

Report to Sydney West Central Planning Panel

SWCCP reference	2016SYW168
DA No.	DA/738/2016
Date of receipt	11 August 2016
Proposal	Mixed use development
Street address	63 and 83 Church Street & 44 Early Street, Parramatta
Property Description	Lot 20 DP 732622, Lot 10 DP 733044, & Lot B DP 304570
Applicant	Gateway Parramatta One Pty Ltd
Owner	83 Church St and 44 Early St - Boyded Industries Pty Ltd 63 Church Street - Gateway Parramatta Two Pty Ltd and Gateway Parramatta Two Commercial Pty Ltd
Submissions	5 submissions
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • State Environmental Planning Policy No. 55 • State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) • State Environmental Planning Policy (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy (State and Regional Development) 2011 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011

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 summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Recommendation	Approval subject to conditions
Report by	Kate Lafferty, Executive Planner

1. Executive Summary

This report considers a proposal to construct a mixed use development comprising 773 residential dwellings, commercial buildings (including a hotel), car workshop and commercial/retail uses. The application also involves the demolition of existing improvements and the removal of trees.

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 concern. 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 floor space land use split requirements contained in Parramatta LEP 2011, via clause 4.6 of that plan
- Approve the application, subject to the recommended conditions.

2. Key Issues

- Floor space land use split – Clause 4.6 written request submitted
- Minor variations to DCP setback control
- Provision of a pedestrian bridge spanning across the Great Western Highway.

3. Site Context

The subject site consists of 2 main sites located on the western side of Church Street, south of the Great Western Highway in Parramatta.

The subject development precinct contains 3 sites which have a concept approval under DA/706/2014. The current application only involves the development of Site 1 and Site 2 of the development precinct. Site 3, being 57 Church Street, is proposed as a public park and will form a separate stage within the approved staged consent.

The details of the sites are shown in the table below.

Site	Address	Legal Description	Site Area
Northern Parcel – Site 1	83 Church Street	Lot 10 DP 733044	7592m ²
	44 Early Street	Lot B DP304570	
Central Parcel – Site 2	63 Church Street	Lot 20 732622	4742m ²

Total Site Area = 12,334m²

The sites have previously been used for automotive services and car showrooms, sales areas, office space and workshop spaces as follows:

- 83 Church Street was used as a second hand car showroom until 2010. It contains vacant buildings in the west and a concrete forecourt
- 44 Early Street is vacant of buildings and is used largely as a staff car park
- 63 Church Street was the main Heartland Holden Parramatta office for new car sales and also contained a workshop. Waste disposal facilities and a plant room are located in the south-western portion of the lot.

The north-western corner of the development site is approximately 14m above Australian Height Datum (AHD). The topography drops in a south easterly direction to approximately 10 metres over most of the rest of the development site (including Site 3 – the proposed public park).

Development surrounding the subject site includes:

- to the north of Site 1 (opposite along Great Western Highway) is a car showroom and residential flat buildings, with residential flat buildings also located to the south in Early Street
- to the south of Site 2 (opposite along Lansdowne Street) are car showrooms and low density residential dwelling houses
- immediately to the west of Site 1 is a motorcycle showroom and residential flat buildings (approx. 3-4 storeys in height)
- immediately to the west of Site 2 are residential flat buildings (approx. 3-4 storeys in height) and a single storey automotive workshop
- opposite in Church Street is a pub and commercial car yard activities.

The subject site has excellent access to public transport, with Parramatta Transport Interchange approximately 300m walking distance from the site. The site is in close proximity to retail, commercial and entertainment facilities within the CBD. Large public open spaces are also within close proximity, with Jubilee Park located to the east and Ollie Webb Reserve located to the west).

The aerial photo below shows the subject site and its relationship to adjoining properties.



Aerial Location Map (subject sites are outlined in red)



Photograph of Subject Site
(view looking south-west from the corner of Church Street and Great Western Highway)

4. Background

RZ/9/2011	<p>Planning Proposal</p> <p>A planning proposal was submitted to Council and sought the following:</p> <ul style="list-style-type: none"> • Rezoning of the sites from B5 (Business Development) to the current zoning (split between B5 Business Development & B4 Mixed Use Development) allowing for commercial and mixed use development on the site • Increasing the height of buildings on the sites • Increasing the floor space ratio on the sites. <p>The gateway determination dated 10 October 2012 approved the planning proposal to proceed to amend Parramatta City Centre LEP 2007 to rezone the subject sites. Amendment 9 of Parramatta Local Environmental Plan 2007 was gazetted on 26 September 2014.</p>
LA/386/2013	<p>Architectural Design Competition</p> <p>The Design Competition Jury met on 4 March 2014. They considered designs by a nominated shortlist of 3 independent architects/firms that have demonstrated experience in designing high quality apartments and commercial buildings being:</p> <ol style="list-style-type: none"> 1. Turner Studios 2. Allen Jack & Cottier 3. SJB <p>The jury recommended that the design be shared by the architects/firms (Turner Studios and AJ+C) and identified issues that needed to be further addressed to ensure design excellence. The Jury was consulted at pre-DA stage and DA stage regarding the achievement of design excellence. The Design Competition Jury awarded design excellence to the mixed use proposal during the assessment of the development application for the concept approval (see below).</p>

	Note: The Design Jury have therefore awarded design excellence, enabling the development to achieve a 15% variation to the height and floor space ratio provisions of LEP 2011.
DA/706/2014	<p>Development Application – Concept Approval</p> <p>A development application for the concept approval for the re-development of 3 development sites within the Auto Alley precinct, including the construction of 7 buildings containing 753 apartments and approximately 39,000m² of retail/commercial floor space on Site 1 and Site 2 and the provision of a public park on Site 3 was approved by the Sydney West JRPP on 29 June 2016.</p> <p>This was a staged application for a concept proposal under Section 83B of the Environmental Planning and Assessment Act, 1979. No works were proposed as part of the application.</p>

5. The Proposal

The application proposes a high rise, mixed use development with public domain works and a central plaza. This application is one of the detailed design stages following the approved concept approval.

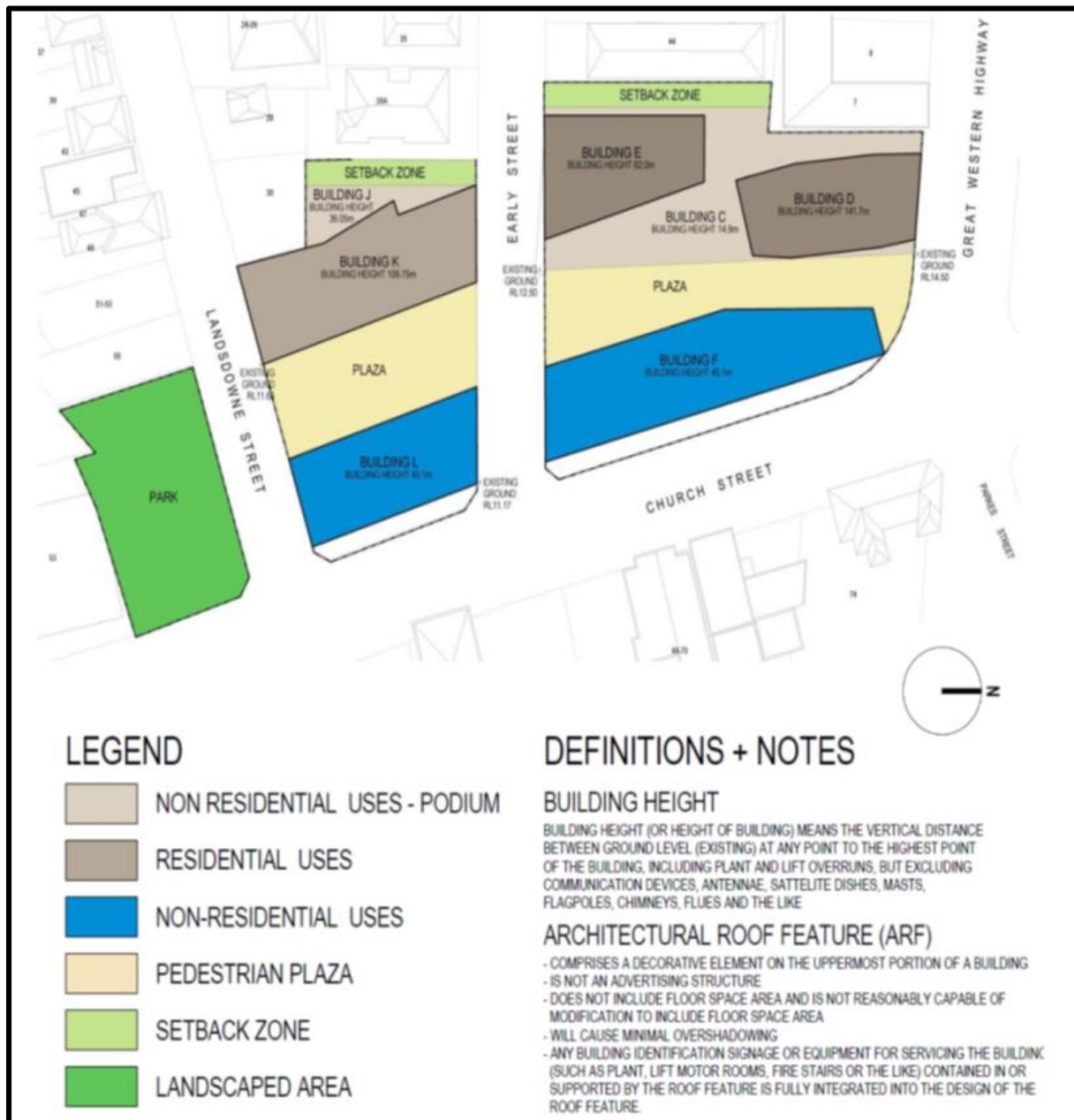
The proposal is divided into 2 development sites:

<p>Site 1 83 Church Street and 44 Early Street</p> <p>Bounded by Great Western Highway, Church Street & Early Street</p>	<p>Demolition, tree removal, consolidation of lots, construction of a 11 storey non-residential building (with an in principal approval sought for a hotel containing 275 rooms and associated activities) fronting Church Street, two residential towers (22 storey and 40 storey) containing a total of 538 apartments over 2 levels of a retail/commercial podium at the rear of the site, with associated landscaping and plaza works.</p> <p>A pedestrian bridge is proposed to span from the central plaza on Site 1 across Great Western Highway to the property at 87 Church Street (Thompson Ford site).</p>
<p>Site 2 63 Church Street</p> <p>Bounded by Church Street, Early Street and Lansdowne Street</p>	<p>Demolition, tree removal, construction of a 10 storey non-residential building fronting Church Street, and a mixed use tower containing 9 levels of non-residential floor space and 22 storeys comprising 235 apartments at the rear of the site, with associated landscaping and plaza works.</p>

The buildings on Site 1 and Site 2 are separated by a central public plaza providing pedestrian access between Great Western Highway through to the future park on Lansdowne Street (Site 3). Commercial buildings will address Church Street whilst mixed use development (incorporating commercial, retail and residential development) will be located at the rear of the sites.

The application also incorporates the dedication to Council (free of cost) a 5m wide strip of land for road reservation adjacent to Church Street along all 3 sites.

The general site and building layout is indicated within the following figure.



General Site & Building Layout

The development proposes the following residential/non-residential split:

- Total residential floor space = 58,670m² (total of 773 apartments)
- Total non-residential floor space = 39,088m².

This represents 60% residential and 40% non-residential split across the development sites.



Photo montage of proposed development (view northwards along Church Street)

Staging of Construction Works

The applicant proposes to stage the construction works across the sites with Stage 1 incorporating the Site 1 works and Stage 2 incorporating the Site 2 works.

Future Stages of Development

The current application represents the first stage of development in relation to the approved concept plan and staged development approval. The proposed further stages of development include the following:

Site 3 57 Church Street Bounded by Church Street & Early Street	Demolition, consolidation of lots and carrying out of works to the site for the purposes of a park. This park is to be dedicated to the City of Parramatta Council for public purposes. This park is to be provided through the deliverables required in the existing voluntary planning agreement on the site.
Hotel Fit-Out and Use (Site 1)	The current application is seeking an in principle approval for the use of the commercial building on Site 1 (Building F) for use as a hotel. The applicant intends to submit a further DA for the detailed fit-out and use of the hotel.
Car Workshop Fit-Out and Use	The current application includes a car workshop within Basement 1 of Site 1. This is consistent with the approved concept plan. No details of the operational use have been provided and will be subject to a future development application.
Pedestrian Bridge Overpass	The proposed pedestrian bridge overpass across the Great Western Highway will be subject to a separate application as this bridge is reliant on the redevelopment of the Thompson Ford site at 87 Church Street and construction over an RMS controlled road.

6. Public Notification

The application was exhibited between 8 September 2016 and 11 October 2016.

Five (5) individual submissions were received. The issues raised within these submissions are discussed in further detail in **Attachment A**.

7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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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?	Yes Section 91(3) of the Water Management Act 2000
Are submission requirements within the Regulations satisfied?	Yes

9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	No - A detailed assessment is provided at Attachment A .
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10. Parramatta Local Environmental Plan 2011

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

LEP Section	Comment or Non-Compliances
Zones	<ul style="list-style-type: none"> R4 High Density Residential B5 Business Development
Definition	<ul style="list-style-type: none"> Business premises Retail premises Mixed use development (including residential flat building) Hotel
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"> Permissible in the zone Consistent with zone objectives
Part 4 Principal development standards	All relevant provisions satisfied
Part 5 Miscellaneous provisions	All relevant provisions satisfied
Part 6 Additional local provisions - generally	All relevant provisions satisfied
Part 7 Additional local provisions – Parramatta City Centre	<ul style="list-style-type: none"> Non-compliance – Land Use Split (Clause 7.7(3) LEP2011). The development standard requires a minimum 40% non-residential floor space. The land use split as follows:

	<ul style="list-style-type: none"> ○ Site 1 – 35.9% ○ Site 2 – 47%. <p>The combined sites comply with the required land use split and was considered and approved under the previous DA for the concept plan.</p> <p>A submission under Clause 4.6 has been provided. The variation is supported.</p>
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11. Parramatta Development Control Plan 2011

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

DCP Section	Comment or Non-Compliances
Part 1 – Introduction	Consistent
Part 2 – Site Planning	Satisfactory
Part 3 – Development Principles	Satisfactory
Part 4 – Special Precincts	Minor non-compliances – satisfactory on merit
Part 5 - Other Provisions (Preservation of Trees or Vegetation)	Satisfactory

12. Response to SWCPP briefing minutes

The key issues discussed at the Panel Briefing Meeting are addressed below:

- *Panel were briefed on the preliminary assessment – particularly in regard to the proposed development and its consistency with the approved concept plan (DA/706/2014)*
- *Concern was expressed with respect to the number and nature of changes to the proposal compared to the approved concept plan. These changes primarily included the additional number of units, the loss of community facilities (yoga room/meeting room) on Site 1, reduced setbacks to the western residential area on Site 2, relocation of the proposed pedestrian bridge to the central plaza and potential impacts on external appearance and design excellence with the reconfiguration of the dwellings and change of use of the car showroom to a hotel.*
- *With respect to the above comments, concern is raised that a Section 96 modification to the concept plan approval may be required.*
- *The Council officers will endeavour to resolve these matters with the applicant to achieve consistency with the approved concept plan.*
- *Should the matters not be resolved within 3 months, then the Panel wishes to be briefed again on the application.*
- *Any report to be considered by the Panel for determination will need to clearly identify all differences between the concept plan and the proposed development.*

Planning Comment:

The applicant has amended the plans to reduce the number of units, reinstate all residential community facilities, relocate the pedestrian bridge and has provided justification for reduced setbacks on Building K (Site 2).

The primary changes between the concept plan and the detailed DA include the following:

Site 1	<ul style="list-style-type: none"> - Basements B3 to B6 have been extended east within the site with original Basement 7 deleted - The loading dock exit onto Great Western Highway has been removed
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	and replaced with a ground floor retail tenancy <ul style="list-style-type: none"> - Increase in apartments from 522 to 538 (an increase in 16 apartments) and reconfiguration of the apartments - Change of use of Building F from a vehicle showroom to a hotel - Building F ground footprint slightly modified with a porte coche added for the hotel use.
Site 2	<ul style="list-style-type: none"> - Basements B3 and B4 extended east within the site and Basement 5 added for residential parking - Rear building slightly modified footprint – extended to street boundaries - Reduced western setbacks on Building K (however the building is substantially within the permissible building envelope of the DCP) - Increase in apartments from 231 to 235 (an increase in 4 apartments) and reconfiguration of the apartments.

It is considered that the proposed development is consistent with the approved concept plan. Modifications have been made in the detailed design of the proposed development, which is expected to occur from a concept to detailed design stage whereby some level of flexibility is anticipated. The building envelopes and design directive of the proposal remains consistent.

Conclusion

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

The application is recommended suitable for approval subject to the imposition of appropriate conditions.

RECOMMENDATION

- A. That the Sydney West Central Planning Panel approve a variation to the land use split control in Clause 7.7(3) of Parramatta Local Environmental Plan 2011, 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 the Sydney West Central Planning Panel approve the application DA/738/2016 subject to the conditions contained within Attachment B of the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

SWCCP Reference:	2016SYW168
DA No:	DA/738/2016
Address:	63 and 83 Church Street & 44 Early Street, Parramatta

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:

Matters for consideration

Provision	Comment
Section 79(1)(a)(i) - Environmental planning instruments	Refer to Section 2 below
Section 79C(1)(a)(ii) - Draft planning instruments	Refer Section 3 below
Section 79C(1)(a)(iii) - Development control plans	Refer to Section 4 below
Section 79C(1)(a)(iia) - Planning agreements	Refer to Section 5 below
Section 79C(1)(a)(iv) - The regulations	Refer to Section 6 below
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable
Section 79C(1)(b) - Likely impacts	Refer to Section 7 below
Section 79C(1)(c) - Site suitability	Refer to Section 8 below
Section 79C(1)(d) - Submissions	Refer to Section 9 below
Section 79C(1)(e) - The public interest	Refer to Section 9 below

The following internal and external referrals were undertaken:

Referrals

External Referrals	
WaterNSW	The application is Integrated Development as an aquifer interference activity approval is required under the Water Act 2000. WaterNSW raised no objections and have issued their General Terms of Approval (GTAs).
RMS	<p>The application is a traffic generating activity under the SEPP (Infrastructure) 2007 and is subject to consideration by the RMS. The RMS raise no objections to the proposal subject to the imposition of conditions relating to timing of the dedication of land, detailed hydraulic plans and excavation/support structure plans to be submitted to the RMS, a CTMP, road occupancy licences, construction areas, design for traffic noise and developer being responsible for any public utility adjustments or relocation.</p> <p>The applicant and RMS are currently in discussions regarding an alternate agreement (VPA) for the design and delivery of the pedestrian bridge. As a letter of offer has not been agreed to as yet, a condition requiring the applicant enter into a Transport Contribution Infrastructure Deed and Works Agreement Deed has been incorporated within the recommendation section of this report (in accordance with the original concept approval).</p>

Endeavour Energy	The application is subject to Clause 45 of SEPP (Infrastructure) 2007 as the development does propose works within the vicinity of electricity infrastructure that would trigger a written referral to the energy authority. There are easements over Site 1 benefitting Endeavour Energy for padmount substations and there are both low and high voltage (11,000 volt/11 kV) underground cables to the road frontages of the site. The application was referred to Endeavour Energy and correspondence received 15 September 2016 raised no objections subject to the consideration of network capacity/connection, asset relocation and excavation. These matters have been included within the recommendation section of this report.
Sydney Water	Sydney Water submitted correspondence primarily containing advisory information for the applicant. This information covers water, wastewater, structures adjacent to the stormwater canal, water quality improvements and direct stormwater connections. This correspondence was forwarded to the applicant on 20/09/2016 and is included within the recommendation section of this report.
Design Competition Jury	The Design Competition Jury has reviewed the proposed development and has concluded that the proposal maintains design excellence. Conditions of consent relating to the retention of design excellence have been incorporated within the Recommendation section of this report.
Internal Referrals	
Development Engineer	<p>Council's Development Engineer supports the application subject to the imposition of appropriate drainage and flood related conditions, such as upgrading of Council's stormwater system, water sensitive urban design measures and flood protection measures.</p> <p>There is no OSD included within this proposal as it is considered that the provision of OSD would negatively impact flooding conditions on neighbouring sites. A report was submitted, prepared by AECOM, which demonstrated that the provision of OSD on this site would cause the peak discharge rates from the site to coincide with the arrival of peak flows in Clay Cliff Creek during the critical storm event. This would result in a worsening of flood conditions locally.</p>
Traffic	Council's Traffic Officer has reviewed the proposed development and raises no concerns on traffic or safety grounds. Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. Conditions regarding parking restrictions, compliance with AS2890, dedication of the road and the provision of a construction traffic management plan have been incorporated within the recommendation section of the report.
Landscape	Council's Tree & Landscape Officer has reviewed the application and supports the proposal subject to the imposition of standard conditions, and conditions regarding the submission of a revised landscaping plan (primarily involving replacement tree and plant species) and construction details prior to the issue of a CC.
Heritage	The subject site is not a heritage item or within a heritage conservation area, however is in close proximity to the heritage items within Lansdowne Street. Council's Heritage Advisor has

	reviewed the proposal and raises no concerns with any impacts upon these heritage items as the heritage concerns were integrated into planning controls, and any development within these controls is deemed reasonable.
Environmental Health (Waste)	Council's Waste Officer has reviewed the application and advises that the applicant has submitted satisfactory waste management information for all stages of development. The proposal satisfies the requirements of Council's controls and can be supported subject to standard conditions of consent.
Environmental Health (Contamination)	Council's Environmental Health Officer has reviewed the submitted contamination report and supports the application subject to the imposition of standard conditions and recommendations within the contamination report.
Environmental Health (Acoustic)	Council's Environmental Health Officer has reviewed the submitted acoustic report and supports the application subject to the imposition of conditions regarding implementation and certification of the recommended acoustic measures and standard conditions regarding the use of the premises.
Urban Design (Public Domain)	Council's Urban Design Officer has reviewed the application and raises no objection to the proposed design and treatment of the public domain, subject to the imposition of appropriate conditions requiring the submission of a detailed public domain plan before the issue of a CC and final approval post construction.
Civil Assets (Public Domain)	Council's Civil Assets Officer has reviewed the proposed development and alignment plans. The alignment plans are considered satisfactory and no specific conditions have been proposed.
Public Arts	Council's Public Arts Officer has reviewed the proposed Arts Plan and supports the concept plan subject to the imposition of standard conditions regarding the submission of detailed documentation prior to CC and the installation of the art work prior to OC.
Building Certification	Council's Certification Officer raises no objection with regard to the proposed application subject to the imposition of the standard condition requiring compliance with the BCA.

2. Environmental Planning Instruments

Compliance with these instruments is addressed below.

2.1 Environmental Planning and Assessment Act 1979 – Staged Development Applications

The concept plan (DA/706/2014) was approved as part of a staged development application under Section 83B of the Environmental Planning and Assessment Act 1979. The first stage involved the concept design of the development, whilst the current application involves part of the detailed design of the development. Further detailed stages include the following:

Site 3 57 Church Street Bounded by Church Street & Early Street	Demolition, consolidation of lots and carrying out of works to the site for the purposes of a park. This park is to be dedicated to the City of Parramatta Council for public purposes. This park is to be dedicated to the City of Parramatta Council for public purposes. This park is to be provided through the deliverables required in the existing voluntary planning agreement on the site.
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Hotel Fit-Out and Use (Site 1)	The current application is seeking an in principle approval for the use of the commercial building on Site 1 (Building F) for use as a hotel. The applicant intends to submit a further DA for the detailed fit-out and use of the hotel.
Car Workshop Fit-Out and Use	The current application includes a car workshop within Basement 1 of Site 1. This is consistent with the approved concept plan. No details of the operational use have been provided and will be subject to a future development application.
Pedestrian Bridge Overpass	The proposed pedestrian bridge overpass across the Great Western Highway will be subject to a separate application as this bridge is reliant on the redevelopment of the Thompson Ford site at 87 Church Street and construction over an RMS controlled road.

Division 2A of the Act relates to the special procedures concerning staged development applications. In this regard, Section 83D(2) requires the following:

(2) While any consent granted on the determination of a staged development application for a site remains in force, the determination of any further development application in respect of that site cannot be inconsistent with that consent.

The primary changes between the concept plan and the detailed DA include the following:

Site 1	<ul style="list-style-type: none"> - Basements B3 to B6 have been extended east within the site with original Basement 7 deleted - The loading dock exit onto Great Western Highway has been removed and replaced with a ground floor retail tenancy - Increase in apartments from 522 to 538 (an increase in 16 apartments) and reconfiguration of the apartments - Change of use of Building F from a vehicle showroom to a hotel - Building F ground footprint slightly modified with a porte coché added for the hotel use.
Site 2	<ul style="list-style-type: none"> - Basements B3 and B4 extended east within the site and Basement 5 added for residential parking - Rear building slightly modified footprint – extended to street boundaries - Reduced western setbacks on Building K (however the building is substantially within the permissible building envelope of the DCP) - Increase in apartments from 231 to 235 (an increase in 4 apartments) and reconfiguration of the apartments.

It is considered that the proposed development is consistent with the approved concept plan. Modifications have been made in the detailed design of the proposed development, which is expected to occur from a concept to detailed design stage whereby some level of flexibility is anticipated. The building envelopes and design directive of the proposal remains consistent.

The application has also been submitted addressing the conditions of consent of the approved concept plan.

2.2 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.

This matter was considered and found satisfactory in the assessment of the Concept DA. In this regard, the following is noted with respect to the contamination assessment.

A Stage 2 detailed site contamination assessment for the 3 sites was prepared by Consulting Earth Sciences and submitted to Council for review. The assessment identified the following potential sources of contamination on the site:

- Uncontrolled fill
- Auto service/repairs
- Underground storage tanks
- Hazardous building materials
- Electrical substations.

Soil sampling and groundwater sampling was carried out across the sites.

The report concludes as follows:

With regard concentrations of COPC [sic. contaminants of potential concern] within soils, none were found to be in exceedance of the adopted assessment criteria.

With the exception of heavy metals, COPC were not detected in groundwater at concentrations greater than the adopted assessment criteria (in the context of both residential and public open space / recreational land use). The concentrations of metals are typical of the Sydney area and considered indicative of naturally occurring background levels and not as a result of contaminating activities having occurred on site.

The decisions rules for the assessment have been met, the site is considered suitable for the proposed commercial/residential land use which includes an area public parkland in the south. Based on the findings of this investigation, the site does not require any further environmental assessment or remediation.

The USTs onsite will be required to be decommissioned in accordance with UPSS Regulation 2014. This will include excavating and removal of the USTs followed by soil analytical testing to check for the presence of COPC associated with the storage of fuels. Removal of the USTs can be carried out in conjunction with demolition of the current site infrastructure.

Council's Environmental Health Officer has reviewed the application and is satisfied with the conclusions of the Phase 2 contamination assessment. Appropriate conditions have been incorporated within the recommendation section of this report.

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

2.3 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 Competition Jury
- The 9 SEPP 65 Design Quality Principles
- The Apartment Design Guide (ADG).

Design Competition Jury

The concept design (DA/706/2014) was considered by the Design Competition Jury (the Design Jury) who concluded that the proposed development met all criteria of design excellence in accordance with the winning scheme of the competition.

In accordance with the conditions of the concept approval, the application was referred back to the Design Jury to ensure that the quality of the design is maintained through all certificate approval stages. The Design Jury are satisfied that the proposal maintains design excellence.

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

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

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

Design Quality Principles

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

Design quality principle	Response
Context	The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta LEP 2011 and DCP 2011.
Built form	The design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements. The non-residential function of the ground floor of the building better defines the public domain and contributes to the character of the future streetscape.
Density	The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.
Sustainability, resource, energy & water efficiency	The development provides opportunities in this regard, as reflected within the submitted Basix Certificate and proposed water sensitive urban design approach. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting.
Landscape	The landscaping solutions depicted in the architectural plans are considered to be of high quality and appropriately respond to the proposed built environment. Detailed landscaping plans have been provided for the development on Site 1 and Site 2.
Amenity	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy,

	storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.
Safety & security	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. In addition to the (as yet) unknown uses of the majority of the ground floor spaces, this level of the building features pedestrian and vehicle access to the building and is generally satisfactory in terms of perceived safety in the public domain.
Social dimensions/housing affordability	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements.
Aesthetics	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed buildings aesthetically respond to the environment and context, contributing to the desired future character of the area. The design was the winning entrant in a Design Excellence Competition and has met all the requirements of achieving design excellence.

Apartment Design Guide (ADG)

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 table below considers the proposal against key design criteria in the ADG:

CONTROL	REQUIREMENT	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	<p>Site 1 = 21m max (Building D) = 25m max (Building E)</p> <p>Site 2 = 22m max (Building K)</p>	No However complies with maximum floor plate and sufficient solar access & ventilation achieved
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys) 25m between habitable (9 storeys and above)	<p>Site 1 11 GWH = 53m 44 Early = 12.5m - 27.5m</p> <p>Site 2 35A Early = 13m (min) (although not res to res)</p> <p>Separation between Buildings D and E on Site 1 = 14.5m</p>	<p>Yes</p> <p>Yes</p> <p>No – however this is acceptable given the units are offset and do not directly face each other</p>

Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All dwellings have balconies with a minimum depth of 2m	Yes
Residential Ceiling heights	Minimum 2.7m	2.7m (min)	Yes
Min. Apartment size	Studio 38.5m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	All units comply with the minimum apartment sizes.	Yes
Open Space	<p>The area of communal open space should be between 25-30% of the site area</p> <p>Site 1 = 947m² (based on a residential site area of 3789m²)</p> <p>Site 2 = 500m² (based on a residential site area of 2000m²)</p>	<p>Common areas are provided as follows:</p> <p>Site 1 = 1250m² or 33% In addition to the common outdoor open space, the proposal provides for a pool, spa, gymnasium, meeting room and yoga room as private community facilities.</p> <p>Site 2 = 770m² or 38% In addition there is also a L2 podium terrace of 280m² adjoining the commercial component of the building.</p>	Yes
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone	Nil (however substantial planters are provided throughout the open space areas)	No
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	<p>Site 1 = 7-10 units</p> <p>Site 2 = 5-7 units</p>	In part (however deemed acceptable by the Design Jury)
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 2 hours direct solar access on winter solstice	<p>Site 1 = 77% achieve 2 hours (min) solar access</p> <p>Site 2 = 72% achieve 2 hours (min) solar access</p>	Yes
Natural ventilation	60% of units should be naturally cross ventilated	<p>Site 1 = 63% units are cross-ventilated</p> <p>Site 2 = N/A – first 9 storeys are commercial. Above 10 storeys deemed to be cross ventilated with</p>	<p>Yes</p> <p>Yes</p>

		unenclosed balconies	
Natural ventilation	At least 25% of kitchens should have access to natural ventilation (on external walls)	The majority of kitchens are not located on external walls. This is difficult to achieve when the living and dining areas are directly adjoining the external walls for maximum outlook, solar access and ventilation. The majority of the kitchens are however within 8m of a window which is considered acceptable.	In part

2.4 State Environmental Planning Policy (Infrastructure) 2007

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

Development likely to affect electricity transmission or distribution networks

The application is subject to Clause 45 of the SEPP as the development does propose works within the vicinity of electricity infrastructure that would trigger a written referral to the energy authority. There are easements over Site 1 for padmount substations benefitting Endeavour Energy and there are both low and high voltage (11,000 volt/11kV) underground cables to the road frontages of the site. The application was referred to Endeavour Energy and correspondence received 15 September 2016 raised no objections to the proposal, subject to the consideration of network capacity/connection, asset relocation and excavation. These matters have been included within the recommendation section of this report.

Development with frontage to a classified road

Church Street and Great Western Highway are both classified roads. Accordingly, Clause 101 of the SEPP applies to the proposed development. In consideration of the requirements of this clause, the following comments are made:

- (a) The primary vehicular access to the site is to be provided via Early Street, which is not a classified road
- (b) the safety, efficiency and ongoing operation of Church Street and Great Western Highway will not be adversely affected by the development having regard to the criteria outlined by Clause 101(2)(b)
- (c) although the development is sensitive to traffic noise, an acoustic report for the proposed development has been submitted that discusses the management of noise through the implementation of appropriate construction materials and design matters.

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

whether the location was suitable for his/her needs and acceptable in terms of air pollution resulting from the volume of cars travelling along this part of Parramatta.

Impact of road noise or vibration on non-road development

Clause 102 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship.

An acoustic report for the proposed development has been submitted that discusses the management of noise through the implementation of appropriate construction materials and design matters. Conditions are contained within the recommendation section of this report which requires the incorporation of the construction measures to mitigate against noise.

Traffic-generating development

The proposed development is deemed to be traffic generating development under Schedule 3 of the SEPP. The application was referred to the RMS, who raise no objections to the proposal subject to the imposition of conditions relating to timing of the dedication of land, detailed hydraulic plans and excavation/support structure plans to be submitted to the RMS, a CTMP, road occupancy licences, construction areas, design for traffic noise and developer being responsible for any public utility adjustments or relocation.

2.5 State Environmental Planning Policy – Basix

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

2.6 State Environmental Planning Policy (Urban Renewal) 2010

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

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

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

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

The development has a capital investment value greater than \$20 million. This application is captured by Part 4 of this policy which provides that the Sydney West Central Planning Panel is the consent authority for this application.


2.8 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.


2.9 Parramatta Local Environmental Plan 2011

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

COMPLIANCE TABLE		
Development standard	Proposal	Compliance
Zoning and permissibility  Zoning Map Extract	<p>Site 1 and Site 2 are partially zoned Mixed Use B4 and partially zoned Business Development B5 under the provisions of Parramatta LEP2011. The proposed development on these sites contains the following uses:</p> <ul style="list-style-type: none"> • Business premises • Retail premises • Mixed use development (including residential flat building) • Hotel. <p>All uses are permissible within their respective zonings.</p> <p>Demolition is permissible under Clause 2.7 of LEP 2011.</p>	Yes
Zone objectives	<p>The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning and B5 Business Development zoning applying to the land. In this regard, the proposed development:</p> <ul style="list-style-type: none"> • provides a mixture of compatible land use, integrates suitable business and residential activities in accessible locations to maximise the use of public transport, creates opportunities to improve the public domain and supports the higher order Commercial Core Zone • enables a mix of office and retail uses in locations which are close to 	Yes

	and support the viability of centres, provides for automotive businesses, trades and services to reinforce the existing functions of land within the zone and ensures that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the commercial core.	
<p>Clause 4.3 Height of Buildings The subject site is affected by different controls for height corresponding to the zonings on the sites.</p> <p>Site 1 Front = 36m <i>Bonus 15% = 41.4m</i></p> <p>Rear = 118m <i>Bonus 15% = 135.7m</i></p> <p>Site 2 Front = 36m <i>Bonus 15% = 41.4m</i></p> <p>Rear = 90m <i>Bonus 15% = 103.5m</i></p> <p><u>Note:</u> A 15% bonus is awarded through design competition requirements contained within Clause 7.10(8)(a) of LEP2011.</p>	<p>Site 1 Front (F) = 39.5m</p> <p>Rear (D) = 134m Rear (E) = 75.6m</p> <p>Site 2 Front (L) = 41.3m</p> <p>Rear (K) = 102.6m Rear (J) = 35.2m</p>	<p>Yes</p> <p>Site 1 heights are the same or slightly less than approved in the concept plan</p> <p>Site 2 heights are the same as approved in the concept plan</p>
<p>Clause 4.4 Floor Space Ratio</p> <p>Site 1 Refer Clause 7.7(3)</p> <p>Site 2 = 6.4:1 = 30,348.8m² + 15% bonus = 7.36:1 = 34,901.12m²</p>	<p>Site 1 Refer Clause 7.7(3)</p> <p>Site 2 = 34,895m² or 7.36:1</p>	<p>N/A</p> <p>Yes</p>
<p>Clause 4.6 Exceptions to development standards</p>	The application seeks to vary the development standards with respect to the distribution of floor space provisions of Clause 7.7(3)(a) within LEP 2011.	This is discussed in further detail below.
<p>Clause 5.6 Architectural roof features</p>	This clause allows architectural roof features to extend beyond the height limit prescribed by Clause 21. The proposed architectural roof features of Buildings F and D (Site 1) and Buildings	Yes

	<p>L and K (Site 2) extend beyond the height limits however complies with the assessment criteria as they:</p> <ul style="list-style-type: none"> • comprise a decorative element on the uppermost portion of a building • are not advertising structures • do not include floor space area and is not reasonably capable of modification to include floor space area • will cause minimal overshadowing. 	
<p>Clause 5.7 Development below mean high water mark</p>	<p>The proposal is not for the development of land that is covered by tidal waters.</p>	<p>N/A</p>
<p>Clause 5.9 Preservation of trees</p>	<p>There are numerous trees on site to be removed. Council's Tree Management and Landscape Officer has reviewed the tree removal and landscape plans and found the tree removal to be acceptable for the proposed development. There are no significant trees on site.</p> <p>A tree permit for the removal of 2 trees adjoining the site at 35A-37 Early Street has been granted (TA/222/2017) which will assist in facilitating the development on Site 2.</p>	<p>Yes</p>
<p>Clause 5.10 Heritage Conservation</p>	<p>According to the heritage item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.</p> <p>The site is in close proximity to the following heritage items:</p> <p>19 Lansdowne Street The cottage at 19 Lansdowne Street is of significance for the local area for historical reasons and as a representative example of residential architecture of the Victorian period in this area. Built c. 1870, the house is readily identifiable as part of historic building stock and still contributes to the streetscape. House was used as a coachbuilder's premises by James R. Pearce from 1883 into the 1890s.</p> <p>29 Lansdowne Street The house at 29 Lansdowne Street is of significance for the local area for historical reasons and as a representative example of residential</p>	<p>Yes</p>

	<p>architecture of the Victorian period in this area. Built c. 1895, the house is readily identifiable as part of historic building stock and contributes to the streetscape.</p> <p>35 Lansdowne Street The house at 35 Lansdowne Street is of significance for the local area for historical reasons and as a representative example of residential architecture of the Victorian period in this area. Built c. 1875, the house is readily identifiable as part of historic building stock and contributes to the streetscape.</p> <p>41 & 43 Lansdowne Street Semi-detached houses at 41-43 Lansdowne Street are of significance for the local area for historical reasons and as a representative example of residential architecture of the Victorian period in this area. Built c. 1885, these houses are readily identifiable as part of historic building stock and contribute to the streetscape.</p>  <p>Map indicating nearby heritage items</p> <p>Council's Heritage Advisor has reviewed the proposal and raises no concerns with any impacts upon these heritage items.</p>	
<p>Clause 5.10.7 Archaeological Sites</p>	<p>The site is listed as having local significance with moderate research potential. The site is not listed in Council's heritage schedule.</p>	<p>Yes</p>
<p>Clause 5.10.8 Aboriginal Places of Heritage significance</p>	<p>The site is identified as having low sensitivity under the Aboriginal Pleistocene Study. Given the low sensitivity of the site, the local Aboriginal communities were not notified of the application.</p>	<p>Yes</p>

<p>Clause 6.1 Acid sulfate soils</p>	<p>Clause 33B requires the consent authority ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>The site is identified as containing part Class 4 and part Class 5 Acid Sulfate Soil. Acid Sulfate Soils reports for both Site 1 and Site 2 were submitted with the application. Both reports discussed testing of the site and state no exceedances of the relevant criteria were found. An acid sulfate soils management plan was therefore not considered necessary for the proposed works.</p>	<p>Yes</p>
<p>Clause 6.2 Earthworks</p>	<p>The amount of earth works, specifically that required for the basement car park, is considered significant, however deemed necessary for the proposed development.</p> <p>Council's Development Engineer has reviewed the application including the proposed amount of excavation and considers that the proposed earthworks are satisfactory. Appropriate conditions are imposed regarding works to protect amenity of adjoining properties and the public domain.</p> <p>The excavation has been considered by WaterNSW as an aquifer interference activity approval is required due to the potential encounter of groundwater. General Terms of Approval have been issued and are incorporated within the Recommendation section of this report.</p>	<p>Yes</p>
<p>Clause 6.3 Flood planning</p>	<p>The development sites are subject to high hazard flooding from the Clay Cliff Creek main channel and from overland flow in the surrounding streets. The applicant has satisfactorily addressed the flooding in terms of habitable levels above flooding and protection of the basements from flooding. Council's Development Engineer has assessed the application and recommended appropriate conditions to be imposed on any consent granted.</p>	<p>Yes</p>
<p>Clause 6.4 Biodiversity protection</p>	<p>The subject site is not identified as containing biodiversity on the 'Natural Resources –Biodiversity Map'.</p>	<p>N/A</p>

Retail - 17 spaces Commercial - 158 spaces <i>Total max = 457 spaces</i>	Retail - 17 spaces Commercial - 157 spaces <i>Total max = 455 spaces</i>	
<p>Clause 7.7 Development on land at Church and Early Streets, Parramatta</p> <p><u>Floor Space Ratio</u></p> <p>Site 1 Clause 7.7(3) = 7.2:1 (if includes a basement for commercial use) = 54,662.4m² + 15% bonus = 8.28:1 = 62,861.76m²</p> <p>OR 6.4:1 (in any other case) = 48,588.8m²</p> <p>ALSO: The gross floor area of each storey of a building above a height of 40 metres does not exceed 700m².</p> <p>Site 2 Refer Clause 4.4</p> <p><u>Distribution of Floor Space</u></p> <p>Site 1 – Clause 7.7(3)(a) = at least 40% of FS used for a purpose other than residential accommodation or serviced apartments</p> <p>Site 2 – Clause 7.7(4) = at least 40% of FS used for a purpose other than residential accommodation or serviced apartments</p>	<p>Site 1 (basement commercial provided) = 62,862m² or 8.28:1</p> <p>700m²</p> <p>Site 2 Refer Clause 4.4</p> <p>Site 1 = 22,598m² or 35.9%</p> <p>Site 2 = 16,503m² or 47%</p> <p>Note: The combined non-residential floor space across Site 1 & Site 2 = 39,101m² or 40%</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>No (see Clause 4.6 discussion below)</p> <p>Yes</p>

Clause 4.6 Variation – Distribution of Floor Space

Clause 7.7(3)(a) and Clause 7.7(4) of LEP 2011 restrict the land use split on Site 1 and Site 2 to ensure that the development provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes. In this regard, the relevant clauses read as follows:

(3)(a) Development consent must not be granted for development (including staged development) for the purposes of a new building, or extension of an existing building, on Site 1 unless the following conditions are satisfied:

(a) at least 40% of the gross floor area of Site 1 is used for a purpose other than residential accommodation or serviced apartments

(4) Development consent must not be granted for development (including staged development) for the purposes of a new building, or extension of an existing building, on Site 2 unless at least 40% of the gross floor area of Site 2 is used for a purpose other than residential accommodation or serviced apartments.

The proposed development provides for a 60% residential and 40% non-residential floor space split across the combined sites (Site 1 and Site 2). Whilst this distribution of floor space is compliant on Site 2 with 47% non-residential floor space, Site 1 is deficient with only 36% non-residential floor space.

This floor space distribution has been previously approved within the concept DA approval (DA/706/2014). A Clause 24 variation to the development standard under Parramatta City Centre LEP 2007 (former instrument) was accepted by the Sydney West Joint Regional Planning Panel at the time of the concept plan determination.

Notwithstanding the above, and that the variation remains consistent with the concept approval, a Clause 4.6 exception has been lodged with this subject application to vary the floor space distribution on Site 1. A full copy of the written Clause 4.6 variation is at Attachment C.

Council's assessment of the exception under Clause 4.6:

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 7.7(3)(a) is a development standard.

2. What is the underlying object or purpose of the standard?

The purpose of Clause 7.7(3)(a) is to ensure that the development provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

It is considered that it would be unreasonable to require the development on Site 1 to comply with the minimum non-residential floor space distribution when the overall development proposal achieves the development standard and the objective of the development standard.

4. Are there sufficient environmental planning grounds to justify contravening the development standard?

The relevant environmental planning grounds which justify contravening the development standard are as follows:

- The proposal provides for the delivery of appropriate non-residential development in stages. The minor deficiency of non-residential floor space on Site 1 will not impact upon the economic viability or growth of Parramatta CBD

- When considered as a precinct, the proposed development achieves the floor space distribution and complies with the quantum of non-residential floor space required.

5. Is compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone?

Compliance with the development standard is consistent with the objectives of the floor space distribution control as the overall development proposal for the Gateway South redevelopment will achieve the development standard and provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes.

Compliance with the development standard is consistent with the objectives of both the B5 (Business Development) zoning and the B4 (Mixed Use) zoning as the proposal:

- Provides a mixture of compatible land uses
- Integrates suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling
- Creates opportunities to improve the public domain and pedestrian links within the Mixed Use Zone
- Supports the higher order Commercial Core Zone while providing for the daily commercial needs of the locality
- Protects and enhances the unique qualities and character of special areas within the Parramatta city centre
- Enables a mix of office, retail and warehouse uses in locations which are close to, and which support the viability of centres
- Maintains the economic strength of centres by limiting the retailing of food and clothing
- Provides for automotive businesses, trades and services to reinforce the existing functions of land within the zone,
- Ensures that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the commercial core.

6. Will strict compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act. Compliance with this standard would not encourage the proper management and development of the land and the promotion and co-ordination of the orderly and economic use and development of land. Compliance is considered unreasonable due to the viability risks of loading more commercial on Site 1 when there is limited short term demand.

7. Is the exception well founded?

It is considered that the applicant's written request for a variation to the land use split controls under Clause 4.6 of Parramatta LEP 2011 has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, will not compromise the public interest and that there are sufficient planning grounds warranting support for a variation to the development standard.

3. Draft Environmental Planning Instruments

The following draft environmental planning instrument applies to the site.

Land Acquisition Planning Proposal

No. 63 and 83 Church Street Parramatta are included within a current Planning Proposal which relates to the review of the Land Reservations Acquisition Map. Under the Planning Proposal, a strip of land at the frontage of each parcel was proposed to be rezoned from B5 Business Development to SP2 Infrastructure (Classified Road) and identified on the Land Reservations Acquisition Map for road widening with the RMS as the acquisition authority. The purpose of the proposed road widening is to allow for the provision of a dual right turning lane along Church Street for northbound traffic turning into Parkes Street consistent with the City Ring Road. During the consultation period for the Planning Proposal, the RMS advised that they had no objection in principle to the road widening, however, could not agree to the change to the LEP without confirmation of funding for the acquisition.

The Planning Proposal was subsequently adopted by Council for finalisation at its meeting on 12 October 2015, however, these 2 particular rezonings and reservations were deferred from the LEP amendment. The Planning Proposal has been forwarded to the Department of Planning and Environment for finalisation and is awaiting gazettal. Should Council resolve the matter with the RMS, the deferred aspect of the Planning Proposal is able to be finalised without the need for further consultation, subject to advice regarding suitable procedures from the Department of Planning and Environment.

It is noted that the applicant has incorporated the dedication of this land to Council at no cost to Council as part of the proposed development.



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

4. Parramatta Development Control Plan 2011

4.1 Overview

The application is subject to general provisions of the DCP, the Special Precinct - City Centre Controls as well as a site specific DCP for the development (considered in conjunction with the planning proposal) which was publicly notified on 4 December 2014. A detailed assessment of the proposed development with the provisions of this DCP is indicated below.

4.2 Site Specific DCP Controls

Section 4.3.3.7(d) of DCP2011 applies specifically to the subject development sites. This part of the DCP prevails over any other inconsistencies within DCP2011.

Future Desired Character

The proposed development achieves the future desired character requirements of the DCP:

- The redevelopment of the site into a mixed use precinct will enable the revitalisation of Church Street, and will reinforce the character of Parramatta City Centre as a destination for, employment, retail and high density living.
- Gateway South will introduce high density residential dwellings and a mix of commercial and retail space that will transform the character of the place to an exciting pedestrian friendly urban precinct.
- The location of the site within walking distance of Parramatta Transport Interchange, Parramatta City Centre and Harris Park Station, will reduce car dependence, and promote the use of sustainable public transport, walking and cycling, for residents and businesses.
- The mix of uses will provide new jobs to increase activity in the City Centre. The redevelopment will provide a range of apartment dwellings in high-density building forms, meeting the needs of different household types.
- A revitalised public domain is a key component of the redevelopment. A series of pedestrian walkways connecting the 3 parcels of land will activate the street level, and provide an internal access network.
- Gateway South will be a catalyst for future development in Auto Alley aimed at reflecting the increasing prominence of Parramatta as a major metropolitan residential and employment centre.

Site Objectives

Objective	Comment	Compliance
To create an urban environment that provides a mix of uses including high density residential, commercial, retail and community facilities.	The proposal provides for an appropriate and compliant mix of uses.	Yes
To ensure built form articulation and an attractive composition of building elements with a strong relationship between buildings and streetscape.	The built form has been subject to a design excellence competition and provides for an appropriate interface between buildings and streetscape.	Yes
To provide appropriate public domain elements, including internal pedestrian walkways, footpaths, open space for the benefit of the existing and future	The proposed development provides for a wide open area public plaza within Sites 1 and 2.	Yes

community.		
To ensure building height is distributed across the site having regard for orientation, overshadowing and views and vistas suitable for this gateway to Parramatta.	The building height has been appropriately distributed over the sites.	Yes
To provide opportunity for future car showroom functions on the ground level.	The application provides for the opportunity of vehicle showroom uses on the ground floor of Site 2 fronting Church Street. The ground floor of Site 1 is to be used for hotel purposes.	Yes
To provide local amenities for existing and new residents with a variety of activities, services and functions to attract people and places for them to meet and stay.	The details of specific commercial uses have not been nominated within this concept plan (other than the hotel use and car workshop use on Site 1) however sufficient floor space is available to achieve this objective. The proposal incorporates a large public plaza to accommodate pedestrian usage.	Yes
To provide an appropriate level of active ground floor uses to increase safety, pedestrian activity and use of public domain areas.	The details of specific retail and commercial uses have not been nominated within this application however sufficient floor space is available to achieve this objective. Commercial shopfronts activate the public domain both within and external to the site boundaries.	Yes
To provide a visual and physical connection throughout the site for a high level of surveillance and safety.	A public plaza has been provided which links all of the development sites.	Yes
To accommodate generated traffic, and to mitigate traffic effects.	The traffic generation is not expected to have a significant impact on the locality. The application also involves the dedication of a 5m wide strip of land along Church Street for future RMS road widening to assist with the traffic needs of the area.	Yes
To include stormwater management measures which appropriately address the level of flood affectation on the site and immediate surrounds.	The proposal incorporates appropriate water sensitive urban design measures and has adequately addressed the flood affectation of the site, through the implementation of appropriate habitable floor levels and provision of overland flow paths.	Yes

Public Domain

The site offers an opportunity to enhance the public domain through improvements to streets, lanes, plazas and urban parks.

Objective	Comment	Compliance								
To create an environment that is comfortable for pedestrians.	The design of the plaza is considered to be comfortable for pedestrians. The site contains sufficient wind mitigation and tree canopy for shelter, in addition to plaza furniture for pedestrian usage.	Yes								
To ensure a high level of pedestrian amenity, safety and security through the inclusion of weather protection, lighting and safety by design principles.	The design of the plaza allows for a high level of pedestrian amenity through weather protection (awnings and tree canopy) and natural surveillance. The detailed design of lighting will be submitted with the public domain plan before the issue of a Construction Certificate.	Yes								
To ensure pedestrian walkway areas are formed from a sequence of spaces and plazas running north-south, connecting all 3 parcels of land.	This has been achieved within the plaza plans submitted with the application. This is particularly achieved through the location use of planters and paving treatments.	Yes								
To facilitate and establish social uses of public plaza space and walkways such as cafes, restaurants, bars, markets, with public seating areas.	The details of specific retail and commercial uses have not been nominated within this concept plan however sufficient floor space is available to achieve this objective. The design of the ground floor buildings provides for these opportunities in future development applications.	Yes								
To ensure that where utilities are visible from the public domain, that their appearance and design is of the highest quality.	The details of utility infrastructure will be assessed in the required public domain plan to be submitted before the issue of the Construction Certificate.	Yes								
Controls	Comment	Compliance								
New pedestrian walkways, park and plazas shall be provided in accordance with Figure 4.3.3.7.16 and should be no less than minimum size indicated below: <table border="1"><thead><tr><th>Public Domain</th><th>Area Required (min)</th></tr></thead><tbody><tr><td>Northern Plaza Pedestrian Walkway</td><td>1,600m²</td></tr><tr><td>Central Plaza</td><td>1,350m²</td></tr><tr><td>Urban Park</td><td>1,790m²</td></tr></tbody></table>	Public Domain	Area Required (min)	Northern Plaza Pedestrian Walkway	1,600m ²	Central Plaza	1,350m ²	Urban Park	1,790m ²	Site 1 17m (min width) and area of 2,100m ² . Site 2 24m (min width) and area of 1510m ² . Site 3 N/A (not part of this DA)	Yes
Public Domain	Area Required (min)									
Northern Plaza Pedestrian Walkway	1,600m ²									
Central Plaza	1,350m ²									
Urban Park	1,790m ²									

Public street frontages are to comply with the Parramatta Public Domain Guidelines and are to have: i) Appropriate paving and urban elements; ii) Public Art suitable for the site; and iii) Appropriate spaces for outdoor trading and outdoor dining.	The application has provided for appropriate areas of paving and planting, the incorporation of public art opportunities and sufficient spaces for commercial outdoor activities.	Yes
Pedestrian walkways are to comply with the City Centre Lanes of the Parramatta Public Domain Guidelines and the objectives of the Parramatta Laneways Strategy.	The public plaza is a large open thoroughfare which complies with Council's requirements.	Yes
Pedestrian walkways are to be generally 15m wide, with a 4m zone clear of obstructions to movement to allow for sufficient space for outdoor trading and dining.	The colonnades on Site 1 will encourage outdoor dining and trading. Minimum 6m distance between façade and planter boxes in the plaza. Site 2 provides a minimum clearway zone of 4.4m.	Yes
Awnings and colonnades are to be provided along building frontages along public domain to provide shade and shelter.	Awnings provided along the retail areas on Site 1 & 2 to provide shade and shelter.	Yes
Where colonnades are provided, they must: a. Be continuous for the entire public domain frontage or link with awnings; b. Have a minimum width of 4.5m between columns; and c. A minimum height of 4.5m to the underside of soffit.	Site 1 has a continuous colonnade with a varied distance between columns (no less than 8m) and minimum height of 4.5m. Site 2 has a colonnade with columns 6.5m apart and a minimum height of 5m.	Yes
The Southern site is to be provided as an Urban Park in accordance with 4.3.3.7.16. The design of this park will balance public access and amenity with safety with water management objectives.	The future park on Site 3 will provide public access and areas for recreation. The park was approved in principle in the concept approval. A detailed DA for this stage of development will be lodged at a later date.	Yes
To allow for future road widening along an appropriate length of Church Street and the Great Western Highway, and to provide a cycle / pedestrian along the Church Street frontages, as shown on Figure 4.3.3.7.16.	The applicant has indicated on plan the dedication of a 5m width of land at no cost to Council. The application includes for a cycle/pedestrian path along the Church Street frontages.	Yes

Building Form

The development provisions on building form in this section of the DCP are intended to encourage high quality design for new buildings. The resulting built form and character of development should contribute to an attractive public domain and produce a desirable setting for its intended uses.

Objective	Comment	Compliance
To establish high quality architectural and urban design for buildings.	The proposed development has been awarded design excellence by the Design Competition Jury.	Yes
To locate high density housing with good access to retail, employment, transport and high quality public domain and open space.	The proposed development provides high density housing within Parramatta City with access to facilities and services.	Yes
To provide for a variety of retail experiences by way of new format automotive retail, specialty shops and supermarket.	The details of specific non-residential uses has not been nominated within this concept plan (with the exception of the hotel use) however sufficient floor space is available to achieve this objective.	Yes
To provide appropriate articulation of building form that is responsive to street address, microclimate and pedestrian orientated environment.	The built structures and public domain areas have been appropriately designed to achieve this objective.	Yes
To ensure that new development minimises and mitigates adverse overshadowing and privacy impact on adjoining public domain and land uses.	The proposed development will cause overshadowing and overlooking. This is inevitable given the heights permissible on the site. The shadows cast will impact on individual areas for only a short period of the day given the massing of the building envelopes.	Yes
To ensure the setback of residential towers is at an appropriate distance from heavily used streets of Church Street and the Great Western Highway.	The setbacks of the residential towers are compliant with the requirements contained within the DCP controls.	Yes
To create active streets and plazas by locating fine grain shop fronts at the ground floor with all fronts and entrances at street level.	Tenancies have been oriented towards the plaza and along Church Street to activate the public domain.	Yes
Controls	Comment	Compliance
<i>Building Envelopes</i> i) Future built form should be consistent with the building envelopes shown at Figure 4.3.3.7.17 and Figure 4.3.3.7.18 ii) New buildings along Church Street should not exceed the maximum building depth of 22m, shown on Figure 4.3.3.7.17 and Figure 4.3.3.7.18. ii) Residential towers should not exceed the maximum building internal floor plate requirement, shown on Figure 4.3.3.7.17.	Site 1 The buildings generally comply with the building envelope controls. <u>Building F (Church Street)</u> There is an overhang encroachment into the plaza area to the north-eastern corner. <u>Building E (rear building)</u> Part of the tower encroaches onto the 2 storey podium area. These encroachments are acceptable and consistent with the approved concept plan.	In part

	<p>Site 2</p> <p>The buildings generally comply with the building envelope controls. The tower of Building K slightly encroaches within the 2 level podium area (setbacks to the west). This has been discussed under the <i>Building Setbacks</i> section below.</p> <p>The building envelopes of Site 1 and Site 2 have been specifically reviewed by the Design Jury who raise no objection to the encroachments.</p>	
<p><i>Building Height</i></p> <p>Building heights shall be in accordance with Figure 4.3.3.7.17 and Figure 4.3.3.7.18 to respond to the context, to provide visual interest and to minimise and mitigate adverse overshadowing and privacy impact to adjoining public domain and land use.</p>	<p>The majority of building heights do not comply with the figures in the DCP. This is due to the approved 15% variation awarded under design excellence. This matter is discussed elsewhere within the report.</p>	In part
<p><i>Building Setbacks</i></p> <p>i) Building setbacks are to be in accordance with Figure 4.3.3.7.17 and Figure 4.3.3.7.18.</p> <p>ii) Provide 6m building setback in key locations along the western boundaries of the site as shown on Figure 4.3.3.7.17 and Figure 4.3.3.7.18.</p> <p>iii) Where a zero allotment setback is provided a merit assessment will be undertaken with consideration given to the amenity impact on adjacent properties. Consideration should be given to the provision of articulation and high quality architectural treatment and materials to avoid bland, imposing expanses of wall to neighbouring properties.</p>	<p>The building setbacks comply for the majority of the buildings, and are substantially greater in some building areas (eg. Buildings D & E on Site 1 have the majority of their western setbacks well in excess of the minimum 6m).</p> <p>Building K on Site 2 has reduced setbacks on part of the building to that approved in the concept plan (by approximately 2m). The setbacks are still largely compliant with the exception of part of the building (see diagrams below).</p> <p>The building setbacks have been specifically reviewed by the Design Jury who raise no objection to the proposed setbacks.</p>	In part

Site 2 – Building K – Western Setbacks



Site 2 - Setback encroachment (DCP2011) – 15m required – min setback is 11m

The commentary below outlines a discussion regarding the setbacks.

- The building now benefits from increased ventilation, fire stairs and additional core with no additional GFA provided.
- The setbacks are significantly compliant with the DCP setbacks. There is a minor encroachment for a small portion of the development (which still has an approximate 11m setback to the boundary) however the remainder of the development is greater than the minimum setbacks.
- Impacts including overlooking, overshadowing and visual bulk have been assessed and considered minor and acceptable.
- The current planning controls allow a 4 storey building adjoining and a 12m separation is still largely achieved. It is noted that the ADG does not actually apply in this circumstance as the proposed building contains non-residential floor space for the first 9 storeys.
- Even if a 20 storey tower was permitted adjoining, an 18m separation would be achieved which complies with Council's acceptance of tower separation within the City Centre.

In this regard, on balance of issues, the reduced setbacks are deemed acceptable.

Building Separation Minimum separation between buildings should be in accordance with Figure 4.3.3.7.17 and Figure 4.3.3.7.18	Building separation complies. A minimum 15m separation between the Church Street commercial buildings and western buildings is maintained, and exceeded for the majority of the development.	Yes
Frontage, activities and entries i) Continuous active frontages are to be in accordance with Figure 4.3.3.7.17 This should include retail and commercial spaces. ii) Access to residential use and commercial use above ground level should be provided directly from plaza or pedestrian walkway. iii) Large format retail with floor space	Site 1 and Site 2 provide active frontages to the plaza area and the public streets. Access to the residential and commercial lobbies is from the pedestrian plaza which will assist in the activation of the public domain.	Yes

exceeding 2,000m ² shall be provided at a basement level and accessed directly from a plaza or a pedestrian walkway.	The basement level on Site 1 has a floor space of approximately 3100m ² and is to be used as a separate car workshop. There is access from the plaza level.	
Basement floor space for Site 1 - Of the total commercial floorspace component for Site 1, 6000m ² must be located at a basement level for retail purposes only. The 6,000m ² of floorspace cannot be relocated above the basement level if the retail component is not to proceed.	The basement level on Site 1 has a floor space of approximately 3100m ² and can be accessed from the plaza level. The plans indicate this area as a car workshop, which was the approved land use for the basement in the Concept DA. Given the flooding affectation of the site, it is considered that a lower usage activity would be more suitable than an intensified retail activity. The details of the car workshop will be the subject of a future application.	In part

Sustainability, Microclimate & Water

Gateway South will integrate appropriate sustainability initiatives into individual buildings and the public domain, to address microclimate, energy and water use.

Objective	Comment	Compliance
To use landscape design to respond to summer and winter climatic conditions and improve amenity for people using the open space.	The proposal incorporates an appropriate scope of landscaping, building design and water sensitive urban design measures to satisfy these requirements.	Yes
To ensure the buildings are designed to minimise detrimental wind generation within public and private open spaces.		
To implement the principles of water sensitive urban design into the design of the public domain.		
To minimise reliance on mechanical ventilation through applying good climate design principles to building and public domain design.		
Controls		
Provide appropriate water management infrastructure in the design of the public domain and urban park, to minimise water use.	Water sensitive urban design measures will be incorporated into the design. Measures include vegetated swales, tree pits, rain gardens, vegetated filter strips and rainwater tanks.	Yes
Incorporate appropriate built form structures/shade structures to create appropriate microclimate in public domain areas, to ameliorate the	The ground floor retail areas on Sites 1 and 2 will include continuous awnings which will provide protection from the	Yes

temperature extremes of summer and winter.	weather. Landscaping within the plaza will also contribute towards wind mitigation and shading within the public domain.	
To design dwellings to maximise access to sunlight.	The buildings have been designed to achieve solar access and cross flow ventilation in accordance with the Apartment Design Guidelines.	Yes
Residential building designs are encouraged to meet a Green Star – Multi-Unit Residential design rating.	Achieved.	Yes
Commercial building designs are encouraged to meet Green Star design rating.	The commercial buildings (including the hotel) are required to achieve 5 star Green Star Design. A suitable condition has been imposed.	Yes

Access, Parking and Servicing

Provide access for vehicles to the site balanced with pedestrian amenity, access and safety.

Objective	Comment	Compliance
To provide for safe and easy access for all pedestrians, cyclists, vehicles to buildings and public domain.	The application provides for separated access points for vehicles and pedestrians to reduce conflict within the development sites.	Yes
To locate vehicle access points into buildings to minimise pedestrian and cycle conflicts.	Vehicle access points are located on secondary streets to avoid traffic and pedestrian conflict.	Yes
To ensure that service vehicle access points are concealed as far as possible on major pedestrian routes.	Service vehicle access points have been minimised and are located on secondary streets.	Yes
To provide all parking underground for residents and visitors to ensure an active, vibrant and car-free public domain.	All parking is provided within the basements on Site 1 and Site 2.	Yes
To implement appropriate traffic management measures on Early and Lansdowne Streets.	Pedestrian crossings are not proposed on Early Street and Lansdowne Street. It is considered that they are not deemed necessary at this point in time due to minimum demand for usage. It is possible to implement pedestrian crossings in the future if they are required.	Yes
To encourage an improved level of pedestrian connectivity of the site to the City centre.	The applicant has incorporated the provision of a pedestrian overbridge across Great Western Highway to improve connectivity to the city centre.	Yes

Controls	Comment	Compliance
Footpaths, cycle links, pedestrian walkways, plazas and vehicle access points to buildings are to be consistent with the pedestrian and vehicle access principles as shown on Figure 4.3.3.7.19.	The proposal complies with this requirement.	Yes
Service vehicle access points and utilities are to be minimised along pedestrian routes and adjacent public open space. Where necessary, utilities are to be incorporated into building design.	All primary vehicle access for Site 1 and Site 2 is from Early Street (less flood affected than Lansdowne Street) and to maximise pedestrian safety around the park.	Yes
Locate public bicycle racks on ground level, on the street and within the pedestrian walkways linking to key destinations within the development and the cycle network.	There is sufficient area to provide bicycle racks within the public domain. This will be investigated further within the detailed public domain plans to be submitted and approved by Council.	Yes
Locate traffic management measures and pedestrian crossings on Early and Lansdowne Streets to enable the continuation of the pedestrian walkway and priority access for pedestrians.	Pedestrian crossings are not proposed on Early Street and Lansdowne Street. It is considered that they are not deemed necessary at this point in time due to minimum demand for usage. It is possible to implement pedestrian crossings in the future if they are required. The improved public domain design will incorporate pedestrian friendly measures.	Yes
The development of the northernmost site should not preclude future pedestrian connection across (over or under) Church Street or Great Western Highway.	The applicant has incorporated the provision of a pedestrian overbridge across Great Western Highway to improve connectivity to the city centre.	Yes
Provide for the future road widening of Church Street.	The applicant has indicated on plan the dedication of a 5m width of land at no cost to Council for future road widening.	Yes

4.3 General and City Centre Controls

The majority of the general and City Centre controls do not apply to the development as the matters have already been covered within the site specific DCP controls listed above. The social amenity section of the DCP 2011 however will apply and is outlined below.

Social Amenity – Part 3.4 DCP2011		
Culture & Public Art	<p>An Arts Plan was submitted with the proposed development which is considered acceptable.</p> <p>The curatorial vision, <i>Shaping New Horizons</i>, speaks to ideas</p>	Yes

	<p>of exploration, change and promise and is drawn from:</p> <ul style="list-style-type: none"> • Parramatta's history as a city shaped by river and road • Parramatta as continually transforming as it realises its full potential • The site's location in auto alley. <p>Artwork opportunities include landmark sculptures, integrated bridge artwork, awning soffit treatments (sculptural attachments and lighting), pavement works and discovery sculptures.</p>	
Access for People with a Disability	Access for people with disabilities is to be provided throughout the development.	Yes
Amenities in Buildings available to the Public	Sanitary facilities are provided for public use on the ground floor of the rear building on Site 1.	Yes
Safety and Security	The development is considered acceptable from a CPTED perspective, as the proposed development provides for natural surveillance over the public domain, access control and guardianship of semi public areas.	Yes
Housing Diversity and Choice Unit Mix 1 bed = 10%-20% 2 bed = 60%-75% 3 bed = 10%-20%	<p>The proposed apartment mix is as follows -</p> <p>42 x studio units (5%) 224 x1 bedroom units (29%) 467 x 2 bedroom units (60%) 40 x 3 bedroom units (5%).</p> <p>The unit mix is acceptable given there is still a diverse mix of dwellings that contributes to housing choice, consistent with the objective of the control. It is noted that the DCP does not provide for studio apartments which are increasing in demand in the city. The minor non-compliance is considered acceptable as the shortfall in 3 bedroom units and excess of 1 bedroom units is unlikely to have significant impacts upon</p>	In part

<p>Adaptable Dwellings Required = 10% of units</p> <p>Site 1 = 54 adaptable units Site 2 = 24 adaptable units</p>	<p>housing choice within the City Centre. The application is consistent with the apartment mix approved with the concept plan.</p> <p>Site 1 = 56 adaptable dwellings Site 2 = 24 adaptable dwellings</p>	<p>Yes</p>
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The application is therefore generally compliant with the provisions of DCP 2011. The proposal does not comply with some of the building form and layout provisions of the site specific DCP (Section 4.3.3.7(d)) however these non-compliances have been addressed above and have been reviewed by the Design Competition Jury who raise no concerns with the non-compliances.

5. Planning Agreements

The proposed development is subject to a planning agreement entered into under section 93F of the EPAA.

A planning agreement was entered into between the applicant and the Council on 22 January 2014. This planning agreement incorporates certain public benefits with respect to the proposed development, including the following:

- Payment of a monetary contribution in lieu of Section 94A Contributions (\$7,308,331 as ordinarily adjusted with CPI)
- Footpath design and construction within and adjacent to the northern land parcel (Site 1)
- Footpath design and construction within and adjacent to the central land parcel (Site 2)
- Open Space design and construction of the southern land parcel (Site 3)
- Open Space dedication to Council (Site 3)
- Design and construction of a publicly accessible thoroughfare within the northern land parcel (Site 1)
- The registration of an easement in gross in favour of Parramatta that burdens that part of the northern thoroughfare (Site 1)
- Design and construction of a publicly accessible thoroughfare within the central land parcel (Site 2)
- The registration of an easement in gross in favour of Parramatta that burdens that part of the central thoroughfare (Site 2)
- The design and construction of a commercial suite (minimum 200m²) and the transfer to Parramatta of an unencumbered freehold title to the commercial suite.

The timing of the delivery of these matters is contained within the planning agreement.

Section 94 Contributions

Section 94 contributions are not required for this application as they are included within the above planning agreement.

6. Environmental Planning and Assessment Regulation 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection do not need to be addressed as part of any consent granted for this application as the proposal is for a concept plan only and does not involve any construction works at this stage.

7. Likely Impacts

7.1 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:

- 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
- The proposal will not unduly 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
- The scale, form and presentation of the building is consistent with planning controls, and the design and site planning is acceptable as independently assessed by the Design Competition Jury
- Site planning locates tower elements in suitable locations to avoid negative amenity outcomes for future occupants of the site
- The built form does not result in any significant 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.

7.2 Site works

Excavation

Both Site 1 and Site 2 will require substantial excavation for the proposed basement levels of the proposed development. Appropriate conditions are included within the Recommendation section of this report to minimise noise, dust and stormwater impacts during excavation.

Tree removal

The site is void of any significant vegetation. A number of trees are required to be removed. The scheme makes satisfactory arrangements for the re-landscaping of private and public elements of the proposal.

A tree application has been submitted and approved for the removal of trees (a Grey Box and a Forest Red Gum) located in the front setback on the neighbouring property at No. 35A-37 Early Street, Parramatta to facilitate the proposed development. To ensure continued safety to persons and property, an advisory note is included in the Recommendation that these tree works are completed prior to the issue of the Construction Certificate. Excavation on the subject site prior to the tree's removal may destabilise the trees and cause the trees to fail.

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.

7.3 Natural and technological hazards

The site is affected by contamination, flooding and groundwater. These issues have been discussed in detail within the report. No significant issues are raised as a result of these land affectations.

7.4 Site design

Setbacks

There are several instances where the design does not strictly comply with the DCP setbacks, however the outcome is nevertheless satisfactory. This has been discussed earlier within the report.

Height, bulk and scale

The height of the buildings has been discussed elsewhere within the report. The heights comply with Council controls and are consistent with the approved concept plan. 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 Design Competition Jury.

External materials

The schedule of external materials and finishes for both sites is satisfactory.

Wind

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

Already Proposed Wind Mitigations

The following design features have been noted to provide significant mitigations against adverse winds at affected locations and are recommended to be retained:

- Proposed landscaping is prevalent at street level for both Gateway South Site 1 and Gateway South Site 2. Adverse ground level winds will be mitigated via a combination of the proposed landscaping and existing street trees (refer to Figure 1). SLR recommends proposed landscaping to be evergreen along Great Western Highway footpath
- Scattered landscaping on the level 3 roof terraces at both Gateway South Site 1 and Gateway South Site 2 will help break up adverse winds and improve comfort conditions here.
- The proposed western site boundary fence at Gateway South Site 2 is extended to the site boundary at the northwest corner which will assist with shielding exposed westerly winds. The current proposed height of the fence will provide significant vertical shielding for the level 3 terrace of Building K.
- Proposed wall features on the level 43 rooftop garden of Building D will block exposed winds from all directions.
- Proposed pergolas and wall feature surrounding the level 32 rooftop pool of Building K will block exposed winds from all directions.

Recommendation for Wind Mitigation

The following measures are recommended to block the adverse winds:

- 2 metre balustrade surrounding the level 3 roof terrace of Building D
- Local shade cloths above seating areas on the level 3 terrace of Building K, and a 3 to 4 metre awning or canopy above the level 3 terrace.

It is noted that wind report has been independently reviewed by Windtech Consultants Pty Ltd and found to be suitable in its final revised form.

Suitable conditions are included in the recommendation.

Reflectivity

The application is supported by a technical report which considers the reflectivity impacts from Building D (Site 1) in terms of traffic disability glare and pedestrian discomfort glare (Church Street, Parkes Street and Great Western Highway).

That report concludes:

In summary, analysis of the initial design shows that there is potential for glare for motorists and pedestrians moving around the site. Through a combination of choice of glazing retaining the latest proposed façade design, it is likely that adverse glare conditions will be reduced to an acceptable level. No additional design mitigations are required. Confirmation of results are to be assessed during the detail design stage to ensure no facades of the development will produce reflections causing either disability glare for passing motorists or unacceptable discomfort glare for passing pedestrians.

Suitable conditions are included in the recommendation.

Accessibility

The application is supported by technical reports which conclude the proposal is able to achieve compliance with the requirements of the BCA and AS 4299-1995 Adaptable Housing, subject to resolution of nominated design matters. The report notes that those matters can be readily resolved by minor design changes of BCA alternative solutions. These matters can therefore 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.

7.5 Amenity considerations

Internal amenity

A satisfactory outcome is achieved noting the proposal's compliance with the Apartment Design Guidelines.

A significant amount of work has been carried out to the project to maximise the thermal comfort of the future occupants of the apartments, particularly in west facing apartments.

Site 1: Thermal improvement has been made to achieve an average of >7 star NatHERS for the apartments with western facade exposure. Design changes include introduction of spandrel panels, exposing thermal mass in the floor and introduction on ceiling fans to all habitable rooms.

Site 2: Thermal improvement has been made to achieve an average of 6.6 stars NatHERS for the apartments with western facade exposure. Whilst this star rating is not as high as site 1, operable external shading has been introduced to protect all west facing habitable spaces that are not sheltered by a balcony.

The thermal comfort and sustainability matters have been peer reviewed by an independent consultant and found to be satisfactory. Suitable conditions are included in the recommendation.

Common open space

Each site has primary common open space areas located on the podium of Building D and E and rooftop of Building D (on Site 1) and the rooftop of Building K (Site 2). These areas meet 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, will exceed relevant minimum and maximum noise criteria for the apartments without noise attenuation measures. The report identifies glazing/seals treatments to windows to mitigate the impacts and to comply with the relevant guidelines. Suitable conditions are included in the recommendation.

Hotel operations

The hotel component proposed on Site 1 is located and designed such that its operations are unlikely to impact upon the residential elements of the residential towers behind. A more detailed assessment of the hotel and its impacts will be carried out when the detailed internal design and operational details are submitted in a future development application.

Vehicle Workshop

The vehicle workshop component proposed within the basement on Site 1 is located and designed such that its operations are unlikely to impact upon the residential elements of the residential towers behind. A more detailed assessment of the vehicle workshop and its impacts will be carried out when the detailed internal design and operational details are submitted in a future development application.

7.6 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 each of the sites
- 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
- A central public plaza is provided and flanked by activating land uses
- The architectural treatment will achieve a suitable streetscape presentation
- An appropriate landscape treatment is provided for those edges of the site that contribute to the public domain.

Public domain works

The proposed development will greatly enhance the public domain in this section of Auto Alley by providing through site plaza links (landscaped and activated by retail tenancies) and significantly upgrading adjoining streets.

7.7 Relationship to adjacent sites

Overlooking

The location of the towers, and their design, ensures adequate separation from residential development to the west in accordance with ADG requirements.

Overshadowing

Some sites within the vicinity of the subject site will be impacted by overshadowing, however this is inevitable given the heights permitted on the site and the denser urban character of the City centre. The shadows cast are fast moving and only impact on certain properties at certain times of the day.

Operational noise

Enclosed space for mechanical plant is generally provided within the basement and on the roof levels. It is noted that some plant and equipment has been placed on the common open space at the podium level of Building K (Site 2). Given the potential impacts of noise (as well as visual impacts and utilising space for common area) it is considered that this should be relocated to within the building. A suitable condition is included in the recommendation.

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.

Lighting

Adequate lighting of street frontages will be necessary for pedestrian amenity and safety. Details of the lighting will be included within the final public domain plan to be submitted to Council for approval before the issue of a Construction Certificate.

7.8 Access, transport and traffic

Parking supply

The quantum of parking provided, and its allocation amongst the uses, complies with the maximum requirements of LEP 2011.

Parking access and design

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

Construction Traffic

A detailed Construction Traffic Management Plan will be prepared before the issue of a Construction Certificate. Consent conditions relating to hours, noise, access and dust/dirt tracking are included within the recommendation section of this report.

7.9 Water management

Stormwater collection and disposal

Council's Engineer is generally satisfied with the approach to stormwater management. No on site detention will be provided for the development. Stormwater runoff will be harvested and reused on site for irrigation and washing of vehicles. It is considered that the volumes to be stored and harvested will need to be increased to cater for the expected runoff and will need to be reused for toilet flushing and/or other non-potable uses within the development. Suitable conditions are included in the recommendation.

Water quality during construction

This matter is addressed by conditions incorporated within the recommendation section of this report.

7.10 Waste management

Waste management plans have been submitted that address waste management during the demolition, construction, and operational phases of the development. Council's Waste Officer has reviewed the waste management plan and is satisfied with arrangements for the storage and collection of waste from the site. In addition, Council's Traffic Engineer is satisfied the design of the service areas is satisfactory for the type and size of waste vehicles required to access the site.

7.11 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
- Tree protection.

It is considered that these matters can be effectively controlled, without unduly impacting upon the amenity of the area during the construction phases of the development.

7.12 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.

7.13 Social and economic impacts

No adverse impacts have been identified.

8. Site Suitability

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

9. Public Interest

9.1 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:

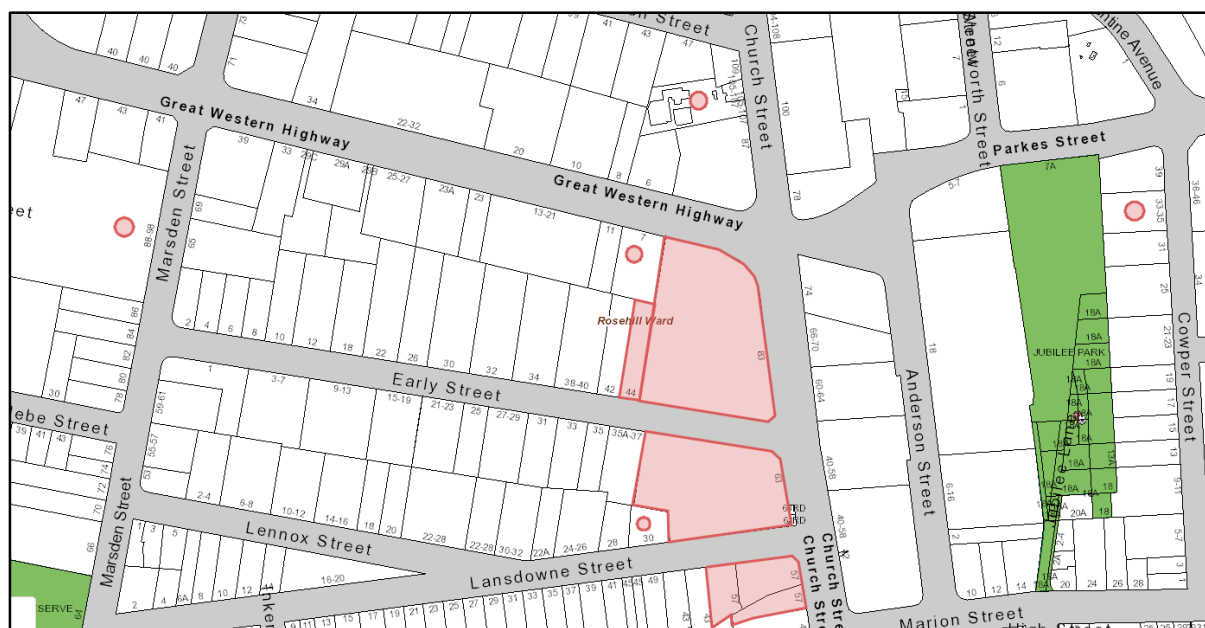
- Support and deliver GPOP
- Encourage employment growth
- Create a more connected District
- Improving housing design and diversity
- Design vibrant and activity centres
- Provide communities with better services
- Showcase the Western Sydney Parklands
- Improve access and health of waterways
- Manage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

This application is consistent with the specific controls introduced by the Department of Planning and Environment and therefore accords with the draft West Central District Plan.

9.2 Public Submissions

In accordance with Council's notification procedures contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties given notice of the application for a 30 day period between 8 September 2016 to 11 October 2016. In response, 5 individual submissions were received.

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



Map of Submission Responses (submissions in red circles)

The issues raised within these submissions are discussed below.

SUBMISSION 1	
30 Lansdowne Street – Parramatta	
Concern	Response
The plant rooms should not be located so close to the boundary and relocated to a less sensitive area.	Some plant and equipment are located on the terrace area on Level 3 of Building K (Site 2). It is agreed that this plant and equipment could be relocated to within the building to reduce impacts on neighbouring properties. A condition is incorporated within the recommendation section of this report.
Overshadowing of the property	The objector's property will be overshadowed by the proposed development in the morning and midday hours during the mid winter. The site is currently zoned for business premises and there are no controls requiring the provision of solar access to commercial premises. Notwithstanding this, the site will obtain some direct solar access in the afternoon hours.
SUBMISSION 2	
7-11 Great Western Highway – Parramatta	
Concerns are raised with the setbacks of Building D and the non-compliances with the ADG	The objector's site is zoned B5 Business Development whereby residential development is prohibited within the zoning applying to this land. The ADG does not apply to commercial buildings.
Concern is raised with the number of living rooms and balconies facing the western boundary which impacts on privacy.	The objector's property is a commercial premises. There is no direct overlooking into the building, only the outdoor forecourt area. It is considered that there are no undue privacy impacts upon the commercial premises.
Concern is raised that the length, height and glazing has unacceptable visual impacts.	The application is consistent with the planning controls and the approved concept plan for the site (including height, length and external materials). The application has been reviewed by the Design Competition Jury and found to achieve design excellence.
The potential impacts arising from the reflectivity of the western façade has not been adequately demonstrated.	A reflectivity report prepared by SLR Consulting was submitted which addresses glare impacts to motorists and pedestrians. These are considered to be the most impacted users whereby safety concerns are at their greatest. It is considered that if the glare impacts are satisfactory for motorists and pedestrians, then the glare would be acceptable for neighbouring properties. In addition, glare upon neighbouring properties would be limited to only certain times of the day and may be mitigated during those times through use of shading devices, building shadows and vegetation. It is considered that given the orientation of the building on the objector's site, there would be no significant impacts of reflectivity.
Concern is raised with the potential wind impacts on the objector's site.	The applicant submitted a wind assessment report, including a section on the impact upon adjoining properties. With respect to the objector's property, the wind assessment reveals that all locational winds are likely to equal to, or less than the current conditions.

Notwithstanding the above, the detailed rezoning and planning controls of the Auto Alley precinct and transitional area were not envisaged at the time that the planning proposal and DCP were prepared and adopted for the subject development site. Any future development of the adjoining site will need to consider the site constraints and ADG requirements with its own design response.

SUBMISSION 3

88-98 Marsden Street – Parramatta (Confidential Submission)

Concern is raised that the proposed development will increase traffic congestion in the area.

The development will generate traffic. The submitted traffic report states that:

Site 1 and 2 combined are anticipated to generate some 429, 540 and 502 two-way trips/hr in the AM, PM and Saturday peak hours respectively. The existing traffic generation of the site has not been removed from this traffic generate estimate thereby representing a worst case scenario.

No objection has been raised by Council's Traffic Officer or the RMS regarding the impacts of the proposed development on the local road network.

The application provides for the voluntary dedication of land along Church Street for future roadworks to provide an additional lane at the Church/Parkes intersection. This will assist in minimising future impacts upon the road system.

SUBMISSION 4

105-107 Church Street – Parramatta (Confidential Submission)

Concern is raised that the proposed development will increase traffic congestion in the area.

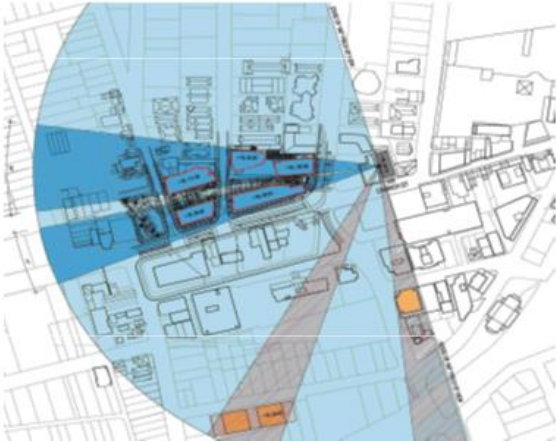
This issue has been discussed above.

The proposed development will block views.

Strata plans were not available to confirm the location of the objector's property, however if the worst case scenario is assumed, then the objector would have living areas and a balcony south facing from the existing residential flat building.

The applicant has provided a detailed view analysis indicating the impacts upon the objector's site. The proposed development would impact upon views directly south from this site. It is noted that the view is towards Woodville Road with no identified significant or iconic views.

According to the view analysis there is opportunity for south-easterly and south westerly views from the objector's site which would enable some form of view sharing.

	 <p>It is considered that measures required to preserve the existing view would be unreasonable given the planning controls relating to the site and the likely future redevelopment of the adjoining site at 87 Church Street/6 Great Western Highway between the distant view and the objector's property.</p> <p>Given the above, as the views are not especially significant, some view lines will be maintained, and as the proposed development will sit within an envelope anticipated by the planning controls applying to the site, it is considered that the proposal does not significantly impact on any view for which there might be a reasonable expectation of retention.</p> <p>It is not considered that there is any reasonable measure that could be employed to ensure retention of the affected views.</p>
The proposed development will cast shadows on the objector's property.	The objector's property is located to the north of Great Western Highway, approximately 65m north of the subject site. The proposed development will not cast shadows on the objector's property.
Concern is raised with construction impacts including dust and noise.	Appropriate conditions are incorporated within the Recommendation section of the report which seek to avoid or minimise the impacts of construction, including noise, dust and hours of work.
Concern is raised whether the ratepayers will fund the proposed overbridge.	The applicant will be responsible for the construction and maintenance costs of the future pedestrian overbridge.
Concern is raised with the potential building quality of the proposed development and the purchasing abilities for young Australians.	The application has been subject to a rigorous design excellence process. Conditions will be imposed that ensure the design integrity of the development is maintained through the construction process. Council has no power to influence the purchasing abilities of potential apartment buyers.
The increase in density will result in added pressure on the public transportation system	Any increased demand for public transport is a matter that will need to be considered as part of the standard operational functions of Sydney Trains.
There is already insufficient parking available in the area.	The proposed development provides for ample parking of vehicles for occupants and visitors. The proposed

This development will worsen the problem	development complies with Council's parking requirements.
Concerns raised that the stormwater system will not be able to cope with the increased catchment area.	The proposed development does not increase the catchment area. Council's Development Engineer has reviewed the application and raises no objections subject to specific conditions, including the upgrading of Council's stormwater system.
Concern is raised that the development will adversely impact on surrounding property values.	The potential impacts of the proposed development have been assessed and it is considered that these impacts are acceptable for the proposal. No evidence has been submitted as to how the proposed development will adversely impact on the resale value of the objector's property.
SUBMISSION 5	
33 Cowper Street – Parramatta (Unit Unknown)	
Questions whether there is an oversupply of apartments in Parramatta.	The proposed yield is supported within the permissible floor space within the development.
The increased density should be accommodated by a tunnel to connect Parramatta with the central city.	This is a strategic matter that is beyond the scope of the proposed development.
Faster trains should be provided to accommodate the transfer of people from Parramatta to the central city.	Any increased demand for public transport is a matter that will need to be considered as part of the standard operational functions of Sydney Trains.
The increase in density will result in Council spending more money on cleanliness within the area.	The density is envisaged within the planning controls applicable to the site. It is inevitable additional cleaning of the public domain will increase as the city grows in size.

AMENDED PLANS

Yes

Summary of amendments

The original plans submitted with the development application were amended to reduce the number of apartments, reinstate community facilities, relocate the pedestrian bridge, reconfigure some apartments and car parking areas and incorporate measures to improve thermal comfort. Site 3 was originally included within the development application when lodged, however was later deleted from the proposal. Site 3 will be developed as a separate stage with a separate development application being lodged with Council.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

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

9.3 Conclusion

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

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

10. Conclusion

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

ATTACHMENT B - CONDITIONS OF CONSENT

SWCCP Reference:	2016SYW168
DA No:	DA/738/2016
Address:	63 and 83 Church Street & 44 Early Street, Parramatta

GENERAL MATTERS:

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing No.	Drawing Name	Prepared By	Dated
Site 1 Architectural Drawings			
DA0000 – Issue 6	Cover Sheet	AJ+C	19/05/2017
DA0001 – Issue 3	Artist Impression	AJ+C	19/04/2017
DA0002 – Issue 4	Artist Impression	AJ+C	19/04/2017
DA0003 – Issue 4	Artist Impression	AJ+C	19/04/2017
DA0004 – Issue 3	Artist Impression	AJ+C	19/04/2017
DA0005 – Issue 3	Artist Impression	AJ+C	19/04/2017
DA1001 – Issue 5	Site Plan	AJ+C	19/04/2017
DA2001 – Issue 10	Basement 1	AJ+C	23/05/2017
DA2002 – Issue 9	Basement 2	AJ+C	23/05/2017
DA2003 – Issue 8	Basement 3	AJ+C	23/05/2017
DA2004 – Issue 7	Basement 4	AJ+C	23/05/2017
DA2005 – Issue 7	Basement 5	AJ+C	23/05/2017
DA2006 – Issue 8	Basement 6	AJ+C	23/05/2017
DA2101 – Issue 7	Level 01 Floor Plan	AJ+C	19/04/2017
DA2102 – Issue 8	Level 02 Floor Plan	AJ+C	19/04/2017
DA2103 – Issue 11	Level 03 Floor Plan	AJ+C	27/06/2017
DA2104 – Issue 8	Level 04-10 Floor Plan	AJ+C	19/05/2017
DA2111 – Issue 8	Level 11 Floor Plan	AJ+C	19/05/2017
DA2112 – Issue 8	Level 12 Floor Plan	AJ+C	19/05/2017
DA2113 – Issue 7	Level 13-19 Floor Plan	AJ+C	19/05/2017
DA2120 – Issue 8	Level 20-22 Floor Plan	AJ+C	19/05/2017
DA2123 – Issue 8	Level 23 Floor Plan	AJ+C	19/05/2017
DA2124 – Issue 6	Level 24-30 Floor Plan	AJ+C	19/05/2017
DA2131 – Issue 8	Level 31-38 Floor Plan	AJ+C	19/05/2017
DA2140 – Issue 8	Level 39-42 Floor Plan	AJ+C	19/05/2017
DA2143 – Issue 6	Level 43 Roof Plant	AJ+C	19/04/2017
DA3101 – Issue 8	Elevation East	AJ+C	19/05/2017
DA3102 – Issue 6	Elevation North & South	AJ+C	19/04/2017
DA3103 – Issue 7	Elevation West	AJ+C	19/05/2017
DA3104 – Issue 2	Building F East Elevation	AJ+C	19/04/2017
DA3105 – Issue 2	Detailed Street Elevations 1	AJ+C	19/04/2017
DA3106 – Issue 2	Detailed Street Elevations 2	AJ+C	19/04/2017
DA3107 – Issue 2	Internal Plaza East Elevation	AJ+C	19/04/2017
DA3108 – Issue 2	Internal Plaza West Elevation	AJ+C	19/04/2017
DA3201 – Issue 6	Long Section 1	AJ+C	19/04/2017
DA3202 – Issue 5	Long Section 2	AJ+C	19/04/2017

DA3203 – Issue 5	Cross Section 1	AJ+C	19/04/2017
DA3204 – Issue 4	Cross Section 2	AJ+C	19/04/2017
DA3211 – Issue 3	Boundary Sections	AJ+C	19/04/2017
DA4101 – Issue 4	Detail Sections & Elevations Building D – Sheet 1	AJ+C	16/06/2017
DA4102 – Issue 3	Detail Sections & Elevations Building D – Sheet 2	AJ+C	19/04/2017
DA4103 – Issue 3	Detail Sections & Elevations Building D – Sheet 3	AJ+C	19/04/2017
DA4104 – Issue 3	Detail Sections & Elevations Building F	AJ+C	19/04/2017
DA4105 – Issue 3	Detail Sections & Elevations Building E	AJ+C	19/04/2017
DA4110 – Issue 2	Architectural Roof Feature	AJ+C	19/04/2017
DA5101 – Issue 3	Adaptable Apartment Plans	AJ+C	19/04/2017
SK3109 – Issue 1	Mullion Study – East	AJ+C	21/06/2017
SK3110 – Issue 1	Mullion Study – West	AJ+C	21/06/2017
Site 2 Architectural Drawings			
DA-001-001 – Rev H	Title Sheet	Turner	19/05/2017
DA-110-001 – Rev F	Basement 05	Turner	17/05/2017
DA-110-002 – Rev F	Basement 04	Turner	17/05/2017
DA-110-003 – Rev F	Basement 03	Turner	17/05/2017
DA-110-004 – Rev F	Basement 02	Turner	17/05/2017
DA-110-005 – Rev G	Basement 01	Turner	17/05/2017
DA-110-010 – Rev E	Level 01 (Ground)	Turner	17/04/2017
DA-110-020 – Rev D	Level 2	Turner	16/12/2016
DA-110-030 – Rev D	Level 3	Turner	16/12/2016
DA-110-090 – Rev D	Level 4 - 9	Turner	16/12/2016
DA-110-100 – Rev D	Level 10	Turner	16/12/2016
DA-110-110 – Rev D	Level 11 - 15	Turner	16/12/2016
DA-110-160 – Rev D	Level 16 - 18	Turner	16/12/2016
DA-110-200 – Rev D	Level 19 - 28	Turner	16/12/2016
DA-110-290 – Rev D	Level 29	Turner	16/12/2016
DA-110-300 – Rev D	Level 30 - 31	Turner	16/12/2016
DA-110-320 – Rev D	Level 32 Roof Garden	Turner	No rev date
DA-110-330 – Rev G	Roof Plan	Turner	No rev date
DA-250-001 – Rev A	Church Street Elevation	Turner	28/06/2016
DA-250-002 – Rev A	Central Plaza East Elevation	Turner	28/06/2016
DA-250-003 – Rev A	Early Street Elevation	Turner	28/06/2016
DA-250-004 – Rev B	Lansdowne Street Elevation	Turner	29/07/2016
DA-250-005 – Rev I	West Elevation	Turner	30/06/2017
DA-250-006 – Rev A	Central Plaza West Elevation	Turner	28/06/2016
DA-260-011 – Rev D	GA Detail Elevations Church Street South	Turner	16/12/2016
DA-260-012 – Rev D	GA Detail Elevations Church Street North	Turner	16/12/2016
DA-260-031 – Rev D	GA Detail Elevations Early Street East	Turner	16/12/2016
DA-260-032 – Rev D	GA Detail Elevations Early Street Middle	Turner	16/12/2016
DA-260-033 – Rev D	GA Detail Elevations	Turner	16/12/2016

	Early Street West		
DA-260-041 – Rev D	GA Detail Elevations Lansdowne Street West	Turner	16/12/2016
DA-260-042 – Rev D	GA Detail Elevations Lansdowne Street Middle	Turner	16/12/2016
DA-260-043 – Rev D	GA Detail Elevations Lansdowne Street East	Turner	16/12/2016
DA-350-001 – Rev A	Section A	Turner	28/06/2016
DA-721-001 – Rev E	Solar & Ventilation Amenity	Turner	10/04/2017
DA-800-001 – Rev E	Façade Sections	Turner	17/04/2017
DA-800-002 – Rev A	Boundary Sections	Turner	28/06/2016
DA-800-003 – Rev D	Driveway Plan & Sections	Turner	16/12/2016
DA-800-004 – Rev A	Floodway Detail Section	Turner	28/06/2016
DA-800-005 – Rev A	Floodway Detail Elevation & Section	Turner	28/06/2016
DA-800-006 – Rev A	Building Character Sheet 1	Turner	28/06/2016
DA-800-007 – Rev A	Building Character Sheet 2	Turner	28/06/2016
DA-800-008 – Rev A	External Finishes and Materials	Turner	28/06/2016
DA-800-009 – Rev D	Communal Open Space	Turner	17/03/2016
DA-800-011 – Rev I	Facade Details – Building K – East Elevation	Turner	30/06/2017
DA-800-012 – Rev I	Facade Details – Building K – West Elevation	Turner	30/06/2017
DA-800-013 – Rev E	Facade Details – Building L – East Elevation	Turner	11/04/2017
DA-810-001 – Rev A	Apartment Types Sheet 1	Turner	28/06/2016
DA-810-002 – Rev A	Apartments Types Sheet 2	Turner	28/06/2016
DA-810-003 – Rev A	Apartments Types Sheet 3	Turner	28/06/2016
DA-810-004 – Rev A	Apartments Types Sheet 4	Turner	28/06/2016
DA-810-005 – Rev A	Apartments Types Sheet 5	Turner	28/06/2016
DA-900-001 – Rev A	3D Views – Church Street Looking North	Turner	28/06/2016
DA-900-002 – Rev A	3D Views – Aerial	Turner	Undated
DA-900-003 – Rev A	3D Views – Church Street Looking South	Turner	Undated
DA-900-004 – Rev A	3D Views – Early & Lansdowne Street Views	Turner	Undated
Landscape & Public Domain Plans - Site 1			
L-01-000 – Rev E	Cover Sheet & Location Plan	Oculus	07/03/2017
L-01-100	Public Domain Plan	Oculus	07/03/2017
L-01-110 – Rev D	Ground Floor GA & Planting Plan 1/2	Oculus	07/03/2017
L-01-110 – Rev E	Ground Floor GA & Planting Plan 2/2	Oculus	07/03/2017
L-01-300 – Rev D	Level 3 GA & Planting Plan 1/2	Oculus	07/03/2017
L-01-301 – Rev D	Level 3 GA & Planting Plan 2/2	Oculus	07/03/2017
L-01-400 – Rev C	Rooftop GA & Planting Plan	Oculus	07/03/2017
L-01-800 – Rev C	Sections & Elevations – Ground Floor	Oculus	07/03/2017

L-01-801 – Rev D	Sections & Elevations – Ground Floor	Oculus	07/03/2017
L-01-802 – Rev C	Sections & Elevations – Level 3 Podium	Oculus	07/03/2017
L-01-803 – Rev C	Sections & Elevations – Rooftop	Oculus	07/03/2017
L-01-804 – Rev C	Sections & Elevations – Ground Floor	Oculus	07/03/2017
L-01-900 – Rev C	Materials & Finishes	Oculus	07/03/2017
L-01-901 – Rev C	Planting Palette	Oculus	07/03/2017
L-01-910	Typical Softscape on Slab Details	Oculus	07/03/2017
Landscape & Public Domain Plans - Site 2			
L-02-000 – Rev E	Cover Sheet & Location Plan	Oculus	07/03/2017
L-02-100 – Rev E	Public Domain Plan	Oculus	07/03/2017
L-02-110 – Rev D	Ground Floor GA & Planting Plan	Oculus	07/03/2017
L-02-300 – Rev D	Level 3 GA & Planting Plan	Oculus	07/03/2017
L-02-400 – Rev D	Rooftop GA & Planting Plan	Oculus	07/03/2017
L-02-800 – Rev D	Sections & Elevations – Ground Floor	Oculus	07/03/2017
L-02-801 – Rev D	Sections & Elevations – Ground Floor	Oculus	07/03/2017
L-02-802 – Rev D	Sections & Elevations – Ground Floor	Oculus	07/03/2017
L-02-803 – Rev D	Sections & Elevations – Level 3 Podium	Oculus	07/03/2017
L-02-804 – Rev C	Sections & Elevations – Rooftop	Oculus	07/03/2017
L-02-900 – Rev C	Materials & Finishes	Oculus	07/03/2017
L-02-901 – Rev C	Planting Palette	Oculus	07/03/2017
L-02-910 – Rev B	Typical Softscape on Slab Details	Oculus	07/03/2017
Engineering Drawings			
Drawing Nos. DAC001-DAC0-87 Issue B	Civil Works Package	at&l	25/01/2017
Land Dedication Plan (for the purposes of indicating land dedication only)			
DA-100-001 – Rev H	Site Plans	Turner	06/05/2016

Document(s)	Prepared By	Dated
Gateway Parramatta One DA Report – Stage 2	AJ+C	05/05/2017
Architectural Statement – Rev C - Site 2	Turner	June 2017
Detailed Environmental Site Assessment Report – Report ID CES150907-DYL-AE – Revision 1	Consulting Earth Scientists	03/01/2016
Waste Management Plan – Revision C (Site 1)	Elephants Foot	10/05/2016
Waste Management Plan – Revision C (Site 2)	Elephants Foot	10/05/2016
Construction Waste Management Plan – Site 1 and Site 2	Dyldam	19/07/2016
Acid Sulfate Soils Investigation Report –	Consulting Earth	16/05/2015

Report ID CES150907-DYL-AG – Revision 0.0	Scientists	
Public Art Strategy (Concept) UAP Ref: C4406A - subject to finalisation – see conditions of consent	UAP Studio	Feb 2016
Reflectivity and Glare Assessment (Building D) Report No. 610.15728-R1 (V2)	SLR Global Environmental Solutions	19/05/2017
Acoustic Assessment Document 20160727.1/2306A/R0/MF – Revision 0	Acoustic Logic	23/06/2016
Landscape Design Report – Site 1 Landscape Design Report – Site 2	Oculus	August 2016
Environmental Wind Tunnel Study Report No. 610.15728 (Version 2)	SLR Global Environmental Solutions	11/05/2017
Site 1 - Basix Certificate 726435M_08	-	22/05/2017
Site 1 – NatHERS Certificate 0001501150	Hamidul Islam	22/05/2017
Site 1 Stamped Drawings	Hamidul Islam	26/05/2017
Site 2 – Basix Certificate 725043M_06	-	03/07/2017
Site 2 – NatHERS Certificate 0001498400	Hamidul Islam	19/05/2017
Stamped Drawings 170630_DA SET	Hamidul Islam	02/07/2017
Thermal Comfort Assessment – Report 610.15728 – Revision 1	SLR Global Environmental Solutions	22/05/2017
Energy Efficiency Report Report No. 610.16002-R2	SLR Global Environmental Solutions	03/08/2016
2015 BCA Section J Report – Report No 610.15728-R4 – Revision 0	SLR Global Environmental Solutions	29/06/2016
Structural Report for Flood Impact, reference number 2021702	Bonnacci Group (NSW) P/L	06/03/2017
Horiso Specialty Venetian Blinds Brochure daed.	Horiso	October 2015
Civil Infrastructure Report, Report Ref. 15-332-01 Revision 02	at&I	27/01/2017
Gateway South Concept Design – Response to Council Inquiries: Flooding	SMEC	January 2017
Flood emergency response strategy	SMEC	January 2017
Supplementary flood impact report	AECOM Australia P/L	03/09/2015
Flood impact assessment, reference number 59915016, dated	Cardno	14/08/2015
Structural report for flood impact - reference number 2021702	Bonnacci Group (NSW) P/L	06/03/2017
Preliminary Geotechnical investigation report, REPORT ID: CES150907-DYL-AE	Consulting Earth Scientists P/L	05/12/2015

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

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

2. 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 consent. In this regard should physical commencement not occur by **(insert date 5 years from issue of consent)** the consent will lapse.

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

3. The development may be carried out in two (2) stages of construction. The breakdown of stages are as follows:

Construction Stage	Site	Address
Stage 1	Site 1	83 Church Street and 44 Early Street Bounded by Great Western Highway, Church Street & Early Street
Stage 2	Site 2	63 Church Street Bounded by Church Street, Early Street and Lansdowne Street

The terms and conditions of this consent shall be met for each stage, unless otherwise stated.

Reason: To confirm the proposed separate stages of construction.

4. No approval is given within this consent for the use of the proposed hotel on Site 1. A separate development application shall be lodged with the Council for the fitout and use of the hotel.

Note: This consent only provides for an 'in principal' approval for the hotel use.

Reason: To acknowledge the need for further approval for the hotel premises.

5. The development is to comply with the terms and conditions specified within the agreed voluntary planning proposal executed on 22 January 2014.

Reason: To ensure the requirements of the agreed voluntary planning agreement are complied with during the development process.

6. With the exception of the approved public domain works, the development shall 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, shall encroach upon Council's footpath area or over adjoining 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.

- 6A. Any new buildings or structures together with any improvements integral to the future use of the site are erected clear of the land required for road (unlimited in height or depth).

Reason: To ensure the development does not impact on future road works and to comply with RMS requirements.

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

Reason: To ensure compliance with legislative requirements.

8. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-
- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
 - b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
 - e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9806 5050. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
 - f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
 - g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
 - h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
 - i) Demolition is to be completed within 2 months of commencement.
 - j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

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

Reason: To ensure appropriate demolition practices occur.

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

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

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

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

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

Reason: To minimise impact on adjoining properties.

- 12. All existing trees located within the subject property boundaries are approved for removal.

Reason: To facilitate development.

- 13. Strata subdivision requires development consent and therefore the lodgement of a separate development application and subsequent approval from Council or an accredited certifier, of the strata plan, under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

Reason: To comply with the Environmental Planning & Assessment Act 1979 and Strata Schemes (Freehold Development) Act 1973.

14. “No Stopping” parking restrictions are to be provided on Early Street in approach to the driveways such that sight distances in accordance with AS2890.1:2004 are achieved. The signs are subject to the approval of the Parramatta Traffic Committee under Delegated Authority. The applicant is required to submit an application to Council’s Service Manager – Traffic and Transport regarding the regulatory signs and line marking, prior to issue of the Construction Certificate. The costs of the supply and installation of these signs are to be paid for by the applicant at no cost to Council. The works are to be carried out before the issue of any Occupation Certificate.

Reason: To ensure that stopping sight distance is provided for vehicles approaching the driveways.

15. The minimum finished floor level for any habitable rooms shall be the flood planning level of RL 12.9m AHD, with the exception of the lobby area in Site 1 which is noted on the approved plans at 12.6m AHD. Note the car workshop as shown on the architectural drawings in the Basement Level 1 of Site 1 is not considered a habitable room and so is not covered by this constraint.

All building and landscape construction must be designed to be inundated and to resist the forces of moving floodwaters, water-borne debris and flotation, up to the Probable Maximum Flood (PMF) level.

Note: The site is subject to flooding from the nearby Clay Cliff Creek. Council has identified the 1% AEP flood level as 12.4m AHD and the probable maximum flood level as RL 14.0m AHD for site 1 and RL 14.2m AHD for site 2.

Reason: To mitigate impacts of flooding.

16. Passive (non-mechanical) flood protection to the FPL (12.9m AHD) is required to be provided to all of the basement car park entries and openings from ground floor level (driveways, stairwells, lifts, service cores etc. and any other vertical openings) by provision of crests and continuous bunding.

Reason: To mitigate impacts of flooding.

17. All vehicular and pedestrian entry points to the basement level, including fire stairs that exit the building below the PMF level, are to be protected with automatic, fail-safe systems such as increased crest levels or self-actuated flood gates propelled by flotation up to the PMF (14.0m AHD for site 1 and 14.2m AHD for site 2).

Stairways and lifts within the building that connect the basement levels to the ground and higher areas and fire escape stairs must be protected from inundation by approved self-operating flood barriers (such as ‘Flood Break’ or equivalent) or flood doors up to the PMF level, to prevent water from entering the basement levels. Details of these are to be submitted to Council’s Team Leader Technical Specialists for approval prior to release of a Construction Certificate for each relevant stage. The operation and maintenance of these systems must be addressed in the Flood Emergency Response Plan.

Designs must include adequate ventilation of the basement car parks during severe floods up to the PMF event. For example, the inlet/outlet vents of ventilation shafts are to be located well above the PMF level.

Reason: To mitigate impacts of flooding.

18. In order to ensure the design quality excellence of the development is retained:
(a) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project

- (including signing off any required certifications at DA, S96 Applications, Construction Certificate and Occupation Certificate stages)
- (b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the life of the project
 - (c) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate
 - (d) Council's Design Competition Panel (The Jury) reviews and provides comment on the architectural drawings, landscape drawings and samples of all external materials, in particular the external glazing and façade detailing prior to the issue of any Construction Certificate and any Occupation Certificate
 - (e) The design architect of the project is not to be changed without prior notice and approval of the Council.

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

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

19. The development is to be carried out in accordance with the General Terms of Approval of WaterNSW (Reference No. 10ERM2016/0969) dated 17 October 2016. Note: The General Terms of Approval are not the authorisation for the Aquifer Interference Activity. The Applicant must apply to WaterNSW for authorisation before the commencement of any works.

Reason: To comply with legislative requirements.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE:

20. The plant and equipment located on the Level 3 terrace on Building J/K is to be relocated to within the building envelope and not externally exposed. This modification is to be shown on the Construction Certificate plans to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

Reason: To protect the amenity of adjoining properties and to provide a more useable outdoor terrace area for the future occupants of the site.

21. External venetian blinds shall be installed on Building K (Site 2) in accordance with the plans identified as Project No. 13079 DA-250-005 (Revision I) and DA-800-012 (Revision I) prepared by Turner dated 30.06.2017 and the Horiso Specialty Venetian Blinds Brochure dated October 2015. These details are to be shown on the Construction Certificate plans to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

Reason: To confirm the details of the application and maximise thermal comfort to apartments.

22. The following sustainability measures shall be incorporated into the Construction Certificate to the satisfaction of the Principal Certifying Authority before the issue of any Construction Certificate for that part of the building:

- (a) No less than 90 kWp of rooftop solar photovoltaic generation to be installed with no less than 50kWp provided on each site 1 and 40kWp on site 2. Solar panels are to be located with good orientation and in an unshaded location
- (b) Commercial office component to achieve 5 star Green Star Design As Built certification. A design review certification confirming 5 stars in achievable is lodged prior to issue of a Construction Certificate for the relevant works portion

- (c) Commercial hotel component to achieve 5 star Green Star Design As Built certification. A design review certification confirming 5 stars in achievable is lodged prior to issue of a Construction Certificate for the relevant works portion
- (d) The following initiatives scheduled in the sustainability reports submitted in with the development application are to be delivered
- (e) Efficient air-conditioning system with a COP of more than 3.5 to the retail tenancies and commercial offices
- (f) Maximum average lighting power density of 22 W/m² to the retail tenancies
- (g) Maximise native coastal and other drought resistant species that rely primarily on rainwater
- (h) Low VOC paint, carpet, sealant and adhesives throughout the buildings
- (i) Provide operable external shading capable of providing 100% shading coverage to all western exposed glazing on building K that does not face a balcony
- (j) Achieve an average of not less than 6.62 star NatHERS rating across all apartments in building K that have habitable spaces with glazing exposed to the west
- (k) Achieve an average of not less than 7.88 star NatHERS rating across all apartments in building D that have habitable spaces with glazing exposed to the west
- (l) Achieve an average of not less than 7.42 star NatHERS rating across all apartments in building E that have habitable spaces with glazing exposed to the west
- (m) Achieve an average of not less than 6.5 stars across all the apartments in Site 1 in accordance with Certificate Number 0001501150
- (n) Achieve an average of not less than 6.2 stars across all the apartments in Site 2 in accordance with Certificate Number 0001498400
- (o) Achieve BASIX Energy 24 and BASIX Water 48 for Site 2 in accordance with certificate number 725043M_06
- (p) All balconies and/or wintergardens for residential apartments are to have an effective open areas to atmosphere of not less than 25% of the external vertical face area
- (q) All balconies and/or wintergardens for residential apartments that house an air conditioning condenser or outdoor unit are to have an effective open area to atmosphere of not less than 50% of external vertical face area
- (r) Swimming pools are to be unheated.

Reason: To confirm the details of the proposal and ensure appropriate sustainability measures are incorporated for the thermal comfort of the future occupants of the site.

23. Prior to the issue of a construction certificate for Building F on Site 1, the Developer is to enter into a Transport Infrastructure Contributions Deed with Roads and Maritime Services to construct the proposed pedestrian bridge in the Great Western Highway near the Church Street intersection.

Note: The details of the design of the bridge is to be approved by Council and the RMS and will be the subject of a separate application submitted to Council.

Reason: To ensure that the development does not compromise the effective and ongoing operation and function of classified roads, to ensure the efficiency of movement of people and to mitigate and manage any potential traffic safety and road congestion implications of the development.

24. Prior to the issue of a Construction Certificate for Building F on Site 1, a covenant and easement shall be created for the provision and public access of the pedestrian bridge. In this regard, the following requirements will apply:

- (a) The applicant shall seek confirmation from the RMS (in conjunction with Council) as to the exact location of the easement land and register against the title to the land:
 - (i) a covenant in favour of RMS prohibiting any building or structures other than structures for the purposes of the pedestrian bridge or purposes that will not be inconsistent with the proposed pedestrian bridge, to be constructed on the easement land; and
 - (ii) an easement in gross burdening the easement land in favour of RMS permitting public access to the easement land and authorising the continued use of the easement land for a pedestrian bridge.
- (b) The RMS will be the body whose authority is required to vary or release the covenant and easement in gross.
- (c) Any requirement to register an easement, covenant or other instrument against the title to the land will be satisfied when the Developer provides to the Council a copy of the relevant title search showing the registration of the instrument.

The preparation and registration of the covenant and easement shall be carried out at no cost to the Council or the RMS.

Reason: To ensure that the development does not compromise the effective and ongoing operation and function of classified roads, to ensure the efficiency of movement of people and to mitigate and manage any potential traffic safety and road congestion implications of the development.

- 25. The 5m wide strip of land required for road along Church Street, and identified as such on the site plans DA-100-001 – Rev H prepared by Turner dated 06/05/2016, shall be identified as separate lots in any plan of subdivision and dedicated to Council at no cost to Council, prior to the issue of any Construction Certificate. Details of the transfer of ownership are to be submitted with the Construction Certificate.

Reason: To confirm the details of the application and facilitate timely road improvements in the locality.

- 26. Revised plans indicating compliance with the following traffic matters are to be submitted to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate. These plans are to indicate the following:
 - (a) Maximum parking spaces for each approved use as indicated on the approved architectural plans
 - (b) Parking spaces are to be provided in accordance with the approved plans and with AS2890.1, AS2890.2 and AS 2890.6. The design is to be certified by a suitably qualified traffic engineer
 - (c) The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015
 - (d) The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the underside of the vehicles scraping.

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

AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the Construction Certificate.

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

27. Prior to the issue of a Construction Certificate, a set of **Public Domain Plans** must be submitted and approved by the Manager, Development and Traffic Services Unit for all the works within the public domain and publicly accessible areas, which consist of the following areas:

- all frontages of the development site between the gutter and building lines in Church Street, Great Western Highway, Early Street and Lansdowne Street, including road pavement, kerb return, kerb ramp, kerb & gutter, in-road planting, footpath, planting beds, and associated drainage works
- all building setback areas adjoining public land
- the public Central Plaza in Site 02 and 03.

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

- the latest City of Parramatta Public Domain Guidelines (PDG)
- approved Landscape Plans prepared by Oculus Landscape Architect;
- approved Civil Works Package by at&I Civil Engineers and Project Managers;
- all the listed conditions in this consent.

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

- The information provided in different sets in the Public Domain Plan package shall be **fully coordinated** that include survey, architectural, landscape, engineering, lighting, and stormwater plans.
- The design of the public domain in Church Street and Great Western Highway shall be co-ordinated with the RMS road widening project in Church Street. The proposed bio-swale in Church Street shall be removed to accommodate the road widening and required 3m share path. A 2m wide planted nature verge with tree planting is to be placed along the new kerb and a 3m share way abutting the new property boundary after dedication.
- The proposed kerb extensions and WSUD devices (rain garden) in Early Street and Lansdowne Street shall be revised in consultation with Council's Urban Design Team. There shall be one pair of kerb ramps in each street, and one WSUD rain garden on each side of streets located in the upstream side of the kerb extensions.
- The landscape design surrounding the proposed footbridge landing structure is to be modified. The proposed planting bed east of the water feature shall be redesigned or relocated to provide a clear disabled access route from the corner of Church Street and Great Western Highway to the Central Plaza.
- The proposed subsurface soil void in the Central Plaza shall be constructed in accordance with the approved landscape plans and sections. The architectural plans need to be co-ordinated and clearly demonstrate the proposal prior to the Construction Certificate approval. The subsurface soil void must provide minimum 1m clear soil depth excluding drainage and waterproof layers.
- The proposed WSUD pits shall be converted into conventional planting beds with passive irrigation facilitated by suitable gradients in the surrounding paved areas.

The selected planting materials shall provide high aesthetic value with rich contrast in colour and texture. Proper landscape soil mix with adequate growing media (organic content) shall be used to suit proposed plant species, instead of lightweight soil mix.

- All the required disabled access facilities (e.g. TGSi, handrail) shall be used and placed in accordance with AS 1428.4.1 2009. All the steps and ramps shall be designed with sufficient landing spaces on the top and base of the structures to accommodate required TGSi and handrail projections without protruding into pedestrian desire lines or clear paths of travel.
- Public seating furniture and bin enclosure is required to be provided in the public domain area. Any proposed public furniture shall comply with the requirements in the PDG.
- A lighting plan for the Central Plaza shall be prepared by a suitably qualified lighting engineer according to Council's specified lighting level, and submitted to Council for approval prior to the issue of CC.

The Public Domain Plan shall be prepared in accordance with, but not limited to, the following requirements:

- (a) The paving material applied in the public domain and adjoining building setback areas shall comply with the following requirements:
 - In accordance with the Public Domain Guidelines – City Centre paving strategy, the 'Full Granite Treatment' shall be applied on Church St; while the 'City Centre Paving' is to be on Great Western Highway, Early St and Lansdowne St. The detailed paving design shall comply with the CoP standard paving details – DS40 (City Centre Paving) and DS45 (granite treatment), which can be obtained from the CoP Urban Design team.
 - Paving material and finishes for the Central Plaza and building setbacks shall be compatible with the paving material used in the public footpath. Samples of the selected materials shall be provided to Council's Urban Design team for approval prior to the issue of CC.
 - The public and private domains shall be clearly defined around the perimeters of the development by using metal edges or different paving materials.
- (b) The new street trees shall be placed in accordance with the minimum clearance requirements in the CoP Public Domain Guidelines. The required tree species, quantities and supply stock are:

Street Name	Botanical Name	Common name	Pot Size	Quantity	Ave. Spacing
Church St	<i>Corymbia maculata</i>	Spotted Gum	400L	15	10m
Great Western Highway	<i>Flindersia australis</i>	Australian Teak	400L	4	12m
Early St	<i>Corymbia maculata</i>	Spotted Gum	400L	11	14m
Lansdowne St	<i>Corymbia maculata</i>	Spotted Gum	400L	9	14m

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

Container Size	Height (above container)	Caliper (at 300mm)	Clear Trunk Height
400 litre	3.5 metres	80mm	1.7 metres

- (c) The applicant needs to develop the tree planting details in accordance with the site conditions and CoP standard street tree planting details with 'StrataVault', and the requirements detailed as below (unless otherwise advised by CoP Urban Design Team prior to the issue of CC).

- The required soil volumes are:

Tree Species	Crown Spread	Crown Projection	Approx. Soil Volume Range
<i>Corymbia maculata</i>	10m	100m ²	48m ³
<i>Flindersia australis</i>	8m	50m ²	24m ³

- The sizes and finishes of the tree pits are:

Street Name	Tree Species	Pit Sizes	Finishes	Understorey Planting Species/Sizes
Church St	<i>Corymbia maculata</i>	Continuous planted verge	Mass Planting	TBC
Great Western Highway	<i>Flindersia australis</i>	1.5m x 4m	Mass planting	<i>Dianella caerulea</i> 'Little Jess'; <i>Dianella tasmanica</i> 'Silver Streak'; and <i>Nandina domestica</i> 'Golf Stream'
Early & Lansdowne St	<i>Corymbia maculata</i>	1.2m x 1.8m	Mulch	N/A

- (d) A site investigation and underground service mapping shall be required prior to the issue of CC to identify any potential constraints on tree planting.

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

- (f) A conduit for Council's multi-media facilities is required to be installed to the full length of the street frontages on Church Street. The conduit must be positioned and installed in accordance with Council's standards drawing and specifications.

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

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

28. The following landscaping details shall be provided on plan to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate:

- Construction details showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens are to be provided by a suitably qualified structural engineer.
- A specification for the soil volume, soil depth and soil area must meet the prescribed standards in "Apartment Design Guide – tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015) to be provided by a suitably qualified Landscape Architect/Designer for all proposed tree plantings with an expected mature height of five (5) metres or greater.
- A specification ('Fit-for-purpose' performance description) for soil type must be provided by a suitably qualified Soil Scientist.

- d) Tree planting densities shall not exceed the prescribed soil volume and area required for plant type and certification must be provided by a suitably qualified Landscape Architect/Designer.

Reason: To ensure the creation of functional gardens

29. The final Landscape Plan must be consistent with the approved Landscape Plans together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:
- (a) A detailed Planting Plan for each of Sites 01 and 02 are to be provided and must include indicative planting schedules nominating the proposed species of trees, shrubs and ground covers, indicating locations, species type (botanic/common name) mature dimensions, plant numbers/planting density (annotated on the Planting Plans) and the size of the containers at planting for each Site.
 - (b) The proposed planting of *Hymenosporum flavum* (Native Frangipani) to the Plaza entrance (Site 1) is to be replaced with a *Magnolia grandiflora* cvs (Bullbay Magnolia).
 - (c) The proposed planting of *Lomandra fluviatilis* 'shara' (Mat Rush) in the flush planters located in the Plaza is to be replaced with a *Dianella* cvs (Flax Lilly).
 - (d) Large sized trees are not to be planted upon structure above the ground floor level of all sites; Tree selection must be limited to species with an expected mature height of no greater than fifteen (15) metres.
 - (e) Trees are required to be provided in a minimum 75 litre container.
 - (f) Raised planters containing trees must be designed to meet the required soil depths and area as required by the relevant conditions of this Consent.
 - (g) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

Reason: To ensure that appropriate landscaping is implemented.

30. A final Arts Plan shall be submitted to the satisfaction of Council's Development and Traffic Services Manager prior to issue of the Construction Certificate. The final Arts Plan is to detail the design development process through final design concepts, budget, engineering specifications, materials, site plan for artworks, construction documentation and project management

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

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

Document Report	Date
Acoustic Assessment - Document 20160727.1/2306A/R0/MF – Revision 0 prepared by Acoustic Logic (Recommendation Constructions within Part 4.4)	23/06/2016
Reflectivity and Glare Assessment (Building D) Report No. 610.15728-R1 (Version 2) prepared by SLR Global Environmental Solutions	19/05/2016
Environmental Wind Tunnel Study Report No. 610.15728 (Version 2) prepared by SLR Global Environmental Solutions	11/05/2017
Energy Efficiency Report Report No. 610.16002-R2 SLR Global Environmental Solutions	03/08/2016
Detailed Environmental Site Assessment Report – Report ID: CES150907-DYL-AE – Revision 1 prepared by Consulting Earth Scientists	03/01/2016
Thermal Comfort Assessment – Report 610.15728 – Revision 1	22/05/2017

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

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

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

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

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

33. The finishes and materials of the building as approved in Condition 1 of this consent are to be incorporated within the Construction Certificate Plans.

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

34. Prior to the release of the Construction Certificate design verification is required to be submitted from a registered architect to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

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

Reason: To comply with the requirements of SEPP 65.

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

Reason: To ensure that the levy is paid.

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

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

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

37. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a Construction Certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

38. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition

works being carried out where a Construction Certificate has not been issued or not required.

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

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/738/2016;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Construction Stage	Bond Type	Bond Amount
Stage 1	Hoarding	As prescribed in Council's Fees & Charges 2017/2018
	Development Bond	\$25,000
Stage 2	Hoarding	As prescribed in Council's Fees & Charges 2017/2018
	Development Bond	\$25,000

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

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

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

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

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an

insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

40. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. If a substation is a requirement of the energy provider, it is to be located internal to the building/s on site. Substations cannot be located within the front setback of a site or within the street elevation of the building, unless such a location has been indicated and approved on the Council stamped Development Application plans. Substations cannot be located in Council's road reserve.

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

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

Reason: To minimise costs to Council.

42. Where work is likely to disturb or impact upon 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.

43. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities. Details are to be provided to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

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

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

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

45. All car wash bays must be provided with a water connection and drainage to sewer. All wash bay discharges are to be disposed of according to the requirements of Sydney Water which requires a trade waste agreement. Details of the design of the car wash bay are to be included on the Construction Certificate plans.
Reason: To ensure that stormwater drains are not polluted.
46. All roof water and surface water is to be connected to an operable drainage system complying with Council's policy requirements. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.
Reason: To ensure satisfactory stormwater disposal.
47. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of a Construction Certificate.
Reason: To ensure the requirements of Sydney Water have been complied with.
48. The basement stormwater pump-out system, must be designed and constructed to include the following:
- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
 - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
 - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
 - (d) A 100 mm freeboard to all parking spaces.
 - (e) Submission of full hydraulic details and pump manufacturers specifications.
 - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.
- Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.
Reason: To ensure satisfactory storm water disposal.
49. The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to flooding.
- A Flood Evacuation & Management Plan must also be prepared by a suitably qualified professional.
- The design and certification of the building and the Flood Evacuation & Management Plan must be prepared and submitted with the application for a Construction Certificate to the satisfaction of the Certifying Authority.
Reason: To ensure the structure can withstand flooding events.
50. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising

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

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

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

Reason: To ensure appropriate vehicular access is provided.

52. 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.

53. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.

Reason: To ensure Council's approval is obtained prior to commencement of any work on council's road, nature strip and concrete footpath and reinstated to its original state upon completion of the works.

54. Detailed geotechnical investigations must be undertaken to the satisfaction of the Principle Certifying Authority prior to the release of a Construction Certificate. The geotechnical report must address, but is not limited to, the following:

- a) A detailed soil/structure interaction analysis must be undertaken to assess magnitudes of lateral ground movement and possible impacts on adjacent properties and services.
- b) Calculations of expected groundwater inflow into the excavation cavity must be conducted, considering the high groundwater table present on site within clayey soils. The detailed excavation design must propose techniques such as diaphragm walls, secant pile walls or cut soil mixing to minimise groundwater ingress into the excavation cavity.
- c) Site stability must be investigated, considering the fracture zones with clay infill present along joints in the Shale core.
- d) Appropriate locations must be ascertained for the installation of survey monitoring points around the perimeter of the site to monitor surface movement where structures or buried services may be at risk of vibration damage.

- e) The impact of excavation and construction of the proposed basement car parks on groundwater levels.
- f) The drawdown effects on groundwater resulting from the basement excavation and the impacts of this on nearby foundations, services, assets, structures and ecosystems. Appropriate construction methods must be proposed to control 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.

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 high level of protection to adjacent properties and structures both during and after construction.

Reason: Protection of private structures, public assets and the environment.

55. An excavation support plan must be developed, based on the plan '*Preliminary Geotechnical Investigation Report, REPORT ID: CES150907-DYL-AE, dated 05/12/2015, prepared by Consulting Earth Scientists P/L.*' and the in-depth geotechnical investigation conducted post-demolition.

The design principles for excavation and construction of the proposed basement car parks are as follows:

- a) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- b) No change in the range of the natural groundwater level fluctuations is to be induced as a result of this development.
- c) 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.
- d) Groundwater inflow into the excavation cavity must be prevented to the extent practicable.
- e) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- f) An adverse impact to property 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.
- g) An implementation program is to be prepared along with a suitable monitoring program 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.
- h) Survey monitoring points must be proposed around the perimeter of the site to monitor surface movement where structures or buried services may be at risk of vibration damage.

The final, detailed excavation support design and implementation program must be submitted to the satisfaction of Council's Team Leader Technical Specialists (DTSU) prior to the release of a Construction Certificate.

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

56. Prior to the release of a Construction Certificate, adequate documentation must be submitted to Council's Team Leader Technical Specialists (DTSU) to demonstrate that the following flood risk management measures will be put in place for the development:

- a) Fully automated flood barriers that do not require an electricity supply or human operation must be provided at the crest of the basement entry ramp, to as high as practicable up to the PMF flood level.
- b) Adequate ventilation must be provided for the basement levels in the event of a PMF flood.
- c) Any fire escape stairway that exits the building below the PMF level must be protected from flood inundation by automated flood barriers/gates up to the PMF level or a high a practicable.
- d) Manually operated/erected flood barriers must be provided to the PMF level for lifts and staircases within the lobby that lead down to the basement levels. The procedure for implementation of barriers must be addressed in the flood management plan.
- e) Structural walls and slabs must be designed to withstand flood loading, including that imposed by hydrostatic and debris impact forces, and constructed of flood compatible core components.

Reason: To ensure that flooding is managed to an acceptable risk level in this precinct.

57. A stormwater management system must be provided that optimises harvesting and use of rainwater as a resource and ensures adequate discharge stormwater quality by treating stormwater and reducing pollutant loads.

The final, detailed stormwater design for water management and drainage within the site must be submitted to Council's Team Leader Technical Specialists (DTSU) for approval prior to the issue of a Construction Certificate. These plans must be generally in agreement with the approved DA plans, Council's DCP 2011 and additionally must address the following:

- a) Additional rainwater tank volume must be provided, to capture the majority of stormwater incident on the proposed buildings. Calculations of stormwater volume must consider the effect of wind driven rain. Rainwater harvested in this way is to be reused for toilet flushing and other non-potable uses within the development.
- b) Passive watering of the landscaping elements within the pedestrian plaza area must be provided, by grading the surfaces in that area to direct surface water towards the garden beds.

Reason: To ensure rainwater harvesting is maximised onsite, in line with WSUD principles.

58. Prior to the issue of a 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 any basement, the full site must be flood-proofed to prevent ingress of floodwaters for at least the 1% ARI event plus 500mm freeboard. This is to be done by provision of continuous perimeter bunding to a level of R.L. 12.9m AHD minimum, 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. Excavation must be carried out using groundwater insulating techniques such as diaphragm walls, to reduce the amount of groundwater ingress into the excavation cavity.

Application must be made to the NSW Office of Water to remove and dispose of any water accumulated within the excavation 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.

Reason: Environmental protection.

59. A construction phase site emergency response plan must be prepared, detailing evacuation procedure, storing of construction equipment and any procedures for the protection of the construction 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 emergency response plan is put in place.

60. A study of the local drainage system must be undertaken to ascertain what upgrades must be proposed to the existing Council stormwater system. This study shall detail the pre-development Council stormwater drainage network using the DRAINS model or equivalent. This model must then be run for pre and post development run-off conditions, considering overland flow from the upstream catchment and wind driven rain on the proposed structures. Improvements to the existing Council downstream stormwater drainage pipe system may be required in order to achieve a 20 ARI design capacity post-development, if required by Council. This should be identified in the detailed DRAINS model. A hydraulic check of the site drainage system will also need to be run at the point of connection to Council's drainage system to ensure that there are no issues of backwater flows resulting in flooding of any of the basement car parks.

The results of this study must be submitted to Council's Team Leader Technical Specialists (DTSU) for approval prior to the release of any Construction Certificate.

Detailed plans for any civil works proposed within the public domain must be submitted to Council's Civil Assets team for approval and issue of an inspection schedule prior to commencement of works.

Reason: To ensure all works carried out on Council assets are consistent with Council standards.

61. Prior to the issue of a Construction Certificate for drainage works within Church Street, an application must be made to Roads and Maritime Services (RMS) for permission to disturb the roadway.

Reason: To ensure RMS requirements are met prior to commencement of construction works within their carriageway.

62. Prior to issue of a Construction Certificate, approval is to be obtained from the property owner for any anchors that may be proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be

shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

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

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

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

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

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

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

Reason: To protect public safety.

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

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

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

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

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

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area

68. Prior to the issuing of the Construction Certificate details are to be submitted to the Principal Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document -*Western Sydney Salinity Code of Practice 2003*.

Reason: To ensure appropriate safeguards against salinity.

69. The development must incorporate a minimum of 56 adaptable dwellings on Site 1 and a minimum of 24 adaptable dwellings on Site 2. Plans submitted with the Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

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

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

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

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

72. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:
- (a) entrance
 - (b) lift or bank of lifts; and
 - (c) sanitary facility
- This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

PRIOR TO COMMENCEMENT OF WORKS:

73. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage systems on the Great Western Highway and Church Street are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
Suppiah.Thillai@rms.nsw.gov.au

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

Reason: To comply with Roads and Maritime Services requirements.

74. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

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

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

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

Reason: To comply with Roads and Maritime Services requirements.

75. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on the Great Western Highway and Church Street during construction activities.

Reason: To comply with Roads and Maritime Services requirements.

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

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

77. Prior to the commencement of any works on the site the applicant must submit a Construction Traffic Management Plan to the satisfaction of the **Council's Manager, Development and Traffic Services**. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site
A plan view of the entire site and frontage roadways indicating:
- i. Access arrangements to and from the site.
 - ii. Proposed number of trucks during the demolition and construction phases of development
 - iii. Hours of proposed truck movements to and from the site
 - iv. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - v. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - vi. The locations of proposed Work Zones in the egress frontage roadways,
 - vii. Location of any proposed crane standing areas,
 - viii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - ix. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - x. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- (b) Traffic Control Plan(s) for the site:
- i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (c) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.

Where applicable, the plan must address the following:

- Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- Minimising construction related traffic movements during school peak periods,

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

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

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

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

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

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

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

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

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

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

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

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. A copy of the dilapidation report shall be submitted to Council.

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

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

81. 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.

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

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

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

83. 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.

84. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:

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

- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.
- (d) Kerbside restrictions, construction zones:
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

Reason: Proper management of public land.

85. 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 benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To prevent any damage to underground utility services.

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

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

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

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

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

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

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

- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

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

Reason: To comply with legislative requirements.

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

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

Reason: Statutory requirement.

90. 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.

DURING CONSTRUCTION OR WORKS:

91. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on the Great Western Highway or Church Street.

Reason: To comply with Roads and Maritime Services requirements.

92. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

Reason: To comply with Roads and Maritime Services requirements.

93. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.
Reason: To ensure compliance with this consent.
94. A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.
Reason: To ensure the development is being built as per the approved plans.
95. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.
Reason: To protect the amenity of the area.
96. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.
Reason: To ensure pedestrian access.
97. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.
Reason: To ensure public safety and amenity on public land.
98. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

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

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

Such circumstances where extended hours may be permitted include:

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

Reason: To protect the amenity of the area.

99. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;
 - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that 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 shall be made available to Council and/ or the principal certifying authority upon request.

100. Following excavation and removal of any underground storage tank the land shall be assessed in accordance with the NSW Environment Protection Authority's Technical Note: Investigation of Service Station Sites (2014). A report on the investigation is to be supplied to Council's Environment and Public 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.

101. 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.

102. 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.

103. 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.

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

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

105. 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.

106. 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.

107. 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.

108. 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.

109. 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.

110. All friable and non-friable asbestos-containing waste material 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 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.
Reason: To ensure appropriate disposal of asbestos materials.
111. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.
Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.
112. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:
 (a) Work Health and Safety Act 2011
 (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
 (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).
Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.
113. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
Reason: To ensure that building materials are not washed into stormwater drains.
114. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.
 Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.
Reason: To prevent pollution of waterways.
115. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.
Reason: To protect against subsidence, erosion and other nuisances.
116. 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.

117. 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.

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

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

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

Reason: To protect public safety.

120. 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.

121. Occupation of any part of the footpath or road (including the private lane on the east side of the site) at or above (carrying out work, storage of building materials and the like) during construction of the development shall require owner's consent and a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: Traffic safety and efficiency.

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

Reason: To ensure maintenance of Council's assets.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

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

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

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

The record must include details of:

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

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

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

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

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

Reason: To ensure a visible house number is provided.

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

Reason: To ensure provision of appropriately located telecommunication facilities.

128. 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.

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

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

NOTE: For more information contact NBN Co.

Development Liaison Team:

Call 1800 881 816

Email newdevelopments@nbnco.com.au

Web www.nbnco.com.au/NewDevelopments

130. 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. 726435M_08 dated 22 May 2017 and BASIX Certificate No. 725043M_06 dated 3 July 2017 will be complied with prior to occupation.

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

131. The pedestrian bridge (to be located from 83 Church Street across the Great Western Highway to 87 Church Street) is to be delivered to Council and the RMS satisfaction before the issue of an Occupation Certificate for Building F, or otherwise at the approval of the Director, Strategic Outcomes and Development.

Reason: To provide for appropriate pedestrian access from the development site.

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

Document Report	Date
Acoustic Assessment - Document 20160727.1/2306A/R0/MF – Revision 0 prepared by Acoustic Logic (Recommendation Constructions within Part 4.4)	23/06/2016
Reflectivity and Glare Assessment (Building D) Report No. 610.15728-R1 (Version 2) prepared by SLR Global Environmental Solutions	19/05/2016
Environmental Wind Tunnel Study Report No. 610.15728 (Version 2) prepared by SLR Global Environmental Solutions	11/05/2017
Energy Efficiency Report Report No. 610.16002-R2 SLR Global Environmental Solutions	03/08/2016
Detailed Environmental Site Assessment Report – Report ID: CES150907-DYL-AE – Revision 1 prepared by Consulting Earth Scientists	03/01/2016
Thermal Comfort Assessment – Report 610.15728 – Revision 1 prepared by SLR Global Environmental Solutions	22/05/2017

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

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

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

Reason: To ensure restoration of environmental amenity.

134. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.

Reason: To ensure landscaping is completed in accordance with the approved plans and maintained.

135. Prior to the issue of **any** Occupation Certificate (including interim OC), the public domain construction works must be completed to Council's satisfaction and a **Final Approval** shall be obtained from Council's Assets & Urban Design teams. In regard to the public domain works, the following is required:

- (a) Council will issue the **Final Approval** for the finished public domain works that complies with the approved public domain documentations and Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.
- (b) Work-as-Executed Plans shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to the issue of any Occupation Certificate
- (c) A two-year (104 weeks) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain. A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council, prior to the issue of final approval. This schedule shall specify the 2 year maintenance period and details of all maintenance requirements of the public domain works.

Reason: To ensure the public domain is provided in a satisfactory condition.

136. Prior to the issue of the Occupation Certificate, the applicant must create of a restriction on the title of the subject property.

The restriction is to be over the 100 year ARI flood zone identified in the supplementary flood report, dated 03/09/2015, prepared by AECOM Australia P/L, preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

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

Reason: To protect the environment.

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

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

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

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

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

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

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

140. Works-As-Executed stormwater plans are to address the following:
- a) The Work-As-Executed plans are prepared on copies of the approved drainage plans issued with the Construction Certificate with variations marked in red ink.
 - b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels etc.
 - c) The WAE plans show the as-built flood protection measures, stormwater system, rainwater harvesting and WSUD measures.
 - d) Certificate of Hydraulic Compliance from a qualified drainage/hydraulic engineer, certifying that the as-built stormwater collection, harvesting and filtration system and flood protection measures function to the standards outlined in the conditions of consent and Council's DCP 2011.
 - e) Approved verses installed Stormwater harvesting and quality improvement calculations/modelling.

The above is to be submitted to the principle certifying authority prior to the issue of an occupation certificate for each stage.

Reason: To ensure works comply with approved plans and Council policy and standards.

141. Prior to issue of an Occupation Certificate for each stage, the applicant must create a Positive Covenant and Restriction on the Use of Land, prepared in accordance with Section 88B of the Conveyancing Act 1919, burdening the owner of the allotment with the requirement to maintain the on-site rainwater harvesting and water quality treatment facilities.

The terms of the instruments are to be to Council's satisfaction.

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

Reason: To ensure that appropriate protective instruments are put in place for the water quality management system.

142. A restriction on the use of land and a positive covenant must be placed on the title of the property for the maintenance of all flood-proofing measures. This must be completed to the satisfaction of Council's Team Leader Technical Specialists prior to release of the Occupation Certificate for each stage.

Reason: To ensure that flood proofing measures are maintained in optimal operational condition.

143. A restriction must be placed on the title of the property to prohibit the storage of valuable items susceptible to flood damage in the storage areas located in the basement level below RL 12.9m AHD. This must be completed to the satisfaction of Council's Team Leader Technical Specialists prior to release of the Occupation Certificate for any basement.

Reason: To manage flood risk to areas located below the site flood planning level.

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

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

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

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

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

145. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

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

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

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

146. The artworks (Arts Plan) are to be installed to the satisfaction of Council's Manager, Development and Traffic Services Unit prior to the issue of any Occupation Certificate for each stage of construction.

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

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

147. 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.

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

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

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

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

Reason: To ensure the amenity of the area.

151. An Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/738/2016 for the relevant stage of construction** has been submitted to the Principal Certifying Authority.

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

USE OF THE SITE:

152. The hours of operation/delivery hours for any retail tenancy is restricted to between the hours of 7:00am to 8:00pm daily. Any modification to these hours is subject to separate development consent for the tenancy.

Reason: To protect the amenity of the area.

153. All vehicles shall enter and exit the site in a forward direction at all times.

Reason: To protect the amenity of the surrounding neighbourhood.

154. All loading and unloading must take place within the designated loading areas on the subject property and wholly within the site at all times.

Reason: To protect the amenity of the neighbourhood.

155. 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.

156. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:

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

Reason: To ensure provision of adequate waste storage arrangement.

157. 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.

158. 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.

159. 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.

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

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

Reason: To comply with Sydney Water requirements.

161. Any air conditioner/s must not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

162. 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.

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

Reason: To protect the amenity of the area.

164. The proprietors of the tenancies shall be responsible at all times for the orderly dispersal of patrons from the tenancy.

Reason: To protect the amenity of the surrounding neighbourhood.

165. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

Reason: To ensure restoration of environmental amenity.

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

Reason: To ensure the removal of graffiti.

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

Reason: To provide an appropriate streetscape appearance.

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

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

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Staged Development Consent

- (A) In accordance with the approved staged application and concept plan, this application constitutes Stage 1 of the development. Additional stages that require subsequent applications include the proposed park on Site 3, the fitout and use of the hotel on Site 1 and the pedestrian bridge construction over Great Western Highway. All subsequent stages must be consistent with the concept approval DA/706/2014.

Voluntary Planning Agreement

- (B) The development is subject to a voluntary planning agreement (VPA) entered into under section 93F of the Environmental Planning and Assessment Act, 1979. The timing and provision of all deliverables under this VPA must be met in accordance with the requirements of that VPA. The Principal Certifying Authority shall be made aware of the requirements within the planning agreement before issuing any construction or occupation certificates for the stages of development.

Tree Removal on Adjoining Property

- (C) A tree application has been submitted and approved for the removal of tree/s located in the front setback on the neighbouring property at No. 35A-37 Early Street, Parramatta (Council Reference: TA/222/2017) to facilitate the development approved by this Consent. To ensure continued safety to persons and property, it is recommended that these tree works are completed prior to the issue of the Construction Certificate. Excavation on the subject site prior to the tree's removal may destabilise the tree/s and cause the tree/s to fail.

Endeavour Energy Requirements

- (D) The applicant is advised of the following Endeavour Energy requirements:

(i) Network Capacity / Connection

In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's

Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link: <http://www.endeavourenergy.com.au/>

Endeavour Energy's Capacity Planning section whilst not having undertaken a detailed load assessment, given the large size of the proposed development there may not be sufficient capacity available via the existing high voltage network / feeders to services the sites. The applicant should note that Endeavour Energy does not reserve capacity and therefore cannot provide firm commitments to enquires. In cases where augmentation works are required this may involve considerable lead times for design, environmental assessment, approvals and construction.

(ii) Asset Relocation

Advice on the possible relocation of the existing electrical assets on the site can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website via the following link under 'Our connection services': <http://www.endeavourenergy.com.au/>

Alternatively the applicant future development of the site should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link: <http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

(iii) Excavation

The applicant should be advised of the following object of Section 49A 'Excavation work affecting electricity works' of the Electricity Supply Act 1995 (NSW) covering the carrying out or proposed carrying out of excavation work in, on or near Endeavour Energy's electrical infrastructure.

Sydney Water Requirements

- (E) The applicant is advised of the requirements of Sydney Water as outlined within the attached correspondence (reference 157316) dated 21 September 2016. These requirements are to be considered before any works commence on site.

RMS/Council Requirements

- (F) All works and/or regulatory signposting associated with the proposed development shall be at no cost to Council and Roads and Maritime Services.
- (G) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the approved works and as required by the various public utility authorities and/or their agents.

ATTACHMENT C – CLAUSE 4.6 VARIATION

SWCCP Reference:	2016SYW168
DA No:	DA/738/2016
Address:	63 and 83 Church Street & 44 Early Street, Parramatta

The following Clause 4.6 variation was submitted with the development application.

1. Introduction

This objection is made pursuant to Clause 4.6 *Parramatta Local Environmental Plan 2011* and has been prepared in relation to the proposed demolition of existing structures and construction of mixed-use development comprising two residential towers above podium, standalone commercial building, basement and public plaza at 83-85 Church Street and 44 Early Street, Parramatta.

The land is known as Site 1 in a group of three sites that will be simultaneously redeveloped as 'Parramatta Gateway South'. Site 2 is identified as 63 Church Street and will be redeveloped along with Site 3 (57 Church Street) under separate application that has been lodged concurrently with the subject application.

Clause 4.6 exists to provide a degree of flexibility to the consent authority in determining whether a variation to a development standard contained within the LEP should be supported.

The objectives of Clause 4.6 are:

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

Clause 4.6(3) provides for consent to be granted for development even though the development would contravene a development standard where it is demonstrated:

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

And under subclause (4), where

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*

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

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

This Objection demonstrates why strict compliance with the development standard for distribution of floor space within the Gateway Parramatta South Precinct is both unreasonable and unnecessary in creating an appropriate development for the subject site and related sites.

2. Development Standard to Which this Variation Applies

The Clause 6.4 Variation applies to Clause 7.7 if Parramatta Local Environmental Plan 2011 which states:

(3) Development consent must not be granted for development (including staged development) for the purposes of a new building, or extension of an existing building, on Site 1 unless the following conditions are satisfied:

(a) at least 40% of the gross floor area of Site 1 is used for a purpose other than residential accommodation or serviced apartments,

The proposal departs from this development standards as it seeks to provide 35.9% of the total floor space as non-residential.

3. Background to the Variation

The underlying reason for adjusting the 60:40 land use split across Sites 1 and 2 stemmed from an identification that there is less demand in the short term for commercial uses. Site 1 is likely to be the first stage of the future development and will require extensive basement and servicing works, which are more viable with a larger residential component. The successful development of Site 1 will increase commercial land use feasibility on Site 2 and act as a catalyst on the rest of development of Auto Alley. The overall 60:40 land use split will be delivered across both Sites 1 and 2.

The Concept Plan application included an Economic Assessment prepared by MacroPlan Dimasi (2014) which found that there would be strong competition for commercial space resulting from the Parramatta Square development and more preferable suburban business park locations. The assessment also found that there was limited demand for non-residential uses within the southern part of the Parramatta CBD, which would impact on take-up rates and the viability of the proposed development.

In summary the findings are that:

- The proposed Parramatta Square redevelopment will be the dominant CBD location for new office space over the next decade. Parramatta Square's two towers will provide 140,000sqm of office space.
- The developers of Parramatta Square will be seeking to achieve pre-commitments from the same set of prospective tenants as the subject development, but as second and third tiers to its own primary tenants. To meet pre-commitment targets, incentives will be offered to attract these second and third tiers, making it very difficult for the subject site to attract tenants.
- There is greater competition for small-to-medium sized tenants from other suburban office locations and business parks.
- The site specific limitations will affect take up rates. The location of the precinct is disconnected from Parramatta Station and the northern part of the CBD and in an area flagged to undergo renewal over a long period of time.

It is recognized that Council has strategic objectives to build in medium-long term capacity for commercial and retail uses within the southern part of the Parramatta CBD. However in the meeting on 12 May 2014 Council was supportive of alternative approaches to achieving the required non-residential GFA by staging the delivery across the Sites 1 and 2 and providing slightly more non-residential GFA on Site 2.

Subsequently, the Concept Plan was approved with the distribution sought under this application.

4. Justification

The Concept Plan provided for an overall land use mix of 60% residential GFA and 40% non-residential GFA, which complies with the total GFA requirement for the two sites together. This has been maintained within this subsequent application.

Site 1 provides 35.98% non-residential GFA, which equates to a 10.06% (2,529.8m² GFA) variance of the standard. Site 1 is considered more suitable to provide slightly more residential GFA, as it will likely be the first to be developed and relies on prompt and high uptake of residential units to support the viability of the development. The residential development will support the non-residential uses, particularly the retail uses. This is important considering the proposed development is a catalyst for the renewal of Auto Alley.

Site 2 has been designed to accommodate additional non-residential GFA to compensate for the lesser amount provided on Site 1 in order to achieve the 60:40 split across the two sites.

Throughout the planning proposal process and discussions with Council the applicant has always understood that the three sites would be treated as an integrated precinct. Therefore in this context the 60:40 land use mix should be applied to the total GFA across the precinct, which is comply with (over separate but concurrent applications).

The future development of the subject sites will act as a catalyst for renewal of the Auto Alley corridor. The gradual changing nature of the Auto Alley will impact on demand for non-residential uses. The current character of Auto Alley may not be attractive for prospective commercial and retail tenants, compared with the character of the northern CBD which has access to other retail, restaurants, open space and public transport infrastructure. Over time, through on-going renewal processes this will change, but because of the important role the subject site plays as this initial catalyst for renewal in Auto Alley, it is important that the viability challenges of this first development is fully appreciated and supported.

5. Objectives

The site-specific objectives are described for the precinct as a whole rather than separately for Sites 1 and 2. Therefore, in achieving the development standard for the land use mix, it is important to consider the overall contribution of the precinct. When considered as a precinct, the proposal complies with the quantum of non-residential GFA.

The site specific objective of relevance to the GFA mix for Sites 1 and 2 is as follows:

- 2 *(a) ensure that the development provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes.*

The proposal provides employment opportunities for the precinct by providing 40% of the total GFA for non-residential uses across both sites. The distribution of non-residential GFA should be responsive to the future staging of the development and the overall contribution should be the focus.

6. The Public Interest

The proposal variation is not inconsistent with the public interest as the overarching intent of the distribution of floor space will be achieved when the development is fully realized.

The proposal will also enable a response to identified market demand to meet public housing needs in the short term.

It is also noted that this clause applies only the subject land and will not enable precedent style applications seeking to leverage of Council's decision in this instance.

7. Other Matters

No other matters of relevance apply to preclude the variation from being granted.

8. Conclusion

it is considered that the proposed variation has satisfied the criteria established under Clause 4.6 of Parramatta Local Environmental Plan 2011.

Strict compliance with the distribution of floor area under Clause 7.7 of that instrument is neither reasonable nor necessary to achieve the intended outcomes and will in fact have beneficial impact in meeting market demands at the present time.

Additionally, the floor space distribution is consistent with the approved Concept Plan that previously dealt with this matter.

It is requested that favourable consideration to the variation is provided.