



## **SYDNEY WEST CENTRAL PLANNING PANEL**

### **COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2017SWC042
<b>DA Number</b>	DA/67/2015/A
<b>LGA</b>	City of Parramatta Council
<b>Proposed Development</b>	Section 96(2) Modification to the approved demolition and construction of a 41 storey mixed use development. The modification involves the increase in building height by two (2) storeys resulting in eight (8) additional residential apartments. The application will be determined by the Sydney West Joint Regional Planning Panel.
<b>Street Address</b>	Lot 1 DP 951181, 11 Hassall Street, Parramatta
<b>Applicant/Owner</b>	Saab Parramatta Pty Ltd and Sonenco Parramatta Pty Ltd
<b>Date of DA lodgement</b>	6 March 2017
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	General Development Over \$20 Million Cost of Construction proposed (as amended by proposed modifications) = \$54,578,000
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li><li>• State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development</li><li>• State Environmental Planning Policy (BASIX) 2004</li><li>• Parramatta Local Environmental Plan 2011</li><li>• Parramatta Development Control Plan 2011</li></ul>
<b>Report prepared by</b>	Sohini Sen, Senior Development Assessment Officer
<b>Report date</b>	23 June 2017

#### **Summary of s79C matters**

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

**Yes**

#### **Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

**Yes**

#### **Clause 4.6 Exceptions to development standards**

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

**Not  
Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

**Not  
Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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#### Conditions

Have draft conditions been provided to the applicant for comment?

**Yes**

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

## 1. Executive summary

This report considers a proposal to modify a development consent for demolition and construction of a 41 storey mixed use development resulting in a 43 storey mixed use development. The modification involves the increase in building height by two (2) storeys comprising eight (8) additional residential dwellings.

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

This report recommends that the Panel:

- Approve the application, subject to the recommended conditions.

## 2. Key Issues

- Variations to DCP height transition control;
- Variations to DCP solar access control; and
- Minor variation to ADG balcony depth control.

## 3. Site description, location and context

The site is known as 11 Hassall Street, Parramatta (Lot 1 DP 951181) and is located on the southern side of Hassall Street within the Parramatta CBD.

The site has an area of 1782m<sup>2</sup> and a frontage of 20.1m. The property has frontage to Hassall Street and is separated from Parkes Street by a concrete stormwater channel.

Development consent has been granted for demolition and construction of a 41 storey mixed use development on the subject site. Construction works have commenced.

Development surrounding the site is mixed in use and scale. To the east of the site is a property containing 22 storey and 18 storey mixed use towers. To the west of the site is a vacant allotment with development consent for 20 and 22 storey mixed use towers.

To the north of the site across Hassall Street are a mix of one to three storey residential and commercial buildings, and an 18 storey residential building. Across Parkes Street to the south of the site are residential flat buildings.

The site does not contain any significant vegetation. The southern half of the site is identified as a high hazard flood area and is impacted by flood events above 1 in 5 year level.



Figure 1: Aerial photograph of the site



Figure 2: The site under construction

## 4. Background

<b>RZ/9/2014</b>	<b>Planning Proposal</b> <p>On 15 May 2014 a Planning Proposal was submitted increasing the following:</p> <ul style="list-style-type: none"><li>• Increase the maximum building height from 72m to 130m (or approximately 41 storeys)</li><li>• Increase the Maximum Floor Space Ratio from 6.56:1 to 10.2:1.</li></ul> <p>The planning proposal was gazetted on 3 July 2015.</p> <p>A Voluntary Planning Agreement was entered into on 12 June 2015 to include the following:</p> <ul style="list-style-type: none"><li>• A monetary contribution of \$200,000 to Council to be used for the implementation of the Robin Thomas Reserve Masterplan; and</li><li>• The dedication of a unit and a car parking space to Parramatta Council for affordable housing purposes. The unit is to have 2 bedrooms, 2 bathrooms, a laundry, and a lounge room area, and is to be furnished.</li></ul>
<b>LA/187/2014</b>	<b>Architectural Design Competition</b> <p>An Architectural Design Excellence Jury Competition was held on 19 September 2014. The Jury agreed that design excellence had been achieved by one of the designs by PTI Architects. Accordingly, the Director General Planning granted an additional 10% increase in the floor space ratio (FSR) and building height (in accordance with Clause 22B of the Parramatta City Centre LEP 2007 which was in force at the time of the competition) to the winning submission on the basis of achieving "design excellence". The resulting FSR and height bonus further increases the maximum floor space ratio and height permissible from the planning proposal.</p>
<b>DA/67/2015</b>	<b>Development Application</b> <p>Development consent was granted by the Sydney West Joint Regional Planning Panel on 12 August 2015 for demolition and construction of a 41 storey mixed use development on the subject site.</p>
<b>DA/67/2015/B</b>	<b>Section 96(1A) Modification Application</b> <p>Development consent was granted under delegated authority on 24 May 2017 to modify development consent DA/67/2015 reduce the basement size, reconfigure the internal floor plan on Level 1, modify layouts on Levels 15-33, relocate the gas regulator on ground floor and undertake minor amendments to RL levels.</p>

## 5. The proposal

The proposed development seeks to modify development consent DA/67/2015 for demolition and construction of a 41 storey mixed use development approved by the Sydney West Region Joint Regional Planning Panel on 12 August 2015. The modifications include:

- Construction of two additional storeys comprising eight (8) additional residential dwellings (4 x 2 bedroom apartments and 4 x 3 bedroom apartments); and
- Provision of additional storage areas within basement levels 1, 3 and 4 for additional proposed apartments.

The proposal results in a total of 43 storeys with a maximum building height of 137.6m. The modification will result in an increase of the total number of apartments from 216 to 224 apartments and an additional gross floor area of 726m<sup>2</sup>.

No changes are proposed to other aspects of the development including the approved number of parking spaces, landscaping, communal open space area, and materials and finishes as part of this modified proposal.

Amended plans were received which increased the balcony size of Unit 03 on the proposed additional levels to comply with the minimum area required under the Apartment Design Guide. The plans also provided storage areas within the basement level for use of the proposed apartments to comply with the storage requirements of the Apartment Design Guide.

The amended plans are the subject of this assessment.

## 6. Referrals

The following internal and external referrals were undertaken:

**Table 1: Section 79C(1)(a) considerations**

Design Excellence Jury	Supported. The jury does not have any issues regarding the addition of the two extra floors as the additional height does improve the proportions of the top part of the building in relation to the overall building modules and height.  The lift overrun looks to be a different height on the south and west elevations and should be checked.  <u>Planning Comment:</u> The lift overrun is the same height on all elevations based on the RLs shown on the plans.
Development Engineer	No objections – no conditions required.
Sydney Water	No objections – no additional conditions required in addition to those recommended for the original application.

## 7. Environmental Planning and Assessment Act

The sections of this Act which require consideration are addressed below:

### 5.1 Section 5A: Significant effect on threatened species, populations or ecological communities, or their habitats

This section requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

No tree removal is proposed as part of this modification application.

## 5.2 Section 96: Matters for consideration

Modifications are sought under Section 96(2) of the Environmental Planning and Assessment Act. The matters for consideration are outlined below:

**Has the consent lapsed?** No (21 August 2020).

### Substantially the same development

The proposed development to be modified is substantially the same development as the original development consent which relates to a mixed use development. The modifications do not alter the approved use and the built form remains substantially the same, other than the increase in height.

### Section 96(2) – Other modifications

The proposed modifications involve the construction of two additional storeys comprising eight residential dwellings. The proposal will result in an increase in Gross Floor Area and building height but complies with the height and FSR allowable for this site. The proposed modifications are compliant with the provisions of SEPP 65, the Apartment Design Guide, the development standards outlined in the Parramatta Local Environmental Plan 2011, and are generally compliant with the development controls within the Parramatta Development Control Plan 2011.

The proposed modifications will have minimal additional impacts on the streetscape, traffic or visual and acoustic amenity of the adjoining property owners. The impacts of the development including overshadowing are discussed further in this report. The development remains substantially the same and as such, the proposed modifications can be assessed under Section 96(2) of the Environmental Planning and Assessment Act 1979.

## 5.3 Section 79C: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

**Table 2: Section 79C(1)(a) considerations**

<b>Provision</b>	<b>Comment</b>
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 8.
Section 79C(1)(a)(ii) - Draft environmental planning instruments	Refer to section 9.
Section 79C(1)(a)(iii) – Development control plans	Refer to section 10.
Section 79C(1)(a)(iiia) - Planning agreement	Refer to section 11.
Section 79C(1)(a)(iv) - The Regulations	Refer to section 12.
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 13.

Section 79C(1)(c) - Site suitability	Refer to section 14.
Section 79C(1)(d) – Submissions	Refer to section 15.
Section 79C(1)(e) - The public interest	Refer to section 16.

## **8. Environmental planning instruments**

### **8.1 Overview**

The instruments applicable to this application comprise:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

### **8.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The application is accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, the condition will be amended to reflect both BASIX certificates and to ensure such commitments are fulfilled during the construction of the development.

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

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

In considering this matter it is noted:

- The site is not identified in Council's records as being contaminated. The site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated.
- The applicant submitted a preliminary site investigation as part of the original Development Application indicating that there was potential for contamination on the site due to oils leaking from parked motor vehicles, the importation of fill material onto the site historically,
- and from adjoining properties. It was noted that the site can be made suitable for the proposed development.
- Conditions were recommended and included within the original development consent requiring a detailed site investigation, and if necessary, a remedial action

plan, to be implemented prior to the release of a Construction Certificate for the site.

Those circumstances are sufficient to satisfy the requirements of clause 7 of this policy without the need for the preparation of a further Phase 1 preliminary investigation report.

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

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes;
- Consider cumulative impacts of development within the catchment;
- Improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- Protect and rehabilitate riparian corridors and remnant vegetation.

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

The development is consistent with the controls contained within the deemed SEPP.

#### **8.5 State Environmental Planning Policy (Infrastructure) 2007**

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

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority or Sydney Trains.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road - it is separated by Clay Cliff Creek from that road. The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Parkes Street and Hassall Street at this location is less than 40,000 vehicles.

The proposal does not change the approved access from Hassall Street. The original development was for a mixed use development containing a substantial number of residential units and an acoustic report was submitted with the original development application to address Council's DCP requirements relating to noise-sensitive developments near noise generating roads.

Consistent with clause 104 of this Policy (Traffic Generating Development) the original application was referred to Roads and Maritime Services (RMS), who did not raise any objection, nor recommend that any conditions be imposed. The modified development does not significantly increase the number of residential apartments and as such, a further referral to the RMS was not required.

#### **8.6 State Environmental Planning Policy (State and Regional Development) 2011**

As this proposal has a Capital Investment Value of more than \$20 million, Part 4 of this Policy provides that the Joint Regional Planning Panel is the consent authority for this application.

### **8.7 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)**

SEPP 65 applies to the development as the proposal is for a new building, is more than 3 storeys in height and will have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

#### ***Design Quality Principles***

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be consistent with the design principles for the reasons outlined below:

<b>Requirement</b>	<b>Council Officer Comments</b>
<b>Principle 1: Context and Neighbourhood Character</b>	The design of the modified proposal responds to the site context, particularly with regards to the desired future character of the area. The built form responds to the height and FSR controls applicable for the site. The modified proposal is appropriate given the site context as it provides an active street frontage and additional housing in close proximity to a major centre and transport interchange.
<b>Principle 2: Built Form and Scale</b>	The modified built form is appropriate for the site and is consistent with the building envelope and footprint controls prescribed by the Parramatta LEP 2011 and Parramatta DCP 2011 (including design excellence bonuses). The modified proposal is consistent with the Apartment Design Guide requirements in terms of building alignments, proportions, type and manipulation of building elements. The modified proposal has been designed with respect to neighbouring buildings to the east and west (existing and approved) and is positioned within the site to minimise impacts arising from the close proximity to neighbouring developments.
<b>Principle 3: Density</b>	The proposal results in a density appropriate for the site and its context in terms of floor space yield, number of apartments and potential number of residents. The proposed density of the development is sustainable and responds to the availability of infrastructure, public transport, community facilities and environmental quality.
<b>Principle 4: Sustainability</b>	A BASIX Certificate has been submitted with the application and the required design measures are incorporated into the design of the building. Additional BASIX requirements will be addressed at the Construction Certificate stage of the development.
<b>Principle 5: Landscape</b>	A landscape plan was submitted with the original Development Application which was satisfactory. No changes to the approved landscaping is proposed.
<b>Principle 6: Amenity</b>	The proposed modifications are satisfactory with regards to amenity and has been designed to optimise internal amenity through orientation, visual and acoustic privacy, solar access, natural ventilation, apartment layout, storage areas and service areas.
<b>Principle 7: Safety</b>	The proposal satisfactorily addresses safety and provides opportunities for passive surveillance to the street frontage and communal areas of the site through the use of balconies addressing the street frontage and glazed openings. No changes are proposed to the car park area which has been designed for secure access to ensure that the area remains accessible to only the building occupants and their visitors.
<b>Principle 8: Housing Diversity and Social</b>	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different

Requirement	Council Officer Comments
Interaction	demographics, living needs and budgets in close proximity to public transport. The modified development provides housing which suit the existing and future social mix and provide for the desired future community.
Principle 9: Aesthetics	The modified built form is appropriate with regard to the composition of building elements, textures, materials and colours which reflect the use, internal design and structure of the building. The modified building responds aesthetically to the environment and context, and appropriately contributes to the desired future character of the area.

### **Architectural Design Excellence Jury**

As the original development proposal was a result of an Architectural Design Excellence Jury Competition, the modified proposal was referred back to the jury for their review. As such, the application was not required to be referred to City of Parramatta's Design Excellence Review Panel. Refer to Section 6 of this report for comments provided by the Design Excellence Jury in relation to this proposal.

During the course of assessment the applicant submitted revised drawings with the following changes in response to concerns raised by Council officers:

- Amended plans were received which increased the balcony size of Unit 03 on the proposed additional levels to comply with the minimum area required under the Apartment Design Guide.
- Amended plans showing storage areas within the basement level for use of the proposed apartments to comply with the storage requirements of the Apartment Design Guide.

### **Apartment Design Guide**

The relevant provisions of the ADG are considered within the following assessment table:

Standard	Requirement	Proposal	Compliance
<b>Legend: NB – North Block, EB – East Block, SB – South Block, WB – West Block, TW - Tower</b>			
<b>Part 2</b>			
<b>2A to 2D, 2G to 2H:</b>	The proposal complies with Parts 2A to 2D, 2G to 2H of the ADG.		
<b>2E: Building Depth</b>	12-18m	14;17m	<b>YES</b>
<b>2F: Building Separation</b>	Nine storeys and above (over 25m): 24m between habitable rooms/balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms	No change is proposed to the existing building separation above nine storeys. Habitable rooms are setback 3m from the site boundary.	<b>NO – Refer to discussion below.</b>

Discussion

The aim of the building separation control is to provide residential amenity including visual and acoustic privacy, natural ventilation and solar access. The site is constrained by existing and approved development on adjoining sites. To the east of the site is a development consisting of 18 storey and 22 storey towers. To the west is an approved development for 20 and 22 storey towers. These developments do not provide sufficient setback to their boundaries to allow for the minimum separation distances to be met.

While the original and modified development do not meet the minimum separation distances from the site boundaries measured in accordance with the ADG, by virtue of the single tower and tall and slender built form of the original development, the additional proposed levels are located well above existing and approved development on adjoining sites. The windows and balconies of the additional dwellings located above these buildings on adjoining sites do not have close or direct views to neighbouring dwellings.

In this respect, the proposed dwellings achieve adequate building separation from adjoining dwellings to maintain visual and acoustic privacy, and allow for sufficient solar access.

**Part 3**

**3B: Orientation** No change is proposed to the approved orientation of the development.

**3C: Public Domain Interface** No change is proposed to the approved public domain interface.

**3D: Communal & Public Open Space** 25% of the site area. No change is proposed to the approved communal and public open space. **N/A.**

**3E: Deep Soil** 7% of the site. No change is proposed to the approved deep soil area. **N/A.**

**3F: Visual Privacy** Nine storeys and above (over 25m):  
12m between habitable rooms/balconies  
6m between non-habitable rooms  
No change is proposed to the existing building separation above nine storeys. Habitable rooms are setback 3m from the site boundary. **NO – Refer to discussion below.**

Discussion

While the original and modified development do not meet the minimum separation distances from the site boundaries measured in accordance with the ADG, the additional proposed levels are located well above existing and approved development on adjoining sites. The windows and balconies of the additional dwellings located above these buildings on adjoining sites do not have close or direct views to neighbouring dwellings and therefore achieve visual privacy.

**3G: Pedestrian Access and Entries** N/A. No change is proposed to the approved pedestrian access and entries.

**3H: Vehicle Access** N/A. No change is proposed to the approved vehicular access provisions.

**3J: Bicycle and car parking** N/A. No change is proposed to the approved bicycle and car parking provisions.

**Part 4**

<b>4A: Daylight / Solar Access</b>	Living rooms and private open spaces of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.	All additional units proposed comply with the minimum solar access requirements.	<b>YES.</b>
<b>4B: Natural Ventilation</b>	At least 60% of apartments are naturally ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies allows adequate natural ventilation and cannot be fully enclosed.	The additional apartment balconies cannot be fully enclosed and allow adequate natural ventilation.	<b>YES.</b>
<b>4C: Ceiling heights</b>	Overall depth of a cross-over or cross-through apartment does not exceed 18m. 2.7m ceiling height	The maximum depth proposed for an apartment is 14.1m The proposal complies.	<b>YES.</b>
<b>4D: Apartment size &amp; layout</b>	1 bedroom 50m <sup>2</sup> 2 bedroom 70m <sup>2</sup> 3 bedroom 90m <sup>2</sup>	2 x Unit 01 (2 bedroom) = 70m <sup>2</sup> 2 x Unit 02 (3 bedroom) = 91m <sup>2</sup> 2 x Unit 03 (2 bedroom) = 71m <sup>2</sup> 2x Unit 04 (3 bedroom) = 90m <sup>2</sup>	<b>YES.</b>
	Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	All additional apartments are open plan. Refer to below.	<b>N/A.</b>
	In open play layouts the maximum habitable room depth is 8m from a window.	The proposed additional apartments are open plan layouts and have a maximum habitable room depth of 8m from a window.	<b>YES.</b>

<b>4E: Private open space &amp; balconies</b>	1 bedroom 8m <sup>2</sup> 2 bedroom 10m <sup>2</sup> 3 bedroom 12m <sup>2</sup>	2 x Unit 01 (2 bedroom) = 18.3m <sup>2</sup> 2 x Unit 02 (3 bedroom) = 16.2m <sup>2</sup> 2 x Unit 03 (2 bedroom) = 10m <sup>2</sup> 2x Unit 04 (3 bedroom) = 17m <sup>2</sup>	<b>YES.</b>
	Minimum depth: 2 bedroom = 2m 3 bedroom = 2.4m	All balconies meet the minimum depth requirements with the exception of Unit 04 which has a minimum depth of 2m. A variation can be supported in this instance as the balcony area provided exceeds the minimum required area, the balcony shape contributes to the architectural design of the building, and the balcony for this unit is the same as the approved balconies below.	<b>NO – Variation sought</b>
<b>4F: Common circulation &amp; spaces</b>	The maximum number of apartments off a circulation core on a single level is eight.	The maximum level of apartments off a circulation core is four.	<b>YES.</b>
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	The building has five lifts to be shared among 224 apartments which does not comply with this requirement.	<b>NO – Variation sought.</b>
	224/40 = 5.6 lifts required. <u>Discussion</u>		
	A variation can be supported for the following reasons: <ul style="list-style-type: none"> <li>• The approved development is non-compliant with this control. The modifications do not significantly increase this non-compliance; and</li> <li>• The variation is minor.</li> </ul>		
<b>4G: Storage</b>	1 bedroom 6m <sup>3</sup> 2 bedroom 8m <sup>3</sup> 3 bedroom 10m <sup>3</sup>	2 x Unit 01 (2 bedroom) = 9.3m <sup>3</sup> 2 x Unit 02 (3 bedroom) = 10m <sup>3</sup> 2 x Unit 03 (2 bedroom) = 9m <sup>3</sup> 2x Unit 04 (3 bedroom) = 10m <sup>3</sup>	<b>YES.</b>
<b>4H: Acoustic Privacy</b>	Rooms with similar noise requirements are grouped together and wardrobes in bedrooms are co-located to act as sound buffers. The proposal complies with the objectives of Part 4H of the ADG.		
<b>4J: Noise and pollution</b>	The proposed additional apartments are located above noise generating sources and pollution sources. The proposed modification complies with the objectives of Part 4J of the ADG.		
<b>4K: Apartment mix</b>	The approved development has an apartment mix of 14.8% (1 bedroom); 79.6% (2 bedroom); and 5.5% (3 bedroom) apartments. The modifications result in an apartment mix of 14% (1 bedroom); 79% (2 bedroom); and 7% (3 bedroom) apartments. The ADG does not specify a minimum requirement for apartment mixes. The resulting apartment mix is appropriate as a variety of apartment types are provided.		

<b>4L: Ground floor apartments</b>	The approved development does not contain ground floor apartments.
<b>4M: Facades</b>	No changes are proposed to the approved building façade.
<b>4N: Roof design</b>	No changes are proposed to the approved roof design.
<b>4O: Landscape Design</b>	No changes are proposed to the approved landscape design for the development.
<b>4P: Planting on structures</b>	No changes are proposed to the approved planting provisions for the development.
<b>4Q: Universal Design</b>	The modified proposal meet the objectives of Part 4Q of the ADG.
<b>4S: Mixed Use</b>	No changes are proposed to the approved retail and commercial uses on the lower levels of the building.
<b>4T: Awnings and Signage</b>	No changes are proposed to the approved awnings and building signage.
<b>4U: Energy Efficiency</b>	Adequate solar access is provided to habitable rooms of the proposed additional apartments and rooms with similar usage are grouped together.
<b>4V: Water management and conservation</b>	No changes are proposed to the approved stormwater and drainage provisions.
<b>4W: Waste management</b>	No changes are proposed to the approved ongoing waste management provisions of the development.
<b>4X: Building maintenance</b>	The proposed development complies with the objectives of Part 4X of the ADG.

## 8.8 Parramatta Local Environmental Plan 2011

### Zoning and permissibility

The site is zoned B4 Mixed Use pursuant to the Parramatta Local Environmental Plan 2011. The approved development is defined as a mixed use development which is permissible with consent within the B4 zone. The proposed modifications do not change the use of the development as a mixed use development and is therefore permissible with consent in the zone.

### Zone objectives

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

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

- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

Noting the assessment within this report, the proposal is consistent with those objectives.

### Remaining provisions

Consideration of the remaining provision of the Plan which may be relevant to this application is addressed in the following table:

**Table 3: PLEP 2011 compliance table**

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
Clause 2.7 Demolition	No demolition is proposed as part of this modification application.	<b>N/A.</b>
Clause 4.3 – Building height	The maximum permissible building height is 143m (including a 10% height bonus for achieving design excellence). The proposed modifications result in a building height of 137.6m.	<b>YES.</b>
Clause 4.4 FSR	The maximum permissible building height is 11.22:1 (including a 10% FSR bonus for achieving design excellence). The modified proposal result in an FSR of 10.6:1.	<b>YES.</b>
Clause 5.9 Trees	No tree removal is proposed as part of this modification application.	<b>N/A.</b>
Clause 5.10 Heritage	The site is not identified as containing a heritage item, is not located within a Heritage Conservation Area and is not located within the proximity of heritage items.	<b>N/A.</b>
Clause 6.1 Acid sulphate soils	An Acid Sulfate Soils Management Plan was submitted with the original development application and appropriate conditions of consent relating to acid sulfate soils management were included within the development consent. No changes to these conditions are proposed.	<b>N/A.</b>
Clause 6.2 Earthworks	No earthworks are proposed as part of this development.	<b>N/A.</b>
Clause 6.3 Flood Planning	Flood planning was considered during the assessment of the original development proposal and appropriate conditions of consent were included within the development consent. No changes to these conditions are proposed.	<b>N/A.</b>
Clause 7.3 Car parking	No changes are proposed to the approved car parking provisions as part of this modification application.	<b>N/A.</b>
Clause 7.4 Sun access plane	The proposal is not subject to a sun access plane as defined in the Parramatta DCP 2011.	<b>N/A.</b>
Clause 7.10 Design excellence	The original development proposal was subject of an Architectural Design Excellence Competition and was awarded design excellence. The modified proposal has been reviewed by the design excellence jury and meets the objectives of Clause 7.10.	<b>YES.</b>

## **9. Draft Environmental planning instruments**

There are no draft environmental planning instruments applicable to the site.

## 10. Development control plan

### 10.1 Parramatta Development Control Plan 2011

The purpose of this DCP is to supplement the Parramatta LEP 2011 and provide more detailed provisions to guide development. The following parts of the DCP are relevant to this proposal:

- Part 2 - Site planning;
- Part 3 - Development principles; and
- Part 4 - Special precincts (Parramatta City Centre).

Compliance tables are provided below:

Table 4: DCP 2011 – Part 2, Site Planning – Compliance table

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
2.4.1 Views and vistas	<ul style="list-style-type: none"> <li>• Views of significant topography, key landmark buildings or sites of historical significance are not impacted;</li> <li>• The building reinforces the landform of the city and strengthens areas of the highly visible city core;</li> <li>• Issue of view sharing with adjacent sites does not arise; and</li> <li>• Views to and from the public domain are protected.</li> </ul>	<b>YES.</b>
2.4.2 Water management	<ul style="list-style-type: none"> <li>• The site is flood affected to the rear. Appropriate conditions of consent were included within the original development consent. No changes are proposed to these conditions; and</li> <li>• Stormwater and water quality, both during and post construction will be suitably managed</li> </ul>	<b>YES.</b>
2.4.3 Soil management	<ul style="list-style-type: none"> <li>• Sedimentation controls during construction have been addressed by conditions within the original development consent;</li> <li>• An Acid Sulfate Soils Management Plan was submitted with the original development application and conditions relating to acid sulfate soils management were included within the original development consent; and</li> <li>• A condition was included within the original development consent requiring protection measures to mitigate soil salinity impacts of the development.</li> </ul>	<b>YES.</b>
2.4.4 Land contamination	No issues arise - refer to section 6.3.	<b>YES.</b>
2.4.5 Air quality	<ul style="list-style-type: none"> <li>• Appropriate conditions were included within the original development consent to ensure that the potential for increased air quality pollution is minimised.</li> </ul>	<b>YES.</b>
2.4.6 Sloping land	Not applicable.	<b>N/A.</b>
2.4.7 Biodiversity	<ul style="list-style-type: none"> <li>• The site is not identified on any of the relevant LEP maps;</li> <li>• Threatened species is addressed at section 5.1</li> </ul>	<b>YES.</b>
2.4.8 Public domain	No change is proposed to the approved interface between the development and the public domain.	<b>N/A.</b>

Table 5: DCP 2011 – Part 3, Development principles – compliance table

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
3.1 Preliminary building envelope	<ul style="list-style-type: none"> <li>• The LEP height control is satisfied; and</li> <li>• The development does not provide the required height transition (refer to discussion below).</li> </ul>	<b>NO – Variation sought.</b>
	<u>Discussion</u>	

	<p>The height and density of the original development proposal was considered as part of the planning proposal process. A transition would not add benefit given the difference between the height of the proposed building and that of development on adjoining sites (15-20 storeys).</p> <p>Applying this control would provide a perfunctory change in building form without providing any amenity benefit and potentially impacting the design quality of the building.</p>	
3.2 Building elements	The proposed built form, massing and presentation are satisfactory.	<b>YES.</b>
3.3 Environmental amenity	<ul style="list-style-type: none"> <li>No change is proposed to the approved landscaping provisions.</li> </ul>	<b>N/A.</b>
3.3.2 Private Open Space	<ul style="list-style-type: none"> <li>The private open space provisions of the modified development complies with the ADG requirements.</li> </ul>	<b>NO – but satisfactory.</b>
3.3.2 Communal Open Space	<ul style="list-style-type: none"> <li>The communal open space provisions of the modified development complies with the ADG requirements.</li> </ul>	<b>NO – but satisfactory.</b>
3.3.5 Solar Access	<ul style="list-style-type: none"> <li>The proposed additional dwellings receive a minimum of 2 hours of solar access to habitable rooms as required under the ADG however do not achieve a minimum of 3 hours required under the DCP; and</li> <li>The modified proposal will overshadow some dwellings on adjoining sites which does not comply with the DCP control. Refer to discussion below.</li> </ul>	<p><b>NO – but satisfactory.</b></p> <p><b>Refer to discussion below.</b></p>
	<p><u>Discussion</u></p> <p>The design principles above are principles that relate to all development in Parramatta. The subject site is significantly different from the average site in the Parramatta LGA. To the east, the site adjoins a development consisting of two towers, one 18 storeys high, the other 22 storeys high. The site to the west has benefit of a consent for a 20 and a 22 storey tower. The developments on those sites are arranged in such a manner that one tower is located on the northern half of the site, the other on the southern half of the site.</p> <p>The adjoining buildings provide no effective separation to the subject site. The separation provided is insufficient to off-set the potential shadow impact of proposals on the subject site.</p> <p>In this context, achieving the solar access level sought under DCP 2011 is not possible. The more appropriate control to apply is that contained in the Apartment Design Guide for developments in high density locations, which seeks 2 hours of solar access for 70% of units. The proposal achieves 2 hours of solar access to 71.8% of units which complies with the ADG control.</p> <p>In terms of the impact on surrounding development, the proposal will have a shadow impact on units in the southern towers (existing and approved) on the adjoining eastern and western properties. The proposal will also have a shadow impact on units located on the southern side of Parkes Street.</p> <p>This shadow impact is substantial, however the proposal has a tall and slender form. As such, the shadow cast by the modified proposal moves relatively quickly across the facades of the impacted buildings and in the context of a</p>	

	<p>building of this density, limits its impact in a satisfactory manner.</p> <p>The additional two storeys proposed do not significantly increase the existing overshadowing impacts and the proposal itself does not shadow any individual building for more than 3 hours on June 21.</p>	
3.4 Social amenity	<ul style="list-style-type: none"> <li>No change is proposed to the approved disabled access arrangements.</li> <li>Safety and security was satisfactorily addressed subject to conditions included within the original development consent.</li> </ul>	<b>YES.</b>
3.5 Heritage	Heritage considerations, including Aboriginal and European archaeology, were addressed as part of the original development proposal.	<b>YES.</b>
3.6 Movement and circulation	<ul style="list-style-type: none"> <li>No change is proposed to the approved car parking and vehicular access provisions.</li> </ul>	<b>N/A.</b>
3.7 Residential subdivision	Not applicable.	<b>N/A.</b>

**Table 6: DCP 2011 – Part 4.3.3 Special Precincts (Parramatta City Centre) compliance table**

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
4.3.3.1 Building form	<ul style="list-style-type: none"> <li>The site achieves the minimum street frontage of 20m;</li> <li>No change is proposed to the approved street frontage and upper level setbacks which do not comply with the DCP control (Refer to discussion below);</li> <li>Building exterior is satisfactory; and</li> <li>No sun access planes apply to this site.</li> </ul>	<b>NO – Refer to below.</b>
	<p><u>Discussion</u></p> <p>The DCP identifies a 4 storey/14m street wall with a 6m upper level setback. The approved upper levels are setback 25m from the street which does not comply with the DCP control. The proposed modifications maintain this setback. This design was created during the design competition phase due to the constraints imposed on the site by existing and approved development on adjoining sites. The modified proposal is acceptable in this context.</p>	
4.3.3.2 Mixed use buildings	<ul style="list-style-type: none"> <li>No change is proposed to the approved ground level retail or commercial uses; and</li> <li>No changes are proposed to the approved residential or commercial entries.</li> </ul>	<b>N/A.</b>
4.3.3.3 Public domain and pedestrian amenity	<ul style="list-style-type: none"> <li>No changes are proposed to the street frontages of the building.</li> </ul>	<b>N/A.</b>
4.3.3.4 View and view corridors	<ul style="list-style-type: none"> <li>Nominated view corridors are not impacted</li> </ul>	<b>YES.</b>
4.3.3.5 Access and parking	<ul style="list-style-type: none"> <li>No change is proposed to the approved access and parking arrangements.</li> </ul>	<b>N/A.</b>
4.3.3.6 Environmental management	<ul style="list-style-type: none"> <li>No change is proposed to the approved landscape provisions; and</li> <li>No change is proposed to the approved extent of the basement carpark.</li> </ul>	<b>N/A.</b>

## **11. Planning Agreements**

The proposal is not subject of a planning agreement.

## 12. The Regulations

The original development consent includes conditions to ensure the following provisions of the Regulation will be satisfied:

- Clause 98 - Building works are to satisfy the Building Code of Australia.

No changes to these conditions are proposed. A condition requiring a new Construction Certificate to be obtained for the additional works has been recommended.

## 13. The likely impacts of the development

### 13.1 Context and setting

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

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

#### Response

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

- The design and location of the building will not preclude surrounding land from being
- developed in accordance with planning controls;
- The proposal will not generate noise or diminish views that would be detrimental to adjacent and surrounding sites; and
- While the proposal will result in overshadowing to surrounding development, as a result of the tall and slender form of the building, any shadows cast by the additional storeys will move quickly across building facades.

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

#### Response

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

- The scale, form and presentation of the building is consistent with planning controls, and the design and site planning is acceptable as independently assessed by Council's Design Excellence Jury; and
- The built form does not result in any significant adverse impacts for adjacent sites.

### 13.2 Built Form

#### Height transition

The proposal does not comply with the DCP controls for height transitions between buildings within the Parramatta City Centre. The height and density of the original

development proposal was considered as part of the planning proposal process and a variation to this control was supported on the basis that a transition would not add any amenity benefit as the difference between the height of the proposed building and that of development on adjoining sites is 15-20 storeys.

The proposed modification does not provide a height transition. A variation can also be supported in this instance for the reasons above.

### Overshadowing

The proposal does not comply with the DCP requirements for solar access. The building locations adjoining sites provide insufficient separation to off-set the potential shadow impact of the subject proposal.

The modified proposal complies with the solar access requirements of the ADG and is a more appropriate control in this context.

The proposal will have a shadow impact on units in the southern towers (existing and approved) on the adjoining eastern and western properties. The proposal will also have a shadow impact on units located on the southern side of Parkes Street.

This shadow impact is substantial, however by virtue of the tall and slender built form, shadows cast by the modified proposal move quickly across the facades of the impacted buildings, limiting the impact in an acceptable manner. The additional two storeys do not significantly increase the overshadowing impact of the approved 41 storey development. The solar access impacts are therefore satisfactory on merit.

## **14. Site suitability**

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

- It is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- The site attributes are conducive noting natural constraints/hazards; ecological and heritage impacts are able to be properly managed.

## **15. Submissions**

The application was notified and advertised in accordance with Appendix 5 of DCP 2011 for a 21 day period between 16 March and 6 April 2017. No submissions have been received.

## **16. Public interest**

Subject to resolution of the issues of concern as addressed by the recommendation of this report, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

## **17. Parramatta City Centre S94A development contributions plan**

As the cost of works for the development exceeds \$250,000 a Section 94A development contribution 3.0% is required to be paid. The cost of works estimate submitted with the

application did not detail any exemptions. Accordingly, the Section 94A contributions will be calculated on the value of \$2,000,000.

The relevant condition of consent pertaining to the payment of Section 94 contributions will be amended to include the additional contributions payable prior to the issue of an amended Construction Certificate.

### **Summary and 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. The proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, the application is recommended suitable for approval subject to the imposition of appropriate conditions.

### **RECOMMENDATION**

**That** the Sydney West Central Planning Panel as the consent authority grant consent to Development Application No. DA/67/2015/A for modification to Development Consent DA/67/2015 to the increase in building height by two (2) storeys resulting in eight (8) additional residential apartments at No. 11 Hassall Street, Parramatta, being Lot 1 in DP 951181 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1.

**DRAFT CONDITIONS OF CONSENT**

Upon the signature of the applicable delegate the conditions in this Appendix will form the conditions of development consent.

**Development Consent No.:** DA/67/2015/A  
**Property Address:** Lot 1 DP 951181

**General Matters**

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

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
<b><i>Project Summary job number 328.1 drawing DA01 revision E</i></b>	<b><i>PTI Architecture</i></b>	<b><i>24 February 2017</i></b>
Demolition/Construction Management Plan job number 328.1 drawing DA02 issue A	PTI Architecture	31 January 2015
Basement 5 job number 328.1 drawing 04 revision C	PTI Architects	23 February 2017
<b><i>Basements 3 &amp; 4 job number 328.1 drawing 05 revision E</i></b>	<b><i>PTI Architects</i></b>	<b><i>30 May 2017</i></b>
<b><i>Basement 2 job number 328.1 drawing 06 revision D</i></b>	<b><i>PTI Architects</i></b>	<b><i>30 May 2017</i></b>
<b><i>Basement 1 job number 328.1 drawing 07 revision G</i></b>	<b><i>PTI Architects</i></b>	<b><i>30 May 2017</i></b>
Ground Floor job number 328.1 drawing 08 revision E	PTI Architects	23 February 2017
Mezzanine job number 328.1 drawing 09 revision D	PTI Architects	23 February 2017
Level 1 Podium job number 328.1 drawing 10 revision D	PTI Architects	23 February 2017
Levels 2 to 14 job number 328.1 drawing 11 revision D	PTI Architects	23 February 2017
Levels 15 to 33 job number 328.1 drawing 12 revision D	PTI Architects	23 February 2017
<b><i>Levels 34 to 39 job number 328.1 drawing 13 revision E</i></b>	<b><i>PTI Architects</i></b>	<b><i>30 May 2017</i></b>

<b>Levels 40 and 41, job number P328.1, drawing 13.1, revision B</b>	<b>PTI Architects</b>	<b>21 June 2016</b>
Roof Terrace job number 328.1 drawing 14 revision C	PTI Architects	23 February 2017
<b>Section job number 328.1 drawing 15 revision E</b>	<b>PTI Architects</b>	<b>24 February 2017</b>
<b>North Elevation Hassall Street job number P328.1 drawing 16 revision E</b>	<b>PTI Architects</b>	<b>24 February 2017</b>
<b>East Elevation job number P328.1 drawing 17 revision D</b>	<b>PTI Architects</b>	<b>24 February 2017</b>
<b>South Elevation Parkes Street job number P328.1 drawing 18 revision D</b>	<b>PTI Architects</b>	<b>24 February 2017</b>
<b>West Elevation job number P328.1 drawing 19 revision D</b>	<b>PTI Architects</b>	<b>24 February 2017</b>
Post Adaptable Unit Plan – 1 & 2 Bed project number P328.1 drawing number 25 revision B and 26 Revision A	PTI Architects	26 May 2015 and 31 January 2015
BASIX Commitments – Sheet 1 project number P328.1 drawing number 27 Issue A	PTI International	January 2015
BASIX Commitments – Sheet 2 project number P328.1 drawing number 28 Issue A	PTI International	January 2015
<b>Unit Area Schedule, Job number 328.1, Drawing No. 29, Revision D</b>	<b>PTI Architects</b>	<b>24 February 2017</b>
Detail Sections – Sheet 1 project number P328.1 drawing number 33 Issue C	PTI International	10 August 2015
Detail Sections – Sheet 2 project number P328.1 drawing number 34 Issue B	PTI International	26 May 2015
Screen Framing Concepts Details project number P328.1 drawing number 35 Issue A	PTI International	26 May 2015
Landscape Plan (Level 1 – Podium) drawing number 2015.0102DA1-1 issue A	TGS Landscape Architects	28 January 2015
Landscape Plan (Roof Terrace Basement Level) drawing number 2015.0102DA1-2 issue A	TGS Landscape Architects	28 January 2015

Stormwater Drainage Design as per CC conditions		
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<b>Document(s)</b>	<b>Prepared By</b>	<b>Dated</b>
Waste Management Plan	Unstated	Undated
Preliminary Geotechnical Investigation report E22386	Environmental Investigations	12 February 2015
Energy Efficiency Evaluation Revision2	Partners Energy	12 February 2015
Crime Prevention Through Environmental Design Assessment	JBA Planning	February 2015
Preliminary Site Investigation Report E22386	Environmental Investigations	29 January 2015
Architectural Design Statement	PTI Architects	13 February 2015
Statement of Heritage Impact	Archnex designs	January 2015
Traffic and Parking Assessment ref 14754	Varga Traffic Planning	13 February 2015
Arts Plan	Milne & Stonehouse	February 2015
Acoustic Assessment	Acoustic Dynamics	10 February 2015
Baseline Historical Archaeological Assessment	Archaeological & Heritage Management Solutions	February 2015
Solar Light Reflectivity Analysis ref WC310-01F03 (REV 0) – SR Report	Windtech	6 February 2015
Pedestrian Wind Environment Study ref WC310-01F02(REV2) – WE Report	Windtech	6 February 2015
Access Report job IAC-261	Iaccess consultants	31 January 2015
BASIX Certificate 603157M	Partners Energy Management	28 January 2015
<b><i>BASIX Certificate 801600M_03</i></b>	<b><i>Partners Energy Management</i></b>	<b><i>6 March 2017</i></b>
Flood Impact Report	Mott MacDonald	June 2014
Acid Sulfate Soil Management Plan E22386	Environmental Investigations	2 April 2015

**Note:** In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal

plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

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

**(As amended by DA/67/2015/A).**

2. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

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

**Reason:** To prevent pollution of waterways.

3. Prior to the commencement of excavation works on the site, the applicant is to either:
  - (a) Obtain a controlled activity approval from the NSW Office of Water with respect to works interfering with groundwater on the site or;
  - (b) Obtain written confirmation from the NSW Office of Water that a Controlled Activity Approval is not required.

**Reason:** To ensure compliance with the Water Management Act 2000.

4. 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.

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

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

6. 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.

7. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-

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

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

- (a) 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.
- (b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (c) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (d) 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
- (e) 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.
- (f) 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.
- (g) 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".
  - (h) Demolition is to be completed within 5 days of commencement.
  - (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;
    - (i) Proposed protection of pedestrians adjacent to the site;
    - (ii) 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 Parramatta City Council 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
    - (i) 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.
    - (ii) 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.

**Prior to the issue of a Construction Certificate**

**(Note:** Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered

when preparing detailed drawings/specifications for the Construction Certificate.)

8. The Project Architect for the site is to be PTI International, the winner of the design competition of the site.

The applicant, the architect, the design consultants (such as structural and façade engineers, mechanical engineers etc.) and the competition jury are to hold consultations on the key design elements listed below, through the process of project documentation, to ensure that the competition winning design is able to be realised faithfully.

Meetings shall be held as requested by the applicant but not less than once prior to the submission of the Construction Certificate, and not less than once prior to the completion of the tender documentation. The meetings are to discuss key design elements and shall be held in good faith to advise on the design. The fees for such meetings shall be paid by the applicant at industry rates determined in consultation with Council.

The key design elements of this project are:

- (1) Metal screen;
- (1) Balconies;
- (2) ground floor entrance area including the café and entry lobby;
- (3) lift lobbies; and
- (4) landscaping on the podium.

The Principal Certifying Authority is to ensure that at least one meeting prior to the issue of the Construction Certificate has been held prior to the release of the Construction Certificate.

**Reason:** To ensure the design integrity of the proposal.

9. Details are to be provided to the Principal Certifying Authority prior to the release of the Construction Certificate demonstrating that all units on the southern side of the building will have access to adequate air conditioning so as to not necessitate the opening of windows during noise sensitive periods.

**Reason:** To ensure the amenity of future residents.

- 9A. A new Construction Certificate is to be obtained for the two additional storeys of the approved building.**

**Reason: To ensure that a Construction Certificate is obtained for the proposed works.**

**(As amended by DA/67/2015/A).**

10. 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 a Construction Certificate.

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

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

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

12. Prior to the issue of any Construction Certificate for the site, a detailed site investigation in accordance with SEPP 55 is to be completed. If this investigation identifies that a remedial action plan is necessary, this is to be also submitted to the Principal Certifying Authority prior to the release of any Construction Certificate for the site.

If a remedial action plan is required, a site validation certificate is to be obtained prior to the release of any Occupation Certificate for the site.

All documentation mentioned in this condition are to be provided to Council and to the satisfaction of the Principal Certifying Authority.

**Reason:** To ensure compliance with SEPP 55.

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

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

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

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

14. 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.

15. 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.
  - (a) 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
    - (i) The rate of inflow for the one hour, 5 year ARI storm event.
  - (b) 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.
  - (c) Submission of full hydraulic details and pump manufacturers specifications.
  - (d) 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.

16. All cleaning and washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

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

17. The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to flooding.

A Flood Evacuation & Management Plan must also be prepared by a suitably qualified professional.

The design and certification of the building and the Flood Evacuation & Management Plan must be prepared and submitted with the application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure the structure can withstand flooding events.

18. The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority.

**Reason:** To ensure the flood warning system is installed.

19. A CDS model 0506 interceptor water quality treatment device or approved equivalent must be installed to manage stormwater quality to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed device and 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.

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

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to the issue of a Construction Certificate.

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

21. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

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

22. A minimum of 12 accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

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

**Reason:** To ensure visitor carparking is accessible.

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

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

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

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

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

26. Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements – Parramatta City Council Code E-3". The engineering details are to form part of the Construction Certificate documentation.

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

27. Foundations adjacent to the existing stormwater channel (Clay Cliff Creek), must be constructed in accordance with Sydney Water requirements. Details must accompany an application for a Construction Certificate.

**Reason:** To ensure structural stability of the stormwater channel.

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

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

29. Prior to release of the Construction Certificate, the applicant is to submit detailed working drawings for Council approval and complying with Council's requirements, specifications, levels and alignment for the construction of new kerb and guttering, drainage inlets and pits, streetscape treatment and footway reserves for the full Hassall Street and Parkes Street frontages of the site.

**Reason:** To ensure renewal of existing infrastructure.

30. The basement is to be constructed and maintained so as to prevent the ingress of seepage and subsurface water. Details shall be submitted for the Certifier's approval prior to the release of the Construction Certificate.

**Reason:** To protect the basement from seepage.

31. Development shall be generally in accordance with amended drawings 07 Basement 1 E and 08 Ground Floor D received 10 August 2015 (attached). The design shall include the following requirements and details are to be submitted for approval by the Certifier at Construction Certificate Stage:

- a) The basement level landscaped area between the Clay Cliff Creek channel and the southern wall of the car park structure shall be clear of any built obstructions to the flood flow.
- a) The wall adjacent to the staircase is deleted. This stair is to have an open balustrade.
- b) There shall be no boundary walls and the security fence is to be an open metal fence such that water can easily pass through
- c) There shall be no furniture or fixtures on this level
- d) The eastern footbridge is to be removed.
- e) The exit door from the fire escape from Ground level that comes out at this level is to be alarmed so that it can only be used for emergency egress from the building.
- f) Details of measures to ensure the use of this area is discouraged by design and must only be accessed in case of fire.
- g) The trees provided are to be robust such that they do not require maintenance.
- h) The finished ground levels of this area shall be as low as possible, providing a 1% surface fall to the Clay Cliff Creek concrete channel.

**Reason:** To ensure the development is appropriately designed to off-set flood impacts.

32. The stormwater design shall be amended as follows and details shall be submitted as part of the overall stormwater design for approval of the Certifier prior to release of the Construction Certificate:

- a) Roof water shall be collected through series of grated outlet points and drained through the building to rainwater tanks.

- a) All balconies are to have a smart-trap waste point provided to capture wind driven rain. This is to be drained through separate downpipe system. This is typical for all northern and southern elevations.
- b) For vertical walls, wind driven rain is to be collected by the roof extension on L34 or the roof extensions on L2 and the majority of all flows will be directed towards the grated drainage elements on Level 1 Podium. A trimming strip drain shall be provided if necessary to the building footprint on Level 1 and on the roof elements on Level 34 and Level 2 to receive the flows collected by the wall elements.

**Reason:** To ensure appropriate stormwater management.

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

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

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

**Reason:** To comply with the Home Building Act 1989.

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

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

35. 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 and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.

36. An acid-sulphate soils management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) must be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This 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;
  - (a) Management and disposal of the excavated material;
  - (b) Measures taken to neutralise the acidity; and
  - (c) Run-off control measures.
  - (d) The recommendations of the strategy must be completed prior to the commencement of building works.

**Reason:** To protect the development from the harmful effects of acid-sulphate soils.

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

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

38. 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.

39. A monetary contribution comprising **\$1,577,339.95** is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta City Centre Civic Improvement Plan (Amendment No. 3). Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the

Australian Statistician. Parramatta City Centre Civic Improvement Plan (Amendment No. 3) can be viewed on Council's website at:  
[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)

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

- 39A. A monetary contribution comprising \$60,000 is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta City Centre Civic Improvement Plan (Amendment No. 3). Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. Parramatta City Centre Civic Improvement Plan (Amendment No. 3) can be viewed on Council's website at: [http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)**

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

**(As amended by DA/67/2015/A).**

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

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

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

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

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

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

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

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

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

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

The Construction Noise Management Plan must include:

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

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

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

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

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

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

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

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (a) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA 67/2015;
- (b) 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:

<b>Bond Type</b>	<b>Amount</b>
<b>Hoarding</b>	\$10,400
<b>Nature Strip and Roadway</b>	\$20,000

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

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

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

- 46. The development must incorporate 21 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

- 47. Individual air conditioning units for units within this development are not to be clustered. This is to be confirmed on the Construction Certificate Plans by the Principal Certifying Authority.

**Reason:** To protect internal amenity.

- 48. Prior to the release of a Construction Certificate, an artist/s is to be engaged to develop site specific artwork/s consistent with the proposed themes and treatment areas outlined in the Arts Plan (referenced in Condition 1).

On completion of the artwork design stage, all additional documentation is to be submitted to Council. This is to include:

- (a) Details of the realisation of the arts plan through final design concepts;
- (a) A site plan identifying where the art works will be implemented on site; and

- (b) Construction and project management documentation.

These details are to be submitted to Council prior to implementation of the art work.

**Reason:** To ensure that the art works are appropriately developed.

49. Prior to the issue of the first Construction Certificate for work to which this consent relates, the applicant will enter into a Voluntary Planning Agreement with Council in terms of the offer (as signed and executed on 12 June 2015) made by the applicant in connection with the Planning Proposal.

**Reason:** To ensure compliance with the agreed VPA.

50. Prior to the issue of the first Construction Certificate for the site the developer must register the Voluntary Planning Agreement on the relevant folios Torrens Title Register held by the NSW Office of Land and Property Information pertaining to this land.

**Reason:** To ensure appropriate recording of the VPA.

51. Prior to the issue of the first Construction Certificate, the applicant is required to provide to Council a Bank Guarantee or Bank Guarantees in the amount of \$305,000.00 indexed in accordance with CPI from the date of execution of the VPA to the date of the Bank Guarantee.

**Reason:** To ensure the VPA is complied with.

52. Prior to the issue of the first Construction Certificate, the applicant must have paid the monetary contribution of \$200,000.00 as stipulated within the Voluntary Planning Agreement. **Note:** This is in addition to S94A contributions.

**Reason:** To comply with the terms of the VPA.

53. A minimum floor to ceiling height of 2.7m is to be provided for all residential floors of the development. Details are to be submitted to the Principal Certifying Authority at Construction Certificate stage to demonstrate this.

**Reason:** To ensure adequate natural ventilation.

54. Planting adjacent to Clay Cliff Creek at the rear of the site is to consist of locally indigenous species and is to be designed so as to be low maintenance.

**Reason:** Environmental protection and flood safety.

55. Prior to the issuing of the Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs of the

development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document -Western Sydney Salinity Code of Practice 2003.

**Reason:** To ensure appropriate safeguards against salinity.

56. The recommendations of the report WC310-01F03 (REV0) – SR Report titled Solar Light Reflectivity Analysis dated 6 February 2015 are to be incorporated in the Construction Certificate plans to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.

**Reason:** To ensure the recommendations provided are implemented in the final design.

57. The recommendations of the report WC310-01F02 (REV 2)– WE Report titled Pedestrian Wind Environment Study dated 6 February 2015 are to be incorporated in the Construction Certificate plans to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.

**Reason:** To ensure the recommendations provided are implemented in the final design.

58. Prior to the release of the Construction Certificate by the Principal Certifying Authority, an alignment plan and public domain plan is to be approved in writing by Council's Civil Assets division.

**Reason:** To ensure that an appropriate alignment plan is approved.

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

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

60. 109 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-1993. Details are to be illustrated on plans submitted with the construction certificate.

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

61. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

62. 4 motor cycle spaces are to be provided on the site in accordance with Clause 3.6.2 of DCP 2011. These are to be shown on the plans submitted to the Principal Certifying Authority at Construction Certificate stage.

**Reason:** To ensure provision of motorcycle parking.

63. Swept turning paths and a driveway long section profile are to be submitted demonstrating to the satisfaction of the Principal Certifying Authority that vehicles will not scrape at the lower end of the access ramps, and that vehicles can enter and exit the site in a forwards direction from all car parking spaces.

**Reason:** To ensure car parking is appropriately designed.

64. The columns adjacent to the area marked “bulky goods storage” on the northern side are to be reoriented, and the column north east of the loading bay is to be deleted to improve the manoeuvring for service vehicles.

**Reason:** To ensure adequate maneuvering.

### **Prior to Work Commencing**

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

**Reason:** To ensure adequate toilet facilities are provided.

66. Prior to the release of the Construction Certificate, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

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

- (vii) 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.
  - (viii) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (a) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

- (b) 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,
  - (i) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (c) Where applicable, the plan must address the following:
- (i) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - (i) 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.
  - (ii) Minimising construction related traffic movements during school peak periods,

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

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that

maintains the environmental amenity and ensures the ongoing safety and protection of people.

67. 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.

68. 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.

69. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.

- (a) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (b) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (c) The impact on groundwater levels in relation to the basement structure.
- (d) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

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

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

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

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

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (i) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (ii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (iv) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (v) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870 - 1996.

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

70. 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.

71. 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
- (a) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (b) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (c) the site is to be maintained clear of weeds; and
- (d) 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.

72. 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

(a) 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.

73. 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.

(a) Storage of building materials and building waste containers (skips) on Council's property.

(b) 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.

(c) 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.

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

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

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

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

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

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

75. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
  - (a) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

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

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

76. 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.

77. 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;
  - (a) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
  - (b) The name, address and telephone number of the Principal Certifying Authority;
  - (c) 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.

78. 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;
  - (a) Below; or
  - (b) 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.

79. Prior to the commencement of work, the a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary **within the development site**. This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.
- Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

### **During Work**

80. 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.
81. 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.
82. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 ‘Off Street Car Parking Facilities’ prior to an Occupation Certificate being issued.
- Reason:** To ensure appropriate car parking.
83. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council’s “Guidelines for Public Domain Works”. Certification is required to be provided with the Occupation Certificate.
- Reason:** To ensure Council’s assets are appropriately constructed.
84. Flood warning signs, clearly audible warning alarms and a flood safety and evacuation plan shall be maintained in operation throughout the construction phase of the work. All site personnel shall be made aware of the flood prone nature of this site, potentially hazardous conditions and short warning times of flood events, as part of the mandatory Worksafe health and safety requirements.
- Reason:** To ensure worksite safety.
85. A Waste Data file is to be maintained, recording building/demolition contractor’s 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.
86. 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.
87. 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.
88. 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.

89. 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.

90. 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;
  - (a) The means by which the complaint was made;
  - (b) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
  - (c) Nature of the complaints;
  - (d) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
  - (e) 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.

91. 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.

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

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

93. In the event that any archaeological remains are identified during works, works are to stop on site until authorisation is obtained from the NSW Heritage Office.

**Reason:** To protect archaeological heritage.

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

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

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

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

#### **Prior to the issue of an Occupation Certificate/Subdivision Certificate**

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

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

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

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

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (a) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (b) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table

- (c) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (d) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (e) Approved verses installed Drainage Design (OSD) Calculation Sheet. The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

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

98. Prior to the issue of the Occupation Certificate, the applicant must create an easement to drain water and a restriction on the title of the subject property.

The restriction is to be over the 100 year ARI flood zone between the southern wall of the new building at basement level and the existing easement adjacent to Clay Cliff Creek, preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

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

**Reason:** To protect the environment.

99. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the approved stormwater management and pollution control 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 to Occupation or use of on-site.

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

100. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing

Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.

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

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

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

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

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

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

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

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

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

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

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

**Reason:** Pedestrian and Vehicle safety.

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

**Reason:** To provide satisfactory drainage.

105. Flood warning signs (graphic and English only) are to be provided at all egress points from the building or basement to the rear section of the building adjacent to Parkes Street. An additional flood warning sign is to be located in a position so that it is visible to people crossing the footbridge over Clay Cliff Creek. The signs are to be installed on site prior to the release of any Occupation Certificate by the Principal Certifying Authority.

**Reason:** To ensure users of that part of the site have adequate knowledge with respect to the flood risk.

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

(a) Acoustic Report No. 356R001.CG.150210, dated 10/2/2015 prepared by Acoustic Dynamics Pty. Ltd.

**Reason:** To ensure internal acoustic amenity.

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

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

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

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

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

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

110. 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. 603157M and **801600M\_03**, will be complied with prior to occupation

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

**(As amended by DA/67/2015/A).**

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

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

112. 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

(a) 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.

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

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

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

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

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

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

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

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

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

116. The artworks are to be completed in full in accordance with documentation submitted throughout the development process and are to be installed to

the satisfaction of Council prior to the release of any Occupation Certificate for the site.

**Reason:** To ensure delivery of the arts plan on site.

117. Prior to the issue of the Occupation Certificate, the Council Strata Lot and Car Space (Unit 204 and Basement Car Space B5-19) to be dedicated to Council for the purpose of affordable housing is to be completed and fitted out with the agreed appliances, and security in the form of the transfer documents (refer to Clause 10.2(a) of the VPA) is to be provided to Council.

**Reason:** To comply with the VPA.

118. The Council Strata Lot (Unit 204 and Basement Car Space B5-19) be transferred to Council within 15 business days after:

(i) The issue of an Occupation Certificate for any part of the Development; or

(i) The registration of a Strata Plan for any part of the development, Whichever occurs later, the Developers must transfer the Strata Lots to Council in accordance with the terms outlined in the VPA.

**Reason:** To ensure compliance with the VPA.

119. All units are to be provided with the following designated storage areas:

1 Bedroom – 6m<sup>3</sup>

2 Bedroom – 8m<sup>3</sup>

3 Bedroom – 10m<sup>3</sup>

These are to be clearly identified for the Principal Certifying Authority prior to the release of any Occupation Certificate.

**Reason:** To ensure provision of appropriate storage.

120. Certification is to be received from a suitably qualified consultant confirming that the recommendations of the report WC310-01F03 (REV0) – SR Report titled Solar Light Reflectivity Analysis dated 6 February 2015 have been incorporated into the built development prior to the release of any Occupation Certificate by the Principal Certifying Authority.

**Reason:** To ensure the recommendations provided are implemented in the final design.

121. Certification is to be provided from a suitably qualified consultant that the recommendations of the report WC310-01F02 (REV 2)– WE Report titled Pedestrian Wind Environment Study dated 6 February 2015 have been implemented in the final design to the Principal Certifying Authority prior to the release of any Occupation Certificate.

**Reason:** To ensure the recommendations provided are implemented in the final design.

122. Construction of a full-width footpath (i.e between the front boundary of the property and the kerb) in accordance with Council's CBD Public Domain Guide and Standard Drawing DS40 on Hassall Street. Details of the proposed footpath works shall be submitted to and approved by Council prior to commencement of footpath works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to

release of any Occupation Certificate. All costs are to be borne by the applicant.

**Reason:** To provide pedestrian passage and satisfy the requirements of Council's CBD Public Domain Guide

123. 1 car share space, operated by a car share operating company, is to be dedicated prior to the issue of any Occupation Certificate for the site. Evidence to be provided to the Principal Certifying Authority is to include a contract between the car share operator and the developer guaranteeing future use of that space for use by the car share provider.

**Reason:** To ensure provision of sustainable transport options.

124. Prior to the issue of the Occupation Certificate and to the satisfaction of the Principal Certifying Authority, a convex mirror is to be installed on each basement level within the ramp access (with one near the entry driveway and one at the bottom of the ramp) with its height and location adjusted to allow an exiting driver a full view of the driveway.

**Reason:** To ensure the safety of drivers.

### **The Use of the Site**

125. The property owner/body corporate is to ensure the flood warning system is in good working order, through regular testing and maintenance.

**Reason:** To ensure the integrity of the flood warning system.

126. The use of the premises not giving rise to:

(a) transmission of unacceptable vibration to any place of different occupancy,

(a) 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.

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

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

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

(c) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and

(d) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

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

128. 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.

129. 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.

130. 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.

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

**Reason:** To ensure the removal of graffiti.

132. Service vehicles delivering to the site to be limited to a small rigid vehicle.

**Reason:** To ensure that the loading bay is used for its intended purpose.

133. The motorised vehicular access gate to be provided at the driveway entry/exit point from Hassall Street is to be operated via remote control. If an intercom or security gate is to be installed, it is to be provided at the centre of the driveway to the car park in accordance with Clause 3.3(b) of AS2890.1-2004.

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

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**Date:** 23 June 2017

**Responsible Officer:** Sohini Sen