a) The height exceedance relates to discrete elements of the building form and is in part a result of the highly variable nature of existing ground levels. The departure does not result in additional storeys over those envisaged by the DCP; and
- b) No additional loss of views will result. The additional height is largely required to accommodate plant equipment at roof level. The additional height will be indiscernible when viewed at street level. Residential properties will not be impacted by overshadowing as a result of the proposed development. Buildings to the west are of comparable height to the proposed development.

*Clause 4.6 (3)(b) - Sufficient environmental planning grounds*

The applicant contentions that this consideration is met, are summarised below:

- Consistent with Government policy which supports intensive development in proximity to public transport the project seeks to maximise the development potential of a site within walking distance of public transport;
- The design achieves an appropriate balance between intensive development whilst ensuring unreasonable amenity impacts do not arise as a result of the additional building height proposed;
- The existing controls recognise that development on this site will be prominent in terms of scale;
- The proposed development is compatible with the height and scale of surrounding and nearby development;
- The proposal is largely contained within the 72m height limit and is aligned with the LEPs objectives with regards to height. A departure from the height control arises due to the inconsistent levels across the site and rooftop plant infrastructure. The rooftop plant only extends over a small proportion of the roof top area (single, centrally placed housing) and is reasonably required to service the development.
- The departure from the 72m height limit will have little or no visual impact on the surrounds as the plant equipment comprises a small proportion of the proposal's roof area and will not be visible at street level (plant being set back within the building's roof).
- The proposal has limited view impacts on neighbouring properties. No additional view impacts are anticipated from the elements of the proposal that exceed the 72 metre height control, noting that the site is distanced from existing residential properties. There would be no difference in views when compared to a fully compliant development.
- The departure from the height control does not result in any additional floor space being created. The proposal complies with the FSR standard for the site.

Clause 4.6 (4)(a)(i) of the LEP - Adequacy of submission

The applicant's written request is provided at **Attachment C**. It has adequately addressed the matters required to be demonstrated by subclause (3).

#### Clause 4.6 (4)(a)(ii) of the LEP – The public interest

The variation to the building height standard is in the public interest because the resulting built form will be consistent with:

- The objectives for height standard as prescribed by clause 4.3(1) and noted above; and
- The zone objectives, as provided at section 2.5 above.

#### Clause 4.6 (4)(b) – Concurrence of the Secretary

Such concurrence is assumed.

#### **Conclusion**

The request for a variation of the height control is supported for the following reasons:

- The variation is minor, and is limited to the following elements:
  - Lift overruns,
  - Plant rooms; and
  - Parapet walls.
- No adverse built form or amenity impacts have been identified that can be attributed to those elements;
- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

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

### **3. Carter Street Development Control Plan 2016**

#### **Overview**

The DCP nominates an "Indicative Structure Plan" (ISP) which shows how the precinct may develop over time. The ISP is intended as a guide to demonstrate how the vision, development principles and key elements for the precinct may be achieved, recognising there may be other effective options. The DCP states that Council may consent to a proposal that differs from the ISP where variations are considered to still achieve the vision, principles and key elements.

#### **Compliance**

The DCP is comprised of the following sections:

- 2 - Vision, principles and indicative structure
- 3 - Public domain
- 4 - Residential/ mixed use development
- 5 - Employment uses
- 6 - Environmental management

Sections 2 - 4 and 6 are relevant. Compliance tables are provided below:

**Table 6: DCP 2016 compliance table**

| Part 2 – Vision principles and indicative structure |  | Complies |
|---|--|----------|
| 2.1<br>Vision                                       | The proposal is not inconsistent with the vision statement.  | Yes      |
| 2.2<br>Development principles                       | The proposal is not inconsistent with these principles.  | Yes      |
| 2.3<br>Indicative structure plan                    | The proposal is not inconsistent with the ILP  | Yes      |
| Part 3 – Public domain                              |  | Complies |
| 3.1<br>Street network                               | The street network is already approved via DA 429/2016   | Yes      |
| 3.2<br>Pedestrian and cycle network                 | As above   | Yes      |
| 3.3<br>Public open space network                    | As above   | Yes      |
| Part 4 – Residential mixed use development          |  | Complies |
| 4.1<br>Building height and form                     | <ul style="list-style-type: none"> <li>• Building heights are consistent with ALEP 2010, other than for minor variations as noted previously noted, and which are satisfactory on merit.</li> <li>• Separation between towers is satisfactory</li> <li>• Tower floor plates are well below the 900m<sup>2</sup> maximum</li> <li>• Towers will not unreasonably overshadow communal open space. Towers do not overshadow public open space</li> <li>• The design includes a podium level as required.</li> </ul>                           | Yes      |
| 4.2<br>Setbacks and public domain interface         | <ul style="list-style-type: none"> <li>• Minor encroachments to setbacks at the northern and eastern edges of the site. Satisfactory on merit. See further comments at 6.4 below.</li> <li>• Deep soil zone provided to Carter street frontage as required</li> <li>• Design provides a suitable interface with public domain, particularly to the adjacent public park</li> <li>• Individual entries provided to ground floor units where appropriate.</li> <li>• Privacy to ground level units from public domain is achieved</li> </ul> | Yes      |
| 4.3<br>Building design and facades                  | <ul style="list-style-type: none"> <li>• Articulation of the built form and the overall façade treatment is satisfactory, noting improvements achieved to Carter Street podium façade.</li> </ul>  | Yes      |

|                                       |   |          |
|---------------------------------------|---|----------|
| 4.4<br>POS and landscaping            | <ul style="list-style-type: none"> <li>• Location of private and common open space is satisfactory</li> <li>• Design includes rooftop terraces at in both the podium and tower elements to increase supply of private open space on site</li> <li>• Podium design allows for pockets of deep soil to ensure trees are provided to common open space</li> <li>• Species selection for landscaping is satisfactory</li> <li>• Landscaping is integrated with stormwater management</li> </ul> | Yes      |
| 4.5<br>Vehicle access and car parking | <ul style="list-style-type: none"> <li>• Above ground parking is sleeved to all elevations except Carter Street. The podium presentation to Carter Street has been revised and is satisfactory.</li> <li>• The supply of onsite parking satisfies DCP requirements</li> <li>• The design geometry and layout of parking and service areas is satisfactory</li> </ul>  | Yes      |
| 4.6<br>Acoustic assessment            | Satisfactory – see comments at 6.5 below.   | Yes      |
| 4.7<br>Safety + security              | The design properly responds to CPTED considerations. Appropriate conditions are proposed.  | Yes      |
| 4.9<br>Adaptable housing              | The required number of adaptable units are provided   | Yes      |
| Part 6 – Environmental management     |   | Complies |
| 6.1<br>Sustainability                 | <ul style="list-style-type: none"> <li>• Basix targets are achieved</li> <li>• Waste management during construction is addressed by conditions</li> </ul>   | Yes      |
| 6.2<br>Flooding                       | The land is not flood affected. Arrangements for managing overland flow of stormwater are satisfactory.   | N/A      |
| 6.3<br>Stormwater (WSUD)              | Council's Development Engineer is generally satisfied with arrangements for the collection and disposal of stormwater.  | Yes      |

## 4. Planning agreements

In January 2017 Council received a Draft Voluntary Planning Agreement (draft VPA) offer from Karimbla Constructions Services (NSW) Pty Ltd, a subsidiary of Meriton, in association with three development applications, including this subject DA 620/2016.

The Draft VPA offer proposes the applicant would forgo payment of its S.94A levy associated with each of the three DAs and instead, enter into a VPA to carry out works for the embellishment of two new public parks, including the provision of public art. The option of a VPA in lieu of contributions is consistent with the terms of the Carter Street Precinct Development Contributions Plan 2016.

At its meeting on 13 February 2017 Council resolved to proceed with negotiations on a draft VPA on the basis that any contribution in a VPA offer would be instead of payment of Section 94A contributions otherwise payable for the development.

The elements around the VPA are still being negotiated including whether the VPA will proceed. Noting that, the conditions of consent in the recommendation to this report are framed to accommodate the paying the required contribution, with a requirement to amend the consent if and when the VPA process is completed.

## 5. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 7: Relevant EPA Regulations

|                 |  |
|-----------------|--|
| Clause 50(1)(a) | The nominated documentation is provided being <ul style="list-style-type: none"><li>o A design verification statement;</li><li>o An explanation of the design in terms of the principles in SEPP 65</li><li>o Relevant drawings and montages</li></ul> |
| Clause 92       | Any demolition work will be undertaken in accordance with AS 2601 - 1991: The Demolition of Structures   |
| Clause 98       | All building work will be carried out in accordance with the provisions of the Building Code of Australia.   |

## 6. Likely impacts

### 6.1 Context and setting

The Land and Environment Court planning principle on “compatibility with context” as established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

*Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites ?*

#### Response

This proposal will not result in any adverse physical impacts as follows:

- Site works and alterations to the ground profile are limited;
- Appropriate arrangements will be made for the collection and disposal of stormwater;
- Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network;
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and



- The proposal will not generate noise, cast shadows or diminish views that would be detrimental to adjacent and surrounding sites.

*Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

#### Response

This proposal will have a satisfactory relationship with its context for the following reasons:

- It provides for a mix of land uses contemplated by the planning controls;
- Site planning locates tower elements in suitable location to avoid negative amenity outcomes of adjacent sites or areas of public open space;
- The scale and form and presentation of the building is consistent with planning controls, and the design and site planning is acceptable as independently assessed by Council's Design Excellence Advisory Panel;
- The built form does not result in any adverse impacts for adjacent sites;
- The public domain treatment is satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.

## **6.2 Site works**

### Excavation

The design of the podium element requires on limited site works. No concerns arise.

### Tree removal

The site is largely void of vegetation, with only two trees required to be removed. The scheme makes satisfactory adequate arrangements for re-landscaping of private and public elements of the proposal.

### Utility services

All utility services are available to the site by virtue of the existing development. Those services will be decommissioned / diverted as necessary to enable construction, and will be augmented as nominated by the relevant service providers to satisfy the demands generated by this proposal.

## **6.3 Natural and technological hazards**

Other than for the issue of land contamination, no such hazards identified

## **6.4 Site design**

### Setbacks

There are several instances where the design does not strictly comply with the DCP

setbacks, however the outcome is nevertheless satisfactory. In summary:

- Northern boundary to park

The DCP nominates a 3m setback. Ground level courtyards, and balconies of the remaining upper levels in the podium, are setback 2m instead of 3m. No adverse outcomes arise for the adjacent public open space.

A portion of Tower B extends (about 15m<sup>2</sup> of the total floorplate) to the site boundary. This overhang commences at Level 3, creating an undercroft at the pedestrian entry from East Street. DEAP raised no objection, and Council's City Architect is supportive as this element of Tower B will act as a marker for the eastern end of the pedestrian link which extend from Uhrig Road to the site.

- Southern boundary to Carter Street

The 'balcony' elements in the podium intrude into the 10m setback by 600mm. Given the built form benefits those 'balconies' provide, and noting a lack of any impacts, that setback is satisfactory.

- Eastern boundary

This boundary is common with SOPA owned land, for which no future purpose is nominated under their draft Masterplan.

The ground level outdoor play area for the child care centre, and the southwest corner of Tower A, both breach the 5m setback by 2.5m. No adverse amenity, streetscape or built form outcomes. A redesign to achieve strict compliance would not result in better outcome or greater consistency with DCP objectives. The setbacks as proposed are therefore satisfactory.

#### Height, bulk and scale

The height of the building is satisfactory as previously discussed. The bulk and scale of the proposal is consistent with the outcomes contemplated by the precinct planning controls, and is satisfactory on merit noting the conclusions of the DEAP.

#### Presentation to Carter Street

Both DEAP and Council were concerned with the lack of activity elements within the Carter Street podium façade, although it was acknowledged that edge of the site has a poor level of amenity given its south aspect, the industrial uses opposite and the number of heavy vehicles using Carter Street.

An agreed outcome, satisfactory to council's City Architect, was that the ground floor Carter Street entry and lobby area would be revised so that 'active' elements would occupy more of the podium of the Carter Street façade. This would comprise relocating the mailroom to the west of the entry, and amending the landscaping to open up views to the whole of the lobby/entry area. This change is addressed by way of amended plans.

## External materials

The schedule of external materials and finishes is satisfactory.

## Wind

The application is supported by a technical report which has identified the need for wind mitigation measures as follows:

**Table 8: Wind mitigation measures**

| <i>Location</i>                      | <i>Mitigation measures</i>  |
|--------------------------------------|---|
| Pedestrian footpath to Carter Street | Additional landscaping required   |
| Pedestrian footpath to East Street   | No mitigation measures needed   |
| Northern entry                       | Additional landscaping at entry   |
| Southern entry                       | Additional landscaping at entry   |
| Child care outdoor area              | No mitigation measures needed   |
| Level 2 Roof Terraces                | <ul style="list-style-type: none"><li>• Increase height of nominated balustrades to 1.8m</li><li>• Provide additional landscaping</li></ul> |
| Podium Level                         | <ul style="list-style-type: none"><li>• Increase height of nominated balustrades to 1.8m</li><li>• Provide additional landscaping</li></ul> |
| Upper balconies                      | <ul style="list-style-type: none"><li>• No mitigation measures needed</li></ul>   |

Suitable conditions are included in the recommendation.

## Reflectivity

The application is supported by a technical report which considers:

- Traffic disability glare (Carter/Birnie /East streets); and
- Pedestrian discomfort glare

That report concludes:

*“With an aim to ensure that there are no elements within the proposed development capable of causing adverse disability or discomfort glare, glazing on the façades of the towers should have a reflectivity coefficient of less than 10%. All other facades will require a reflectivity coefficient of less than 20%.*

*The screens that surround the balconies could also have some sections made of materials with a low reflectivity which will break up the façade and reduce its ability to create obtrusive reflections.”*

Suitable conditions are included in the recommendation.

#### Accessibility

The application is supported by a technical report which concludes the proposal is able to achieve compliance with the requirements of the BCA and As 4299, subject to resolution of nominated design matters. Those matters are minor and can be addressed at the time of the Construction Certificate.

#### Landscaping

Council's Tree Management and Landscape Officer is generally satisfied with the landscape treatment, and has provided conditions for inclusion in any approval.

### **6.5 Amenity considerations**

#### Internal amenity

A satisfactory outcome is achieved noting:

- 14% of apartments are single aspect, south facing apartments;
- 62% of apartments benefit from cross ventilation;
- 73% of apartments receive more than 2 hours direct solar access between 9am and 3pm at midwinter;
- Ceiling heights to habitable rooms are 2.7m
- A minimum width of 2m is achieved for the purposes of meeting requirements for usable balcony sizes; and
- Adequate storage is provided for each unit.

#### Common open space

The primary common open space is located on the podium level. That area meets the ADG criteria for size (minimum of 25% of the site area) and solar access (50% receiving 2 hours solar access at midwinter.)

#### Noise

The application is supported by a technical report which confirms that road traffic noise levels, and noise from various uses at the adjacent sports stadium, will exceed relevant minimum and maximum noise criteria for the apartments without noise attenuation measures.

The report confirms identifies glazing/seals treatments to facades to resolve that circumstance. Suitable conditions are included in the recommendation.

#### Child care centre operations

The child care centre component is located and designed such that its operations should not impact upon the residential elements of the podium levels or Tower A.

The acoustic report supporting the application:

- Nominates glazing treatments for the whole of the perimeter of that element of Tower A;
- Confirms that some type of awing/shielding will be required over the ground floor outdoor play space to provide attenuation for the apartments above. Final details however will be determined in conjunction with the future DA for the fitout and operation of the centre.

Suitable conditions are included in the recommendation.

## **6.6 Public domain**

### Built form relationship to public domain

A positive public domain outcome will result given:

- The building achieves a desirable interface with public areas in terms of the relationship between the ground floor levels and the adjoining footpaths;
- The building addresses its street frontages;
- Vehicle access is consolidated to a single edge of the site;
- Service areas are integrated into the building design and do not visually dominate the streetscape or pedestrian areas adjoining the site;
- The building provides for a direct visual connection to the street ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces around the site;
- The architectural treatment will achieve a suitable streetscape presentation; and
- An appropriate landscape treatment is provided for those edges of the site that contribute to the public domain.

### Public domain works

Council's Urban Design (Public Domain) team is generally satisfied with the treatment nominated for public domain areas, and has provided conditions for inclusion to confirm the works.

## **6.7 Relationship to adjacent sites**

### Overlooking

The location of the towers, and their design, ensures more than adequate separation from future residential development to the west. No residential development is permitted for land along the southern edge of Carter Street, opposite the site.

Future development on adjoining SOPA land to the north will be separated from this site by the new public park, and the intervening local road.



### Overshadowing

Midwinter shadows from the towers will fall over the Carter Street road reserve and industrial buildings opposite the site, at both 9am and midday. By 3pm those shadows are impacting land on the eastern side of Birnie Avenue. That land is also zoned R4 High Density Residential, though currently it is used for industrial purposes.

### Operational noise

Enclosed space for mechanical plant is provided in the podium levels, at each floor of the towers, and also at the roof level.

The acoustic report supporting the application states that a detailed acoustic review should be undertaken at CC stage to determine acoustic treatments to control noise emissions to satisfactory levels, but notes that satisfactory levels will be achievable, if necessary, via standard acoustic treatments such as duct lining, acoustic silencers and enclosures.

### Lighting

Adequate lighting of street frontages will be necessary for pedestrian amenity and safety. The recommendation includes a condition to ensure such lighting will be to relevant standards, while also designed to avoid nuisance.

## **6.8 Access, transport and traffic**

### Parking supply

The quantum of parking provided, and its allocation amongst the uses, satisfies the DCP.

### Parking access and design

The geometry and design of parking areas and associated elements, including service areas, is satisfactory.

### Construction Traffic

The Construction Traffic Management Plan provided with this application is site specific but notes that project specific CTMP's will be prepared for each component of the redevelopment of 'Zone 3', including for bulk excavations. Any consent granted to this DA will include a condition requiring the submission of such for approval prior to any works commencing.

## **6.9 Water management**

### Stormwater collection and disposal

Council's Engineer is satisfied with the approach to stormwater management, including arrangements for WSUD.

### Water quality during construction

This matter is addressed by conditions in recommendation to this report.

## **6.10 Waste management**

### Construction phase

This matter will be addressed within a Construction Management Plan.

### Operation phase

Dedicated space for the storage and collection of waste is provided within the podium levels. Council's environmental Health Officer has reviewed the Waste Management Plan which supports the application, and is satisfied with arrangements for the storage and collection of waste from the residential and child care centre components.

Council's Traffic Engineer is satisfied the design of the service areas is satisfactory for the type and size of waste vehicles required to attend the site.

## **6.11 Construction Management**

To minimise nuisance during the construction period the recommendation to the report requires the preparation of a construction management plan addressing the following matters:

- Dilapidation reports;
- Demolition and removal of hazardous materials;
- Sediment and erosion control and water quality during construction;
- Construction traffic management plan;
- Hours of works;
- Construction noise and vibration;
- Material delivery and storage;
- Safety fencing;
- Traffic and pedestrian safety;
- Dust control; and
- Tree protection.

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

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

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

To ensure a suitable outcome is achieved, the recommendation includes conditions which

require the following measures:

- Internal and external lighting to Australian Standards;
- Installation of CCTV to the basement entry;
- Way finding measures within the parking level;
- The roller door to the basement /service entry to be closed

These matters are addressed by conditions.

### **6.13 Social and economic impacts**

No adverse impacts have been identified.

## **7. Site suitability**

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

- It proposal is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- Site attributes are conducive, noting a lack of natural constraints/hazards.

## **8. Public interest**

### **8.1 Draft District Plans – West Central District**

The draft District Plan sets out opportunities, priorities and actions and provides the means by which the Greater Sydney Region Plan, *A Plan for Growing Sydney* can be put into action at a local level.

Broadly, the priorities and actions within the draft plan for the West Central District are:

- Support and deliver GPOP
- Encourage employment growth
- Create a more connected District
- Improving housing design and diversity
- Design vibrant and activity centres
- Provide communities with better services
- Showcase the Western Sydney Parklands
- Improve access and health of waterways
- Manage growth with eco-friendly planning

This application is consistent with the specific controls introduced by the Department of Planning and Environment for the Carter Street Precinct and therefore accords with the draft west Central District Plan.

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## **ATTACHMENT B - CONDITIONS OF CONSENT**

**SWCCP reference** 2016SYW149

**DA No.** 620/2016

### **GENERAL MATTERS**

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

| <b>Drawing No. and issue</b> | <b>Title</b>                          | <b>Dated</b> |
|------------------------------|---------------------------------------|--------------|
| DA1200-P1 Issue 11           | 1A Parking level                      | 9.12.16      |
| DA1201-G Issue 12            | 1A Level ground                       | 3.3.17       |
| DA1202-01 Issue 11           | 1A Level 1                            | 9.12.16      |
| DA1203-02 Issue 11           | 1A Level 2                            | 9.12.16      |
| DA1204-03 Issue 11           | 1A Level 3                            | 9.12.16      |
| DA 1205-04 Issue 11          | 1A Level 4                            | 9.12.16      |
| DA1206-05 Issue 10           | 1A Level 5                            | 9.12.16      |
| DA 1207-06 Issue 8           | 1A Level 6-19                         | 9.12.16      |
| DA1221-20 Issue 2            | 1A Level 20                           | 9.12.16      |
| DA1222-21 Issue 10           | 1A Level 21                           | 9.12.16      |
| DA1223-RF Issue 10           | 1A Roof                               | 9.12.16      |
| DA 1224 Issue 1              | 1A Roof top RLs                       | 9.12.16      |
| DA1501 Issue 7               | 1A Elevation 01                       | 9.12.16      |
| DA1503 Issue 7               | 1A Elevation 03                       | 9.12.16      |
| DA1504 Issue 7               | 1A Elevation 04                       | 9.12.16      |
| DA 1603 Issue 1              | 1A Section 03                         | 9.12.16      |
| DA1604 Issue 1               | 1A Section 04                         | 9.12.16      |
| DA 1701 Issue 3              | Adaptable apartments                  | 9.12.16      |
| DA 1605 Issue 1              | Façade sections and external finishes | 9.12.16      |

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

| Drawing No. and issue | Title                               | Dated    |
|-----------------------|-------------------------------------|----------|
| L-000 Issue B         | Cover sheet                         | 14.12.16 |
| L-102 Issue B         | PH1 and L-Ground landscape plan     | 14.12.16 |
| L-103 Issue B         | Phase1 Level 1 landscape plan       | 14.12.16 |
| L-104 Issue B         | Phase 1 Level 2 landscape plan      | 14.12.16 |
| L-105 Issue B         | Phase 1 Level 3 landscape plan      | 14.12.16 |
| L-106 Issue A         | PH1 Rooftop terraces                | 9.12.16  |
| L-107 Issue B         | Plant schedules                     | 14.12.16 |
| Page 12, Issue D      | Raised bio-retention planter (80m2) | 8.3.17   |

Public domain works are to be completed in accordance with plans approved by Council to satisfy conditions elsewhere in this Notice.

**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.

- 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.

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

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

- Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

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

- The fit-out and operation of the child care centre, including any associated signage, shall be the subject of separate development consent.

- This consent does not authorise the use or operation of the premises as a child care centre. That use shall not commence until separate development consent shall be obtained from Council, plus a license from the NSW Department of Education and Communities in accordance with the National Quality Framework requirements.

**Reason:** Compliance with legislative requirements.

7. The development shall be completed in accordance with schedule of external finishes shown on drawing DA 1605 Issue 1. Any variation will require the prior approval of Council.

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

8. Arrangements for stormwater collection and disposal, including Water Sensitive Urban Design shall be completed in accordance with plans approved to satisfy schedule 1 of this consent, and as otherwise required by conditions within this Notice.
9. Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

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

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

10. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to Council and the principal certifying authority on the completion of remediation works

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

11. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

**Reason:** To ensure imported fill is of an acceptable standard.

12. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

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

13. 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.

14. Any groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

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

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

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

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

16. 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.

17. Following excavation and removal of any underground storage tank the land shall be assessed in accordance with the NSW Environment Protection Authority's Guidelines for Assessing Service Station Sites (1994). A report on the investigation is to be supplied to Council's Environment and Health unit.

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 left in a safe and healthy condition.

18. 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.

19. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

**Reason:** To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

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

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

21. 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.

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

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

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

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

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



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

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

25. A monetary contribution comprising \$884,995.13 is payable to City of Parramatta Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the *Carter Street Precinct Development Contributions Plan 2016*. Payment must be by EFTPOS, bank cheque or credit card only.

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

Payment of the contributions may be divided into 3 instalments and completed as follows:

| Payment | Timing  | Amount       |
|---------|---|--------------|
| 1       | Prior to the issue of any Construction Certificate relating to site works or construction works up to and including all podium levels | \$294,998.37 |
| 2       | Prior to the issue of any Construction Certificate for any element of Tower A above podium level                                      | \$294,998.37 |
| 3       | Prior to the issue of any Construction Certificate for any element of Tower B above podium level                                      | \$294,998.39 |

Should a Voluntary Planning Agreement (VPA) be executed and registered on the title of the land, Council will, upon lodgement of an application under section 96 of the Environmental Planning and Assessment Act 1979, amend the consent as necessary to:

- a) Confirm the VPA
- b) Confirm all obligations for its implementation, and timing for completion

Payment 3 must be made within 5 years from the date of this Notice of Determination.

The Contributions Plan can be viewed on Council's website at:

[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)

**Reason:** To comply with legislative requirements

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

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

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

27. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Councils 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.

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

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

Should a bank guarantee be lodged it must:

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

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

Bonds shall be provided as follows:

| Bond Type             | Amount   |
|-----------------------|----------|
| Hoarding -            | \$7,500  |
| Street Furniture      | N/A      |
| Development site bond | \$20,000 |
| Street Trees          | \$42,000 |

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

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

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

29. The architectural plans approved with the relevant Construction Certificate shall ensure that all levels of the podium to East Street are setback consistent with details shown on drawing SK1806, Issue 1, dated 14.2.17 prepared by SJB Architects.
30. The recommendations outlined in the following reports shall be incorporated into the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority:
- (a) Acoustic Report No. (20160789.1/1706A/R0/TA - 1 -5 Carter Street Lidcombe. Development Application Acoustic Report – Phase 1), dated (17/06/2016), prepared by (Acoustic Logic)
  - (b) Reflectivity Assessment by SLR Global Environmental Solutions (Report Number 610.16237-R1 dated 27 June 2016)
  - (c) Qualitative Wind Assessment by SLR Global Environmental Solutions (Report Number 610.16237-R4 dated 27 June 2016)
  - (d) DA Access report by Wall to Wall (ref: MTN-013 dated 23 June 2016)
  - (e) BASIX Certificate 740230M

**Reason:** To ensure a suitable level of residential amenity.

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

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

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

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

33. All outdoor lighting must comply with the relevant provisions of AS/NZS 158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

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

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

34. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements

have been made with the energy provider for the provision of electricity supply to the development.

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

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

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

35. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements have been made 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.

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

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

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

**Reason:** To maintain appropriate amenity to nearby occupants.

37. The development must incorporate 28 adaptable dwellings. Plans submitted with the relevant 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.

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

38. A total of 435 parking spaces are to be provided, allocated as follows:

- 362 resident spaces
- 54 visitor spaces
- 18 spaces for the child care centre
- 1 car share space

That total may be marginally reduced as a consequence of the revised architectural plans approved to satisfy schedule 1 of the consent.

The spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

In relation to the car share space, prior to the first Occupation Certificate (interim or final) the applicant is to submit written evidence to Council demonstrating that offers of a car space to carshare providers have been made together with the outcome of the offers or a letter of commitment to the service.

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

39. 314 bicycle spaces/racks are to be provided on-site. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with the construction certificate.

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

40. Prior to the issue of the Construction Certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

**Reason:** To ensure appropriate vehicular manoeuvring is provided

41. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site from East Street. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials. Any such materials may only be permitted if they are less than or equal to 900mm height above the driveway level.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
  - (i) The permissible site discharge (PSD) rate; or
  - (ii) The rate of inflow for the one hour, 5 year ARI storm event.

- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

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

47. 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 relevant 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) Civil works package, dated 09/03/2016, prepared by at&l.*

*(ii) Civil Infrastructure Report, report number 16-381-01, dated 23/03/2017, prepared by at&l.*

- (b) A Site Storage Requirement of 325 m<sup>3</sup>/ha and a Permissible Site Discharge of 150 L/s/ha (when using 3rd 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.

48. Stormwater360 cartridges and 3x enviropods water quality treatment devices must be installed to manage surface runoff water to the street to satisfy Auburn Council Development Control Plan. Details of the proposed devices and their location must accompany the relevant application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

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

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

50. 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.

51. 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.

52. Site Emergency Response Plan

A site emergency response plan must be prepared, detailing evacuation procedure, storing of construction equipment and any procedures for the protection of the site on the occasion of a Fire, Flood or other Emergency event. Details must be submitted for Council approval prior to release of the Construction Certificate.

**Reason:** To ensure an effective site flood

53. Construction details showing substrate depth, drainage, waterproofing etc., for ground floor and roof top planter boxes are to be provided with an application for a Construction Certificate.

The 'planting on structures' minimum soils depths as nominated in the Apartment Design Guide are to be followed, however shall be increased as necessary to ensure depths reflect the function of the landscape treatment .

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

54. Council Approvals for Public Domain Works



Only one Construction Certificate shall be issued for all public domain works. Prior to the issue of that Construction Certificate, a set of final detailed Public Domain Construction Plans must be submitted and approved by Council for all the works within the public domain, which consist of the following areas:

- All the frontages of the development site between the gutter and building line, including footpath, verge, drainage, forecourt, and front setback. Note that adjustment of existing public footpath levels on Carter Street to the suit the proposed building entry is not permissible.
- Dedicated land for public use as per VPA (*if applicable*); and
- Works in carriageway.

The public domain construction documentation and specifications shall be prepared in accordance with the following:

- The latest Parramatta City Council Public Domain Guidelines;
- The approved public domain plans, including public domain CC layout and alignment layout; and
- All the listed conditions in this consent.

**Reason:** To improve the public domain and confirm the final details of the proposed design.

#### 55. Matters to be addressed by final Public Domain Construction Plans

The final Public Domain Construction Plans to be approved by Council must address the following matters:

##### (a) Concrete footpaths:

1.8m concrete footpaths paths are acceptable for East Street and North Road. Construction is to be in accordance with council standard DS3 (for this project the width of the footpath is to be 1.8m, not 1.5m as shown on the DS drawing)

##### (b) Unit Paving

P2 unit paving: Set out and details of concrete unit pavers to comply with Council's construction standard (DS40, sheet 1-3). Concrete paver size and colour shall be as specified below, or as otherwise agreed with council.

- Use 600x300mm Pebblecrete PPx 1706 120D (honed finish for kerb blister paving generally, and shot blast finish for kerb ramps).
- Use stretcher bond pattern at 90deg to the path of travel (90deg rotation to that shown on the Public Domain DA Plan).
- Provide sealant to council approval. The applicant shall provide test results (after applying paving sealant) to prove all pavement material and finishes used in the central plaza area are **non-slip surface** in compliance with V5 in both wet and dry conditions.

(c) Kerb Ramps

Kerb ramps must be designed and located in accordance with Council's design standards (drawing no: DS4).

- All kerb ramps are to be designed and located so they align with the path of travel and with each other in accordance with council standard DS4.
- Construction of kerb ramps is to be in accordance with DS 40v7 Sheet 1 (attached) for kerb ramps with pavers and DS4 for concrete ramps.
- Provide kerb ramps that are maximum 1.8m in width on the kerb extensions in Eastern Road. Provide 1.5m wide kerb ramps in all other locations.
- Upgrade the existing concrete kerb ramp on Carter Street near the Birnie Avenue intersection

(d) Access Requirements

- Access must be provided in accordance with the provisions of AS 1428.1 and the Public Domain Guidelines.
- Ensure that balustrades and/or tactile paving required to accommodate private building or site entries do not protrude into the public domain in any way.

(e) Street Furniture

- Remove the proposed seat in East Street.

(f) Lighting

Pedestrian and street lighting shall be to Council's requirements and Australian Standards. All the lighting features in the public domain shall be detailed in Public Domain Construction Documentation.

(g) Drainage

The base of all tree pits shall incorporate a drainage pipe that connects to stormwater or drain.

(h) Footpath alignment in East Street

- Amend the alignment of the concrete footpath adjacent to the park so that it abuts the property boundary line to match the rest of the street.
- Reduce the width of the paved kerb extensions to 10m to match the width of the Stage 2 pedestrian link
- Realign proposed kerb ramps across East Street at Carter Street so that so they align with the path of travel in accordance with the Public Domain Guidelines (refer Figure 3.11) as noted above. On the western corner at this intersection it will be necessary to adjust the property boundary to provide a splay to be dedicated to council in order to fit correctly aligned kerb ramps (refer attached mark-up).

**Reason:** To comply with council's standard construction requirements in the public domain, improve accessibility in public domain and comply with AS 1428.1 and facilitate successful street canopy for the future residential community on Carter Street and in accordance with Parramatta City Council aspirations for high density infill development in the LGA.

## PRIOR TO WORKS COMMENCING

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

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

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

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

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

**Reason:** To ensure public safety.

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

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

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

This condition does not apply where works are being carried.

**Reason:** Statutory requirement.

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

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

(c) On

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

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

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

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

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

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

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

61. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

62. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or their website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

**Reason:** To comply with the requirements of the NSW WorkCover Authority.

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

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

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

64. Prior to the commencement of any works on site, the applicant must submit a Construction Traffic Management Plan for endorsement by the City of Parramatta Council. The following matters must be specifically addressed in the Plan:

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

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

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

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

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

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

65. Prior to the commencement of any works on site, the applicant must submit a Construction Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:
- (a) An overall construction management program;
  - (b) Construction traffic management;
  - (c) Construction zones;
  - (d) Pedestrian management;
  - (e) Hoardings;

- (f) Dust management;
- (g) Hours of work;
- (h) Noise and vibration management measures;
- (i) Dilapidation reports;
- (j) Identification and disposal of hazardous materials/demolition materials;
- (k) Materials handling, waste management and recycling;
- (l) Disposal of excavated materials; and
- (m) Unexpected archaeological finds
- (n) Specific matters nominated within the consent notice.

All work must be undertaken in manner consistent with the terms of this Plan.

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

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

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

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

**Reason:** Management of records.

67. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

72. Construction Phase Soil and Water Management Plan

Prior to the first Construction Certificate, a construction phase soil and water management plan must be prepared to the satisfaction of the Principal Certifying Authority. This plan must address, but is not limited to, the applicants proposed management strategies for the following issues:

*a) Flood proofing*

During construction of the basement, the full site must be flood-proofed to prevent ingress of floodwaters for at least the 1 in 100 year event plus 500mm freeboard. This is to be done by provision of continuous perimeter bunding to the flood planning level, including crests on temporary access ways and stormwater lines. Construction of the bunding and access way crests is to be sufficiently durable so as to withstand the forces of floodwaters and construction activity.

*b) Stormwater management*

All stormwater incident on the construction site must be collected and appropriately disposed of in a manner that does not increase the flood risk for the catchment area or degrade the quality of water being disposed of to council stormwater infrastructure.

*c) Construction material pollution protection*

During construction, any stockpiled materials and/or construction waste stored onsite is to be isolated from stormwater flow to Council stormwater systems and natural waterways, in order that it not become a pollutant. This is to be achieved with provision of continuous perimeter bunding around waste storage areas, constructed to be of sufficient height and durability to withstand site-specific stormwater conditions and construction activity for the life-cycle of the construction project.

*d) Erosion and sediment control measures*

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 include, but not be limited to:

- i) Vehicle Wheel wash, cattle grid, wheel shaker or other appropriate device to remove sediment from vehicle wheels.
- ii) A sediment trapping fence, made of a geotechnical textile specifically designed for such a purpose and installed and maintained to manufacturer's specifications, placed below the disturbed area of the construction site along contours.
- iii) Vegetation is to be maintained on the development site as much as possible, and shall not be cleared from neighboring sites.
- iv) Vehicle access shall be restricted to one designated point, and vehicle driveways are to be adequately covered at all times with blue metal or the like.

All devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

*e) Environmental due diligence*

In order to remain compliant with the POEO Act (1997), environmental due diligence must be demonstrated to have been exercised throughout the construction process. To this end, an external, regular environmental management and monitoring system must be proposed, to ensure the integrity of pollution control measures.

*f) De-watering of the excavation cavity*

Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property.

For water accumulated within an excavation to be approved for drainage into Council Stormwater systems, the following discharge water quality standards must be met at all times throughout the construction phase of the development:

- i) pH 6.5-8.5;

- ii) Total Suspended Solids (TSS) 50 mg/l;
- iii) Oil and Grease 'Not visible'.
- iv) If site identified as containing contaminated or acid-sulphate soils, all trace contaminants must be removed from the groundwater prior to disposal.

This may be achieved through the use of a 'WETSEP' system or equivalent, to hold and treat water prior to discharge.

Full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance must be presented in the final plan submitted to the Principal Certifying Authority prior to works commencing.

**Reason:** For the protection of the environment and health.

73. Street trees adjoining the site shall be protected prior to and during the construction process. Tree protection measures are to be installed and maintained under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

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

74. Schedule of Council inspections

Prior to the commencement of any works in the Public Domain or on any asset that will be handed over to Council to maintain, a schedule of inspections to be carried out by Council's Civil Infrastructure Unit must be confirmed.

The required Council inspections include (but are not necessarily limited to) the following where applicable and apply to all Council and privately certified projects.

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade and formwork inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer / concrete slab base completion and initial (indicative) setout of pavers, street fixtures and fittings as applicable to ensure compliance with the requirements of the guidelines;
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery;
- 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

NOTE: Additional daily inspections by Council officers may occur to view progressive paving set out and construction depending on the project size and type.

NOTE: Inspections for all public domain and/or stormwater works must be booked at least 24 hours in advance by calling Council's Civil Infrastructure Unit on 9806 8250.

## DURING WORKS

75. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.  
**Reason:** To ensure compliance with this consent.
76. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.  
**Reason:** To protect the amenity of the area.
77. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.  
**Reason:** To ensure pedestrian access.
78. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction works.  
**Reason:** To ensure proper management of Council assets.
79. 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 the City of Parramatta LGA.  
**Reason:** To ensure maintenance of Council's assets.
80. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.  
**Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.
81. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

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

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

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

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

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

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

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

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

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

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

85. Prior to the use or operation of the swimming pool, any filtration equipment and/or pump(s) exceeding 5dBA above the ambient background noise level when measured at the property boundary must be enclosed with appropriate sound insulation materials. Details of compliance are to be provided to the Principal Certifying Authority.

**Reason:** To minimize the aural impact of the mechanical equipment associated with the maintenance of the swimming pool and maintains the residential amenity of the adjoining and adjacent properties.

86. The concourse/coping/impervious area surrounding the swimming pool must be graded back toward the pool so as to prevent water flowing into the neighbouring property(s).

**Reason:** To protect the amenity of the adjoining properties.

87. The swimming pool must be fenced in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2007), prior to the filling of the pool with water.

The fence shall be installed to the satisfaction of the Principal Certifying Authority.

**Reason:** To comply with the Legislative requirements.

88. The swimming pool water including the overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of waste water shall be obtained and compliance with any conditions imposed by Sydney Water.

**Reason:** To comply with the Legislative requirements.

89. The owner of the pool shall display a notice showing:

- (a) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.
- (b) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the following words *"YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"*, *"POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"*, and *"KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES"*,

**Note:** This notice shall be kept in a legible condition and at the pool side.

**Reason:** To ensure an adequate level of safety for young pool users and compliance with the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.

90. Prior to the issue of an Occupation Certificate the swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.

**Reason:** To comply with NSW legislative requirements relating to Swimming pools and Spas.

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

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

92. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.  
**Reason:** To ensure appropriate disposal of asbestos materials.
93. All friable and non-friable asbestos-containing waste on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines - 2008' and any other regulatory instrument as amended.  
**Reason:** To ensure appropriate disposal of asbestos materials.
94. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.  
**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.
95. 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.
96. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.  
**Reason:** To ensure no adverse impacts on neighbouring properties.
97. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.  
**Reason:** To protect public safety.
98. 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.
99. Tanked Construction of Basement  
The perimeter walls and floor of the basement shall be constructed using a "Tank Construction" method, to prevent any flood and ground waters seeping through the basement walls and floor base. The landowner shall manage groundwater inflows and outflows during construction and thereafter in perpetuity, including monitoring, to ensure all of the requirements of the Water NSW/DPI Water are satisfied and that there are no adverse effects on the environment and public health, including water



table levels, surface and groundwater flow regimes, contamination and pollution, flooding and water quality and structural stability.

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

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. All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

**Reason:** To ensure appropriate landscaping.

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. Rectification of defects – Public domain works

Any defects raised by Council officers during the above construction and defects period inspections will be notified in writing. Defects may include incorrect location of elements, unsatisfactory construction techniques or finishes, or any other non-compliances with the approved plans and specifications or the public domain guidelines.

All defects raised by Council's officer during the construction period or defects liability period need to be rectified prior to and signed off at the final defects inspection by Council's officer in order to achieve Occupation Certification. This applies to both Council and privately certified projects.

104. Street Tree Placement & Tree Pit

The street trees must be planted in accordance with Council's design standard (DS 39) with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

Additional requirements include:

- East Street – Use *Fraxinus pennsylvanica* "Urbidell" in lieu of Crepe Myrtle. Space trees at closer centres - 8-10m centres preferred. Provide large mulched

tree pits as documented on the public domain plans. Remove understorey planting.

- Carter Street – Brush Box is acceptable. Provide trees at closer centres - 8-10m centres preferred. Provide 1.8x2.5m minimum size mulched tree pits.
- North Street – provide street trees on the western side of North Street between the proposed park and Birnie Road. Street tree spacing 8-10m is preferred.

**Reason:** To ensure street trees being planted in appropriate locations.

#### 105. Street Tree Stock

The required street tree species, quantities and supply stocks are:

| Street Name   | Botanical Name                          | Common name  | Pot Size | Qty | Ave Spacing |
|---------------|---|--------------|----------|-----|-------------|
| East Street   | <i>Lophostemon confertus</i>            | Brush Box    | 200L     | TBC | 8-10m       |
| Carter Street | <i>Fraxinus ennsylvanica</i> 'Urb dell' | Urbanite Ash | 200L     | TBC | 8-10m       |
| North Road    |   | TBC          | 200L     | TBC | 8-10m       |
| Pocket park   | TBC                                     |              |          |     |             |

(Average spacing can be included subject to site condition)

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 as below table:

| Container Size | Height (above container) | Caliper (at 300mm) | Clear Trunk Height |
|----------------|--------------------------|--------------------|--------------------|
| 45 litre       | 1.9 – 2.3 metres         | 30 – 35mm          | 1.2 metres         |
| 75 litre       | 2.2 – 2.4 metres         | 40 – 45mm          | 1.4 metres         |
| 100 litre      | 2.4 metres               | 50mm               | 1.4 metres         |
| 200 litre      | 2.8 metres               | 60mm               | 1.5 metres         |
| 400 litre      | 3.5 metres               | 80mm               | 1.8 metres         |

**Reason:** To ensure high quality of trees stocks

## PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

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

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

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. 740230M, will be complied with prior to occupation

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

108. 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.

109. Prior to the issue of any Occupation Certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

- (a) Acoustic Report No. (20160789.1/1706A/R0/TA - 1 -5 Carter Street Lidcombe. Development Application Acoustic Report – Phase 1), dated (17/06/2016), prepared by (Acoustic Logic)
- (b) Reflectivity Assessment by SLR Global Environmental Solutions (Report Number 610.16237-R1 dated 27 June 2016)
- (c) Qualitative Wind Assessment by SLR Global Environmental Solutions (Report Number 610.16237-R4 dated 27 June 2016)
- (d) DA Access report by Wall to Wall (ref: MTN-013 dated 23 June 2016)

110. 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.

111. Prior to the issue of the Occupation Certificate, the following management plans are to be submitted to Council for approval:

- (a) A Travel Plan, as nominated in the Traffic and Transport Assessment by Arup (dated 27 June 2016) is to be submitted to Council, supported by details of how that Plan will be implemented.

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

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

113. Prior to the issue of an Occupation Certificate the following measures shall be installed to address CPTED considerations:

- a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras must include the foyer area to the buildings including areas around the mail boxes. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week. The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed;
- b) Intercom facilities should be incorporated into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development;
- c) Letterboxes shall be provided with locks; and
- d) Fire exit doors to the development shall be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.

114. This condition nominates timing for the issue of Occupation Certificates relative to completion of landscaping and public domain works:

- (a) Prior to the release of **any** Occupation Certificate (Interim or Final) for the podium levels, the common podium open space landscaping works (Level 3) must be completed in accordance with the approved landscape plans.
- (b) In addition to (a) above, prior to the release of **any** Occupation Certificate (Interim or Final) for the ground floor levels, the relevant private landscaping works within the site, and the common landscape works for the relevant area fronting each of the units that are being occupied, must be completed in accordance with the approved landscape plans to the satisfaction of the certifier.
- (c) Landscaping within the towers shall be completed to the satisfaction of the certifier prior to the release of the Final/relevant Occupation Certificate for those towers.
- (d) Prior to the release of **any** Occupation Certificate (Interim or Final) for the childcare centre (base building only) the common open space landscaping works fronting the childcare centre must be completed in accordance with the approved landscape plans to the satisfaction of the certifier.
- (e) **No** occupation certificates (Interim or Final) shall be issued for more than 25% of the units in either tower A or B (i.e. Levels 4 and above) unless **all** required public domain works have been completed to council's satisfaction.

**Reason:** To ensure proper management of future Council assets.

115. Prior to the issue of an Occupation Certificate the developer must provide Council with a schedule of individual unit/street numbers as displayed within the development for identification purposes. The numbering sequence must be in accordance with the street numbering approval letter issued by Council.

**Reason:** To ensure developments are appropriately numbered.

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

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

117. The developer must submit to the Principal Certifying Authority a letter from provider authorised under the Telecommunications Act 1997 confirming satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the any Occupation Certificate.

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

118. 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.

119. The following conditions shall be complied with:

- (a) For safety, access to the swimming pool must be restricted by fencing or other measures as described by the Swimming Pools Act 1992, the Swimming Pool Regulation 2008, and Australian Standard AS1926 Parts 1 and 2 - 2007. The fencing or other measures must be completed prior to any water being placed in the pool.
- (b) Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that noise levels associated with spa/pool pumping units shall not exceed 5 dBA at the boundaries of the site.
- (c) To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must not be placed where it is not visible from a public place.
- (d) To ensure the proper disposal of polluted waters and to avoid runoff nuisance for downstream properties, all drainage including any overland waters associated with the pool and spa must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.
- (e) For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
- (f) Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

- (g) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the words *"YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"*, *"POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"*, and *"KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES"*,
- (h) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

**Reason:** To ensure compliance with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and the National Construction Code together with maintaining amenity.

120. Prior to the issue of any Occupation Certificate an intercom system must be provided in a convenient location adjacent to the visitor parking entry.

**Reason:** To ensure convenient access is available for visitors to the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

124. 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

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

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

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

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

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

127. Separate consent, either via a development application or a Complying Development Certificate if appropriate, shall be obtained for any subdivision of the building.

**Reason:** To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

128. Maintenance plan for WSUD system

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) Description of 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 is to 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 appropriate management and maintenance requirements are established.

129. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the relevant approved landscape plan. All landscape works must be completed in accordance with relevant timing requirements within condition 114.

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

130. All public domain construction works must be completed to Council's satisfaction and a **final approval** shall be obtained from Council's Assets & Urban Design teams. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. Council will issue the **final approval** for the finished public domain works that complied with the approved public domain documentation.

**Prior to the commencement** of any works in the Public Domain or on any asset that will be handed over to Council to maintain, the consent holder must arrange for a schedule of inspections to be carried out by Council's Civil Infrastructure Unit. The required Council inspections include (but are not necessarily limited to) the following, where applicable, and apply to all Council and privately certified projects.

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

NOTE 1: Additional daily inspections by Council officers may occur to view progressive paving set out and construction depending on the project size and type.

Note 2: Inspections for all public domain and/or stormwater works must be booked at least 24 hours in advance by calling Council's Civil Infrastructure Unit on 9806 8250.

No **Occupation Certificates** beyond the threshold nominated in condition 114 shall be issued until Council's final approved is obtained. The **Work-as-Executed Plans**

shall be prepared and submitted to Council showing the final approved public domain works after the final approval.

A **26 week** 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 that specifies the applicant will be responsible for a 26 week maintenance period of the completed public domain areas after the date of Council's Final Approval notice being issued.

**Reason:** To ensure the quality of public domain works is completed to Council's satisfaction.

## THE USE OF THE SITE

131. The shutter door at the driveway entry and exit from East Street is to be operated via remote control. A security access card reader cannot be installed for this development as it will impede access to the car park and not comply with the Clause Nos. 3.3(b) of AS 2890.1-2004.

**Reason:** To comply with Australian Standards.

132. 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.

133. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To reduce noise levels.

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

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

The source noise level must be measured as a LAeq 15 minute.

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

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

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

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

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

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

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

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

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

139. All landscape works shall be maintained for a minimum period of 12 months following the establishment on an Owners Corporation or the issue of a Final Occupation Certificate, whichever occurs first, in accordance with the approved landscape plan and conditions.

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