



## Report to Sydney West Central Planning Panel

<b>SWCCP reference</b>	2016SYW224
<b>DA No.</b>	1005/2016
<b>Date of receipt</b>	21 October 2016
<b>Proposal</b>	Construction of a mixed use development of 3 buildings with heights of 4 - 14 storeys containing 421 residential units, 6 neighbourhood shops over 2 levels of basement car parking, and subdivision to create 3 development lots and 1 road lot to be dedicated to council.
<b>Street address</b>	29 Carter Street, Lidcombe
<b>Property Description</b>	Lot 13 DP 1217641
<b>Applicant</b>	Australia YMCI PTY LTD
<b>Owner</b>	Australia YMCI PTY LTD
<b>Submissions</b>	One
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations</li><li>• State Environmental Planning Policy No. 55</li><li>• State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li><li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li><li>• State Environmental Planning Policy (State and Regional Development) 2011</li><li>• Auburn Local Environmental Plan 2010</li><li>• Carter Street Precinct Development Control Plan 2016</li><li>• Carter Street Precinct Development Contributions Plan 2016</li></ul>

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

<b>Legislative clauses requiring consent authority satisfaction</b>	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised in the Executive Summary of the assessment report ?	Yes
<b>Clause 4.6 Exceptions to development standards</b>	
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	Yes
<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment ?	Yes

<b>Recommendation</b>	Approval – Deferred commencement
<b>Report by</b>	Brad Roeleven, Executive Planner

## 1. Executive summary

This report considers a proposal to construct a mixed use development of 3 buildings with heights of 4-14 storeys containing 421 residential units and 6 neighbourhood shops over 2 levels of basement car parking. Also included is subdivision to create 3 development lots, 2 residual lots and 1 lot for a public road.

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. Notwithstanding, various site planning and design issues have been identified which require resolution.

This report therefore recommends that the Panel:

- Approve a variation to the building height control in Auburn LEP 2010, via clause 4.6 of that plan; and
- Grant a “deferred commencement” consent to enable submission of certain revised plans for endorsement by Council prior to the consent becoming operative.

## 2. Key issues

- Non-compliance with LEP height control
- Variations to DCP setback control

- Variations to street network
- Odour and noise impacts
- Proposed subdivision arrangements
- Need for minor design amendments to address improvements to built form, public domain, vehicle movements within the basement
- Need for revised details for stormwater management

### 3. Carter Street Priority Precinct

#### 3.1 Background and context

The Carter Street Priority Precinct comprises 52 ha of land bounded by Sydney Olympic Park, the M4 Motorway, Haslams Creek and land immediately adjacent to Birnie Avenue. Rezoning for the Precinct was finalised in November 2015. Transformation to a high density residential precinct is in its early stages with two new buildings recently approved by the Panel.



Figure 1: Aerial photo of Carter Street Priority Precinct

#### 3.2 Strategic Review by the Department of Planning and Environment (DPE)

The DPE has commenced a review of the planning controls for the Carter Street Precinct, in conjunction with its consideration of the Sydney Olympic Park Master Plan 2030.

The purpose of the review is to ensure the controls address matters related to the construction, by Roads and Maritime Services (RMS), of a new westbound off ramp from the M4 Motorway connecting with Hill Road. That ramp is a component of the WestConnex



project. The off ramp will be supported by expansion of the Hill Road/John Ian Wing Parade intersection to create the primary road connection into the Carter Street Precinct.

The key land needed for the intersection upgrade, however, is located within the boundaries of Sydney Olympic Park, and is the subject of a long term lease. Relevant agencies are working to find a solution.

#### **4. Site location, description and related applications**

##### **4.1 Site location and description**

No. 29 Carter Street is a single allotment, being Lot 13 DP 1217641 as shown below, which has an area of about 11.2 hectares.



Figure 2: Subject site is shown in yellow

However, this application relates only to a portion of that site, at the northwest of the allotment, generally adjacent to Hill Road and also sharing a common boundary with Sydney Olympic Park (SOP). The applicant refers to that portion as “Zone 3” which has an area of 39,833m<sup>2</sup>. This proposal occupies an area of about half of “Zone 3” being 15,411m<sup>2</sup>.

The site is not constrained by its topography, being generally flat with a maximum grade variance of approximately 0.5m to 1m. Currently on the middle portion of the site are large industrial buildings used for warehousing and light industry. The northern portion of Zone 3 has been

cleared of buildings and vegetation, with site preparation works under DA 1040/2016 largely completed.

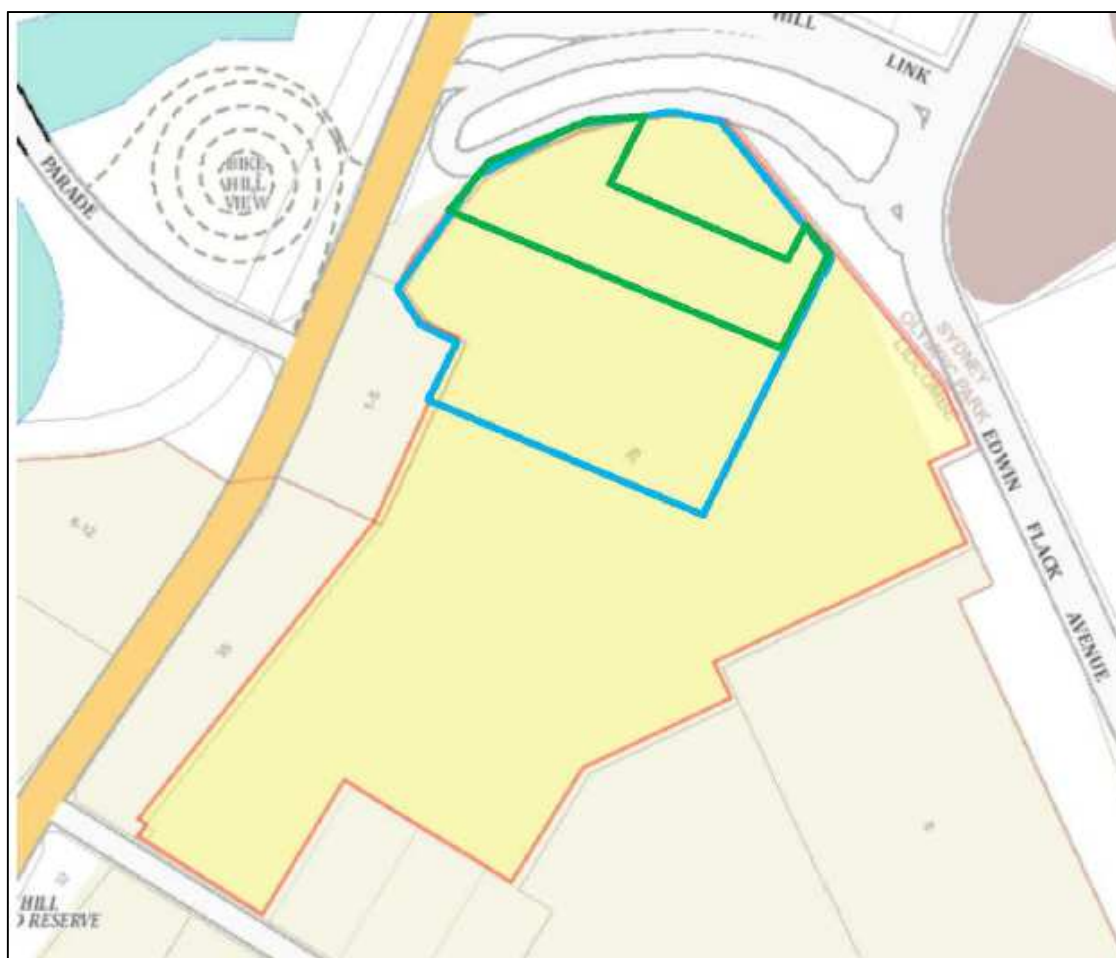


Figure 3: Subject site is shown in yellow, “Zone 3” outlined in blue and development boundary in green.

## 4.2 Related applications

The applicant has submitted a number of applications over Lot 13 DP 1217641, as summarised in the following table:

Table 1: Related DAs

DA number	Scope of works	Status
DA 424/2016	Concept Masterplan	Withdrawn 19.1.17
DA 426/2016	Demolition and partial demolition of existing warehouses	Approved 23.8.16
DA 1040/2016	Site remediation and early works (Zone 3 - buildings A and B)	Approved 11.4.17
DA 1089/2016	Road works for zone 3	Under assessment.
DA 1273/2016	Site remediation and early works (Zone 3 - buildings C and D)	Under assessment.

## 5. The proposal

The proposal comprises the following primary elements:

- 421 apartments within 3 buildings being;
  - Building 3A (9-14 storey built form - 170 apartments);
  - Building 3B1 (4 -11 storey built form - 156 apartments)
  - Building 3B2 (10-11 storey built form - 95 apartments).
- 530 parking spaces within two basement levels;
- 6 neighbourhood shops within building 3B1;
- Subdivision to create:
  - 3 development lots
  - 1 road allotment to be dedicated to council
  - 2 residual allotments.

The application also includes:

- Landscaping of private open spaces (ground and roof top terraces);
- All required civil works including an OSD system for stormwater management;
- All required public domain works.

Construction of the roads to service the development is outside the scope of this application and is subject to concurrent DA 1089/2016, to be determined under delegated authority.

## 6. Public notification

The notification period was 17 August 2016 - 7 September 2016. One submission was received, raising objections relative to the road network within the Precinct. Assessment of those matters is provided at section 7.2 in **Attachment A**. In summary the concerns raised are based upon assumptions, and relate to future roads which are not part of this application.

## 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 79A (Advertised Development) apply ?	Yes
Does Section 91 (Integrated Development) apply ?	Yes
Are submission requirements within the Regulations satisfied ?	Yes

## 9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	None - a detailed assessment is provided at <b>Attachment A</b> .
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## 10. Auburn Local Environmental Plan 2010

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

**Table 2: LEP compliance**

	<i>Comment or non- compliances</i>
Zones	<p>The following zones apply to Lot 13:</p> <ul style="list-style-type: none"> <li>• R4 High Density Residential</li> <li>• RE1 Public Recreation</li> <li>• SP2 School</li> </ul>
Definition	<ul style="list-style-type: none"> <li>• Mixed use development</li> <li>• Residential flat building</li> <li>• Neighbourhood shops</li> </ul>
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"> <li>• Permissible in the zone</li> <li>• Consistent with zone objectives</li> </ul>
Part 3 Exempt and complying development	Not applicable
Part 4 Principle development standards	<ul style="list-style-type: none"> <li>• Non-compliance - Building height The development standards are 42m and 29.9m. Each building exceeds the respective standard as follows: <ul style="list-style-type: none"> <li>○ Building 3A - 48.58m (Non-compliance is 6.58m or 13.5%)</li> <li>○ Building 3B1 - 38.95m (Non-compliance is 9.05m or 23.2%)</li> <li>○ Building 3B2 - 38.65m (Non-compliance is 8.75m or 22.6%)</li> </ul> </li> </ul> <p>A submission under clause 4.6 has been provided. The variations are supported.</p>
Part 5 Miscellaneous provisions	All relevant provisions satisfied

Part 6 Additional local provisions	At the time of preparing this report all relevant provisions satisfied, except for clause 6.8. See section 4.1 of <b>Attachment A</b> .
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## 11. Carter Street Development Control Plan 2016

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

**Table 3: DCP compliance**

<i>Part</i>	<i>Comment or non-compliance</i>
Part 2 Vision, principles and indicative structure	Consistent
Part 3 Public domain	Satisfactory
Part 4 Residential/ mixed use development	Non-compliances for some setbacks – satisfactory on merit.
Part 5 Employment uses	Not applicable –applies only to land zoned B6 under ALEP 2010
Part 6 Environmental management	All relevant provisions satisfied

## 12. Planning Agreements and Contributions Plans

The relevant matters are:

- Planning Agreement between the Minister for Planning and various property owners of the Carter Street Priority Precinct.
- Designated state public infrastructure (Carter Street Priority Precinct) via clause 6.8 of Auburn LEP 2010.
- Carter Street Precinct Development Contributions Plan 2016.

A detailed assessment is provided at section 4 of **Attachment A**.

## 13. Response to SWCPP briefing minutes

A briefing on this application was provided to the Panel at its meeting on 25 January 2017. The 'Record of Briefing' provides a list of the key issues discussed. Those matters which relate to the assessment of the application have been addressed as demonstrated in the table below:



**Table 4: Response to SWCC briefing**

<i>Issue</i>	<i>Comment</i>
Proposed development and layout of site –part of larger site	Refer to section 4.1 of the Executive Summary report
FSR compliant	Yes
Justify breach of height standard	Refer to section 1.5 of <b>Attachment A</b> .
Traffic issues to be resolved.	The street network required to service this development is satisfactory. Refer to sections 6.4 of the report at <b>Attachment A</b> . Issues relating to the wider street network for the Carter Street Precinct are the subject to on-going review by relevant agencies. Resolution of those matters is not determinative for this project. Refer to details at section 7.2 of <b>Attachment A</b> .
SOPA concerned about interface and effect on future density.	SOPA issued addressed at section 7.3 of <b>Attachment A</b> .
Design issues need to be addressed.	Primary design improvements have been achieved and are reflected in amended plans lodged 31 May 2017. However, further modifications remain necessary, which are addressed by the 'deferred commencement' recommendation.

## Conclusion

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

A deferred commencement approval is recommended to enable various design matters to be resolved.

## RECOMMENDATION

- A. That the Sydney West Central Planning Panel approve a variation to the building height control in clause 4.3 of Auburn LEP 2010, acknowledging the applicants written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone; and
- B. That pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 the Sydney West Central Planning Panel grant a deferred commencement development consent to Development Application DA/1005/2016 subject to the conditions in Schedule 1.

Following full satisfaction of the matters in Schedule 1 within a period of 24 months from the date on the Notice of Determination the consent will become operative, subject to the conditions in Schedule 2.

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

- C. That those persons who made a submission be advised of the Panel's decision.



## ATTACHMENT A - PLANNING ASSESSMENT

<b>SWCCP reference</b>	2016SYW224
<b>DA No.</b>	1005/2016

### 1. Overview

#### 1.1 Section 79C of the EPA Act

This Attachment provides an assessment of the relevant matters for consideration under this section of the Act, as noted in the table below:

Table 1- Matters for consideration

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

#### 1.2 Section 91 of the EPA Act

This section defines “integrated development” as matters which require consent from Council, and one or more approvals under nominated legislation. In such circumstances, prior to

granting consent, each relevant approval body must provide its General Terms of Approval (GTA).

This subject application, lodged in October 2016, indicated that dewatering as a consequence of bulk excavation for the basement levels would be necessary based on the findings of a supporting geotechnical report. Such an action falls within the definition of an 'aquifer interference activity' requiring approval from the Department of Primary Industries (DPI) under section 91(3) of the Water Management Act 2000.

The application was advertised as 'Nominated Integrated Development' and the DPI (via Water NSW) provided its GTA's by letter dated 7.12.16.

Concurrent with that process, in November 2016 the applicant lodged separate DA 1040/2016. The purpose of DA 1040/2016 was to identify and proceed with early works associated with this subject proposal. The scope of DA 1040/2014 was therefore limited to bulk earth works and site remediation.

DA 1040/2016 was also lodged as 'Nominated Integrated Development' consistent with the circumstances for DA 1005/2016 already noted. GTA's from Water NSW were issued 23 February 2017 and incorporated into the consent for that application.

Those bulk earth works are now largely complete such that the GTA's for this subject DA are redundant. Procedurally, however, the GTA's remain a mandatory component of this application. Noting the overall circumstances, the relevant condition in the recommendation links this matter to DA 1040/2016.

### 1.3 Referrals

The following internal and external referrals were undertaken:

**Table 2: Referrals**

Landscape	No objections - conditions provided
Development Engineer	No objections – conditions provided
Traffic	No objections – conditions provided
Environmental Health (Waste)	No objections – conditions provided
Environmental Health (Contamination)	No objections – conditions provided
Environmental Health (Acoustic)	No objections – conditions provided
City Architect	No objections
Urban Design (Public domain)	No objections - conditions provided
Sydney Olympic Park Authority	Issues raised - refer to section 7.3 below.
Ausgrid	Objected to the proposal until such time as the applicant agreed to relocate affected underground assets, at the applicant's expense. It is understood this matter has since been resolved. An appropriate advice is included in the recommendation to this report.
NSW Office of Water	GTA's received

Environment Protection Agency	Concerns raised regarding odour impacts from operation of nearby waste treatment plant – refer to discussion at section 6.5 below.
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## 2. Environmental planning instruments

Compliance with these instruments is addressed below.

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

Clause 7 of SEPP 55 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.

As noted above in relation to the issue of ‘integrated development’, the early works for this project have been assessed and determined under related DA 1040/2016. The question of site contamination was resolved in conjunction with that application sufficient to satisfy the requirements of Policy.

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

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

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

#### Design Excellence Advisory Panel (DEAP)

This proposal was considered by the DEAP at a meeting on 14 September 2016, and subsequently on 16 January 2017. The minutes from that second review are provided below – the smaller font text being the DEAP comments from its original review.

*“1. The Applicant advised that the street system with roundabouts at key intersections and wide streets with central islands was unchanged, and intended as a means of traffic calming by creating focal points and a ground plane suitable for pedestrian use with raised thresholds at key crossings. Access to the basement car park ramps remains at the northern ends of two cul-de-sacs, with the intention of providing adequate space for service vehicle turning and set-down areas on either side to address the main entries to Building foyers. The Panel considers that this does not adequately address the comments made at the earlier meeting.*

*4. Access to the underground parking garages should be off the street network rather than at the ends of the cul-de-sacs as proposed. The Panel considers that this would improve the ground level connections of the public domain and reduce the impacts of vehicle movements. DEAP 14-9-16*

*2. The Panel re-iterated its view that excessive areas of vehicular circulation continued to dominate the ground plane, and that pedestrian safety and movement would be compromised despite the proposed shared zones. Consequently there is significant loss*



*of landscaped open space potential in these areas due to the excessive road carriageway configuration. The Panel considers that this approach places undue emphasis on traffic engineering at the expense of the quality of the public domain and pedestrian priority in this new, busy neighbourhood centre. Scope to extend a shared pedestrian zone along the east-west street fronting the retail was noted as a potential improvement.*

*5. All streets should be designed as urban streets with emphasis on pedestrians rather than vehicles. To this end the footpaths along the main retail street should be 4.5 metres and kerb radius should be kept to the absolute minimum. The proposed roundabouts are not supported as they do not assist in pedestrian circulation. DEAP 14-9-16*

3. *Concern was also expressed that the broader urban design context had not been detailed, and issues related to achieving a consistent, well designed public domain needed further investigation and clarification. With the extensive size of the overall YMCI site and future development proposed, the Panel recommended that this DA needed to include a detailed indication of the future built form, urban design strategy for the public domain and procurement of architectural diversity, at least on the immediate block to the south for which a further DA was understood to be imminent.*

*17. Given the size of the YMCI site the Panel is concerned that sufficient architectural diversity will be achieved, and recommend that a strategy for including different architects for various parts of the site is developed. This should be presented to Council and DEAP-SAS at the next meeting, and in the Panel's view should provide for at least two and preferably three separate practices for this current proposal stage. DEAP 14-9-16*

4. *The Applicant produced a new CGI perspective of the main street access that showed the relationship between the DA being considered and the imminent DA for the site opposite. It was explained that the intention was to provide a balance of mixed use street-front and landscape treatment for this local retail strip that would enhance the pedestrian environment and ensure solar access to the footpath on the opposite side of the street in mid-winter. While it was evident that some sun would reach the pavement of the public domain opposite at the winter solstice, it was apparent to the Panel that a large degree of overshadowing would still occur along the south footpath and lower levels of future development to the southern edge.*
5. *With the length of the retail podium element being around 70m, the Panel recommended that an entry opening midway along for residents, with view through to the internal courtyard would help articulate and socially activate this frontage both day and night. The proposed visual break in the podium would also help alleviate the long internal corridor access to ground floor units, which would also benefit from some further articulation.*

*14. ....the Panel noted that even with generous access corridor widths, moderation of the long passage circulation would be needed to improve the spatial qualities and to foster informal social interaction. DEAP 14-9-16*

6. *The Panel considered that there was still not sufficient variety in the architectural language, and recommended that the Applicant look at a broader language of forms and palette of materials across their whole site. As a staged development the Panel considered that there needed to be more detail on a design strategy that did not rely on repetition of forms and elements that had similar attributes with minor differences, and could result in the visual character of an enclave or 'gated estate'.*

15. The Panel recommended more detail consideration of the relatively long, repetitive facades and material palettes. A future submission should include a proposal for how this is to be addressed through façade design diversity. DEAP 14-9-16

7. The Panel suggested that park access from the front courtyards of ground level units in Block be provided to improve activation along that frontage, and the Applicant agreed this would be included.
8. There appeared to be minimal solar access possible to communal courtyard between Blocks of B1 north and south, and the Applicant proposed that compensation for this was through the provision of roof terraces and the main park area to the north.

7. The redistribution of height is supported in principle by the Panel if the proposed building height for each of the east-west buildings i.e. 3B1, 3B2, in Stage 1 and 3C1, 3C2 in Stage 2 is revised to ensure:

- Solar access along the main east-west road southern footpath between 11am-1pm on June 21<sup>st</sup>.
- Private outdoor open space along the northern side of each residential ground floor apartments receive the minimum of 2 hours solar access between 9am and 3pm on June 21<sup>st</sup>.
- Ground level communal open spaces receive a minimum of 2 hours solar access between 9am and 3pm on June 21<sup>st</sup>. DEAP 14-9-16

9. The Applicant explained their rationale on the non-compliance with the LEP height controls as a means to vary the proposed built form in ways that could share environmental benefits more equitably than would have been possible with a fully compliant scheme.

City Plan Services Cl. 4.6 Report (p.11) The main objective of providing additional heights in select locations throughout Zone 3 is to achieve a better residential amenity outcome than a fully height compliant scheme.

10. Discussion followed on the distribution of building heights and need for a strong case to support a Cl. 4.6 variation based on relative benefits of proposed alternative built form vs. compliant modelling. While the Panel noted its previous concurrence with the urban design principles proposed, it was not clear that the outcomes would adequately address other issues of general building amenity and over-shadowing.

2. The Applicant is seeking to redistribute the height with taller buildings (by 3-4 storey variations) located along the western edge of the site adjacent to Hill Road. To balance this the building located in the north part of the site would be lower than permissible under the current LEP. As result there will be an increase in FSR by 0.05:1. The Applicants' position is that there will be a better urban design outcome by varying the heights and consequently the scale of the development across the site as well as improving residential amenity. The Panel agrees in principle with this strategy subject to resolution of a number of issues raised below.

11. The Panel also questioned the method by which FSR had been calculated, and recommended a review of the overall basis for distribution of the GFA across all development stages that clearly demonstrates how LEP compliance is to be achieved, both for this and future DA's."

Council's comments in relation to the above matters is provided in the following table:

**Table 3: Council response to DEAP commentary**

Items 1 and 2	Vehicle access arrangements to basement levels were revised as requested by council, achieving significant public domain improvements. Additional design amendments are still considered necessary - these outcomes are addressed by deferred commencement conditions.
Item 3	The future urban design context and public domain will be considered as part of the DPEs decision to revisit planning controls for the Carter Street precinct. Council is satisfied its planning processes will ensure a sufficient diversity of built form across the wider YMCI site.
Item 6	Council's City Architect is satisfied with the architectural expression of the scheme and the palette of materials.
Item 7	Ground floor units in Block 3B1 do have pedestrian connections. Greater activation along the northern edge of that block will be achieved by the provision of a laneway – refer to discussion at section 6.4 regarding street network.
Item 8	Solar access to common open space is acceptable
Item 10	Distribution of heights - refer to section 2.6
Item 11	FSR calculation is satisfactory and complies with the LEP.

### Design Quality Principles

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

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

**Table 4: Response to SEPP 65 design principles**

<b>Principle</b>	<b>Comment</b>
<b>Context and neighbourhood character</b>	The locality is transforming to a high density residential/mixed use precinct. The development generally accords with the desired future character nominated by the LEP and DCP. The building will contribute to the quality and identity of the area.
<b>Built form and scale</b>	The bulk and scale of the proposal is acceptable noting its consistency with the LEP and DCP controls, noting the properly justified building height variations. Site planning, building volume/mass presentation and detailing are broadly satisfactory. Public domain outcomes are also satisfactory. Deferred commencement

<b>Principle</b>	<b>Comment</b>
	conditions are nominated to ensure further improvements are achieved.
<b>Density</b>	Density is consistent with the precinct specific controls in the LEP. Those controls were developed with regard to the context of the site in terms of availability of infrastructure, public transport, community facilities and environmental quality.
<b>Sustainability</b>	Energy and water efficiency targets under SEPP (Basix) 2004 are achieved. The design is consistent with best practice design criteria for cross ventilation and solar access under the ADG.
<b>Landscape</b>	The landscape treatment is satisfactory. Deferred commencement conditions are nominated to achieve an improved outcome for the public domain elements of the scheme.
<b>Amenity</b>	Amenity for apartments is satisfactory when tested against best practice design criteria in the ADG which supports the SEPP.
<b>Safety</b>	Appropriate outcomes achieved through the design generally, and otherwise by conditions of consent as proposed.
<b>Housing diversity and social interaction</b>	An appropriate mix of unit sizes has been provided. The required number of adaptable housing units is provided.
<b>Aesthetics</b>	The composition of building elements and materials is satisfactory. Conditions are recommended to ensure the quality of the built form presentation is maintained.

### Residential Flat Design Code

The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The application is supported by a detailed table demonstrating consistency with the design criteria in the ADG. The table below considers the proposal against key matters:

**Table 5: Response to ADG**

<b>Element</b>	<b>Comment</b>	<b>Complies</b>
Building separation	There are several instances where separation distances are less than ADG criteria. Refer discussion at section 6.4	<b>No</b> , OK on merit
Apartment size and layout	<ul style="list-style-type: none"> <li>Minimum unit sizes are achieved</li> <li>Apartment layouts are efficient</li> </ul>	Yes
Balconies	A limited number of units have balconies up to 1m <sup>2</sup> less than criteria	<b>No</b> , resolved by condition

<i><b>Element</b></i>	<i><b>Comment</b></i>	<i><b>Complies</b></i>
Ceiling heights	Minimum of 2.7m for habitable rooms is achieved	Yes
Storage	Required supply of storage for each unit is achieved	Yes
Solar access and daylight	<ul style="list-style-type: none"> <li>70% units &gt;2hrs solar access (Criteria is 70%)</li> <li>15% get no solar access (Criteria is max 15%)</li> </ul>	Yes
Natural ventilation	First 9 storeys – 63.9% of units are ventilated, exceeding the criteria of 60%	Yes
Visual privacy	Satisfactory despite building separation distances. Condition proposed to ensure design measures for privacy are properly implemented.	Yes
Common circulation	<ul style="list-style-type: none"> <li>Design complies with criteria of maximum 8 units off a circulation core.</li> <li>Number of units per lift is generally consistent with the ADG criteria</li> </ul>	Yes
Common open space	<ul style="list-style-type: none"> <li>Common open space provided is 5,160m<sup>2</sup> being 33.5% of the site (criteria is 25%)</li> <li>The areas of common open space receive a minimum 2hrs sunlight at midwinter, even excepting the primary courtyard of 3B1.</li> </ul>	Yes
Deep soil	Design criteria for sites greater than 1,500m <sup>2</sup> is 7%, with 15% desirable. The proposal achieves 11.3%.	Yes

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

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

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

### **2.4 State Environmental Planning Policy (Infrastructure) 2011**

Consistent with clause 104 this Policy and Schedule 3 of this Policy (Traffic Generating Development) the application was referred to Roads and Maritime Services (RMS) for comment.

RMS raised no objection subject to the access from Hill Road being temporary until such time as alternative access is achieved via the planned upgrade of the Hill Road/John Ian Wing Parade intersection (refer to discussion at section 7.2 below).

Council's position is that the proposed access can remain open once the intersection upgrade is completed, but that traffic movements would be restricted to left in/left out of Hill Road only. A condition of consent is provided to address this matter.



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

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

## 2.6 Auburn Local Environmental Plan 2010

### Zoning and permissibility

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

The proposed uses meet the definitions of '*residential flat building*' and '*neighbourhood shop*' which are permissible with consent in that zone.

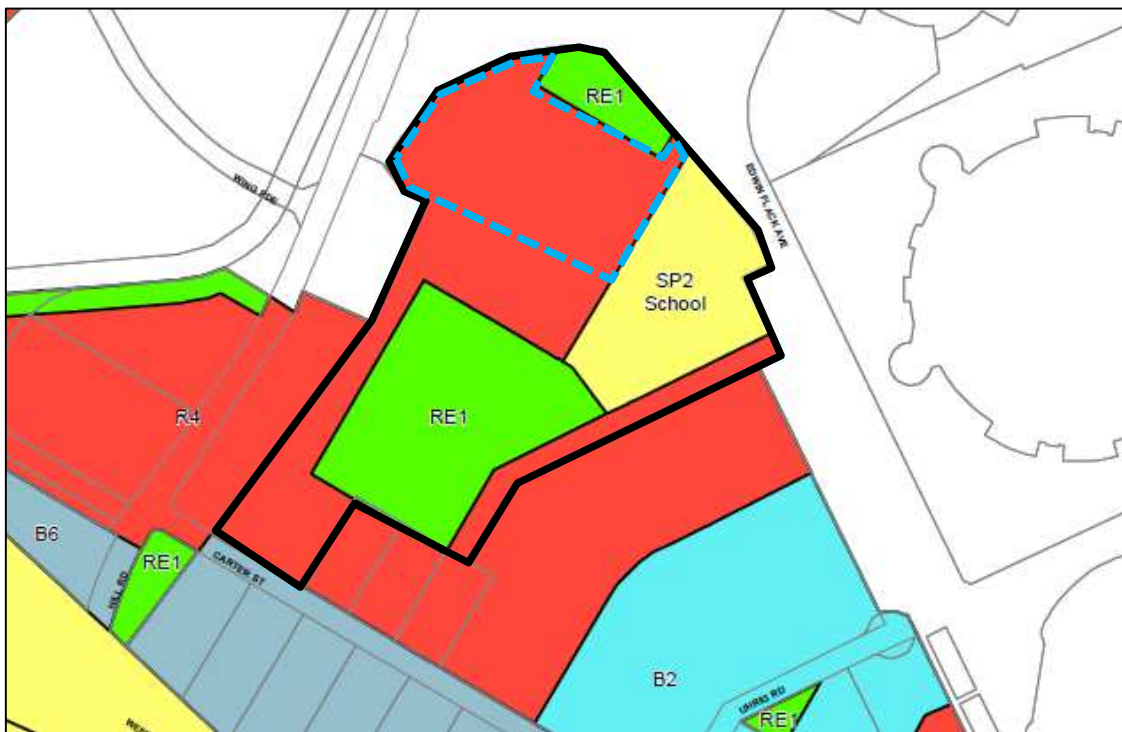


Figure 1: LEP zone map – Lot 13 shown in black, with Zone 3 outlined in blue.

### Zone objectives

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

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

The proposal is consistent with the objectives.

## Remaining provisions

Consideration of the remaining provisions of the Plan that may be relevant to this application are addressed in the following table:

**Table 6: PLEP 2011 compliance table**

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
Clause 2.6 Subdivision	Subdivision is permitted with consent. No minimum allotment size prescribed.	Yes
Clause 2.7 Demolition	Completed under separate development application	N/A
Clause 4.3 Building height	The mapped control is 42m and 29m. The defined maximum heights for the various built elements are: <ul style="list-style-type: none"> <li>Building 3A - 48.58m (Non-compliance is 6.58m or 13.5%)</li> <li>Building 3B1 - 38.95m (Non-compliance is 9.05m or 23.2%)</li> <li>Building 3B2 - 38.65m (Non-compliance is 8.75m or 22.6%)</li> </ul>	<b>No</b> , defer to clause 4.6
Clause 4.4 Floor space ratio	The mapped control is 2.0:1. The application proposes 39,833m <sup>2</sup> or 1.0:1 gross floor area.  Future development applications within the wider "Zone 3" site will be required to demonstrate compliance with the total maximum GFA control.	<b>Yes</b>
Clause 4.6 Exceptions to standard	The application relies upon this clause to allow the exceedance of the height standard as noted above. See assessment following at the end of this table. The variations are supported	<b>Yes</b>
Clause 5.1 Relevant acquisition authority	The site includes land zoned RE1 Public Recreation. That land is noted on the relevant Land Reservation Acquisition Map. Clause 5.1(2) nominates Council as the authority to acquire that land. Refer to discussion at section 4.3 below	<b>N/A</b>
5.4 Controls relating to miscellaneous permissible uses	Each proposed neighbourhood shop does not exceed 80m <sup>2</sup> in area, except shop 5, which proposes a floor area of 81m <sup>2</sup> . Compliance will be enforced through a recommended condition of consent.	<b>No, but addressed by condition</b>
Clause 5.9 Preservation of trees	No tree removal proposed under this application.	<b>N/A</b>
Clause 5.10 Heritage	<ul style="list-style-type: none"> <li>The site is not a listed heritage item, nor is it within a conservation area.</li> <li>No heritage items in the immediate locality.</li> </ul>	<b>N/A</b>

Clause 6.1 Acid sulphate soils	The ALEP map identifies the site as comprising "Class 2" acid sulphate soils. This matter was addressed as part of related DA 1040/2016, which has been approved.	<b>N/A</b>
Clause 6.2 Earthworks	<ul style="list-style-type: none"> <li>• Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council's Development Engineer, who is satisfied the works can managed without impact.</li> <li>• Site works will not prejudice the future development of any adjoining land, or the amenity of that land.</li> <li>• Issues relating to soil quality are addressed via considerations of SEPP 55</li> <li>• No circumstances identified for potential relics.</li> </ul>	<b>Yes</b>
Clause 6.3 Flood Planning	The site is not identified on flood planning map	<b>N/A</b>
Clause 6.5 Essential services	Given its current and former uses the site is connected to all relevant utility services. To be augmented to meet service provider requirements.	<b>Yes</b>
Clause 6.8 Contributions to designated State public infrastructure	The clause provides that consent <u>must not</u> be granted unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development. The DPE advises this matter is progressing but is not able to guarantee the certificate will be issued prior to consideration of the DA by the SCWPP. The report has been prepared in the expectation that certificate will be issued by the meeting date. However should that not be the case the Panel will need to defer consideration of this application.	<b>No, at the time of preparing this report.</b>

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

#### ***Overview***

**Table 7: Summary of height variation**

The standard	Clause 4.3 of ALEP 2010 - Height of buildings – 29.9m and 42m
Objectives of the standard	<p>As per clause 4.3(1) of the LEP:</p> <p>(a) <i>to establish a maximum height of buildings to enable appropriate development density to be achieved, and</i></p> <p>(b) <i>to ensure that the height of buildings is compatible with the character of the locality</i></p>
Extent of the variation	The maximum defined heights and the % variations are:

- Building 3A - 48.58m (Non-compliance is 6.58m or 13.5%)
- Building 3B1 - 38.95m (Non-compliance is 9.05m or 23.2%)
- Building 3B2 - 38.65m (Non-compliance is 8.75m or 22.6%)



Figure 2: Building elements that extend above the LEP height controls

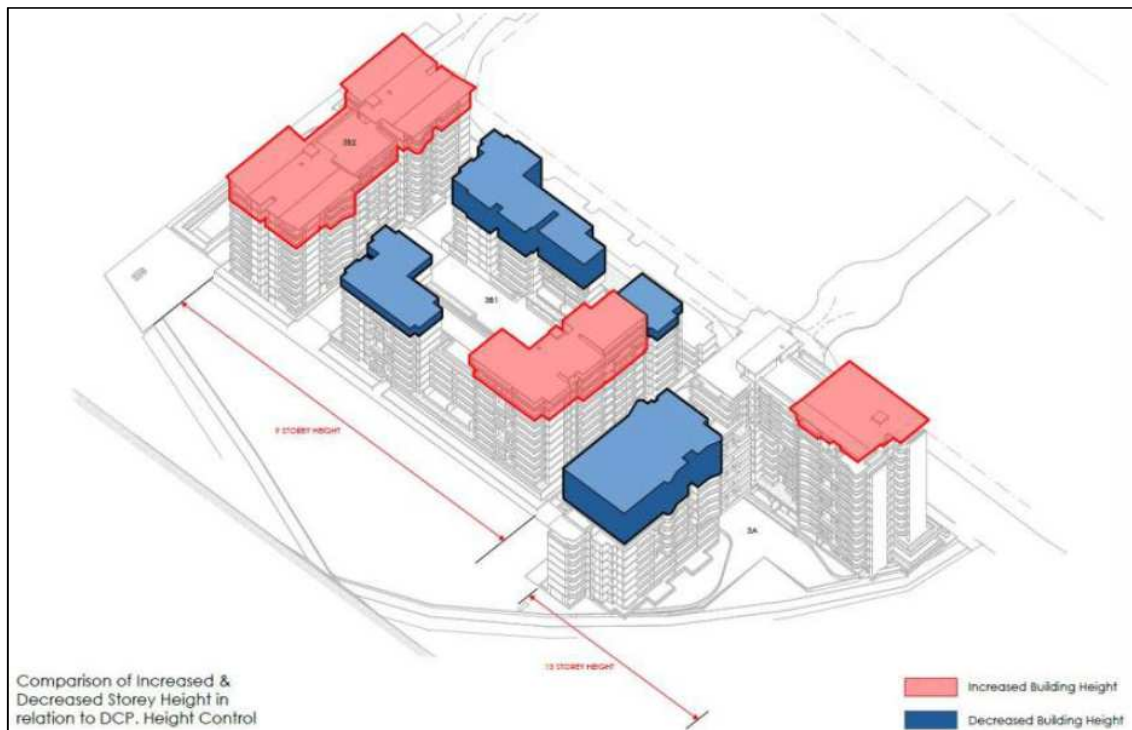


Figure 3: Massing distribution diagram showing areas of increased / decreased heights relative to LEP controls

## ***Evaluation***

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

The objectives of this clause are:

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

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

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

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

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

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

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

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

- a) An appropriate development density is achieved, consistent with objectives of the building height standard because:
  - The height exceedance does not result in any additional floor space contemplated by the LEP FSR control, but instead allows for a redistribution of floor space across the site to achieve a better planning outcome;
- b) The height of the buildings will be compatible with the character of the locality, consistent with objectives of the building height standard because:
  - The varied built form outcome will promote better outcomes for residential amenity;
  - The height variations will not challenge the building height hierarchy ensuring landmark locations such as the town centre remain prominent;
  - The proposal is consistent with the Indicative Structure Plan objectives in the DCP, which nominates varied building heights to be provided in the Precinct "for visual interest and dynamic urban form".



- The height variations respond to DCP objectives to provide "a range of building heights and forms...within each street block to create variety and encourage different architectural styles".

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

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

- The taller buildings which do not comply with the height standard are offset by buildings that are lower than the height control, as follows:
  - Building 3A will be 4 storeys lower than the height standard in some places and 1 storey taller in others.
  - Building 3B1 will be up to 5 storeys lower than the height standard in places and 2 storeys greater in others.
  - Building 3B2 does not have a lower offset but is only 1 to 2 storeys greater than the height standard permits.
- By comparison to a height complaint scheme, the redistribution of massing achieves better streetscape/public domain and amenity outcomes, as follows:
  - A 10% greater provision of solar access to residential apartments;
  - A 17% increase in apartments with a northern façade orientation;
  - A 5% increase in apartments benefiting from a view towards the Olympic precinct;
  - Greater visual interest through a varied built form.
  - Greater opportunity for improved solar access to the southern side of Road 1, which under a future application will be a retail street to mirror the retail component of this current proposal.

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

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

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

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

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

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

Such concurrence is assumed.

## Conclusion

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

- The submission has demonstrated that better planning outcomes will be achieved for the site, for both the private and public elements of the scheme;
- Despite the height variation, the resulting built form will be compatible with the future context of the Precinct;
- No adverse built form or amenity impacts have been identified that can be attributed to those elements of the buildings which would exceed the height control; and
- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

In reaching this conclusion regard has been had to the relevant Judgements of the LEC.

## 3. Carter Street Development Control Plan 2016

### 3.1 Overview

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

### 3.2 Compliance

The DCP is comprised of the following sections:

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

Sections 2, 3, 4 and 6 are relevant. Compliance tables are provided below:

Table 8: DCP 2016 compliance table

Part 2 – Vision principles and indicative structure		Complies
2.1 Vision	The proposal is not inconsistent with the vision statement.	Yes
2.2 Development principles	The proposal is not inconsistent with these principles.	Yes
2.3 Indicative structure plan	The proposal is not inconsistent with the ILP	Yes

Part 3 – Public domain		Complies
3.1 Street network	The street network is broadly consistent with the DCP. Minor variations and additional requirements are discussed at sections 6.4 and 7.2. Approval for the construction works for these roads is the subject of DA 1089/2016.	Yes
3.2 Pedestrian and cycle network	Satisfactory	Yes
3.3 Public open space network	As above.	Yes
Part 4 – Residential mixed use development		Complies
4.1 Building height and form	<ul style="list-style-type: none"> <li>• Building heights are consistent with ALEP 2010, other than for variations as noted at section 2.6 above, and which are satisfactory on merit</li> <li>• Separation between buildings is satisfactory, other than for variations as noted, which are satisfactory on merit</li> <li>• Floor plates are below the 900m<sup>2</sup> maximum</li> <li>• Maximum building lengths of 65m are observed, except northern wing of building 3B1 (65m) and eastern wing of building 3A (70m). No adverse built form of public domain outcomes arise.</li> <li>• Solar access to communal open space is adequate as per ADG requirements. Buildings do not overshadow public open space</li> </ul>	Yes, either compliant or satisfactory on merit.
4.2 Setbacks and public domain interface	<ul style="list-style-type: none"> <li>• Encroachments to setbacks at the southern edges of the site. Satisfactory on merit. See further comments at 6.4 below.</li> <li>• Design provides a suitable interface with street corners and public domain, particularly to the adjacent public park</li> <li>• Individual entries provided to ground floor units where appropriate.</li> <li>• Privacy to ground level units from public domain is achieved</li> </ul>	Yes, with the exception of setbacks, which are satisfactory on merit.
4.3 Building design and facades	<ul style="list-style-type: none"> <li>• Articulation of the built form and the overall façade treatment is satisfactory.</li> </ul>	Yes
4.4 POS and landscaping	<ul style="list-style-type: none"> <li>• Location of private and common open space is satisfactory</li> <li>• Design includes terraces for each building to increase supply of common open space</li> <li>• Species selection for landscaping is satisfactory</li> <li>• Landscaping is integrated with stormwater management</li> </ul>	Yes
4.5 Vehicle access and car parking	<ul style="list-style-type: none"> <li>• Parking is provided in a basement</li> <li>• Vehicular access points are consolidated to minimise disruption to pedestrians</li> <li>• The supply of onsite parking satisfies requirements</li> </ul>	Yes, subject to conditions

	<ul style="list-style-type: none"> <li>The design geometry and layout of parking and service areas is not satisfactory, but is resolved by way of condition - see comments at section 6.8</li> </ul>	
4.6 Acoustic assessment	See comments at 6.5 below	Yes, subject to conditions
4.7 Safety + security	The design properly responds to CPTED considerations. Appropriate conditions are proposed.	Yes
4.9 Adaptable housing	The required number of adaptable units are provided	Yes
Part 6 – Environmental management		Complies
6.1 Sustainability	<ul style="list-style-type: none"> <li>Basix targets are achieved</li> <li>Waste management during construction is addressed by conditions</li> </ul>	Yes
6.2 Flooding	The land is not flood affected. Arrangements for managing overland flow of stormwater are satisfactory.	N/A
6.3 Stormwater (WSUD)	Council's Development Engineer is generally satisfied that stormwater can be managed, however revised plans are necessary. See discussion at section 6.9	Yes, subject to conditions

## 4. Planning Agreements or Contributions Plans

### 4.1 Planning Agreement

An Agreement under section 93F of the Environmental Planning and Assessment Act 1979 was executed on 18 November 2015 between the Minister for Planning and various property owners of the Carter Street Priority Precinct.

The obligations arising from the Agreement are:

- Payment of the contribution required by clause 6.8 of the ALEP 2010; and
- The transfer of a minimum of 2 hectares of land for education purposes to the Minister within nominated timeframes.

In terms of the payment triggered by clause 6.8 of the LEP, the DPE advises this matter is progressing but it is not able to guarantee the certificate will be issued prior to consideration of the DA by the SCWPP. This report has been prepared in the expectation that certificate will be issued by the meeting date. However, should that not be the case the Panel will need to defer consideration of this application.

Subdivision to create the land to be transferred to the Minister is not part of this application.

#### **4.2 Carter Street Precinct Contributions Plan 2016 - Levy**

The VPA executed by the Minister for Planning for the Carter Street Precinct specifically notes that it does not exclude the operation of section 94A of the Act.

The land therefore remains the subject of this Plan, which operates for the purposes of section 94A of the EPA Act 1979. It provides as follows:

- Clause 9 – The rate of contribution is 1% of the cost of development
- Clause 13 – Plan applies to all applications for development under Part 4 of the Act
- Clause 14 – No exemptions for subdivision applications
- Clause 17 – Cost of development calculated per clause 25 of the EPA Regulation
- Clause 22 – Payment to be made at time specified in the Notice of Determination

An appropriate condition is included in the recommendation.

#### **4.3 Carter Street Precinct Contributions Plan 2016 – Land dedication**

The site (Lot 13 DP 1216741) includes land zoned 'RE1 Public Recreation' under Auburn LEP 2010. That land is excluded from "Zone 3" and on the draft plan of subdivision is noted as "Residual Lot 1".

Under Auburn LEP 2010 that RE1 land is identified on the Land Reservation Acquisition Map, with council nominated as the relevant acquisition authority under clause 5.1 of the LEP.

The applicant notes that:

- It does not wish to request council to acquire that land at this time, and is under no obligation to sell the land to council as part of this DA;
- The Carter Street Contributions Plan cannot require the land to be dedicated to council at no cost;
- It could, if it chooses, dedicate that land to council free of cost, provided there was an offset against contributions it would otherwise need to pay;
- Transfer of this land to council is more appropriate after construction works on "Zone 3" are more advanced, as until then the land would have little utility as a park in its current or immediate future state.

Those contentions are contested, as follows:

- Clause 28 of the Contributions Plan does allow council to impose a condition requiring dedication of land to it, free of cost, for the provision of public facilities to be provided by council. This is further confirmed by Scheduled 4A which (Item B.3) which confirms the dedication of that land would be at no cost to council;
- Clause 28 further confirms that council has discretion to offset the value of such land against the contribution that is otherwise required to be paid; and
- Timing for the dedication of this land should not be deferred until the applicant completes the second stage of development contemplated for "Zone 3". This current application for stage 1 of "Zone 3" provides for 421 apartments within an industrial precinct which is only

just commencing its transition from industrial purposes. Those residents require, as soon as possible, direct and safe access to an area for active recreation without needing to leave the precinct.

Embellishment of the park will be council's responsibility. Those works, with an estimated cost of \$800,00.00, will be funded by the levies collected under the contributions plan. The applicant will however be required to provide an interim treatment to manage dust control and allow for the park to be used ahead of council's embellishment works.

Appropriate conditions are included in the recommendation to this report.

## 5. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 9: Relevant EPA Regulations

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

## 6. Likely impacts

### 6.1 Context and setting

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

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

#### Response

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

- Site works and alterations to the ground profile are acceptable, with no adverse impacts identified;
- Appropriate arrangements will be made for the collection and disposal of stormwater;
- Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network;
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- The proposal will not generate noise, cast shadows or diminish views that would be detrimental to adjacent and surrounding sites.

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

#### Response

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

- It provides for a mix of land uses contemplated by the planning controls;
- Site planning locates built elements in suitable locations to avoid negative amenity outcomes for adjacent sites or areas of public open space;
- The scale and form and presentation of the building is consistent with planning controls, and the design and site planning as modified issued raised by the DEAP to the satisfaction of council staff (noting the terms of the 'deferred commencement recommendation');
- The public domain treatment will be satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.

### **6.2 Site works**

#### Excavation

Bulk earth works for this scheme have already been approved under related DA 1040/2016.

#### Tree removal

The site is largely void of vegetation noting current uses. The scheme makes satisfactory adequate arrangements for re-landscaping of private and public elements of the proposal.

#### Utility services

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

### **6.3 Natural and technological hazards**

No hazards identified

### **6.4 Site design and internal design**

#### Subdivision

The application is supported by a draft plan of subdivision which provides for:

- 3 development lots, one for each building the subject of this application;
- 1 road lot, to be dedicated to council;
- A residual lot (Lot 1) being the land zoned RE1; and



- Another residual lot (Lot 6), which includes land that is not part of “Zone 3”.

The draft plan of subdivision will need to be amended to:

- Remove the reference to ‘residual’ for Lot 1 as it is to be dedicated to council as discussed at section 4.3
- Amend residual Lot 6 so that it only comprises the balance of the land that is part of “Zone 3” – demonstrating that Zone 3 is a total of 39,833m<sup>2</sup>.
- Extend Lot 5 to encompass the southern extension of Road 3, which is also to be dedicated to council.
- Provide a right of way for the footpath required over Lots 3 and 4.

These matters are addressed by way of a deferred commencement condition. Any application for a Subdivision Certificate will need to be supported by Instruments, under the Conveyancing Act, allowing for 24 hour public access over all relevant rights of way.

### Street network

The street network is largely consistent with that nominated by the DCP. Some minor variations are proposed and are acceptable, as discussed in more detail at section 7.2 in response to issues raised in a public submission.

Council is also seeking an additional single lane street to be constructed along the northern edge of building 3B1, as shown below. This additional street was suggested by DEAP at pre-lodgement stage to increase pedestrian permeability and enable surveillance of the park to the north of site. Such a road would also assist in providing ground floor units of building 3B1 with a street address. Council’s Public Domain team is of the same opinion.

The applicant is reluctant to revise its design for this purpose, as such would require the removal of the generous planter boxes at the ground level edge of building 3B1. The location of the zone boundary between the R4 land and adjacent RE1 land, which will define the boundary between future public/private land, is also a constraint. However, Council is firm in its position that this road is warranted. The solution recommended by this report is therefore as follows:

- The ground floor planter boxes adjacent to the northern edge of building 3B1 to be reduced to a maximum width of 3.2m, to allow for a 1.8m footpath that will abut the boundary of the RE1 zoned land; and
- A laneway (3m wide) will be located wholly within land zoned RE1. It will be constructed by the applicant and dedicated to council.

Provision of this laneway will require amendments to the public domain elements of the scheme, and is therefore addressed by means of a deferred commencement condition. Further, as the roads are outside the scope of this DA, a condition is also required linking this application to DA 1089/2016 to ensure consistency between those two approvals.

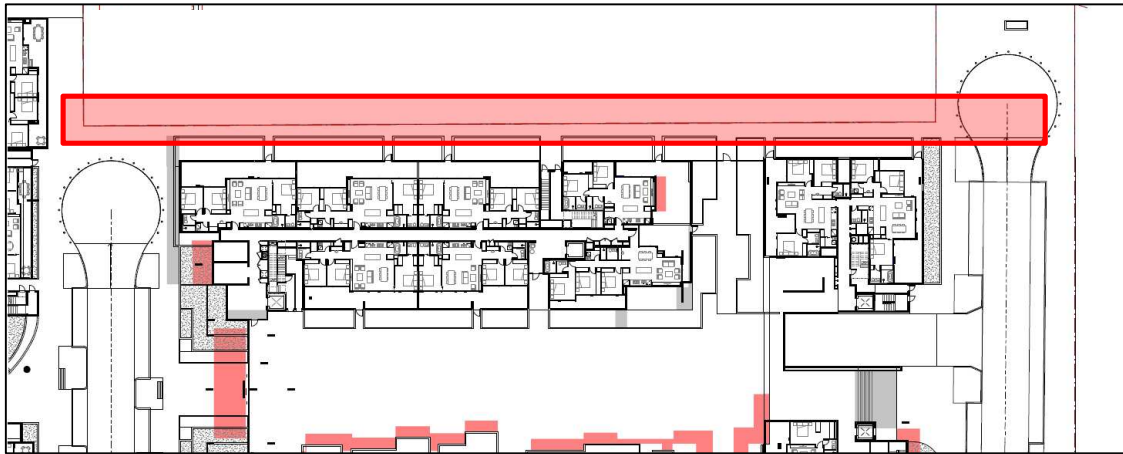


Figure 4: Location of additional laneway shown in red

### Setbacks

There are several instances where minor elements of the buildings 3A and 3B2 encroach into the 5m setback to road 1. No concerns arise and no design amendments are warranted.

The primary departure from the 5m DCP setback control relates to the southern wing of building 3B1, adjacent to Road 1. In that location the design nominates:

- A 2m setback for the ground level retail shops;
- A 0m setback for residential levels 1-3 above those shops; and
- Variable setbacks of 1.5m, 2.5m and 7m for residential levels 4-6.

Site planning and design for this element of building 3B1, adjacent to Road 1, as nominated provides for a built form outcome that is typical of a small retail centre in a high density mixed use context. Such an outcome was not contemplated by the DCP in this location, however the land use mix as proposed is consistent with LEP controls. Council is supportive of a small retail component on this site, as such will create a focal point and provide services and facilities to meet the day to day needs of residents, who otherwise would be isolated from established retail centres until such time as the full delivery of the Precinct is realised. Variation to the setback controls are therefore supported.

It is anticipated that the next stage of development for Zone 3 will replicate this same land use/design format for the southern side of Road 1, opposite building 3B1.

The application is supported by a high level retail report which considers the potential for retail floor space that could be supported by the immediate onsite residential population resulting from the full development of Zone 3. That analysis indicates that future population of Zone 3 is capable of supporting 1,000m<sup>2</sup> -1,200m<sup>2</sup> of retail floor space. This application proposes only 396m<sup>2</sup> of retail floor space.

### Building separation

Building separation distances are provided as follows:

**Table 10: Summary of ADG building separation distances**

<b>Between buildings 3B1 and 3B2</b>		
	ADG criteria	Proposed
First 4 storeys	12m between habitable rooms and balconies	Minimum 19.8m - complies
Storeys 5-8	18m between habitable rooms and balconies	Minimum 20.6m - complies
Nine storeys +	24m between habitable rooms and balconies	Minimum 19.1m (but typically 23m)
<b>Between northern and southern wings of building 3B1</b>		
	ADG criteria	Proposed
First 4 storeys	12m between habitable rooms and balconies	22m - complies
Storeys 5-8	18m between habitable rooms and balconies	22m - complies
Nine storeys +	24m between habitable rooms and balconies	N/A
<b>Between buildings 3B1 and 3B2</b>		
	ADG criteria	Proposed
First 4 storeys	12m between habitable rooms and balconies	Satisfied or exceeded except at southern end of Building 3B2 where 10.9m provided
Storeys 5-8	18m between habitable rooms and balconies	<ul style="list-style-type: none"> <li>• 12.1m towards north end of building 3B2</li> <li>• 14m towards south end of building 3B2</li> <li>• 10.9 m at southern end of building 3B2</li> </ul>
Nine storeys +	24m between habitable rooms and balconies	Complies

The instances where ADG separations are not achieved have been reviewed by council's City Architect and Urban Design team, and are acceptable noting:

- The massing and scale of the built form would not be inconsistent with future character of the Precinct;
- The amended plans have improved internal amenity for units in each of the buildings relative to key measures within the ADG. The design makes adequate arrangements for visual privacy in locations where separation distances are not strictly met. Further confirmation of details for visual privacy at the internal corners of buildings 3B1 is still required, and that matter is addressed by condition, however the design intent is satisfactory; and
- Site planning achieves adequate common open space and deep soil provision.

#### Height, bulk and scale

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

is also satisfactory on merit.

#### External materials

The schedule of external materials and finishes is satisfactory.

#### Accessibility

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

#### Landscaping

Council's Tree Management and Landscape Officer is satisfied with the landscape treatment for the private (on site) elements of the scheme, and has provided conditions for inclusion in any approval.

### **6.5 Amenity considerations**

#### Noise intrusion from adjacent sources

The Carter Street DCP nominates "recommended" and "maximum" noise criteria for internal areas of new development in response to the setting and context of the site, which is subject to intrusive noise road traffic, existing industrial uses and major events at the adjacent SOP precinct.

The application is supported by a technical report which considers the impacts of those noise sources, and concludes the DCP criteria can be satisfied subject to nominated glazing/seal treatment for particular building facades. However, it does not clearly indicate whether the treatments nominated are sufficient to meet 'recommended' or higher "maximum" noise criteria, the latter only being applicable subject to council approval.

Council's Environmental Health Office advises:

- The 'recommended' and 'maximum' internal noise levels in the DCP apply for both day and night-time periods. The 'maximum' criteria is 5 decibels higher than the 'recommended' criteria, and has been provided to acknowledge that residential developments are to be located adjacent to an entertainment precinct which will be subject to higher noise levels on occasion due to major events.
- The 'maximum' internal noise level of 5 decibels greater should only be used when no other options are available to reduce the noise levels to the 'recommended' criteria.
- Based upon experiences for other nearby development, the only difference in achieving the 'recommended' internal noise criteria are in the type and thickness of the glazing required. It is the opinion of the assessing officer and the Team Leader of Environmental Health that if the recommended internal noise level criteria can be achieved with specific building attenuation (namely thicker glazing), then this should be the limiting criteria to use. To allow an extra 5 decibels under the 'maximum' criteria would not only lead to more

internal noise ingress on a regular basis, but event noise heard internally would also be higher than necessary leading to an even greater noise impact for residents.

This report therefore recommends that noise attenuation measures be designed to satisfy the 'recommended' criteria within the DCP.

#### Noise between residential and non-residential uses within building 3B1

The matter is also addressed by the applicant's acoustic report. It notes that retail ground floor retail premises are expected to have a negligible impacts, and that food premises/licensed premises/outdoor dining would need to be assessed on individual merits.

It is noted the Building Code of Australia nominates minimum standards for fire separation and noise attenuation between different classes of buildings.

To ensure amenity for the residential apartments in proximity to the ground floor neighbourhood shops, this report includes a condition which limits trading hours of those premises. Acoustic considerations will be further address by the provisions of the Codes SEPP, if applicable, or otherwise via the development application process for the use of those premises.

#### Odour

The site is about 80m south of the Homebush Bay Liquid Waste Treatment Plant (LWTP). That Plant is critical infrastructure, as it treats liquid wastes for which there are no alternative treatment options in NSW.

In its submission to council on this application the Environment Protection Authority (EPA) notes the risk of land use conflict due to potential odour impacts for residential development, and advises:

- It has been working with the LWTP operator for 10 years to deliver substantial improvements in relation to odour control, but nevertheless it remains possible that odour issues will arise which are not readily resolvable by better regulation;
- The DPE established an inter-agency working group to consider the future of the LWTP;
- Development in the precinct should be staged, with residential and school development closest to the LWTP only proceeding once a final solution for the LWTP had been implemented.

The EPA raised these same concerns with the DPE during the investigations for the Carter Street Priority Precinct. The DPE Finalisation Report was supported by a technical report assessing existing and proposed odour impacts from the LWTP on the Carter Street Precinct. That report modelled four odour emission scenarios to capture the different operational scenarios at the LWTP and, in summary, concluded:

- The predicted odour levels at existing residential receptors are predicted to comply with the NSW EPA odour assessment when the Odour Control Furnace (OCF) is operating under normal conditions;

- Under adverse meteorological conditions, odour concentrations are predicted to exceed the EPA assessment criterion at the nearby existing residences and over sections of the proposed Carter Street Precinct;
- Under worst-case odour emission and dispersion scenarios it is anticipated about 25% of the Carter Street Precinct would be impacted, predominantly comprising land at the north west of the Precinct.
- Based on predicted zones of odour impact, it is possible to mitigate the potential for adverse odour impact through progressive development, from the south west to the north east, with final residential land releases only being available at the end of the useful life of the LWTP.

The DPE Finalisation Report acknowledged that the facility would impact on future residents of the precinct. It also noted:

- The site of the plant has been identified for mixed use (residential and commercial) under the Sydney Olympic Park Master Plan 2030, and zoned B4 Mixed Use under the State Environmental Planning Policy (Major Development) 2005;
- The LWTP site is leased by a private operator from the NSW Government, with the current lease due to expire in 2025. Given the existing adverse impacts and changing land uses within the vicinity of the facility it is considered that it will need to cease operations, such that the lease should not be extended; and
- A plan is required to establish arrangements for the long term treatment of liquid waste streams across Sydney and NSW.

The odour report accompanying this application (prepared by the same consultants who prepared the technical report to the DPE for the rezoning evaluation of the Precinct) provides the following conclusion:

- Under normal operating conditions it is not considered the LWTP will cause adverse odour impacts for this proposal;
- When non-standard odour management practices (upset conditions) are combined with adverse meteorological conditions, there is a potential odour performance criterion to be exceeded at and beyond the project boundary;
- It is considered unlikely for upset conditions to combine with adverse meteorological conditions; and
- Based on the above it is considered that the risk of adverse odour impacts from the LWTP under normal conditions is low.

Council's Environmental Health team reviewed the proponent's odour report and raised no objections regarding its methodology or contentions.

In reaching a conclusion on this matter it is noted:

- The DPE had the opportunity to address staged development of the Carter Street Precinct if it considered odour from the LWTP was a significant constraint;
- The lease for the LWTP is due to expire in 2025, and on available information, is unlikely to be extended;

- The SOP Master Plan controls for the land between this proposal and the LWTP permit high density residential development, with no objectives or provisions to mitigate odour impacts. Council understands that gazettal of the Master Plan, with no change to that aspect of its provisions, is imminent.

## **6.6 Public domain**

### Built form relationship to public domain

A positive public domain outcome will result given:

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

### Public domain design and associated works

Council has always been concerned that the design of the public domain elements, in particular the treatment of Roads 3 and 5, were configured to discourage public access. Considerable improvements were achieved through negotiation and reflected in amended plans, however Council's Public Domain have identified further amendments to more fully address this matter.

The required changes seek to revise the design to avoid above ground encroachments into road 5, including:

- The substation at south-eastern corner of the street;
- Parts of units on level 1-3 above the substation;
- The balcony and planter bed outside unit G-03C at the north-western corner of Road #5;
- Part of basement structure (in basement level 1&2) under Road #5 road reserve below the planter bed and balcony outside unit G-03C in Block 3A;
- Balconies in Block 3A on level 1-9 facing Road #5.

In terms of the required public domain works, a range of design amendments have been identified, which will be address through deferred commencement conditions.

## **6.7 Relationship to adjacent sites**

### Sydney Olympic Park Precinct

Current and draft planning controls for the Sydney Olympic Park (SOP) precinct nominate a B4

Mixed use zone for the land adjoining this proposal.

Future SOP development to the north of the site will be separated by the new public park ensuring a suitable level of amenity. Land to the west, between the site and Hill Road, is more constrained by virtue of its shape and dimension. The applicant has provided details sufficient to demonstrate that adequate ADG separation distances can be achieved if that SOP land is developed for residential purposes in the future, as contemplated by the SOP draft masterplan.

#### Overshadowing

Midwinter shadows from the buildings fall to the south, predominantly over the subject site, and which currently supports various industrial purposes.

It is the future context for which this issue is more relevant. Shadowing in that circumstance will most significantly impact the balance of the “Zone 3” site, a constraint that will need to be managed by any future development application in terms demonstrating ADG outcomes for solar access to units and areas of common open space.

#### Operational noise

Space for mechanical plant is provided as follows:

- Building 3A – at the rooftop level.
- Building 3B1 – plant rooms a level 6
- Building 3B2 – at the rooftop level

The acoustic report supporting the application states that a detailed acoustic review should be undertaken at CC stage to determine acoustic treatments to control noise emissions to required levels. Noise from the operation of the mechanical equipment will not impact upon adjacent sites.

#### Lighting

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

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

#### Parking supply

The Carter Street Precinct DCP prescribes the parking supply requirements for various land uses. The proponent however seeks to supply 35 less spaces, relying upon ADG provisions which defer to RMS parking requirements for sites within 800m of a railway station as justification.

The site is about 1km from Olympic Park railway station, and not all required pedestrian paths are yet in place. Nevertheless, council is agreeable to a lesser number of spaces particularly



given the prospect of further public transport to service the Precinct in the future, being light rail or a metro train system.

The parking supply of 530 spaces as proposed is therefore satisfactory. Bicycle parking supply is also satisfactory.

#### Parking access and design

Deficiencies with the geometry and design of parking and service areas have been identified by Council's Traffic Engineer. The issues of concern are:

- The location of the loading dock on basement level 1 will impact upon sight lines for three traffic movements thought that part of the basement.
- Various examples of columns locations being in conflict with Australian Standards, including for shared spaces
- Blind aisle extensions are not provided.

Resolution of these matters is addressed by way of a deferred commencement condition.

#### Construction Traffic

The application is supported by a Construction Traffic Management Plan which is generally satisfactory. Notwithstanding, this report includes a condition requiring a final CTMP to be prepared prior to works commencing, which will also address:

- Council approval for work zones and temporary road closures; and
- Preparation of a Traffic Control Plan in accordance with relevant RMS requirements.

### **6.9 Water management**

#### Water quality during construction

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

#### On site stormwater collection and disposal

Stormwater from the development sites will be managed via an Onsite Detention System that will connect to existing infrastructure within Hill Road and another connection point elsewhere within the subject site.

Council's Development Engineer has identified design deficiencies with that system. Similarly, minor issues have also been identified with arrangements for WSUD element of the system. Resolution of those matters is addressed by way of a deferred commencement condition.

#### Overland flow of stormwater

Roads 1 and 3 have been designed to manage overland flows of stormwater. The arrangements as nominated are satisfactory.

Stormwater runoff from the park is shown to be collected by way of a 3m wide dish drain that will connect to the street drainage system. No objections are raised subject to that drain being designed as a vegetated swale to treat runoff.

## **6.10 Waste management**

### Construction phase

A condition is nominated requiring the submission of a WMP prior to commencement of works, as recommended by Council's Environmental Health Officer.

### Operation phase

The application is supported by a Waste Management Plan addressing arrangements for the storage and collection of general waste/recyclables and trade waste. The development will be serviced by private contractors only. Council's Environmental Health Officer raises no objections and has provided conditions for inclusion in any approval.

## **6.11 Construction Management**

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

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

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

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

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

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

- Internal and external lighting to Australian Standards;
- Installation of CCTV to the basement entry;
- Way finding measures within the parking levels;

These matters are addressed by conditions.

### 6.13 Social and economic impacts

No adverse impacts have been identified.

## 7. Site suitability

### 7.1 Does the proposal fit the locality

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

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

### 7.2 Public submissions

#### Submission from Nos 1-5 Hill Road, Lidcombe

Nos 1-5 Hill Road Lidcombe is located opposite the intersection with John Ian Wing Parade, and shares a common boundary with the subject site. The lessor of that site has lodged two objections to this proposal, as summarised below:

*The alignment of the north south road being the road between building 3A and 3B1 is identified as a local road. Its alignment further south abuts No.1-5 Hill Road. The diagram at Figure 3 (of the Carter Street Development Control Plan) suggests that there will be a road frontage contemplated for the south eastern boundary of my client's property.*

*The plan and setout of the road being proposed as part of this application would appear to be setback when extrapolated some 10-20 metres from the south/east portion of my client's site. It would appear that the alignment has been moved east. Furthermore, the indicative alignment of the east/west road which is to link with Wing Parade also appears to be slightly north of the alignment.*

*Given that this is an evolving precinct it is critical that the infrastructure framework is adhered to - specifically street alignments and location and open space areas - particularly where the alignments impact on adjoining property owners.*

*We object to the current proposal because it is not consistent with Figure 3 Street Network and should be amended to show that the extension of the north/south road between Buildings 3A and 3B1 will deliver the same conditions as envisaged in the Carter Street Precinct DCP 2016, being a road frontage (to Nos 1-5 Hill Road). Furthermore, all east/west roads should reflect the DCP.*

Provided below is an extract from Figure 3 of the Carter Street DCP showing the road network for the Precinct, the land at Nos. 1-5 Hill Road. For ease of reference, the various roads are numbered.

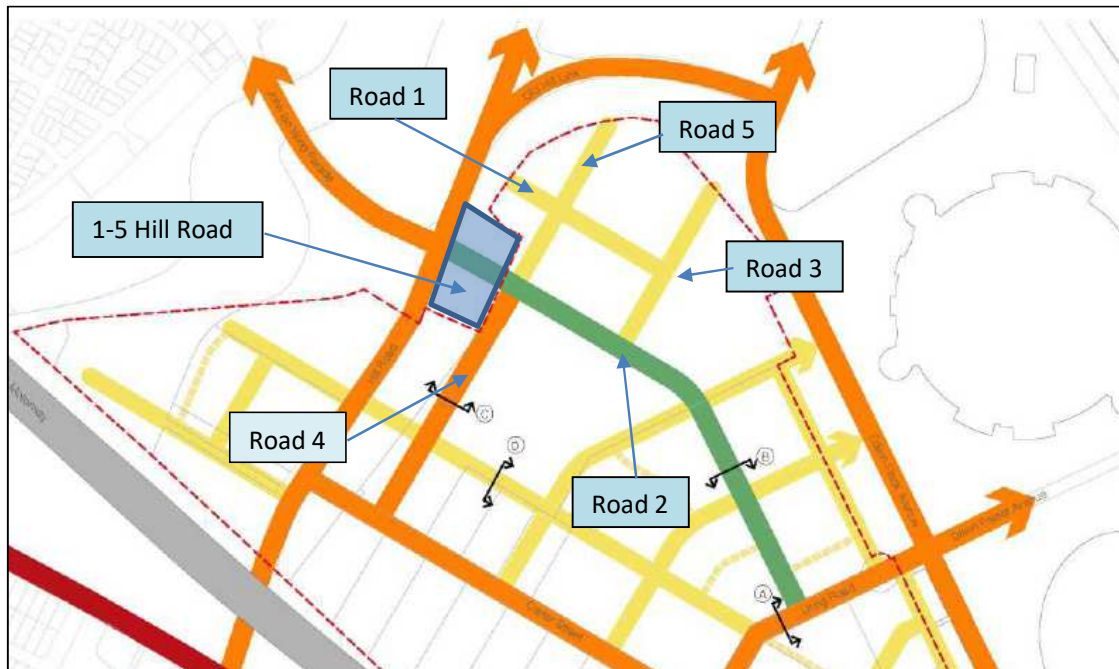


Figure 5: DCP street network

In response to these issues it is noted:

- The roads required to service this development (Road Nos 1 and 3, and Road 5 north of Road 1) whilst necessarily shown in DA 1005/2016 the subject of this report, are outside the scope of that DA. Consent for those same roads is instead sought via concurrent DA 1089/2016, as noted at section 4.2 above. Determination of DA 1089/2016 will be anticipated shortly.
- The scope of DA 1089/2016 (and by necessity, this current DA) does not include any roads south of Road 2.
- The street network nominated under DA 1089/2016 (Roads 1 and 3 and part of Road 5) is generally consistent with the DCP. Nevertheless, it is correct that the alignment of some of those roads does vary from the DCP, as follows:
  - On the architectural plans Road 2 is north of the nominated location, though the civil plans for DA 1089/2016 appear correct.
  - The location of Road 5 between block 3A and 3B1 is east of the DCP position.

The basis of the objection received is the proposition that if the alignment of Road 5 was adopted for the alignment of future Road 4 then Nos. 1-5 Hill Road would be denied a street frontage at its eastern boundary, precluding that site from connecting with the Carter Street Precinct as intended by the DCP.

In responding to this objection the Panel is advised:

- No consent is sought for Road 4 at this time and therefore the objection is not relevant to this application;
- Nevertheless, Council' Traffic Engineer advises that due to the nature of Road 2 and its proximity to the intersection with Hill Road, future Roads 4 and 5 (south of Road 1) will have restricted turning movements. In conjunction with a central median for Road 2, those circumstances combine such that Roads 4 and 5 do not need to align. Consequently there is no reason why Road 4 cannot be located adjacent to the eastern boundary of Nos. 1-5 Hill Road, as contemplated by the DCP. That would resolve the concern of the objector.

Notwithstanding, it is appropriate for the Panel to also note the wider unresolved issues for the Carter Street road network which have arisen from a failure of previous Precinct planning decisions.

Road 2 of the DCP street network will be the primary collector road for the Precinct, connecting Hill Road with Uhrig Road. Implementation of Road 2 requires construction of the eastern leg of the Hill Road/John Ian Wing Parade intersection over Nos. 1-5 Hill Road. However, that land:

- Is not subject to the Carter Street LEP and DCP controls, but instead is within the boundaries of Sydney Olympic Park;
- Is the subject of a 99 year lease by the objector from SOPA; and
- Under the current draft SOP Master Plan has potential to support high density residential development.

The eastern leg of that intersection is being designed by the RMS as a component of its project to build a westbound off ramp from the M4 Motorway connecting with Hill Road. That off ramp is a component of the WestConnex project, and is required to manage traffic movements for the Carter Street and Wentworth Point precincts, and SOP.

The objection also questions the proposed location of Road 2 relative to the intersection with John Ian Wing Parade/Hill Road. That part of Road 2 will need to be designed to integrate with the RMS design of the eastern leg of that intersection.

Council is working closely with RMS, DPE and SOPA and the applicant as appropriate to address these matters.

The objection also questions the proposed location of Road 2 relative to the intersection with John Ian Wing Parade/Hill Road. That part of Road 2 will need to be designed to integrate with the RMS design of the eastern leg of that intersection.

### 7.3 Agency submissions

The application was notified to Sydney Olympic Park Authority as an adjoining land owner. Project specific issues raised in their submission are addressed in the following table:

**Table 11: Response to SOPA submission**

Comment	Response
Not supportive of vehicle access between Carter Street precinct and SOPA.	Achieved. Pedestrian connections only proposed.

Pedestrian and cycle integration between the two precincts is important, and is not adequately documented.	The application provides for a single pedestrian connection towards the western edge the site, as an extension of Road 5, and which terminates at the SOPA boundary. SOPA advises it would prefer that connection to be located as an extension of Road 3, allowing for a safer and more direct route that could better integrate with its existing pedestrian network, subject to SOPA also constructing new pathways. This outcome is reasonable, and is addressed by way of conditions.
Concerned that additional building height will overshadow Haslams Creek precinct within SOP and the future school site to the east of the development in the Carter Street precinct.	Shadow impacts on the Haslams Creek Precinct is limited, and only impacts the land that is required for the extension of the John Ian wing Parade intersection. Impacts on the future school site occur early/mid afternoon only, and do not impact significant portion of that site.
Traffic modelling is not adequate	Traffic for this development is directly from Hill Road, and will no impact on traffic volumes/movements within SOP.
Public domain elements and finishes should be reviewed against the SOPA Urban Design Elements Manual.	Council's Urban Domain team has reviewed arrangements for public domain works (design and materials) and have provided conditions for inclusion in any consent.
Development within the Carter Street Precinct should be staged to allow areas furthest from the liquid waste treatment plant to be developed before land closest to the plant, due to odour issues.	This matter is addressed at section 6.5
Due to noise from major events at SOP, a notation/disclaimer should be included on section 149 zoning certificates, or covenants imposed in sale documents between the developers and landowners.	The terms of the EPA Act would not permit such notations to be included on 149 certificates. Council has sought further advice from SOPA on the use of covenants but details were not received at the time this report was prepared.
On street parking should be time limited to assist with management of major events in SOP	Council is agreeable to imposing time limits on street parking, and will consider such via the Local Traffic Committee.

## 8. Public interest

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

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

- Support and deliver GPOP
- Encourage employment growth
- Create a more connected District
- Improving housing design and diversity

- Design vibrant and activity centres
- Provide communities with better services
- Showcase the Western Sydney Parklands
- Improve access and health of waterways
- Manage growth with eco-friendly planning

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



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

<b>SWCCP reference</b>	2016SYW224
<b>DA No.</b>	1005/2016

### **DEVELOPMENT APPLICATION 1005/2016**

#### **SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS**

1. Amended **architectural plans**, to the satisfaction of the Director, Strategic Outcomes and Development, shall be submitted to Council which satisfy the following requirements:
  - a) A schedule of all external materials of construction, colours and finishes
  - b) Setbacks for all buildings relative to existing and future site boundaries shall be plotted on each relevant plan.
  - c) Floor plate/building length dimensions to be plotted on each relevant plan.
  - d) Retail tenancy 5 to be amended to a maximum of 80m<sup>2</sup> gross floor area.
  - e) For apartments at the internal corners of building 3B1, ensure plans include details or notations sufficient to demonstrate:
    - i) All privacy screens to balconies are not less than 1.8 metres in height from finished floor level;
    - ii) All proposed blade walls servicing balconies must be no less than 1.8 metres in height from finished floor level; and
    - iii) All proposed balcony screening materials must be clearly identified.
  - f) The courtyards and balconies of the following units to be adjusted to satisfy ADG criteria:  
  
Building 3A: G-04C  
Building 3B1: G-04B  
Building 3B2: 1-01A/1-05B/2-01A/2-05B/4-01A/4-05B/5-01A/5-05B/6-01A/6-05B/7-01A/7-05B.
  - g) In relation to the basement levels:
    - i) Remove wheel stops to tandem spaces
    - ii) Revise column locations to comply with AS2890.1 and ensure columns do not impinge on shared spaces
    - iii) On basement level 1 the entry driveway, loading dock and ramps must be redesigned to:
      - Separate the loading dock manoeuvring area from the general traffic entering the site; and
      - Eliminate the three into one merge in the one location near the exit to the driveway.



- iv) The blind aisles exceed the length permitted in AS2890.1 where they exceed 6 spaces without provision of a turning area.
  - v) Identify the 421 residential bicycle parking spaces that are to be provided
- h) In relation to Road 1 amend the relevant plans as follows:
- i) Provide a 1.8m wide concrete footpath abutting the property boundary and continuous turf verge with street trees between the footpath and kerb in Road #1. Tree planting in blisters is not supported – instead provide a 2.1m continuous parking lanes.
  - ii) Redesign the refuge islands at the roundabouts to comply with relevant Austroads Guidelines and reduce the distances between the pedestrian crossings and street corners.
- i) In relation to Road 3 amend the relevant plans as follows:
- i) Redesign the refuge islands at the roundabouts to comply with relevant Austroads Guidelines and reduce the distances between the pedestrian crossings and street corners.
  - ii) Provide continuous nature verge between the footpath and kerb with street trees and selected understorey plantings. Tree planting in blisters or raised planter beds is not supported.
  - iii) Clearly delineate the 20m road reserve in by placing a continuous 1.8m wide concrete footpath along the boundary on both sides of the streets.
- j) In relation to Road 5 amend the relevant plans as follows:
- i) Remove part of basement structure (in basement level 1&2) under Road 5 road reserve below the planter bed and balcony outside unit G-03C in Block 3A;
  - ii) Remove or amend the following elements that encroach the 20m road reserve:
    - The substation at south-eastern corner of the street;
    - Those parts of the units on levels 1-3 above the substation;
    - The balcony and planter bed outside unit G-03C at the north-western corner of Road #5;
    - Balconies in Block 3A on level 1-9 facing Road #5.
  - iii) Provide continuous nature verge between the footpath and kerb with street trees and selected understorey plantings. Tree planting in blisters or raised planter beds is not supported.
  - iv) Clearly delineate the 20m road reserve by placing a continuous 1.8m wide concrete footpath along the boundary on both sides of the streets.
- k) In relation to the street network, amend the relevant plans as follows:
- i) Provide a laneway along the northern edge of Block 3B1& 3B2, connecting Roads 3 and 5. The laneway shall include a continuous 1.8m wide concrete footpath along the planter bed/building edge within the property boundary – with the depth of those planters adjusted to accommodate the footpath. Abutting the footpath, but located within the RE1 land, shall be a single traffic lane, to be dedicated to council.
  - ii) Amend the design for turn heads in end of Roads 3 & 5 to connect with the laneway.

2. In relation to the **subdivision**, documentation to the satisfaction of the Director, Strategic Outcomes and Development, shall be submitted to Council which satisfies the following requirements:
  - a) Plan of subdivision
    - i) Remove the reference to 'residual' for Lot 1
    - ii) Amend residual Lot 6 so that it only comprises the balance of the land that is part of "Zone 3" – demonstrating that Zone 3 is a total of 39,833m<sup>2</sup>, and excluding land for the future school
    - iii) Extend Lot 5 to include the southern extension of Road 3, which is also to be dedicated to council.
    - iv) Show rights of way for all footpaths and roads to ensure 24 hour public access.
  - b) Provide a plan of land dedication, confirming that Lot 5, the allotment for the land zoned RE1 and the new laneway connecting Roads 3 and 5, will be dedicated to council.
3. Amended **public domain landscape plans** to the satisfaction of the Director, Strategic Outcomes and Development, shall be submitted to Council which satisfy the following requirements:
  - i) Provide for the footpath and traffic lane along the northern edge of Block 3B1& 3B2, connecting Roads 3 and 5, as noted elsewhere in Schedule 1.
  - ii) Amend the design for turn heads at the end of Roads 3 & 5 to connect with that laneway.
  - iii) Amend the design of Road 3 to provide a pedestrian connection which extends to the SOP boundary. Evidence of consultation with SOPA shall accompany the plans lodged with council for endorsement.
  - iv) All planters to be designed so that soil levels are flush with footpaths.
  - vi) The land zoned RE1 shall be provided with a turf finish.
4. Amended **Alignment Plans** to the satisfaction of the Director, Strategic Outcomes and Development, shall be submitted to Council which satisfy the following requirements:
  - i) Cross sections at the regular chainages taken at 10m intervals on Road 1, 3 & 5 to be included to satisfy the requirements for an Alignment Plan, in accordance with Parramatta City Council's Public Domain Guidelines.
  - ii) Ensure the plans are consistent with required design changes noted elsewhere in Schedule 1.
5. Amended **stormwater plans** the satisfaction of the Director, Strategic Outcomes and Development, shall be submitted to Council which satisfy the following requirements below. These plans must be generally in accordance with the Hydraulic services package, drawing numbers HDA-01 – HDA-10, Revision A, dated 01/06/2017, prepared by Floth, but must incorporate the following changes:
  - i) The internal configuration of both OSD tanks must be revised to address the following issues:
    - a) The OSD inlet pipes drain directly into the cartridge filter area, which overflows to OSD storage. This is incorrect as inlet water should be drained directly to the HED chamber.
    - b) A flow separating pit must be installed upstream of the cartridge filtration pit so that only low flows up to 4EY enter the treatment area. This is as per manufacturers specifications, in order to extend the lifespan of the filtration devices.

- c) The treatment area weir height is inconsistent between plans. On one plan, the OSD 1 treatment weir wall is higher than the TWL.
- d) The HED weir for OSD 1 is shown at the TWL, where it should be 0.55m high according to the calculations.
- ii) The landscape plans show connections between planter drainage systems and the hydraulic stormwater system. This is noted in the WSUD MUSIC modelling, where drainage from landscaped areas is used for treatment. The connections nominated in the landscape plans must therefore be shown in the hydraulic plans, and soil substrate layers designed for stormwater treatment.
- iii) Rainwater tanks additional to the 40kL noted in the Stormwater management and infrastructure report and considered in the MUSIC modelling are shown on HDA-04. Stormwater connections to these tanks must be shown on the revised hydraulic plans, and pumps installed within the tanks for rainwater reuse.
- iv) The stormwater pipeline proposed beneath the private road "Road 3" which has no apparent discharge connection. This pipe is also not called up as RCP, which is required beneath a roadway. These issues must be addressed, or the pipe deleted from the hydraulic plans.

**Upon satisfaction of the above matters, the relevant conditions in Schedule 2 will be updated to reflect the final plans and documentation.**

## **SCHEDULE 2 – CONDITIONS TO APPLY UPON SATISFACTION OF SCHEDULE 1.**

### **GENERAL MATTERS**

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

<b>Drawing No. and revision</b>	<b>Title</b>	<b>Dated</b>
DA 00.02 – Revision B	Development Statistic Schedule	30.05.17
DA 01.01 – Revision B	Location Plan	30.05.17
DA 01.02 – Revision B	Site Analysis Plan	30.05.17
DA 01.03 – Revision B	Site Plan	30.05.17
DA 02.01 – Revision B	Ground Floor Plan	30.05.17
DA 02.16 – Revision B	Roof Plan	30.05.17
DA 02.17 – Revision B	Basement 1 Plan	30.05.17
DA 02.18 – Revision B	Basement 2 Plan	30.05.17
DA 02.40 – Revision B	Block 3A – Ground Floor Plan	30.05.17
DA 02.41 – Revision B	Block 3A – Level 1 Floor Plan	30.05.17
DA 02.42 – Revision B	Block 3A – Level 2 Floor Plan	30.05.17
DA 02.43 – Revision B	Block 3A – Level 3 Floor Plan	30.05.17
DA 02.44 – Revision B	Block 3A – Level 4 Floor Plan	30.05.17
DA 02.45 – Revision B	Block 3A – Level 5 Floor Plan	30.05.17
DA 02.46 – Revision B	Block 3A – Level 6 Floor Plan	30.05.17
DA 02.47 – Revision B	Block 3A – Level 7 Floor Plan	30.05.17
DA 02.48 – Revision B	Block 3A – Level 8 Floor Plan	30.05.17
DA 02.49 – Revision B	Block 3A – Level 9 Floor Plan	30.05.17
DA 02.50 – Revision B	Block 3A – Level 10 Floor Plan	30.05.17

DA 02.51 – Revision B	Block 3A – Level 11 Floor Plan	30.05.17
DA 02.52 – Revision B	Block 3A – Level 12 Floor Plan	30.05.17
DA 02.53 – Revision B	Block 3A – Level 13 Floor Plan	30.05.17
DA 02.54 – Revision B	Block 3A – Roof Plan	30.05.17
DA 02.60 – Revision B	Block 3B1 & 3B2 – Ground Floor Plan	30.05.17
DA 02.61 – Revision B	Block 3B1 & 3B2 – Level 1 Floor Plan	30.05.17
DA 02.62 – Revision B	Block 3B1 & 3B2 – Level 2 Floor Plan	30.05.17
DA 02.63 – Revision B	Block 3B1 & 3B2 – Level 3 Floor Plan	30.05.17
DA 02.64 – Revision B	Block 3B1 & 3B2 – Level 4 Floor Plan	30.05.17
DA 02.65 – Revision B	Block 3B1 & 3B2 – Level 5 Floor Plan	30.05.17
DA 02.66 – Revision B	Block 3B1 & 3B2 – Level 6 Floor Plan	30.05.17
DA 02.67 – Revision B	Block 3B1 & 3B2 – Level 7 Floor Plan	30.05.17
DA 02.68 – Revision B	Block 3B1 & 3B2 – Level 8 Floor Plan	30.05.17
DA 02.69 – Revision B	Block 3B1 & 3B2 – Level 9 Floor Plan	30.05.17
DA 02.70 – Revision B	Block 3B1 & 3B2 – Level 10 Floor Plan	30.05.17
DA 02.71 – Revision B	Block 3B1 & 3B2 – Roof Plan	30.05.17
DA 03.01 – Revision B	Elevation – North & South	30.05.17
DA 03.02 – Revision B	Elevation – Block 3A	30.05.17
DA 03.03 – Revision B	Elevation – Block 3B1	30.05.17
DA 03.04 – Revision B	Elevation – Block 3B2	30.05.17
DA 03.10 – Revision B	Section – Longitudinal	30.05.17
DA 03.11 – Revision B	Cross-section	30.05.17
DA 10.01 – Revision B	Deep Soil	30.05.17
DA 11.01 – Revision B	Pre/Post Adaption & LHD Silver Level Layouts	30.05.17
DA 13.56 – Revision B	Communal Open Space	30.05.17
DA 13.57 – Revision B	Communal Open Space	30.05.17

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

Drawing No. and issue	Title	Dated
3476.3A3B.G02 – issue 1	Key Plan	30.05.17
3476.3A3B.G03 – issue 1	Landscape Masterplan	30.05.17
3476.3A3B.G04 – issue 1	Irrigation Performance General Arrangement Plan	30.05.17
3476.3A3B.G05 – issue 1	Planting Schedules	30.05.17
3476.3A3B.G06 – issue 1	Planting Schedules 2	30.05.17
3476.3A3B.DP01 – issue 1	Detailed Plan – Apartment 1 of 4	30.05.17
3476.3A3B.DP02 – issue 1	Detailed Plan – Apartment 2 of 4	30.05.17
3476.3A3B.DP03 – issue 1	Detailed Plan – Apartment 3 of 4	30.05.17
3476.3A3B.DP04 – issue 1	Detailed Plan – Apartment 4 of 4	30.05.17
3476.3A3B.PL01 – issue 1	Planting Plan – Apartment 1 of 4	30.05.17
3476.3A3B.PL02 – issue 1	Planting Plan – Apartment 2 of 4	30.05.17
3476.3A3B.PL03 – issue 1	Planting Plan – Apartment 3 of 4	30.05.17
3476.3A3B.PL04 – issue 1	Planting Plan – Apartment 4 of 4	30.05.17

3476.3A3B.RG01 – issue 1	Roof Garden Plan 3A	30.05.17
3476.3A3B.RG02 – issue 1	Roof Garden Plan 3B1	30.05.17
3476.3A3B.RG03 – issue 1	Roof Garden Plan 3B1	30.05.17
3476.3A3B.RG04 – issue 1	Roof Garden Plan 3B1	30.05.17
3476.3A3B.RG05 – issue 1	Roof Garden Plan 3B2	30.05.17
3476.3A3B.FP01 – issue 1	Façade Planters 3A	30.05.17
3476.3A3B.FP02 – issue 1	Façade Planters 3A	30.05.17
3476.3A3B.FP03 – issue 1	Façade Planters 3B1	30.05.17
3476.3A3B.FP04 – issue 1	Façade Planters 3B1	30.05.17
3476.3A3B.FP05 – issue 1	Façade Planters 3B2	30.05.17
3476.3A3B.SC01 – issue 1	Road 5 Section Elevation + Cross Section	30.05.17
3476.3A3B.SC02 – issue 1	Road 3 Section Elevation + Cross Section	30.05.17
3476.3A3B.SC03 – issue 1	Communal Courtyard Sections	30.05.17
3476.3A3B.SC04 – issue 1	Roof Garden Sections	30.05.17
3476.3A3B.DE.01 – issue 1	Typical Pavement Details	30.05.17
3476.3A3B.DE.02 – issue 1	Typical Fence and Barrier Details	30.05.17
3476.3A3B.DE.03 – issue 1	Typical Step Details	30.05.17
3476.3A3B.DE.04 – issue 1	Typical Walling Details	30.05.17
3476.3A3B.DE.05 – issue 1	Typical Planting Details	30.05.17
3476.3A3B.DE.06 – issue 1	Typical Roof Garden Details	30.05.17
3476.3A3B.DE.07 – issue 1	Typical Façade Planter Details	30.05.17
3476.3A3B.DE.08 – issue 1	Typical Cable Trellis Details	30.05.17
3476.3A3B.DE.09 – issue 1	Typical Pergola Details	30.05.17

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

Drawing No. and issue	Title	Dated
3467.LD01 – issue 1	Key Plan	May 2017
3467.LD02 – issue 1	Landscape Plan – Area 1	May 2017
3467.LD03 – issue 1	Landscape Plan – Area 2	May 2017
3467.LD04 – issue 1	Landscape Plan – Area 3	May 2017
3467.LD05 – issue 1	Landscape Plan – Area 4	May 2017
3467.LD06 – issue 1	Landscape Plan – Area 5	May 2017
3467.LD07 – issue 1	Cross Sections – Sheet 1	May 2017
3467.LD08 – issue 1	Cross Sections – Sheet 2	May 2017
3467.LD09 – issue 1	Landscape Details – Sheet 1	May 2017
3467.LD10 – issue 1	Landscape Details – Sheet 2	May 2017

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

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

- Following issuing of any operative consent for the site physical commencement must occur in accordance with the requirements of Section 95(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the consent. In this regard

should physical commencement not occur by (insert date 5 years from issue of deferred consent) the consent will lapse.

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

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

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

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

It is acknowledged the development may proceed in stages, and that separate construction certificates may be issued for separate components within each stage. All relevant terms and conditions are to be met for each stage/component

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

5. Arrangements for stormwater collection and disposal, including Water Sensitive Urban Design shall be completed in accordance with plans approved to satisfy schedule 1 of this consent, and as otherwise required by conditions within this Notice.
6. Hazardous or intractable wastes arising from the demolition or construction processes 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.

7. 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

Records of each individual certification are to be kept on site and produced for inspection when requested.

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

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

Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

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

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

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

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

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

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

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

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

12. Separate waste bins are to be provided on site for recyclable waste.

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

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

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

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

14. No Construction Certificate shall be issued over any part of the site requiring an authorisation for an aquifer interference activity (construction dewatering) until a copy of that authorisation has been provided to the PCA and Council, consistent with the General Terms of Approval from Water NSW dated 7 December 2016.

The applicant must apply for an authorisation before the commencement of any work or activity that requires the extraction of groundwater, or alternatively, demonstrate to Council that approval under the Water Management Act 2000 is not required prior to the issue of any Construction Certificate.

**Reason:** As per the General Terms of Approval of DPI Water.

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

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

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

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

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

17. A monetary contribution comprising \$1,495,620.93 is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the and the *Carter Street Precinct Development Contributions Plan 2016*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of any construction certificate.

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

The *Carter Street Precinct Development Contributions Plan 2016* can be viewed on Council's website at:

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

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

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

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

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



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

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

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

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

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/1005/2016;
- (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:

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

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

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

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

21. The recommendations outlined in the following reports shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Certifying Authority:

- (a) Accessibility Design Review by ABE Consulting (Ref: 6341 dated 12 October 2016)
- (b) Waste Management Plan by Elephants Foot 9Rev C, dated 13 October 2016)
- (c) BASIX Certificate 760624M

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

22. Prior to the issue of the relevant Construction Certificate(s) details to the satisfaction the Principal Certifying Authority shall be provided which demonstrate the design and construction of the buildings will achieve the recommended noise criteria in section 4.6 of the Carter Street Precinct Development Control Plan 2016, being:

- Living and working areas: 40 dBA(Laeq)
- Sleeping areas: 35dBA (Laeq)

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

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

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

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

25. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the entire development.

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

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

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

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

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

- (a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

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

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

27. The development must incorporate 43 adaptable dwellings. Plans submitted with the relevant Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

28. A total of 530 parking spaces are to be provided, allocated as follows:

- A minimum of 8 spaces to be provided for retail uses
- A minimum of 84 visitor spaces to be provided

The remaining 438 spaces can be allocated to the residential apartments.

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

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

Where agreement for a car share space is secured the following requirements apply:

- The car share vehicle must be provided with a designated on street parking space, the location and details for which must be subject to the prior approval of Council's Local Traffic Committee; and
- Payment of any adopted fees and charges which may be in place at that time.

Where an on street parking space is approved, that parking space and payment of any fees must be made prior to the issue of the first Occupation Certificate (interim or final).

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

29. 421 residential, 35 visitor and 2 retail bicycle spaces/racks are to be provided on-site. in a security level B facility. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

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

30. 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, doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

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

31. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the basement to where a pedestrian could reasonably be expected to be walking. This shall be illustrated on plans relevant Construction Certificate and not be compromised by the landscaping, signage fences, walls or display materials. Any such materials may only be permitted if they are less than or equal to 900mm height above the driveway level.

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following

Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.

- (i) Stormwater management and infrastructure report, Revision 02, dated 29/05/2017, prepared by AT&L.
  - (ii) Hydraulic services package, drawing numbers HDA-01 – HDA-10, Revision A, dated 01/06/2017, prepared by Floth.
- (b) A Site Storage Requirement of 325 m<sup>3</sup>/ha and a Permissible Site Discharge of 150 L/s/ha (when using 3rd edition of UPRCT's handbook).
  - (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
  - (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

37. 37 Stormfilter (or similar) filtration cartridges and landscape planting beds must be installed to manage the quality and quantity of surface runoff water. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

38. For onsite private landscape works on the development lots, the following must be provided with an application for a Construction Certificate:

- a) 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.
- b) Construction details for all above structure planting beds containing tree plantings with an expected mature height of five (5) metres or greater shall demonstrate a soil grade no greater than 1:4.
- c) 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.
- d) A specification ('Fit-for-purpose' performance description) for soil type must be provided by a suitably qualified Soil Scientist.
- e) 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

39. **Construction Phase Soil and Water Management Plan**

Prior to the commencement of construction, 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) *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.

b) *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.

c) *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.

d) *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.

e) *De-watering of the excavation cavity*

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

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

- i) pH 6.5-8.5;
- ii) Total Suspended Solids (TSS) 50 mg/l;
- iii) Oil and Grease 'Not visible'.
- iv) If site identified as containing contaminated or acid-sulphate soils, all trace contaminants must be removed from the groundwater prior to disposal.

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

Full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance must be presented in the final plan.

**Reason:** Protection of the environment.

40. Catch drain design

The catch drain proposed at the perimeter of the future Northern Park area must be designed as a vegetated swale to perform Water Sensitive Urban Design functions. The detailed plans submitted to the Principle Certifying Authority for approval prior to the release of a Construction Certificate must demonstrate that the catch drain/swale will improve stormwater quality and encourage infiltration of runoff.

41. A design road safety audit is to be carried out by a suitably accredited road safety auditor on the road design and the landscaping design of road 1 to identify any safety issues.

**Reason:** To ensure design provides a safer road environment

42. The roundabouts providing access to the development from Road 1 are to be redesigned to Austroads Guidelines with splitter islands on each approach.

**Reason:** To provide guidance to entering traffic.

43. Pedestrian Crossings shall not be provided on Road 1. All relevant plans to be amended.

**Reason:** No evidence is available to justify the installation.

44. Pedestrian refuge islands shall be installed as part of the development on Road 1 on the pedestrian desire lines and designed to the satisfaction of Council's Service Manager Traffic and Transport. The islands should be designed such that Council can install a pedestrian crossing at the refuge island in future should they be warranted. The design is to be to relevant standards (Austroads, RMS and Council guidelines).

**Reason:** To provide a safer environment for pedestrians

45. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Particular attention is to be paid to the dimensioning of column locations and the location of columns in the shared spaces for parking for people with disabilities.

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

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

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

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

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

- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

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

- 48. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

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

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

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

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

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

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

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

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

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



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

53. Council Approvals for Public Domain Works

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

- Road #1 road reserve between Hill Road and Road #3;
- Road #3 road reserves between Road #2 (Green Spine) and northern boundary;
- Road #5 road reserve and its extension between Road #1 and northern boundary;
- Dedicated laneway located north of Block 3B1&2;
- Pedestrian connections from Road #3 & 5 to Sydney Olympic Park;
- All the frontages of the development site between the road reserve boundary and building line, including front setback, forecourt, and planter beds; and
- Any drainage and earthworks occurring in the dedicated park to the north of the development.

The final detailed Public Domain Construction Drawings are to be consistent with the final DA approved Alignment plan, architectural plans and public domain landscape plans approved to satisfy Schedule 1 of this consent, and expect as modified by conditions elsewhere in this notice.

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

- The latest Parramatta Public Domain Guidelines;
- The DA approved alignment plan set, including fully coordinated alignment layout and levels; and
- All the listed conditions in this consent.

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

54. Matters to be addressed by final Public Domain Construction Plans

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

(a) Details to be included

To satisfy requirement for an Alignment Plan, include the following in accordance with Parramatta City Council's Public Domain Guidelines:

- Public domain context
- Longitudinal sections along the kerb line showing driveways and pram ramps, drainage design,
- 1:200 scale layout plans prepared by a landscape architect showing treatments and finishes for all surfaces and elements, intersection resolution (pram ramps), tree pits ramps and driveways, services, street furniture, proposed walls , fences, planter beds as required to concept design standard.

- Footpath and pavement cross sections at 10m intervals,
- Path of travel
- Dimensions and Levels
- Kerb ramps and in line with path of travel
- Vehicle crossings that show transition/cross-section at vehicle crossing points and how this meets with proposed basement access
- Detail alignment with the proposed building ground level entry points.
- Cycleways
- Overland flow paths
- On-site tactile ground surface indicators and hand rails not intruding into the public domain
- Location for street trees and all elements in the verge – pavement and verge finishes, pit lids and services, poles, bust shelters and furniture (as required) etc
- Rain Garden and WSUD planter beds.

b) Design modifications:

- The information provided in different sets in the Public Domain Construction package shall be **fully coordinated** that include survey, architectural, landscape, engineering, lighting, and stormwater plans.
- Use permeable paving material on the laneway north of the Block 3B that suits for public road loading requirements.
- Construct embankment with no greater than 1:6 gradients on the park edge along the laneway to mitigate the level changes between the street and park.
- Reduce length of the awning in Block 3B1 facing Road #1 to only cover the retail frontages, and recess the awning to the property boundary line.
- No raised planting bed is allowed in any street (including private streets).  
Contiguous subsurface soil voids are required to be constructed on top of the basement structures where nature strips and street trees are proposed in Road 3 & 5. The subsurface soil void needs to have a min. depth of 1.5m to accommodate sufficient soil volume and drainage layers for the proposed street trees and understorey planting.
  - Provide pedestrian links along the park edges to connect Road #3 & 5 and the Sydney Olympic Park.
  - The proposed catch drain and adjacent slopes on the park northern boundary needs to be reviewed to reduce the area and maximise the usable spaces in the park.

(c) Pavement in Front Setbacks outside Retail Strip

- The paved setback area outside Retail 1-6 in Block 3B1 must be flush with the adjacent public footpath in Road #1. No steps or localised level changes are permitted in the setback or footpath area.
- The finished levels of the OSD (on site detention) basins below the setback area should be provided in the CC Public Domain Plan set and be co-ordinated with the proposed finished level in the setback and footpath.
- The paving material used in the setback area should be compatible with the footpath finishes, but be able to clearly delineate the property/road reserve boundary.

(d) Concrete Footpath

1.8m concrete footpaths paths are acceptable for all street frontages. Construction is to be in accordance with council standard DS3.

(e) Kerb Ramps

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

- All kerb ramps are to be designed and located so they align with the path of travel and with each other in accordance with council standard DS4.
- Provide kerb ramps that are maximum 1.8m in width on the kerb in all locations.

(f) Access Requirements

- Universal design must be provided in accordance with the provisions of AS 1428.1 and the Public Domain Guidelines to all the building entries, including appropriate handrails, landing areas, TGSIs as required for each ramp and stair.
- Ensure that balustrades, handrails, and TGSIs required to accommodate private building or site entries do not protrude into the public domain in any way.

(g) Lighting

- The Public Domain Construction Drawings should include a lighting design for all the streets and public domain areas prepared and certified by a suitably qualified public lighting design engineer.
- All the lighting features proposed in the public domain shall be detailed in CC Public Domain Plan set.
- The street lighting level should be meet with applicable lighting sub-category P3 according to AS/NZS 1158.3.

(h) Street Tree Stock & Placement

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

Street Name	Botanical Name	Common name	Pot Size	Ave. Spacing
Road #1	<i>Waterhousea floribunda</i> 'Green Avenue'	Weeping Lilly Pilly	200L	12m
Road #3	<i>Fraxinus pennsylvanica</i> 'Urbanite'	Urbanite Green Ash	200L	10m
Road #5	<i>Fraxinus pennsylvanica</i> 'Urbanite'	Urbanite Green Ash	200L	10m

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

Container Size	Height (above container)	Caliper (at 300mm)	Clear Trunk Height
200 litre	2.8 metres	60mm	1.5 metres

(i) Drainage

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

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

55. **External walls and cladding flammability**

The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

**Reason:** To ensure public safety.

56. To ensure the design quality 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) The design architect of the project is not to be changed without prior notice and approval of the Council.
- (e) The approved schedule of external materials of construction shall not be altered without the prior approval of council.

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

## PRIOR TO WORKS COMMENCING

57. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate(s) approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and

- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

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

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

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

**Reason:** To ensure public safety.

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

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

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

This condition does not apply where works are being carried.

**Reason:** Statutory requirement.

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

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

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

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

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

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

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

61. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary. This is to ensure the development when complete, will be constructed wholly within the confines

of the subject allotment, and will be consistent with boundary setbacks as shown on the approved plans. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

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

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

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

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

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

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

- (a) An overall construction management program;
- (b) Construction traffic management;
- (c) Construction zones;
- (d) Pedestrian management;
- (e) Hoardings;
- (f) Dust management;
- (g) Hours of work;
- (h) Noise and vibration management measures;
- (i) Dilapidation reports;
- (j) Identification and disposal of hazardous materials/demolition materials;
- (k) Materials handling, waste management and recycling;
- (l) Disposal of excavated materials; and
- (m) Unexpected archaeological finds
- (n) Specific matters nominated within the consent notice.

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

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

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

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

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

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

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

The Construction 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.

66. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).  
No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

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

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

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

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

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

**Reason:** Management of records.

68. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
  - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
  - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
  - (d) The impact on groundwater levels in relation to the basement structure.



- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

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

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

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

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

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

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

- 69. 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.

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

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

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

71. 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.

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

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

must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

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

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

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

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

74. Schedule of Council inspections

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

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

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

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

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

**Reason:** To ensure compliance.

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

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

**Reason:** To ensure waste is managed and disposed of properly.

## DURING WORKS

76. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

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

77. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

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

78. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

**Reason:** To ensure pedestrian access.

79. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction works.

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

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

**Reason:** To ensure maintenance of Council's assets.

81. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.

**Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

82. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

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

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

83. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

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

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

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

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

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

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

86. Water features must be assessed against relevant legislation and fenced/treated if necessary in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2007), prior to the filling of the pool with water.

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

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

87. 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.

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

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

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

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

90. 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.

91. 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.

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

**Reason:** To protect public safety.

93. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

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

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

**Reason:** Protection of existing environmental infrastructure and community assets.

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

**Reason:** To ensure appropriate landscaping.

96. All trees supplied above a 25L container size must be grown and planted in accordance with:

- (a) Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.
- (b) Natspec Guide No.2.

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

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

97. Rectification of defects – Public domain works

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

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

**Reason:** To ensure any defects are rectified.

98. Street Tree Placement & Tree Pit

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

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

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

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

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

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

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

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

## PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

100. Occupation or use of the building or part is not permitted until Occupation Certificate(s) have been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

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

101. 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 760624M will be complied with prior to occupation of the relevant stage of development.

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

102. Design Verification issued by a registered architect is to be provided with the application for the relevant Occupation Certificate(s) 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.

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

- (a) Accessibility Design Review by ABE Consulting (Ref: 6341 dated 12 October 2016)
- (b) Waste Management Plan by Elephants Foot 9Rev C, dated 13 October 2016)
- (c) BASIX Certificate 760624M

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

104. Prior to the issue of any Occupation Certificate(s) (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority that design and construction of the buildings will achieve the recommended noise criteria in section 4.6 of the Carter Street Precinct Development Control Plan 2016, being:

- Living and working areas: 40 dBA(Laeq)
- Sleeping areas: 35dBA (Laeq)

**Reason:** To ensure a suitable level of amenity for residents..

105. Certification must be provided prior to the issue of the relevant Occupation Certificate(s) 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 the DCP.

106. Prior to the issue of the any Occupation Certificate(s), the following management plan is to be submitted to Council for approval:

(a) A Travel Plan, as nominated in the Traffic and Transport Assessment by Arup (dated 18 October 2016) is to be submitted to Council, supported by details of how that Plan will be implemented.

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

107. Prior to the issue of the relevant Occupation Certificate(s), the developer is to provide evidence that satisfactory arrangements have been made for the provision of broadband access to the development.

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

108. Prior to issue of any Occupation Certificate (Interim or Final) the applicant shall enter into a commercial contract for the collection of all residential and trade wastes, including recyclable materials. A copy of all-waste contracts and receipts shall be kept on site and made available to Council officers on request.

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

109. Prior to the issue of the relevant Occupation Certificate(s) the following measures shall be installed to address CPTED considerations:

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

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

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

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

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

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

112. The developer must submit to the Principal Certifying Authority a letter from provider authorised under the Telecommunications Act 1997 confirming satisfactory arrangements

have been made for the provision of telephone and cable television services, prior to the release of the any Occupation Certificate.

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

113. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of any Occupation Certificate.

**Reason:** To ensure appropriate electricity services are provided.

114. The following conditions shall be complied with:

- (a) For safety, and if applicable, access to the water features must be restricted by fencing or other measures as described by the Swimming Pools Act 1992, the Swimming Pool Regulation 2008, and Australian Standard AS1926 Parts 1 and 2 - 2007. The fencing or other measures must be completed prior to any water being placed in the pool.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage

plans issued with the Construction Certificate(s) with the variations marked in red ink.

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

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

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

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

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

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

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

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

120. Prior to issue of the relevant Occupation Certificate(s), 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, bio-retention and water quality treatment facilities.

The terms of the instruments are to be to Council's satisfaction, and based on Council's standard wording for 88E instruments.

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.

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

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

122. An application for street numbering must be lodged with Council for approval, prior to the issue of the first Occupation Certificate or Subdivision Certificate whichever occurs first.  
**Note:** Notification of all relevant authorities of the approved street numbers must be carried out by Council.
- Reason:** To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.
123. Separate consent, either via a development application or a Complying Development Certificate if appropriate, shall be obtained for any subdivision of the building.  
**Reason:** To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).
124. A qualified Landscape Architect/Designer must certify that the completed works, in both the public domain and on each development site, are in accordance with the relevant approved landscape plans/public domain plans.  
**Reason:** To ensure restoration of environmental amenity.
126. Prior to **any issue** of the Occupation Certificate (including a Preliminary 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.
127. Council will issue the **final approval** for the finished public domain works that complied 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 approval is obtained.
128. A **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 any issue of the OC.
129. A one year (52 week) (including dedicated reserve/park) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain. A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council that specifies at 52 weeks after Council's final approval how and who to maintain the public domain works.
130. A **52-week** maintenance period is required to be carried out by the applicant for all the works constructed in the public domain. A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council that specifies the applicant will be responsible for a 52-week maintenance period of the completed public domain areas after the date of Council's Final Approval notice being issued.
131. Prior to the issue of any Occupation Certificate, a bond of \$50,000 shall be lodged with council.

The purpose of the bond is to ensure the Hill Road entry to Road 1 within this development is modified to only allow for left in/left out traffic movements once the intersection of John Ian Wing Parade/Hill Road Lidcombe is modified to allow for the connection of Carter Street DCP Road No. 2 with Hill Road, and is operational.

All relevant approvals must be obtained by the applicant prior to completing the works.

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/1005/2016;
- (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.

- 132. All land to be dedicated to Council, per the approved land dedication plan, must be completed prior to the issue any Occupation Certificate (Interim or final).
- 134. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.  
Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.
- 135. All works for the construction of roads approved under related DA 1089/2016 must be fully completed to council's satisfaction.

## PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- 136. A separate application must be made for a Subdivision Certificate. That Certificate will not be issued the conditions below are satisfied. Dedication of land required by this consent must be completed within 90 days of the issue of the Subdivision Certificate.

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

- 137. All required traffic facilities must be approved by the Parramatta Local Traffic Committee, installed and completed prior to the issue of a Subdivision Certificate, and otherwise be in place prior to the issue of any Occupation Certificate.
- 138. Works-As-Executed stormwater plans are to address the following:
  - (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
  - (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
  - (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth versus volume table)
  - (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
  - (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
  - (f) Approved versus installed Drainage Design (OSD) Calculation Sheet.

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

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

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

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

140. 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 the subdivision Certificate.

**Reason:** To ensure appropriate electricity services are provided.

141. All works intended to be dedicated to Council, including roads, footpaths, drainage, lighting, furniture and other landscape treatments shall be designed and constructed to Council's specifications, standards and reasonable satisfaction prior to release of the Subdivision Certificate.

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

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

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

- (c) Council's Development Application number; and
- (d) Site address.

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

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

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

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

144. The applicant shall provide an Instrument under the relevant sections of the Conveyancing Act 1919, to the satisfaction of council. The Instrument shall detail all Positive Covenants, Restrictions on the Use of the Land and Easements as necessary.

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

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

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

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior

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

## THE USE OF THE SITE

145. 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.

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

**Reason:** To reduce noise levels.

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

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

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

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

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

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

149. 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.

150. 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.

151. 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

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

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

153. The retail premises approved by this application shall be limited as follows:

- a) No use shall commence until a separate prior approval has been issued
- b) Uses shall be limited in accordance with the definition of 'neighbourhood shops' and clause 5.4 of in Auburn LEP 2010.
- c) Hours of operation shall be limited to 7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 4.00 pm on a Sunday or a public holiday.

154. 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.

## **ADVICE**

- A. The applicant shall ensure it has obtained all necessary approvals from Ausgrid regarding relocation of any of its affected assets.
- B. All future roads on the site (Lot 13 DP 1217641) must be public roads dedicated to council. All roads must be clear of basements or other encroachments associated with future buildings.
- C. All documentation associated with DA 1089/2016 shall be updated as necessary to reflect requirements from this determination which relate to the street network and public domain.