



Report to Sydney West Central Planning Panel

SWCCP reference	2017SWC002
DA No.	1253/2016
Date of receipt	21 December 2016.
Proposal	Consolidation of 6 allotments into 1, demolition of existing structures, construction of a 17 storey mixed use development including two retail tenancies and 92 residential units over basement carparking, with associated site works and landscaping.
Street address	2-6 Bold Street & 80-82 Cowper Street, Granville
Property Description	Lot 19 & 20 DP 7553
Applicant	Designer Home Constructions Pty Ltd
Owner	Mr G Namnoum
Submissions	One
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy No. 55• State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Building Sustainability Index: BASIX)• State Environmental Planning Policy (State and Regional Development) 2011• Infrastructure SEPP (ISEPP)• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011• Parramatta S94A Contributions Plan
Recommendation	Deferred Commencement
Council Officer	Denise Fernandez, Senior Development Assessment Officer

Summary of s79C matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

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

Conditions

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

1. Executive summary

This report considers a proposal to construct a 17 storey mixed use development which includes two retail tenancies and 92 residential units over basement car parking.

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

This report recommends that the Panel approve a variation to the building height in Parramatta Local Environment Plan 2011, via clause 4.6 of that plan.

2. Key issues

- a. Building height – Clause 4.6 written request submitted;
- b. Variations to SEPP 65 and ADG's relating to building separation; and
- b. Variations to DCP unit mix and setback controls

3. Site context

The subject site is surrounded by multiple zones which result in the varied development pattern expected of a location within proximity to a town centre (Granville CBD) and a rail corridor. The following images is of the zones within proximity to the site.



Figure 1: Aerial photo of the site

4. Site description and location

4.1 Background

4.1.1 The Site

The site is an amalgamation of six allotments, located on the corner of Cowper Street and Bold Street and is irregular in shape. The allotment has a primary frontage to Bold Street and a secondary frontage to Cowper Street. The site has a combined area of 2203.6m² with a gradual fall of approximately 1.55 metres from the south of the site to the north.

The current improvements on the site include a factory and warehouse buildings on 80 and 82 Cowper Street. A portion of the site is a hardstand area used for car parking.

It is noted that the land adjacent to the site to the east (fronting Bold Street) is Council owned land. However, Railcorp has an agreement with Council to use this land for vehicle access from Bold Street to the rail corridor.

The immediate locality comprises of a mixture of land uses consisting of a rail corridor, railway station, industrial buildings, commercial units, retail premises and high density residential developments. The development site is within proximity to Parramatta Road, Granville railway station and Parramatta CBD.

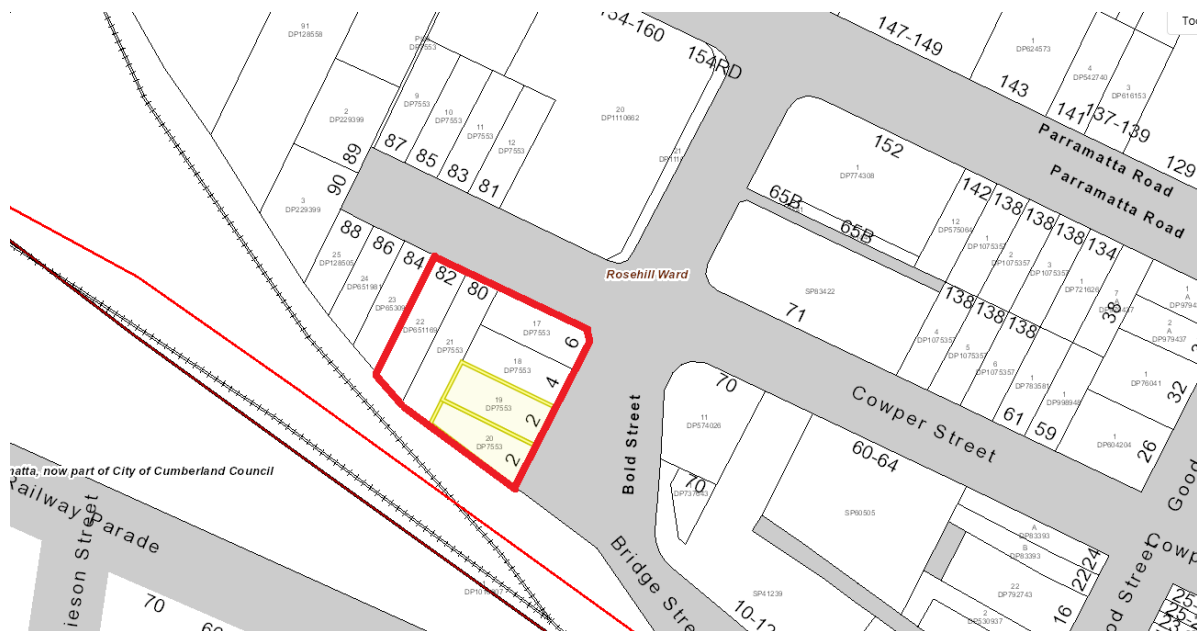


Figure 2: Context diagram of the subject site

4.1.2 Parramatta Road Corridor Urban Transformation Strategy

The Parramatta Road Corridor Urban Transformation Strategy (the Strategy) is the NSW Government's 30-year plan to drive and inform land use planning and development decisions as well as long-term infrastructure delivery programs in the Parramatta Road Corridor (the Corridor).

The Corridor spans 20 kilometres from Granville to Camperdown. It comprises the land adjoining and at least one block back from Parramatta Road, as well as eight Precincts that have been identified as the focus for future growth based on their different functions and character. The Corridor also includes Frame Areas, which are stretches of land that front Parramatta Road and run between each Precinct.

The overall vision for the Corridor is for a high quality multi-use corridor with improved transport choices, better amenity and balanced growth of housing and jobs. It is anticipated that up to 27,000 new homes and 50,000 new jobs could be delivered in the Corridor over the next 30 years.

The Precincts have been identified to be the focus of growth and renewal within the Corridor because of their access to transport and infrastructure, and their capacity to accommodate more housing and jobs. Each precinct has been planned to accommodate a different mix of housing, jobs and public spaces in a way that is sensitive to its character and heritage.

4.1.3 The Implementation Tool Kit and section 117 Ministerial Direction

The Strategy is supported by an Implementation Tool Kit – a suite of four documents which proposed to be used by a range of stakeholders including State and local government.

The Strategy aims to provide an integrated land use planning and transport framework to guide future land use change in a staged manner that will be co-ordinated with infrastructure delivery and funding. The Strategy and Implementation Tool Kit are given statutory weight through a section 117 Ministerial Direction under the Environmental Planning and Assessment Act 1979, which applies when a relevant planning authority prepares a planning proposal for land within the Corridor.

The s117 Direction applies only to planning proposals within the Corridor and must be consistent with the Strategy.

4.1.3 The Granville Precinct

The Granville Precinct at the western end of the Corridor is located wholly within the City of Parramatta. It is defined by delineation into three areas in the Parramatta Road Corridor Urban Transformation Implementation Plan.



Figure 3: The Granville Precinct

The stated vision in the Strategy for the Precinct is “*Granville will be a vibrant, mixed-use town centre celebrating the diversity of the Precinct’s population with a high quality public domain, open space networks and transport links, and with close connections to Sydney’s dual CBD*”.

4.1.4 The Site under the Strategy

The subject site is identified as being part of the Strategy. Under the Strategy, the subject site is:

- To maintain its current zoning of B4 Mixed Use to provide potential employment areas and other non-residential uses on the ground floor. Non-residential uses will contribute to the activity on the street frontage.
- Recommended with a maximum building height of 80 metres where it is suitably located adjacent to the rail line. Urban design testing has identified that the existing height and FSR controls in this location are delivering lower, bulkier buildings that create an undesirable and uniform built form outcome. Increasing the height to 80 metres will allow future development to comprise a podium structure of 3-4 storeys and tower forms above.
- Recommended with a maximum FSR of 6:1 to accommodate the strategic land use quantum and mix required to support future growth. The matching of height to an appropriate FSR is to ensure that loose fit envelopes are achieved.

However, the Strategy itself does not rezone the land. Implementation of the Strategy through changes to planning controls and planning proposal rests with Council. The Strategy in this regard is only relevant to the development as a guide and vision for the future development forms in the locality.

4.1.5 Variation to height

The site is subject to a ‘scaled’ maximum height where the height is reflective of the site area. The subject site area is 2203.6m² and therefore a 39 metre height maximum is applicable to the site.

The development however proposes a maximum height of 51.67 metres. Council’s Urban designers, City Architect and DEAP acknowledge that the FSR and height controls applying to the site under the LEP does not achieve a desirable or uniform built form outcome. As such, the development seeks to depart from Clause 4.3- Height of PLEP 2011 and has submitted a Clause 4.6 variation statement to support the departure.

5. The proposal

The current proposal comprises the following primary elements:

- Demolition of 2 factory buildings and concrete driveways.
- Consolidation of 6 lots.
- Construction of a 17 storey mixed use development comprising of 92 residential units and 2 retail units with a combined area of 374m².
- Two levels of basement parking and at grade parking to include 98 spaces and 7 at grade spaces.
- Site works and perimeter landscaping.
- The residential component of the development would comprise of:
 - 2 x studio units
 - 27 x 1 bedroom units
 - 48 x 2 bedroom units
 - 15 x 3 bedroom units

The application also includes:

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

6. Public notification

The notification period was 18 January 2017 – 21 February 2017. One submission was received.

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
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Does Section 77A (Designated Development) apply ?	No
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Does Section 91 (Integrated Development) apply ?	Yes
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Are submission requirements within the Regulations satisfied?

Yes

9. Consideration of SEPPs

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

10. Parramatta Local Environmental Plan 2011

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

Table 1: LEP compliance

	<i>Comment or non- compliances</i>
Zones	<ul style="list-style-type: none">• B4 Mixed Use
Definition	<ul style="list-style-type: none">• Mixed Use Development.• The development comprises of residential and retail uses.
Part 2 Permitted or prohibited development	<ul style="list-style-type: none">• Permissible in the zone• Consistent with zone objectives
Part 4 Principal development standards	<ul style="list-style-type: none">• Non-compliance - Building height The development standard is 39m. The development proposes a height of 51.67m (Non-compliance is 12.67m or 32% variation to the 39m height control) A request under clause 4.6 has been provided. The variation is supported.• Complies - FSR The development standard is 4.5:1. The application proposes a FSR of 4.17:1
Part 5 Miscellaneous provisions	All relevant provisions satisfied
Part 6 Additional local provisions	All relevant provisions satisfied

11. Parramatta Development Control Plan 2011

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

Table 2: DCP compliance

	Comment or non- compliance
Part 2 – Site Planning	Consistent
Part 3 – Development Principles	Satisfactory
Part 4 – Special Precincts	Satisfactory

12. Response to SWCPP briefing minutes

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

Issue 1

Concerns were raised with regards to the proposed height and the Parramatta Road Strategy.

This was discussed under Section 4.4.4 – The Site under the Strategy.

Issue 2

Concerns were raised with regards to the impact of the height on the internal urban design outcomes of the development.

The application was reviewed by the DEAP with regards to the internal planning of the development. Upon review of the proposal, DEAP considered the proposal to be satisfactory in achieving the principles and requirements under SEPP 65 and the ADG's.

The proposed height, despite being a departure to the maximum height for the site, allows for a more appropriate design outcome, internally as well as externally that is within context and in accordance with the future planning of the Granville Precinct.

Conclusion

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

RECOMMENDATION

- A. That the Sydney West Central Planning Panel approve the variations to the building height control in clause 4.3 of Parramatta LEP 2011, being satisfied that the applicants written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone; and

- B. That pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 the Sydney West Central Planning Panel grant a Deferred Commencement consent to Development Application DA/1253/2016 subject to Schedule 1 of the conditions in **Attachment B**.
- C. That all the objectors be advised of the Sydney West Central Planning Panel's decision.



ATTACHMENT A- PLANNING ASSESSMENT

SWCCP reference 2017SWC002

DA No. 1253/2016

1. Overview

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

Table 1- Matters for consideration

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

The following internal and external referrals were undertaken:

Table 2: Referrals

Landscape	Satisfactory subject to conditions
Development Engineer	Satisfactory subject to conditions
Traffic	Satisfactory subject to conditions

Environmental Health (Waste)	Satisfactory subject to conditions
Environmental Health (Contamination)	Satisfactory subject to conditions
Environmental Health (Acoustic)	Satisfactory subject to conditions
Building Surveyor	Satisfactory subject to conditions
Open Space	Satisfactory
Urban Design (Public domain)	Satisfactory
Property	Satisfactory
Assets (Alignment)	Satisfactory
Heritage	Satisfactory
Sydney Trains	Satisfactory – concurrence and GTAs received
Office of Water	Satisfactory – concurrence and GTAs received
Endeavour Energy	Satisfactory subject to conditions
DEAP	Satisfactory
RMS	Satisfactory

2. Environmental planning instruments

Compliance with these instruments is addressed below.

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

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

The subject site comprises six allotments namely, 2, 4 and 6 Bold Street and 80 and 82 Cowper Street. The site is not identified in Council's records as being contaminated. However, part of the subject site (ie 80-82 Cowper Street) has a history of industrial uses including a tow truck depot and a vehicle and tyre repair premises. As such, the application was submitted with a Preliminary Site Investigation Report.

An assessment of the application has been undertaken on the basis of Clause 7(1), 7(2) and 7(3) of SEPP 55 and the *Managing Land Contamination Planning Guidelines 1998* for assessing potential contamination of a site. The following is a checklist of the evaluation.

- Is the planning authority aware of any previous investigations about contamination on the land? What were the results including any previous evaluations?

Planning Comment:

Council records show no evidence of previous investigations for contamination of the land the subject of this application.

- Do existing records held by the planning authority show that an activity listed in Table 1 has ever been approved on the subject land? (The use of records held by other authorities or libraries are not required for an initial evaluation).

Planning Comment:

Council records show that the site is currently and historically been used for the purposes of a vehicle and tyre repair shop or 'engine works' which is a use listed in Table 1 below.

Acid/alkali, plant and formulation	Landfill sites
Agricultural/horticultural activities	Metal treatment
Airports	Mining and extractive industries
Asbestos production and disposal	Oil production and storage
Chemicals manufacture and formulation	Paint formulation and manufacture
Defence works	Pesticide manufacture and formulation
Drum re-conditioning works	Power stations
Dry cleaning establishments	Railway yards
Electrical manufacturing (transformers)	Service stations
Electroplating and heat treatment premises	Sheep and cattle dips
Engine works	Smelting and refining
Explosives industry	Tanning and associated trades
Gas works	Waste storage and treatment
Iron and steel works	Wood preservation

Table 1: Some Activities that may cause contamination

- Was the subject land at any time zoned for industrial, agricultural or defence purposes?

Planning Comment:

The current zoning for the site is B4 Mixed Use under Parramatta Local Environmental Plan 2011. Council's records show that the sites were zoned Mixed Use 10 under the previous Local Environmental Plan 2001 which allowed industrial uses.

- Is the subject land currently used for an activity listed in Table 1 above?

Planning Comment:

A portion of the subject site (80-82 Cowper Street) was used for the purposes of a vehicle and tyre repair shop (categorised as 'engine works' under Table 1). This use has been in operation since 1997.

The Phase 1 Report notes that the site known as 2-6 Bold Street was previously used for residential purposes until 2002 when these dwellings were demolished. However, Council's aerial maps indicate that these dwellings were not present on the site by 2000.

- To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation any activity listed in Table 1?

Planning Comment:

The Preliminary Site Investigation Report notes that a request to WorkCover to search Dangerous Goods Licence database was undertaken to identify if the property is currently, or had previously been licensed for the storage of dangerous goods. The response from WorkCover shows that the site is not, and has not previously been licensed for the storage of dangerous goods.

- Are there any land use restrictions on the subject land relating to possible contamination such as notices issued by the EPA or other regulatory authority?

Planning Comment:

The Preliminary Site Investigation Report notes that the EPA contaminated land public register was inspected to determine if any notices have been issued for the site by EPA under the *Contaminated Land Management Act 1997* or if the site is registered under the *Protection of the Environment Operations Act 1997*. The inspection revealed that the site was not listed under the provisions of these Acts nor is the site located in close proximity to

a listed property. The report further notes that the site is not listed on EPA's database of properties for which a notification has been received (under the provisions of the Contaminated Land Management Act 1997) due to site contamination.

Does a site inspection conducted by the planning authority suggest that the site may have been associated with any activities listed in Table 1?

Planning Comment: A number of site inspections were undertaken during the course of assessment. As previously mentioned, a portion of the site is currently being used for a warehouse and a hardstand parking area.

- Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject land which would affect the subject land?

Planning Comment: No. As previously noted the portion of the site to the east is undeveloped and up until 2000 was used for residential purposes. The site to the west on 84 Cowper Street has been used as a showroom for kitchen furniture since 1991. The remaining land immediately to the south has always been used as rail corridor.

- Has the applicant for development consent carried out the investigation required by subclause 7(2) of SEPP 55 and provided a report on it to the consent authority?

Planning Comment: A Preliminary Site Investigation Report was submitted to Council with the application which found that the site contained low and below levels of chemical contaminants that would present an unacceptable risk to human health and the environment for a high density residential land use setting. As such, the site is suitable for the proposed mixed use development. The report however notes that further soil sampling is necessary prior to the redevelopment in order to appropriately classify the soils within the footprint of the proposed basement area for off-site disposal purposes.

The Report does not in this case recommend the preparation of a Phase 2 (Detailed Site Investigation) Contamination Report.

Council's Health Officer has also reviewed the application and the Preliminary Site Investigation Report. Upon review, Council's Health Officer raised no objections on contamination grounds.

In view of the above evaluation, and considering the requirements of SEPP55 and the Managing Land Contamination Planning Guidelines 1998, it is considered that the site is suitable for its proposed use and Clause 7 of SEPP 55 is satisfied. The Phase 1 Report also concludes that the site is *"suitable for the proposed mixed use development"*.

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

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

2.2 State Environmental Planning Policy BASIX

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

2.3 State Environmental Planning Policy (Infrastructure) SEPP

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

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure. Endeavour Energy provided comments with regards to the development and found the application to be satisfactory subject to conditions.

The application is subject to clause 85 of the SEPP as the development proposes works adjacent to a rail corridor and clause 86 as the development proposes basement parking. As

such, Sydney Trains were notified of the proposal within 7 days of the application being made. In response, Sydney Trains provided comment and consequently their concurrence on 30 May 2017. These requirements form part of the recommendations.

The application is subject to clause 87 of the SEPP as the development proposes residential units which is adjacent to a railway corridor. An acoustic report was submitted with the application which provides recommendations that ensure that any bedroom and other rooms elsewhere in the building meet acceptable decibel levels. The acoustic report was reviewed by Council's Health (Acoustic) Officer who found the report to be satisfactory subject to conditions with regards to the acoustic impacts on the development from rail noise. The acoustic report will be included as a recommendation for inclusion in the consent.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to clause 102 of the SEPP as the average daily traffic of either Bold Street or Cowper Street is less than 40,000 vehicles.

The application is subject to clause 104 of the SEPP as the development proposes more than 75 dwellings on a site that is located within 90 metres of a classified road (Parramatta Road). The application was referred to the Roads and Maritime Services whom raised no objections to the amended proposal subject to conditions of consent.

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

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

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

Design Excellence Advisory Panel (DEAP)

The proposal was considered by DEAP at pre-lodgement stage, as a formal development application and again upon submission of amended plans. The amended plans were reviewed by DEAP at its meeting on 9 March 2017. The DEAP comments, applicant's response and Council's comments are tabled below.

Table 3: DEAP comments and response

DEAP Comments	Applicant Response	Planning Comment
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The panel supports the proposed height of the development also noting the proximity of the site to the railway station and the bulk and scale of the development diagonally opposite to the north east of the site	Noted	Noted
Units 7, 21 and 33 on the northeast corner are poorly designed with regard to layout and circulation. The dining room is detached from the living area and kitchen. The panel notes the northeast corner of podium has been through a number of design iterations. The consensus is that the corner should remain a solid element however the panel suggests reconfiguring the internal layout to provide a more regular open plan living and dining area with clearly defined circulation. Bedrooms with doors directly off living areas should be avoided	Units 7, 21 & 23 have been revised to accommodate comments raised by the DEAP as shown in the submission package that was lodged to council.	The amended plans in this regard are considered to be acceptable and in accordance with DEAP's recommendations.
West facing windows should be provided to units 1, 2, 13, 14 and corresponding units above (incorrectly numbered on the drawings) to improve solar access and cross ventilation as well as the noise and visual impact of the railway line.	Windows have been added to the western side of units 1, 2, 13 & 14 as requested by DEAP Panel.	The amended plans in this regard are considered to be acceptable and in accordance with DEAP's recommendations.
The living space in units 3, 15 and 27 are oversized and the balconies undersized. The panel suggests setting the glass doors back approximately 1m into the apartment thereby increasing the size of the balcony and reducing the internal floor area of the units.	The balcony has been increased by 1 metre to units 3, 15 & 27 giving a great space of balcony and reducing the area of the living areas with regards to this change the affected units still comply with ADG requirement.	The amended plans in this regard are considered to be acceptable and in accordance with DEAP's recommendations.
Parking provision exceed the maximum allowed. Given the proximity of the site to the railway station, the number of parking spaces should comply with the maximum permitted for the site.	Parking has been revised to reduce the car parking spaces from 117 spaces to 105 spaces.	The amended plans in this regard are considered to be acceptable and in accordance with DEAP's recommendations.

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

Principle	Comment
Context and neighbourhood character	The locality, in particular, this portion of the Granville precinct is transforming to a high density residential/mixed use area. The development generally accords with the desired future character nominated by the LEP, DCP and the Strategy. The building will contribute to the quality and identity of the area.
Built form and scale	Notwithstanding the departures to the height for the site, the development responds to the intent of the Strategy for the Granville precinct. Site planning, building volume/ mass presentation and detailing are satisfactory noting the conclusions of the DEAP. Public domain outcomes are satisfactory.
Density	The proposed density is consistent with the precinct specific controls in the LEP and DCP. 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.
Sustainability	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.
Landscape	The landscape treatment is generally satisfactory.
Amenity	Amenity for the apartments is satisfactory when tested against best practice design criteria identified in the ADG which supports the SEPP. The scheme includes a range of communal facilities for the benefit of all residents.
Safety	Appropriate outcomes achieved through the design generally, and otherwise by conditions of consent as proposed.
Housing diversity and social interaction	The proposal skews the unit mix towards 2 bedroom units. It is noted that this is in response to the demands for 2 bedroom units in the locality. The required number of adaptable housing units is provided.
Aesthetics	The composition of building elements and materials is satisfactory.

Residential Flat Design Code

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

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

Table 4: Response to ADG

Element	Comment	Complies
Building separation	<p>Up to 4 storeys – Min. Nil to 12.3m (on ground floor) 5 to 8 storeys – Min. Nil to 14m 9 storeys and above – Min. 11 to 14m</p> <p>The development comprises of one standalone building. The abovementioned building separation is to the boundaries. It is noted that as the development site is a corner allotment and that it adjoins a rail corridor to the rear, the only adjoining site with development potential is to the west. Presently, the site to the west is occupied by a warehouse/showroom.</p> <p>The nil setback to the boundary between the ground floor to the fourth storey is considered to be consistent with the mixed use development characteristics of the locality as envisaged by the zoning of the site, the LEP and the Strategy. It is noted that all levels between Level 1 and Level 3 are provided with a solid wall to attenuate any amenity impacts to the adjoining site to the west. Further, extensive landscaping is provided to the common areas located on Level 4 to screen for privacy to and from the development site.</p> <p>However, it is considered that the tower element of the development which commences from Level 6 is compliant with the ADG's as the proposal provides half of the building separation requirements to the adjoining boundary and future development to the west.</p>	No, but acceptable
Common Open Space	<p>Required – 550.9m² (25% of the site) Provided –</p> <p>Level 4 – 529.53m² Roof – 107.59m² Total = 637.12 (28.9% of the site)</p>	Yes
Deep Soil	Provided 294.12m ² or 13.3% of the site	Yes
Visual privacy	The arrangement of units and privacy measures within the development ensures a satisfactory level of privacy between apartments and areas of private open space	Yes
Parking and Bicycle storage	<p>The RMS rates are applicable to the residential component of the development which requires a minimum of 81 residential spaces and 19 visitor spaces, for a combined total of 100 car spaces.</p> <p>The applicant has amended the plans to provide 84 residential spaces and 14 visitor spaces for a combined total of 98 car spaces wholly located within the 2 levels of basement.</p> <p>This is a departure of 5 visitor spaces. However, combined, the shortfall is only 2 parking spaces. Notwithstanding, the variation is supported given its close proximity to public transport and the Granville CBD where vehicle use is discouraged.</p>	No, but acceptable

	The retail component of the development is provided with 7 at-grade parking spaces which is compliant with the DCP requirements.	
Solar access and daylight	73 out of the 92 dwellings (79%) receive a min. of 2 hours of direct sunlight.	Yes
	The Level 4 and the roof COS will receive more than 2 hours of direct solar access during the winter solstice.	
Common circulation	Max. of 6 units per core.	Yes
Apartment size and layout	<ul style="list-style-type: none"> • Minimum unit sizes are generally achieved • Apartment layouts are efficient 	Yes
Ceiling heights	<ul style="list-style-type: none"> • Minimum of 2.7m for habitable rooms is achieved 	Yes
Private open space and balconies	Balconies meet design criteria	Yes
Natural ventilation	<ul style="list-style-type: none"> • First 9 storeys - 60% (39 apartments) of units are ventilated (criteria is 60%) 	Yes
Storage	Required supply of storage for each unit is achieved	Yes

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

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

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

2.7 Parramatta Local Environmental Plan 2011

Zoning and permissibility

The proposed uses meet the definitions of '*mixed use development*' and is permissible with consent in the zone.

Zone objectives

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the B4 zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that contributes to an active, vibrant and sustainable neighbourhood.*

The proposal is consistent with those objectives.



Figure 4: Zoning Map of the site and surrounds

Remaining provisions

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

Table 5: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	Demolition of the existing structures are proposed. A Demolition Plan and a waste Management Plan has been prepared by the applicant.	Yes
Clause 4.3 Building height	The development standard is 39m. The proposed height is 51.67m or a non-compliance is 12.67m (32% variation).	No, refer to clause 4.6
Clause 4.4 Floor space ratio	The maximum FSR for the site is 4.5:1. The development proposes a FSR of 4.17:1.	Yes

Clause 4.6 Exceptions to standard	The application relies upon this clause to allow the exceedence of the height as noted above. See assessment following at the end of this table.	Yes
Clause 5.1 Relevant acquisition authority	Not applicable.	N/A
Clause 5.9 Preservation of trees	The application does not propose to remove any trees.	N/A
Clause 5.10 Heritage	<ul style="list-style-type: none"> The site is not a listed heritage item, nor is it within a conservation area. The site is within proximity to heritage listed item at 63-69 Cowper Street and 176A Parramatta Road. Council's Heritage Adviser has reviewed the proposal and raises no objections to the development given its distance from the heritage item. 	Yes
Clause 6.1 Acid sulphate soils	<ul style="list-style-type: none"> The site is identified a "Class 5" Acid Sulphate Soil. The site is located within 500 metres (approx. 160 metres) from sites containing Class 4 Acid Sulphate Soil. Notwithstanding, the site is not below 5 metres AHD and as such is unlikely to lower the water tables below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land. 	Yes
Clause 6.2 Earthworks	<ul style="list-style-type: none"> Consideration of potential impacts upon drainage patterns have been considered by Council's Development Engineer, who is satisfied the works can be managed without adverse impact. Site works will not prejudice the future development of any adjoining land, or the amenity of that land. Issues relating to soil quality are addressed via considerations of SEPP 55 No circumstances identified to indicate potential for disturbing relics. 	Yes
Clause 6.3 Flood Planning	The site is not identified on the flood planning map	N/A
Clause 6.4 Biodiversity	The site is not identified on the biodiversity map	N/A
Clause 6.5 Water protection	The site is not identified on water protection map	N/A
Clause 6.6 Landslide Risk	The site is not identified on the landslide risk map	N/A
Clause 6.7 Foreshore Building Line	The site is not identified on the foreshore building line map	N/A

Non-compliance with building height

Overview

The standard	Clause 4.3 of PLEP 2011 - Height of buildings – 39m. The proposed height is 51.67m.
Objectives of the standard	As per clause 4.3(1) of the LEP: (a) <i>to establish a maximum height of buildings to enable appropriate development density to be achieved, and</i> (b) <i>to ensure that the height of buildings is compatible with the character of the locality</i>
Extent of the variation	The maximum defined heights and the % variations are: <ul style="list-style-type: none">Proposed height of 51.67m. Non-compliance is or a non-compliance is 12.67m (32% variation).



Figure 5: Elevation diagram of maximum height at 39m and 52m.

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 with regards to the **height**:

- It is our opinion that the proposal satisfies three of the five tests established in Wehbe and for that reason; the development standard can be considered unreasonable and unnecessary in this instance. The relevant tests, Tests 1,3 and 4 will now be considered.*
- The area of non-compliance is not likely to impact the amenity of neighbouring residents. If the proposal was to comply with the height limit, it would compromise the design and architectural integrity of the proposal. A compliant building height would not be less visible than the proposed residential tower within the streetscape. On that basis, the proposal is consistent with the objectives. Since the proposal is consistent with the objectives of the standard, notwithstanding the non-compliance in our opinion Test 1 is satisfied.*
- In our opinion the underlying objective of the development standard is to present a building that is contextually compatible with the height and character of the locality whilst ensuring the amenity of adjoining properties is retained.*
- When viewed from the street, the extent of non-compliance would not be readily noticeable, due to the substantial podium proposed. Compliance with the height standard would result in a wider building with reduced amenity for residents by increasing distances from lift cores, increasing dwelling depths and reducing access to daylight and natural ventilation. The valuable asset of attractively landscaped roof-top and podium-top common garden areas would be lost to the future residents. In our opinion the underlying purpose outlined above would not be achieved if strict compliance with the building height was required, and therefore Test 3 is satisfied.*
- It is noted, the proposal is consistent with other Clause 4.6 variations approved in the vicinity. At a Council meeting on 11 May 2015 (DA/683/2014), a Mixed Use Development at Nos. 65-71 Cowper Street Granville, diagonally opposite the subject site, was approved with a variation in height of 38%, or 8.05 metres. The land is the same zoning as the subject site, B4 Mixed Use, however the land size is smaller than the subject site at approximately 1850m², compared to 2204m² for the subject site.*
- Similarly, at a JRPP meeting in October 2015, DA/738/2014 for a Mixed Use Development for Nos. 1042 East Street Granville was approved with variations in height of up to 22.91%. The site area is greater than 3,200m² and therefore the maximum building height is 52 metres. One of the buildings was approved with a height of 63.91 metres. Other buildings on the site were approved with variations of 9.29% and 12.45%.*
- In each of the above cases, the context, location and reduced amenity impacts appeared to form part of the considerations for approval to the variations in height. Additionally, the lack of opportunity to amalgamate with adjacent sites was a consideration in the assessment of Nos. 65-71 Cowper Street Granville.*
- As noted, a similar situation exists for the subject sites whereby further consolidation can only take place to the west, and approaches by our client have not met with success. In*

our opinion the development standard has been virtually abandoned by Council's own actions in granting consents departing from the standard for similar developments, and therefore Test 4 is satisfied.

- *Strict compliance with the standard would unreasonably and unnecessarily compromise the design of a well-proportioned building on an exposed and highly visible site. In our view, compliance with the height control is unreasonable for this unusual site and the proposal exhibits sufficient planning reasons to vary the development standard.*

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

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

Height

The proposal is permissible in the zone and is consistent with the relevant objectives of both the zone and the height development standard. The proposal is of a high quality design, which responds well to the site constraints, and is consistent with the desired future character of the locality. The proposal does not result in any unacceptable overshadowing of residential dwellings due to the orientation and location, being adjacent to a railway corridor to the south. The additional height is located centrally within the site and therefore the impacts are reduced.

As noted previously, Clause 4.3(2A) of Council's LEP prescribes a maximum height of up to 52 metres for a building, depending on the lot size. On these consolidated lots, the height limit is 39 metres, however in our opinion the site can easily accommodate the maximum height permitted in the Y1 zone. The proposal has a height of approximately 51 metres, rising to a maximum 52 metres at the eastern side of the rooftop communal rooms, lifts and stairs.

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

The applicant's written request is provided at **Attachment C**. This request 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 standards is in the public interest because the resulting built form will be consistent with:

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

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

Such concurrence is assumed as per Planning Circular PS 08-003 '*Variations to development standards*'.

Conclusion

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

- Notwithstanding the maximum height for the site at 39 metres, the envisaged height for this portion of the Granville is 52 metres under the PLEP 2011.

- Further, urban design testing (for the Parramatta Road Corridor Transformation Strategy) has shown that the existing height and FSR controls in this location result in lower, bulkier buildings that are undesirable and lack of variation in built form outcomes.
- Despite the departure to the height, the FSR of the proposal is not maximised and is below the maximum density for the site. In this instance, the departure to the height does not contribute to a 'bulky' development.
- The development site is favourably located adjacent to a rail corridor on a corner allotment within proximity to Parramatta Road and Granville Town Centre. In this regard, and due to the north-south orientation of the site, the exceedance in height is unlikely to result in adverse solar access impacts to adjoining properties.
- The subject site is not identified as containing significant views pursuant to PDGP 2011 and therefore the variation to the height in this instance will not contribute to any view loss.
- The departure to the height in this instance does not result in any adverse impacts to the heritage item located on 63-69 Cowper Street and 176A Parramatta Road given its location and separation. Council's Heritage Adviser upon review of the proposal, found the development to be satisfactory and did not raise objections to the variation to the height.
- The departure to the height has the support of Council's Urban Designers and DEAP as it is considered to result in a better urban design outcome.
- The development contributes to the wider Granville precinct by providing residential and retail development to support its town centre function within proximity to Parramatta Road and the rail corridor.
- The proposed development in form and scale is envisaged by the Parramatta Road Corridor Urban Transformation Strategy where it locates developments with maximum heights of 80 metres along the railway corridor. The maximum 80 metre height on these sites accommodate buildings with a podium structure of up to 4 storeys and tower forms above. The proposed development is consistent with this future building form in the wider area.
- The proposal contributes to the overall vision of the above Strategy for a high quality multi-use corridor and provides for the future growth of housing and jobs in the locality.
- The departure to the standard does not hinder the development from achieving the objectives of the B4 Mixed Use zone as it contributes to providing residential and retail development in an appropriate locality.
- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

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

3. Parramatta Development Control Plan 2011

Compliance

The DCP is comprised of the following sections:

- 2 – Site Planning
- 3 – Development Principles
- 4 – Special Precincts

Compliance tables are provided below:

Table 6: DCP 2011 compliance table

Part 2 – Site Planning		Complies
2.4.1 Views and Vistas	The site is not identified as having views and vistas identified as being significant by Appendix 2 nor is the site located in the Harris Park Conservation Area.	Yes
2.4.2.1 Flooding	The site is not identified by Council as being flood prone.	N/A
2.4.2.2 Protection of Waterway	The site does not adjoin a waterway.	N/A
2.4.2.3 Protection of Groundwater	<p>Two levels of basement parking are proposed which requires extensive excavation below NGL.</p> <p>The Phase 1 Report that was submitted with the application states that while aquifer details were not available from any of the 12 identified registered groundwater monitoring wells within 1km of the site, there was also no groundwater encountered in the boreholes drilled on the site to a maximum depth of 3 for the investigation upon compiling the Phase 1 report.</p> <p>Notwithstanding, the application was referred to the Office of Water for their review. In response, the Office of Water raised no objections to the proposal subject to conditions of consent.</p>	Yes
2.4.3.1 Soil Management	An erosion and sedimentation plan has been submitted with the application.	Yes
2.4.3.3 Salinity	<p>Subject to conditions, the works will not impact or be impacted by salinity.</p> <p>The proposed landscaping is assessed as appropriate. Consultation with Council's Landscape and Tree Management Officer has found that the proposed plant species will not require an unreasonable amount of water for their maintenance.</p>	Yes
2.4.4 Land Contamination	Refer to assessment under SEPP 55.	Yes
2.4.5 Air Quality	Standard conditions of consent will be applied.	Yes
2.4.6 Development on sloping land	The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform	Yes
2.4.7 Biodiversity	Council's Landscape Officer has not raised concerns with regards to the Landscape Plan subject to conditions.	Yes

The landscape plan submitted with the application does not include provision for species nominated in Appendix 3 of the PDCP 2011.

The site does not adjoin bushland nor does it adjoin land zoned E2 or W1.

2.4.8

Public Domain

The plans have been amended to provide an appropriate street address with distinguishable entries via a clear pedestrian pathway to ensure clear identification from the public domain.

Yes

Balconies and windows on the upper units address the street frontage promoting natural surveillance from within the units to the front, public domain and railway corridor. Windows and balconies also face the central communal area to provide surveillance to this area.

Standard conditions incorporated in the consent requiring the payment of a bond to ensure that the nature strip is maintained and in the event that it is damaged due to the works associated with the proposal that Council be reimbursed for the damages.

It is noted that to improve the public domain outcome to this portion of Cowper and Bold Street, additional public domain works that include footpath widening, renewing footpath pavement and improving the amenities in the road reserves have been included in the conditions of consent. Improved public domain outcomes in this regard is a public benefit by increasing utility and the pedestrian experience.

Part 3 – Development Principles		Complies
Height	See LEP assessment under 'height'	No, but acceptable
FSR	See LEP assessment under 'FSR	Yes
Minimum Site Frontage	Required – As per Granville Town Centre controls. See Part 4 of this table.	Yes
Setbacks	Required – As per Granville Town Centre controls. See Part 4 of this table.	Yes
Landscaping and Deep Soil	Required – As per Granville Town Centre controls. See Part 4 of this table.	Yes
3.2.1 Building Elements	<p>The bulk of the building is consistent with the desired future character of the Granville Precinct.</p> <p>It is considered that the proposed development subject to conditions of consent will not adversely impact on the existing streetscape as plans indicate satisfactory setbacks and articulation, thereby, reducing the bulk and scale of the development and as such, any adverse impacts on the amenity of the potential adjoining properties.</p>	Yes
3.2.2 Building Façade and Articulation	The proposal provides appropriate setbacks and building articulation resulting in a reduced perception of bulk and scale.	Yes

	<p>The development is designed with a tower and podium with multiple recesses to create articulation, improve solar access to the adjoining properties and to create some visual interest on the pedestrian level. Accordingly, there will be no unreasonable loss of amenity to adjacent properties.</p> <p>The application proposes balconies to the upper floors which address the street frontage and do not project more than 800mm beyond the building envelope.</p> <p>The proposal does not propose Juliet balconies or bay windows.</p> <p>Multiple stair lift/cores are provided to encourage multiple street entries.</p>	
3.2.3 Roof Design	<p>The development incorporates a flat roof which is not uncommon with the modern design for similar forms of development. The flat roof also allows for the provision of a roof top common open area.</p>	Yes
3.2.5 Streetscape	<p>The urban context of the wider locality is mixed use in nature, incorporating, commercial, industrial, retail and high density residential.</p> <p>As previously stated in this report, the development is of an appropriate bulk and scale with adequate setbacks and landscaping. As such, the development is considered to be consistent with the B4 Mixed Use zoning of the site and the future streetscape character of the area.</p> <p>The development provides ground floor retail tenancies with pedestrian access from the street. The retail spaces on the ground floor are located at street to ensure appropriate access and viability.</p> <p>The shopfront of the ground floor uses minimal solid elements.</p> <p>Basement carparking is provided to minimise the impact of parking structures on the building façade and the front setback.</p>	Yes
3.2.6 Front Fences	<p>No front fences are proposed.</p>	N/A
3.3.1 Landscaping	<p>The proposed works has the endorsement of Council's Landscape and Tree Management Officer subject to conditions of consent.</p> <p>The basement is located within the building footprint and as such, provides adequate areas for landscaping to the southern portion of the site.</p>	Yes
3.3.2 Private and Common Open Space	<p>See ADG assessment for Common Open Space and Private Open Space requirements.</p>	Yes
3.3.3 Visual Privacy	<p>See ADG assessment for Visual Privacy.</p>	Yes
3.3.4 Acoustic Amenity	<p>See ISEPP discussion with regards to acoustic amenity.</p>	Yes

3.3.5 Solar Access & Cross Ventilation	<p>The site to the west (industrial premises) will not be impacted by the development.</p> <p>The nearest residential development is located opposite the site on Bold Street. However, due to the orientation of the site, this development will not be impacted by the development.</p> <p>The development to the south-east and south of the site on Bridge Street and Railway Parade contain residential development. Notwithstanding, these residential developments to the south and south-east of the development site will retain more than 3 hours of solar access during the winter solstice.</p> <p>The development provides 2.7m floor to ceiling height on each floor.</p> <p>See ADG assessment for cross ventilation.</p>	Yes
3.3.6 Water Sensitive Urban Design	Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.	Yes
3.3.7 Waste Management	<p>The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.</p> <p>The garbage room is located on the ground floor.</p> <p>The WMP states that the development will be serviced by private waste contractor on site. Waste storage areas will be maintained by the caretaker.</p>	Yes
3.4.1 Public Art	An Arts Plan has been submitted with the application. Conditions will be imposed on the consent requiring engagement with Council for its implementation.	Yes
3.4.2 Access for People with disabilities	<p>A Statement of Compliance was submitted which will be incorporated in the consent.</p> <p>It is noted that the ground floor is accessible from the street by people with disabilities. Access from the basement to the upper levels is via a lift.</p>	Yes
3.4.4 Safety and Security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The entries face towards the street, promoting natural surveillance from within the units to the public domain.	Yes

3.4.5 Housing Diversity and Choice	<p>Provided -</p> <p>2 x studio units (2.1%) 27 x 1 bedroom units (29.3%) 48 x 2 bedroom units (52.1%) 15 x 3 bedroom units (16.3%)</p> <p>The housing mix in this case is driven by the demand for 2 bedroom units in the Granville Precinct. Given this, the skew to 2 bedroom apartments in this case is considered acceptable.</p> <p>It is noted that Units 6, 7, 20, 21, 32 and 33 are dual key units. The design of these assures that they receive satisfactory solar access and privacy. Further, the unit sizes are considered to be appropriate. These units are also provided with balconies. The dual key units contribute to housing diversity appropriately located within the Granville CBD.</p>	Yes
Adaptable dwellings	<p>Required – 9.2 (10) units Provided – 10 units</p>	Yes
3.5 Heritage and Archaeology	See PLEP 2011 for heritage discussion.	Yes
3.6 Parking Provisions	See ADG assessment for parking requirements.	Yes
3.7 Residential Subdivision	<p>The proposal does not seek approval for the subdivision of the completed development.</p> <p>The site does not result in the isolation of any adjoining properties.</p>	N/A

Part 4 – Special Precinct (Granville Town Centre)		Complies
Site Frontage	<p>Required – 45m Proposed: Bold Street = 47.28m Cowper Street = 47.55m</p>	Yes
Connections and Laneways	The site is not subject to Figure 4.1.6.3 with regards to the provision of laneways or pedestrian connections.	N/A
Setbacks		
<u>Street Setback</u> 0m + awning along Bold Street and the corner for the 4 storeys then an additional 3m	<p>Provided –</p> <p>Bold Street Ground – Nil to 3m Levels 1 to 3 – Nil (from balcony) to 18.2m Level 4 – Nil (from planter boxes) to 20.7m Level 5 – 11.8m (from balcony) to 20.9m Levels 6 to 14 – 11.8 (from balcony) to 20.9m Level 15 – 11.8 (from balcony) to 20.9m Roof – 14.5m (from planter boxes) to 22.4m</p>	No, but acceptable

3m setback along Cowper Street for the first 4 storeys then an additional 3m.

Cowper Street
Ground – 2.995m
Levels 1 to 4 – 900mm (from balcony/planter boxes) to 5.8m
Level 5 – 5.3m (from balcony) to 9.6m
Levels 6 to 14 – 5.4m (from balcony) to 9.6m
Level 15 – 5.5m (from balcony) to 9.6m
Roof- 8.4m (planter boxes) to 9.6m

The departures to the street setback controls are acceptable for the following reasons:

- The variation to street setback relates only to Cowper Street. The street setbacks to Bold Street is compliant.
- The site accommodates a separation buffer to the rail corridor to the rear resulting in the building footprint closer to the street frontage.
- Despite the non-compliance with the street setback to Cowper Street, the design of the development incorporates improved public domain and retail components on the ground floor to allow for street activation.

The development was also reviewed by DEAP and Council's Urban Designers. Upon review of the proposal, DEAP nor Council's Urban Designers raised no objections. The development in this instance maintains an acceptable amenity to the streetscape and pedestrian experience on the ground level.

Rear Setback

Min. 9m for the first 25 metres

Ground

Southern Boundary – 6.2m

No, but acceptable

For the remaining (ie beyond 25m), Min. 12m.

Levels 1 to 16

Southern Boundary – 11m

The portions of the development where the proposal does not comply relate to the ground floor as well as a minor non-compliance between Levels 5 to 16. Notwithstanding, the development is adjacent to the rail corridor to the rear so any non-compliance with the rear setback does not result in amenity impacts to sensitive land uses. Further, Sydney Trains have reviewed the proposal and raised no objections to the buffer between the development and the rail corridor. The development also provides satisfactory landscaping and deep soil areas. The non-compliance to the rear setback does not in this instance result in the development being able to achieve a podium and tower built form as envisaged by the planning controls and the Strategy.

Side Setback

Nil side setback for development up to 4 storeys

Ground

Western Boundary – Nil

Yes

Above 4 storeys, Min. side setback Is 9m for habitable Rooms and 6.5m For non-habitable

Levels 1 to 4

Western Boundary – Nil

Level 5 to 15

Western Boundary – 11.8m (from balcony) to 14m

Roof – 14m (from planter boxes)

Land Amalgamation

The DCP controls under Part 4 prefers an east-west orientation for developments. However, the development provides a north-south

Yes

orientation for the podium levels to ensure that fewer units are exposed to the rail corridor. Despite the north-south orientation of the development, the proposal achieves the solar access requirements under the ADG's and in this regard is considered acceptable.

Landscaping and Deep Soil	See ADG's for deep soil requirements.	Yes
	<p>Landscaping Required – 30% of the site or 616.5m² Provided - 479.2m² or 21.7% of the site.</p> <p>Despite the non-compliance with the landscaping requirements for the site, the proposed landscaping meets ADG requirements and is of a suitable quality given the site is in a town centre and in this regard, minimal landscaping is expected.</p>	No, but acceptable
Development Between Parramatta Rd & Railway line.	<ul style="list-style-type: none"> • The ground floor retail tenancies are located at street level to provide casual surveillance. • The development has been designed as one building with a podium and tower element. DEAP has not raised any issues with regards to this form of development particularly as this building form is envisaged by the Strategy. • The maximum dimension of a building facade is more than 40 metres but only at the podium level which is expected in this form of development. The building façade is reduced for the tower element of the development. • The non-residential component of the development does not exceed 480m². • The roof form is considered to contribute positively to the skyline. 	Yes

4. Planning agreements

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

5. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 7: Relevant EPA Regulations

Clause 50(1)(a)	<p>The nominated documentation is provided being</p> <ul style="list-style-type: none"> ○ A design verification statement; ○ An explanation of the design in terms of the principles in SEPP 65 ○ Relevant drawings and montages
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 result in acceptable physical impacts as follows:

- Site works and alterations to the ground profile are considered appropriate to allow for basement parking as well as addressing the topography of the site;
- 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 contributes to the mix of land uses contemplated by the planning controls and the needs of the Granville precinct;
- Site planning locates the tower element in a suitable location to avoid negative amenity outcomes of adjacent sites;
- The scale and form and presentation of the building is generally consistent with planning controls, and the design and site planning is acceptable as independently assessed by Council’s Design Excellence Advisory Panel;
- The built form does not result in significant adverse impacts for adjacent sites;
- The public domain treatment is satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.

6.2 Site works

Excavation

The excavation required to provide the 2 levels of basement is considered to be acceptable. Both Sydney Trains and Office of Water have not raised any objections with regards to extent of excavation work with proximity to the rail corridor and any impacts to ground water.

Tree removal

No trees are proposed for removal. The landscaping 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. Standard conditions will be imposed on the consent requiring approvals to be obtained for connection to the service providers prior to the issue of the Occupation Certificate.

6.3 Natural and technological hazards

The contamination of the site is assessed elsewhere in this report. See SEPP 55 assessment.

6.4 Site design

Setbacks

There are several instances where the design does not strictly comply with the DCP setbacks, however the outcome is nevertheless satisfactory. See DCP table for the assessment.

Height, bulk and scale

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

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, DDA and AS 4299, subject to resolution of nominated design matters. Those matters are minor and can be addressed at the time of the Construction Certificate.

Landscaping

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

6.5 Amenity considerations

Internal amenity

A satisfactory outcome is achieved. See ADG assessment for further comment.

Common open space

The primary common open space is located on Level 4. Secondary common open space areas are located on the roof. These areas meet the ADG criteria for size and solar access.

Noise

The application is supported by a technical report which confirms that road traffic noise levels, and noise from the railway corridor, will exceed relevant minimum and maximum noise criteria for the apartments without noise attenuation measures.

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

6.6 Public domain

Built form relationship to public domain

A positive public domain outcome will result given:

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

Public domain works

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

6.7 Relationship to adjacent sites

Overlooking

The development, ensures adequate separation within the development as well as future mixed use development to the west.

Overshadowing

This is addressed in detail in the ADG and PDCP 2011 tables.

Operational noise

Enclosed space for mechanical plant is provided at each floor of the development, and also at the roof level.

The acoustic report supporting the application states acoustic treatments to control noise emissions to satisfactory levels.

6.8 Access, transport and traffic

Parking supply

The number of parking provided satisfies the minimum provisions under the DCP and the RMS Guidelines.

Parking access and design

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

Construction Traffic

A condition will be imposed on the consent requiring the submission of a Construction Traffic Management Plan to be prepared and submitted to Council for review and approval prior to any works commencing.

6.9 Water management

Stormwater collection and disposal

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

Water quality during construction

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

6.10 Waste management

Construction phase

This matter will be addressed within a Construction Management Plan.

Operation phase

Dedicated space for the storage and collection of waste is provided on the ground floor. Council's Waste Officer has reviewed the Waste Management Plan which supports the application, and is satisfied with arrangements for the storage and collection of waste from the development.

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

6.11 Construction Management

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

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

6.12 Safety, security and crime prevention

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

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

6.13 Social and economic impacts

No adverse impacts have been identified.

7. Site suitability

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

- That 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.

8. Public interest

In accordance with the notification procedures that are contained in Appendix 5 of PDCP 2011 owners and occupiers of surrounding properties were given notice of the application for a 31 day period between 18 January 2017 and 21 February 2017. In response, one submission was received.

The issues raised in the submissions are as follows.

Issue	Comment
Undue impacts on amenity	The nearest residential development is located opposite the site on Bold Street. Shadow diagrams demonstrate that the residential development opposite the subject site will retain 3 hours of solar access as required by the DCP. Similarly, residential developments to the south of the site (beyond the rail corridor on Railway Parade) will also retain 3 hours of solar access during the winter solstice.
Bulk and Scale	This issue is assessed in detail elsewhere in this report. Despite the variations to the height, it is considered appropriate for its location and is designed as envisaged by Council's controls and the Strategy for the Granville Precinct.
Increase in traffic	The increase in traffic movement within the locality as a result of the development was reviewed by Council's Traffic Engineer whom raised no objections subject to conditions of consent. In this regard, the development is not considered to impede on traffic movement of the local roads and its surrounds.
Increase in Density	The increase in the density within this precinct as a result of the development is in line with the desired outcomes for the Granville Precinct. The development has been designed to manage the impacts associated with the density increase in terms of acoustic and solar amenity, parking, traffic and increased pedestrian movement.
Increase in noise during construction and occupation of the retail tenancies	Noise during construction of the development will be controlled by conditions of consent. The noise from retail tenancies will be mitigated through appropriate hours of operation. Notwithstanding, the development is located within a town centre and in proximity to a rail corridor as well as Parramatta Road where mixed use development and acoustics beyond suburban acoustics is expected.
Loss of breezes due to bigger buildings and increase in thermal mass	There is no evidence that the development will result in a loss of breezes to adjoining developments nor contribute to an increase in thermal mass. The development is located in an area where such densities are envisaged and is expected by the local planning policies. It is also noted that the proposal provides adequate landscaping and deep soil areas to reduce incidental increases in thermal impacts.
Loss of Views	See PDCP table for discussions regarding views.
Loss of Privacy	See PDCP table for discussions regarding privacy
The wind tunnel affect	The development provides adequate setbacks and building separation. The height and form of development is also expected in this portion of the Granville Precinct and as such is not considered to unreasonably disrupt the pedestrian experience at

ground level due to the creation of wind tunnels between buildings.

Amended plans were submitted in response to DEAP comments as well as in response to commentary from Council's internal specialists such as Development and Traffic Engineers and Urban Designers. However, these plans were not re-advertised in accordance with Clause 5.5.9 entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" of Council's Notification Development Control Plan as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.



ATTACHMENT B - CONDITIONS OF CONSENT

SWCCP reference 2017SWC002

DA No. 1253/2016

SCHEDULE 1

57. Pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

This consent is not to operate until the Applicant has provided Council written verification from Sydney Trains, within 12 months, of compliance with the following matters:

A1

- (i) Sydney Trains agreement to either:
- a. the undergrounding of the Sydney Trains high voltage powerlines (preferred), or
 - b. the relocation of the Sydney Trains high voltage powerlines.

the design and construction of either option above, if directed by Sydney Trains, are to be designed and constructed by an Asset Standards Authority (ASA) Authorised Engineering Organisation (AEO), and must comply with all applicable ASA and Sydney Trains requirements.

The timing of the undergrounding or relocation of the powerline will be as nominated by Sydney Trains.

The Applicant shall also provide details as to how the undergrounded or relocated powerlines will be protected during excavation/construction works and during the maintenance of the building.

In the event the powerlines will be relocated the following documentation is to be provided to Sydney Trains:

- a) blow-out design and calculations
- b) compliance with AS 7000
- c) compliance with ISSC 20, Guideline for the management of activities within Electrical Easements and Close to electrical

- Infrastructure.
- d) compliance with SMS-06-GD-0268 – Working around electrical equipment.
- e) construction management plan detailing as to the unloading of building material and equipment and method of construction in close proximity to power lines

In the event the powerlines are to remain in their current location following documentation is to be provided to Sydney Trains:

- a) blow-out design and calculations
- b) compliance with AS 7000
- c) compliance with ISSC 20, Guideline for the management of activities within Electrical Easements and Close to electrical Infrastructure.
- d) compliance with SMS-06-GD-0268 – Working around electrical equipment.
- e) construction management plan detailing as to the unloading of building material and equipment and method of construction in close proximity to power lines

Should the above documentation indicate that the proposed building cannot meet the required clearances the Applicant will be required to amend the development's setback in order to achieve compliance. (It should be noted that Council may require the submittal of a revised application).

A2

- (i) Final Geotechnical and Structural report and drawings that meet Sydney Trains requirements. The Final Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
- (ii) Final Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- (iii) Final Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- (iv) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
- (v) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

- (vi) If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases

A3

- (i) If required by Sydney Trains, the entering into an Agreement(s) with respect to the undergrounding or relocation of the powerlines.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

GENERAL MATTERS

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

Drawing No.	Prepared By	Dated
Basement Level 2, Job No. 28049, Drawing No. 11. Issue C.	IDRAFT	9 August 2017
Basement Level 1, Job No. 28049, Drawing No. 12. Issue C.	IDRAFT	9 August 2017
Ground Floor Plan, Job No. 28049, Drawing No. 13. Issue C.	IDRAFT	9 August 2017
Level 1 Plan, Job No. 28049, Drawing No. 14. Issue C.	IDRAFT	9 August 2017
Level 2 Plan, Job No. 28049, Drawing No. 15. Issue C.	IDRAFT	9 August 2017
Level 3 Plan, Job No. 28049, Drawing No. 16. Issue C.	IDRAFT	9 August 2017
Level 4 Plan, Job No. 28049, Drawing No. 17. Issue C.	IDRAFT	9 August 2017
Level 5 Plan, Job No. 28049, Drawing No. 18. Issue C.	IDRAFT	9 August 2017
Typical Level 6-14, Job No. 28049, Drawing No. 19. Issue C.	IDRAFT	9 August 2017
Penthouse Plan, Job No. 28049, Drawing No. 20. Issue C.	IDRAFT	9 August 2017
Furniture Layout Plan, Job No. 28049, Drawing No. 37. Issue C.	IDRAFT	9 August 2017
Adaptable Details, Job No. 28049, Drawing No. 40. Issue C.	IDRAFT	9 August 2017
Site Plan Analysis, Job No. 28049, Drawing No. 08. Issue C.	IDRAFT	9 August 2017
Communal Roof Plan, Job No. 28049, Drawing No. 21. Issue C.	IDRAFT	9 August 2017
Roof Plan, Job No. 28049, Drawing No. 22. Issue C.	IDRAFT	9 August 2017
North Elevation, Job No. 28049, Drawing No. 23. Issue C.	IDRAFT	9 August 2017
South Elevation, Job No. 28049, Drawing No. 24. Issue C.	IDRAFT	9 August 2017
East Elevation, Job No. 28049, Drawing No. 25. Issue C.	IDRAFT	9 August 2017

West Elevation, Job No. 28049, Drawing No. 26. Issue C.	IDRAFT	9 August 2017
Section AA, Job No. 28049, Drawing No. 27. Issue C.	IDRAFT	9 August 2017
Section BB, Job No. 28049, Drawing No. 28. Issue C.	IDRAFT	9 August 2017
Ramp Sections, Job No. 28049, Drawing No. 29. Issue C.	IDRAFT	9 August 2017
Alignment Sections, Job No. 28049, Drawing No. 30. Issue C.	IDRAFT	9 August 2017
Typical Balcony Section, Job No. 28049, Drawing No. 39. Issue C.	IDRAFT	9 August 2017
Stormwater Concept Plan – Basement Second Level. Project No. UMB13035.SW.DA. Drawing No. 101. Issue D.	ACE	2 December 2016
Stormwater Concept Plan – Ground Level. Sheet 1 of 2. Project No. UMB13035.SW.DA. Drawing No. 102. Issue D.	ACE	2 December 2016
Stormwater Concept Plan – Ground Level. Sheet 2 of 2. Project No. UMB13035.SW.DA. Drawing No. 102. Issue D.	ACE	2 December 2016
WSUD. Sheet 1 of 2. Project No. UMB13035.SW.DA. Drawing No. 104. Issue D.	ACE	2 December 2016
WSUD. Sheet 2 of 2. Project No. UMB13035.SW.DA. Drawing No. 105. Issue D.	ACE	2 December 2016
Alignment Plan set (6 pages)	Australian Consulting Engineers	18 August 2017
Public Domain Plan 01&02	Canvas Landscape Architects	10 August 2017
Landscape Plan: Ground Floor + Typical Detail 01&02	Canvas Landscape Architects	10 August 2017

Document(s)	Prepared By	Dated
Acoustic Report	Rodney Stevens Acoustics	8 December 2016
Arts Plan	Milne & Stonehouse	August 2014
BASIX No. 777198M	BASIX	29 November 2016
Design Verification Statement	IDRAFT	December 2016
Geotechnical Report	STS GeoEnvironmental	November 2016
Preliminary Site Investigation	SMEC	March 2017
Schedule of Finishes	IDRAFT	28 November 2016
Statement of Compliance	Accessible Building Solutions	15 November 2016
Traffic Report	Multipro Consultants	November 2016

Waste Management Plan	N/A	29 November 2016
General Terms of Approval	Sydney Trains	30 May 2017
General Terms of Approval	Water NSW	16 March 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.

2. 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.

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

Reason: To ensure compliance with legislative requirements.

4. Approval is granted for the demolition of existing buildings currently on the property, subject to compliance with the following:-

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

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

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is

- imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under “Prior to Works Commencing” in this Consent.
 - (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
 - (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
 - (i) Demolition is to be completed within 5 days of commencement.
 - (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
 - (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
 - (l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
 - (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
 - (n) Before demolition works begin, adequate toilet facilities are to be provided.
 - (o) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
 - (p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council’s current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

5. 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.

6. The Applicant is to engage an Artist/s to develop the artworks consistent to the proposed themes and treatment areas outlined in the Arts Plan.

Reason: To deliver satisfactory public art.

7. On completion of the artwork design stage, the Applicant is required to submit all additional documentation to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management prior to its implementation.
Reason: To deliver satisfactory public art.
8. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.
Reason: To ensure waste is adequately separated and managed in mixed use developments.
9. 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.
10. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes. Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:
 - (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
 - (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines**Reason:** To ensure imported fill is of an acceptable standard.
11. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:
 - (a) Work Health and Safety Act 2011
 - (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
 - (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).**Reason:** To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.
12. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.
Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

13. 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.

14. The General Terms of Agreement from Sydney Trains as per Condition 1 of this consent is to be complied with as specified.

Reason: To ensure compliance with the relevant Sydney Trains requirements.

15. The General Terms of Agreement from Water NSW as per Condition 1 of this consent is to be complied with as specified.

Reason: To ensure compliance with the relevant Water NSW requirements.

Prior to the Issue of the Construction Certificate

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

(a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or

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

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

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

Reason: To ensure that the levy is paid.

18. A monetary contribution comprising **\$230633.70** is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 2). Payment must be by EFTPOS, bank cheque or credit card only.

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

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

Parramatta Section 94A Development Contributions Plan (Amendment No. 2) can be viewed on Council's website at:

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

Reason: To comply with legislative requirements.

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

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

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

20. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with 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.

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

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

22. 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 1253/2016;
- (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.

Nature Strip and Roadway (for 2 street frontages)	\$40,000
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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.

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

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

Reason: To comply with the requirements of SEPP 65.

24. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

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 development.

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

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

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

26. The development must incorporate 10 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

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

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

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

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

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

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

29. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers [DS9 & DS10]. Details must accompany an application for a 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.

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

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

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

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

Reason: To protect Council's infrastructure.

32. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

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

33. Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.

Reason: To comply with Australian Standards.

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

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

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

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

35. Prior to the issue of the Construction certificate, detailed plans are to be prepared in accordance with the requirements of the Public Domain Guidelines submitted to Council's Urban Design Team for review and approval.

Reason: To provide and ensure amenity of public domain.

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

Reason: To ensure appropriate vehicular manoeuvring is provided

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

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

38. The recommendations outlined in the acoustic report prepared by Rodney Stevens Acoustics, titled - Mechanical Plant, Road Traffic and Rail noise impact Assessment & Construction Noise Management Plan, 2-6 Bold street & 80-82 Cowper street Granville NSW. Reference number 150353RO and dated 8 December 2016 shall be incorporated into the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure a suitable level of residential amenity.

39. To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the building it shall be acoustically designed and constructed to meet the requirements of AS3671-1989 (Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction), AS 2107-2000 (Recommended design sound levels and Reverberation times in Building interiors), the NSW Environment Protection Authority's Environmental Criteria for Road Traffic Noise and the Environmental Noise Control Manual (Sleep Disturbance).

A report from an appropriately qualified person that these acoustic and vibration design requirements will be met shall be provided to the satisfaction of the PCA prior to the issue of a Construction Certificate.

Reason: To ensure a suitable level of residential amenity not affected by excessive noise and vibration from surrounding activities.

40. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied the building has been acoustically designed and capable of being constructed to meet the requirements of:
- (a) AS3671-1989 (Acoustics – Road Traffic Noise Intrusion - Building Siting and Construction), and
 - (b) AS 2107-2000 (Recommended design sound levels and Reverberation times in Building interiors); and
 - (c) The NSW EPA Road Noise Policy.

Certification is to be provided by a practising acoustic engineer certifying the construction plans have been prepared to satisfy the above criteria.

Reason: To ensure a suitable level of residential amenity.

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

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

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

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

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

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

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

43. All roof water and surface water is to be connected to an operable drainage system.

Prior to the issue of a Construction Certificate, a detailed longitudinal section of the proposed 375mm RCP pipe in the road reserve shall be submitted to Council's Catchment Management engineers' unit for approval. This detailed section in the road shall show the location of the public utility services within the footpath area to prevent any conflict with the existing services during the construction phase.

Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

44. 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 a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

45. The basement stormwater pump-out system, must be designed and constructed to include the following:
- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2-hour duration storm event, allowing for pump failure (minimum tank capacity 6m³).
 - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
 - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
 - (d) A 100 mm freeboard to all parking spaces.
 - (e) Submission of full hydraulic details and pump manufacturers specifications.
 - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

Reason: To ensure satisfactory storm water disposal.

46. 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 Concept plan Dwg No. 102, 103, 104, 105, Issue E, dated 20/04/2017** prepared by Umbrella Civil consulting engineers.
- (b) A Site Storage Requirement of 370m³/ha and a Permissible Site Discharge of 80L/s/ha (when using 3rd edition of UPRCT's handbook) OR

The Site Reference Discharge (Lower Storage), SRDL of 40/s/ha, Site Storage Requirement (Lower Storage) SSRL of 276 3/ha, Site Reference Discharge (Upper Storage), SRDU of 150l/s/ha, Site Storage Requirement (Total) SSRT of 430m³/ha (when using the Extended/Flood detention method - 4th edition of UPRCT's handbook).
- (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- (e) The construction of the proposed combination of Water Sensitive Urban Design (WSUD) and the OSD tank shall be supervised by a practicing drainage engineer with familiarity with the approved design system to the PCA satisfaction to ensure a proper function of the approved water treatment device and the drainage system.

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

47. Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.

Reason: To enable future upgrading of electricity services.

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

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

49. The Prior to the issue of a Construction Certificate, longitudinal driveway sections for each driveway including the nature strip are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed

driveway, starting from the kerb and gutter of the frontage street carriageway to the proposed garage floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- a. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- b. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.

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

50. 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) 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) or be provided by a suitably qualified Landscape Architect or Soil Scientist for all proposed tree plantings with an expected mature height of five (5) metres or greater.
- (c) A specification (‘Fit-for-purpose’ performance description) for soil type must be provided by a suitably qualified Landscape Architect or Soil Scientist.
- (d) Tree planting densities shall not exceed the prescribed soil volume and area required for plant type and certification must be provided by a suitably qualified Landscape Architect or Soil Scientist.

Reason: To ensure the creation of functional and sustainable gardens.

51. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

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

52. 48 bicycle spaces/racks are to be provided on-site. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council’s parking requirements.

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

Reason: To ensure appropriate vehicular manoeuvring is provided

54. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure visitor carparking is accessible.

55. 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:

- the frontages of the development site between gutter and building edges in Cowper St and Bold St, including road pavement, kerb, kerb return, gutter, in-road planting (if required), fencing, retaining wall, footpath, planted tree pits, drainage and front setbacks;
- the embellishment works in the road reserve along Bold St and adjacent to Sydney Train sub-station; and
- Any drainage and earthworks occurring in the road reserve.

The final detailed Public Domain Construction Drawings are to be consistent with the DA approved Alignment Plan per Condition 1 of this consent.

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.

56. 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 Public Domain Plan shall be prepared in accordance with, but not limited to, the following requirements. Please note that additional requirements might be raised during CC assessment stage.

- (a) 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.
- (b) Detail and document the required public domain upgrades in Cowper and Bold Streets including the following:
 - Incorporating with Sydney Train's power line undergrounding works, re-align the kerb alignments on Cowper St and widen the footpath in the southern side of Cowper St to the entire street block between Bold St and 88 Bold St;
 - Renew the footpath pavement on southern side of Cowper and western side of Bold Streets between the railway and 88 Cowper St according to the Public Domain Guidelines;
 - Provide mature street trees in the footpaths in expanded tree pits with 'StrataVault' system as required in the Public Domain Guidelines;
 - Upgrade the road reserve along Bold St to the east of the site based on approved Landscape Plan;
 - Upgrade the existing landscaped area between the Bold St footpath and retaining wall;
 - Replace the existing wire fence on top of retaining wall with standard RMS Type 1 fence (colour: black).
- (c) Provide further details to clarify the following indicated in the Alignment Plan package, including:

- Section 00.00 in SK03 - review the 23.60% fall between the retaining wall and footpath and minimise the gradients in the public footpath area to ensure the public safety;
- Section 10.00, 20.00, 30.00 and 40.00 - review the proposed cross falls between the retaining wall and site boundary to avoid surface run-off flowing from the public land towards the site;
- Provide an updated stormwater plan to demonstrate the drainage solutions in the road serve and ensure no surface run-off from the road Reserve flowing into the site.

(d) Pavement in the Public Domain

- Cowper St – ‘Secondary Granite Pavement’ shall be applied in Cowper St. The treatment consists of granite flagstone (‘Adelaide Black’ or ‘Austral Black’ at 100x200x50mm) and asphalt. The paving upgrade should include the entire public domain areas between property boundary and the back of kerb. The detailed paving design shall comply with the CoP standard paving details - DS45 (granite treatment), which can be obtained from the CoP Urban Design team;
- Bold St – Asphalt pavement (with 30mm AC5 surface layer) shall be applied in Bold St. During the construction, the existing trees in Bold St must be retained and protected according to AS 4970-2009. The surface materials surrounding the existing trees shall be carefully removed and replaced with approved permeable materials;
- Driveway to Sydney Train sub-station – a suitable permeable paving material shall be used for the driveway in the road reserve, which is designed for the required loading capacity and durability. A sample of the selected material shall be provided to Council’s Urban Design team for approval prior to the issue of CC.

(e) Pavement in the Building Interfaces

- The paved building setback area interfacing Cowper St must be flush with the adjacent public footpath. 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 driveway shall be provided in the CC Public Domain Plan set and co-ordinated with the proposed finished level in the building setback and footpath.
- Paving material and finishes for the building setbacks and public accessible areas within the site, including forecourt, colonnade should be compatible with the footpath finishes, and shall clearly define the property boundary around the perimeters of the development. The surface of permeable paving areas shall be suitably retained and drained to prevent loose materials entering the stormwater system or spilling over pavements during runoff. A sample of the selected material shall be provided to Council’s Urban Design team for approval prior to the issue of CC.

(f) The existing kerb on Cowper and Bold Streets shall be reconstructed to the full extent of the required public domain upgrade works.

(g) 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.

(h) 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.

(i) Tree Stock & Placement

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

Street Name	Botanical Name	Common name	Pot Size	Quantity	Ave. Spacing
Cowper St	<i>Ulmus parvifolia</i>	Chinese Elm	200L	6	11.5m
Bold St	<i>Angophora floribunda</i>	Rough Barked Apple	200L	3	5.5m

All other trees used in the public domain areas shall be no less than 100L container size, while the shrubs shall be no less than 25L pot size.

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

(j) Soil Volumes for trees

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

Tree Species	Crown Spread	Crown Projection	Approx. Soil Volume Range
<i>Ulmus parvifolia</i>	12m	113m ²	50-55m ³
<i>Angophora floribunda</i>	8m	50.2m ²	22-25m ³

(k) Drainage

The base of all tree pits and permeable pavements shall incorporate a drainage pipe that connects to the 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.

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

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

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

Further, works that impact on Council's assets may require easements. The consent holder is to contact Council's Property Officer for confirmation and further details.

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

Prior to the Work Commencing

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

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

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

Reason: To comply with legislative requirements.

59. 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.

60. 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.

Reason: Statutory requirement.

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

Reason: To ensure adequate toilet facilities are provided.

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

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

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

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

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

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

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

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

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

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

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

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

72. 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.

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

73. Before commencing any underground activity the applicant is required to obtain advice from the ***Dial before You Dig 1100*** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

Reason: Per Endeavour Energy Requirements.

74. Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. street light columns, power poles, overhead and underground cables etc.

Reason: Per Endeavour Energy Requirements.

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

If the development entails the completion of any work in and/or affecting Endeavour Energy's adjoining electrical infrastructure, prior contact must be made to Endeavour Energy's Easements Officer, Jeffrey Smith, on 9853 7139 or alternately Jeffrey.Smith@endeavourenergy.com.au.

Reason: Per Endeavour Energy Requirements.

76. Endeavour Energy's G/Net master facility model indicates that the site is a location identified or suspected of having asbestos or asbestos containing materials (ACM) present in the network. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.

When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction / electricity workers could be exposed include:

- o customer meter boards;
- o conduits in ground;
- o padmount substation culvert end panels; and
- o joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Health, Safety & Environment via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

Reason: Per Endeavour Energy Requirements

77. Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:
<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>
Reason: Per Endeavour Energy Requirements
78. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:
- (a) The location of hazardous materials throughout the site;
 - (b) A description of the hazardous material;
 - (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
 - (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
 - (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
 - (f) Identification of the disposal sites to which the hazardous materials will be taken.
- Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.
79. In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached for the Panels' reference a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:
<http://www.endeavourenergy.com.au/>
Reason: Per Endeavour Energy Requirements.
80. It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.
Reason: Per Endeavour Energy Requirements.
81. In addition to the foregoing advice in relation to the building, with the need to erect scaffolding for multi- storey construction, this is likely to involve working within the 4 metre approach distance to the overhead power lines as shown in the following extract from WorkCover NSW 'Work Near Overhead Power Lines Code of Practice 2006' a

copy of which is attached for the applicant's reference together with 'Endeavour Energy Electrical Safety When Installing Scaffolding Close to Overhead Power Lines'. The applicant must utilise appropriate control measures for the erection and dismantling of scaffolding such as the use of 'tiger tails' and a hoarding.

Reason: Per Endeavour Energy Requirements.

82. The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

Reason: Per Endeavour Energy Requirements

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

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

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

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

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

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

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

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

During Works

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

91. 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 the 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.

92. 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.
93. 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.
94. A footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.
Reason: To provide pedestrian passage.
95. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.
Reason: To ensure appropriate car parking.
96. 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.
97. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.
Reason: To ensure proper management of Council assets.
98. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
Reason: To ensure maintenance of Council's assets.
99. 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.
100. Where activity 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.
101. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.
Reason: To ensure appropriate disposal of asbestos materials.

102. 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.
103. Hazardous or intractable wastes 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.
104. 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.
105. 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.
106. In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note Emergencies Telephone is 131 003 which can be contact 24 hours/7 days.
Reason: Per Endeavour Energy Requirements.
107. 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.
108. All plants which have been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed on site and replaced with appropriate indigenous or native species.
Reason: To ensure the compliance with the Noxious Weeds Act 1993.
109. 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 the Occupation Certificate

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

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

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

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

Reason: To comply with stator requirements.

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

Reason: To ensure a visible house number is provided.

113. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 777198M, will be complied with prior to occupation

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

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

Reason: To ensure appropriate electricity services are provided.

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

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

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

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

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

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

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

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

Reason: To comply with the requirements of SEPP 65.

117. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

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

118. 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

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

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

119. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. SD004. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

120. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the

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

- 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 using the pyramid volume and prismatic volume calculation method.
- d. OSD WAE Survey certification form and WAE dimensions form (Form B10 and attachment B. Refer to UPRCT Handbook).
- e. Certificate of Hydraulic Compliance (Form B11) from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- f. Approved versus installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- g. Structural Engineer’s Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall etc.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and another set of the documents shall be submitted to Council.

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

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

The terms of the 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.

122. 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 then the “e-developer” icon or telephone 13 20 92.

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

123. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

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

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

Reason: Pedestrian and Vehicle safety.

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

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

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

125. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

Reason: To comply with the Conveyancing Act 1919.

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

Reason: To ensure restoration of environmental amenity.

127. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS 2890.1-2004.

Reason: To comply with Australian Standards.

128. The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.

Reason: To comply with Australian Standards.

129. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Occupation Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

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

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

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

Rodney Stevens Acoustics, titled - Mechanical Plant, Road Traffic and Rail noise impact Assessment & Construction Noise Management Plan, 2-6 Bold street & 80-82 Cowper Street Granville NSW. Reference number 150353RO and dated 8 December 2016.

Reason: To demonstrate compliance with submitted reports.

132. Proof of completion of footpath construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To provide pedestrian passage.

133. Prior to the issue of the Occupation Certificate (including a Preliminary OC), the public domain construction works must be completed to Council's satisfaction and **final approval** shall be obtained from Council's Assets & Urban Design teams.

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

134. 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 approved is obtained.

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

135. 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.

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

136. 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.

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

137. 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.

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

Use of the Site

138. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

139. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

140. 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.

141. 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.

142. 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.

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

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

Reason: To ensure provision of adequate waste storage arrangements

144. 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.

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

Reason: To protect the amenity of the area.

147. No goods are to be stored/displayed outside the walls of the building.

Reason: To ensure visual amenity.

148. The days and hours of the retail operation are restricted to:

Day	Time
Monday	9am to 5pm
Tuesday	9am to 5pm
Wednesday	9am to 5pm
Thursday	9am to 5pm
Friday	9am to 5pm
Saturday	9am to 5pm
Sunday	9am to 5pm
Public Holidays	Closed

Reason: To minimise the impact on the amenity of the area.

149. Roller shutters are not to be placed over any external door or window of the premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille able to be seen through.

Reason: To provide an appropriate streetscape appearance.

150. 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.



ATTACHMENT C – Clause 4.6 Statement for height

Prepared by GSA Planning

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011 CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

APPLICANT'S NAME: Designer Home Constructions
c/-Idraft Architects Pty Ltd

SITE ADDRESS: Nos. 2-6 Bold Street & Nos. 80-82 Cowper Street Granville

PROPOSAL: Proposed new Shop-top Housing Development

1. (i) **Name of the applicable planning instrument which specifies the development standard:**
Parramatta Local Environmental Plan 2011

(ii) **The land is zoned:** B4 Mixed Use

(iii) **The relevant zone objectives are, inter alia:**

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.

2. **Specify the nature of Development Standard sought to be varied and details of variation:**

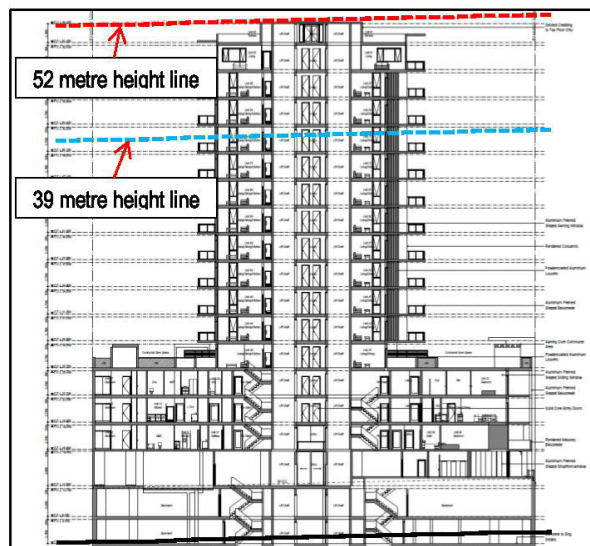
Clause 4.3 Height of Buildings in the Parramatta LEP 2011 states, inter alia:

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite sub clause (2), any development on land identified with a thick blue line and labelled "Area 1" on the Height of Buildings Map is not to exceed the height determined in accordance with the Table to this clause.

Site area	Maximum height
> 2,100 ≤ 3,200 square metres	39 metres
> 3,200 square metres	52 metres

The Height of Buildings map labels the sites as Y1 which prescribes a maximum building height of 52 metres. The individual allotments are labelled Area 1 on the Height of Buildings Map and therefore the site size control of clause 4.3 (2A) is triggered. The combined site size is 2,204m², and therefore a maximum height of 39 metres is prescribed.

The proposal is to provide a building compliant with the maximum 52 metre height limit (see Figure 1 on the following page) on a slightly smaller site. The building would therefore be a taller, more slender residential tower, however would be compliant with the Floor Space Ratio (FSR) stipulated for the site. This was considered an appropriate design response for a particularly exposed site where unusually, the building will be visible from all sides. The future building will be more visible because it has roads on two sides and the railway on the third side.



Source: Idraft Architects

Figure 1: Location of 39m and 52m height limits

The proposal's maximum height of 52.0m is 13.0 metres or 33.3% greater than the 39 metre height limit for the combined lot size. As outlined in this application, the additional height above the amalgamated site's height limit of 39 metres is not likely to affect the amenity of nearby residential development, does not affect the development potential of nearby sites and is considered an appropriate architectural response on a very exposed site.

A squatter, shorter building would have resulted in a larger floorplate which was considered less likely to provide appropriate amenity, access to sunlight and natural ventilation, than the slender tower proposed. Additionally, if two towers were instead proposed for the site, the separation distances would be inadequate and approximately one quarter of the dwellings would be likely to have reduced amenity through overlooking, loss of privacy and increased overshadowing. Instead the proposal provides a higher level of amenity for the future residents.

3. State the objective of the standard to be varied as it relates specifically to the subject site and proposal:

The relevant objectives of Height of Buildings development standard Clause 4.3(1) in the Parramatta LEP 2011 contains are, inter alia:

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to require the height of future buildings to have regard to heritage sites and their settings, ... and
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

4. Explain how the proposal, notwithstanding the non-compliance with the development standard, will achieve the objective of the development standard.

The relevant objectives of the development standard are discussed in relation to the proposal's height on the following pages:

Objective (a): to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.

Response: The proposal's height is consistent with the Y1 area nominated on the Height of Buildings Map (see Figure 2). The maximum heights for Y1 land recognise this as an area in transition, by prescribing heights which are greatly in excess of the existing one, two and three storey buildings and the existing, fragmented, small allotments.



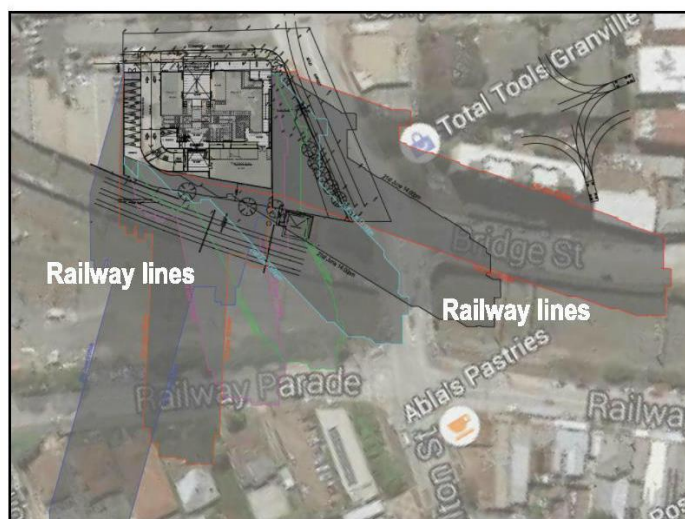
Source: Parramatta LEP 2011

Figure 2: Maximum Building Heights in the vicinity of the site

The difference between the proposed consolidated allotment of 2,204m² with a height limit of 39 metres, and the lot size required for the taller height limit of 52 metres in the zone is 996m² of site area. The difference in site area is approximately equivalent to Nos. 86-90 Cowper Street, to the west. If these two lots were included it would not result in a substantially different tower to the proposal. This is because the neighbouring lots have shallower depths, compared to the subject site. The reduced depths would limit any taller structures near the railway line due to the minimum setbacks required to the infrastructure.

Objective (b): to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

Response: In this location, the proposed additional height will not disrupt views, as reflected by the maximum height limits in Y1. Due to the distances to nearby residential areas along Cowper Street or on the southern side of the railway line, the proposal is unlikely to affect privacy of residents. Figure 3 (on the following page) demonstrates the proposal will have minimal overshadowing impacts on 21 June as shadows from 10:00am until 2:00pm will generally fall only on the roadways or the railway lines. We conclude the additional height has no significant impacts on the amenity of nearby residents.

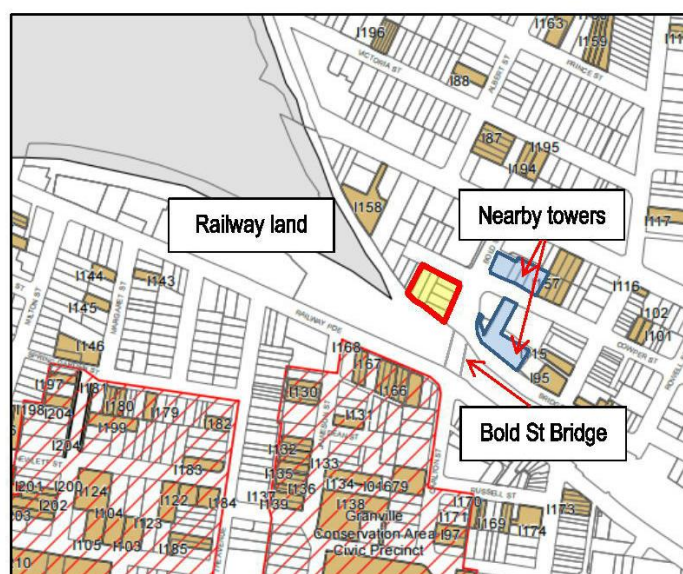


Source: Idraft Architects

Figure 3: Overshadowing of Roadways and Railway lines

Objective (c): to require the height of future buildings to have regard to heritage sites and their settings,

Response: In our opinion the proposed additional height will not affect the heritage setting of the nearby items or conservation areas. The subject site is separated from nearby heritage items and the Heritage Conservation Areas. The item to the north-west (I158) is a substation and to the east is a two storey furniture store building known as 'The Barn' (I157). There are numerous buildings between the items and the subject, including two tower buildings which will obscure views of the site (see Figure 4). The Bold Street Bridge and railway lines separate the site from the heritage conservation areas to the south-west of the site.



Source: Parramatta LEP 2011

 Subject Site

Figure 4: Heritage in the Vicinity

Objective (f): to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Response: The proposed additional height permits a more slender footprint to the residential tower, which in our opinion will provide a higher level of amenity for the future residents. The tower form's narrow footprint minimises overshadowing of nearby residential areas by providing a briefer period of overshadowing. The form also allows better access to light and ventilation to the proposed units in the residential component, and sky exposure and daylight as stipulated. Privacy is also improved with large setbacks to existing developments and greater than the minimum setbacks to boundaries in terms of future development. As the tower element will be visible from all sides, the sculptural and decorative elements proposed provide an elegant solution on an exposed site. No side will present as an unfinished or "rear" of the building.

5. Consistency with Objectives of Clause 4.6

It is noted that the objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and the vicinity.

The objectives contained Clause 4.6(1) are as follows, inter alia:

Objective (a): to provide an appropriate degree of flexibility in applying certain development standards to particular development,

Objective (b): to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

This variation seeks flexibility in the application of the height development standard to the proposal. In our opinion the proposal's height is appropriate in the setting of the site and its location bounded by two roads and major rail lines. The railway lands create a significant separation from dwellings further to the south and the Bold Street road reserve of variable width to the east creates a significant setback from buildings on Railway Parade. The building is potentially a gateway or landmark building to the Granville Town Centre as the location is prominent and will be visible from the public domain.

It is acknowledged that, although the height maps permit buildings of 52 metres high, Clause 4.3(2A) provides additional limits dependent on allotment size. Although the combined allotment would be smaller than the clause requirements for the 52 metre height, in this location, the additional height is considered appropriate, particularly as it is unlikely to cause amenity impacts to nearby residents. As well, consolidation with additional sites to the west would be likely to result in a similar tower form as proposed, due to the relatively shallow site depths of those lots and the requirements for setbacks to the railway. The applicants have approached the owner of the neighbouring lots without success. Therefore there is no opportunity to increase the lot size by further consolidation.

As indicated, the height provides the elegant proportions of the selected architectural style with the approach considered preferable to a lower, wider residential tower. The additional height of the proposal is not likely to result in significant amenity impacts such as loss of privacy or overshadowing to nearby residents, or detrimental effects on the streetscape or the area's character. The building generally complies with the other key envelope controls and the height non-compliance is not driven by excessive bulk. In fact, the proposal is compliant with the floor space ratio for the site, being 4.2:1, where a maximum 4.5:1 is stipulated.

Flexibility in these circumstances allows a better outcome by allowing the building to introduce an architectural integrity and built form that is anticipated by the Council's envelope controls. The form and scale proposed is appropriate in the area. Accordingly in our opinion, the proposal is consistent with the objectives of Clause 4.6 of the Parramatta LEP 2011 and that the variation to building height is appropriate in this instance.

6. Justification of Variation to Development Standard

Clause 4.6(3) of the LEP requires a written request when seeking to vary a development standard, along with justification of the contravention. The clause is stated, inter alia:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The following sections will outline why, in our opinion, compliance with the development standard is unreasonable and unnecessary and will set out the planning justification for the variation.

6.1 Clause 4.6, section 3(a) Compliance with the Development Standard is Unreasonable and Unnecessary in the Circumstances of the Case

As noted above, the LEP requires the applicant to provide justification that strict compliance with the height requirement is unnecessary and unreasonable in the circumstances of the case. In a recent Class 1 decision in the Land & Environment Court, *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7, Preston CJ agreed with Micaul's submissions (at [34] & [37]) that, inter alia:

'establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary'.

In *Wehbe v Pittwater Council* (2007) NSWLEC 827, Preston CJ established five potential tests for determining whether a development standard could be considered to be unreasonable or unnecessary. The Court's decision in *Four2Five Pty Limited v Ashfield Council* [2015] NSWLEC 90 has altered the application of the five tests, requiring more than one of those five grounds to be made out.

It is our opinion that the proposal satisfies three of the five tests established in *Wehbe* and for that reason; the development standard can be considered unreasonable and unnecessary in this instance. The relevant tests, Tests 1, 3 and 4 will now be considered.

Test 1 – The objectives of the standard are achieved notwithstanding non-compliance with the standard

As indicated, this request seeks to vary the application of Clause 4.3 to the subject development. It is our opinion that the objectives of the height of building development standard are satisfied, notwithstanding the non-compliance. This has been addressed in Section 4 of this report.

Having regard to these considerations, the area of non-compliance is not likely to impact the amenity of neighbouring residents. If the proposal was to comply with the height limit, it would compromise the design and architectural integrity of the proposal. A compliant building height would not be less visible than the proposed residential tower within the streetscape. On that basis, the proposal is consistent with the objectives. Since the proposal is consistent with the objectives of the standard, notwithstanding the non-compliance, in our opinion Test 1 is satisfied.

Test 3 - The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

In our opinion the underlying objective of the development standard is to present a building that is contextually compatible with the height and character of the locality whilst ensuring the amenity of adjoining properties is retained.

When viewed from the street, the extent of non-compliance would not be readily noticeable, due to the substantial podium proposed. Compliance with the height standard would result in a wider building with reduced amenity for residents by increasing distances from lift cores, increasing dwelling depths and reducing access to daylight and natural ventilation. The valuable asset of attractively landscaped roof-top and podium-top common garden areas would be lost to the future residents.

In our opinion the underlying purpose outlined above would not be achieved if strict compliance with the building height was required, and therefore Test 3 is satisfied.

Test 4 – The development standard has been virtually abandoned by Council's own actions in granting consents departing from the standard:

It is noted, the proposal is consistent with other Clause 4.6 variations approved in the vicinity. At a Council meeting on 11 May 2015 (DA/683/2014), a Mixed Use Development at Nos. 65-71 Cowper Street Granville, diagonally opposite the subject site, was approved with a variation in height of 38%, or 8.05 metres (see A on Figure 5). The land is the same zoning as the subject site, B4 Mixed Use, however the land size is smaller than the subject site at approximately 1850m², compared to 2204m² for the subject site. The reason given for the approval of the Clause 4.6 Variation under the Parramatta LEP 2011 was as follows, inter alia:

The departure to the height is a result of maximising the FSR for the site which was increased under PLEP 2011. However, as the subject site is unlikely to be amalgamated with the site to the north (service station) and east (The Barn which is a heritage listed site), it cannot benefit from the potential maximum height of 52 metres. As such, it would be unreasonable to restrict a development to a maximum height of 21 metres due to its inability to consolidate with adjoining sites. A planning proposal is currently being reviewed by Council with regards to future development on the sites to the east. The planning proposal envisages a significant uplift in height and FSR for these sites. In the event that the planning proposal is adopted, the proposed height of the subject development at 29.05 metres would be consistent with the form and bulk for developments within this locality.

Similarly, at a JRPP meeting in October 2015, DA/738/2014 for a Mixed Use Development for Nos. 10-42 East Street Granville was approved with variations in height of up to 22.91% (see B in Figure 5 on the following page). The site area is greater than 3,200m² and therefore the maximum building height is 52 metres. One of the buildings was approved with a height of 63.91 metres. Other buildings on the site were approved with variations of 9.29% and 12.45%. The justification for the approved height variation approval was, inter alia:

The proposed height variations to Block A, B and C provide a transition from the approved 19 storey mixed use development to the eastern end of East Street. The architectural roof features that are provided further increase the actual building height, however are recessed and not visible from the street level.

The proposed buildings do not contribute to any additional privacy issues. The proposal does not result in any unacceptable over shadowing to surrounding residential development by virtue of the orientation of the site. The overshadowing impacts are largely restricted to the adjoining railway corridor to the south and the car park beyond.

The proposed buildings are designed to set a positive precedent for the tone and scale of comparable future developments within the Granville Town Centre.

A Mixed Use development at Nos. 2-8 River Road West, Parramatta, was approved with a height variation of 23.7%.



Source: Bing Maps

Figure 5: Nearby larger scale developments

In each of the above cases, the context, location and reduced amenity impacts appeared to form part of the considerations for approval to the variations in height.

Additionally, the lack of opportunity to amalgamate with adjacent sites was a consideration in the assessment of Nos. 65-71 Cowper Street Granville. As noted, a similar situation exists for the subject sites whereby further consolidation can only take place to the west, and approaches by our client have not met with success.

In our opinion the development standard has been virtually abandoned by Council's own actions in granting consents departing from the standard for similar developments, and therefore Test 4 is satisfied

Strict compliance with the standard would unreasonably and unnecessarily compromise the design of a well-proportioned building on an exposed and highly visible site. In our view, compliance with the height control is unreasonable for this unusual site and the proposal exhibits sufficient planning reasons to vary the development standard.

6.2. Clause 4.6, section 3(b) There are sufficient environmental planning grounds to justify contravening the development standard

The proposal is permissible in the zone and is consistent with the relevant objectives of both the zone and the height development standard. The proposal is of a high quality design, which responds well to the site constraints, and is consistent with the desired future character of the locality. The proposal does not result in any unacceptable overshadowing of residential dwellings due to the orientation and location, being adjacent to a railway corridor to the south. The additional height is located centrally within the site and therefore the impacts are reduced.

As noted previously, Clause 4.3(2A) of Council's LEP prescribes a maximum height of up to 52 metres for a building, depending on the lot size. On these consolidated lots, the height limit is 39 metres, however in our opinion the site can easily accommodate the maximum height permitted in the Y1 zone. The proposal has a height of approximately 51 metres, rising to a maximum 52 metres at the eastern side of the rooftop communal rooms, lifts and stairs.

7. Clause 4.6(4) Requirements

Clause 4.6(4) guides the consent authority's consideration of this Clause 4.6 variation request. It provides that:

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *The consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

The applicant submits that the consent authority can and should be satisfied of each of these requirements of Clause 4.6(4)(a)(i), for all of the reasons set out in this request, and also having regard to the characteristics of the locality and the unique nature of the subject site.

In consideration of Clause 4.6(4)(a)(ii), with respect to development within the B4 Mixed Use Zone being consistent with the Zone objectives, our assessment is, inter alia:

Objective To provide a mixture of compatible land uses.

Response: The proposal provides a retail component, residential dwellings and facilities for enhanced residential amenity such as roof decks, landscaping and common areas, a gymnasium and onsite parking, including visitor and disabled parking.

Objective To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Response: The proposal provides retail and residential living on a site within walking distance to existing Granville and Parramatta Road shops and businesses. The location provides easy access to the railway station and the Parramatta Road buses. As the site is in a relatively level location, cycling would be a popular alternative to car transport.

Objective To encourage development that contributes to an active, vibrant and sustainable neighbourhood.

Response: The proposal is an attractive building in an area undergoing change. The residential and retail component will activate an area in a convenient location which is currently under-utilised by the existing light industrial and commercial uses. The new building will provide a link to the existing residential development and desired future development in the area.

Objective To create opportunities to improve the public domain and pedestrian links

Response: The site is ideally located to provide an enhanced pedestrian experience for future residents of the subject site and those nearby with additional landscaping proposed to the road reserve area to the east, and the retail uses at street level

As indicated, it is our opinion that the proposal is in the public interest. The proposal has been assessed in accordance with Tests 1, 3 and 4 as outlined in Wehbe, and Clause 4.6(4)(a)(ii) where an assessment of the proposal is required against both the objectives of the height of building development standard and the B4 Mixed Use Zone. Consideration of the development standard and the zone objectives have been set out in this application. For all the above reasons, it is our opinion that the variation for an increased building height which is compliant within the objectives of Y1 building height zone and the B4 Mixed Use Zone is appropriate given the circumstances of the site's location and its surroundings. Compliance with the numerical provisions is in our opinion unreasonable and unnecessary. The proposal is consistent with the intent of Clause 4.6 and the application is well-founded. Therefore the proposal is in the public interest and should be supported.