



Report to Sydney Central City Planning Panel

SWCCP reference	2018SWC043
DA No.	174/2018
Date of receipt	15 March 2018. Amended plans or information received: <ul style="list-style-type: none">- 22 January 2019- 15 July 2019- 2 September 2019- 2 October 2019
Proposal	Mixed use development consisting of residential flat buildings (411 apartments) and associated basement parking, 8 neighbourhood shops, child care centre, public domain elements and associated roads and civil infrastructure.
Street address	29 Carter Street, Lidcombe
Property Description	Lot 13 DP 1217641
Applicant	Australia YMCI PTY LTD
Owner	Australia YMCI PTY LTD
Submissions	One
Relevant s4.15 matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy No. 55• State Environmental Planning Policy No. 65• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (BASIX) 2004• State Environmental Planning Policy (State Regional Development) 2011• Auburn Local Environmental Plan 2010• Draft amendments to Auburn Local Environmental Plan 2010• Carter Street Precinct Development Control Plan 2016• Carter Street Precinct Development Contributions Plan 2016

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report ?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised in the Executive Summary of the assessment report ?	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Conditions	
Have draft conditions been provided to the applicant for comment ?	Yes

Recommendation	Approval – Deferred commencement
Report by	Brad Roeleven, Executive Planner

1. Executive summary

This report considers a proposal to construct a mixed use development of 3 buildings with heights between 6 and 14 storeys containing 411 residential units, 7 neighbourhood shops and a child care centre over 2 levels of basement car parking

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979. Notwithstanding, various matters have been identified which require resolution.

This report therefore recommends that the Panel:

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

2. Key issues

- Non-compliance with LEP height control
- Variations to DCP setback, building length and floorplate controls
- Odour and noise impacts
- Need for final RMS sign off confirming the adequacy of design integration between Road 2 and the future John Ian Wing Parade/Hill Road intersection
- Need for updated civil plans to ensure consistency with public domain design requirements

3. Carter Street Priority Precinct

3.1 Background and context

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



Figure 1: Aerial photo of Carter Street Priority Precinct – site marked with an X

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

In mid-2017 the DPE commenced a review of the planning controls for the Carter Street Precinct, in conjunction with its consideration of the Sydney Olympic Park Master Plan 2030.

The purpose of that review was to ensure the controls accommodated changes to the design

of a proposed off ramp from the M4 Motorway and Parramatta Light Rail (Stage 2) stop and terminus whilst still ensuring housing, employment and retail services within the Carter Street precinct.

The outcome was a revised Master Plan used to inform amendments to Auburn Local Environmental Plan (LEP) 2010 and Carter Street Precinct Development Control Plan (DCP) 2016. Public exhibition of the draft documents concluded on 26 October 2018, and the draft was submitted for approval in early 2019. However, the Department has just recently advised those draft controls are now indefinitely deferred.

4. Site location, description and related applications

4.1 Site location and description

No. 29 Carter Street is a single allotment, being Lot 13 DP 1217641 as shown below, which has an area of about 11.2 hectares. However, this application relates only to a portion of that site, towards the northwest of the allotment, generally adjacent to Hill Road). This portion of the site is referred to as “Zone 3” as it is identified as such in the Voluntary Planning Agreement. This proposal occupies an area of 20,109m². Being about half of Zone 3.

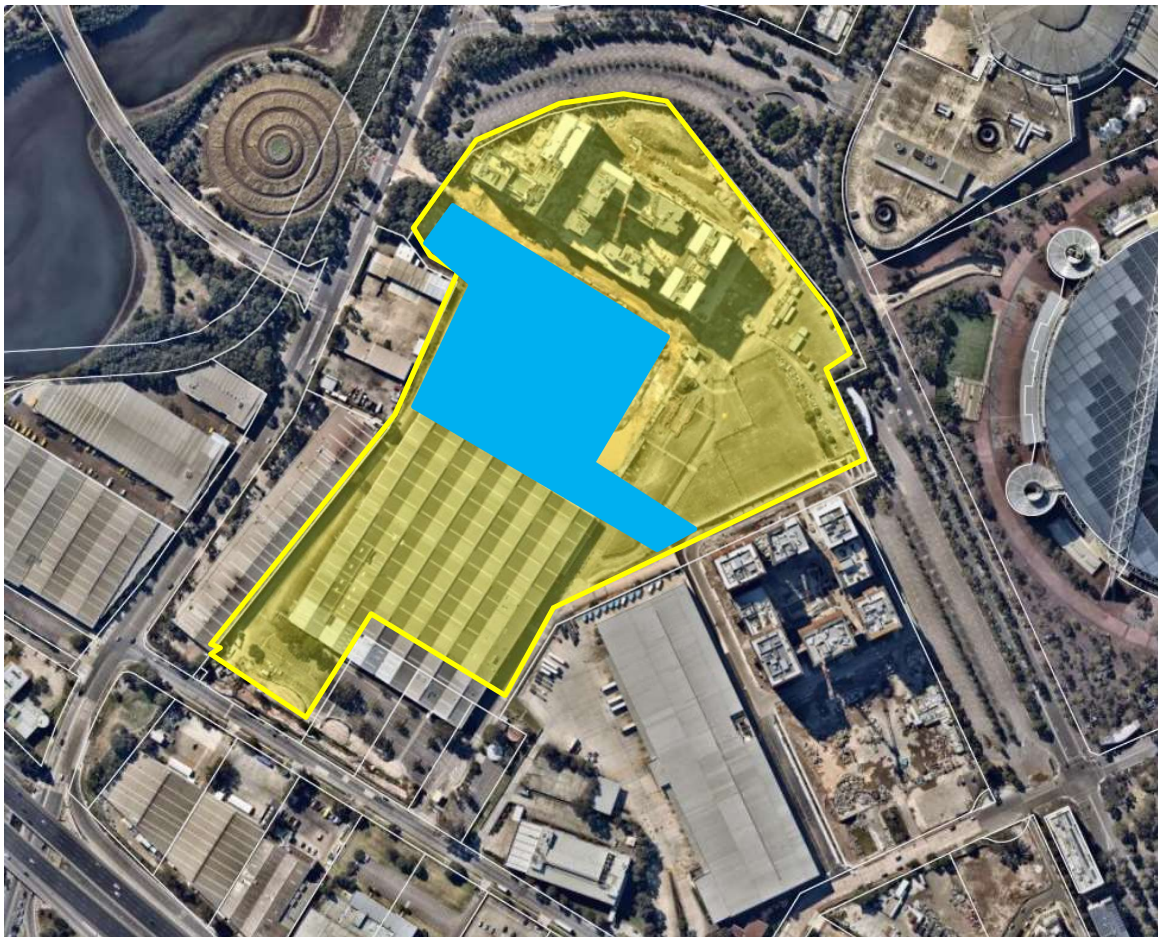


Figure 2: Subject site is shown in yellow – extent of works shown in blue.

The site is not particularly limited by physical constraints as a consequence of previous land

uses, the nature and scale of which is evidenced by existing development over the southern portion of the site, and neighbouring allotments. The northern portion of Zone 3 supports a mixed use development of similar scale and type to that which is the subject of this current application.

4.2 Related applications

A summary of previous applications for this site is shown below:

Table 1: Related DAs

DA number	Scope of works	Status
DA 424/2016	Concept Masterplan	Withdrawn 19.1.17
DA 426/2016	Demolition and partial demolition of existing warehouses	Approved 23.8.16
DA 1040/2016	Site remediation and early works (Zone 3 - Blds A and B)	Approved 11.4.17
DA 1089/2016	Road works for zone 3	Withdrawn 17.10.17
DA 1273/2016	Site remediation and early works (Zone 3 - Blds C and D)	Approved 11.7.18
DA 260/2018	Site and landscape works for public park	Approved 18.4.18
DA 84/2019	Subdivision of Zone 3	Under assessment

5. The proposal

The proposal comprises the following primary elements:

- 411 apartments within 3 buildings being;
 - Building 3C1 (6-11 storey built form - 190 apartments);
 - Building 3C2 (9 -11 storey built form - 103 apartments)
 - Building 3D (10-14 storey built form - 118 apartments).
- 531 parking spaces within two basement levels;
- 7 neighbourhood shops within building 3C1;
- Communal facilities in building 3C1 comprising indoor pool, gym and common room.
- Child care centre in building 3D
- Construction of Road 5 (south) and part of Road 2

The application also includes:

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



Figure 3: Southern edge of site, proposed Road 2 in foreground



Figure 4: View east along Road 2 from Road 5. Proposal is on the right. Buildings to the left approved under DA 1005/2016



Figure 5: View east along Road 5.

6. Public notification

The notification period was 19 April 2018 - 21 May 2018. One submission was received, raising objections relative to the road network within the Precinct and potential site isolation. Assessment of those matters is provided at section 7.2 in **Attachment A** but, in summary, are not considered valid.

7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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8. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply ?	No
Does Section 4.10 (Designated Development) apply ?	No
Does Section 4.46 (Integrated Development) apply ?	No
Are submission requirements within the Regulations satisfied ?	Yes

9. Consideration of SEPPs

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

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

Table 2: LEP compliance

	<i>Comment or non- compliances</i>
Zones	<ul style="list-style-type: none"> • R4 High Density Residential • RE1 Public Recreation • SP2 School
Definition	<ul style="list-style-type: none"> • Mixed use development • Residential flat building • Neighbourhood shops • Roads
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"> • Permissible in the zone • Consistent with zone objectives
Part 3 Exempt and complying development	Not applicable
Part 4 Principle development standards	<ul style="list-style-type: none"> • Non-compliance - Building height The development standards are 42m and 29.9m. Each building exceeds the respective standard as follows: <i>Building 3C1 north</i> Maximum height is 38.45m (Non-compliance is 8.55m or 22.2%) <i>Building 3C1 south</i> Maximum height is 44.55. (Non-compliance is 14.65m or 32.8%) <i>Building 3C2</i> Maximum height is 44.55m (Non-compliance is 14.55m or 32.6%) <i>Building 3D</i> Maximum height 54.15m (Non-compliance is 12.15m or 22.4%) Clause 4.6 request provided - the variations are supported.
Part 5 Miscellaneous provisions	All relevant provisions satisfied
Part 6 Additional local provisions	At the time of preparing this report all relevant provisions satisfied, except for clause 6.8 (State public infrastructure) See section 4.1 of Attachment A .

11. Carter Street Development Control Plan 2016

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

Table 3: DCP compliance

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

12. Planning Agreements and Contributions Plans

The relevant matters are:

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

A detailed assessment is provided at section 4.1 of **Attachment A**.

13. Response to SWCPP briefing minutes

The Panel was briefed on this application at its meeting on 5 December 2018. The 'Record of Briefing' provides a list of the key issues discussed. The matters that relate to the assessment of the application are addressed below:

Table 4: Response to SCCPP briefing

<i>Issue</i>	<i>Comment</i>
Status of the Department's review of LEP and DCP controls	Deferred - refer to section 2.8 of Attachment A .
Planned upgrade of the Hill Road/ John Ian Wing Parade intersection, and the need to ensure the design of the applicant's new road properly integrate with a future intersection design	Resolved – refer to section 6.4 of Attachment A .

The Panel is concerned the application does not properly address the concerns raised by council's DEAP. This Panel endorses the views of DEAP, particularly the criticisms of the built form and massing.	Resolved. Council's DEAP is satisfied the scheme is now satisfactory given the various amendments made to the original proposal – refer to section 2.2 of Attachment A .
Panel questioned whether there is a design excellence and that the design competition process has been properly conducted.	There is no requirement for a design competition.
Non-compliant Height – clause 4.6 variation. The Panel is concerned that variations to the building heights are sought for this “Greenfields” site. The built form with a height variation remains of concern.	Building heights as proposed are acceptable – refer to section 2.10.1 of Attachment A .

Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

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

RECOMMENDATION

- A. That the Sydney Central City Planning Panel approve a variation to the building height control in clause 4.3 of Auburn LEP 2010, acknowledging the applicants written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone; and
- B. That pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant a deferred commencement development consent to Development Application DA/174/2018 subject to the conditions in Schedule 1, which require:
 - i) Formal confirmation from Road and Maritime Services that the design for Road 2 is satisfactory relative to achieving with the RMS design for the upgrade of the Hill Road/John Ian Wing intersection upgrade over Nos 1-5 Hill Road Lidcombe.
 - ii) Submission of updated civil drawings to address various design matters
 - iii) Updated architectural plans which provide the required supply of bicycle parking facilities

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

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

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



ATTACHMENT A - PLANNING ASSESSMENT

SWCCP reference	2018SWC043
DA No.	174/2018

1. Overview

1.1 Section 4.15 of the EPA Act

The relevant matters for consideration under this section of the Act noted in the table below:

Table 1- Matters for consideration

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 2 below
Section 4.15(1)(a)(ii) - Draft planning instruments	Refer to section 2.8 below
Section 4.15(1)(a)(iii) - Development control plans	Refer to section 3 below
Section 4.15(1)(a)(iia) - Planning agreements	Refer to section 4 below
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 5 below
Section 4.15(1)(b) - Likely impacts	Refer to section 6 below
Section 4.15(1)(c) - Site suitability	Refer to section 7 below
Section 4.15(1)(d) - Submissions	Refer section 7.2 below
Section 4.15(1)(e) - The public interest	Refer to section 7.3 below

1.2 Section 4.46 of the EPA Act

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

The application as lodged indicated that dewatering, because of bulk excavation for the basement levels, triggered the need for an 'aquifer interference activity' under section 91(3) of the Water Management Act 2000.

However, the early works for this proposal, including excavation and dewatering, are already approved via DA 1273/2016. That application was 'integrated development' under the Water Management Act 2000, and General Terms of Approval were issued by WaterNSW at that time. The consent for DA 1273/2016 remains valid.

Given that, and noting that the scope of this DA does not include excavation for the basement, this application is not integrated development for the purposes of the EPA Act.

1.3 Referrals

The following internal and external referrals were undertaken:

Table 2: Referrals

Landscape	No objections – conditions provided
Development Engineer	No objections – conditions provided
Traffic	No objections – conditions provided
Environmental Health (Waste)	No objections – conditions provided
Environmental Health (Contamination)	No objections – conditions provided
Environmental Health (Acoustic)	No objections – conditions provided
City Architect	No objections
Urban Design (Public domain)	No objections – conditions provided
Sydney Olympic Park Authority	No objections
Ausgrid	No objections
RMS	No issues raised via ISEPP referral – await sign off for design of Road 2 – deferred commencement matter

2. Environmental planning instruments

Compliance with the relevant instruments is addressed below.

2.1 State Environmental Planning Policy 55 – Remediation of land

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

As noted at section 1.2 above the early works for this project have determined under related DA 1273/2016. The issue of site contamination was resolved in conjunction with that application sufficient to satisfy the requirements of this Policy that this site will be suitable for this intended use.

2.2 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

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

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

Design Excellence Advisory Panel (DEAP)

The Panel initially considered this scheme in November 2017 at the preDA stage, and did not support the proposal.

Once the formal DA was lodged, the usual process of referring back to DEAP was delayed as it was clear the DA scheme did not properly address the DEAP's initial advice. A subsequent review with applicant resulted in amended plans being received in January 2019.

That updated scheme was evaluated by DEAP in February 2019. The Panel noted that while there was some improvement from the initial preDA proposal, key site planning and built form elements still required further consideration as follows:

- The opening from Road 5 to the central courtyard was ineffective, and required a stronger visual link between it and Road 5. That could be achieved by increasing the current single storey foyer to two, so that the spatial connection is more obvious;
- While appreciating the attempt to balance both cohesion and difference between stage 1 opposite it is apparent the façade modelling, material palette and finishes creates a character does not provide sufficient differences from Stage 1 adjoining to the north. Providing a more defined horizontal and vertical expression of major façade elements may also assist with the distinction required;
- Improved public domain landscaping to Road 1; and
- The east elevations of Block 3C1 are unarticulated blank walls, requiring greater articulation.

The DEAP reconvened in March 2019 to work thorough intended amendments to the scheme in response to those issues. Again, in relation to key matters, the DEAP noted:

- The scheme is revised to incorporate two storey high entry spaces to buildings 3C1 and 3C2. However, whilst the entry to building 3C1 is generally in line with previous advice, a stronger connection from Road 5 South to the courtyard would be achieved if this were a non-glazed double height opening, incorporating retractable after-hours security gates and a projecting, floating entry canopy over. That approach will require reconsideration of the lobby scheme, and a new entry strategy to address concerns about the convoluted circulation sequence proposed to access Building 3C1.B lift cores
- An additional single level entry lobby located should be located between retail spaces 4 and 5. This would improve street activation along Road No.1, assist in further façade articulation of this long building, and provide Building 3C1-A with its own street address and better resident amenity with more direct access to lift lobbies and the central courtyard.
- Building 3C2 has been revised to provide a double height lobby and whilst this is generally in line with previous advice, the Panel recommends that a more transparent and finer language to the lobby window walls would improve the visual connection from Road 3 South. This should include the raising of any transom and an increase in the auto door height.

- The Panel acknowledged the further development of the built forms and architectural language assisted in creating additional variety in façade expression and distinction between the proposed buildings.
- The Panel acknowledged the extensive reviews of alternative colour schemes and recommended further refinement of the 'preferred option'
- The Panel recommended that balcony balustrades be reviewed as one way that could provide more variety and rhythm in facades through changes in the proportion of solid and glazed elements.
- The Panel acknowledged the revised design for the east elevations of Block 3C1 is in line with their prior recommendations

The Panel concluded that only further minor refinements to the scheme were required, and that council's City Architect could review the next iteration of the drawings for adequacy relative to those outstanding issues.

Further amended plans were then received in July 2019 and were confirmed as satisfactory by the City Architect.

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. A response to those design principles, prepared by the project architect, supports the application as required by the Environmental Planning and Assessment Regulation.

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

Table 3: Response to SEPP 65 design principles

<i>Principle</i>	<i>Comment</i>
Context & neighbourhood character	The locality is transforming to a high density residential/mixed use precinct. The development generally accords with the desired future character nominated by the LEP and DCP. The building will contribute to the quality and identity of the area.
Built form and scale	The bulk and scale of the proposal is acceptable given its consistency with the LEP and DCP controls, noting the properly justified building height variations. Site planning, building volume/ mass presentation and detailing are satisfactory following modification to address issues raised by DEAP. Public domain outcomes are also satisfactory. Conditions are nominated to ensure further improvements are achieved.
Density	Density is consistent with the precinct specific controls in the LEP. Those controls were developed with regard to the context of the site in terms of availability of infrastructure, public transport, community facilities and environmental quality.

Principle	Comment
Sustainability	Energy and water efficiency targets under SEPP (Basix) 2004 are achieved. The design is consistent with best practice design criteria for cross ventilation and solar access under the ADG.
Landscape	The landscape treatment is satisfactory. Conditions are nominated to achieve an improved outcome for the public domain elements of the scheme.
Amenity	Amenity for apartments is satisfactory when tested against best practice design criteria in the ADG.
Safety	Appropriate outcomes achieved through the design generally, and otherwise by conditions of consent as proposed.
Housing diversity and social interaction	An appropriate mix of unit sizes has been provided. The required number of adaptable housing units is provided.
Aesthetics	The composition of building elements and materials is satisfactory. Conditions are recommended to ensure the quality of the built form presentation is maintained.

Apartment Design Guide (ADG)

The SEPP requires consideration of the ADG, which supports the 9 design quality principles by providing greater detail on how proposals can meet those principles through good design and planning practice. The table below considers this proposal against key ADG matters:

Table 4: Response to ADG

Element	Comment	Complies
Building separation	There are several instances where separation distances are less than ADG criteria. Refer discussion at section 6.4	No , OK on merit
Apartment size and layout	<ul style="list-style-type: none"> • Minimum unit sizes are achieved • Apartment layouts are efficient 	Yes
Balconies	Minimum areas and dimensions are achieved	Yes
Ceiling heights	Minimum internal heights are achieved	Yes
Storage	Required supply of storage for each unit is achieved	Yes
Solar access and daylight	<ul style="list-style-type: none"> • 72% units >2hrs solar access (Min. criteria is 70%) • 9% get no solar access (Max criteria is 15%) 	Yes
Natural ventilation	61% of units are cross ventilated (min criteria is 60%)	Yes
Visual privacy	Satisfactory despite building separation distances	Yes
Common circulation	<ul style="list-style-type: none"> • Design complies with criteria of maximum 8 units off a circulation core. • Number of units per lift (criteria is 40/lift) <ul style="list-style-type: none"> • 3C1 = 32 units/lift 	Yes

<i>Element</i>	<i>Comment</i>	<i>Complies</i>
	<ul style="list-style-type: none"> • 3C2 = 35 units/lift • 3D = 40 /lift 	
Common open space	<ul style="list-style-type: none"> • Common open space provided is 4,367m² being 31% of the site (criteria is 25%) • Min 50% of COS to receive 2hrs sunlight at midwinter, 	Yes
Deep soil	Design criteria for sites greater than 1,500m ² is 7%, with 15% desirable. The proposal achieves 14%.	Yes

2.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In accordance with the provisions of the Regulations and this Policy, BASIX Certificates have been provided confirming the proposal (once operational) will comply with, and has the capacity to support, water, thermal comfort and energy efficiency requirements of the SEPP.

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

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

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

2.5 State Environmental Planning Policy (Infrastructure) 2011

Consistent with clause 104 this Policy and Schedule 3 of this Policy (Traffic Generating Development) the application was referred to Roads and Maritime Services (RMS) for comment. No objections were raised.

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

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

2.7 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

This policy aims to streamline the planning system for education and child care facilities and respond to the need for additional school capacity following significant population growth and subsequent increase in school enrolments. The intent of the SEPP to make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones. Parts 3 of the Policy is applicable, and its relevant provisions is addressed below:

Table 5: Education SEPP compliance table

Part 3 – Early education and care facilities—specific development controls		
Clause 22 Concurrence required for certain development	<i>Indoor space</i> 325m2 required and 325m2 proposed <i>Outdoor space</i> 700m2 required and 1230 m2 proposed	Yes Yes Therefore, no concurrence required
Clause 23 Matters for consideration by consent authorities	The consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline. The application is supported by a detailed response to those guidelines, and the application has been assessed by council's Social Outcomes team. No issues of concern identified.	Yes
Clause 24 Centre-based child care facility in Zone IN1 or IN2	The site is zoned R4 High Density Residential	Not applicable
Clause 25 Non-discretionary development standards	If the terms of this clause are met, council is not able to apply equivalent standards which are more onerous: <ul style="list-style-type: none"> • The development may be located at any distance for any other equivalent facility, existing or proposed • Indoor and outdoor space must comply with nominated regulations • No minimum site or frontage requirements • No requirements of colours/finishes expect for heritage triggers 	Noted Satisfied Noted Satisfied
Clause 26 Development control plans	This clause provides that a DCP cannot introduce controls contrary to the SEPP with regard to operational matters, demonstration of demands for such facilities, the proximity of such facilities to other like facilities and any matter noted within the Guidelines accompanying the SEPP.	Noted.

2.8 Auburn Local Environmental Plan 2010

Zoning and permissibility

The site has a split zone, being part RE1 'Public Recreation', part R4 'High Density Residential'. and part 'SP2 School'. The development however is located within the R4 zone, while part of Road 2 encroaches into the school site.

The uses meet the definitions of '*residential flat building*', '*neighbourhood shop*', '*centre based child care facilities*' and '*roads*' and are all permissible with consent in the respective zones.



Figure 1: LEP zone map – Lot 13 shown in black, with location of this DA outlined in blue.

Zone objectives

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

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

The objectives for the SP2 zone are:

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

The proposal is consistent with those objectives.

Remaining provisions

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

Table 6: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	Completed under separate development application	N/A
Clause 4.3 Building height	<p>The mapped control is 42m and 29m. The maximum heights for the buildings, measured to the top of the lift overrun, are:</p> <ul style="list-style-type: none"> • Building 3C1 north Max height is 38.45m (Non-compliance is 8.55m or 22.2%) • Building 3C1 south Max height is 44.55. (Non-compliance is 14.65m or 32.8%) • Building 3C2 – 44.55m (Non-compliance is 14.55m or 32.6%) • Building 3D – 54.15m (Non-compliance is 12.15m or 22.4%) 	No, defer to clause 4.6
Clause 4.4 Floor space ratio	The mapped control is 2:1, which is the FSR of this scheme.	Yes
Clause 4.6 Exceptions to standard	The application relies upon this clause to allow the exceedance of the height standard as noted above. See assessment at section 2.10 below. The variations are supported	Yes
Clause 5.1 Acquisition authority	The site includes land zoned RE1 Public Recreation. Dedication of that land is already resolved by DA 1005/2016.	N/A
Clause 5.4 Miscellaneous permissible uses	Each shop complies with maximum GFA limit of 80m ²	Yes
Clause 5.10 Heritage	<ul style="list-style-type: none"> • The site is not a listed heritage item, nor is it within a conservation area. • No heritage items in the immediate locality. 	N/A
Clause 6.1 Acid sulphate soils	The ALEP map identifies the site as comprising “Class 2” acid sulphate soils. This matter was addressed as part of related DA 1273/2016, which has been approved.	N/A
Clause 6.2 Earthworks	<ul style="list-style-type: none"> • Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council’s Development Engineer, who is satisfied the works can managed without impact. • Site works will not prejudice the future development of any adjoining land, or the amenity of that land. • Issues relating to soil quality are addressed via considerations of SEPP 55 • No circumstances identified for potential relics. 	Yes

Clause 6.3 Flood Planning	The site is not identified on flood planning map	N/A
Clause 6.5 Essential services	Given its current and former uses the site is connected to all relevant utility services. To be augmented to meet service provider requirements.	Yes
Clause 6.8 Contributions to designated State public infrastructure	Consent <u>must not</u> be granted unless the Secretary has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development. The DPIE advises this matter is progressing but cannot guarantee the certificate will be issued prior to meeting. This report has been prepared in the expectation that certificate will be issued by the meeting date. However should that not occur the Panel must defer consideration of this application.	No, at the time of preparing this report.

2.9 Draft Amendments to Auburn Local Environmental Plan 2010

The DPIE has undertaken a review of the master plan and existing planning controls for the precinct to accommodate a new westbound off-ramp from the M4 Motorway at Hill Road, the proposed Parramatta Light Rail (Stage 2) and to respond to the revised Sydney Olympic Park Master Plan 2030. Draft amendments to the Auburn LEP and the Carter Street Precinct DCP were publicly exhibited from 7 September 2018 until 26 October 2018.

For this site, the Draft LEP provisions proposed:

- Relocate the school site to the south of Road 2
- Rezone the current school site to R4 high density residential, and otherwise maintain the R4/RE1 zones north of Road 2
- Increase the size of the primary public open space south of Road 2
- Apply a height of 29.9m and FSR of 2.98:1 to the former school site
- Adjust heights and FSRs across the balance of the site, whilst not increasing overall density.

The draft controls were finalised in early 2019 and have since been awaiting approval by the Minister. However, council has just recently been advised by the DPIE those draft controls are indefinitely deferred for the whole of the precinct. Accordingly, it is council's view those draft controls are no neither certain nor imminent. Indeed the strategic intent for the precinct, and any next steps, is unclear.

2.10 Evaluation of non-compliance with LEP building height

2.10.1 Overview

Table 7: Summary of height variation

The standard	Clause 4.3 of ALEP 2010 - Height of buildings – 29.9m and 42m
Objectives of the standard	<p>(a) to establish a maximum height of buildings to enable appropriate development density to be achieved, and</p> <p>(b) to ensure that the height of buildings is compatible with the character of the locality</p>
Extent of the variation	<p>The maximum defined heights and the % variations are:</p> <ul style="list-style-type: none"> • <i>Building 3C1 north</i> Maximum height is 38.45m (Non-compliance is 8.55m or 22.2%) • <i>Building 3C1 south</i> Maximum height is 44.55. (Non-compliance is 14.65m or 32.8%) • <i>Building 3C2</i> Maximum height is 44.55m (Non-compliance is 14.55m or 32.6%) • <i>Building 3D</i> Maximum height 54.15m (Non-compliance is 12.15m or 22.4%)



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

2.10.2 Operational provisions

The operational provisions of clause 4.6 of ALEP 2010 are satisfied as demonstrated below:

Table 8: Operative provisions of clause 4.6

Clause	Provision	Comment
4.6(1) Objectives	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,	Noted

	<i>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances</i>	
4.6(2) Operation of clause 4.6	The operation of clause 4.6 is not limited by clause 4.6(8) of this LEP, or any other instrument.	Noted
4.6 (3) Applicant's written request	The applicant is to provide a written request seeking to justify contravention of the development standard. The request must demonstrate that: <i>"(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) there are sufficient environmental planning grounds to justify contravening the development standard."</i>	Received – refer Attachment C

2.10.3 The matters for which consent authority is to be satisfied

The matters that the consent authority is to be satisfied on are set out in clause 4.6(4) of ALEP 2010, and addressed in the following table:

Table 9: Consent Authority matters

Clause	Provision	Comment
4.6(4)(a)	<i>the consent authority is satisfied that:</i> <i>i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),</i> <i>ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i>	See comments below See comments below
4.6(4)(b)	<i>the concurrence of the Secretary has been obtained</i>	Concurrence assumed via Planning Circular PS 18-003 dated 21/02/2018. There is no limit to the level of non-compliance for which concurrence can be assumed.

2.10.4 Summary of the applicant's contentions

The applicant's contentions regarding environmental planning grounds to justify the non-compliance with the height development standard is summarised below (Note: the full request is included at Attachment C).

Proposed heights have evolved from a detailed contextual urban design analysis undertaken by Kann Finch. The principles behind the varied height of buildings are:

- *Maintain a high density of development as envisioned by the State Government when identifying Carter Street as a Priority Precinct.*
- *Distributing height consistent with the DCP principles of varied roof form to achieve visual interest.*
- *Compatibility of height and building form with adjoining and surrounding approved development (i.e. northern Buildings 3A & 3B approved under DA1005/2016 with building height variations of up to 2 storeys (approximately); 1-5 Carter Street mixed use development within two tower elements of 22 storeys with building height variations, approved under DA/620/2016; 1-5 Carter Street, 7 Carter Street and 23 Uhrig Road residential flat buildings comprising 385 units with building height variations, approved under DA/1056/2016; and, 5 Uhrig Road consisting of residential flat buildings up to 16 storeys with building height variations of 8.6m approved under DA/1269/2016).*
- *Optimise private residential amenity without adversely affecting public amenity. Key amenity improvements include:*
 - *An average of 10.4% (from 9am, 12pm and 3pm) greater solar access at mid winter in comparison to a complying scheme. A summary of the solar access comparative analysis is shown below*

Time at Mid Winter	Proposed Greater Solar Access than a Complying Scheme
9am	13.48%
12noon	1.8%
3pm	15.94%

- *Greater views in comparison to a complying scheme, being 3.46% to the north and 16.48% to Olympic Stadium;*
- *Better urban design outcome and visual interest in built form by the reduction of Building 3D's eastern façade, allowing for increased solar access to Road 5 South and reducing privacy impacts.*

The principles have been achieved with only a relatively modest (equivalent 2 storey maximum) variation to the standard (offset by reductions elsewhere), which represents a "appropriate degree of flexibility" to "achieve better outcomes for and from (this) development", within the terms of Clause 4.6.

In summary, this Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the Precinct Plan, that:

- *Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;*
- *There are sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of this particular case;*
- *The development meets the objectives of the development standard and where relevant, the objectives of the R4 zone, notwithstanding the variation;*

- *The proposed development is in the public interest and there is no public benefit in maintaining the standard; and*
- *The contravention does not raise any matter of State or Regional significance.*

The variation is therefore considered appropriate in the circumstances of the case.

2.10.5 Evaluation

To assist the Panel with its consideration of the height variation, an assessment against the relevant case law established in the NSW Land and Environment Court is provided below. These cases establish tests that determine whether application of a development standard is unreasonable or unnecessary and whether there are environmental planning grounds.

Requirement (A) - Unreasonable and Unnecessary [clause 4.6(3)(a) of ALEP 2010]

In the case of *Wehbe v Pittwater Council [2007] NSWLEC 827* that Judgement identified five circumstances in which compliance with a development standard can be unreasonable or unnecessary, and stated that only one such way needed to be demonstrated. Those five ways are:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
2. *The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
3. *The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*
5. *The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant relies upon the first option – that the objectives of the height standard are achieved despite the departures requested. This is further reviewed at Requirement (C) below.

Requirement (B) - Environmental Planning Grounds [clause 4.6(3)(b) of ALEP 2010]

The decision in the Land & Environment Court case of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, suggests that 'sufficient environmental planning grounds' for a Clause 4.6 variation is more onerous than compliance with zone and standard objectives. The Judgement also established that the additional grounds had to be particular to the circumstances of the proposed development, and not merely grounds that would apply to any similar development.

In summary, the environmental planning grounds identified by the applicant to support the height variation, relative to a height compliant design are:

- **Improved residential amenity**
 - Greater midwinter solar access at 9am, 12 noon and 3pm
 - Greater number of units with improved views
 - Redistribution of mass achieves improved urban design outcomes by creating a variety of building scales across the site, and a pedestrian scale to the southern edge of road 1
- **Solar access to future public park**
 - The height variations do not materially alter shadow impacts for the primary open space south of the site
- **Improved built environment**
 - Improved streetscape outcomes through a more interesting built form across the site, with taller elements offset by lower elements
- **Allows for planned densities to be achieved with greater amenity**
 - These outcomes directly attributable to the substantial size and dimensions of the site, the street layout and block orientation, which is unique in the locality.
 - The proposal is essentially a master planning exercise that achieves a better outcome within modest departures from the control.

It is not agreed that the planning grounds nominated are site specific in nature. However, it is agreed that contentions are well documented, and that better planning outcomes would be achieved. Indeed, the circumstances are similar to those accepted for similar height variations approved for the stage 1 development opposite under DA 1005/2016.

Requirement (C) - Public Interest [clause 4.6(4)(a)(ii) of ALEP 2010]

Public interest is determined with regard to objectives of the standard and the objectives of the zone. These matters are considered below:

Table 10: Objectives of the standard and zone objectives

Objectives of the height standard	
Provision	Comment
to establish a maximum height of buildings to enable appropriate development density to be achieved,	The LEP density control (FSR) is not exceeded.
to ensure that the height of buildings is compatible with the character of the locality.	The precinct is a discrete locality generally separated from other residential precincts by significant physical/visual barriers such as the M4 Motorway and Haslams Creek. Within the precinct are multiple height controls up to 72m. Within the adjoining SOP, height limits are 21m to the north, and 102m to the north east.
Objectives of the zone	
Provision	Comment
Provide for the housing needs of the community within a high density residential environment.	Achieved
Provide a variety of housing types within a high density residential environment.	Achieved, noting unit mix

Enable other land uses that provide facilities or services to meet the day to day needs of residents.	Achieved, noting the scheme includes neighbourhood shops and a child care centre
Encourage high density residential development in close proximity to bus service nodes and railway stations.	Noted

Conclusion

It is considered that the requested variations to the height control can be supported given:

- It is not for the purpose of additional density
- It agreed that better planning outcomes would result
- There are no adverse outcomes for the public domain
- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

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

3. Carter Street Development Control Plan 2016

3.1 Overview

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

3.2 Compliance

The DCP is comprised of the following sections:

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

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

Table 11: DCP 2016 compliance table

Part 2 – Vision principles and indicative structure		Complies
2.1 Vision	The proposal is not inconsistent with the vision statement.	Yes

2.2 Development principles	The proposal is not inconsistent with these principles.	Yes
2.3 Indicative structure plan	The proposal is not inconsistent with the ILP.	Yes
Part 3 – Public domain		Complies
3.1 Street network	The street network is consistent with the DCP.	Yes
3.2 Pedestrian and cycle network	Satisfactory.	Yes
3.3 Public open space network	Satisfactory.	Yes
Part 4 – Residential mixed use development		Complies
4.1 Building height and form	<ul style="list-style-type: none"> • Building heights are consistent with ALEP 2010, other than for variations as noted at section 2.6 above, and which are satisfactory on merit • Separation between buildings is satisfactory, other than for variations as noted, which are satisfactory on merit • Floor plates exceed the 900m² maximum, however all floorplates are highly articulated • Maximum building lengths of 65m are generally observed, except southern wing of building 3C1 (71m) and building 3C2 (74m). No adverse built form of public domain outcomes arise. The built form is supported by DEAP. • Solar access to communal open space is adequate as per ADG requirements. Buildings do not overshadow public open space 	Yes, either compliant or satisfactory on merit.
4.2 Setbacks and public domain interface	<ul style="list-style-type: none"> • 5m deep soil zone setback is achieved except at pinch points at the western end of the site, and at the northern edge of Road 1, between Roads 3 and 5. Satisfactory on merit. See further comments at section 6.4 below. • Design provides a suitable interface with street corners and public domain, Individual entries provided to ground floor units where appropriate. • Privacy to ground level units from public domain is achieved 	Yes, with the exception of setbacks, which are satisfactory on merit.
4.3 Building design and facades	<ul style="list-style-type: none"> • Articulation of the built form and the overall façade treatment is satisfactory, noting the extensive input and evaluation from DEAP. 	Yes
4.4 POS and	<ul style="list-style-type: none"> • Location of private and common open space is satisfactory 	Yes

landscaping	<ul style="list-style-type: none"> • Design includes terraces for each building to increase supply of common open space • Species selection for landscaping is satisfactory • Landscaping is integrated with stormwater management 	
4.5 Vehicle access and car parking	<ul style="list-style-type: none"> • Parking is provided in a basement • Vehicular access points are consolidated to minimise disruption to pedestrians • The supply of onsite parking satisfies requirements • The design geometry and layout of parking and service areas is not completely satisfactory, but is resolved by way of condition 	Yes, subject to conditions
4.6 Acoustic assessment	See comments at 6.5 below	Yes, subject to conditions
4.7 Safety + security	The design properly responds to CPTED considerations. Appropriate conditions are proposed.	Yes
4.9 Adaptable housing	The required number of adaptable units are provided	Yes
Part 6 – Environmental management		Complies
6.1 Sustainability	<ul style="list-style-type: none"> • Basix targets are achieved • Waste management during construction is addressed by conditions 	Yes
6.2 Flooding	The land is not flood affected. Arrangements for managing overland flow of stormwater are satisfactory.	N/A
6.3 Stormwater	Council's Development Engineer is satisfied with stormwater arrangements.	Yes

4. Planning Agreements or Contributions Plans

4.1 Planning Agreement

An Agreement under section 93F of the Environmental Planning and Assessment Act 1979 was executed on 18 November 2015 between the Minister for Planning and various property owners of the Carter Street Priority Precinct. Two obligations arise from the VPA, as discussed below:

Payment of developer contributions

The VPA requires payment to the DPIE of a contribution amount for all allowable gross floor area (GFA), with those funds put towards the provision of designated State public infrastructure to satisfy needs arising from the development of the Precinct.

This matter is addressed in clause 6.8 of the ALEP, which provides that consent must not be granted for unless the Secretary has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development.

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

Dedication of Education Land

The VPA requires the dedication of 2 hectares of land from within this YMCI site to the Minister. The land in question is already zoned 'SP2 School' under LEP 2010. Transfer of that land to the Minister is not part of this application.

The approval granted to DA 1005/2016 (the first stage of the YMCI development) included a subdivision that created this required 2 hectare allotment, however its transfer to the Minister is not part of that application either. This matter is nevertheless relevant for other reasons.

The existing DCP nominates the construction of a major – east west road through the Precinct, connecting Uhrig Road with Hill Road – known as Road 2. About half that road was approved with DA 1269/2016 for the adjoining site at 5 Uhrig Road, and construction is well progressed.

This application proposes to provide the balance of Road 2, that is, between 5 Uhrig Road and Nos 1-5 Hill Road. Note that the site at 1-5 Hill Road is within SOP, and that the RMS is responsible for the design and construction of the 'missing link' over that site which will connect Road 2 with Hill Road.

That background is necessary to understand the link with the VPA.

The location for Road 2 over this site is pre-determined by:

- The approved location of Road 2 on adjoining 5 Uhrig Road;
- The RMS design for its intersection over 1-5 Hill Road; and

In consequence, the design for Road 2 over the subject site necessarily encroaches into the school site, reducing that allotment by 387m², or 1.9%. Although a minor numerical variation, such would be inconsistent with the VPA. Further, the DPIE considers this reduction in the size of the school site to be a material impact, notwithstanding that the exhibited draft LEP proposes to relocate the school site elsewhere in the precinct.

To ensure this current DA therefore remains consistent with the VPA (and noting the DPIE is pursuing a new VPA with the applicant) concurrent DA 84/2019 for subdivision of the site will be required to adjust the school allotment by shifting its western boundary about 1.8m further west, into the "development site" for the purposes of this DA and the stage 1 DA (DA 1005/2016). This will ensure that the school site remains at 2 hectares.

That subdivision will need to include a covenant precluding this 387m² strip of land from being used for the purpose of site in any future DA, as the applicant has already drawn floor space off that land. That subdivision and covenant will need to be registered prior to the issue of any Construction Certificate. (condition 17)

4.2 Carter Street Precinct Contributions Plan 2016 - Levy

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

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

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

An appropriate condition (No. 20) is included in the recommendation.

4.3 Carter Street Precinct Contributions Plan 2016 – Land dedication

The site (Lot 13 DP 1216741) includes land zoned 'RE1 Public Recreation' under Auburn LEP 2010. Dedication of that land to council is already addressed by DA 1005/2016.

5. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 12: Relevant EPA Regulations

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

6. Likely impacts

6.1 Context and setting

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

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

Response

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

- Site works and alterations to the ground profile are acceptable;
- Appropriate arrangements will be made for the collection and disposal of stormwater;
- Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network;
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- The proposal will not generate noise, cast shadows or diminish views that would be detrimental to adjacent and surrounding sites.

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

Response

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

- It provides for a mix of land uses contemplated by the planning controls;
- Site planning locates built elements in suitable locations to avoid negative amenity outcomes for adjacent sites or areas of public open space;
- The scale and form and presentation of the buildings is consistent with planning controls,
- Design and site planning resolves issues raised by the DEAP;
- The public domain treatment will be satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.

6.2 Site works

Excavation

Bulk earth works for this scheme are approved under DA 1273/2016.

Tree removal

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

Utility services

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

6.3 Natural and technological hazards

No hazards identified

6.4 Site design and internal design

Street network

The proposed street network is consistent with that nominated by the DCP however some elements require particular discussion:

- *Road 5, between Road 1 and Road 2*

This will be a private road due to the location of basement levels below. Full public access will be retained via appropriate Rights of Way. This is consistent with outcomes for the stage 1 development opposite, approved under DA 1005/2016. Notwithstanding, the civil plans provided have not been updated since this DA was originally lodged and consequently require revision to reflect council's requirements for the design of Road 5, and to also match the current public domain plans. This matter is addressed by a deferred commencement condition.

- *Road 2*

Road 2 is the major east-west road through the Precinct, connecting Uhrig Road with Hill Road, and which is essential for the long term management of traffic within the Carter Street Precinct.



Figure 3: Road network

This application proposes to construct the portion of Road 2 between 5 Uhrig Road and Nos 1-5 Hill Road. The location for Road 2 over this site is pre-determined by:

- The constructed portion of Road 2 on adjoining 5 Uhrig Road;
- The RMS design for the future upgrade of the Hill Road/ John Ian Wing intersection, over 1-5 Hill Road, which connect Road 2 with Hill Road.

Consultation with the RMS design team for that intersection upgrade has been ongoing for the duration of this application. While the design team has confirmed the current civil drawings for Road 2 are generally satisfactory, is not prepared to give final 'sign off' on behalf of RMS.

Securing that signoff with the relevant officer from RMS is progressing, but has not been finalised at the time of preparing this report. Accordingly, this matter is addressed by way of a "deferred commencement" condition.

- *Road 2 – Interim condition*

The focus to date with the design of Road 2 has been to ensure integration with the RMS design for the Hill Road/John Ian Wing intersection. However, it remains unclear as to when that intersection will proceed. Therefore, the design of Road 2 needs to address the interim condition until that final outcome is realised. That interim condition needs to include:

- Arrangements for the collection and disposal of stormwater
- Traffic management measures.

This matter is addressed by way of a "deferred commencement" condition.

Setbacks

The primary departure from the 5m DCP setback control relates to the northern wing of building 3C1, adjacent to Road 1. In that location the design nominates:

- A 2.8m setback for the ground level retail shops;
- A 1.2m setback for residential levels above those shops

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

This approach replicates the design outcome achieved at the northern side of Road 1, immediately opposite. It therefore achieves a cohesive public domain and built form identity for the retail strip.

Note that the application is supported by a high level retail report which considers the potential for retail floor space that could be supported by the immediate onsite residential population resulting from this proposal, and the approved development opposite. That analysis indicates

that future population is capable of supporting 1,000m² -1,200m² of retail floor space. This application proposes only 550m² of retail floor space, in addition to the 396m² approved for the stage 1 development opposite (total 946m²).

Building separation

Building separation distances are consistent with the criteria nominated by the ADG, with the following exceptions:

Table 13: Summary of departures from ADG building separation distances

Between buildings 3C1 and 3C2		
	ADG criteria	Proposed
Storeys 5-8	18m between habitable rooms and balconies	Minimum 14.8m – Does not comply
Nine storeys +	24m between habitable rooms and balconies	Minimum 14.8m – Does not comply
Between northern and southern wings of building 3B1		
	ADG criteria	Proposed
First 4 storeys	12m between habitable rooms and balconies	Minimum 5.6m – Does not comply (Note – typical separation is 29m)
Storeys 5-8	18m between habitable rooms and balconies	Minimum 5.6m – Does not comply (Note – typical separation is 29m)
Nine storeys +	24m between habitable rooms and balconies	Minimum 5.6m – Does not comply (Note – typical separation is 29m)

The locations where separation distances are not met are limited, and are the exception, as site planning has ensured that ADG separation distances are either achieved or exceeded. Noting the extent of critical evaluation by council's DEAP, as discussed at section 2.2 above, the departures from the ADG criteria are acceptable noting:

- The design makes adequate arrangements for visual privacy in locations where separation distances are not strictly met, through the use of considered design elements such as solid walls, screening and judicious placement of windows;
- The massing and scale of the built form would not be inconsistent with future character of the Precinct;
- Apartments otherwise achieve appropriate levels of amenity with regard to solar access, cross ventilation;
- Amenity outcomes are satisfactory with regard to supply and of common open space and deep soil provision for effective landscaping.

Height, bulk and scale

The bulk and scale of the proposal is consistent with the outcomes contemplated by the precinct planning controls, and is also satisfactory on merit. Note that the scheme has been the subject of particular review by the DEAP, which is now satisfied with the built form outcomes.

External materials

The schedule of external materials has been the subject of particular scrutiny by council's City Architect Office and DEAP, and is now considered to be satisfactory.

Accessibility

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

Landscaping

Council's Tree Management and Landscape Officer is satisfied with the landscape treatment for the private (on site) elements of the scheme.

6.5 Amenity considerations

Noise intrusion from adjacent sources

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

The application is supported by a technical report that considers the impacts of those noise sources, and concludes the "recommended" DCP criteria can be satisfied subject to nominated glazing/seal treatment for particular building facades, and any lightweight materials used for external walls or roofs. The report has been assessed and accepted as satisfactory by council's Environmental Health Officer, who has also provided conditions for inclusions in any approval. (conditions 25 and 121)

Noise from the adjacent Olympic Stadium precinct

The issue was the subject of particular review by the Panel on October 2017 when determining DA 1005/2016 for stage 1, immediately to the north of this proposal. At that time, the Panel was concerned to understand any conflict between high density residential development in the Carter Street precinct and the mooted refurbishment of the nearby Olympic Stadium. It was not clear whether the refurbishment included an expansion to the capacity of the stadium.

Council officer's advice to the Panel, at that time, was:

- No government agency would confirm the likely seating capacity of any refurbished stadium; and
- While not applicable to this site, the current SOP Master Plan noise mapping nevertheless extends into the Carter Street Precinct. For the subject site it identifies the need for "substantial noise mitigation" while the more recent draft Master Plan Review (2016) identifies the need for "some" to "substantial" noise mitigation. Of interest is that the noise

criteria in both the current and draft SOP Master Plans is identical, and is less onerous than the recommended criteria in the Carter Street DCP.

Council officer's advice to the Panel, at that time, was:

- This development is required to satisfy the recommended noise criteria in the Carter Street DCP which, as noted, is more onerous than the equivalent provisions in the SOP masterplan;
- A covenant would be registered on the title of the land alerting purchasers to the proximity and characteristics of events in Sydney Olympic Park; and
- Council now includes a notation on its section 10.7(5) planning certificates:

Advisory Note – Proximity to Sydney Olympic Park

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

The Panel accepted the above in electing to grant its consent to DA 1005/2016. Since that time:

- The same approach (application of DCP noise criteria and imposition of event covenant) was applied to DA 1269/2016 for a high density residential development at 5 Uhrig Road. That development is east of this site and essentially adjacent to the stadium;
- Council is reviewing a State Significant development (SSD) application for the refurbishment of the stadium. That proposal reduces seating capacity from 83,000 to about 70,000.

Notwithstanding, this report recommends the imposition of the events covenant and compliance with the DCP noise criteria. (condition 17, 25 and 121)

Noise between residential and non-residential uses within building 3C1

Part of this building is mixed use, with 7 retail tenancies provided at the ground floor, with residential apartments above.

The potential for noise conflict between those uses is also addressed by the applicant's acoustic report. It notes that retail ground floor retail premises typically are expected to have a negligible impacts, but that food premises/licensed premises/outdoor dining would need to be assessed on individual merits.

In considering this matter it is concluded:

- The Building Code of Australia nominates minimum standards for fire separation and noise attenuation between different classes of buildings;
- To ensure amenity for the residential apartments in proximity to the ground floor neighbourhood shops, this report includes a condition which limits trading hours of those premises. Acoustic considerations will be further address by the provisions of the Codes

SEPP, if applicable, or otherwise via the development application process for the use of those premises. (condition 164)

This is the same approach as was adopted for stage 1 opposite, via DA 1005/2016.

Noise between residential and child care centre within building 3D

The acoustic report supporting the application notes that there is no prescribed noise emission criteria for childcare centres within the DCP or DPIE guidelines, and therefore noise impacts have been assessed with regard to the 'intrusive noise criteria' within the NSW EPA Industrial Noise Policy [i.e background + 5dB(A)] and AAAC Technical Guideline Child Care Centre Noise Assessment.

Modelling assumptions indicate that predicated noise levels for Building 3C1 opposite will be satisfactory, however for Building 3D the noise emission criteria would be exceeded by 3dB(A).

That report concludes:

- A change in noise level of 2-3dB(A) will be only marginally perceptible.
- Beyond the acoustic treatments already nominated, no further measures were identified to further minimise noise.

It is noted that the child care centre is likely to operate at times when occupancy levels within building 3D are low (i.e. weekdays)

Odour

The site is about 200m south of the Homebush Bay Liquid Waste Treatment Plant (LWTP). That Plant is critical infrastructure, as it treats liquid wastes for which there are no alternative treatment options in NSW. The 2015 Finalisation Report prepared by the (then) DPE in support of the rezoning proposal for the Carter Street Priority Precinct, acknowledged LWTP would impact on future residents of the precinct. It also noted:

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

Noting the potential constraints associated with the LWTP, this application is supported by an odour report (prepared by the same consultants who prepared the technical report to the DPE for the rezoning evaluation of the Precinct) which provides the following conclusion:

- Under normal operating conditions it is not considered the LWTP will cause adverse odour impacts for this proposal;

- When non-standard odour management practices (upset conditions) are combined with adverse meteorological conditions, there is a potential odour performance criterion to be exceeded at and beyond the project boundary;
- It is considered unlikely for upset conditions to combine with adverse meteorological conditions; and
- Based on the above it is considered that the risk of adverse odour impacts from the LWTP under normal conditions is low.

This issue was the subject of particular review by the Panel when determining DA 1005/2016 for stage 1, immediately to the north of this proposal. In reaching a conclusion on this matter with that earlier DA, the Panel accepted the following assessment:

- The DPE had the opportunity to address staged development of the Carter Street Precinct if it considered odour from the LWTP was a significant constraint;
- The lease for the LWTP is due to expire in 2025, and on available information, is unlikely to be extended;
- The SOP Master Plan, adopted in August 2018, applies to the land between this site and the LWTP. The Master Plan controls permit residential development (7 storeys and 2.5:1) with no objectives or provisions to mitigate odour impacts.

6.6 Public domain

Built form relationship to public domain

A positive public domain outcome will result given:

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

Public domain design and associated works

For the purposes of the DA stage of this project, council's Urban Design (Public Domain) team is generally satisfied with public domain treatment, the primary elements for which were established with the approval granted for stage 1 opposite (DA 1005/2016).

However, as is the case for these large projects, it is necessary for final construction level drawings to be submitted for endorsement to ensure all required outcomes have been addressed. (refer conditions 61 and 62)

Operational noise

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

Lighting

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

6.7 Access, transport and traffic

Car parking supply

The Carter Street Precinct DCP parking controls are a maximum rate, meaning a lesser supply is compliant provided it is also adequate on merit. Application of those controls results in the following maximum requirements:

Table 14: Parking assessment

<i>Maximum car parking requirements</i>	<i>Proposed</i>
Residential <ul style="list-style-type: none">1 space/ 1 bedroom unit = $1 \times 88 = 88$1 space/ 2 bedroom unit = $1 \times 289 = 289$2 spaces/ 3 bedroom unit = $1 \times 34 = 68$Total maximum spaces required = 445	412
Visitor <ul style="list-style-type: none">0.2 spaces per dwelling = $0.2 \times 411 \text{ units} = 82.2 \text{ (83)}$	83
Retail <ul style="list-style-type: none">1 space per 50m² GLFA = $(584\text{m}^2 / 50) = 11.7 \text{ (12)}$	12
Child care centre <ul style="list-style-type: none">1 space per 4 children = $1 \times (100 \text{ children} / 4) = 25$	26
Total maximum supply = 565	532

The proponent however seeks to supply 33 less spaces by relying upon ADG provisions which, in turn, defer to RMS parking requirements for sites within 800m of a railway station as justification.

The site is about 1km from Olympic Park railway station, and not all required pedestrian paths are yet in place. Nevertheless, council is agreeable to a lesser number of spaces particularly given the prospect of further public transport to service the Precinct in the future, being light rail and/or a metro train system. This same approach was accepted for the stage 1 development approved via DA 1005/2016. The parking supply of 532 spaces as proposed is therefore satisfactory.

Bicycle parking supply

The design provides for 452 bicycle spaces, which is consistent with the requirements of the DCP. However only 41 of those spaces are dedicated for that purpose, with the remaining 411 being located within the basement storage cages otherwise provided to meet ADG provisions for apartment storage. That approach is not acceptable, as bike parking is its own design parameter.

This report recommends that the basement design is therefore amended to require all bike parking be provided separate from ADG storage areas (deferred commencement condition 3)

Parking access and design

Some concerns with the design and geometry of parking and service areas were identified by Council's Traffic Engineer. The issues of concern are:

- Incorrect location of structural columns which may obstruct the use of shared spaces
- Need for updated swept path analysis
- Need to ensure location of basement access control points, both at the main entry and also within the basement, to avoid poor outcomes for queuing of traffic.

These matters are not fundamental, and are therefore resolved by way of conditions. (No 31)

Service vehicle access

Council's Traffic Engineer and Supervisor Waste Services both confirm that access to the basement for garbage vehicles is satisfactory. Conditions are nevertheless included in the recommendation to ensure that the completed building is satisfactory (condition 126.)

Construction Traffic

A Construction and Pedestrian Traffic Management Plan is to be submitted for council's endorsement prior to works commencing (Condition 75)

Operational Traffic

The application is supported by a Traffic Impact Report which has identified traffic generation associated with the proposal and modelled those details against the operating characteristics of key intersections to determine the extent of impacts on the efficiency of the local road network.

That process indicates that the levels of service at key intersections would remain satisfactory, other than at the intersection of Hill Road and Road 1. The report identifies that by 2031 that intersection would need to be converted to left in-left out due to traffic volumes.

That same circumstance was identified in conjunction with the stage 1 DA opposite (DA 1005/2016).

The DPIE is working to secure outcomes that will enable the RMS to construct the upgrade of

the Road 2/Hill Rd/John Ian Wing Parade intersection that will significantly improve the traffic movements for the whole of the Carter Street precinct.

Via DA 1005/2016 council holds a bond to ensure the applicant modifies the Road 1/Hill Road intersection to left in-left out upon completion of that RMS intersection upgrade.

6.8 Water management

Water quality during construction

This matter is addressed by conditions in recommendation to this report. (condition 56)

On site stormwater collection and disposal

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

Council's Development and Catchment Engineer is satisfied with the proposed arrangements subject to conditions. (condition No 52)

6.9 Waste management

Construction phase

A Waste Management Plan is to be endorsed by council prior to commencement of works, as recommended by Council's Environmental Health Officer. (condition 83)

Operation phase

The application is supported by a operational Waste Management Plan addressing arrangements for the storage and collection of general waste/recyclables and trade waste. The residential component development will be serviced by council, with a contractor required for the retail/commercial components. Appropriate conditions are provided in the recommendation. (Conditions 120, 125, 126)

6.10 Construction Management

To minimise nuisance during the construction period the recommendation requires the preparation of a construction management plan (condition 74) addressing the following matters:

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

- Traffic and pedestrian safety;
- Dust control; and
- Tree protection.

6.11 Safety, security and crime prevention

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

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

To ensure a suitable outcome is achieved, the recommendation requires the following measures (refer to condition 128):

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

6.12 Social and economic impacts

No adverse impacts have been identified.

7. Site suitability

7.1 Does the proposal fit the locality

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

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

7.2 Public submissions

Submission from Nos 1-5 Hill Road, Lidcombe

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

Issue 1 – Width of Road 2 and resultant site isolation for 1-5 Hill Road

The road width depicted in DA174/2018 has been informed by a preliminary unresolved road alignment in RMS’ SEARs request, and is inconsistent with the road alignment established in the adopted Carter Street DCP.

The DCP nominates Road 2 as comprising one (1) lane in each direction. However, the application allows for up to two (2) lanes in each direction plus access lanes. This represents a significant departure from the DCP in terms of overall road width, availability of on street parking and street tree planting, and provision for bicycle/pedestrian footways.

As this road traverses our clients' site, it prejudices the development potential of the site.

A design concept plan should be prepared for 1-5 Hill Road, detailing indicative building envelopes that could be achieved under the current controls, to determine whether the available floor space ratio (FSR) can be realised. This should include consideration of the design criteria prescribed within the Apartment Design Guide (ADG).

Response

The Carter Street Precinct became part of the City of Parramatta LGA in 2016. The first DA lodged by the applicant was a masterplan scheme for the whole of this site. At that time, the RMS advised council:

- The road hierarchy and functions within the Precinct will likely alter as a consequence of the M4 off ramp
- The applicants traffic modelling had not taken into account traffic from that off ramp
- The proposed M4 off ramp into Hill Road would require 3 turning lanes into Road 2
- RMS would not consent to the installation of any new traffic signals or modification of existing signals within the precinct until full network modelling is completed and nominated intersections addressed.

Those circumstances led, in part, to the withdrawal of that DA. Since that time, the RMS has undertaken a review of multiple design options for the M4 off ramp at Hill Road. That process has necessarily included a design investigation for the upgrade of the Hill Road/ John Ian Wing Parade intersection, which will connect Road 2 to Hill Road, as identified in the DCP.

The design intent for Road 2 could not have been reasonably established by a 2016 DCP when the RMS had not completed its own design investigations. Arguably, however, the cross section design for Road 2 in the current DCP intentionally included elements, such as the bio-swale and associated bike path, which could be sacrificed if additional lanes were proven to be required for Road 2, as is now the case.

Interestingly, the overall width of Road 2 in the draft DCP is consistent with that nominated in the current DCP (30m), and only increases 34m at the common boundary with 1-5 Hill Road, to match the RMS intersection design.

Therefore in terms of the potential for site isolation of 1-5 Hill Road it is noted:

- The Carter Street Precinct controls have always identified that most of that site would be required in order to connect Road 2 to Hill Road;
- DPIE has recently written to the lessor of 1-5 Hill Road advising of the state government's interest in that land for the purposes of delivering the intersection upgrade, which can only happen with acquisition of 1-5 Hill Road.



8. Public interest

The Greater Sydney Commission's five District Plans are a guide for implementing *A Metropolis of Three Cities* - the Greater Sydney Region Plan at a District level, and these 20-year plans are a bridge between regional and local planning.

Broadly, the planning priorities and actions within the plan for the Central City District relate to:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability
- Implementation

This application is generally consistent with the specific controls introduced by the Department of Planning and Environment for the Carter Street Precinct, and the wider planning framework, and therefore accords with this District Plan.



ATTACHMENT B - CONDITIONS OF CONSENT

SWCCP reference	2018SWC043
DA No.	174/2018

DEVELOPMENT APPLICATION 174/2018

SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS

1. Provide written confirmation from Road and Maritime Services, to the satisfaction of council's Group Manager Development and Traffic Services, that the design for Road 2 is satisfactory relative to achieving vertical and horizontal integration with the RMS design for the upgrade of the Hill Road/John Ian Wing intersection upgrade over Nos 1-5 Hill Road Lidcombe. That advice is to include:
 - a. Identification of the civil plans upon which the RMS advice is based; and
 - b. Identification of any design matters required to be included in the final civil plans required elsewhere in this notice.
2. Provide a revised set of civil drawings, to the satisfaction of council's Group Manager Development and Traffic Services, which:
 - a. Are consistent with Public Domain Plans identified elsewhere in this report;
 - b. Detail arrangements for managing the interim condition of Road 2 until the connection of that road with Hill Road is complete. In this regard, the civil plans shall:
 - (i) Nominate arrangements for the collection and disposal of stormwater;
 - (ii) Provide measures, (barriers, sign posting etc) to manage traffic movements along Road 2
 - c. In relation to Road 5, the civil plans must:
 - (i) Provide for two way traffic movements but allow only a left out movement at intersection with Road 2
 - (ii) Ensure the design at the intersection with Road 1 is amended to be consistent with the design details approved under DA 1005/2016.
 - (iii) Ensure it does not convey any overland flow from public roads.
 - (iv) Be capable of supporting the weight of emergency vehicles/garbage trucks etc. as certified by a structural engineer.

- (v) Delete of the drop-off area (4 spaces) for the Childcare Centre on the western side of the road.
- d. For the Road No. 2: The design of the median island just west of Road 3 should have a transition to allow for right turn traffic movements from Road 3 onto Road 2. The median island on Road 2 to the east of Road 3 should not extend beyond the eastern kerb line of Road 3.
- e. Road No. 2 intersection with Road No. 3: Long sections and cross sections of Road 3 shall be included in the Civil package. From comparing the Civil plans for DA/1005/2016 and DA/174/2018, Road 3 appears to be 0.5 below Road 2 at their intersection.
- f. Road 2 once fully complete will have a cycle way along both its southern and norther edges (oneway pairs 1950mm wide). The civil plans and public domain plans must provide for a cycleway along the southern side of Road 2. Details are also required of linemarking at intersection as per Austroads to clearly indicate the continuing cycle way for turning traffic.
- g. Road No. 5 intersection with Road No. 1: Submit a long section of the kerb returns with reference to approved plans for works to be completed as part of separate DA's. This comment is applicable to all other intersections falling within the extent of works.
- h. Intersection sight distances: Long sections of Road 3 are required to assess the sight distances of Road 3's intersection with Road 2.
- i. For all roads, include long sections and cross sections with levels of all roads and sight line assessment of all intersections. All kerbs, gutters and kerb ramps are to be provided in accordance with Council's specifications.
- 3. Provide a revised set of revised basement architectural drawings, to the satisfaction of council's Group Manager Development and Traffic Services, which resolve the following matter:
 - a. Provide 452 bicycle spaces, which are separate from any storage cage or the like allocated for the apartments to meet ADG storage requirements.

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

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

GENERAL MATTERS

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

Drawing No. and Revision	Title	Dated
DA 00.02 D	Development Statistic Schedule	29.8.19
DA 00.03 C	Basix Commitments	28.6.19
DA 01.01 C	Location Plan	28.6.19
DA 01.03 D	Site Plans	29.8.19
DA 01.03A C	Site Plan	28.6.19
DA 01.04 C	Demolition Plan	28.6.19
DA 02.01 D	Ground Floor Plan	29.8.19
DA 02.02 C	Level 1 Floor Plan	28.6.19
DA 02.03 C	Level 2 Floor Plan	28.6.19
DA 02.04 C	Level 3 Floor Plan	28.6.19
DA 02.05 C	Level 4 Floor Plan	28.6.19
DA 02.06 C	Level 5 Floor Plan	28.6.19
DA 02.07 C	Level 6 Floor Plan	28.6.19
DA 02.08 C	Level 7 Floor Plan	28.6.19
DA 02.09 C	Level 8 Floor Plan	28.6.19
DA 02.10 C	Level 9 Floor Plan	28.6.19
DA 02.11 C	Level 10 Floor Plan	28.6.19
DA 02.12 C	Level 11 Floor Plan	28.6.19
DA 02.13 C	Level 12 Floor Plan	28.6.19
DA 02.14 C	Level 13 Floor Plan	28.6.19
DA 02.15 C	Roof Plan	28.6.19
DA 02.16 D	Basement 1 Plan	29.8.19
DA 02.17 D	Basement 2 Plan	29.8.19
DA 02.40 D	Block 3C1 & 3C2 - Ground Floor Plan	29.8.19
DA 02.41 C	Block 3C1 & 3C2 - Level 1 Floor Plan	28.6.19
DA 02.42 C	Block 3C1 & 3C2 - Level 2 Floor Plan	28.6.19
DA 02.43 C	Block 3C1 & 3C2 - Level 3 Floor Plan	28.6.19
DA 02.44 C	Block 3C1 & 3C2 - Level 4 Floor Plan	28.6.19
DA 02.45 C	Block 3C1 & 3C2 - Level 5 Floor Plan	28.6.19

DA 02.46	D	Block 3C1 & 3C2 - Level 6 Floor Plan	27.8.19
DA 02.47	C	Block 3C1 & 3C2 - Level 7 Floor Plan	28.6.19
DA 02.48	C	Block 3C1 & 3C2 - Level 8 Floor Plan	28.6.19
DA 02.49	C	Block 3C1 & 3C2 - Level 9 Floor Plan	28.6.19
DA 02.50	C	Block 3C1 & 3C2 - Level 10 Floor Plan	28.6.19
DA 02.51	C	Block 3C1 & 3C2 - Roof Plan	28.6.19
DA 02.60	C	Block 3D - Ground Floor Plan	28.6.19
DA 02.61	C	Block 3D - Level 1 Floor Plan	28.6.19
DA 02.62	C	Block 3D - Level 2 Floor Plan	28.6.19
DA 02.63	C	Block 3D - Level 3 Floor Plan	28.6.19
DA 02.64	C	Block 3D - Level 4 Floor Plan	28.6.19
DA 02.65	C	Block 3D - Level 5 Floor Plan	28.6.19
DA 02.66	C	Block 3D - Level 6 Floor Plan	28.6.19
DA 02.67	C	Block 3D - Level 7 Floor Plan	28.6.19
DA 02.68	C	Block 3D - Level 8 Floor Plan	28.6.19
DA 02.69	C	Block 3D - Level 9 Floor Plan	28.6.19
DA 02.70	C	Block 3D - Level 10 Floor Plan	28.6.19
DA 02.71	C	Block 3D - Level 11 Floor Plan	28.6.19
DA 02.72	C	Block 3D - Level 12 Floor Plan	28.6.19
DA 02.73	C	Block 3D - Level 13 Floor Plan	28.6.19
DA 02.74	C	Block 3D - Roof Plan	28.6.19
DA 03.01	D	Elevation - North & South	29.8.19
DA 03.02	C	Elevation - Block 3C1	28.6.19
DA 03.03	C	Elevation - Block 3C2	28.6.19
DA 03.04	C	Elevation - Block 3D	28.6.19
DA 03.10	D	Section - Longitudinal	27.8.19
DA 03.11	D	Cross-section	27.8.19
DA 03.20	C	Zone 3 Site Section & Elevation	29.8.19
DA 03.30	C	Allowable Height Limits Diagram	28.6.19
DA 03.31	C	Allowable Height Limits Diagram	28.6.19

DA 03.40	D	Coloured Street Elevations	29.8.19
DA 03.41	D	Coloured Elevation	29.8.19
DA 03.42	C	Coloured Elevation	28.6.19
DA 03.43	D	Coloured Elevation	28.6.19
DA 04.10	D	External Finishes Schedule	29.8.19
DA 04.11	A	External Finishes Schedule	29.8.19
DA 04.12	A	External Finishes Schedule	29.8.19
DA 04.13	A	External Finishes Schedule	29.8.19
DA 04.14	A	External Finishes Schedule	29.8.19
DA 04.15	A	External Finishes Schedule	29.8.19
DA 04.16	A	External Finishes Schedule	29.8.19
DA 04.17	A	External Finishes Schedule	29.8.19
DA 04.18	A	TYPICAL FACADE SECTIONS	19.9.19
DA 04.19	A	TYPICAL FACADE SECTIONS	19.9.19
DA 04.20	A	TYPICAL FACADE SECTIONS	19.9.19
DA 04.21	A	TYPICAL FACADE SECTIONS	19.9.19
DA 04.22	A	TYPICAL FACADE SECTIONS	19.9.19
DA 05.01	C	Perspectives	28.6.19
DA 05.02	C	Perspectives	28.6.19
DA 05.03	D	Perspectives	19.9.19
DA 05.04	C	Perspectives	28.6.19
DA 05.05	B	Perspectives	28.6.19
DA 05.06	C	Perspectives	19.9.19
DA 05.07	C	Perspectives	19.9.19
DA 05.08	B	Perspectives	28.6.19
DA 05.09	B	Perspectives	28.6.19
DA 05.10	B	Perspectives	28.6.19
DA 05.11	B	Perspectives	28.6.19
DA 05.12	B	Perspectives	28.6.19
DA 05.13	B	Perspectives	28.6.19

DA 05.14	B	Perspectives	28.6.19
DA 10.01	C	Deep Soil	28.6.19
DA 11.01	C	Pre/Post Adaption & LHD Silver Level Layouts	28.6.19
DA 11.20	C	Child Care Centre	28.6.19
DA 12.01	C	Communal Open Space	28.6.19
DA 12.02	C	Communal Open Space	28.6.19
DA 12.09	B	Retail Section	28.6.19
DA 13.58	C	Storage Area Schedule	28.6.19
DA 13.60	C	Basement 1 - Block 3C1, 3C2 & 3D Storage Zones	28.6.19
DA 13.61	D	Basement 2 - Block 3C1, 3C2 & 3D Storage Zones	29.8.19

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

Drawing No. and Revision	Title	Dated
3476.3C3D.00 E	MASTERPLAN PUBLIC DOMAIN AND DEVELOPMENT	July 2019
3476.3C3D.01 E	SURVEY	July 2019
3476.3C3D.02 E	KEY PLAN	July 2019
3476.3C3D.03 E	LEGENDS	July 2019
3476.3C3D.04 E	PLANTING SCHEDULES	July 2019
3476.3C3D.05 E	GROUND FLOOR LANDSCAPE MASTERPLAN	July 2019
3476.3C3D.D06 E	PLANTING ON STRUCTURE PLAN	July 2019
3476.3C3D.LP01 E	LANDSCAPE AREA 1	July 2019
3476.3C3D.LP02 E	LANDSCAPE AREA 2	July 2019
3476.3C3D.LP03 E	LANDSCAPE AREA 3	July 2019
3476.3C3D.LP04 E	LANDSCAPE AREA 4	July 2019
3476.3C3D.LP06 E	DETAILED PLAN CHILDCARE	July 2019
3476.3C3D.PL01 E	PLANTING PLAN 1	July 2019
3476.3C3D.PL02 E	PLANTING PLAN 2	July 2019
3476.3C3D.PL03 E	PLANTING PLAN 3	July 2019

3476.3C3D.PL04	E	PLANTING PLAN 4	July 2019
3476.3C3D.RG01	E	3CD ROOF GARDENS AND COURTYARDS	July 2019
3476.3C3D.RG02	E	3CD ROOF GARDENS AND COURTYARDS	July 2019
3476.3C3D.RG03	E	3CD ROOF GARDENS AND COURTYARDS	July 2019
3476.3C3D.RG04	E	3CD ROOF GARDENS AND COURTYARDS	July 2019
3476.3C3D.FP01	E	3C1 FACADE PLANTERS 1 OF 2	July 2019
3476.3C3D.FP02	E	3C1 FACADE PLANTERS 2 OF 2	July 2019
3476.3C3D.FP03	E	3C2 FACADE PLANTERS 1 OF 2	July 2019
3476.3C3D.FP04	E	3C2 FACADE PLANTERS 2 OF 2	July 2019
3476.3C3D.FP05	E	3C2 FACADE PLANTERS 1 OF 2	July 2019
3476.3C3D.FP06	E	3C2 FACADE PLANTERS 2 OF 2	July 2019
3476.3C3D.SE01	E	SECTIONS A&B	July 2019
3476.3C3D.SE02	E	SECTIONS C,D&E	July 2019
3476.3C3D.SE03	E	CHILDCARE SECTION	July 2019
3476.3C3D.SE04	E	INDICATIVE ROOF GARDEN SECTIONS	July 2019
3476.3C3D.SE05	E	DETAILED CROSS SECTIONS 1	July 2019
3476.3C3D.SE06	E	DETAILED CROSS SECTIONS 2	July 2019
3476.3C3D.SE07	E	DETAILED CROSS SECTIONS 3	July 2019
3476.3C3D.SE08	E	DETAILED CROSS SECTIONS 4	July 2019
3476.3C3D.SE09	E	DETAILED CROSS SECTIONS 5	July 2019
3476.3C3D.SE10	E	DETAILED CROSS SECTIONS 6	July 2019
3476.3C3D.DE01	E	TYPICAL HARD LANDSCAPE DETAILS 1	July 2019
3476.3C3D.DE02	E	TYPICAL HARD LANDSCAPE DETAILS 2	July 2019
3476.3C3D.DE03	E	TYPICAL HARD LANDSCAPE DETAILS 3	July 2019
3476.3C3D.DE04	E	TYPICAL HARD LANDSCAPE DETAILS 4	July 2019
3476.3C3D.DE05	E	TYPICAL SOFT LANDSCAPE DETAILS 1	July 2019
3476.3C3D.DE06	E	TYPICAL SOFT LANDSCAPE DETAILS 2	July 2019

The development is to be carried out in accordance with:

- The **civil plans** approved to satisfy the deferred commencement conditions, and as otherwise amended by the conditions within this consent;

- The **final public domain plans** approved to satisfy conditions within this consent;
- The **stormwater plans** approved to satisfy conditions in this consent.

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

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

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

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

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

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

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

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

Reason: To ensure compliance with legislative requirements.

5. Arrangements for stormwater collection and disposal, including Water Sensitive Urban Design shall be completed in accordance with plans approved to satisfy condition 1 of this consent, and as otherwise required by conditions within this Notice.

6. Hazardous or intractable wastes arising from the demolition or construction processes shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

7. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to Council and the principal certifying authority prior to the issue of any Occupation Certificate.

Reason: To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines.

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

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

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

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

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

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

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

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

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

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

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

11. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening

and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties. This excludes the awning on building 3C1 1.

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

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

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

13. 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. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

Reason: To ensure waste is adequately separated and managed in mixed use developments.

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

Reason: To maintain the amenity of the area.

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

Reason: To minimise costs to Council

16. The applicant shall dedicate Road 2 to the City of Parramatta Council within 90 days of the issue of the final Occupation Certificate. The land dedicated to council must be free of any rock anchors.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

17. Prior to the issue of any Construction Certificate:

- (a) A covenant under section 88E of the Conveyancing Act 1919 shall be registered on the land. The covenant shall burden the land and property substantially in the form of the event covenant used by Sydney Olympic Park Authority, and otherwise to the satisfaction of Council, in relation to disturbance, inconvenience, nuisance, disruption or economic loss arising in connection with the operation of Sydney Olympic Park.
- (b) The relevant stage of the subdivision under related DA 84/2018 shall be registered to ensure the creation of a 2 hectare lot for 'Education lands' as required by the

Voluntary Planning agreement executed 18 November 2015. That subdivision shall include all easements/restrictions as required by council.

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

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

Reason: To comply with the requirements of SEPP 65.

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

Reason: To ensure that the levy is paid.

20. A monetary contribution comprising \$1,495,515.60 is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the and the *Carter Street Precinct Development Contributions Plan 2016*. Payment must be by EFTPOS, bank cheque or credit card only.

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

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

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

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

Reason: To comply with legislative requirements.

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

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

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

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

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

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

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

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

Should a bank guarantee be lodged it must:

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

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

Bonds shall be provided as follows:

Bond Type	Amount
	N/A
Street Furniture	N/A
Development site bond	\$25,750
Street Trees	N/A

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

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

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

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

- (a) Accessibility Design Review by ABE Consulting (Ref: 6341 dated 8 February 2018)

- (b) Waste Management Plan by Elephants Foot (dated 2 February 2018) except as amended elsewhere in this Notice
- (c) BASIX Certificates 788843M_11 and 788850M

Reason: To ensure a suitable level of residential amenity.

25. The recommendations outlined section 6 of the Noise Impact assessment prepared by Acoustic Logic (Rev 6, Ref: 20160103.3/0202A/R6/JS, dated 2.2.10) shall be implemented. Prior to the issue of the relevant Construction Certificate(s) details to the satisfaction the Principal Certifying Authority shall be provided which demonstrate the design and construction of the buildings will achieve the recommended noise criteria in section 4.6 of the Carter Street Precinct Development Control Plan 2016, being:
- Living and working areas: 40 dBA(Laeq)
 - Sleeping areas: 35dBA (Laeq)
26. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Certifying Authority.
- Reason:** To ensure the quality built form of the development.
27. To reduce the extent of overhead cabling, all low voltage distribution and service mains required to facilitate the development must be underground both within the allotment boundaries and the public way. Details must be provided with the plans and documentation accompanying the application for the relevant Construction Certificate to the satisfaction of the Certifying Authority.
- Reason:** To provide infrastructure that facilitates the future improvement of the streetscape.
28. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the entire development.

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

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

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

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

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

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

Reason: To maintain appropriate amenity to nearby occupants.

30. The development must incorporate 41 adaptable dwellings. Plans submitted with the relevant Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

31. A total of 532 parking spaces are to be provided, allocated as follows:

- A minimum of 12 spaces to be provided for retail uses, of which 1 must be an accessible parking space
- A minimum of 82 visitor spaces to be provided, of which 9 must be accessible parking spaces
- A minimum of 26 spaces are to be provided for the child care centre, of which 2 must be accessible spaces. The location of the child care centre spaces shall match the details shown on the approved plans.

The remaining 412 spaces shall be allocated to the residential apartments, of which 40 must be accessible parking spaces. Tandem spaces are to be allocated to the same unit. Details are to be illustrated on the Construction Certificate plans.

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

Prior to the issue of the relevant Construction Certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Column locations are to comply with AS 2890.1 or otherwise provide a

design/performance solution by a suitably qualified accessibility consultant to the satisfaction of Council's Service Manager, Traffic and Transport.

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

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

32. 452 bicycle spaces/racks for residents/visitors are to be provided on-site, in the location shown on the plans approved to satisfy the requirements of the deferred commencement conditions. The bicycle spaces shall be in a security level B facility. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 – 2015, except where an apartment has a basement storage area on title that is large enough to accommodate a bike and is no smaller than a Security Level A bike locker in which case additional bike parking for that apartment is not required.

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

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

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

- Be consistent with the plans approved to satisfy the deferred commencement conditions, and all conditions of this Notice;
- Satisfy all relevant design standards of the City of Parramatta Council; and
- Be subject to all relevant inspections as nominated by the Principal Certifying Authority.

Design Standards

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

DS1	KERBS AND LAYBACKS
DS2	ROOFWATER OUTLET
DS3	FOOTPATH
DS4	KERB RAMP
DS5	DISH DRAIN CROSSING DETAIL
DS6	TYPICAL CYCLEWAY / SHARED PATHWAY (CONTINUOUS AND ALTERNATE POURS)
DS7	STANDARD PASSENGER CAR CLEARANCE PROFILE
DS8	STANDARD VEHICULAR CROSSING
DS9	HEAVY DUTY VEHICULAR CROSSING
DS10	VEHICULAR CROSSING PROFILES
DS11	SIGN POST SUPPORT (IN TURFED FOOTPATH AREA)
DS11A	SIGN POST SUPPORT (CBD IN PAVERS)
DS11B	SIGN POST SUPPORT (IN CONCRETE FOOTPATH AREA)
DS12	STANDARD CORNER ROUNDING AT PROPERTY BOUNDARY
DS33	SUB SOIL DRAINAGE DETAILS
DS42	TURFING DETAIL

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

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

Construction Standards

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

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

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

34. For the stormwater systems approved by this application which will become Council's asset upon dedication, any plans approved for construction by the certifier must:
- Be consistent with those listed at condition 1 above, and all conditions of this Notice; and
 - Satisfy all relevant design standards of the City of Parramatta Council;
 - Be subject to all relevant inspections as nominated by the Principal Certifying Authority.

Design Standards

For the stormwater drainage the standards are:

DS20	TYPICAL CROSS SECTION LANEWAYS
DS21	STANDARD KERB INLET PIT (ON GRADE)
DS22	REAR ACCESS PIT
DS23	STANDARD SURCHARGE PIT
DS24 SHT1	GRATED SAG PIT USING PRECAST LINTEL
DS24 SHT2	GRATED SAG PIT USING PRECAST LINTEL WITH 900mm OPENING
DS26 SHT1	STANDARD JUNCTION PIT
DS26 SHT2	HEAVY DUTY JUNCTION PIT
DS25 SHEET 1	SURFACE INLET PIT FOR FOOTPATHS
DS37 SHEET 1	INSTALLATION OF PIPELINES AND RESTORATION OF TRENCHES

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

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

35. A design road safety audit is to be carried out by a suitably accredited road safety auditor on the road design and the landscaping design of road 1 to identify any safety issues. All recommended changes to be implemented to the satisfaction of the Principal Certifying Authority.

Reason: To ensure design provides a safer road environment

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

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

Reason: To ensure appropriate vehicular access is provided.

37. Sight lines at the property line are to be provided in accordance with the minimum requirements specified in Figure 3.3 of AS 2890.1-2004 (a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway) on both sides of the access driveway. This splay shall not to be compromised by obstructions greater than 900mm in height such as landscaping, signage fences, walls or any display materials.

Reason: To ensure pedestrians safety

38. On-street parking spaces are to be provided in accordance with the approved plans and AS 2890.5. Adequate clearance between the parking bay and the nearest moving traffic lane is to be provided for parallel parking in accordance with Clause 2.4 (a) of AS 2890.5. Details are to be illustrated on plans submitted with the construction certificate.

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

39. 10 motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.
Reason: To comply with Council's parking requirements.
40. The control point at the car park entrance is to be located where adequate queuing length between the vehicular control point and the property boundary is provided in accordance to Clause 3.4 of AS 2890.1-2004 to allow free influx of traffic, which will not adversely affect traffic or pedestrian flows in the frontage road. Details are to be submitted to Council to the satisfaction of Council's Traffic and Transport Manager prior to the issue of the relevant construction certificate.
Reason: To comply with Australian Standards.
41. Adequate car parking spaces are to be allocated for car share parking space. Car share parking spaces shall be publicly accessible at all times, adequately lit and sign posted. Written evidence shall be provided with the development application demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The PCA shall ascertain that agreement with a commercial operator is subscribed prior to issue of the construction certificate. Details are to be illustrated on plans submitted with the construction certificate.
Reason: To comply with Council's Development Control Plan.
42. The applicant is to submit a separate application for the proposed line markings and signage in Road No. 2, Road No. 3 and Road No. 5 to Council's Traffic and Transport Services for consideration by the Parramatta Traffic Committee under Delegated Authority and Council's approval. On-street parking spaces are to be time restricted to 2P parking restriction. Plans are to be dimensioned and are to include turn path plans. The construction of the approved treatment is to be carried out by the applicant and all costs associated with the supply and construction of the roads, traffic facilities and appropriate signage are to be paid for by the applicant at no cost to Council.
Reason: To comply with Roads Act 1993.
43. Prior to the issue of a construction certificate, detailed engineering design plans of Road No. 2, Road No. 3 and Road No. 5 including long sections and cross sections with levels of all roads and sight line assessment of all intersections, are to be submitted to Council to the satisfaction of Council's Manager Traffic and Transport. All kerbs, gutters and kerb ramps are to be provided in accordance with Council's specifications.
Reason: To ensure maintenance of traffic flow and safety on the surrounding road network.
44. Prior to the issue of a construction certificate, the applicant is to submit evidences to the satisfaction of Council's Manager Traffic and Transport regarding the location of the columns that are within the shared space of an accessible parking space in order to illustrate that the columns do not prevent the use of the associated accessible parking spaces.
Reason: To comply with the Australian Standards.

45. Prior to the issue of a construction certificate, the applicant is to re-design the internal control point on basements 1 to the satisfaction of Council's Manager Traffic and Transport and submit the revised plan to Council. The control point is to be provided at the centre of the circulation aisle (not attached on the wall) in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

Reason: To ensure appropriate traffic management within the basement car park.

46. Prior to the issue of a construction certificate, the applicant is to submit swept path plans for the internal ramp between basements 1 and 2, to the satisfaction of Council's Manager Traffic and Transport, in order to illustrate that two cars can pass each other at same time.

Reason: To ensure appropriate traffic management within the basement car park.

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

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

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

Reason: To minimise impact on adjoining properties.

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

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

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

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

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

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

- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

Reason: To ensure satisfactory storm water disposal.

- 50. The perimeter walls and floor of the basement must be constructed using a “Tanked Construction” method, to prevent groundwater permeating the basement walls and floor base. Basement walls and the base slab must be designed to withstand hydrostatic loading. Groundwater must be conveyed around the basement to replicate predevelopment groundwater flow conditions.

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

Reason: Protection of the environment, structural stability and public safety.

- 51. All roof water and surface water is to be connected to an approved drainage system. Details are to be shown on the plans and documentation accompanying the application for the relevant Construction Certificate.
- 52. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the relevant Construction Certificate for any work approved under this application:
 - (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council’s Stormwater Disposal Policy, Council’s Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
 - (b) The detailed stormwater plan must be designed and implemented generally in accordance with the submission titled “Stormwater Concept Plan” by floth consultants REV DA 02 dated 04 July 2019 to the satisfaction of the Certifier.
 - (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
 - (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

- 53. Water quality treatment devices must be installed to manage surface runoff water. Details of the proposed devices and their location must be generally in accordance with the

“Stormwater Concept Plan” by floth consultants REV DA 02 dated 04 July 2019 and must accompany the application for the relevant Construction Certificate to the satisfaction of the Certifying Authority.

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

54. The provision of utility services to the building shall include dual water reticulation piping (lilac pipes) to enable connection to future recycled water via the Sydney Olympic Park **Water Reclamation and Management Scheme (WRAMS)** or other future Sydney Water recycled water system. Details are to be included in the relevant Construction Certificates.
55. Construction details showing substrate depth, drainage, waterproofing etc., for ground floor and roof top planter boxes are to be provided with an application for the relevant Construction Certificate.

The ‘planting on structures’ minimum soils depths as nominated in the Apartment Design Guide are to be followed, however shall be increased as necessary to ensure depths reflect the function of the landscape treatment.

Reason: To ensure the creation of functional gardens.

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

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

a) *Stormwater management*

All stormwater incident on the construction site must be collected and appropriately disposed of in a manner that does not increase the flood risk for the catchment area or degrade the quality of water being disposed of to Council stormwater infrastructure.

b) *Construction material pollution protection*

During construction, any stockpiled materials and/or construction waste stored onsite is to be isolated from stormwater flow to Council stormwater systems and natural waterways, in order that it not become a pollutant. This is to be achieved with provision of continuous perimeter bunding around waste storage areas, constructed to be of sufficient height and durability to withstand site-specific stormwater conditions and construction activity for the life-cycle of the construction project.

c) *Erosion and sediment control measures*

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to include, but not be limited to:

- i) Vehicle Wheel wash, cattle grid, wheel shaker or other appropriate device to remove sediment from vehicle wheels.

- ii) A sediment trapping fence, made of a geotechnical textile specifically designed for such a purpose and installed and maintained to manufacturer's specifications, placed below the disturbed area of the construction site along contours.
- iii) Vegetation is to be maintained on the development site as much as possible, and shall not be cleared from neighboring sites.
- iv) Vehicle access shall be restricted to one designated point, and vehicle driveways are to be adequately covered at all times with blue metal or the like.

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

d) *Environmental due diligence*

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

e) *De-watering of the excavation cavity*

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

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

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

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

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

Reason: Protection of the environment.

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

recommendations made by the qualified practising structural engineer must be complied with.

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

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

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

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

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

Reason: To protect Council's infrastructure.

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

Reason: To ensure the creation of functional gardens.

61. Council Approvals for Public Domain Works

Prior to the issue of the Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not limited to, the following areas:

- All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback etc
- Any publicly accessible areas;
- Any works in carriageway, and
- Onsite landscape work.

The Public Domain Construction Drawings and specifications shall be prepared in accordance with:

- The latest City of Parramatta Public Domain Guidelines (PDG);
- The approved Civil Drawings,

- The agreed road layout and
- All the conditions listed in this consent.

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

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

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

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

(a) Design modifications - Road 2 (Spine Road):

- Light pole alignment must be consistent, typically at 600mm from the front face of kerb. Refer to PPDG Figure 3.8 Typical Street Type Layout – Urban Living.
- Cycle path must have a green painted finish including intersections

(b) Design Modifications – Road 3 and 5 South

- Road 5 geometry to follow civil drawings with 4 continuous parking spaces on either side of road that correspond to building entries. Arrangement of public domain elements to reflect new geometry.
- Road design to reflect Landscape drawings which show a 2 way street system with a left only onto Road 2.
- Street tree layout to reflect new design and to achieve existing street tree numbers or more.
- Street lighting should be consolidated onto one side of road – as per City of Parramatta lighting officer's advice.
- Vehicular entry to building 3C2 should use City of Parramatta's engineering standard detail DS9 - Heavy Duty Vehicular Crossing.
- All accessible car parking spaces and shared zones must comply with AS/NZS 2890.6:2009.
- Provide construction detail of basement/property line in the footway at the south - east corner of intersection of Road 3 and Road 5.

(c) Access Requirements

- Universal design must be provided in accordance with the provisions of AS 1428.1 and the Public Domain Guidelines to all the building entries, including appropriate handrails, landing areas, TGSIs as required for each ramp and stair.

- Ensure that balustrades, handrails, and TGSIs required to accommodate private building or site entries do not protrude into the public domain in any way.

(d) Drainage

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

(e) Footway Specifications

Notwithstanding the approved Civil Drawings, the Public Domain Alignment Drawings and Public Domain Landscape Drawings, the following requirements shall be included in the Public Domain Construction Drawings:

Footpath

The standard concrete paving, as per the PDG, shall be applied to the entire public domain footpath areas.

Detailed design spot levels and designed contour lines are required. The pedestrian footpath shall comply with the following requirements:

- The footpaths must achieve a cross fall of 1% - 2.5% maximum.
- The footpaths should positively drain away from the property boundary/ building line
- Localised flattening of public footpath at building doorways and property entries is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line.
- Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.
- A width of 1800mm is required.

The footpath set out and details must comply with Council's design standard detail (DS3). A copy of the Standard Detail Drawings can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).

Kerb Ramps

Kerb ramps must be designed and located in accordance with Council's design standards (DS4). Ramps are to be aimed to the ramp on the opposite side of the road.

Vehicle Crossing

Council's standard vehicle crossing is to be provided. Refer Council's design standard (DS 9).

Clear Path of Travel (Shore-Lining)

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be limited to, change in pavement colour, textures and or other visual aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant

for consideration and inclusion in the Public Domain Construction Drawings prior to issuing of CC approval.

Lighting

Pedestrian and street lighting shall be to Council's requirements and Australian Standards. All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation. All new LED luminaires shall include 7pin NEMA socket.

Multi-media conduit

A conduit for Council's multi-media facilities shall be installed to the full length of the street frontages. The conduit must be positioned and installed in accordance with Council's standards drawing and specifications as per City of Parramatta safety officer's advice.

Documentary evidence of compliance with these requirements is to be confirmed in the **Public Domain Construction Drawings** to be submitted to and approved by Council's DTSU Manager prior to the issue of the any Construction Certificate.

Reason: To comply with the Public Domain Guidelines.

(f) Street Tree Specifications

Notwithstanding the approved civil and landscape drawings, the required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty	Average Spacing
Road 3 and Road 5	Fraxinus pennsylvanica 'Cimmaron'	Cimmaron Ash	100L		Refer to Parramatta Street Tree Plan
Road 2	Eucalyptus microcorys	Tallow wood	100L		Refer to Parramatta Street Tree Plan

Note: Large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.

All trees supplied must be grown in accordance with AS2303:2018 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2018. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

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

The requirements for height, calliper and branch clearance for street trees should be in accordance with AS2303:2018.

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance

with Council's design standards with adequate clearances to other street elements as per City of Parramatta tree officer's advice.

The base of all tree pits shall incorporate a drainage layer and pipe that connects to nearest stormwater pit and must be shown on the Public Domain Construction Drawings. The invert level of the storm water pit receiving the drainage water from the tree pits is also to be shown on the Public Domain Construction Drawings.

Documentary evidence of compliance with these requirements is to be confirmed in the **Public Domain Construction Drawings** and submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To ensure the public domain is constructed in accordance with Council standards.

63 **Planting upon Structures**

Plans and documents submitted must include the following with an application for the relevant Construction Certificate:

- (a) Construction details are to be provided by a suitably qualified structural engineer showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens. All raised planting boxes/beds containing trees must be retained to a minimum height of 800mm.
- (b) Soil volume, soil depth and soil area must meet the prescribed standards in "Apartment Design Guide – tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015). Tree planting densities shall not exceed the prescribed soil volume and area required for plant type and any soil mounding must not exceed a maximum 1:8 grade which must be demonstrated on amended plans and certified by a suitably qualified Landscape Architect/Designer.
- (c) A specification ('Fit-for-purpose' performance description) for soil type and a maintenance schedule specified by a suitably qualified Soil Scientist, to ensure sufficient nutrient and water availability is achieved.

Reason: To ensure the creation of functional gardens.

64. **External walls and cladding flammability**

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

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason: To ensure public safety.

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

- (a) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project (including signing off any relevant required certifications at DA, S96 Applications, Construction Certificate and Occupation Certificate stages)
- (b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the life of the project
- (c) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate
- (d) The design architect of the project is not to be changed without prior notice and approval of the Council.
- (e) The approved schedule of external materials of construction shall not be altered without the prior approval of council.

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

66. Prior to 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 commercial 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.

PRIOR TO WORKS COMMENCING

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

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

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

Reason: To comply with legislative requirements.

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

Reason: To ensure public safety.

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

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

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

This condition does not apply where works are being carried.

Reason: Statutory requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75. Prior to the commencement of any works on site, the applicant shall submit a Construction and Pedestrian Traffic Management Plan (CPTMP) to the satisfaction of Council's Traffic and Transport Manager. The CPTMP shall be prepared by a suitably qualified and

experienced traffic consultant. The following matters must be specifically addressed in the CPTMP:

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
- c) The location of proposed Work Zones in the egress frontage roadways,
- d) Location of any proposed crane standing areas,
- e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- g) The provisions of an on-site parking area for employees, trade person and construction vehicles as far as possible,
- h) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors,
- i) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,
- j) Proposed construction hours,
- k) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
- l) Construction program that references peak construction activities and proposed construction 'Staging',
- m) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
- n) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified, and,
- o) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this requirement,
- p) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable.
- q) A schedule of site inductions on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.

The CPTMP is to include the provision of a sign on the hoarding that provides a phone number and email address for members of the local community to make enquires or complaints regarding traffic control for the site. The construction company for the site is to provide a representative for meetings that may occur once a month and may include representatives of the local community and Council staff to discuss traffic control at the site.

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Work Zone' restriction in the egress frontage roadways of the development site. Application fees and kerbside charges for 6 months (minimum) are to be paid in advance

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

All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

Approval shall be obtained from City of Parramatta Council for any temporary road closure or crane use from public property.

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

76. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

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

77. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to

transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

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

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

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

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

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

- 78. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

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

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

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

80. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

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

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste

containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.

(d) Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

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

Reason: Proper management of public land.

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

Reason: To ensure trees are protected during construction.

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

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

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

84. Schedule of Council inspections

Prior to the commencement of any works in the Public Domain or on any asset that will be handed over to Council to maintain, the consent holder must arrange for a schedule of inspections to be carried out by Council's Civil Infrastructure Unit. The required Council inspections include (but are not necessarily limited to) the following where applicable and apply to all **Council** and **privately certified** projects.

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;

- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Completion of unit (granite) paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer; and
- Completion of paving sealant application and tactile indicator installation as per Council's specification.
- Installation of street trees including required sub-drainage layer installed as specified. Trees shall be installed within 24hrs of delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

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

As each basement level is constructed provide survey data demonstrating level change is not required at the building/public domain interface as per the approved updated Alignment Drawings.

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

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

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

Inspection of the works will be required (but not necessarily limited to) on the following stages:

- Construction of the stormwater pipe prior to backfilling of trench
- Construction of formwork to any drainage pits(s) prior to placement of concrete.
- Construction of any formwork to concrete pavement, footpath, driveway, kerb & gutter etc. and prior to placement of concrete.

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

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

Reason: To ensure compliance.

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

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

86. Details of the proposed reinforced concrete pipe-work shall be submitted for Council's City Works Unit approval prior to commencement of any work.

Reason: To ensure adequate stormwater infrastructure is provided.

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

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

For road pavements the design standards are:

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

For road pavements the construction standards are:

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

- R107 – Sprayed bituminous surfacing (with polymer modified bitumen)
- R111 – Sprayed bituminous surfacing (with bitumen emulsion)
- R116 – Heavy duty dense graded asphalt
- Other relevant RMS specifications for material and roadworks not covered by above specifications

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

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

DURING WORKS

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

Reason: To ensure compliance with this consent.

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

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

90. For the works that will become Council's asset upon dedication, those works shall be completed to ensure the following requirements of City of Parramatta Council are satisfied, as required by:

- Compliance with specifications as noted at conditions 33 and 34;
- Compliance with the approved Road Pavement Design report as noted at condition 87;
- Compliance with the schedule of inspections as required by conditions 84 and 115;
- Compliance with each Hold Point as required by condition 89.

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

Reason: To protect the amenity of the area.

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

Reason: To ensure pedestrian access.

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

Reason: To ensure proper management of Council assets.

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

Reason: To ensure maintenance of Council's assets.

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

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

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

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

Reason: To protect the amenity of the area.

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

(a) The date and time of the complaint;

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

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

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

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

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

Reason: To protect the amenity of the area.

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

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

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

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

Reason: To comply with the Legislative requirements.

101. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

102. All friable and non-friable asbestos-containing waste on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations

(Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines - 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

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

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

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

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

105. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

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

Reason: To protect public safety.

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

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

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

Reason: Protection of existing environmental infrastructure and community assets.

109. Prior to commencing on site landscaping, a final Landscape Plan document set, prepared by Environmental Partnership must be consistent with the approved plans together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) Tree Planting Plan must be provided in accordance with the approved Planting Schedules and must include the following:

- Tree type, location and numbers must be clearly annotated on plans;
- Trees are required to be planted at a minimum distance of 3.5m to the outside enclosing wall of any proposed building which must be demonstrated on the Plan. It is also recommended that the location of proposed canopy trees takes into consideration appropriate distances from boundaries and proposed stormwater infrastructure;

- (b) A detailed Irrigation Plan by an appropriately qualified person for all above structure raised planting boxes/beds.

- (c) A Landscape Maintenance Schedule for all landscaped areas as per the approved landscape plans and conditions. The Landscape Maintenance Schedule must incorporate and not be limited to the following:

- an irrigation and fertilisation program, treatment of pests/diseases, weeding, mowing, revitalisation of turf/grassed areas, mulching (including frequency), removal/trimming of plant material and the replacement of dead or dying plants.

- (d) All landscape plans are to be prepared by a professionally qualified Landscape Architect.

Reason: To ensure that appropriate landscaping is implemented.

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

Reason: To ensure appropriate landscaping.

111. All trees supplied above a 25L container size must be grown in accordance with AS2303:2015 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2015. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

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

112. All trees/shrubs planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

Reason: To ensure the trees/shrubs planted within the site are able to reach their required potential.

113. Rectification of defects – Public domain works

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

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

Reason: To ensure any defects are rectified.

114. Street Tree Placement & Tree Pit

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

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

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

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

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

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

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

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

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

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

117. 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 788843M_11 and 788850M_10 must be complied with prior to occupation of the relevant stage of development.

Note that in order to meet required Basix outcomes that the corridors servicing all residential floors are to be provided with operable glass louvre and provide natural ventilation.

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

118. Design Verification issued by a registered architect is to be provided with the application for the relevant Occupation Certificate(s) verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications

in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

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

Reason: To comply with the requirements of SEPP 65.

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

Reason: To ensure restoration of environmental amenity.

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

- (a) Accessibility Design Review by ABE Consulting (Ref: 6341 dated 8 February 2018)
- (b) Waste Management Plan by Elephants Foot (dated 2 February 2018) except as amended elsewhere in this Notice

Reason: To ensure a suitable level of residential amenity.

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

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

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

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

Reason: To ensure the requirements of the DCP.

123. Prior to the issue of the relevant Occupation Certificate(s), a Green Travel Plan, as nominated in the Traffic and Transport Assessment report (Rev C) by ARUP dated 14 March 2018, is to be submitted to Council, supported by details of how that Plan will be implemented. The plan is to include:

- a) Targets to reduce single occupant car trips to the site for the journey to work and business travel based on an initial estimate of the number of trips to the site by mode,
- b) Measures to achieve the targets including a list of specific tools or actions,
- c) Monitoring Scheme including annual travel survey to estimate the change in travel behaviour to and from the site and a review of the measures based on the results of the travel survey.

It is recommended that the plan consider an Opal Card with credit and information pack on public transport to be provided to the new residents and information pack on public transport to encourage use of public transport. The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the residential units in perpetuity.

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

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

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

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

126. Prior to the issue of any Occupation Certificate the applicant shall contact council's Supervisor Waste Services to:

- a. Confirm the appointment of council to collect all domestic waste from the site
- b. Arrange a site inspection to confirm the adequacy of access for council's garbage collection vehicles
- c. Confirm a commencement date for the service

127. Prior to the issue of any Occupation Certificate the applicant shall have an easement registered enabling required access by council for the purpose of collecting domestic waste. The terms of the easement shall be approved by council's Supervisor Waste Services prior to registration of that easement.

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

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

- (d) Fire exit doors to the development shall be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.

Reason: To comply with CPTED requirements.

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

Reason: To ensure developments are appropriately numbered.

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

Reason: To ensure a visible house number is provided.

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

Reason: To ensure provision of appropriately located telecommunication facilities.

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

Reason: To ensure appropriate electricity services are provided.

- 133. The following conditions shall be complied with:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

141. Separate consent, either via a development application or a Complying Development Certificate if appropriate, shall be obtained for any subdivision of the buildings.

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

142. A qualified Landscape Architect/Designer must certify that the completed works, in both the public domain and on each development site, are in accordance with the relevant approved landscape plans/public domain plans.

Reason: To ensure restoration of environmental amenity.

143. Prior to **any issue** of the Occupation Certificate (including a Preliminary OC), the works outlined in the approved Public Domain Construction Drawings must be completed to Council's satisfaction with a **final approval** obtained from Council's Assets & Environment Manager.

The **Work-as-Executed Plans** shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of the OC.

Council will issue the **final approval** for public domain works in accordance with the approved public domain documentation and to Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain (including dedicated reserve/park). A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying minimum 52 weeks' plant establishment to be provided by the applicant following handover of paving and furniture assets to Council. Council maintenance of plant material to commence following the above plant establishment period.

A two year (104 week) maintenance and defects period is required for any public domain works that include WSUD devices, including bio-retention tree pit, rain garden, swale etc., to be carried out by the developer following final OC approval of the public domain works by Council Officers.

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

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

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

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

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

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

Reason: Pedestrian and Vehicle safety.

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

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

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

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

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

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

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

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

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

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

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

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

Reason: To ensure appropriate electricity services are provided.

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

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

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

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

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

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

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

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

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

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

- a) Show rights of way or easement for all footpaths, private road 5 to ensure 24 hour public access.
- b) Show all rights of way or easements for all basement levels to allow for private and public vehicle access, including service vehicles.
- c) Easements for all services.
- d) All other matters as nominated in this consent.

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

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

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

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

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

154. Prior to the issue of an Occupation Certificate:

- a. The swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto www.swimmingpoolregister.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.
- b. Prior to the use or operation of the swimming pool, any filtration equipment and/or pump(s) exceeding 5dBA above the ambient background noise level when measured at the property boundary must be enclosed with appropriate sound insulation materials. Details of compliance are to be provided to the Principal Certifying Authority.
- c. The swimming pool must be fenced in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2012), prior to the filling of the pool with water. The fence shall be installed to the satisfaction of the Principal Certifying Authority.
- d. The swimming pool water including the overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of waste water shall be obtained and compliance with any conditions imposed by Sydney Water.
- e. The owner of the pool shall display a notice showing:
 - (a) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.
 - (b) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the following words *"YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES"*,

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

155. A Building Management Plan must be prepared which incorporates all necessary actions to maintain and operate the On Site Detention and Water Sensitive Urban Design stormwater treatment facilities within the site. Details of the plan shall be submitted for the

approval of the PCA prior to release of the Occupation Certificate and the Plan shall be implemented for the life of the development.

THE USE OF THE SITE

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

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A).
The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

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

Reason: To reduce noise levels.

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

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

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

Reason: To prevent loss of amenity to the area.

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

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

160. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

161. 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.

162. 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

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

Reason: To ensure restoration of environmental amenity.

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

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

165. The roller shutter doors are to be provided at the driveway entry and exit from Road No. 3 and Road No. 5 and are to be operated via remote control. If an intercom is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

Reason: To comply with Australian Standards.

166. One year from the issue of the Occupation Certificate, and every year for 2 years thereafter, the applicant shall submit to the satisfaction of Council's Manager Development & Traffic Services a review report on the effectiveness of the Green Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include any recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.

Reason: To ensure the effective management of the Green Travel Plan.

167. The swimming pool and gymnasium facilities are not to be operated for commercial purposes and access shall be restricted to residents only

168. This consent does not authorise the fit out, use or operation of the premises as a child care centre. That use shall not commence until separate development consent is obtained from Council, plus a license from the NSW Department of Education and Communities in accordance with the National Quality Framework requirements.

Reason: Compliance with legislative requirements.