



Report to Sydney Central City Planning Panel

SWCCP reference	2017SWC003
DA No.	1269/2016
Date of receipt	22 December 2016
Proposal	Construction of four residential flat buildings (3 x 16 storey and 1 x 12 storey) containing 561 residential apartments above 3 basement levels plus all associated civil and landscaping works; construction of new roads and all associated public domain works; subdivision and dedication of public roads to Council.
Street address	5 Uhrig Road, Lidcombe
Property Description	Lot 11 DP1217641
Applicant	Uhrig Road Developments Pty Ltd
Owner	The Trust Company Limited
Submissions	Nil
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 (Harbour Catchment) 2005• State Environmental Planning Policy (Building Sustainability Index) 2004• SEPP Infrastructure• State Environmental Planning Policy (State and Regional Development) 2011• Auburn Local Environmental Plan 2010• Carter Street Precinct Development Control Plan 2016• Carter Street Precinct Development Contributions Plan 2016

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

Legislative clauses requiring consent authority satisfaction	Yes
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 ?	
Clause 4.6 Exceptions to development standards	Yes
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	
Conditions	Yes
Have draft conditions been provided to the applicant for comment ?	

Recommendation	Approval
Report by	Brad Roeleven, Executive Planner

1. Executive summary

This report considers a proposal to construct four residential flat buildings (3 x 16 storey and 1 x 12 storey) containing 561 residential apartments above 3 basement levels plus all associated civil and landscaping works; construction of new roads and all associated public domain works; subdivision and dedication of public roads to Council.

Assessment against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against section 79C of the Environmental Planning and Assessment Act 1979. Accordingly, this report recommends that the Panel:

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

2. Key issues

- Non-compliance with LEP height control
- Variations to ADG separation distances
- Variations to DCP setback controls
- Variations to DCP road layouts
- Odour and noise impacts

3. Carter Street Priority Precinct

3.1 Background and context

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



Figure 1: Aerial photo of Carter Street Priority Precinct

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

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

The purpose of the review is to ensure the controls address matters related to the construction, by Roads and Maritime Services (RMS), of a new westbound off ramp from the M4 Motorway connecting with Hill Road. That ramp is a component of the WestConnex project. The off ramp will be supported by expansion of the Hill Road/John Ian Wing Parade intersection to create the primary road connection into the Carter Street Precinct.

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

4. Site location, description and related applications

4.1 Site location and description

No. 5 Uhrig Road is a single allotment, being Lot 11 DP 1217641 as shown below, which has an area of approximately 3.83 hectares.



Figure 2: Site is outlined in yellow – the area subject of this DA shaded blue.

The site is not constrained by its topography, being predominately flat with a maximum grade variance of approximately 1m. However, there is a significant fall of approximately 6m toward the very northern edge of the site, which is defined by a shotcrete embankment.

A large warehouse which previously occupied much of the site was recently demolished via CDC 108/2017. Only the concrete slab of that building remains as shown in Figure 2.

The site is generally deficient of vegetation excepting a row 46 trees adjacent to the eastern boundary, which is common with the Sydney Olympic Park precinct.

This application relates to approximately half of the subject site, being an area of 18,943m² at the northwest of the allotment. The applicant refers to this project as “Stage 1”, as shown on Figure 3 below.

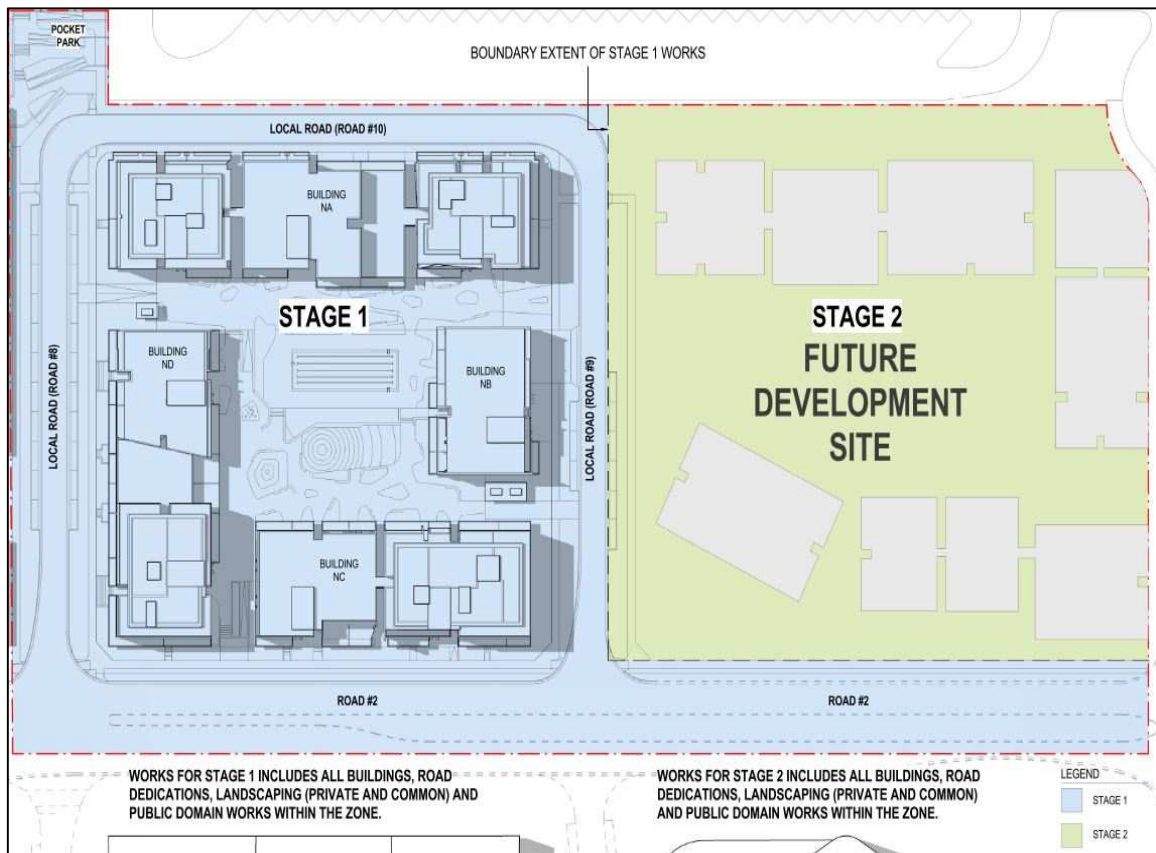


Figure 3: The extent of stage 1 works the subject of this application is shown in blue.

5. The proposal

The proposal comprises the following primary elements:

- 561 apartments within 4 buildings being;
 - Building NA (5-16 storey built form – 216 apartments);
 - Building NB (12 storey built form - 65 apartments)
 - Building NC (11-16 storey built form - 145 apartments); and
 - Building ND (5-16 storey built form - 135 apartments).
- 706 parking spaces within three basement levels;
- All associated landscaping and civil works, including an OSD system for stormwater management;
- Subdivision to create:
 - 2 development lots
 - 1 road allotment to be dedicated to council.

The application also includes:

- Demolition of certain minor structures, hard stand areas, concrete batter and parts of the retaining wall along the north east boundary;
- Construction of roads and all associated public domain works, including a pocket park providing a pedestrian connection to the adjacent SOP precinct.

6. Public notification

The notification period was 18 January 2017– 21 February 2017. No submissions were 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
Does Section 77A (Designated Development) apply ?	No
Does Section 79A (Advertised Development) apply ?	Yes
Does Section 91 (Integrated Development) apply ?	Yes
Are submission requirements within the Regulations satisfied?	Yes

9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	None - see assessment at Attachment A .
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10. Auburn Local Environmental Plan 2010

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

Table 2: LEP compliance

	<i>Comment or non-compliances</i>
Zones	<ul style="list-style-type: none">• R4 High Density Residential• B2 Local Centre• SP2 School
Definition	<ul style="list-style-type: none">• Residential flat building• Roads
Part 2 Permitted or prohibited development	<ul style="list-style-type: none">• Permissible in the zone• Consistent with zone objectives
Part 3 Exempt and complying development	Not applicable

Part 4 Principle development standards	<ul style="list-style-type: none"> Non-compliance - Building height Two height controls apply across the site, the development standards are 42m and 72m. However this proposal is located wholly within the area subject to a 42m height limit. Three of the building exceed the respective standard as follows: <ul style="list-style-type: none"> Building NA – 50.6m (Non-compliance is 8.6m or 20.4%) Building NC – 50.5m (Non-compliance is 8.5m or 20.2%) Building ND – 50.8m (Non-compliance is 8.8m or 20.9%) <p>A submission under clause 4.6 has been provided. The variations are supported.</p>
Part 5 Miscellaneous provisions	All relevant provisions satisfied
Part 6 Additional local provisions	All relevant provisions satisfied.

11. Carter Street Development Control Plan 2016

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

Table 3: DCP compliance

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

12. Planning Agreements and Contributions Plans

The relevant matters are:

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

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

13. Response to SWCPP briefing minutes

A briefing on this application was provided to the Panel at its meeting on 1 March 2017. The matters which relate to the assessment considerations have been addressed as demonstrated in the table below:

Table 4: Response to SWCC briefing

<i>Issue</i>	<i>Comment</i>
Needs assessment of noise of SOPA events on the residential amenity of the new developments	Resolved – refer to section 6.1 in Attachment A
Impact on SOPA's ability to hold events	Resolved – refer to section 7.3 in Attachment A

Conclusion

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

RECOMMENDATION

- A. That the Sydney West Central Planning Panel approve a variation to the building height control in clause 4.3 of Auburn LEP 2010, acknowledging the applicants written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone; and
- B. That pursuant to Section 80(3) of the *Environmental Planning and Assessment Act, 1979* the Sydney West Central Planning Panel grant consent to Development Application DA/1269/2016 subject to the conditions in **Attachment B**.

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



ATTACHMENT A - PLANNING ASSESSMENT

SWCCP reference	2017SWC003
DA No.	1269/2016

1. Overview

1.1 Section 79C of the EPA Act

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

Table 1- Matters for consideration

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

1.2 Section 91 of the EPA Act

This section defines “integrated development” as matters which require consent from Council, and one or more approvals under nominated legislation. In such circumstances, prior to granting consent, each relevant approval body must provide its General Terms of Approval (GTA).

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

The application was advertised as 'Nominated Integrated Development' and the DPI (via Water NSW) provided its GTA's by letter dated 10.2.17. Those requirements are referenced in the condition of consent provided at **Attachment B**.

1.3 Referrals

The following internal and external referrals were undertaken:

Table 2: Referrals

Landscape	No objections - conditions provided
Development Engineer	No objections – conditions provided
Traffic	No objections – conditions provided
Environmental Health (Waste)	No objections – conditions provided
Environmental Health (Contamination)	No objections – conditions provided
Environmental Health (Acoustic)	No objections – conditions provided
City Architect	No objections
Urban Design (Public domain)	No objections - conditions provided
Sydney Olympic Park Authority	Issues raised - refer to section 7.3 below.
Ausgrid	No objections – conditions provided
NSW Office of Water	GTA's received
Sydney Water	No objections – conditions provided

2. Environmental planning instruments

Compliance with these instruments is addressed below.

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

Clause 7 of SEPP 55 requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

This application is supported by a Stage 2 Detailed Site Investigation (DSI) prepared in August 2016. By way of background the DSI report notes:

- A site investigation/land capability assessment was previously conducted by WSP in 2013;
- A phase 1 and 2 environmental investigation was conducted by RES in 2005; and
- The findings of both reports confirmed that soil and groundwater contamination resulting from on-site activities was minimal and the subject site was suitable for ongoing commercial/industrial land use.

The objectives of the 2016 DSI is to confirm that the site conditions had not changed since 2005, and to target additional areas of concern. In summary:

- A total of five (5) soil bores, to depths of 0.5-4 metres below ground level (mbgl) were made in targeted areas of concern identified, as well as across the subject site for general coverage;
- A geotechnical investigation was also conducted. A total of 5 bore holes were made, to depths of 2-9mbgl;
- The results of soil laboratory analysis indicated that none of the samples analysed exceeded the adopted human health criteria for “high-density residential” land use. Concentrations of TRH, BTEX and PAH compounds met the adopted residential land use site criteria; and
- Groundwater was identified at BH05 at approximately 2.0mbgl in reworked clay fill material. It was deemed that this water was associated with a localised perched water body above the clay fill material in the area and is not representative of the regional groundwater table.

The DSI subsequently provided the following conclusion:

“Based on the findings of this Phase 2 Environmental and Geotechnical Investigation, and the findings of previous investigations in 2005 by RES, WSP/PB considered the potential risks from contamination to human health and the environment to be low and as such, no remediation action plan (RAP) is required. WSP/PB concludes that the site is suitable for the proposed redevelopment under a “high density residential” (Residential-B) land use setting.”

The SI report was reviewed and its conclusions endorsed by council’s Environmental Health Unit, who raised no objection subject to the imposition of appropriate conditions.

Given the above it is concluded that the requirements of clause 7 of the Policy are satisfied.

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

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

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

Design Excellence Advisory Panel (DEAP)

This proposal was considered by the DEAP at a meeting on 15 February 2017. The minutes from that review are provided below:

1. *Proposed Eastern Shareway. The Panel is concerned about the design and relationship of this public space to the residential apartments forming its edge. It is recommended that the carriageway is moved at least 1m eastwards and that some provision is made for car passengers to alight onto a pavement. A careful balance between courtyard fencing and*

landscape to ensure privacy, natural light, compliant solar access and street surveillance for ground floor courtyard units should be provided.

In addition to this further details of the shareway materials should be provided, to ensure safety of pedestrians. Access to the basement should be restricted to Road#9 and Road#2 (Primary Green Spine). Vehicular circulation along the eastern shareway should be restricted to destination traffic and speed restricted to 10km/hr.

- 2. The drawings should clarify that ground floor units on street frontages are provided with a pathway and front gate for direct footpath access. Additional detail on relationships to the public domain at lower levels is needed to address acoustic and visual privacy, including the first and second floors as well as the ground level.*
- 3. The Panel acknowledges that access to alternative lifts in the event of breakdown has been partially addressed, however this should be provided for all units as discussed at the meeting.*
- 4. Demonstrate compliance with ADG communal open space area and solar access requirements. These spaces should be appropriately furnished, shaded and provided with a Unisex WC as a minimum.*
- 5. It is recommended that the communal courtyard and pool area be provided with rest rooms and change rooms. The area above the car park access ramp was discussed as a possible location for these facilities.*
- 6. The Panel notes that additional areas of soil depth within the basement have been provided to accommodate large trees in the courtyard.*
- 7. The Panel recommends that HVAC condenser units and gas HW units are located away from private outdoor spaces. These could be consolidated discreetly on intermediate and main roofs.*
- 8. The Panel is supportive of the well-considered massing and architectural façade treatments for this large and dense development, as the approach exhibits fine grain and good diversity in architectural character. There is some concern however that the deep central slots in Buildings NA and NC could be improved with further consideration of the detailed design of the built form along their edges. In some cases, quite large balconies could be pulled back from the edges of these slots, or wall splays adjusted to create wider openings between elements and improved natural light in to the corridor windows. These windows could be moved slightly out as well, to create a small sitting area and further reduce the perception of depth of the slots.*
- 9. Corridor length has been partially addressed, however any opportunity to vary width and offsets would improve matters. Perhaps a change in wall/floor treatment and lighting at unit thresholds could be considered as well.*
- 10. Unit planning is compact but well considered with good room proportions making for ease of furnishing. In some units bedrooms open directly onto main living spaces, and this could be avoided with further consideration.*

11. *It is assumed that rainwater drainage goods will be integrated into the building and not visible on facades.*
12. *The Panel suggests that further study of appropriate screen and balustrade materials at lower levels is undertaken to ensure privacy and visual screening of unsightly items from the public domain.*
13. *The Panel supports some floor space in Stage 2 being decanted to Stage 1, to create an opportunity to improve solar access to the proposed new town centre directly south of Stage 2 on Uhrig Rd. This could involve additional height in locations where the impact of such is considered acceptable, for example in the SW corner of Stage 1. There might also be a public domain benefit at the SW corner of Stage 2 facing the new town centre through creation of an undercroft of perhaps up to 3 stories. This could also justify consideration of some floor space transfer from Stage 2 to Stage 1.*
14. *The Panel also recommends that conditions are included in any development consent to ensure that as a minimum:*
 - *the architect is engaged to provide sufficient detailed documentation for the building facades and public areas so as to ensure that the approved design intent is delivered.*
 - *any proposed change to external materials and/or details as specified in the approved documents is to be submitted to Council for approval.*
 - *the architect is engaged to undertake regular (monthly) site inspections and prepare Reports to verify that design intent is being met.*

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

Table 3: Council response to DEAP commentary

Item 1	This comment is in relation to Road 10, which is now designed as a two way road instead of a shareway to the satisfaction of council's Traffic and Transport team, and Public Domain team. That outcome is consistent with intent of the DCP. Public domain plans and architectural plans have been updated to address relevant issues of amenity and design.
Item 2	Individual street entries for all ground floor units are provided either directly from the street or central courtyard. Paving has been rationalised to maximise the landscaped area. Architectural plans have been revised to address visual and aural privacy for lower level units, and ensure a suitable interface with the public domain. The proposal is satisfactory.
Item 3	Resolved - the proposal is satisfactory.
Item 4	Solar access to common open space is acceptable. Spaces are appropriately shaded and furnished.
Item 5	Plans revised to now include a unisex accessible change room, which is directly accessible from the pool area.

Item 6	Noted.
Item 7	The private open spaces are generally larger than the ADG requirement and there is sufficient space to incorporate and appropriately screen HVAC condenser units and HQ gas units where necessary. Conditions imposed to address noise.
Item 8	Plans revised to incorporate wider openings, as suggested.
Item 9	the applicant advises that issue will be addressed during the detailed design stage of the proposal, and will include design strategies such as various interior finishes, staggered ceiling heights and internal furniture to create interest. Updated plans and information have been provided to demonstrate potential future measures. The element of the proposal is satisfactory.
Item 10	Not considered significant enough to warrant design amendments.
Item 11	Addressed by conditions of consent.
Item 12	The proposal in its current form is supported by council's City Architect. Visual screening of the balconies is acceptable.
Item 13	The DPE is currently conducting an urban design review of the precinct including the town centre. No transfer of floor space is neither warranted nor proposed.
Item 14	Address by conditions.

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

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

Principle	Comment
	and detailing are satisfactory, as endorsed by both DEAP and council's City Architect. Public domain outcomes are also satisfactory.
Density	Density is consistent with the precinct specific controls in the LEP. Those controls were developed with regard to the context of the site in terms of availability of infrastructure, public transport, community facilities and environmental quality.
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 satisfactory.
Amenity	Amenity for apartments is satisfactory when tested against best practice design criteria in the ADG.
Safety	Appropriate outcomes achieved through the design generally, and otherwise by conditions of consent as proposed.
Housing diversity and social interaction	An appropriate mix of unit sizes has been provided. The required number of adaptable housing units is provided.
Aesthetics	The composition of building elements and materials is satisfactory. Conditions are recommended to ensure the quality of the built form presentation is maintained.

Residential Flat Design Code

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

Table 5: Response to ADG

Element	Comment	Complies
Building separation	There are several instances where separation distances are less than ADG criteria. Refer discussion at section 6.4	No, OK on merit
Apartment size and layout	<ul style="list-style-type: none"> Minimum unit sizes are achieved Apartment layouts are efficient 	Yes
Balconies	Areas and depths are achieved	Yes
Ceiling heights	Minimum of 2.7m for habitable rooms is achieved	Yes
Storage	All units are provided with additional storage space	Yes
Solar access and daylight	<ul style="list-style-type: none"> 70% units >2hrs solar access (Criteria is 70%) 15% get no solar access (Criteria is max 15%) 	Yes

Element	Comment	Complies
Natural ventilation	First 9 storeys – 61.3% of units are ventilated, exceeding the criteria of 60%	Yes
Visual privacy	Satisfactory despite building separation distances. Condition proposed to ensure design measures for privacy are properly implemented.	Yes
Common circulation	<ul style="list-style-type: none"> Design does generally comply with criteria of maximum 8 units off a circulation core. Number of units per lift is generally consistent with the ADG criteria 	Yes
Common open space	<ul style="list-style-type: none"> Common open space provided is 4,934m² being 41.5% of the site (criteria is 25%) 	Yes
Deep soil	Design criteria for sites greater than 1,500m ² is 7%, with 15% desirable. The proposal achieves 10.1%.	Yes

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

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

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

2.4 State Environmental Planning Policy (Infrastructure) 2011

Consistent with clause 104 this Policy and Schedule 3 of this Policy (Traffic Generating Development) the application was referred to Roads and Maritime Services (RMS), who raised no objection to the subject application.

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

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

2.6 Auburn Local Environmental Plan 2010

Zoning and permissibility

The site has a split zone being part B2 'Local Centre', part R4 'High Density Residential' and part "SP2 School". The proposal is located wholly within the R4 zone land, although a very small portion of proposed Road 8, at the northern edge of the site, includes land zoned SP2.

The proposed uses meet the definitions of '*residential flat building*' and '*roads*' are permissible with consent in those zones.



Figure 1: LEP zone map – Lot 11 shown in yellow, with Stage 1 outlined in blue.

Zone objectives

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

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

The objectives for the SP2 zone are:

- *Provide for infrastructure and related uses.*
- *Prevent development that is not compatible with or that may detract from the provision of infrastructure*

The proposal is consistent with those objectives.

Remaining provisions

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

Table 6: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 2.6 Subdivision	Subdivision is permitted with consent. No minimum allotment size prescribed.	Yes
Clause 2.7 Demolition	Permissible with consent.	Yes
Clause 4.3 Building height	<p>The mapped control is 42m and 72m. The defined maximum heights for the various built elements are:</p> <ul style="list-style-type: none"> ○ Building NA – 50.6m (Non-compliance is 8.6m or 20.4%) ○ Building NC – 50.5m (Non-compliance is 8.5m or 20.2%) ○ Building ND – 50.8m (Non-compliance is 8.8m or 20.9%) 	No, defer to clause 4.6
Clause 4.4 Floor space ratio	<p>Two controls apply being 2.5:1 and 3.5:1.</p> <p>Take as a whole, the maximum GFA permitted across the site is 101,955. This application proposes a GFA of 47,544m² and therefore complies. (Note: GFA can be drawn off the land set aside for roads)</p> <p>However, consideration must also be given to the application of the FSR controls as a consequence of the proposed subdivision. It results in this proposal being within an allotment subject to the 2.5:1 FSR, excepting an area of 175m² where the 3.5:1 control applies. The scheme has been designed to satisfy the GFA allowance associated with that circumstance.</p> <p>Future stages of development for the balance of the site will be required to demonstrate compliance with FSR control at that time.</p>	Yes
Clause 4.6 Exceptions to standard	The application relies upon this clause to allow an exceedance of the height standard as noted above. See assessment following at the end of this table. The variations are supported	Yes
Clause 5.1 Relevant acquisition authority	The site does not include land zoned noted on the relevant Land Reservation Acquisition Map.	N/A
5.4 Controls relating to miscellaneous permissible uses	Miscellaneous permissible uses are not proposed.	N/A

Clause 5.9 Preservation of trees	The application proposes the removal of all tree son the site. No objection raised. See further comments at section 6.2	Yes
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. • No heritage items in the immediate locality. 	N/A
Clause 6.1 Acid sulphate soils	The ALEP map identifies the site as comprising "Class 5" acid sulphate soils for the majority of the site and "Class 2" within a small portion of the north-west corner. However, the majority of the works occur within land comprising "Class 5" acid sulphate soils. A geotechnical report indicated that there is no know, or expected occurrence of ASS on this site. Notwithstanding, a conditions is recommended for an Management Plan to prepare in the event of unexpected finds.	Yes
Clause 6.2 Earthworks	<ul style="list-style-type: none"> • Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council's Development Engineer, who is satisfied the works can managed without impact. • Site works will not prejudice the future development of any adjoining land, or the amenity of that land. • Earthworks and retaining structures proposed are necessary to direct overland flow paths to the future retention basin in the RE1 Public Recreation zone; • Issues relating to soil quality are addressed via considerations of SEPP 55 • No circumstances identified for potential relics. 	Yes
Clause 6.3 Flood Planning	The site is not identified on flood planning map	N/A
Clause 6.5 Essential services	Given its current and former uses the site is connected to all relevant utility services. To be augmented to meet service provider requirements.	Yes
Clause 6.8 Contributions to designated State public infrastructure	The DPE has provided certification (dated 22.10.17) to confirm that clause satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.	Yes

Non-compliance with building height

Overview

Table 7: Summary of height variation

The standard	Clause 4.3 of ALEP 2010 - Height of buildings – 42m and 72m
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">• Building NA – 50.6m (Non-compliance is 8.6m or 20.4%);• Building NC – 50.5m (Non-compliance is 8.5m or 20.2%); and• Building ND – 50.8m (Non-compliance is 8.8m or 20.9%).

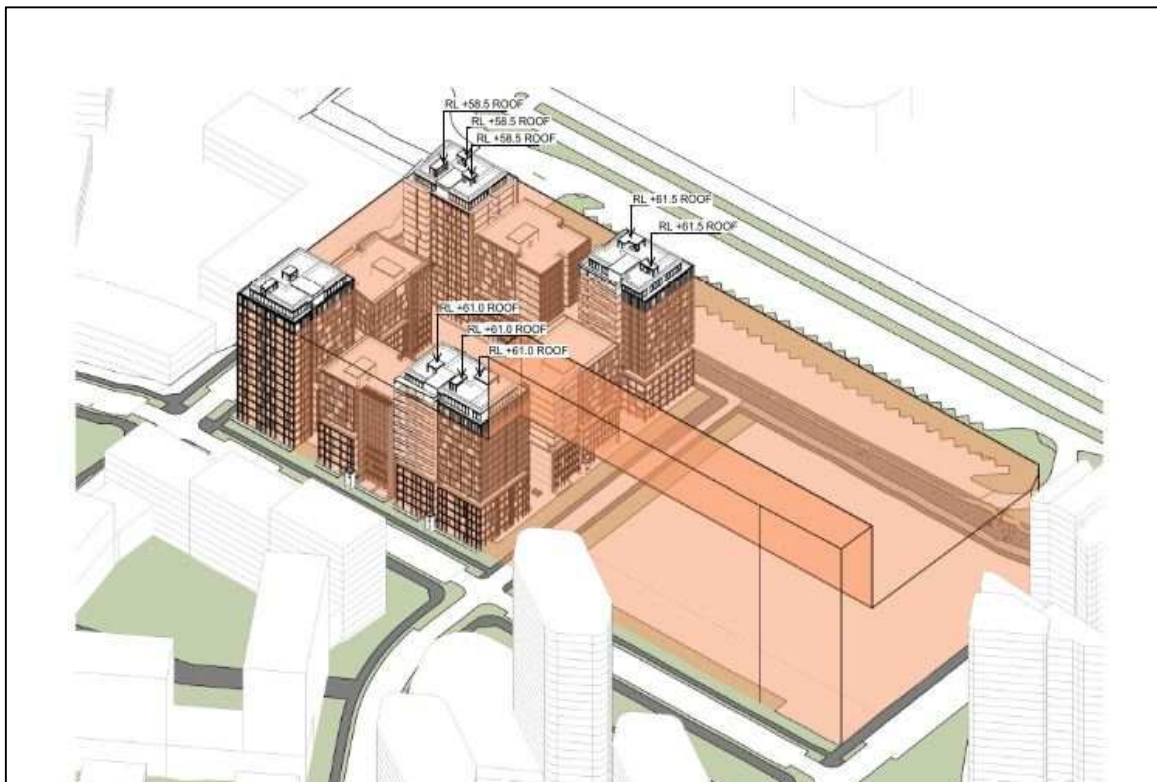


Figure 2: Building elements that extend above the LEP height controls

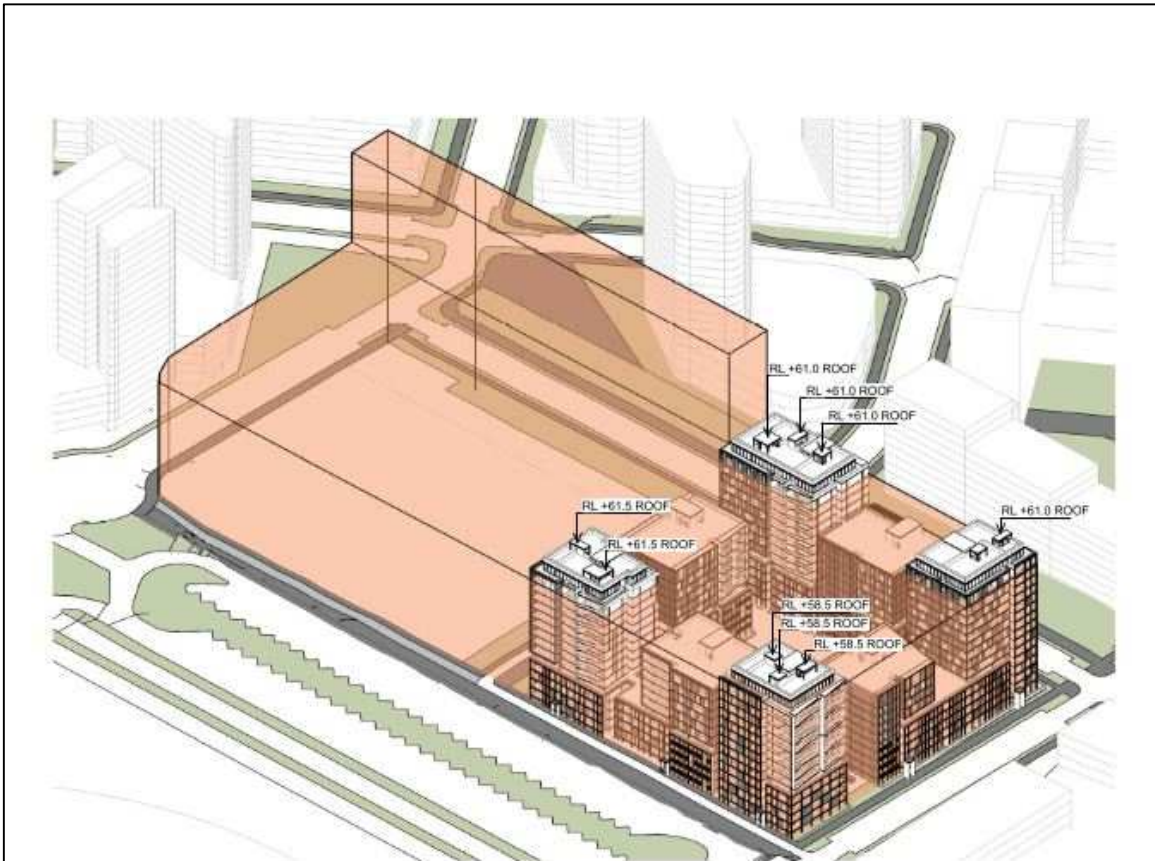


Figure 3: Building elements that extend above the LEP height controls

Evaluation

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

The objectives of this clause are:

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

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

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

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

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

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

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

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

- a) An appropriate development density is achieved, consistent with objectives of the building height standard because:
 - The proposed modification is consistent with the objectives of the height of buildings development standard and is appropriate when the likely future character is taken into consideration; and
 - The proposed height of building variations allows achievement of the planned density for the site, whilst also permitting greater variation between the higher and lower elements of the buildings, which results in a better urban design outcome.
 - The variation of the height control does not result in an exceedance of the FSR control.
- b) The height of the buildings will be compatible with the character of the locality, consistent with objectives of the building height standard because:
 - The varied built form outcome will promote better outcomes for residential amenity and urban design;
 - The height variations will not challenge the building height hierarchy ensuring landmark locations within Sydney Olympic Park remain prominent, including 30 storey built-form; and
 - The proposal is consistent with the Indicative Structure Plan objectives in the DCP, which nominates varied building heights to be provided in the Precinct "for visual interest and dynamic urban form".

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

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

- Overshadowing - The shadow diagrams demonstrate overshadowing associated with parts of the building above 42m has a negligible impact on surrounding properties and does not adversely impact existing or future public open space.
- Visual Impact - The height variation allows for greater contrast in building height to be achieved across the site. This is considered an improved urban design outcome. If the proposal were to strictly comply with the 42m height control and still achieve the planned density, a uniform building height of 14 storeys would result.
- Amenity - The height variations provide for improved amenity to future building occupants allowing greater solar access than what would be achieved under an envelope that complied with the height control and achieved the maximum permissible FSR.

- Amenity - The Wind Assessment finds that the wind conditions for the pedestrian footpaths surrounding the site will be suitable for pedestrians, notwithstanding the proposed modification.
- Traffic - There are no additional traffic impacts associated with the proposed modification, as the maximum permissible GFA across the totality of the site will not be exceeded as part of the subject application or by future development on the southern portion of the site.

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

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

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

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

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

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

Such concurrence is assumed.

Conclusion

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

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

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

3. Carter Street Development Control Plan 2016

3.1 Overview

The DCP nominates an "Indicative Structure Plan" (ISP) which shows how the precinct may develop over time. The ISP is intended as a guide to demonstrate how the vision, development principles and key elements for the precinct may be achieved, recognising there may be other

effective options. The DCP states that Council may consent to a proposal that differs from the ISP where variations are considered to still achieve the vision, principles and key elements.

3.2 Compliance

The DCP is comprised of the following sections:

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

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

Table 8: DCP 2016 compliance table

Part 2 – Vision principles and indicative structure		Complies
2.1 Vision	The proposal is not inconsistent with the vision statement.	Yes
2.2 Development principles	The proposal is not inconsistent with these principles.	Yes
2.3 Indicative structure plan	The proposal is not inconsistent with the ILP	Yes
Part 3 – Public domain		Complies
3.1 Street network	The street network is broadly consistent with the DCP.	Yes
3.2 Pedestrian and cycle network	Satisfactory	Yes
3.3 Public open space network	As above.	Yes
Part 4 – Residential mixed use development		Complies
4.1 Building height and form	<ul style="list-style-type: none"> • Building heights are consistent with ALEP 2010, other than for variations as noted, and which are satisfactory on merit • Separation between buildings is satisfactory, other than for variations as noted, which are satisfactory on merit • Floor plates are below the 900m² maximum, except building NA (1,300m²) and Building NC (930m²). See further comments at 6.4 below • Maximum building lengths of 65m are generally observed, however variations are noted. No adverse built form or public 	Yes, either compliant or satisfactory on merit.

	<p>domain outcomes arise, given satisfactory articulation and massing. See further comments at 6.4 below.</p> <ul style="list-style-type: none"> • Solar access to communal open space is adequate as per ADG requirements. Buildings do not overshadow public open space. 	
4.2 Setbacks and public domain interface	<ul style="list-style-type: none"> • Encroachments to setbacks at the southern edges of the site. Satisfactory on merit. See further comments at 6.4 below. • Design provides a suitable interface with street corners and public domain; • Individual entries provided to ground floor units where appropriate. • Privacy to ground level units from public domain is achieved 	Yes, with the exception of setbacks, which are satisfactory on merit.
4.3 Building design and facades	<ul style="list-style-type: none"> • Articulation of the built form and the overall façade treatment is satisfactory. 	Yes
4.4 POS and landscaping	<ul style="list-style-type: none"> • Location of private and common open space is satisfactory • Design includes terraces for each building to increase supply of common open space • Species selection for landscaping is satisfactory • Landscaping is integrated with stormwater management 	Yes
4.5 Vehicle access and car parking	<ul style="list-style-type: none"> • Parking is provided in a basement • Vehicular access points are consolidated to minimise disruption to pedestrians • The supply of onsite parking satisfies requirements • The design geometry and layout of parking and service areas is satisfactory, 	Yes, subject to conditions
4.6 Acoustic assessment	See comments at 6.4 below	Yes, subject to conditions
4.7 Safety + security	The design properly responds to CPTED considerations. Appropriate conditions are proposed.	Yes
4.9 Adaptable housing	The required number of adaptable units are provided (56 in total)	Yes
Part 6 – Environmental management		Complies
6.1 Sustainability	<ul style="list-style-type: none"> • Basix targets are achieved • Waste management during construction is addressed by conditions 	Yes
6.2 Flooding	The land is not flood affected. Arrangements for managing overland flow of stormwater are satisfactory. See discussion at section 6.8	N/A

6.3 Stormwater (WSUD)	Council's Development Engineer is generally satisfied with arrangements for WSUD.	Yes, subject to conditions
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4. Planning Agreements or Contributions Plans

4.1 Planning Agreement

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

The obligations arising from the Agreement are:

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

As noted above, certification required by clause 6.8 of the LEP has been issued by the DPE.

The land identified for education purposes is not part of this application, and is an obligation for an adjoining land owner (YMCI). That land owner has provided a preliminary plan of subdivision demonstrating that 2 hectares of land for education purposes can be achieved excluding the small the small quantum of SP2 land within this subject site.

4.2 Carter Street Precinct Contributions Plan 2016 - Levy

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

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

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

An appropriate condition is included in the recommendation.

5. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 9: Relevant EPA Regulations

Clause 50(1)(a)	The nominated documentation is provided being: <ul style="list-style-type: none">o A design verification statement;o An explanation of the design in terms of the principles in SEPP 65o 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

Compatibility with context

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 ?

In response it is considered this proposal will not result in any adverse physical impacts as follows:

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

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

In response it is considered this proposal will have a satisfactory relationship with its context for the following reasons:

- It provides for a land use contemplated by the planning controls;

- Site planning locates built elements in suitable locations to achieve a satisfactory relationship with the public domain, and avoid negative amenity outcomes for adjacent sites and areas of public open space;
- The scale of the building is consistent with planning controls, notwithstanding the height variation which is supported,
- Design and site planning of the project has been an iterative process in conjunction with feedback from council's DEAP;
- The public domain treatment will be satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.

Compatibility of adjacent land uses

In conjunction with its consideration of other recent applications in the Carter Street Precinct, the Panel raised concerns regarding:

- The management of odour and noise from the operations of the Homebush Bay Liquid Waste Treatment Plant (LWTP), located about 400m northwest of the site. The LWTP is critical infrastructure, as it treats liquid wastes for which there are no alternative treatment options in NSW; and
- Proximity to the Olympic stadium, and the need to consider the compatibility or, restriction that an approval of high density residential development would cause on expansion of the nearby Olympic Stadium.

In terms of odour from the LWTP, in summary it is concluded:

- The odour report supporting the DPE assessment of the Carter Street Urban Activation Precinct identified that worst case scenario circumstances would impact about 25% of the precinct – which excludes all but a very small portion of the subject site at its northwest boundary;
- The DPE could have structured the planning controls for the Carter Street Precinct to either preclude, or at the very least stage, the delivery of residential development in proximity to the plant, relative to 2025 when its current lease expires - but did not;
- On available information, the lease for the plant is unlikely to be extended;
- The SOP Master Plan controls for the land between this site and the LWTP permit high density residential development, with no objectives or provisions to mitigate odour impacts. Council understands that gazettal of the Master Plan, with no change to that aspect of its provisions, is imminent; and
- The applicant's odour report (prepared by the same consultants who prepared the technical report to the DPE for the rezoning evaluation of the Precinct) considered that the risk of adverse odour impacts from the LWTP under normal conditions is low. That report was accepted by Council's Environmental Health team.

In terms of the noise from, and expansion of, the stadium:

- The current capacity of the stadium is 83,000 people. In April 2016 the State government announced its intentions to refurbish the stadium, with that project to be delivered by Infrastructure NSW (INSW). No details as to the future capacity of the upgraded stadium were provided at the time of the announcement;

- Council contacted INSW but was not provided with any clarity regards the future capacity of the stadium. The only advice given is that refurbishment of the stadium is the subject of business case which is under review as part of the government's Stadia Strategy;
- This is consistent with advice council received from Venues NSW, the statutory authority (via the NSW Office of Sport) which manages government owned sporting and entertainment venues, including the Olympic stadium. It advised that despite significant media commentary, the NSW Government has not yet determined scope of the redevelopment of ANZ Stadium in terms of size and timing, and whether or not the design would include a roof; and
- Council has also made inquiries of SOPA, DPE and the Greater Sydney Commission but has not been able to confirm the likely future capacity of stadium.

In seeking to respond to these concerns council proposes to adopt the same approach in as was recently accepted by the Panel for a development at adjoining site, being:

In responding to this matter it is concluded:

- This development is required to satisfy the recommended noise criteria in the Carter Street DCP which, is more onerous than the equivalent provisions in the SOP masterplan;
- A covenant is required to be registered on the title of the land alerting purchasers to the proximity and characteristics of events in Sydney Olympic Park; and
- Council now includes the following notation on its 149(5) planning certificates:

Advisory Note – Proximity to Sydney Olympic Park

The land is within proximity to the Sydney Olympic Park precinct. The nature and scale of facilities within that precinct, and events that it supports, may affect the use and enjoyment of the land as a result of operating hours, noise, lighting, traffic and measures associated with event management. The Sydney Olympic Park precinct also includes a liquid waste treatment plant which operates 24 hours a day, except Sundays when operating hours are 7am until 4pm.

6.2 Site works

Demolition

The scope of demolition works is minor given related approvals as noted a section 4.2 of the Executive Summary above. Appropriate conditions to manage this element of the project are included at Attachment B.

Excavation

The site is lower than the adjacent SOP land to the northeast. Levels vary, but the change is in the order of 1.5m. Additional exaction in the order of 1.2m-1.5m is proposed along that boundary, with the level of proposed road 10 and the ground floor of the building NA therefore a maximum of about 3m below the level of the SOP bus bay.

The site is also higher than adjacent land to the northwest, with the change in level currently managed by a concrete covered embankment. To enable the construction of proposed Road 8, a new retaining wall in the order of 3.5m is proposed.

Excavation for proposed roads 9 and 2 is also in the order of 1.5m-2m.

These new site levels are necessary principally to facilitate the direction of overland flow paths to a future retention basin located in land zoned RE1 Public Recreation west of the site. Potential for adverse impacts arising from site works have been reviewed by Council's Development and Catchment Engineers, with no issues of concern identified.

Tree removal

Excepting a stand of 46 gum trees along the northeast boundary common with the SOP precinct, the site is largely void of vegetation as a consequence of prior industrial uses. No objection is raised to the removal of trees relative to consideration of bio-diversity and landscape values. The scheme makes satisfactory adequate arrangements for re-landscaping of private and public elements of the proposal.

Utility services

Sydney Water and Ausgrid were consulted by both council, and the proponent. All utility services are available to the site by virtue of the existing development. Those services will be decommissioned/diverted as necessary to enable construction, and will be augmented as nominated by those service providers to satisfy the demands generated by this proposal.

6.3 Natural and technological hazards

No hazards identified.

6.4 Site design and internal design

Subdivision

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

- 2 development lots, one for each stage of the development
- 1 road lot, to be dedicated to council;
- Easements for utility services and drainage.

Street network - overview

The Carter Street Precinct DCP nominates a new street network, but also provides for a degree of flexibility in the realisation of that network, stating:

"It is recognised that there may be other options for the site's layout which may be as effective in achieving the above for the precinct. As such, Council may grant consent to a proposal that differs from the indicative structure plan, where the variation is considered to still achieve the vision, principles and key elements set out in this DCP."

The street network design nominated by this application is generally consistent with the DCP scheme, but does propose some variations. Those changes, which are acceptable to council, are discussed below. The street network diagram from the DPC is provided for reference

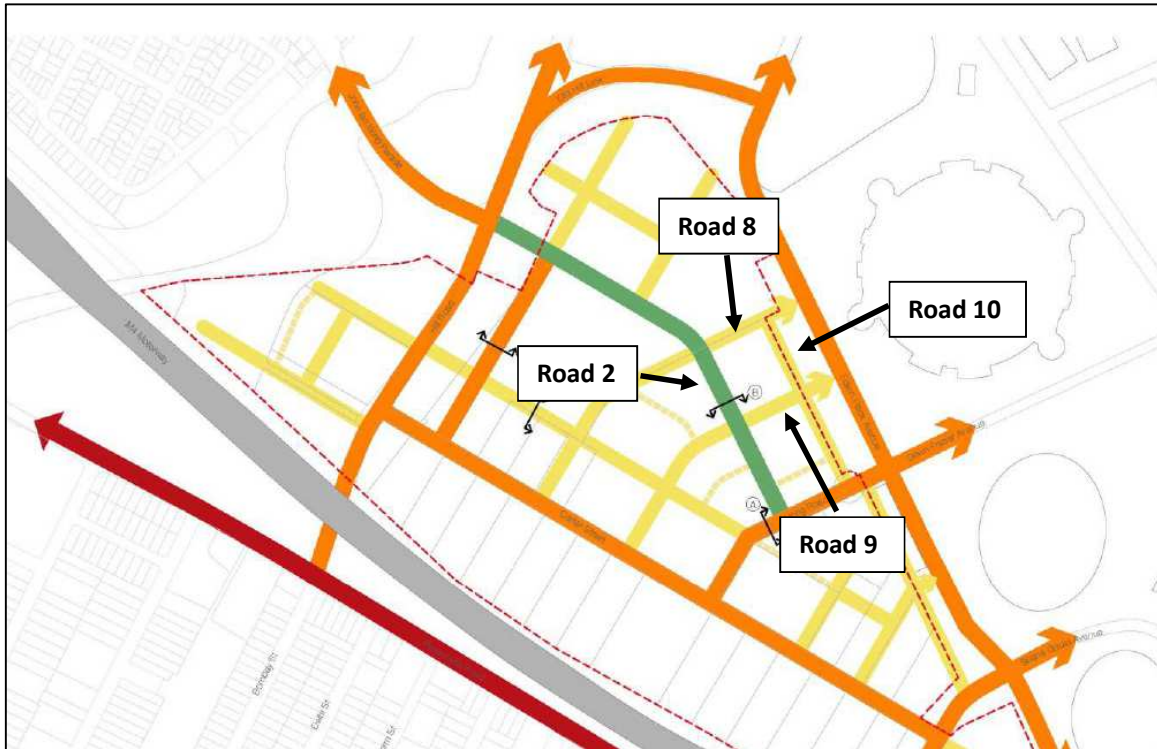


Figure 4 – Street network diagram from Carter Street Precinct DCP

Road 2

The DCP nominates this as a “Green Spine Road” aligned generally southeast-northwest, connecting Uhrig Road to Hill Road at the intersection with John Ian Wing Parade. The DCP nominates road reserve of 30m, being 20m for a carriageway comprising two traffic lanes, kerb side parking, shared pedestrian pathway/cycle and landscape verge, plus a 10m bio-swale providing a WSUD function.

The design for Road 2 as nominated in the DCP however did not accommodate traffic volumes resulting from an RMS project to construct a major off ramp from the M4 Motorway connecting with Hill Road. That RMS project also includes an upgrade of the signalised intersection at Hill Road and John Ian Wing Parade, to provide a new connection into the Carter Street Precinct.

The upgrade of the Hill Road and John Ian Wing Parade intersection is a complicated matter in its own right due to land ownership and land zoning issues. The solution relies upon agreement between DPE, RMS, SOPA and other parties. That matter is not directly relevant to this application, other than to note that RMS is progressing its design for the intergrade upgrade in anticipation of a solution being reached.

What is of relevance is however was the need to revisit the design of Road 2 as a consequence of the traffic volumes it will need to manage.

A revised overall design for Road 2 from Uhrig Road to a point where it would connect with the RMS intersection has now been determined in conjunction with the relevant Carter Street landowners, including the applicant. That design maintains a 30m road reserve, but the composition of the road reserve has altered by deleting kerbside parking to accommodate 2 traffic lanes, and separating pedestrian pathways from the cycleway.

A further consideration for the revised design was the inclusion of a bio-swale element for WSUD purposes. The DCP design nominates a 10m bio-swale along the south-western edge of Road 2. To accommodate the additional traffic lanes, the revised design instead proposed a central bio-swale of varying width, but typically 4.5m-5.8m

However, council's assets team advised it does not support a central bio-swales on major roads for the following reasons:

- High costs associated with repair and maintenance
- Significant community impacts as a consequence of disruption to traffic for potentially extended periods

Therefore, the road design maintains the central median, but as a landscape element only with no WSUD function.

The 30m road reserve for this part of Road 2 is on land within 2 separate ownerships, of which 20m is within the subject site. So while the civil plans show the entirety Road 2, the applicant can only construct the portion that is with its site.

An added complication is that land ownership boundary does not align neatly with a logical place to terminate construction relative to successful meshing with future construction works to complete this section of Road 2. To address this circumstance this report recommends that:

- Construction of Road 2 is to terminate along the south-western edge of the landscaped central median
- The remainder of the works on the subject site which are not constructed at this time will be the subject of a bond, to be used by council in the future to fund that portion of Road 2 in conjunction with construction of the balance of Road 2 when adjoining Lot 12 DP 1217641, owned by YMCI, is redeveloped.

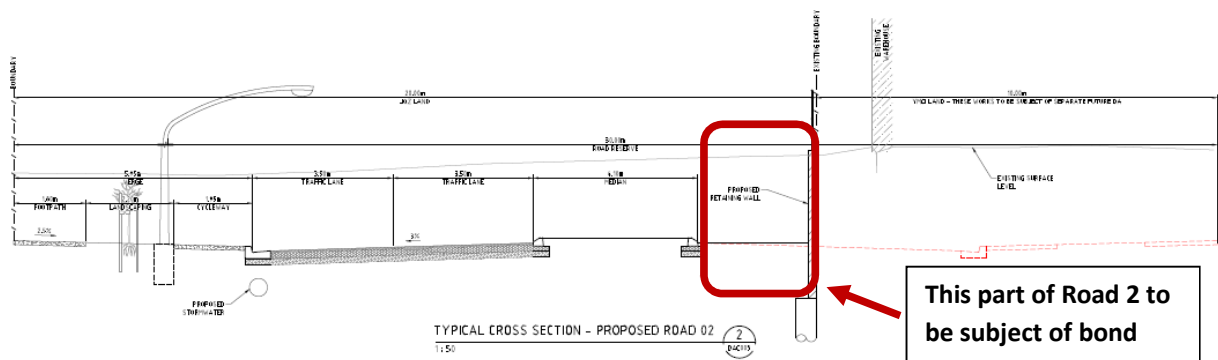


Figure 5 – Section through Road 2

Road 2 will therefore be line-marked to allow for one traffic lane in each direction until such time as the whole Road 2 is completed. Road 2 over the subject site will not be dedicated to council until such time as its full construction is completed. The subdivision has been arranged to address this, and is supported by conditions of consent which nominate timing for dedication of the various road allotments.

Road 8 & Road 9

These are local roads, 20m wide. The civil and landscape design provided by the applicant is acceptable to council's Traffic and Public Domain teams.

The departure from the DCP is that neither road is designed to extend into the SOP precinct and connect with Edwin Flack Avenue. That outcome reflects advice from SOPA, who object to such connections due to concerns with the management of major events within the Olympic precinct.

Road 10

This road is shown in the DCP to be a 20m wide local road, the centre line for which is to be located on the boundary between this site and the adjacent SOP precinct. Achieving that outcome would require significant site work to avoid grade separated traffic lanes.

This application instead proposes a 10m wide road reserve, wholly within the subject site. The design allows for 2 lanes of traffic creating a perimeter road around the proposal. The civil and landscape design provided by the applicant is acceptable to council's Traffic and Public Domain teams.

SOPA raises no objection to this design and levels for Road 10.

Setbacks

The scheme breaches the DCP setbacks as follows:

- Balcony encroachment of 300mm to Road 2 (buildings otherwise are compliant)
- Balcony encroachments of 500mm to Roads 8 and 9 (buildings otherwise are compliant)
- Zero setback for balconies to Road 10 (building otherwise setback 2m)

These departures from the DCP are acceptable given:

- The high quality built form of the proposal generally, including façade detailing and materiality;
- A suitable public domain interface is achieved;
- A suitable public domain treatment is achieved, including satisfactory deep soil/landscape treatments within the proposed setbacks;
- The design maintains consistency with relevant objectives underpinning the street setback controls in the DCP; and
- For Road 10, the site specific built form/streetscape outcome is confirmed as acceptable by the City Architect, the DEAP, and council's Urban Design team.

Building separation

Building separation distances are provided as follows:

Table 10: Summary of ADG building separation distances

Between buildings NA and NB		
	<i>ADG criteria</i>	<i>Proposed</i>
First 4 storeys	12m between habitable rooms and balconies	Minimum 12.5m – generally complies
Storeys 5-8	18m between habitable rooms and balconies	Minimum 12.5m – does not comply
Nine storeys +	24m between habitable rooms and balconies	Minimum 12.5m – does not comply
Between buildings NA and ND		
	<i>ADG criteria</i>	<i>Proposed</i>
First 4 storeys	12m between habitable rooms and balconies	Minimum 13.1m – generally complies
Storeys 5-8	18m between habitable rooms and balconies	Minimum 13.1m – does not comply
Nine storeys +	24m between habitable rooms and balconies	Minimum 13.1m – does not comply
Between buildings NB and NC		
	<i>ADG criteria</i>	<i>Proposed</i>
First 4 storeys	12m between habitable rooms and balconies	Minimum 12m - complies
Storeys 5-8	18m between habitable rooms and balconies	Minimum 12m – does not comply
Nine storeys +	24m between habitable rooms and balconies	Minimum 12m – does not comply

Between buildings NC and ND		
	<i>ADG criteria</i>	<i>Proposed</i>
First 4 storeys	12m between habitable rooms and balconies	Minimum 10.6m – does not comply
Storeys 5-8	18m between habitable rooms and balconies	Minimum 10.6m – does not comply
Nine storeys +	24m between habitable rooms and balconies	Minimum 10.6m – does not comply, up until level 10. However compliance is achieved between Level 11 and 14

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

- The massing and scale of the built form would not be inconsistent with future character of the Precinct;
- The current scheme is an amended design from that originally lodged;
- Internal amenity for units is satisfactory noting achievement of ADG targets for cross ventilation, solar access and balconies;
- The design makes adequate arrangements for visual privacy in locations where separation distances are not strictly met including the use of oblique or angled windows, horizontal screening and slot windows. These treatments are detailed in specific drawing which is part of the architectural plan set;
- Site planning achieves adequate common open space and deep soil provision.

Common circulation

The proposal does not strictly achieve the ADG design criteria of 1 lift per 40 units. While

buildings NA and NB conform, Building NC has 2 lifts serving 52 units, while Building ND has 1 lift serving 53 units. The departure of the criteria is not significant, and no concerns arise.

Built form

Various controls within the LEP and DCP combine to guide built form outcomes considered appropriate for the site relative to the desired future context. The scheme exceeds various controls, as follows:

- Breach of the LEP height control, as discussed at section 2.6 above;
- Breach of DCP setback to road 10, as discussed at section 6.4 above;
- Breach of DCP 900m² floor plate control:
 - Building NA 1,300m²
 - Building NC 930m².
- Breach of DCP maximum building lengths of 65m:
 - Building NA 98m,
 - Building NC 66.2m
 - Building ND 65.8m.

Notwithstanding those circumstances the scale, massing and built form of the development is acceptable given,

- The scheme has evolved to respond to the recommendations of council's DEAP, through both the pre-lodgement and DA stages of the project. As noted at section 2.2 above, DEAP *".....is supportive of the well-considered massing and architectural façade treatments for this large and dense development, as the approach exhibits fine grain and good diversity in architectural character"*. Council's City Architect concurs with DEAP that the scheme is well considered.
- Regards the floorplate and building lengths, the City Architect considers the scheme is an appropriate 'scale balance' for the future built form outcomes on the immediately adjoining SOP site (45 storeys with street wall height of 8 storeys). Further, the City Architect notes the proximity of this site to the Olympic stadium – a site specific circumstance that provides further justification for built form sought by this proposal. Further, no inconsistency with the objectives at section 4.1 of that DCP result.
- Multiple recesses in the form of vertical slots, measured at a minimum of 1.9m wide, have been adopted for all buildings, assisting to reduce the massing;
- The scheme adopts a range of façade treatments and a wide palette of materials and colours. Those treatments are detailed on large scale façade drawings and a schedule of finishes. These documents will be part of the approved architectural drawing set to ensure those elements are not subverted as the project progresses through the certification and construction phases.

Accessibility

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

Landscaping

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

Amenity

The scheme achieves a satisfactory level of amenity relative to the design criteria with the ADG, as follows:

- 15% of apartments are single aspect (criteria is 15%);
- Ceiling heights to habitable rooms are 2.7m;
- 64% of apartments benefit from cross ventilation (criteria is 60%)
- 70% of apartments receive a minimum 2 hours direct solar access between 9am and 3pm at midwinter (criteria is 70%);
- All balconies achieve a minimum width of 2m; and
- Adequate storage is provided for each unit.
- Communal open space is 41.5% of the site (target is 25%) of which 50% receives 2 hours solar access at midwinter (target is 50%)

Noise intrusion from adjacent sources

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

The application is supported by a technical report which considers the impacts of those noise sources, and concludes the DCP "recommended" criteria can be satisfied subject to nominated glazing/seal treatments

That report has been reviewed and accepted by council's Environmental Health Officer. Appropriate conditions are included in the conditions at Attachment B to implement the nominated acoustic treatment.

6.5 Public domain

Built form relationship to public domain

A positive public domain outcome will result given:

- Subject to setback variations, the buildings achieve a desirable interface with public areas in terms of the relationship between the ground floor levels and the adjoining footpaths;
- The buildings address street frontages;
- Vehicle access is consolidated to a single edge of the site;
- Service areas and substations are integrated into the building design and do not visually dominate the streetscape or pedestrian areas adjoining the site;

- The building provides for a direct visual connection to streets ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces around the site;
- The architectural treatment will achieve a suitable streetscape presentation; and
- Subject to conditions nominated, an appropriate landscape treatment will be provided for those edges of the site that contribute to the public domain.

Public domain works

The application includes completion of all public domain works including footpaths, verge landscaping and street trees, lighting, cycleways and a pedestrian pathway connecting Road 8 to SOP.

These works are now documented to the satisfaction of council's Urban Design (Public Domain) team. Relevant conditions are included at Attachment B.

6.6 Relationship to adjacent sites

Sydney Olympic Park Precinct

Current and draft planning controls for the Sydney Olympic Park (SOP) precinct nominate a "B4 Mixed Use" zone for the land immediately adjoining this proposal, at its north eastern boundary. That land is currently a bus parking bay, but under the draft controls the future land use is nominated as mixed commercial/hotels/ serviced apartments with built form controls allowing for an FSR of 4:1 and a building height of 149m (45 storeys with an 8 storey street wall height).

The draft SOP masterplan also nominates a 10m setback from the common boundary with the subject site, allowing for a 20m separation between this proposal and any future development on the bus parking bay.

A challenge for any future development on that bus parking bay site will be to maintain midwinter solar access to this proposal. That however is a matter for SOPA authority to manage. Any re-development of that SOP site will also provide some benefit to this proposal in terms of shielding noise from the stadium precinct.

Overshadowing

The application is supported by midwinter shadows diagram illustrating the impacts on the subject and adjoining sites.

No concerns arise in terms of impacts upon existing neighbouring industrial uses - it is the future context which is of relevance as the locality transitions to a high density residential precinct. Shadowing in that circumstance will most significantly impact the balance of this subject site, a constraint to be managed in the site planning and design for the applicant's Stage 2 scheme. That application will need to demonstrate ADG criteria is achieved for solar access to units and areas of common open space.

Operational noise

The acoustic report accompanying the application indicates that mechanical plant will be located in either the basement, or at rooftop levels. However, the plans only provide for plant areas at basement level 1, with roof tops clearly set aside only for either communal or private open space.

The applicant indicates that mechanical plant such as air conditioners may be located on balconies. That outcome is not supported, as it reduces usable private open space, and creates multiple noise sources.

A condition is therefore recommended requiring that HVAC condenser units and gas hot water units be located in consolidated positions, and suitably screened as necessary.

Lighting

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

6.7 Access, transport and traffic

Parking supply

The design includes 3 basement levels providing 706 spaces (594 residents and 112 visitor) which is consistent with the supply calculations in the Carter Street Precinct DCP. Bicycle parking supply is not demonstrated on the plans, and is addressed by way of a condition.

Parking access and design

Deficiencies with the geometry and design of parking and service areas have been identified by Council's Traffic Engineer advises that the geometry and design of parking and service areas within the basement are satisfactory. Appropriate conditions are recommended to ensure consistency with relevant design standards in conjunction with documentation of Construction Certificate drawings.

Construction Traffic

This report recommends includes a condition requiring a Construction Traffic Management Plan to be prepared prior to works commencing, which will also address:

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

Operational traffic

The application is supported by a Transport report which considers impacts upon the operations of the local road network as a consequence of traffic generated by this proposal. That report evaluated:

- AM and PM peak hour vehicle trips
- Distribution of direction of travel
- SIDRA modelling of the Uhrig Road/road 2 intersection at AM and PM peak hours

The report concluded that:

- With regard to forecast additional vehicle trips arising from re-development of the Precinct (adjusted for traffic associated with existing industrial uses) this proposal represents about 3% of traffic generation; and
- The intersection of Uhrig Rd/Road 2 will function satisfactorily up until 2031 with full re-development the Carter Street Precinct. Queuing at the intersection after that time could be readily managed as it is likely that traffic signals will be provided in time.

The report has been reviewed and assessed as satisfactory by council's Transport and Traffic team.

6.8 Water management

Water quality during construction

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

On site stormwater collection and disposal

Stormwater from the development sites will be managed via an Onsite Detention System the subject site. Council's Development Engineer is generally satisfied with stormwater arrangements, subject to conditions as nominated in Attachment B.

Overland flow of stormwater

The Carter Street DCP sets a 1% AEP flood level of 4m AHD. As the ground floor level of this site is set at 9.5m AHD, the site is not considered to be flood affected by mainstream flooding. In addition, the applicant has carried out overland flow modelling which demonstrates that all flows will be contained kerb to kerb within the proposed roadway. The applicant has therefore demonstrated adequate due diligence in regards to overland flow on/through the site.

6.9 Waste management

Construction phase

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

Operation phase

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

6.10 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.

6.11 Safety, security and crime prevention

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

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

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

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

These matters are addressed by conditions.

6.12 Social and economic impacts

No adverse impacts have been identified.

7. Site suitability

7.1 Does the proposal fit the locality

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

- The proposal is an appropriate “fit” for the locality given the preceding analysis which

- demonstrates a lack of adverse built form and operational impacts; and
- Site attributes are conducive, noting a lack of natural constraints/hazards.

7.2 Public submissions

No public submissions were received.

7.3 Agency submissions

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

Table 11: Response to SOPA submission

Comment	Response
A detailed Construction Traffic Management Plan should be prepared for approval prior to works commencing	Agreed - addressed by conditions.
Not supportive of vehicle access between Carter Street precinct and SOPA, however pedestrian connections encouraged	Achieved. Pedestrian connections only proposed.
Need to ensure that water quality is address both during and post construction	Addressed by conditions
Development within the Carter Street Precinct should be staged to allow areas furthest from the liquid waste treatment plant to be developed before land closest to the plant, due to odour issues. A notation should be included on 149 certificates	This matter is addressed at section 6.1
Due to noise from major events at SOP, a notation/disclaimer should be included on section 149 zoning certificates, or covenants imposed in sale documents between the developers and landowners.	Agreed- refer to section 6.1

8. Public interest

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

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

- Support and deliver GOPP
- Encourage employment growth
- Create a more connected District
- Improving housing design and diversity
- Design vibrant and activity centres
- Provide communities with better services
- Showcase the Western Sydney Parklands

- Improve access and health of waterways
- Manage growth with eco-friendly planning

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



ATTACHMENT B - CONDITIONS OF CONSENT

SWCCP reference	2017SWC003
DA No.	1269/2016

GENERAL MATTERS

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

Drawing No. and revision	Title	Dated
AR-AX-A-XX-10 Issue 2	SITE PLAN	2.11.17
AR-AX-A-XX-40 Issue 1	PERSPECTIVE 01	25.8.17
AR-AX-A-XX-41 Issue 1	PERSPECTIVE 02	25.8.17
AR-AX-A-XX-43 Issue 1	PERSPECTIVE 04	25.8.17
AR-NX-A-00-00 Issue 2	NORTH – GROUND FLOOR	2.11.17
AR-NX-A-01-00 Issue 2	NORTH - LEVEL 01	2.11.17
AR-NX-A-02-00 Issue 2	NORTH - LEVEL 02	2.11.17
AR-NX-A-03-00 Issue 2	NORTH - LEVEL 03	2.11.17
AR-NX-A-04-00 Issue 2	NORTH - LEVEL 04	2.11.17
AR-NX-A-05-00 Issue 2	NORTH - LEVEL 05	2.11.17
AR-NX-A-06-00 Issue 2	NORTH - LEVEL 06	2.11.17
AR-NX-A-07-00 Issue 2	NORTH - LEVEL 07	2.11.17
AR-NX-A-08-00 Issue 2	NORTH - LEVEL 08	2.11.17
AR-NX-A-09-00 Issue 2	NORTH - LEVEL 09	2.11.17
AR-NX-A-10-00 Issue 2	NORTH - LEVEL 10	2.11.17
AR-NX-A-11-00 Issue 2	NORTH - LEVEL 11	2.11.17
AR-NX-A-12-00 Issue 2	NORTH - LEVEL 12	2.11.17
AR-NX-A-13-00 Issue 2	NORTH - LEVEL 13	2.11.17
AR-NX-A-14-00 Issue 2	NORTH - LEVEL 14	2.11.17
AR-NX-A-15-00 Issue 2	NORTH - LEVEL 15	2.11.17
AR-NX-A-16-00 Issue 2	NORTH - LEVEL 16	2.11.17
AR-NX-A-17-00 Issue 2	NORTH - ROOF	2.11.17
AR-NX-A-B1-00 Issue 2	NORTH - LEVEL B1	2.11.17
AR-NX-A-B2-00 Issue 1	NORTH - LEVEL B2	25.8.17

AR-NX-A-B3-00 Issue 1	NORTH - LEVEL B3	25.8.17
AR-NX-A-XX-00 Issue 1	NORTH - EAST ELEVATION	25.8.17
AR-NX-A-XX-01 Issue 1	NORTH - WEST ELEVATION	25.8.17
AR-NX-A-XX-02 Issue 1	NORTH - NORTH ELEVATION	25.8.17
AR-NX-A-XX-03 Issue 1	NORTH - SOUTH ELEVATION	25.8.17
AR-NX-A-XX-10 Issue 2	NORTH - SECTION N-S 1	2.11.17
AR-NX-A-XX-12 Issue 2	NORTH - SECTION E-W 1	2.11.17
AR-NX-R-XX-37 Issue 2	ADG PART 3C – COMMUNAL OPEN SPACE	2.11.17
AR-NX-R-XX-38 Issue 1	ADG PART 3E - DEEP SOIL ZONES	25.8.17
AR-NX-R-XX-39 Issue 1	ADG PART 3F – PRIVACY SEPARATION	25.8.17
AR-NX-R-XX-46 Issue 1	ADG PART 4G - STORAGE	25.8.17
AR-NX-R-XX-47 Issue 1	ADG PART 4K – APARTMENT MIX	25.8.17
AR-NX-R-XX-48 Issue 2	ADG PART 4L – GROUND FLOOR APARTMENTS	2.11.17
AR-NX-R-XX-49 Issue 2	ADG PART 4L – GROUND FLOOR APARTMENTS	2.11.17
AR-NX-R-XX-50 Issue 1	ADG PART 4M - FACADES	25.8.17
AR-NX-R-XX-51 Issue 1	ADG PART 4M - MATERIALS	25.8.17
AR-NX-R-XX-52 Issue 1	FACADE DETAIL - TYPE 1A	25.8.17
AR-NX-R-XX-53 Issue 1	FACADE DETAIL - TYPE 1B	25.8.17
AR-NX-R-XX-54 Issue 1	FACADE DETAIL - TYPE 1C	25.8.17
AR-NX-R-XX-55 Issue 1	FACADE DETAIL - TYPE 1D	25.8.17
AR-NX-R-XX-56 Issue 1	FACADE DETAIL - TYPE 2	25.8.17
AR-NX-R-XX-57 Issue 1	FACADE DETAIL - TYPE 3A	25.8.17
AR-NX-R-XX-58 Issue 1	FACADE DETAIL - TYPE 3B	25.8.17
AR-NX-R-XX-59 Issue 1	FACADE DETAIL - TYPE 4 and 5	25.8.17
AR-NX-R-XX-60 Issue 1	TYPICAL BREEZEWAY SECTION	25.8.17
AR-NX-R-XX-61 Issue 1	APARTMENT ENTRIES	25.8.17

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

Drawing No. and issue	Title	Dated
LD-001 Issue 3	Location and context	1.11.17
LD-002 Issue 3	Proposed development open space	1.11.17
LD-003 Issue 03B	Proposed levels and site drainage strategy	17.11.17
LD-004 Issue 3	Top view plan	1.11.17
LD-005 Issue 3	Ground floor plan	1.11.17
LD-006 Issue 3	Ground floor courtyard detail plan	1.11.17
LD-007 Issue 3	Ground floor courtyard cross sections – sheet 1	1.11.17
LD-008 Issue 3	Ground floor courtyard cross sections – sheet 2	1.11.17
LD-009 Issue 3	Roof gardens Level 5 plan	1.11.17
LD-010 Issue 3	Roof gardens Level 10 plan	1.11.17
LD-011 Issue 3	Roof gardens Level 11 plan	1.11.17
LD-012 Issue 3	Roof gardens Level 12 plan	1.11.17
LD-013 Issue 3	Roof gardens Level 15 plan	1.11.17

LD-014 Issue 3	Roof gardens Level 16 plan	1.11.17
LD-015 Issue 3	Roof garden typical cross section	1.11.17
LD-016 Issue 3	Planting schedule sheet 1	1.11.17
LD-017 Issue 3	Planting schedule sheet 2	1.11.17

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

Drawing No. and issue	Title	Dated
UD-001 Issue 03	Location and context	1.11.17
UD-002 Issue 03	Proposed development open space	1.11.17
UD-003 Issue 03	Stormwater drainage strategy	1.11.17
UD-004 Issue 03	Site plan	1.11.17
UD-005 Issue 03	Pocket garden – access to SOPA	1.11.17
UD-006 Issue 03	Pocket garden – access to SOPA cross sections	1.11.17
UD-007 Issue 03	Road No. 2 typical cross section	1.11.17
UD-008 Issue 03	Road No. 8 typical cross section	1.11.17
UD-009 Issue 03	Road No. 9 typical cross section	1.11.17
UD-010 Issue 03b	Road No. 10 typical cross section	17.11.17
UD-011 Issue 03	Construction details	1.11.17
UD-012 Issue 03	Planting schedule	1.11.17

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

Drawing No. and issue	Title	Dated
SY073885.000.4.3	PROPOSED SUBDIVISION OF LOT 1 & 2 IN UNREG DP - No.5 UHRIG ROAD - LIDCOMBE	13/10/2017

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

Drawing No. and issue	Title	Dated
DAC001 Issue E	COVER SHEET AND LOCALITY PLAN	3.11.17
DAC002 Issue E	NOTES AND LEGENDS	3.11.17
DAC003 Issue E	GENERAL ARRANGEMENT PLAN	3.11.17
DAC004 Issue D	DEMOLITION PLAN	3.11.17
DAC005 Issue A	ULTIMATE ARRANGEMENT PLAN	3.11.17
DAC006 Issue F	TYPICAL ROAD CROSS SECTIONS SHEET 1	17.11.17
DAC007 Issue F	TYPICAL ROAD CROSS SECTIONS SHEET 2	17.11.17
DAC008 Issue F	TYPICAL ROAD CROSS SECTIONS SHEET 2	17.11.17
DAC011 Issue F	SITWORKS AND STORMWATER DRAINAGE PLAN SHEET 1	17.11.17

DAC012 Issue E	SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 2	3.11.17
DAC013 Issue F	SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 3	17.11.17
DAC021 Issue E	ROAD LONGITUDINAL SECTION SHEET 1	3.11.17
DAC022 Issue F	ROAD LONGITUDINAL SECTION SHEET 2	17.11.17
DAC030 Issue F	BULK EARTHWORKS CUT AND FILL PLAN	17.11.17
DAC031 Issue F	BULK EARTHWORKS SITE SECTIONS SHEET 1	17.11.17
DAC035 Issue F	PAVEMENT PLAN	17.11.17
DAC040 Issue E	ROAD WORKS DETAILS	3.11.17
DAC041 Issue E	STORMWATER DRAINAGE DETAILS	3.11.17
DAC042 Issue F	STORMWATER DRAINAGE ONSITE DETENTION TANK PLAN	17.11.17
DAC043 Issue F	STORMWATER DRAINAGE ONSITE DETENTION TANK SECTIONS SHEET 1	17.11.17
DAC044 Issue F	STORMWATER DRAINAGE ONSITE DETENTION TANK SECTIONS SHEET 2	17.11.17
DAC045 Issue E	SIGNAGE AND LINEMARKING PLAN	3.11.17
DAC050 Issue F	SERVICES AND UTILITIES COORDINATION PLAN	17.11.17
DAC060 Issue F	STORMWATER DRAINAGE LONGITUDINAL SECTION SHEET 1	17.11.17
DAC061 Issue A	STORMWATER DRAINAGE LONGITUDINAL SECTION SHEET 1	3.11.17
DAC070 Issue C	PRE-DEVELOPED STORMWATER OVERLAND FLOW PLAN	24.8.17
DAC071 Issue C	POST-DEVELOPED STORMWATER OVERLAND FLOW AND CATCHMENT PLAN	24.8.17
DAC072 Issue A	POST-DEVELOPED STORMWATER OVERLAND FLOW WIDTH PLAN SHEET 1	3.11.17
DAC073 Issue A	POST-DEVELOPED STORMWATER OVERLAND FLOW WIDTH PLAN SHEET 2	3.11.17
DAC074 Issue B	POST-DEVELOPED STORMWATER OVERLAND FLOW WIDTH PLAN SHEET 3	17.11.17
DAC080 Issue F	EROSION AND SEDIMENTATION CONTROL PLAN	17.11.17
DAC081 Issue E	EROSION AND SEDIMENTATION CONTROL DETAILS	3.11.17
DAC100 Issue D	PUBLIC DOMAIN ALIGNMENT PLAN SHEET 1	3.11.17
DAC101 Issue E	PUBLIC DOMAIN ALIGNMENT PLAN SHEET 2	17.11.17
DAC105 Issue E	PUBLIC DOMAIN ALIGNMENT LONGITUDINAL SECTION SHEET 1	17.11.17
DAC106 Issue E	PUBLIC DOMAIN ALIGNMENT LONGITUDINAL SECTION SHEET 2	17.11.17
DAC107 Issue D	PUBLIC DOMAIN ALIGNMENT LONGITUDINAL SECTION SHEET 3	3.11.17
DAC110 Issue D	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 1	3.11.17
DAC111 Issue D	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 2	3.11.17
DAC112 Issue E	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 3	17.11.17

DAC113 Issue E	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 4	17.11.17
DAC114 Issue E	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 5	17.11.17
DAC115 Issue E	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 6	17.11.17
DAC116 Issue D	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 7	3.11.17
DAC117 Issue D	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 8	3.11.17
DAC118 Issue D	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 9	3.11.17
DAC119 Issue D	PUBLIC DOMAIN ALIGNMENT CROSS SECTIONS SHEET 10	3.11.17

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

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

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

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

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

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

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

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

Reason: To ensure compliance with legislative requirements.

5. Arrangements for stormwater collection and disposal, including any Water Sensitive Urban Design shall be completed in accordance with plans approved to satisfy condition 1 of this consent, and as otherwise required by conditions within this Notice.
6. Hazardous or intractable wastes arising from the demolition or construction processes shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and

- (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

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

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

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

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

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

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

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

Any new information which comes to light during works which reveals the presence of Acid sulphate soils will require the preparation of a management strategy, by a suitably qualified and experienced environmental/geotechnical consultant. That strategy must be submitted to the Principal Certifying Authority, prior to works continuing. the issue of the Construction Certificate. The strategy is required to recommend specific procedures and mitigation measures and must include a site analysis from a National Association of Testing Authorities (NATA) registered laboratory. This strategy must address the following aspects:

- a) Specific mitigating measures to minimise the disturbance of acid sulphate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- b) Management and disposal of the excavated material;
- c) Measures taken to neutralise the acidity; and
- d) Run-off control measures.

The recommendations of the strategy must be completed prior to the commencement of building works.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health, and protect the development from the harmful effects of acid-sulphate soils.

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

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

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

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

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

11. Any garbage chutes must be designed in accordance with the requirements of the *Building Code of Australia* and the Department of Environment and Climate Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.

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

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

Reason: To ensure provision of adequate waste disposal arrangements.

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

Reason: To maintain the amenity of the area.

14. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer.

Reason: To minimise costs to Council

15. Within 90 days of this Notice a covenant under section 88E of the Conveyancing Act 1919 shall be registered on the land. The covenant shall burden the land and property substantially in the form of the event covenant used by Sydney Olympic Park Authority, and otherwise to the satisfaction of Council, in relation to disturbance, inconvenience, nuisance, disruption or economic loss arising in connection with the operation of Sydney Olympic Park.

16. Dedication of land to council

Lots 102, 103, 104 and 106 in the proposed subdivision of Lot 13 DP 1217641 shall be dedicated to Council.

For Lots 103, 104 and 106, Dedication must be completed within 12 months of the issue of the **first** Occupation Certificate (Interim or Final) of the approved development.

For Lot 102, Dedication to Council must not occur until 2 years from the date of the issue of the **final** Occupation Certificate of the final apartment(s) of the approved development. In this regard it is the obligation of the applicant to provide to Council, at the appropriate time, written evidence of that final Occupation Certificate for the final apartment(s) and formal notification of the commencement of that 2 year period. Dedication of the road in the future will not be accepted unless the applicant has received acknowledgment from Council of receipt of these details.

The applicant is responsible for the safety, repair and maintenance of the road until such time the dedication process is completed.

Prior to any dedication:

- a) All rock anchors under roads to be dedicated to council are to be de-stressed and certified as such by a suitably qualified engineer; and
 - b) The condition of the road and public domain assets shall be to the satisfaction of Council's Service Manager, Civil Infrastructure at the time of dedication
17. Approval is granted for the demolition of structures as shown on Drawing DAC 004, Issue D, dated 3.11.17, 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 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.
- (j) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (k) 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.
- (l) 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).
- (m) Before demolition works begin, adequate toilet facilities are to be provided.
- (n) 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.
- (o) 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.

- 18. Compliance with the requirements of Ausgrid, dated 18 January, 2016 a copy of which is attached with this Notice.
- 19. The extent of the construction of Road 2 shall be limited to the south-western edge of the central median, that is, the edge closest to Lot 12 DP 1217641, plus the works to connect Road 2 to Road 8. However, it remains a requirement for the applicant to construct:
 - The temporary retaining wall at boundary with Lot 12 DP 1217641.

Construction of the remainder of the Road 2 works within the subject site - including the balance of the intersection of Roads 2 and 8 - as shown on the approved civil plans, shall be the subject of a bond, in accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979.

The bond shall then be lodged with Council prior to the issue of any application/approval associated with the allotment, being a Hoarding application or Construction Certificate.

The bond shall:

- a) Be of a value determined by a cost estimate, prepared by a registered Quantity Surveyor, and subject to agreement by council's Manager City Assets and Environment.
- b) Include a provision confirming that, from the date of endorsement to satisfy (a) above, it 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, and that any increase in the value of the bond will be paid at the time of dedication of Lot 102 of the approved subdivision to satisfy conditions elsewhere in this Notice.

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

Should a bank guarantee be lodged it must:

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

Council will use the bond for the purposes of completing the balance of Road 2 within the subject site, in conjunction with future redevelopment of adjoining land.

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

20. The development shall be completed in accordance with the General Terms of Approval issued by Water NSW dated 10 February 2016, a copy of which is attached with this Notice.

No Construction Certificate shall be issued until such time as all conditions of those GTAs has been satisfied, with a copy of the required Authorisation being submitted to Council.

The development shall otherwise be undertaken in accordance with those GTAs, the Authorisation and the terms of this Notice.

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

21. 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.

22. For any works will impact upon or affect any easement currently on site, the applicant shall obtain the written consent of the benefitted authority accepting the impact/affectation prior to the issue of the relevant Construction Certificate

23. Prior to the issue of the relevant Construction Certificate the Principal Certifying Authority shall be provided with certification from a suitable qualified engineer confirming that adequate structural support is provided for building on adjoining Lot 12 DP 1217641.

24. External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

Reason: To have a minimal impact on the neighbouring property.

25. 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 Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

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

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

Reason: To comply with the requirements of SEPP 65.

27. No Construction Certificate is 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.

28. A monetary contribution comprising \$1,442,500.00 is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the and the *Carter Street Precinct Development Contributions Plan 2016*. Payment must be by EFTPOS, bank cheque or credit card only.

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

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

The *Carter Street Precinct Development Contributions Plan 2016* can be viewed on Council's website at:
http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions

Reason: To comply with legislative requirements.

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

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

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

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

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

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

31. 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:

- (d) Have no expiry date;
- (e) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/1005/2016;
- (f) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Bond Type	Amount
Hoarding -	\$5,000
Street Furniture	N/A
Development site bond	\$20,000
Street Trees	N/A

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

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

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

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

- a. Sustainability report by Northrop consulting engineers (Ref: SY161296-SER01, Rev 1, dated 20.12.16) except as amended by requirements elsewhere in this Notice;
- b. DA Access Review by MGAC (Ref: v2B dated 16 December 2016)
- c. Waste Management Plan by Elephants Foot (Rev B, dated 14 December 2016)
- d. Qualitative Environmental Wind Assessment (Ref: 610.16968-R01 dated 14 December 2016)
- e. BASIX Certificate 776839M_02
- f. NATHERS Certificate No. 0001135130 dated 20 December 2016

Reason: To ensure a suitable level of residential amenity.

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

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

Refer to the relevant recommendations with DA Acoustic Report prepared by EMM (Ref: J16051RP1 dated 13 December 2016)

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

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

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

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

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

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

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

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

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

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

Reason: To maintain appropriate amenity to nearby occupants.

38. The development must incorporate 56 adaptable dwellings. Plans submitted with the relevant Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

39. A total of 706 parking spaces are to be provided, allocated as follows:

- 594 spaces to be provided for residential apartments, allocated in accordance with Carter Street Precinct DCP; and
- 112 spaces to be provided for visitors.

The spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. In this regard:

- a. the bollard in the shared area adjacent to the accessible spaces will be located 800mm from the end of the space.
- b. The two parking spaces on Level B1 adjacent to the Garbage room are to be widened in accordance with AS2890.1- 2.4.2(c).
- c. Overhead clearances on driveways, ramps and basement areas are to be documented.

Details are to be illustrated on plans submitted with the relevant Construction Certificate.

Prior to the issue of the relevant Construction Certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as

columns, doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Column locations are to comply with AS 2890.1.

Reason: To ensure appropriate vehicular manoeuvring is provided, comply with Council's parking requirements and Australian Standards.

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

40. The gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Australian Standards

41. Prior to the issue of the relevant Construction Certificate the applicant shall submit plans to council for endorsement, to the satisfaction of the Service Manager, Traffic and Transport, which demonstrates bicycle storage area capable of accommodating a minimum of 608 bicycles within a fixed bicycle rail. The bicycle storage areas and bicycle rail must be designed to meet the requirements of AS 2890.3 Details of compliance with this standard are to accompany a Construction Certificate application. The development shall then be completed consistent with the plans approved to satisfy this condition.

Reason: To promote and provide facilities for alternative forms of transport.

42. For the road network approved by this application which will become Council's asset upon dedication any plans for construction approved by the certifier must:

- Be consistent with those listed at condition 1 above, and all conditions of this Notice;
- Satisfy all relevant design standards of the City of Parramatta Council; and
- Be subject to all relevant inspections as nominated by conditions in this Notice.

Design Standards

For the **road works** the standards are:

DS 1	KERBS AND LAYBACKS
DS 2	ROOFWATER OUTLET
DS 3	FOOTPATH
DS 4	KERB RAMP
DS 5	DISH DRAIN CROSSING DETAIL
DS 6	TYPICAL CYCLEWAY/SHARED PATHWAY (CONTINUOUS AND ALTERNATIVE POURS)
DS 7	STANDARD PASSENGER CAR CLEARANCE PROFILE
DS 8	STANDARD VEHICULAR CROSSING
DS 9	HEAVY DUTY VEHICULAR CROSSING
DS 10	VEHICULAR CROSSING PROFILES
DS 11	SIGN POST SUPPORT (IN TURFED FOOTPATH AREA)
DS 11 A	SIGN POST SUPPORT (CBD IN PAVERS)
DS 11 B	SIGN POST SUPPORT (IN CONCRETE FOOTPATH AREA)
DS 12	STANDARD CORNER ROUNDING AT PROPERTY BOUNDARY

DS 20	TYPICAL CROSS SECTION LANEWAYS
DS 33	SUB SOIL DRAINAGE DETAILS
DS 42	TURF DETAILING

For **road pavements** the design standards are:

- Specification 0042 (published by NATSPEC); and
- Austroads' Guide to Pavement Technology Part 2: Pavement Structural Design

Construction Standards

- If design traffic is less than 10⁵ ESA – AUS SPEC specifications (published by NATSPEC)
 - 1141 – Flexible Pavements
 - 1143 – Sprayed bituminous surfacing
 - 1144 – Asphaltic concrete (Roadways)
 - Other AUS SPEC specifications for the work not covered by above specifications
- If design traffic is equal or higher than 10⁵ ESA – RMS Specifications
 - 3051 – Granular Base And Subbase Materials For Surfaced Road Pavements
 - R71 – Unbound and modified pavement course
 - R73 – Construction of plant mixed heavily bound pavement course
 - R83 – Concrete pavement base
 - R106 – Sprayed bituminous surfacing (with cutback bitumen)
 - R107 – Sprayed bituminous surfacing (with polymer modified bitumen)
 - R111 – Sprayed bituminous surfacing (with bitumen emulsion)
 - R116 – Heavy duty dense graded asphalt
 - Other relevant RMS specifications for material and roadworks not covered by above specifications

Note that Council updates its design standards from time to time. It is the obligation of the certifier to ensure all applicable standards are addressed. Copies of the standards can be obtained by contacting Council's Service Manager, Civil Infrastructure. Fees and charges may apply.

Reason: To ensure that works to be dedicated to Council are constructed to Council standards.

43. A design road safety audit is to be carried out by a suitably accredited road safety auditor on the road design and the landscaping design of Road 2 to identify any safety issues. All recommended changes to be submitted for the approval of Council's Service Manager, Development and Traffic Services, prior to implementation to the satisfaction of the Principal Certifying Authority.

Reason: To ensure design provides a safer road environment

44. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. This requirement applies to the basement driveway entry, and the two substation access points. Note however that kerbs must be maintained at the substation access points. Details must accompany an application for Construction Certificate to the satisfaction of the Principal 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.

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

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

46. Prior to the issue of any Construction Certificate relating to works within the road allotment, the applicant shall lodge with Council plans which address the following matters relating to the design and location of traffic facilities:

- a) All line markings and sign postings
- b) Street parking shall be signposted as a maximum of 2 hours
- c) Design of roundabouts
- d) Speed limits shall be determined by Roads and Maritime Services.
- e) No on street parking shall be provided in a location to ensure 24 hour access to the two substation access points.

Upon receipt Council will forward those plans to for approval by the Parramatta Local Traffic Committee.

Reason: To ensure traffic and pedestrian safety and to satisfy statutory requirements

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

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

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

Reason: To minimise impact on adjoining properties.

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

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

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

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

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

50. 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 drainage ground floor plan, drawing number 01873-H05, Revision P3, dated 14/11/2017, prepared by C&M Consulting Engineers.
 - (ii) Civil works package, drawing numbers DAC001-DAC008, DAC011-DAC013, DAC021, DAC022, DAC030, DAC031, DAC035, DAC040-DAC045, DAC050, DAC060, DAC061, DAC070-DAC074, DAC080, DAC081, DAC090, DAC100, DAC101, DAC105-DAC107, DAC110-DAC119, Issue E, dated 03/11/2017, prepared by AT&L.
 - (b) The Site Reference Discharge (Lower Storage), SRDL of 40 /s/ha, Site Storage Requirement (Lower Storage) SSRL of 300 m3/ha, Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 455 m3/ha (when using the Extended/Flood detention method - 4th edition of UPRCT's handbook).
 - (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
 - (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.
51. A 10kL rainwater tank, permeable pavement, enviropods and 30x filtration cartridges must be installed to manage the quality and quantity of surface runoff water to the street to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed water quality treatment devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.
Reason: To ensure appropriate water quality treatment measures are in place.
52. The proposed kerb inlet pits must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.
Reason: To ensure appropriate drainage.
53. Prior to the issue of the relevant Construction Certificate the civil plans are to be revised to address the following matters:
- a) The proposed GPT shall be placed at a location to enable safe vehicular parking and access for maintenance without disruption to vehicular and pedestrian traffic. The GPT should be located away from intersections and road bends.
 - b) The stormwater drainage longitudinal section is to include the location and depth of all existing and proposed service utilities in relation to the proposed stormwater drainage pipe.

- c) Include a Note on the longitudinal drainage section that states – All stormwater drainage pipes need to be Reinforced Concrete Rubber Ring Spigot and Socket Joint.
 - d) Show Pipe Class for each length of pipe on longitudinal drainage section.
 - e) Show all pit types and lintel sized on longitudinal drainage section.
54. Prior to the issue of the relevant Construction Certificate, the applicant is to provide to Council an electronic copy of the DRAINS hydrological and hydraulic model(s) used in the design of the street drainage system.
55. For the stormwater systems approved by this application which will become Council's asset upon dedication, any plans approved for construction by the certifier must:
- Be consistent with those listed at condition 1 above, and all conditions of this Notice; and
 - Satisfy all relevant design standards of the City of Parramatta Council;
 - Be subject to all relevant inspections as nominated by the Principal Certifying Authority.

Design Standards

For the stormwater drainage the standards are:

DS 21	STANDARD KERB INLET PIT (ON GRADE)
DS 23	STANDARD SURCHARGE PIT
DS 24 SHEET 1	GRATED SAG PIT USING PRECAST LINTEL
DS 25 SHEET 1	SURFACE INLET PIT FOR FOOTPATHS
DS 26 SHEET 1	STANDARD JUNCTION PIT
DS 26 SHEET 2	HEAVY DUTY JUNCTION PIT
DS 37 SHEET 1	INSTALLATION OF PIPELINES AND RESTORATION OF TRENCHES

Note: Council updates its design standards from time to time. It is the obligation of the certifier to ensure all applicable standards are addressed. Copies of the standards can be obtained by contacting Council's Service manager, Civil Infrastructure. Fees and charges may apply.

Note: All pit types that have overhanging beams such as Pit Type B & Type E on Drawing No. DAC041 are to be designed based on heavy vehicular traffic loading and certified by an experienced practicing qualified Structural Engineer

Reason: To ensure that works to be dedicated to Council are designed and constructed to Council standards.

56. The provision of utility services to the building shall include dual water reticulation piping (lilac pipes) to enable connection to future recycled water via the Sydney Olympic Park **Water Reclamation and Management Scheme (WRAMS)** or other future Sydney Water recycled water system. Details are to be included in the relevant Construction Certificates.
57. 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) to be provided by a suitably qualified Landscape Architect/Designer for all proposed tree plantings with an expected mature height of five (5) metres or greater.
- (c) A specification (‘Fit-for-purpose’ performance description) for soil type must be provided by a suitably qualified Landscape Architect/Designer.
- (d) Tree planting densities shall not exceed the prescribed soil volume and area required for plant type and certification must be provided by a suitably qualified Landscape Architect/Designer.

Reason: To ensure the creation of functional gardens

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

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

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

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

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

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

Reason: To protect Council's infrastructure.

61. Council Approvals for Public Domain Works

Prior to the issue of the Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above-ground structure, a set of **Public Domain Construction Drawings** must be submitted and approved by Council's Manager Development and Traffic Services Unit

The final detailed Public Domain Construction Drawings are to be consistent with the DA approved public domain alignment drawings, architectural plans and public domain landscape plans, and expect as modified by conditions elsewhere in this Notice.

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

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

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

62. Matters to be addressed by final Public Domain Construction Drawings

The Public Domain Construction Drawings must be prepared by a qualified landscape architect and civil engineer in accordance with the Public Domain Guidelines Chapter 2 – Public Domain Works Approval Process. The consultants shall contact Council's Urban Design team before finalising the documentation for the latest design standards and material specifications. The final Public Domain Construction Drawings to be approved by Council must address the following matters:

- (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 and must reflect the approved Public Domain Drawings and the Public Domain Alignment Drawings
- (b) The Drawings must show adequate information in relation to the interface between the public domain and access points to the building. The drawings must also address, but not limited to, the following matters:
 - a. Concerns that the steps and entries to the buildings and individual units located in the landscaped street front setbacks may impact on the public domain, in particular at Road 8 and Road 2 where step access to the building is shown. It is required that the steps, ramps and walls and DDA requirements ie handrails, TGSIs etc should not impede use of the public domain and be integrated within the site boundary, building edge and with internal layouts.
- (c) Public Domain Alignment Drawings
Provide landscape-cross section details at all building entry points (unit access, central courtyard access, vehicle access etc) through to building interface i.e. – door, top of stairs etc. All sections to include chainages and existing design levels in accordance with Public Domain guidelines
- (d) Pocket Park, adequate detail must be provided to demonstrate:
 - i. The applicant to provide an accessibility report by a suitably qualified access consultant to review the proposed design based on AS1428.1:2009 and DDA provisions. And, confirm fence is not required a drops equal to or less than 1m, otherwise reduce drop to maximum distance as advised by access consultant – of particular concern is the drop at the retaining wall at Edwin Flack Avenue by way of example
 - ii. A landing should be min. 1500mm: the landing area should be designed to sufficiently accommodate the required TGSi and handrail projection, which must be outside pedestrian path of travel and circulation spaces – landing at the bottom of the top ramp is questionable as is the junction of the stair and the bottom landing of the bottom ramp. The design of handrail should comply with AS1428.1:2009.
 - iii. The selection of furniture and finishes are to be approved by Council's Manager City assets and Environment, and addressed in the Public Domain Construction Drawings

- iv. Detailed design for the park, ramps, DDA requirements, planting to be provided with the Public Domain Construction Drawings
- v. The park should provide accessible picnic sets and seating elements in the playground on accessible hard surface to enable wheelchair access to certain play equipment.
- vi. The applicant shall provide test results (after applying paving sealant) to prove all pavement material and finishes used in the central plaza area are **non-slip surface** in compliance with V5 in both wet and dry conditions.
- vii. At least one wheelchair-accessible **bubbler** (containing bottle filler function) shall be provided in the plaza where there is circulation space of at least 1.5m all around.

(d) Concrete Footpath

1.8m concrete footpaths paths are acceptable for all street frontages. Construction is to be in accordance with council standard (drawing no. DS3).

(e) Kerb Ramps

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

- All kerb ramps are to be designed and located so they align with the path of travel and with each other in accordance with council standards (drawing no: DS4)

(f) Access Requirements

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

(g) Lighting

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

(h) Street Tree Stock & Placement

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

Street Name	Botanical Name	Common name	Pot Size	Ave. Spacing
Road #2	<i>Eucalyptus tereticornus</i>	Forest Red gum	200Lt	8-10m
Road #2 Median	<i>Melaleuca armillaris</i>	Bracelet Honey-myrtle	200Lt	8-10m
Road #8	<i>Waterhousia floribunda</i>	Weeping Lilly Pilly	200Lt	8-10m
Road #9	<i>Caesalpinia ferrea</i>	Leopard tree	200Lt	8-10m
Road #10	<i>Pistacia chinensis</i>	Chinese pistacia	200Lt	8-10m

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

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

A copy of the NATSPEC Certificate must be obtained from the nursery where the tree stock is ordered and present to Council Office at the inspection.

Consistent tree pit size of 1.8X1.2m should be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standard (DS 39) with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

(i) Drainage.

The base of all tree pits shall incorporate a drainage pipe that connects and drains positively to the nearest street stormwater network.

(j) Planting Beds along Street Frontage

All plants in the planter beds, boxes and or retained by retaining walls along the building frontages and in the pocket park shall be no less than **200mm** (or 45L for shrubs) pot sized. All the planter boxes shall have no less than **600mm** deep soil level with free draining soil mixes, in accordance with AS 4419:1998 – Soils for landscaping and garden use, and incorporated with drainage layers and pipes connecting to nearest stormwater. An automatic irrigation system shall be set up for the planting beds. The public domain construction documentation must include the full performance specifications for the installation and operation.

Reason: To comply with council's street tree master plan of the Carter Street precinct and in accordance with Parramatta City Council aspirations for high density infill development in the LGA.

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.

63. Notwithstanding the plans listed at condition 1 above, prior to the issue of any Construction Certificate for works relating to the ground floor level of any building, a set of revised **on-site landscape plans** must be submitted and approved by Council's Manager Development and Traffic Services Unit.

The revised plans, prepared by a professionally qualified landscape architect or designer, must not include any notations which defer the landscape treatment to decision of future residents, and instead must provide specific details of all proposed works. The plans must therefore address the following matters:

- (a) a planting schedule with suitable species of trees, shrubs and ground covers indicating planting locations, species type (botanic/ common name) mature dimensions, plant numbers/planting density (annotated on the Planting Plans) and the size of the containers at planting. NOTE: Landscaped areas and proposed tree planting shall not be in conflict to the Stormwater drainage for the site;
- (b) Large sized trees are not recommended to be planted upon structure; Tree selection must be limited to species with an expected mature height of no greater than eight (8) metres.
- (c) Above structure or raised planting boxes or beds must be designed to meet the requirements of conditions within this consent.

The development must be completed in accordance to satisfy the plans approved to satisfy this condition.

Reason: to ensure that appropriate landscaping is implemented.

64. External walls and cladding flammability

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

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

Reason: To ensure public safety.

65. To ensure the design quality of the development is retained:

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

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

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

66. 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.

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

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

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

Reason: To ensure satisfactory storm water disposal.

PRIOR TO WORKS COMMENCING

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

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

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

Reason: To comply with legislative requirements.

69. 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.

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

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

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

This condition does not apply where works are being carried.

Reason: Statutory requirement.

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

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

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

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

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

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

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

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

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

73. 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.

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

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

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

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

75. Prior to the commencement of any works on site, the applicant must submit a Construction Traffic Management Plan for endorsement by council's Service Manager, Traffic and Transport. The following matters must be specifically addressed in the Plan:

- (a) A plan view of the entire site and frontage roadways indicating:
 - (i) Access arrangements to and from the site.
 - (ii) Proposed number of trucks during the phases of development
 - (iii) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (iv) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - (v) The locations of proposed Work Zones in the egress frontage roadways,
 - (vi) Location of any proposed crane standing areas,
 - (vii) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (viii) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (ix) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (x) 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.

- (vi) A detailed description of locations that will be used for layover for trucks waiting to access the construction site. The applicant must demonstrate it has consulted with Sydney Olympic Park Authority on this issue.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of any proposed 'Works Zone' restriction to the frontage roadways of the development site.

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

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

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

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

- 76. 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.

- 77. 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.

78. Construction Phase Soil and Water Management Plan

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

- a) *Stormwater management*
All stormwater incident on the construction site must be collected and appropriately disposed of in a manner that does not increase the flood risk for the catchment area or degrade the quality of water being disposed of to council stormwater infrastructure.
- b) *Construction material pollution protection*
During construction, any stockpiled materials and/or construction waste stored onsite is to be isolated from stormwater flow to Council stormwater systems and natural waterways, in order that it not become a pollutant. This is to be achieved with provision of continuous perimeter bunding around waste storage areas, constructed to be of sufficient height and durability to withstand site-specific stormwater conditions and construction activity for the life-cycle of the construction project.
- c) *Erosion and sediment control measures*
Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to include, but not be limited to:
 - i) Vehicle Wheel wash, cattle grid, wheel shaker or other appropriate device to remove sediment from vehicle wheels.
 - ii) A sediment trapping fence, made of a geotechnical textile specifically designed for such a purpose and installed and maintained to manufacturer's specifications, placed below the disturbed area of the construction site along contours.
 - iii) Vegetation is to be maintained on the development site as much as possible, and shall not be cleared from neighboring sites.
 - iv) Vehicle access shall be restricted to one designated point, and vehicle driveways are to be adequately covered at all times with blue metal or the like.

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

d) *Environmental due diligence*

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

e) *De-watering of the excavation cavity*

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

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

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

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

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

Reason: Environmental protection

79. 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.

80. 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.

81. 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.
82. 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.

83. Street trees adjoining the site shall be protected prior to and during the construction process. Tree protection measures are to be installed and maintained under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".
- Reason:** To ensure trees are protected during construction.
84. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:
- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
 - (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

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

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

85. Schedule of Council inspections

Prior to the commencement of any works in the Public Domain or on any asset that will be handed over to Council to maintain, 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.

- a) Commencement of public domain works including tree protection measures installed and set out of tree pits;
- b) 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;
- c) Installation of required underground conduits;
- d) 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;
- e) Delivery of street trees to site. Trees shall be installed within 24hrs of delivery;
- f) Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation/street trees and location of fixtures and fittings

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

Defects

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

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

In addition, **all** construction works for stormwater systems to be handed over to Council must:

1. **Prior to issue of a construction certificate** have a full set of plans stamped and approved by Council's Service Manager Civil Infrastructure; and
2. Be inspected by Council's Catchment Management team in line with the schedule of inspections agreed to with Council **prior to any works commencing**

All stormwater drainage pipe AND pits are to be inspected by Council's Engineer prior to backfill. The applicant must provide 24-hour notice prior to any inspection. Inspection of the drainage works will be required, but not necessarily limited to, the following stages:

- On construction of the stormwater drainage pipe prior to backfilling of trench.
- On construction of formwork to any drainage pit(s) prior to placement of concrete.

- On construction of any formwork to concrete pavement, footpath, driveway, Kerb and gutter etc. and prior to placement of concrete.

The stormwater drainage work is to comply with all other Special Notes – Conditions of Approval on Council stamped and approved drawings.

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

Reason: To ensure compliance.

86. The final detailed drawings for construction of all components of the road stormwater drainage system are to be provided to Council's Service Manager Civil Infrastructure for approval prior to commencing construction.

Reason: To ensure adequate stormwater infrastructure is provided.

87. For the road network approved by this application that will become Council's asset upon dedication, prior to works commencing, the developer must submit a Pavement Design report to Council's Service Manager Civil Infrastructure for approval.

The report must include the proposed pavement structure, discussion of each element of the pavement design system shown in Figure 2.1 of Austroads' Pavement Design Guide (project reliability, construction and maintenance considerations, environment, subgrade evaluation, pavement materials and design traffic), all background data (e.g. traffic surveys and studies, geotechnical investigation, field and laboratory testing etc.), assumptions and calculations in the design process and nominated construction specifications.

For road pavements the design standards are:

- Specification 0042 (published by NATSPEC); and
- Austroads' Guide to Pavement Technology Part 2: Pavement Structural Design

For road pavements the construction standards are:

- If design traffic is less than 10^5 ESA – AUS SPEC specifications (published by NATSPEC)
 - 1141 – Flexible Pavements
 - 1143 – Sprayed bituminous surfacing
 - 1144 – Asphaltic concrete (Roadways)
 - Other AUS SPEC specifications for the work not covered by above specifications
- If design traffic is equal or higher than 10^5 ESA – RMS Specifications
 - 3051 – Granular Base And Subbase Materials For Surfaced Road Pavements
 - R71 – Unbound and modified pavement course
 - R73 – Construction of plant mixed heavily bound pavement course
 - R83 – Concrete pavement base
 - R106 – Sprayed bituminous surfacing (with cutback bitumen)
 - R107 – Sprayed bituminous surfacing (with polymer modified bitumen)
 - R111 – Sprayed bituminous surfacing (with bitumen emulsion)
 - R116 – Heavy duty dense graded asphalt

- Other relevant RMS specifications for material and roadworks not covered by above specifications

In addition, the Pavement Design report must address the following matters:

- a. Kerbing notes on Drawing DAC002 Issue D should be revised so that they comply with Council's standard drawings DS1.
- b. Details of various types of kerb and gutters, vehicular crossing and dish drain must be revised to comply with Council's standards
- c. The applicant will be required to provide all test results to show that the pavement has been constructed as required by the Specifications.
- d. It is required to construct subsoil drainage system to prevent ingress of water from higher ground to the road subgrade and pavement layers. Subsoil drainage to be provided for the full length of roads on both sides wherever the road section is in cutting and where water ingress from adjacent ground is likely to occur. The subsoil drainage should be shown on Drawings including details of critical points (e.g. flushing point, connection to stormwater system etc.)

DURING WORKS

88. 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.

89. For the works that will become Council's asset upon dedication, each **HOLD POINT** defined by Specifications must be witnessed and released by the Principal Certifying Authority before the construction work can continue to the next stage.
The developer must submit test results required by each Specification prior to handover to Council to show that the constructed road pavements comply with specification requirements, especially in terms of material properties, levels, layer thicknesses and density ratios.

Reason: To ensure that works to be dedicated to Council are constructed to Council standards.

90. Trees to be removed are:

Existing trees numbered 64, 66 to 121 (inclusive) and 124, 125 and 126 as nominated in the Preliminary Arboricultural Report prepared by Arborsafe dated 14 December 2016.

Reason: To facilitate development.

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

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

92. For the works that will become Council's asset upon dedication, those works shall be completed to ensure the following requirements of City of Parramatta Council are satisfied, as required by:
- Compliance with specifications as noted at conditions 42 and 55;
 - Compliance with the approved Road Pavement Design report as noted at condition 87;
 - Compliance with the schedule of inspections as required by conditions 85, 115 and 149;
 - Compliance with each Hold Point as required by condition 89.
93. 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.
94. 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.
95. Occupation of any part of an existing public footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction works.
Reason: To ensure proper management of Council assets.
96. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within the City of Parramatta LGA.
Reason: To ensure maintenance of Council's assets.
97. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.
Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.
98. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

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

Reason: To protect the amenity of the area.

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

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

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

100. 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.

101. A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm each floor level of each building, and the separation distances between each building, 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.

102. 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.

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

Reason: To ensure appropriate disposal of asbestos materials.

104. 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.

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

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

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

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

107. 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.

108. 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.

109. During construction of all public area civil and drainage works a qualified civil engineer must supervise the relevant 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.

110. 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.

111. 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.

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

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

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

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

113. Rectification of defects – Public domain works

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

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

Reason: To ensure any defects are rectified.

114. Street Tree Placement & Tree Pit

The street trees must be planted in accordance with Council's design standard (DS 39).

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

115. **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; The contractor shall provide Council Officer the NATSPEC certificate during the inspection to prove the quality of the tree stock.
- 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.

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

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

117. Surface waters from about the swimming pool must be collected and disposed of to the satisfaction of the Principal Certifying Authority.

Reason: To protect the amenity of the adjoining neighbours.

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

Reason: To protect the amenity of the adjoining properties.

119. The swimming pool must be fenced in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2012), prior to the filling of the pool with water.

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

Reason: To comply with the Legislative requirements.

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

Reason: To comply with the Legislative requirements.

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

(a) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

(b) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the following words *“YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”, “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”, and “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES”,*

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

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

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

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

123. The perimeter walls and floor of the basement shall be constructed using a “Tank Construction” method, to prevent any flood and ground waters seeping through the basement walls and floor base. This must be provided using impervious construction and not through permanent draining of the basement structure.

The landowner shall manage groundwater inflows and outflows during construction and thereafter in perpetuity, including monitoring, to ensure all of the requirements of the Water NSW/DPI Water are satisfied and that there are no adverse effects on the environment and public health, including water table levels, surface and groundwater flow regimes, contamination and pollution, flooding and water quality and structural stability.

Reason: Protection of the environment and public health.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

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

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

125. 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 776839M_02 will be complied with prior to occupation of the relevant stage of development.

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

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

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

Reason: To comply with the requirements of SEPP 65.

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

- a. Sustainability report by Northrop Consulting Engineers (Ref: SY161296-SER01, Rev 1, dated 20.12.16) except as amended by requirements elsewhere in this Notice;
- b. DA Access Review by MGAC (Ref: v2B dated 16 December 2016)
- c. Waste Management Plan by Elephants Foot (Rev B, dated 14 December 2016)
- d. Qualitative Environmental Wind Assessment (Ref: 610.16968-R01 dated 14 December 2016)
- e. DA Acoustic Report prepared by EMM (Ref: J16051RP1 dated 13 December 2016) to achieve the recommended noise criteria in section 4.6 of the Carter Street Precinct Development Control Plan 2016, being:
 - Living and working areas: 40 dBA(Laeq)
 - Sleeping areas: 35dBA (Laeq)

Reason: To ensure a suitable level of residential amenity.

128. 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. 776839M_02, will be complied with prior to occupation.

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

129. Certification must be provided prior to the issue of the relevant Occupation Certificate(s) that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

Reason: To ensure the requirements of the DCP.

130. Prior to the issue of the any Occupation Certificate(s), the following management plan is to be submitted to Council for approval by the Service Manager, Traffic and Transport:

- (a) A Travel Plan, as nominated in the Traffic and Transport Assessment by Arup (Ref: 248428, dated 14 December 2016) is to be submitted to Council, supported by details of how that Plan will be implemented.

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

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

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

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

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

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

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

Reason: To comply with CPTED requirements.

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

Reason: To ensure developments are appropriately numbered.

135. Street number(s) for each building and retail tenancy (as appropriate) are to be placed on the site in a readily visible location from a public place prior to the issue of the relevant Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

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

Reason: To ensure provision of appropriately located telecommunication facilities.

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

Reason: To ensure appropriate electricity services are provided.

138. The following conditions shall be complied with:

- (a) For safety, and if applicable, access to the water features must be restricted by fencing or other measures as described by the Swimming Pools Act 1992, the Swimming Pool Regulation 2008, and Australian Standard AS1926 Parts 1 and 2 -

2007. The fencing or other measures must be completed prior to any water being placed in the pool.

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

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

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

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

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

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

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

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

141. 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 any Occupation Certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and require rectification of all instances of damage.

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

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

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

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate(s) with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) WSUD water quality treatment devices as-built state are clearly marked on the WAE drawings.
- (f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). for the OSD system and WSUD treatment train, verifying that the as-built systems function to the required design targets.
- (g) Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer.

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

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

143. Prior to the issue of the first Occupation Certificate (Interim or Final) Positive Covenants and Restrictions on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created which:

- a. Burden the owner with the requirement to maintain the on-site stormwater detention facilities on the lot;
- b. Burden the owner of Lot 100 or Lot 101, or both, in the proposed subdivision with the requirement to maintain the retaining wall along the north-eastern boundary common with Sydney Olympic Park.

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

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

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

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

144. Prior to issue of the relevant Occupation Certificate(s), the applicant must create a Positive Covenant and Restriction on the Use of Land, prepared in accordance with Section 88B of the Conveyancing Act 1919, burdening the owner of the allotment with the requirement to maintain the on-site rainwater harvesting, bio-retention and water quality treatment facilities.

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

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

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

145. 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.

146. A separate application must be made for a subdivision certificate. The application is to be accompanied by a final Occupation Certificate

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

147. A qualified Landscape Architect/Designer must certify that the completed works, in both the public domain and on each development site, are in accordance with the relevant approved landscape plans/public domain plans.
Reason: To ensure restoration of environmental amenity.
148. Prior to **any issue** of the Occupation Certificate (including an Interim OC), the public domain construction works must be completed to Council's satisfaction and a **final approval** shall be obtained from Council's Assets & Urban Design teams.
149. 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.
150. **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 Occupation Certificate.
151. A half year (26 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain. A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council that specifies at 26 weeks after Council's final approval how and who to maintain the public domain works.
152. Prior to the first Occupation Certificate (interim or final) the applicant is to submit written evidence to Council demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service.

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

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

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

153. The following conditions shall be complied with:
- (a) For safety, access to the swimming pool must be restricted by fencing or other measures as described by the Swimming Pools Act 1992, the Swimming Pool Regulation 2008, and Australian Standard AS1926 Parts 1 and 2 - 2007. The fencing or other measures must be completed prior to any water being placed in the pool.
 - (b) Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that noise levels associated with spa/pool pumping units shall not exceed 5 dBA at the boundaries of the site.
 - (c) To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must not be placed where it is not visible from a public place.
 - (d) To ensure the proper disposal of polluted waters and to avoid runoff nuisance for downstream properties, all drainage including any overland waters associated with the pool and spa must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.

- (e) For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
- (f) Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.
- (g) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the words *"YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"*, *"POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"*, and *"KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES"*,
- (h) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

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

154. Street numbers are to be placed on the site in readily visible locations 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.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

155. A separate application must be made for a Subdivision Certificate. That Certificate will not be issued until the conditions below are satisfied.

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

156. All required traffic facilities approved by the Parramatta Local Traffic Committee, must be installed and completed prior to the issue of a Subdivision Certificate and also prior to the issue of any Occupation Certificate.

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

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate(s) with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) WSUD water quality treatment devices as-built state are clearly marked on the WAE drawings.
- (f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). for the OSD system and WSUD treatment train, verifying that the as-built systems function to the required design targets.
- (g) Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer.

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

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

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

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

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

Reason: To ensure appropriate electricity services are provided.

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

161. 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.

162. 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.

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

- a) Show all rights of way or easements as necessary for all basement levels to allow for private and public vehicle access, including service vehicles.
- b) Show all rights of way or easements as necessary to allow for full public access over Road 2 (Lot 102 of the approved subdivision) until such time as that land is dedicated to Council.
- c) Easements for all services.

- d) Restriction under section 88E of the Conveyancing Act 1919 to ensure that the retaining wall on Road 10 at the common boundary with Sydney Olympic Park remains in the ownership of the owners of Proposed Lot 100 in the approved draft plan of subdivision, and/or any subsequent Owners Corporation, and is not an asset of the City of Parramatta Council.
- e) All other matters as nominated in this consent.

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

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

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

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

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

164. Prior to issue of an Occupation Certificate, the applicant must create a Positive Covenant and Restriction on the Use of Land, prepared in accordance with Section 88B of the Conveyancing Act 1919, burdening the owner of the allotment with the requirement to maintain the on-site rainwater harvesting, bio-retention and water quality treatment facilities. This must be accompanied by a maintenance schedule, to be registered on title.

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

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

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

THE USE OF THE SITE

165. 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.

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

Reason: To reduce noise levels.

167. The air conditioner/s must not:

(1) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

(a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday;
or

(b) before 7.00am and after 10.00pm on any other day.

(2) Emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

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

Reason: To prevent loss of amenity to the area.

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

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

169. 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.

170. 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.

171. 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

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

Reason: To ensure restoration of environmental amenity.

173. The swimming pool pump must not be operated between the hours of 8.00 p.m. and 7.00 a.m. Monday to Friday and 8.00 p.m. to 8.00 a.m. Saturdays, Sundays and Public Holidays.

Reason: To protect the amenity of surrounding properties.

174. The existing security fence at the northeast boundary adjoining the new pedestrian connection to Sydney Olympic Park must remain in place until written approval is given by Sydney Olympic Park Authority (SOPA) for its removal. Should SOPA give its approval prior to the dedication of the roads under this application to council, then a copy of that approval must be submitted to council for its records.

ADVICE

- A. The applicant shall ensure it has obtained all necessary approvals from Ausgrid regarding relocation of any of its affected assets.
- B. All roads to be dedicated to council must be formally named. Please contact Council's Asset Strategy and Property Management team to commence that process.
- C. Your attention is drawn to section 109E of the Environmental Planning and Assessment Act 1979 which requires that Council must be appointed as the Principal Certifying Authority for the subdivision works, including all works intended to be dedicated to Council (e.g. roads, drainage and all public domain works such as lighting, furniture and other landscape treatments).
- D. Lot 105 in the approved subdivision is to be dedicated to council as part of any future stage of development. Accordingly any future development application must not include structures below or above Lot 105.