



## Report to Sydney West Central Planning Panel

<b>SWCCP reference</b>	2017SWC061
<b>DA No.</b>	DA/241/2013/A
<b>Date of receipt</b>	4 May 2017. Amended plans 15 September 2017.
<b>Proposal</b>	Section 96(2) Modification to the approved mixed use development.
<b>Street address</b>	113-117A Wigram Street and 23-29 Hassall Street, Harris Park.
<b>Property Description</b>	Lot 1 and Lot 2, OP 218476, Lot land Lot 2 OP 502551, Lot Y and Lot X OP 403345, Lot B OP 393819 and Lot 1 OP 126871.
<b>Applicant</b>	Hassall View Pty Ltd.
<b>Owner</b>	Mr B J Green, Mr F J B Curran and Mr D J Weston.
<b>Submissions</b>	One (1) submission.
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979;</li><li>• Environmental Planning and Assessment Regulation 2000;</li><li>• State Environmental Planning Policy No. 55;</li><li>• State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development);</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005;</li><li>• State Environmental Planning Policy (Infrastructure) 2007;</li><li>• State Environmental Planning Policy (Building Sustainability Index: BASIX);</li><li>• State Environmental Planning Policy (State and Regional Development) 2011;</li><li>• Parramatta Local Environmental Plan 2011; and</li><li>• Parramatta Development Control Plan 2011.</li></ul>
<b>Recommendation</b>	Approval
<b>Council Officer</b>	Ashleigh Matta

### Summary of s79C matters

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

### Legislative clauses requiring consent authority satisfaction

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

### Clause 4.6 Exceptions to development standards

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

### Special Infrastructure Contributions

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

### Conditions

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

## 1. Executive summary

This report considers a Section 96(2) Modification to the approved demolition, tree removal and construction of a 20 storey mixed use development containing 140 apartments and 7 commercial units over basement car parking. Modifications include internal and external modifications.

The subject site has an area of 2,753.6m<sup>2</sup> and is located at the south-eastern corner of the intersection of Hassall and Wigram Streets.

The site contains the following heritage items of local significance:

- Attached houses at 113-115 Wigram Street; and
- Semi-detached cottages at 23 and 25 Hassall Street.

These items are to be retained and restored as part of the original approved development. The application was reviewed by Council's Heritage Advisor and is satisfactory, with a similar heritage impact, as the previously approved development.

The proposed development is permissible under the B4 Mixed Use zoning applying to the land under Parramatta Local Environmental Plan 2011.

The proposal is assessed against the Apartment Design Guide, Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011 and is satisfactory.

The application does not comply with the Apartment Size & Layout control of the Apartment Design Guide, falling short of the minimum internal area required. The non-compliance is satisfactory as the original application was approved under the Residential Flat Design Code and the proposed modifications are minor and does not warrant refusal. Further justification is provided within the **Attachment A** of this report.

The application does not comply with the separation control of the Apartment Design Guide as a result of the proposed modification to increase the balcony sizes to Units 101 & 108. The variation is not supported and a condition is recommended in the consent requiring the width of the planter box to be increased to ensure a setback of 6m to the balcony. A discussion on separation is provided within the **Attachment A** of this report.

The application was advertised and notified to adjoining residents in accordance with DCP 2011. In response, one (1) confidential submission was received. The submission raises concern over impacts to the heritage items. These issues have been considered in the **Attachment A**, and do not warrant refusal of the proposed development.

This report recommends that the Panel:

- Approve the application, subject to the recommended condition; and
- Advise objectors of the SWCPP's recommendation.

## 2. Key issues

- a. Variation to the apartment internal areas control (Apartment Design Guide); and
- b. Variation to the separation control as a result of the proposed modification to increase the balcony sizes to Units 101 & 108 (Apartment Design Guide).

## 3. Site description, location and context

The site is known as 113-117A Wigram Street and 23-29 Hassall Street (Lot 1 and Lot 2, OP 218476, Lot land Lot 2 OP 502551, Lot Y and Lot X OP 403345, Lot B OP 393819 and Lot 1 OP 126871).

The site is located on the south-eastern corner of the Hassall Street and Wigram Street intersection within the Parramatta CBD.

The site has an area of 2,753.6m<sup>2</sup>, a frontage of 48.135m to Wigram Street and 40.265m to Hassall Street.

Development consent was granted for demolition of existing structures, retention of heritage items, tree removal and construction of a 20 storey mixed use development containing 140 apartments and 7 commercial units over basement car parking.

The site contains the following heritage items of local significance under Parramatta Local Environmental Plan 2011:

- Attached houses at 113-115 Wigram Street; and
- Semi-detached cottages at 23 and 25 Hassall Street.

Development surrounding the site is mixed in use. Adjoining the site to the south at 111 Wigram Street is a 9 storey mixed use building and adjoining the site to the east at 31-37 Hassall Street is a 9 storey mixed use building.

The approved basement car parking levels are under construction.

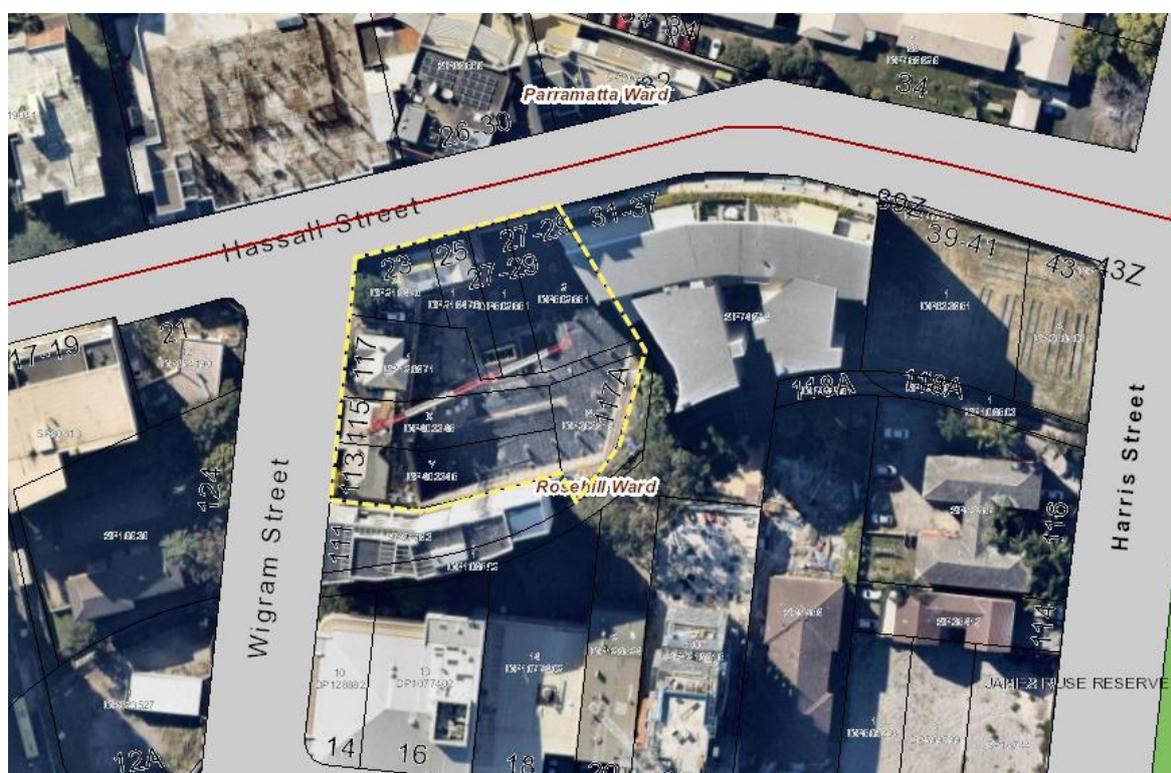


Figure 1: Aerial photo (Source Nearmap)

#### 4. Background

<p><b>LA/187/2014 Architectural Design Competition</b></p>	<p>An Architectural Design Excellence Jury Competition was held on 11 October 2012. The Jury selected two entries proceeding to a second round competition. On 18 December 2012, the jury agreed that design excellence has been achieved by one of the designs by Architex. Accordingly, the Director General of the Department of 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. The resulting FSR and height bonus further increases the maximum floor space ratio and height permissible on the site.</p>
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<b>DA/241/2013 Development Consent</b>	On 9 January 2015, development consent was granted by the Sydney West JRPP to carry out restoration works to the existing heritage cottages on the site for use as commercial offices, demolition works to all non-heritage listed structures and construct a 20 storey mixed use development containing 140 residential apartments and 7 commercial units over 4 levels of basement car parking.
<b>SWCPP Briefing</b>	The application was considered at the SWCPP Briefing Meeting on 6 September 2017. At that meeting the panel raised issues regarding the proposed additional height and additional parking spaces.
<b>Amended proposal</b>	The proposal was modified and amended plans were submitted on 15 September 2017. Amendments included deletion of the additional height and additional parking. The height and number of parking spaces is as per the approved development.

## 5. The proposal

Approval is sought to modify development consent DA/241/2013 for demolition, tree removal and construction of a 20 storey mixed use development containing 140 apartments and 7 commercial units over basement car parking approved by the Sydney West Region Joint Regional Planning Panel on 9 January 2015.

The proposed modifications include:

- Deleting Condition 8 requiring security doors to apartment lift lobbies;
- Internal changes to basement levels 1-4;
- Relocation of bike racks from basement levels 1, 2, 3 and 4 to a bike room on basement level 1;
- Provision of additional balconies and increased balcony sizes to Units 101, 108, 206, 306, 406, 506, 604 and 704;
- Reduction in balcony planter box sizes on Levels 2, 4, 6 and 12;
- Modification of Condition 98 requiring the landscape works to be inspected by a qualified landscape architect to allow for the landscape works to be inspected by RFA Landscape Architects in accordance with the approved landscaped plans;
- Deletion of Condition 99 requiring compliance with approved landscape plans to avoid repetition of Condition 98;
- Minor changes to the floor plates from ground floor to level 20;
- Modification of the deep soil zone;
- Increased gross floor area by 18m<sup>2</sup>; and
- Relocation of the substation.

The following modifications no longer form part of this application:

- Modification of Condition 11A requiring 2.7m floor to ceiling heights without increasing building height to be modified to allow a 3.35m increase in building height; and
- Additional eight (8) car parking spaces within the basement levels.

The report is based on the amended plan.

## 6. Public notification

The application was notified and advertised in accordance with Appendix 5 of DCP 2011 for a 21day period between **17 May 2017 to 7 June 2017**. One (1) submission was received. The issues raised in the submission are addressed in **Attachment A**.

## 7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions

No

## 8. Environmental Planning and Assessment Act 1979

Does Section 5A (Significant effect on threatened species) apply ?	No
Does Section 77A (Designated Development) apply ?	No
Does Section 91 (Integrated Development) apply ?	No
Does Section 96 (Modifications of Consent) Apply?	Yes
Are submission requirements within the Regulations satisfied?	Yes

## 9. 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 and consider the recommendations in the Apartment Design Guide. A detailed assessment is provided at **Attachment A**.

## 10. Parramatta Local Environmental Plan 2011

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

Control	Comment or non-compliances
Zones	<ul style="list-style-type: none"><li>B4 Mixed Use</li></ul>
Definition	<ul style="list-style-type: none"><li>Mixed use development</li><li>Residential flat building</li><li>Commercial Premises</li></ul>
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"><li>Permissible in the zone</li><li>Consistent with zone objectives</li></ul>
Part 4 Principal development standards	<ul style="list-style-type: none"><li>Building height – No changes proposed</li><li>Floor Space Ratio Clause 4.4 restricts the floor space ratio on the site to a maximum 4:1. The proposed development was the winning entry in a design excellence competition and was awarded 10% bonus on the floor space ratio control. The maximum permissible floor space ratio is 4.4:1. The application proposes an increase in gross floor area by 18m<sup>2</sup>, increasing the floor area from 10,965.9m<sup>2</sup> to 10,983.9m<sup>2</sup>. The proposal has a floor space ratio of 3.99:1, complying with the maximum floor space permitted on the site.</li></ul>
Part 5 Miscellaneous provisions	<ul style="list-style-type: none"><li>All relevant provisions satisfied</li></ul>
Part 6 Additional local provisions	<ul style="list-style-type: none"><li>All relevant provisions satisfied</li></ul>

## 11. Parramatta Development Control Plan 2011

The Parramatta DCP 2011 table and detailed evaluation is provided at **Attachment A**.

## 12. Response to SWCPP briefing minutes

The matters raised by the Panel at its Briefing meeting on 6 September 2017, are addressed below:

- *Heritage and development issues raised in submission.*
- *Minor additional floor space, but compliant with standard.*
- *Additional car parking in CBD not acceptable.*  
Planner's Comment: The proposal as modified no longer seeks additional car parking.
- *Breaching height limit not acceptable and increased floor to ceiling heights should be contained within approved height limit.*  
Planner's Comment: The proposal as modified no longer seeks additional height.
- *Other minor changes acceptable.*

## RECOMMENDATION

- A. **That** the Sydney West Central Planning Panel as the consent authority grant consent to Development Application No. DA/241/2013/A subject to the conditions in **Attachment B**.
- B. **That** objectors are advised of the Sydney West Central Planning Panel's decision.



## ATTACHMENT A- PLANNING ASSESSMENT

<b>SWCCP reference</b>	<b>2017SWC061</b>
<b>DA No.</b>	DA/241/2013/A

### 1. Environmental Planning and Assessment Act 1979

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

#### 1.1 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 (9 January 2020).

#### **Substantially the same development**

The proposed development to be modified is substantially the same development as the original development consent for a mixed use development. The modifications do not alter the approved use, unit mix or height and the built form remains substantially the same.

#### **Section 96(2) – Other modifications**

The proposed modifications involve internal modifications. The proposal will result in a minor increase in Gross Floor Area (18m<sup>2</sup>) however complies with the FSR allowable for this site. The proposed modifications do not alter the unit mix, height or building footprint. The proposed modifications are generally compliant with the provisions of SEPP 65, the Apartment Design Guide, the development standards outlined in the Parramatta Local Environmental Plan 2011 and 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 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.

#### 1.2 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:

Provision	Comment
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 2.
Section 79C(1)(a)(ii) - Draft environmental planning instruments	Not Applicable.
Section 79C(1)(a)(iii) – Development control plans	Refer to section 3.

Section 79C(1)(a)(iiia) - Planning agreement	Refer to section 4.
Section 79C(1)(a)(iv) - The Regulations	Refer to section 5.
Section 79C(1)(a)(v) - Coastal zone management plan	Not Applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 6.
Section 79C(1)(c) - Site suitability	Refer to section 7.
Section 79C(1)(d) – Submissions	Refer to section 8.
Section 79C(1)(e) - The public interest	Refer to section 9.

## 2. Environmental planning instruments

Compliance with these instruments is addressed below.

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

Clause 7 of this Policy requires 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.

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

The following is a checklist for the evaluation:

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

Planning Comment: 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.

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

Planning Comment: The site is not identified in Council's records as having an activity approved that is listed in Table 1.

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

Table 1: Some Activities that may cause contamination

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

Planning Comment: The current zoning for the site is B4 Mixed Use under Parramatta Local Environmental Plan 2011.

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

Planning Comment: Council records and a site inspection reveal that the land is not currently used for a purpose identified at Table 1 above.

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

Planning Comment: No.

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

Planning Comment: No.

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

Planning Comment: A number of site inspections were undertaken during the course of assessment from 2013 and no activities in Table 1 were identified.

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

Planning Comment: No. The adjoining sites are currently being used for commercial and residential development.

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

Planning Comment: The site is not identified as being contaminated and the above is sufficient to satisfy the requirements of Clause 7 without the need for the preparation of a further Phase 1 preliminary investigation report.

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

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

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

### Design Quality Principles

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

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

## SEPP 65 design principles

Requirement	Council Officer Comments
<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.
<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.
<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 are 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.
<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.
<b>Principle 8: Housing Diversity and Social Interaction</b>	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different demographics, living needs and budgets in close proximity to public transport.
<b>Principle 9: Aesthetics</b>	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.

### Apartment Design Guide

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

It is noted that the original application was assessed under the Residential Flat Design Code, which was applicable at the time.

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

### Apartment Design Guide

Element	Comment	Complies
Building separation	The proposal includes an additional balcony to Units 101, 108, 206, 306, 406, 506 & 604.  The balcony associated with Units 101 and 108 is enlarged by reducing the width of the planter box. The proposed modification is unsatisfactory in terms of	NO

privacy as the balcony has a setback of 4.5m to the southern boundary and the Apartment Design Guide requires a setback of 6m for this level.

The proposal to modify the balconies associated with Units 101 & 108 is not supported and it is recommended that the plans be modified in red and a condition recommended in the consent increasing the width of the planter box to ensure a setback of 6m to the balcony.

The balcony associated with Units 206, 306, 406, 506, 604 and 704 is enlarged by 1m and the setback is modified to minimum 9.5m.

The proposal is satisfactory in terms of privacy as it complies with the minimum setback and separation requirements of the Apartment Design Guide.

Visual privacy	The setbacks, arrangement of units within the podium and the tower elements ensures a satisfactory level of privacy between apartments and areas of private open space.	Yes
Solar access and daylight	No changes are proposed to the development that would reduce the solar access to the units.	Yes
Common circulation	Design complies with criteria of maximum 8 units off a circulation core	Yes
Apartment size and layout	The application proposes minor modification to the apartment internal areas and the area is either increased or decreased between 1-9m <sup>2</sup> . The apartments do not meet the minimum internal areas.  However, the proposal is acceptable in this regard given the lack of living room area is compensated by the above average area of the balconies and considering the original proposal had acceptable internal areas.  The original application was approved under the Residential Flat Design Code. The subject apartments would be acceptable if the scheme is measured against the Residential Flat Design Code.	NO
Ceiling heights	Minimum of 2.7m for habitable rooms is achieved	Yes
Private open space and balconies	Balconies meet design criteria	Yes
Natural ventilation	No changes are proposed to the development that would reduce the natural ventilation.	Yes
Storage	Required supply of storage for each unit is achieved	Yes

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

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

### 2.4 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.

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

The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Wigram Street and Hassall Street at this location is less than 40,000 vehicles.

## **2.5 Parramatta Local Environmental Plan 2011**

### **Zoning and permissibility**

The site is zoned B4 Mixed Use. The proposed uses meet the definitions of '*mixed use development*' and are permissible with consent in that zone.

### **Zone objectives**

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

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

The proposal is consistent with the objectives.



Figure 1: Extract from LEP zone map

### Remaining provisions

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

#### PLEP 2011 compliance table

Clause	Comment	Complies
Clause 4.3 Building height	No change is proposed to the height of the proposed development.	Yes
Clause 4.4 Floor space ratio	<p>Clause 4.4 restricts the floor space ratio on the site to a maximum 4:1. The proposed development was the winning entry in a design excellence competition and was awarded 10% bonus on the floor space ratio control. The maximum permissible floor space ratio is 4.4:1.</p> <p>The proposal was approved with a floor space ratio of 3.98:1 (comprising 10,965.9m<sup>2</sup> of floor area).</p> <p>The application proposes an increase in floor area by 18m<sup>2</sup>, increasing the floor area from 10,965.9m<sup>2</sup> to 10,983.9m<sup>2</sup>.</p> <p>The proposal has a floor space ratio of 3.99:1, complying with the maximum floor space permitted on the site.</p>	Yes
Clause 4.6 Exceptions to standard	NA	NA
Clause 5.9		

Preservation of trees	NA	NA
Clause 5.10 Heritage	<p>The site contains the following heritage items of local significance:</p> <ul style="list-style-type: none"> <li>Attached houses at 113-115 Wigram Street; and</li> <li>Semi-detached cottages at 23 and 25 Hassall Street.</li> </ul> <p>These items are to be retained and restored as part of the original approved development.</p> <p>The current application does not propose any modifications to the heritage items. The application was referred to Council's Heritage Advisor who raises no objection to the proposed changes.</p>	Yes
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.	Yes
Clause 6.2 Earthworks	<ul style="list-style-type: none"> <li>Consideration of potential impacts upon drainage patterns has been considered by Council's Development Engineer, who is satisfied the works can be managed without adverse impact.</li> <li>Site works will not prejudice the future development of any adjoining land, or the amenity of that land.</li> <li>Issues relating to soil quality are addressed via considerations of SEPP 55</li> <li>No circumstances identified to indicate potential for disturbing relics.</li> </ul>	Yes
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.	N/A

### 3. Draft Environmental planning instruments

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

### 4. 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:

Provision	Comment	Complies
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>	Yes.

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 in 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>	Yes.
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 in the original development consent; and</li> <li>A condition is in the original development consent requiring protection measures to mitigate soil salinity impacts of the development.</li> </ul>	Yes.
2.4.4	Land contamination	<ul style="list-style-type: none"> <li>No issues arise - refer to section 2.1.</li> </ul>	Yes.
2.4.5	Air quality	<ul style="list-style-type: none"> <li>Appropriate conditions were included within the original development consent ensuring that the potential for increased air quality pollution is minimised.</li> </ul>	Yes.
2.4.6	Sloping land	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	N/A.
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>	Yes.
2.4.8	Public domain	<ul style="list-style-type: none"> <li>No change is proposed to the approved interface between the development and the public domain.</li> </ul>	N/A.

Provision	Comment	Complies
3.1 Preliminary building envelope	<ul style="list-style-type: none"> <li>No changes proposed to the height.</li> </ul>	Yes.
3.2 Building elements	<ul style="list-style-type: none"> <li>The proposed built form, massing and presentation are satisfactory.</li> </ul>	Yes.
3.3 Environmental amenity	<ul style="list-style-type: none"> <li>No change is proposed to the approved landscaping provisions.</li> </ul>	N/A.
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>	Yes.
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>	Yes.

3.3.5 Solar Access	<ul style="list-style-type: none"> <li>No change is proposed to the solar access provided to the units.</li> </ul>	N/A.
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>	N/A.
3.5 Heritage	<ul style="list-style-type: none"> <li>Heritage considerations, including Aboriginal and European archaeology, were addressed as part of the original development proposal.</li> </ul>	Yes.
3.6 Movement and circulation	<ul style="list-style-type: none"> <li>Proposed modifications to the Basement Levels 1-4 are satisfactory. No change is proposed to the approved number of car parking spaces.</li> </ul>	Yes.
3.7 Residential subdivision	<ul style="list-style-type: none"> <li>Not applicable.</li> </ul>	N/A.

Provision	Comment	Complies
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> </ul>	Yes.
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>	N/A.
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>	N/A.
4.3.3.4 View and view corridors	<ul style="list-style-type: none"> <li>Nominated view corridors are not impacted</li> </ul>	N/A.
4.3.3.5 Access and parking	<ul style="list-style-type: none"> <li>Proposed modifications to the Basement Levels 1-4 are satisfactory. No change is proposed to the approved number of car parking spaces.</li> </ul>	Yes.
4.3.3.6 Environmental management	<ul style="list-style-type: none"> <li>Minor changes proposed. Satisfactory.</li> </ul>	Yes.

## 5. Planning agreements

N/A.

## 6. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

**Table 7: Relevant EPA Regulations**

Clause 50(1)(a)	The nominated documentation is provided being: <ul style="list-style-type: none"><li>○ A design verification statement;</li><li>○ An explanation of the design in terms of the principles in SEPP 65</li><li>○ Relevant drawings and montages</li></ul>
Clause 92	Any demolition work will be undertaken in accordance with AS 2601 - 1991: The Demolition of Structures
Clause 98	All building work will be carried out in accordance with the provisions of the Building Code of Australia.

## 7. Likely impacts

An assessment against the proposed modifications and the likely impacts are provided below:

○ **Deleting Condition 8 requiring security doors to apartment lift lobbies.**

Modification is sought to delete condition 8 and the applicant has provided the following comment:

*"The proposal seeks to delete this condition as it serves no reasonable planning purpose for a development of this scale and type.*

*While the conditions intent is to discourage anti-social behavior, it needs to be recognized that the ground floor entrance to the building is secured. The only persons able to get into the building are residents or their visitors, with both residents and their visitors only able to get to their specific levels not to other levels within the building.*

*In this respect, visitors to the building will only be able to get through the main front entry door when they are allowed up-stairs (buzzed up) by a resident who is actually inside the unit.*

*The security system into the main entry door of the building is through a swipe card electronic system and both the lobby area at ground floor and each level above will be under 24 hour CCTV. The buildings main ground floor lift lobby is to be well lit and visible from the street. No dense plantings are proposed at the entry door to allow hiding places for unwanted persons.*

*Further, there are no recesses in the lobbies for uninvited guests to hide.*

*Provision of security doors in the lobbies may cause a safety issue for residents in the event of a fire emergency and also reduce time taken to get emergency personal to a unit within the building should an emergency occur (ambulance and fire brigade).*

*Whilst this design approach may be appropriate in smaller walk-up residential flat buildings, it is not considered suitable for a high rise development of this type.*

*We believe the approved security design system addresses CPTED.*

The likely impacts have been considered and the proposal to delete condition 8 is supported as it meets the CPTD requirements.

- **Internal changes to basement levels 1-4; and**
- **Relocation of bike racks from basement levels 1, 2, 3 and 4 to a bike room on basement level 1.**

Changes include increasing the size and shape of the basement, relocation of storage, bike racks and columns. Council's Traffic Engineer reviewed the application and has raised no objection to the proposal subject to standard conditions.

The likely impacts have been considered and the proposal to modify Basement levels 1-4 is supported.

- **Provision of additional balconies and increased balcony sizes to Units 101, 108, 206, 306, 406, 506, 604 and 704.**

The balcony associated with Units 101 and 108 are enlarged by reducing the width of the planter box. The proposed modification is unsatisfactory in terms of privacy as the balcony has a setback of 4.5m to the southern boundary and the Apartment Design Guide requires a setback of 6m for this level.

It is noted that the adjoining development to the south is built close to the shared boundary.

The likely impacts have been considered and the proposal to modify the balconies associated with units 101 and 108 is not supported. It is recommended that the plans be modified in red and a condition recommended in the consent increasing the width of the planter box to ensure a setback of 6m to the balcony.

The balcony associated with Units 206, 306, 406, 506, 604 and 704 is enlarged by 1m and the setback is modified to minimum 9.5m.

The proposal is satisfactory in terms of privacy as it complies with the minimum setback and separation requirements of the Apartment Design Guide.

The likely impacts have been considered and the proposal to modify the balconies associated with units 206, 306, 406, 506, 604 and 704 is supported.

- **Reduction in balcony planter box sizes on Levels 2, 4, 6 and 12.**

The proposal is satisfactory given no privacy impacts as a result of the modifications. Satisfactory setbacks provided to the southern and northern boundaries.

The likely impacts have been considered and the proposal to reduce the balcony planter boxes on Levels 2, 4, 6 and 12 is supported.

- **Modification of Condition 98 requiring the landscape works to be inspected by a qualified landscape architect to allow for the landscape works to be inspected by RFA Landscape Architects in accordance with the approved landscaped plans.**

Council's Landscape Officer has reviewed the application and supports the proposal subject to 'by RFA Landscape Architects' being replaced with 'Landscape Architect/Designer'.

The likely impacts have been considered and the proposal to modify condition 98 is supported.

- **Deletion of Condition 99 requiring compliance with approved landscape plans to avoid repetition of Condition 98.**

Council's Landscape Officer reviewed the application and supports the proposal to delete condition 99 is supported.

- **Minor changes to the floor plates from ground floor to level 20.**

The proposal to modify the floor plates is supported.

- **Modification of the deep soil zone behind heritage cottages by providing 600mm over basement level 1.**

The proposal maintains compliance with the ADG deep soil requirements.

The likely impacts have been considered and the proposal is supported.

- **Increased floor area by 18m<sup>2</sup>.**

The proposal maintains compliance with Clause 4.4 Floor Space Ratio of Parramatta Local Environmental Plan 2011 with a FSR of 3.99:1.

The likely impacts have been considered and the proposal to increase the GFA by 18m<sup>2</sup> is supported.

- **Relocation of the substation.**

No concerns are raised over the proposed relocation of the substation from the eastern boundary to the western boundary (Wigram Street frontage).

The likely impacts have been considered and the proposal to relocate the substation is supported.

## 8. Site suitability

The site is suitable for this development.

## 9. Public interest

The application was notified and advertised in accordance with Appendix 5 of DCP 2011 for a 21day period between **17 May 2017 to 7 June 2017**. One (1) submission has been received.

### Heritage

*Concern is raised by the object over the heritage significance of the site and that the items should be preserved and remain intact.*

The application proposes modifications to the approved development and does not include any changes to the heritage items. The heritage items are to be retained and restored as part of the original approved development.

Council's Heritage Advisor has reviewed the application and has advised that the current proposal will have a similar degree of impact on heritage values, as the previously approved proposal.

Council's Heritage Advisor raises no further objection to this proposal from a heritage perspective.

## 10. Referrals

The following internal referrals were undertaken:

Landscape	No objections – conditions provided.
Development Engineer	No objections.
Traffic	No objections – conditions provided.
Urban Design (Public domain)	No objections – conditions provided.
Heritage	No objections.



**ATTACHMENT B - CONDITIONS OF CONSENT**

**SWCCP reference** 2016SYW149  
**DA No.** DA/241/2013/A

**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:

<b>Drawing N<sup>o</sup></b>	<b>Dated</b>
<b>Cover Sheet</b> Job No. 2026 - Drawing No. DA00 – Issue C	21/09/2017
<b>Basement Level 04 Plan</b> Job No. 2026 - Drawing No. DA200– Issue C	14/09/2017
<b>Basement Level 03 Plan</b> Job No. 2026 - Drawing No. DA201– Issue C	14/09/2017
<b>Basement Level 02 Plan</b> Job No. 2026 - Drawing No. DA202 – Issue C	14/09/2017
<b>Basement Level 01 Plan</b> Job No. 2026 - Drawing No. DA203 – Issue D	14/09/2017
<b>Ground Floor Level</b> Job No. 2026 - Drawing No. DA300 – Issue C	22/08/2017
<b>Level 1</b> Job No. 2026 - Drawing No. DA301 – Issue B	28/6/2017
<b>Level 2</b> Job No. 2026 - Drawing No. DA302 – Issue B	28/6/2017
<b>Level 3</b> Job No. 2026 - Drawing No. DA303 – Issue C	14/09/2017
<b>Level 4</b> Job No. 2026 - Drawing No. DA304 – Issue C	14/09/2017
<b>Level 5</b> Job No. 2026 - Drawing No. DA305 – Issue B	14/09/2017
<b>Level 6</b> Job No. 2026 - Drawing No. DA306 – Issue C	14/09/2017
<b>Typical Tower Levels 7 to 11</b> Job No. 2026 - Drawing No. DA307 – Issue D	14/09/2017
<b>Tower Level 12</b> Job No. 2026 - Drawing No. DA308 – Issue C	14/09/2017
<b>Typical Tower Levels 13-16</b> Job No. 2026 - Drawing No. DA309 – Issue D	14/09/2017
<b>Typical Tower Levels 17-19</b> Job No. 2026 - Drawing No. DA310 – Issue C	14/09/2017
<b>Roof Services Level 20</b> Job No. 2026 - Drawing No. DA311 – Issue C	14/09/2017
<b>Elevation 1 North</b> Job No. 2026 - Drawing No. DA400 – Issue D	14/09/2017
<b>Elevation 2 West</b>	14/09/2017

Drawing N <sup>o</sup>	Dated
Job No. 2026 - Drawing No. DA401 – Issue D	
<b>Elevation 3 South</b> Job No. 2026 - Drawing No. DA402 – Issue D	14/09/2017
<b>Elevation 4 East</b> Job No. 2026 - Drawing No. DA403 – Issue D	14/09/2017
<b>Section A-A</b> Job No. 2026 - Drawing No. DA404 – Issue C	14/09/2017
<b>Section B-B</b> Job No. 2026 - Drawing No. DA405 – Issue C	14/09/2017
<b>Site Details</b> Job No. 2026 - Drawing No. DA23 – Issue D	07/11/2014
<b>Typical Unit &amp; Post Adaptable Layouts</b> Job No. 2026 - Drawing No. DA25 & DA26 – Issue A	02/04/2013
<b>Schedule of Finishes</b> Option 1	Undated
<b>Landscaping Drawings</b> Project No. 3348a Drawing Nos. L-01/3 & L-02/03 & L-03/3 (Revision D) prepared by RFA Landscape Architects	22/08/2017
<b>Engineering Plans</b> Job No. 130098 – D01 – Rev A Job No. 130098 – D02 – Rev A Job No. 130098 – D03 – Rev A Job No. 130098 – D04 – Rev C Job No. 130098 – D05 – Rev A Job No. 130098 – D06 – Rev E Job No. 130098 – D07 – Rev C Job No. 130098 – D08 – Rev A Job No. 130098 – D09 – Rev A  prepared by Australian Consulting Engineers	27/03/2013 27/03/2013 27/03/2013 24/05/2013 27/03/2013 24/05/2013 25/05/2013 27/03/2013 27/03/2013

Document N <sup>o</sup>	Dated
Arborist Report – reference 8118 prepared by Redgum Horticultural	19 March 2013
Basix Certificate No. 474149M_05	3 Dec 2014
Pedestrian Wind Environment Statement Report Document No. WB586-01F03 (REV1) prepared by Windtech.	1 August 2013
Conservation Management Plan prepared by Colin Israel (Heritage Advice)	April 2013
Schedule of Works forming addendums to the Conservation Management Plan	30 September 2013
Acoustic Impact Assessment Report Document No. 20C-13-00330TRP-268103-1 – Revision 01 prepared by Vipac	2 April 2013
Acid Sulfate Soils Management Plan prepared by Geotechnique Pty Ltd	12 August 2013

**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.

**Condition 1 was modified under DA/241/2013/A.**

- The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**Reason:** To ensure no injury is caused to persons.

3. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.  
**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.
  
4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.  
**Reason:** To ensure compliance with legislative requirements.
  
5. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.  
**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
  
6. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-
  - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
  - b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
  - c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
  - d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
  - e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9806 5050. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
  - f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
  - g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
  - h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current

WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

- i) Demolition is to be completed within 5 days of commencement.
- j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- l) A Pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - (i) Proposed ingress and egress of vehicles to and from the construction site;
  - (ii) Proposed protection of pedestrians adjacent to the site;
  - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- n) Before demolition works begin, adequate toilet facilities are to be provided.
- o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- p) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
- q) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials.

**Reason:** To ensure appropriate demolition practices occur.

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

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

8. **Deleted.**

**Condition 8 was deleted under DA/241/2013/A.**

9. All roof water and surface water is to be connected to an approved drainage system.

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

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

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

**Prior to the release of a Construction Certificate:**

11. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the PCA before the issue of the Construction Certificate:

- a) 155 off-street parking spaces (including 140 residential parking spaces incorporating 16 disabled/adaptable parking spaces; 10 residential visitor parking spaces and 5 commercial parking spaces), permanently marked on the pavement and used accordingly, as shown on the submitted DA plans. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 5.8m aisle width minimum. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).

- b) 17 bicycle spaces/racks are to be provided on-site for visitor and commercial use in a Security Level B facility. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3. Details are to be illustrated on plans submitted with the construction certificate.**

- c) The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).
  - d) A combined entry and exit driveway (5.8m wide between kerbs combined entry and exit driveway and 5.5m ramp access to the 4 basement levels off the eastern end of Hassall Street) is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.
  - e) Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004. The entry driveway is to be 1:20 maximum for 6m into the property from the boundary. Details are to be illustrated on plans submitted with the construction certificate.**
  - f) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
  - g) Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.
  - h) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
  - i) Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.
  - j) Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in 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. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.
  - k) The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.
  - l) A convex mirror is to be installed within the ramp access in each of the basement levels (B1 to B4) (one near the entry driveway to the basement level and one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.
  - m) A fully mountable rolled-top kerb is to be provided around the perimeter of the proposed garbage/loading bay to assist truck manoeuvring into and out of the loading bay.
- Reason:** To ensure appropriate vehicular access and parking is provided.

**Condition 11(b) & 11(e) was modified under DA/241/2013/A.**

- 11A. Plans submitted with the Construction Certificate shall clearly indicate that all residential floors are provided with a minimum internal floor to ceiling height of 2.7m (excluding the thickness of the floor and ceiling slabs). This condition does not authorise the height of the building to be increased.
- Reason:** To ensure appropriate opportunities for access to natural light and ventilation are provided.
- 11B. (a) In order to ensure the design quality excellence of the development is retained:
- i. The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
  - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
  - iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.
- Reason:** To ensure the design quality excellence of the development is retained.

- 11C. The finishes and materials of the building as approved in Condition 1 of this consent are to be incorporated within the Construction Certificate Plans.  
**Reason:** To ensure the quality of the design finishes is maintained.
12. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.  
**Reason:** To ensure Council's approval is obtained prior to commencement of any work on council's road, nature strip and concrete footpath and reinstated to its original state upon completion of the works.
13. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.  
 Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
14. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.  
 Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
15. A monetary contribution comprising **\$936,000.00** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta City Centre Civic Improvement Plan*. Payment must be by cash, 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.  
**Reason:** To comply with Council's Section 94A Contributions Plan.
16. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

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

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/670/2013;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

**Nature strip and roadway \$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 to

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

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

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

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

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

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

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

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

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

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

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

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

Details are to be provided to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

**Reason:** To ensure the appropriate storage of waste.

21. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.
- Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
22. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities. Details are to be provided to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.
- Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
23. Prior to finalising the Construction Drawings for submission, a Geotechnical Report shall be prepared specifically for the development site, by a suitably qualified Geotechnical Engineer. The structural and foundation designs and the excavation methods proposed for the development shall be assessed in accordance with the recommendations made in the Geotechnical Report. In this regard, a Structural Certification from a suitably qualified structural engineer shall be submitted with the application for Construction Certificate, addressing that the final design drawings are prepared in accordance with the recommendations of the Geotechnical Report. A copy of the Geotechnical Report shall be submitted for approval by the Certifying Authority. The Geotechnical / Civil engineering report should address (but is not limited to) the following:
- i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
  - ii. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
  - iii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
  - iv. The existing groundwater levels in relation to the basement structure, where influenced.
  - v. The drawdown effects on adjacent properties (including road reserve), if any, 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 the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
  - vi. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as 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 at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting Geotechnical / Hydro Geological engineer with previous 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 property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

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

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

24. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. DS9 & DS10. Any existing disused crossings shall be removed and constructed with kerb and gutter. Details must accompany an application for a Construction Certificate to the satisfaction of Certifying Authority. A vehicular crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges, prior to any work commencing.

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

25. 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 Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

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

26. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of a Construction Certificate.

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

27. The following requirements (from points i to iv) shall be complied with and Certifying Authority shall ensure that prior to the issue of Construction Certificate, following conditions are fully complied and incorporated within all final design drawings prior to being issued for construction;
- i. The minimum habitable floor level for the development shall be 8.70mAHD.
  - ii. The minimum basement car park entry ramp Crest level shall be at RL7.90, Drawing No. 2026, DA 06 Issue: C.
  - iii. The proposed building and any structures will need to be designed to withstand the forces of floodwater & debris and buoyancy forces up to level of 9.44mAHD. The structures will need to be designed & certified by an experienced practicing Structural Engineer.
  - iv. All structural building components shall have flood compatible building components up to level of 9.44mAHD and a certification shall be required outlining that all six lots building components used for constructions are designed with flood compatible materials.
28. In order to make satisfactory arrangements for the operation of basement stormwater pump-out system, the system shall be designed and constructed to ensure the following are provided:
- (a) A holding tank capable of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure.
  - (b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
    - i. The permissible site discharge (PSD) rate; or
    - ii. The rate of inflow for the one hour, 5 year ARI storm event.
  - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
  - (d) A 100 mm freeboard to all parking spaces.
  - (e) Submission of full hydraulic details and pump manufacturers specifications.
  - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the Hydraulic 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.

29. The underground basement pump holding structure shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the any structural loads from the above and surrounding areas/structures, which exert load on the tank structures. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The principal certifying authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

**Reason:** To ensure that the structural stability of the underground holding tank structure.

30. A flowpath located along the eastern boundary of the site is to be provided to allow the side boundary area to be 'open' to allow for flood water flows to pass through it without obstruction. This area shall be designed and certified by a Certified Practicing Civil/Flood Engineer and submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

**Reason:** To ensure that eastern site boundary floodwater flowpath is well established within the proposed development without having increased flood levels affectation along adjoining properties.

31. A detailed Site Emergency Response Flood Plan is to be prepared and certified by a Certified Practising Civil/Flood Engineer and submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The plan is to have particular reference to this development incorporating the following:
- a) Site based Flood Warning Systems (not limited to adequate sensible warning systems, signage, exits, evacuation routes, flood preparedness plan for 'flash flood' regime etc) to be established for the residents and occupiers of the dwellings in order for being fully informed and aware of the flood information and being prepared for any impending flood event.
  - b) Effective evacuation frameworks, procedures and final plan shall be prepared as per Council Floodplain Matrix 'Evacuation' Controls which essentially do not support any reliance on SES & other government agencies aid during the site flood emergency situation and the responsible person for each of the buildings for implementation of the evacuation plan.
  - c) If "shelter in place" is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations as per Persons at Risk (PAR) at or above PMF level will be required in the building closer to the 3<sup>rd</sup> or 4<sup>th</sup> floor vicinity due to not having entire reliance on lift operation during higher flooding event scenario.

**Reason:** To ensure an effective site flood emergency response management plan in place.

32. It is essential for the development that an additional measure in terms of a flood proof gate shall be installed at the basement ramp entrance crest levels. The purpose of this flood proof gate shall be to address impact measures from flooding events reaching towards PMF event flood inundation which will potentially fill basement car park with flood water. In addition, the detail design of the flood proof gate and maintenance plan shall be designed and certified by a Practising Civil/Flood Engineer and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate. The final approved copy of the flood proof gate, detailed design and maintenance plan shall be submitted to Council for record purposes.

**Reason:** To ensure satisfactory measures in place for the basement car park from being filled with floodwater during storm events leading to Probable Maximum Event (PMF) event inundation.

33. Due to the close proximity of the existing Clay Cliff Creek and the flood affected surrounding areas, the perimeter walls of the basement shall be constructed using "Tank Construction" method, to prevent any flood waters seeping through the basement walls. In terms of the potential ground water inflows within the basement areas, and to manage any on going seepages, adequate provision shall be made for dewatering the basement floors. However, any such provision shall be based on the Geotechnical and Hydrological Assessment Report and the associated recommendations. Appropriate drainage points shall be constructed along the perimeter cut-off walls to direct seepages into a collection point for pumping out. Details of the dewatering system shall be included with the final drainage plans submitted to the Principal Certifying Authority, with the Construction Certificate application.

**Reason:** To ensure the basement is protected from any flood water seepages and adequate dewatering system is in place to manage any ongoing ground water seepages at the basement floors.

34. Prior to the issue of a Construction Certificate, longitudinal driveways sections and ramp access from to and from the Basement levels are to be prepared as per AS 2890.1 (2004) by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scales along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level and also similar sections for Ramp Access from Basement to Basement levels. The Civil/Traffic Engineer shall provide specific written certification to the Certifying Authority on the prepared longitudinal driveways sectional plans that the following five requirements are entirely complied with:

- a. Vehicular access can be obtained using grades of 20% (1 in 5) maximum and

- b. All ramp circulation and grades, including changes in grade (transitions) are to be complied with Clause 2.5 and 3.3 of Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent bottoming or scraping of the underside of vehicles.
- c. The grade of the driveway is NOT more than **5%** at the nature strip from the kerb & gutter up to the property line and that driveway surface matches the level of the outer edge of the existing footpath level crossing (intersection).
- d. The grade of the driveway is NOT more than max **5%** for at least the first **6m** from the property line into the car park. Grade Transitions with transition length of at least 2m are provided where the grade change is **12.5%** or more for the Summit grade change and **15%** or more for the Sag grade change.
- e. The access driveway for at least first **6m** from the property boundary to the car park shall have a minimum width of **5.5m** in accordance with AS 2890.1-2004.

**Note:** The driveway should slope upward from kerb & gutter to the front property line with surface level at the property line at the highest level, at least **150mm** above the top water level of the stormwater flowing down the along the adjacent kerb & gutter, before it slopes down towards the car park, to avoid the street runoff spilling into the property through the driveway.

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

35. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 “Off street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that parking spaces are in accordance with the approved development.

36. The driveway / access way within the property shall be designed and constructed to match the surface levels with that of existing concrete footpath at the property boundary and that joints are smooth, and no part of the concrete protrudes out.

**Reason:** To provide suitable vehicle access and smooth junction.

37. No construction works shall start on the stormwater system until the detailed final storm water plans have been approved by the Certifying Authority. Prior to the approval of stormwater drainage plans, the person issuing the Construction Certificate shall ensure that:

- i. The final stormwater plans are, in general, consistent stormwater plans Drawings (130098, DA 06, Rev E, 130098, DA 07, Rev C). All drawings were prepared by Australian Consulting Engineers.

**Note 1:** The Stormwater Filter as proposed inside the OSD Tank is not acceptable by Council due to the unsatisfactory joint hydraulic performance between Filter Chamber and the OSD Tank discharge. The Filter Chamber shall be located Upstream of the OSD and Rainwater Tank and in this connection, following detailed design shall be required to be submitted to Council for Approval:

**a)** The Filter Units will be designed to treat 3 month ARI flow of 10 minutes duration and flow greater that will need be bypassed to OSD tank/rainwater tank.

**b)** Sizing of the Filtration Unit in terms of Number of Filter Units and Volume of Filter Chamber in order to prevent any overflow out of the Chamber.

**Note 2:** The Council approved Stormwater Plans are **for DA approval in concept only** and shall not be used for construction purposes as the construction plan (drawing).

- ii. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust “On-Site Detention Handbook”.
- iii. The design achieves, when using the Flood detention method (3rd edition of Upper Parramatta River Catchment Trust’s (UPRCT’s), handbook), as shown on the approved stormwater plan.
- iv. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission (**Form B9**) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.
- v. A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method has been provided.

- vi. Changes and/or alterations to the approved design are not permitted. Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the landscaping require prior approval from the council.
- vii. All Grates proposed for the OSD Tanks shall be 900mmX900mm and other sized will not be accepted by Council. Adequate access is provided to the storage basin for cleaning.
- viii. At least 20% of the OSD tanks' surface area would be required to be grated at a maximum of 4m spacing generally in order for the Tanks can be readily inspected from the surface for silt and debris and the tanks are well ventilated and will not cause the accumulation of noxious odours.
- ix. OSD tank, Rainwater tank and Filter Chamber shall have clear headroom of 2.2m available for the basement car park underneath those tanks.

It is the responsibility of the Certifying Authority and/or the person issuing the Construction Certificate to ensure that the detailed plans all in accordance with the Council approved stormwater plan.

Upon completion of the construction of stormwater system the Certifying Authority shall ensure that upon completion of the construction works, the stormwater system have been inspected and certified by a Qualified Practising Engineer to the satisfaction of the principal certifying authority. A copy of the certificate shall be forwarded to council for its record.

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

38. The OSD tank, rainwater tanks and filtration chamber structures shall be designed and certified by a Certified Practising Structural Engineer, taking into account of the structural loads from the above, vehicular loading from the basement ramp and surrounding areas/structures, which exert load on the tank structures. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practising Engineer to the satisfaction of the Certifying Authority. The Certifying Authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

**Reason:** To ensure that the structural stability of the underground tank structure.

39. To avoid chemicals, grease and other pollutants from discharging from the development and causing harm to the environment, all cleaning, washing and degreasing of motor vehicles shall be carried out in an area set aside for the purpose and shall be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. The submission of documentary evidence is required from the Trade Waste Section of Sydney Water Corporation Ltd confirming that satisfactory arrangements have been made with the Corporation regarding the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

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

**Reason:** To minimise costs to Council.

41. Prior to the commencement of any works on the site 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.
- (b) Traffic Control Plan(s) for the site:
- i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
  - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (c) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.

Where applicable, the plan must address the following:

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

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

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

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

**Reason:** To protect public safety.

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

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

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

The Construction Noise Management Plan must include:

- Identification of nearby residences and other sensitive land uses
- Assessment of expected noise impacts

- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts
- Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes

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

45. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Principal Certifying Authority with the construction certificate.

**Note:** The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement).

**Reason:** To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

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

The engineer shall:

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

47. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

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

48. The applicant is required to submit all additional documentation to Council for approval; that details the design development process through final design concepts, budget, engineering specifications, materials, site plan for artworks, construction documentation and project management prior to issue of the construction certificate.

**Reason:** To ensure an appropriate Arts Plan is submitted.

49. A Public Domain Plan in accordance with the Parramatta City Council's Public Domain Guidelines is to be submitted to the satisfaction of Council before the issue of a Construction Certificate.

**Notes:**

- Drawing C01 of the Alignments Plan is to be amended. The reference to Council's Standard Drawing number DS9 for the footpath crossing on the Hassall Street frontage, should be replaced with "Council's Standard Drawing DS40 v5 Sheet 3
- The kerb ramp in Wigram Street is to be amended to lead pedestrians directly across the road in Wigram Street.

**Reason:** To improve the public domain.

50. Prior to the release of the Construction Certificate design verification is required to be submitted from a registered architect to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.  
**Note:** Qualified designer in this condition is as per the definition in SEPP 65.  
**Reason:** To comply with the requirements of SEPP 65.
51. 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.
52. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.  
**Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plan in isolation or in combination with other plant will comply with the above requirements.  
**Reason:** To comply with best practice standards for residential acoustic amenity.
53. A minimum of 16 dwellings are to be constructed in accordance with the requirements of AS 4299 so as to be adaptable and as per the stamped approved plans. These details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.  
**Reason:** To promote the design of buildings that are adaptable and flexible in design to suit the changing lifecycle housing needs of residents over time in accordance with Section 4.4.3 of PDCP 2005.
54. Access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.  
**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.
55. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the Construction Certificate plans.  
**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.
56. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:  
(a) entrance  
(b) lift or bank of lifts; and  
(c) sanitary facility  
This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

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

57. Acoustic measures are to be incorporated within the design in accordance with the recommendations outlined within Section 5 of the Acoustic Impact Assessment Report Document No. 20C-13-00330TRP-268103-1 – Revision 01 prepared by Vipac dated 2 April 2013. These measures are to be reflected within the Construction Certificate.

**Reason:** To protect the amenity of the future occupants of the site and adjoining properties.

58. Wind reduction measures are to be incorporated within the design in accordance with the recommended **Option 2** as outlined within the Pedestrian Wind Environment Statement Report Document No. WB586-01F03 (REV1) prepared by Windtech dated 1 August 2013. These measures are to be reflected within the Construction Certificate.

**Reason:** To protect the amenity of the future occupants of the site and the public domain.

59. Prior to the issue of a Construction Certificate, the applicant/developer is to approach the NSW Office of Environment & Heritage to satisfy any archaeological requirements for the site. This may include a further archaeological assessment or a request for an exemption permit. A copy of the written correspondence from the NSW Office of Environment & Heritage confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.

**Note:** This refers to the protection of the non-indigenous archaeology of the site.

**Reason:** To ensure that the requirements of the NSW Office of Environment & Heritage are satisfied.

- 59A. Amended plans are required prior to the issue of the construction certificate to the satisfaction of the Principal Certifying Authority indicating the balcony associated with Units 101 & 108 has a setback of 6m to the southern boundary. In this regard, the planter box shall be increased in width, to ensure a setback of 6m is achieved.

**Reason:** To comply with the setback requirements of the ADG and protect the amenity of the area.

**Condition 59A was included under DA/241/2013/A.**

#### **Prior to Commencement of Works:**

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

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

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

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

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

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

62. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:
- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
  - (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

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

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

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

**Reason:** Statutory requirement.

64. A Pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of demolition and/or excavation. It must include details of the:

- (a) Proposed ingress and egress of vehicles to and from the construction site
- (b) Proposed protection of pedestrians adjacent to the site
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site
- (d) Proposed route of construction vehicles to and from the site, and
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition, excavation and construction period.

**Reason:** To maintain pedestrian and vehicular safety during construction.

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

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

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

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

**Reason:** Management of records.

66. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:
- all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
  - all site boundaries are to be secured and maintained to prevent unauthorised access to the site
  - all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
  - the site is to be maintained clear of weeds
  - all grassed areas are to be mown on a monthly basis
- Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.
67. 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 received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.
- Reason:** To prevent any damage to underground utility services.
68. 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:
- Protect and support the adjoining premises from possible damage from the excavation
  - 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.
69. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development.
- Reason:** To ensure soil and water management controls are in place be site works commence.

#### **During Construction or Works:**

70. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.
- Reason:** To ensure compliance with this consent.
71. A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.
- Reason:** To ensure the development is being built as per the approved plans.
72. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.
- Reason:** To protect the amenity of the area.

73. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

**Reason:** To ensure pedestrian access.

74. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

**Reason:** To ensure public safety and amenity on public land.

75. All work including building and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools 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.

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

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

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

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

77. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

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

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

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

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

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

80. Acid sulphate soils are to be managed in accordance with the recommendations outlined within the Acid Sulfate Soils Management Plan prepared by Geotechnique Pty Ltd dated 12 August 2013. Appropriate certification that the recommendations have been implemented is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the Occupation Certificate.

**Reason:** To protect the amenity of future occupants of the site and adjoining properties.

81. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the consent shall be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.  
**Reason:** Protection of existing environmental infrastructure and community assets.
82. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.  
**Reason:** To ensure soil and water management controls are in place be site works commence.
83. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.  
**Reason:** To protect public safety.
84. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:
- (a) On-street mobile plant:  
Eg. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
  - (b) Storage of building materials and building waste containers (skips) on Council's property.
  - (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.
  - (d) Kerbside restrictions, construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.
- Reason:** Proper management of public land.
85. All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate in accordance with Council's Standard Plan DS1. All costs shall be borne by the applicant, and works shall be completed to the satisfaction of Council. Proof of completion of the work shall be submitted to Council prior to the issue of an Occupation Certificate.  
**Reason:** To provide satisfactory drainage.
86. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.  
**Reason:** To ensure pedestrian safety
87. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) Must preserve and protect the building from damage;
- (b) If necessary, must underpin and support the adjoining building in an approved manner; and
- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

**Reason:** To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

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

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

89. Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) 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 comply with Council requirements.

90. 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:**

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

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

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

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

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

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

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

94. 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. 474149M\_05 dated 3 December 2014 will be complied with prior to occupation.

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

95. Acoustic measures are to be carried out in accordance with the recommendations outlined within Section 5 of the Acoustic Impact Assessment Report Document No. 20C-13-00330TRP-268103-1 – Revision 01 prepared by Vipac dated 2 April 2013. Appropriate certification that the works have been carried out and comply with the recommendations of the acoustic report

is to be submitted to the satisfaction of the Principle Certifying Authority before the issue of the Occupation Certificate.

**Reason:** To protect the amenity of the future occupants of the site and adjoining properties.

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

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

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

The record must include details of:

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

98. ***The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works and certify adherence to all landscape works set out in the approved landscape plans. All landscape works are to be fully completed in accordance with the modified Landscape Plan prior to the issue of an Occupation Certificate and shall be maintained at all times.***

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

**Condition 98 was modified under DA/241/2013/A**

99. Deleted.

**Condition 99 was deleted under DA/241/2013/A**

100. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from an energy provider prior to the release of the linen plans.

**Reason:** To ensure electricity supply is available to all properties.

101. Works-As-Executed stormwater plans shall be submitted to Certifying Authority prior to the issue of the Occupation Certificate, certifying that the OSD Tanks and stormwater drainage system have all been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that:

- a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate.
- b) Stormwater system including On-Site Detention systems have been built according to and comply with the requirements including the OSD storage volume as shown on the approved stormwater plan.
- c) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- d) The Work-As-Executed plans have been prepared and signed by a registered surveyor (including Registration Number) certifying the accuracy of dimensions, levels, storage volumes, etc.

- e) As built On-Site Detention (OSD) storage volume calculated in tabular form (in incremental depth verses segmental area and volume table) and certified by the abovementioned registered surveyor.
- f) OSD Works-As-Executed survey certification form and dimensions form (refer to UPRCT Handbook - Form B10 and Form Attachment B).
- g) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook – Form B11 Certificate). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- h) Approved installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- i) Structural Engineer's Certificate for the OSD tank structure, basement pump-out tank structure, OSD basin (retaining) wall etc.
- j) The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

**Reason:** To ensure works comply with approved plans.

102. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement for the maintenance of the basement pump system and the on-site storm water detention facilities only upon satisfactory completion of OSD systems and following certification by the Hydraulic Engineer. The positive covenant and restriction on the use of land shall be created only upon completion of the OSD system and certification by a qualified practicing engineer to the satisfaction of the Certifying Authority. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms **13PC** and **13RPA (Not in 88B instrument)**. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan and the detailed maintenance schedule, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

**Note:** The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.

**Reason:** To ensure effective maintenance of on-site detention and basement pump out systems and facilities.

103. Prior to issue of the Occupation Certificate, the Certifying Authority shall ensure that Flood Warning Systems and Flood Evacuation Measures are all implemented on site, as per the Council's approved "**Site Emergency Response Flood Plan**" under this DA consent condition No. 13. This shall also include the Flood Warning Systems & Response Systems and Evacuation Strategy and Procedures whilst displaying of the laminated Evacuation Plan at a prominent location within the building and all other prominent locations around the building, for the residents/visitors to be aware of the potential flooding of the basement, in the event of major flooding. The Site Emergency Response Flood Plan shall also include the Strata Manager and the people nominated as part of the flood warden group (members of the Body Corporate) to monitor the drainage system of the property in the basement as well as pay attention to the weather reports during heavy rainfalls. A Certificate of Compliance for the satisfactory implementation of the flood related basement evacuation strategy, from the Consulting Civil Engineer shall be submitted to the Certifying Authority and Council, prior to the issue of the Occupation Certificate. A copy of the above Compliance Certificate shall be attached to the Occupation Certificate, when forwarded to Council for record.

**Reason:** To ensure the property owners / occupants are aware of the procedure in the event of flooding.

104. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the

issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOTE:** For more information contact NBN Co.

**Development Liaison Team:**

Call 1800 881 816

Email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au)

Web [www.nbnco.com.au/NewDevelopments](http://www.nbnco.com.au/NewDevelopments)

108. All works approved within the Public Domain Plan are to be carried out to Council's satisfaction before the issue of an Occupation Certificate.

**Reason:** To ensure public domain works are complete.

109. The artworks (Arts Plan) are to be installed to the satisfaction of Council prior to the issue of the occupation certificate.

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

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

110. The existing lots shall be consolidated into one (1) lot and all existing rights of carriageway shall be extinguished with the new plan registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of the Occupation Certificate.  
**Reason:** To ensure consolidation and extinguishment of easements occurs.
111. A Certificate of Compliance from the Consultant Designers and Applicant's Works Supervising Engineer shall be required to be submitted to the Certifying Authority before the issue of an Occupation certificate, certifying the eastern site boundary overland flowpath, basement ramp crest level, ramp grades, driveways and driveways grades, OSD & rainwater tanks and filter chamber, comply with the relevant consent conditions. A copy of the above Compliance Certificate shall be forwarded to Council for record.  
**Reason:** To ensure the satisfactory compliance with engineering related conditions.
112. All works to the retained cottages at 113-117 Wigram Street and 23-25 Hassall Street are to be carried out in accordance with the Conservation Management Plan prepared by Colin Israel (Heritage Advice) dated April 2013 and the Schedule of Works dated 30 September 2013 forming addendums to the Conservation Management Plan to the satisfaction of the Principal Certifying Authority before the issue of any Occupation Certificate.  
**Reason:** To confirm the details of the application and ensure the appropriate conservation of the retained cottages on the site.
- 112A. The Principal Certifying Authority must be satisfied that the building has been constructed in accordance with the finishes and materials of the building as approved in Condition 1 of this consent before the issue of an Occupation Certificate.  
**Reason:** To ensure the quality of the design finishes is maintained.
113. An Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/241/2013** has been submitted to Certifying Authority.  
**Reason:** To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

#### **Use of the Site:**

114. The specific commercial and/or retail use or occupation of the ground floor tenancies or retained cottages at 113-117 Wigram Street and 23-25 Hassall Street shall be the subject of further development approval for such use or occupation.  
**Reason:** To ensure development consent is obtained prior to that use commencing.
115. Any external plant/air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.  
**Reason:** To minimise noise impact of mechanical equipment.
116. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 1996 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).  
**Reason:** To prevent pollution of the environment.
117. 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.
118. 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
119. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.  
**Reason:** To ensure the removal of graffiti.

120. All loading and unloading shall take place within the designated loading areas on the subject property.  
**Reason:** To protect the amenity of the area.
121. To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the retail/commercial premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille and see through.  
**Reason:** To provide an appropriate streetscape appearance.
122. No air-conditioning condensers/units are to be located on any of the balconies.  
**Reason:** To ensure the amenity of the units and visual amenity of the building.
123. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from any frontage.  
**Reason:** To ensure the amenity of the area.