

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC046
DA Number	DA/67/2015/C
LGA	City of Parramatta
Proposed Development	Section 4.55(1A) Modifications to consent for DA/67/2015 for demolition and construction of a 41 storey mixed use development containing a retail tenancy, 216 apartments and 198 car spaces. Modifications include changes to the external facade including removal of perforated metal screens; revision to the awnings; relocation of gas meter room and retail bin storage areas; relocation of vehicular access gate; and amendments to the balcony corners on Levels 34-41 .
Street Address	11 Hassall Street, Parramatta; Lot 1 DP 951181
Applicant/Owner	PTI Architecture Pty Ltd (Applicant); Saab Parramatta Pty Ltd and Sonenco Parramatta Pty Ltd (Owner)
Date of DA lodgement	1 March 2018
Number of Submissions	One (1) submission
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	The application is referred to the Sydney Central City Planning Panel (SCCPP) pursuant to Clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as the development is for general development with a Capital Investment Value (CIV) in excess of \$30 million. The proposed modified development has a CIV of \$54,578,000.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy 55 – Remediation of Land • State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Infrastructure) 2007 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Statement of Environmental Effects • Design Excellence Jury Recommendation
Report prepared by	Sohini Sen, Senior Development Assessment Officer
Report date	14 May 2018

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 summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes

Clause 4.6 Exceptions to development standards

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

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

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

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

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

Yes



City of Parramatta Council

File No: DA/67/2015/C

**SECTION 4.55 ASSESSMENT REPORT – RESIDENTIAL FLAT BUILDING –
PARRAMATTA LEP
Environmental Planning & Assessment Act 1979**

SUMMARY

DA No:	DA/67/2015/C
Property:	11 Hassall Street, Parramatta; Lot 1 DP 951181
Proposal:	Section 4.55(1A) Modifications to consent for DA/67/2015 for demolition and construction of a 41 storey mixed use development containing a retail tenancy, 216 apartments and 198 car spaces. Modifications include changes to the external facade including removal of perforated metal screens; revision to the awnings; relocation of gas regulator and retail bin storage areas; relocation of vehicular access gate; and amendments to the balcony corners on Levels 34-41 .
Date of receipt:	1 March 2018
Applicant:	PTI Architecture Pty Ltd
Owner:	Saab Parramatta Pty Ltd and Sonenco Parramatta Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	One (1)
Recommendation:	Approval
Assessment Officer:	Sohini Sen

Legislative requirements

Environmental Planning Instruments	<ul style="list-style-type: none">• State Environmental Planning Policy 55 – Remediation of Land• State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development• State Environmental Planning Policy (Infrastructure) 2007• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011
Zoning	B4 Mixed Use
Bushfire Prone Land	No
Flood Prone Land	Yes
Heritage	No
Heritage Conservation Area	No
Integrated development	No
Clause 4.6 variation	No
Delegation	SCCPP

EXECUTIVE SUMMARY

This report is an assessment of a Section 4.55 Modification Application made to City of Parramatta Council seeking consent for modifications to consent for DA/67/2015 for demolition and construction of a 41 storey mixed use development containing a retail tenancy, 216 apartments and 198 car spaces at 11 Hassall Street, Parramatta. The proposed modifications include changes to the external facade including removal of perforated metal screens; revision to the awnings; relocation of gas meter room and retail bin storage areas; relocation of vehicular access gate; and amendments to the balcony corners on Levels 34-41.

The application is referred to the Sydney Central City Planning Panel (SCCPP) pursuant to Clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 as the development is for general development with a Capital Investment Value (CIV) in excess of \$30 million. The proposed modified development has a CIV of \$54,578,000.

The site is located on land zoned B4 Mixed Use under Parramatta Local Environmental Plan 2011 (LEP 2011).

The proposed modifications do not alter the approved use and bulk and scale of the development and the modification works have minimal environmental impact. As such, the proposal can be considered under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. The modified proposal is consistent with the aims, objectives and development controls of State Environmental Planning Policy No. 65, the Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011.

Based on a detailed assessment of the proposal against the applicable planning controls, the modified proposal satisfies the appropriate controls and legislative requirements. Accordingly,

it is recommended that SCCPP, as the determining authority, approve this application for the reasons detailed within the “Recommendation” section of this report.

DEVELOPMENT HISTORY	
3 July 2015	Planning proposal for the site was gazetted. This planning proposal increased the permissible floor space ratio from 6.56: to 10.2: and increased the maximum permitted height from 72m to 130m.
12 August 2015	Development consent was granted by the Sydney West JRPP for demolition and construction of a 41 storey mixed use development containing a retail tenancy, 216 apartments and 198 car spaces.
24 May 2017	Section 96(1A) modification to the approved demolition and construction of a 41 storey mixed use development involving reduction in basement size, reconfiguration of internal floor plan on Level 1, modification to layouts on Levels 15-33, relocation of the gas regulator on ground floor and minor amendments to RL levels was approved under delegated authority.
10 July 2017	Section 96(2) Modification to the approved demolition and construction of a 41 storey mixed use development involving an increase in building height by two (2) storeys resulting in eight (8) additional residential apartments was approved by the Sydney West Joint Regional Planning Panel.
1 March 2018	Subject 4.55(1A) application lodged.

THE PROPOSAL
<p>The proposed modification subject of this Section 4.55 application includes the following components:</p> <ul style="list-style-type: none"> • Relocation of the gas meter room to the approved retail bin storage room; • Relocation of the retail bin storage area to within the garbage room; • Relocation of the motorised vehicular access gate to 6.5m into the site to enable serviceability by the energy provider; • Removal of the perforated folding screens and canopies located on the northern and southern ends of the podium; • Modification of the awning at the northern end of the podium to a glass awning with timber and sandstone treatment around the entry; • Removal of the perforated folding screens at the tower corners at Levels 1-21 and 31-41; and • Amendment of the balcony corners on Levels 34-41 to align with the existing form of the building. <p>The modifications do not result in a change to the approved FSR, landscaping or communal open space areas.</p> <p>The works have been undertaken.</p>

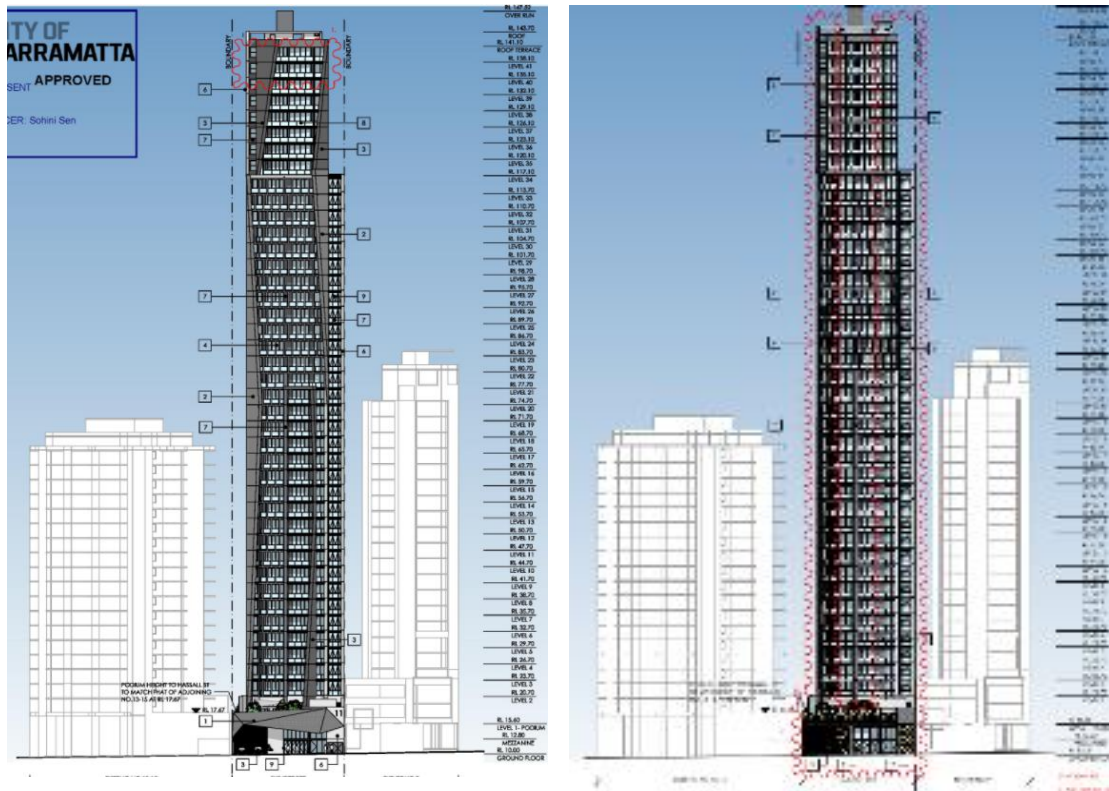


Figure 1: Approved (left) and proposed (right) northern elevation from Hassall Street.

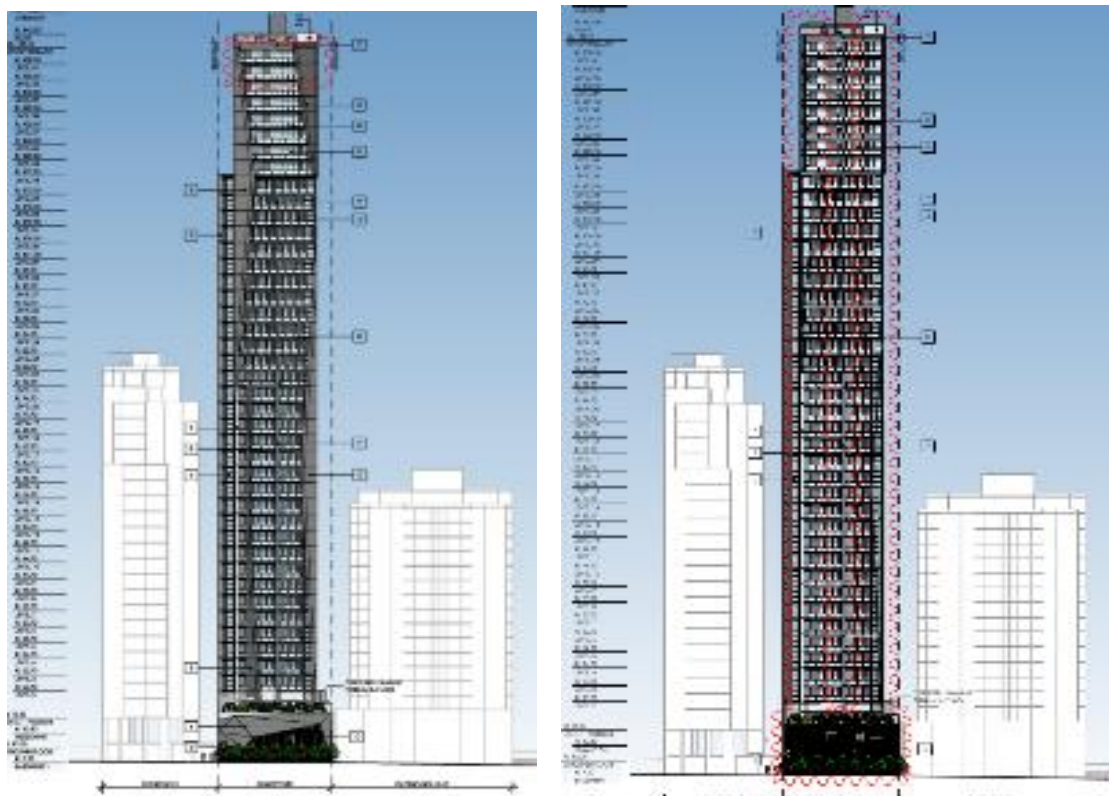


Figure 2: Approved (left) and proposed (right) southern elevation from Parkes Street.

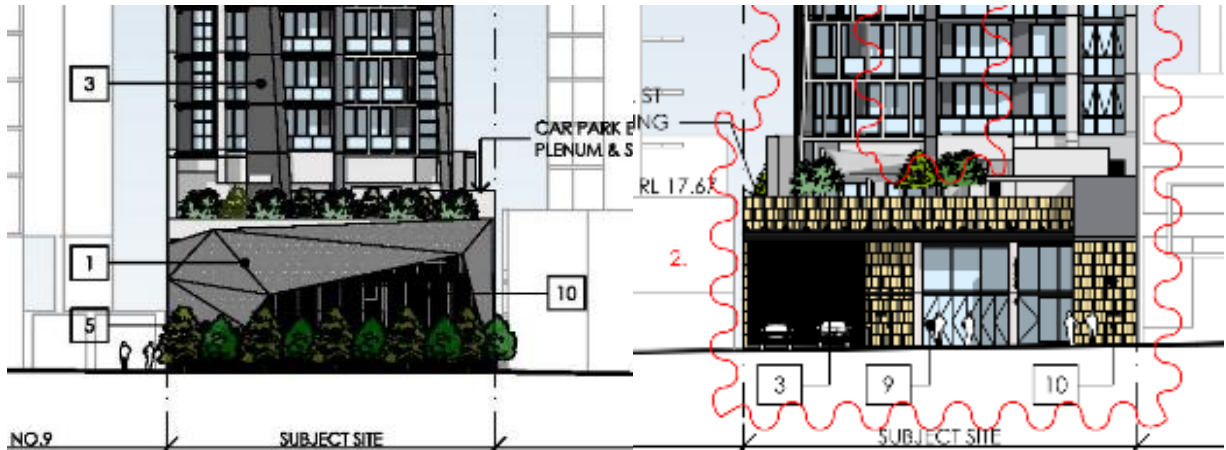


Figure 3: Approved (left) and proposed (right) entrance awning along Hassall Street (northern elevation).

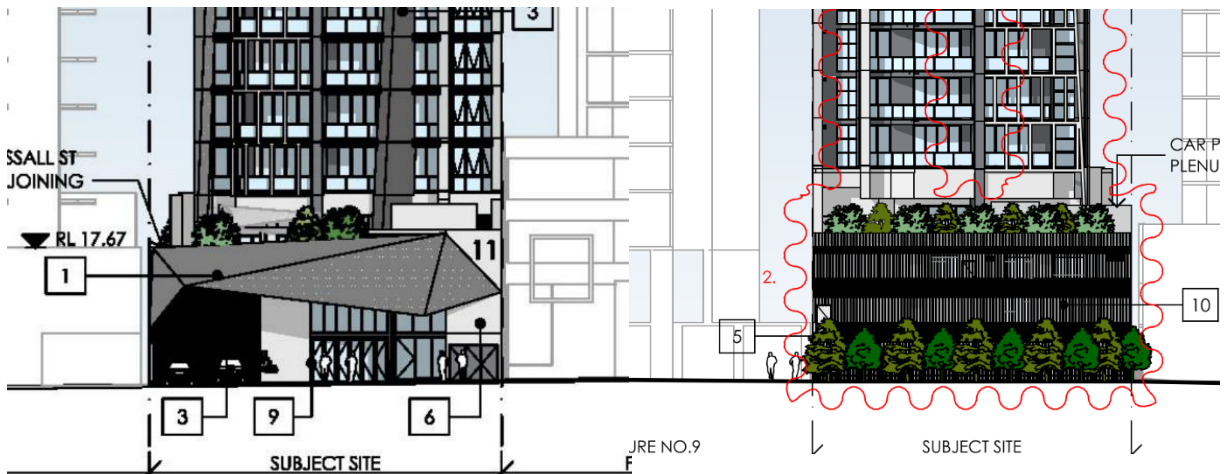


Figure 4: Approved (left) and proposed (right) entrance awning along Parkes Street (southern elevation).

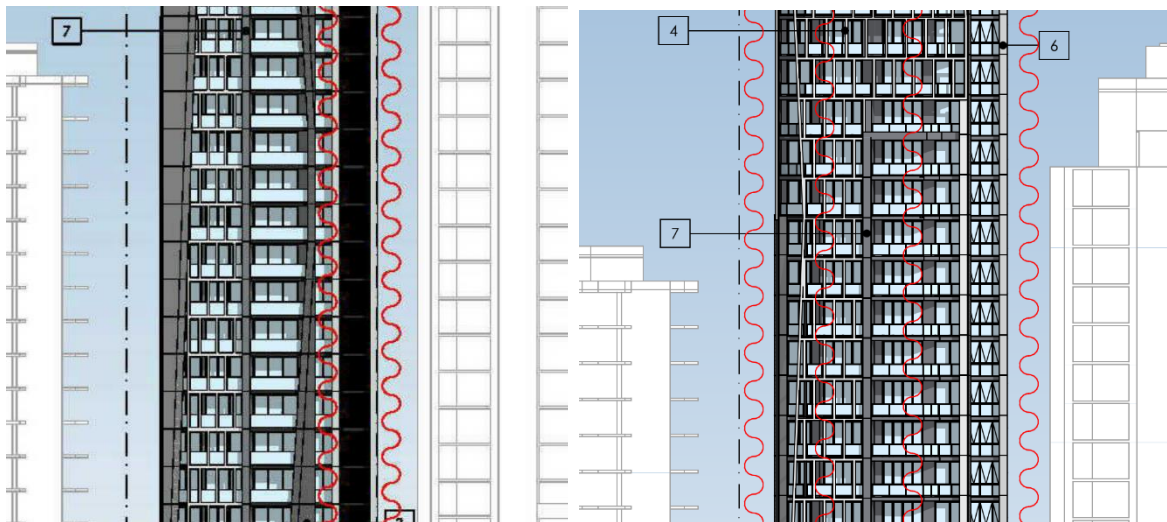


Figure 5: Approved façade screening (left) and proposed deletion of façade screening (right).

SITE DESCRIPTION AND CONDITIONS

The subject site is known as 11 Hassall Street, Parramatta. The property description is Lot 1 DP 951181. The site is located on the southern side of Hassall Street in the Parramatta CBD. The site is currently under construction for an approved 41 storey mixed use development. The site has a frontage of 20.1m and is a deep, narrow site. The site has frontage to Hassall Street and is separated from Parkes Street by a concrete stormwater channel. A Sydney Water sewer carrier main pipe traverses the southern portion of the site.

Development surrounding the site is mixed use and scale. The site adjoins a mixed use towers including a 22 storey tower and 18 storey tower to the east. Adjoining the site to the west is a vacant site approved for two 23 storey towers. Adjacent to the site across Hassall Street are a mix of 1 to 3 storey residential and commercial buildings, and an 18 storey residential building. Residential Flat Buildings are located across from the site along Parkes Street.

The site was inspected on 14 March 2018.



Figure 4: Zoning Map

REFERRALS

Internal Referrals	Comment
Urban Design	No further comments are made with respect to proposed changes, particularly with regards to the removal of the perforated screen from the façade. The screen is a complicated structure and blocks a considerable amount of sunlight and views from the interior of the apartments. It also provides a long term maintenance and cleaning issue.
External Referrals	Comments

Design Jury	<p>Excellence</p> <p>The Design Excellence Jury was reconvened to review the status of a Section 96 on this Development Application. The proponent and architectural design team were not in attendance at the S96 Jury review. The Jury were briefed on the following design items, and made the following comments:</p> <p>The Jury unanimously agreed that the Section 96 is consistent with the original Design Competition winning scheme and exhibits Design Excellence.</p> <p><u>Mesh Modification</u> The Jury are satisfied that the removal of the perforated black screens is a positive change. This will simplify the building aesthetic and improve the outlook for all units which were behind the screens.</p> <p><u>Top Eight Floor Design Modifications</u> The Jury consider the revised form of the balconies, in response to the removal of the screen, to be an improvement to the proposed shape of the building.</p> <p><u>Wind Impacts</u> The Jury are satisfied with the proposals treatment to wind issues as mentioned in the wind analysis reports.</p> <p>Summary The Jury are supportive of the Section 96 as presented, and are satisfied that it is consistent with the original Design Competition winning scheme. The Jury endorse the Section 96 modification as maintaining Design Excellence.</p>
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PLANNING CONSIDERATION

The proposal, as amended, has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The matters below are those requiring the consideration of the Sydney Central City Planning Panel (SCCPP).

SECTION 4.55 MATTERS OF CONSIDERATION

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

Section 4.55(1A) Modification Minimal Environmental Impact

The proposed modification is of minimal environmental impact.

Substantially the same development

The proposed development to be modified is substantially the same development as the original development consent which relates to a mixed use development. The modifications to the built form are minor.

Modifications involving minimal environmental impact

The proposed modifications involve a number of amendments as outlined within the description of the proposal.

The modifications do not result in an increase in FSR or building height and are compliant with the development controls outlined in the Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011.

The proposed modifications will have no additional overshadowing, traffic or visual and acoustic amenity impacts to adjoining property owners and will improve the streetscape appearance, building façade and amenity of apartment occupants. As such, the proposed modifications are considered to be of minimal environmental impact and can be assessed under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

SECTION 4.15(1) – MATTERS FOR CONSIDERATION – GENERAL

PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS (S.4.15(1)(a)(i))

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP 55 have been considered in the assessment of this application. The site is not identified in Council's record as being contaminated and the site does not have a history of a previous land use that may have caused contamination. A Preliminary site investigation was submitted with the original Development Application (DA/67/2015) which indicated that there was a potential for contamination on the site due to oils leaking from parked motor vehicles, and the historical importation of fill onto the site and from adjoining properties.

A condition of consent was included requiring a detailed site investigation and a remedial action plan to be implemented if necessary prior to the issue of a Construction Certificate. The proposed modifications do not alter this condition of consent.

STATE ENVIRONMENTAL PLANNING POLICY (BASIX)

The original development application was accompanied by a BASIX certificate that listed commitments by the applicant as to the manner in which the development will be carried out. A condition was included to ensure such commitments were fulfilled during the construction of the development.

The subject modification does not include any change to window or door locations or sizes within the residential component of the development. The applicant's BASIX consultant confirms that the façade screening was not a consideration when determining the building's thermal performance and therefore, the proposed removal of the screening does not alter the approved thermal performance of the building which meets BASIX requirements. As such, an amended BASIX certificate is not required to be submitted.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

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

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

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

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

The original development is for a mixed use development containing a substantial number of residential units. While not required under Clause 102 of the SEPP given the traffic volume of the road, Council's DCP has requirements that relate to noise-sensitive developments near noise generating roads, and an acoustic report was submitted addressing this requirement. The subject modification does not involve any additional apartments.

STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

SEPP 65 applies to the development as the building is more than 3 storeys in height and contains a residential component.

DESIGN QUALITY PRINCIPLES

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principle in the following way:

ADG design quality principle	Response
1. Context	The design of the modified development responds to the qualities and identity of the area with respect to its relationship to adjoining sites, streetscape and neighbourhood. The modified development contributes to the context of the area, in particular, the desired future character of the area. The bulk and scale of the development is suitable for the context of the area.
2. Built form and scale	The built form of the modified development is appropriate for the site and proposed building type and is generally consistent with the building envelopment footprint controls prescribed by PLEP 2011 and PDCP 2011. The modified design is consistent with the requirements of the Apartment Design Guide and Council's controls with regards to building alignment, proportions, articulation and manipulation of building elements.
3. Density	The proposal results in a density appropriate for the site and its context in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is sustainable and responds to the availability of infrastructure, public transport, community facilities and environmental quality.
4. Sustainability	A BASIX Certificate was submitted with the original application and the required design measures were incorporated into the design of the building. Additional BASIX requirements will be addressed at the Construction Certificate stage of the development.
5. Landscape	A landscape plan was submitted with the original development application and was satisfactory. The modified development does not alter the approved landscaped area.
6. Amenity	The modified proposal is satisfactory with regards to amenity and has been designed to optimise internal amenity through orientation, visual and acoustic privacy, solar access, natural ventilation, apartment layout, storage areas, and service areas.
7. Safety	The modified proposal satisfactorily addresses safety and provides opportunities for passive surveillance to the street frontage and communal areas of the site through the use of balconies addressing the street frontage and glazed openings. The car park area has been design for secure access to ensure that the area remains accessible to only the building occupants and their visitors.
8. Housing Diversity and Social Interaction	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different demographics, living needs and budgets in close proximity to public transport. The development provides housing and communal facilities which suit the existing and future social mix and provide for the desired future community. The proposal provides housing choice to suit the social mix and provide for the desired future community including a number of units identified as affordable rental housing units.

9. Aesthetics	The modified built form is appropriate with regard to the composition of building elements, textures, materials and colours which reflect the use, internal design and structure of the building. The modified building responds aesthetically to the environment and context, and appropriately contributes to the desired future character of the area.
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Architectural Design Excellence Jury

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

Apartment Design Guide

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

Standard	Requirement	Proposal	Compliance
Legend: NB – North Block, EB – East Block, SB – South Block, WB – West Block, TW - Tower			
Part 3			
3B: Orientation	No change is proposed to the approved orientation of the development.		
3C: Public Domain Interface	The proposed modifications result in minimal changes to the public domain interface and the amenity of the public domain is retained as the proposed material changes improve the streetscape appearance of the entrances to the podium.		
Part 4			
4M: Facades	The modifications to the building façade on the upper levels are proposed to achieve consistency with the rest of the building façade. The proposed changes are satisfactory in providing visual interest.		
4T: Awnings and Signage	The approved awnings at the northern and southern ends of the podium are proposed to be removed. A new glass awning is proposed for the northern end. The new awning complements the building design.		

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters for consideration under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

PERMISSIBILITY

The site is zoned B4 Mixed Use pursuant to Parramatta Local Environmental Plan 2011. No change is proposed to the approved use as a '*mixed use development*' which is permissible within the zone. The proposed works are permissible with consent in the zone.

Zone Objectives

The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land as the proposed works:

- *Provide a mixture of compatible land uses;*
- *Integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;*
- *Encourage development that contributes to an active, vibrant and sustainable neighbourhood;*
- *Create opportunities to improve the public domain and pedestrian links;*
- *Support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality; and*
- *Protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.*

DEVELOPMENT STANDARD	COMPLIANCE
Development on land intended to be acquired for public purposes	The proposal is not identified on the map.
Architectural roof features	An architectural roof feature is not proposed.
Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Heritage Conservation	N/A. The site does not contain a heritage item, is not within the vicinity of heritage items and is not located within a heritage conservation area.
Aboriginal Places of Heritage significance	Yes. The site is identified as having low aboriginal sensitivity.
Acid sulphate soils	Yes. The site is within 400m of Class 4 land however the modification does not result in excavation that is likely to lower the water table. An Acid Sulphate Soils Management plan was submitted with the original development application and is not required for the proposed modification.
Earthworks	N/A. No earthworks are proposed as part of the subject modification.
Flood planning	Yes. The original development was reviewed by Council's Senior Development Engineer. The proposed modifications do not impact upon the flooding on the site.
Biodiversity protection	N/A. The site is not identified on this map
Water protection	N/A. The site is not identified on this map
Development on landslide risk land	N/A. The site is not identified on this map.
Affected by a Foreshore Building Line	N/A. The site is not located in the foreshore area.
Bushfire Prone Land	N/A. The site is not identified on this map.
Design Excellence Buildings over 13 storeys or 55m are required to be development via a design competition process.	N/A. The original building was developed via a design competition process and an assessment was carried out in accordance with this clause as part of the original development application. The proposed modifications are minor, have no visible external changes (the amended balconies will remain screened) and do not change the height of the

	development. As such, reconsideration by the Design Excellence Jury is not required.
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Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (Section 4.15(1) (a)(ii))

There are no draft Environmental Planning Instruments applying to this proposal.

Provisions of Development Control Plans (Section 4.15(1) (a)(iii))

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The relevant matters for consideration under Parramatta Development Control Plan 2011 for the proposed development are outlined below.

DEVELOPMENT CONTROL		COMPLIANCE
Site Considerations		
Views and Vistas		Yes. The site is not identified as having significant views and vistas by Appendix 2 and is not located within the Harris Park Conservation Area. The proposed modifications do not significantly impact on views to any part of the public domain.
Flooding		Yes. The site is flood affected at the rear. The original development application was reviewed by Council's Senior Development Engineer and was satisfactory. The proposed modifications do not alter the flooding on the site.
Protection of Waterways		Yes. The site adjoins the Clay Cliff Creek channel. Conditions were included within the original development consent requiring the landscaped area at the rear of the site to be landscaped with native species. No changes are proposed to this condition.
Protection of Groundwater		Yes. A geotechnical investigation report was submitted with the original development application and conditions were included within the original consent requiring that any dewatering be carried out in a manner not to contaminate groundwater, and requiring a controlled activity approval (aquifer interference) to be obtained where required. The proposed modification does not result in further excavation or change these conditions.
Soil Management		Yes. An erosion and sedimentation plan was submitted with the original development application and conditions of consent were included to ensure that sedimentation of waterways will be minimised and not unduly contribute to wind-blown soil loss. No changes are proposed to this condition.
Salinity		Yes. The development site is known to contain Ashfield Shale, and accordingly has moderate salinity potential under the Western Sydney Salinity Code of Practice 2003. A condition was included in the original development consent

	requiring that the development incorporate protection measures to mitigate the impact of the development on soil salinity. No change is proposed to this condition.
Land Contamination	Yes. Refer to body of report.
Air Quality	Yes. Standard conditions were included within the original development consent to ensure that the potential for increased air pollution is minimised. No change to these conditions are proposed nor do the modifications adversely impact the proposal in this manner.
Public Domain	<p>The development appropriately addresses the public domain with a lobby and shop at ground level. The development provides opportunities for passive surveillance by the outlook of units.</p> <p>A public domain plan was submitted with the original development application.</p>
Preliminary Building Envelope	
Height Transition	N/A. No change is proposed to the approved building height.
Special Precincts	The site is located within the Parramatta CBD. The modified proposal is assessed against the relevant controls for this area below.
Building Form	Yes. No change is proposed to the approved street frontages, building setbacks, building separation and minor changes are proposed to the built form with regards to the balcony shape and building façade treatment. The submitted wind analysis demonstrates that the building achieves safe wind standards. The proposal complies with the objectives and controls for this section of the DCP.
Building Exteriors	The proposed development has an articulated façade which adds visual interest to the streetscape and the building finishes are of high quality.
Mixed Use Buildings	Yes. Minor changes are proposed to the building entry awnings of the northern and southern podium entrance. No change are proposed to the location or size of the building entries and separation of commercial and residential service areas.
Public Domain and Pedestrian Amenity	<p>Yes. The proposed modifications which include relocation of the gas meter room and retail bin storage area to the basement area and relocation of the motorised vehicular access gate further away from the site boundary will result in further activation of the ground floor frontage and will improve pedestrian amenity.</p> <p>The proposed awning modifications will also improve the entryways to the development as viewed from the public domain.</p>
Access and Parking	Yes. No change is proposed to the approved access and parking arrangements for the development.

Above Ground Parking	N/A. No change is proposed to the above ground parking on the site.
Landscaping	N/A. No change is proposed to the approved landscaping on the site.
Streetscape	Yes. The modified development responds to the existing and proposed character around the site. The façade is not dominated by car parking.
Visual Privacy	Yes. The proposed modifications do not result in an increased adverse impact upon privacy to adjoining sites.
Acoustic Amenity	Yes. The southern side of the development faces Parkes Street, which is a major noise generator. The original development proposal was accompanied by an acoustic report that provided recommendations the implementation of which would bring about compliance. Conditions were included in the original development consent to ensure that the recommendations are adopted. No change is proposed to these conditions.
Solar Access	Yes. The proposed modifications include removal of the perforated façade screens which will improve solar access to the residential units.
Waste Management	Yes. No change to the approved waste management plan is proposed.

OTHER MATTERS

Development contributions

The proposed modification does not result in an increased cost of works. A condition of consent required Section 7.12 contributions to be paid prior to the issue of a Construction Certificate was included within the original development consent.

Bonds

In accordance with Council's Schedule of Fees and Charges, the developer was obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site as part of the original development consent.

Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (Section 4.15(1) (a)(iiia))

The proposal does not include any Voluntary Planning Agreements (VPAs) and section 7.4 does not apply to the application.

Provisions of Regulations (Section 4.15(1) (a)(iv))

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, PCA appointment, notice of commencement

of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions within the original development consent.

Impacts of the Development (Section 4.15(1) (b))

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

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

Response

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

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

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

Response

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

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

Suitability of the Site (Section 4.15(1) (c))

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the in this report. Subject to the conditions provided within the recommendation to this report the site is suitable for this development given:

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

Public submissions (Section 4.15(1) (d))

The application was notified in accordance with Council's notification procedures contained within Appendix 5 of DCP 2011. In response one (1) submission was received. The issues raised within the submission are addressed below.

Issue	Response
There are too many retail shops which create additional traffic and noise.	The Section 4.55(1A) modification application does not seek to modify the number of approved retail tenancies within the development.

Amended Plans N/A.

Public Interest (Section 4.15(1) (e))

No circumstances have been identified to indicate this proposal would be contrary to the public interest.

CONCLUSION

Conditional consent

The proposal has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment has taken into consideration the submitted plans, the Statement of Environmental Effects and all other documentation supporting the application, internal and external referral responses.

The proposal is consistent with the aims and relevant clauses and controls of SEPP 65, the Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011.

The DA was publicly exhibited in accordance with the Parramatta Development Control Plan 2011, during which time one submission objecting to the proposal were received. A merit assessment of the application has determined that the proposed modifications are satisfactory and suitable for the site.

Based on a detailed assessment of the proposal against the applicable planning controls, the proposed modifications satisfy the appropriate controls and legislative requirements and is deemed to be in the public interest. As such, it is recommended that the Sydney Central City Planning Panel (SCCPP) approve the application for the reasons stated in the 'Officer Recommendation' section of the report.

OFFICER RECOMMENDATION

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979:

- i. **That** the Sydney Central City Planning Panel as the consent authority grant consent to Development Application No. DA/67/2015/C for Section 4.55(1A) Modifications to consent for DA/67/2015 for demolition and construction of a 41 storey mixed use development containing a retail tenancy, 216 apartments and 198 car spaces involving modifications to the external facade including removal of

perforated metal screens; revision to the awnings; relocation of gas meter room and retail bin storage areas; relocation of vehicular access gate; and amendments to the balcony corners on Levels 34-41 at 11 Hassall Street, Parramatta being Lot 1 DP 951181, for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1.

WITHOUT PREJUDICE DRAFT CONDITIONS OF CONSENT

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

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

General Matters

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

Drawing No.	Prepared By	Dated
Project Summary job number 328.1 drawing DA01 revision E	PTI Architecture	24 February 2017
Demolition/Construction Management Plan job number 328.1 drawing DA02 issue A	PTI Architecture	31 January 2015
Basement 5 job number 328.1 drawing 04 revision C	PTI Architects	23 February 2017
Basements 3 & 4 job number 328.1 drawing 05 revision E	PTI Architects	30 May 2017
Basement 2 job number 328.1 drawing 06 revision D	PTI Architects	30 May 2017
Basement 1 job number 328.1 drawing 07 revision G	PTI Architects	30 May 2017
<i>Ground Floor job number 328.1 drawing 08 revision E F</i>	<i>PTI Architects</i>	<i>23 February 2017 29 January 2018</i>
<i>Mezzanine job number 328.1 drawing 09 revision D E</i>	<i>PTI Architects</i>	<i>23 February 2017 29 January 2018</i>
<i>Level 1 Podium job number 328.1 drawing 10 revision D E</i>	<i>PTI Architects</i>	<i>23 February 2017 29 January 2018</i>
<i>Levels 2 to 14 job number</i>	<i>PTI Architects</i>	<i>23 February</i>

328.1 drawing 11 revision D Levels 2 to 15 job number 328.1 drawing 11 revision E		2017 29 January 2018
Levels 15 to 33 job number 328.1 drawing 12 revision D Levels 16 to 21 job number 328.1 drawing 12 revision E	PTI Architects	23 February 2017 29 January 2018
Levels 22 to 30 job number 328.1 drawing 12.1 revision A	PTI Architects	29 January 2018
Levels 34 to 39 job number 328.1 drawing 13 revision C Levels 31 to 34 job number 328.1 drawing 13 revision F	PTI Architects	26 May 2015 29 January 2018
Levels 35 to 41 job number 328.1 drawing 13.1 revision C	PTI Architects	29 January 2018
Roof Terrace job number 328.1 drawing 14 revision G D	PTI Architects	23 February 2017 29 January 2018
Section job number 328.1 drawing 15 revision E F	PTI Architects	23 February 2017 29 January 2018
North Elevation Hassall Street job number P328.1 drawing 16 revision E F	PTI Architects	23 February 2017 29 January 2018
East Elevation job number P328.1 drawing 17 revision D E	PTI Architects	23 February 2017 29 January 2018
South Elevation Parkes Street job number P328.1 drawing 18 revision D-E	PTI Architects	23 February 2017 29 January 2018
West Elevation job number P328.1 drawing 19 revision D E	PTI Architects	23 February 2017 29 January 2018
Post Adaptable Unit Plan – 1 & 2 Bed project number P328.1 drawing number 25 revision B	PTI Architects	26 May 2015
Post Adaptable Unit Plan – 1 Bed project number P328.1 drawing number 26 revision A	PTI Architects	30 January 2015
BASIX Commitments – Sheet 1	PTI International	January 2015

project number P328.1 drawing number 27 Issue A		
BASIX Commitments – Sheet 2 project number P328.1 drawing number 28 Issue A	PTI International	January 2015
BASIX Commitments – Sheet 3 project number P328.1 drawing number 28.1 Issue A	PTI Architects	24 February 2017
Unit Area Schedule, Job number 328.1, Drawing No. 29, Revision D	PTI Architects	24 February 2017
<i>Detail Sections – Sheet 1 project number P328.1 drawing number 33 Issue B C</i>	<i>PTI International</i>	<i>23 February 2017 29 January 2018</i>
<i>Detail Sections – Sheet 2 project number P328.1 drawing number 34 Issue B D</i>	<i>PTI International</i>	<i>26 May 2015 29 January 2018</i>
<i>Screen Framing Concepts Details project number P328.1 drawing number 35 Issue A C</i>	<i>PTI International</i>	<i>26 May 2015 29 January 2018</i>
Landscape Plan (Level 1 – Podium) drawing number 2015.0102DA1-1 issue A	TGS Landscape Architects	28 January 2015
Landscape Plan (Roof Terrace Basement Level) drawing number 2015.0102DA1-2 issue A	TGS Landscape Architects	28 January 2015
Stormwater Drainage Design as per CC conditions		

Document(s)	Prepared By	Dated
Waste Management Plan	Unstated	Undated
Preliminary Geotechnical Investigation report E22386	Environmental Investigations	12 February 2015
Energy Efficiency Evaluation Revision2	Partners Energy	12 February 2015
Crime Prevention Through Environmental Design Assessment	JBA Planning	February 2015
Preliminary Site Investigation Report E22386	Environmental Investigations	29 January 2015
Architectural Design Statement	PTI Architects	13 February 2015
Statement of Heritage Impact	Archnex designs	January 2015
Traffic and Parking Assessment	Varga Traffic	13 February

ref 14754	Planning	2015
Arts Plan	Milne & Stonehouse	February 2015
Acoustic Assessment	Acoustic Dynamics	10 February 2015
BASIX Certificate No. 801600M_03	Partners Energy Management	6 March 2017
Baseline Historical Archaeological Assessment	Archaeological & Heritage Management Solutions	February 2015
Solar Light Reflectivity Analysis ref WC310-01F03 (REV 0) – SR Report	Windtech	6 February 2015
Pedestrian Wind Environment Study ref WC310-01F02(REV2) – WE Report	Windtech	6 February 2015
Wind Analysis Report	ARUP	11 December 2017
Access Report job IAC-261	Iaccess consultants	31 January 2015
BASIX Certificate 603157M	Partners Energy Management	28 January 2015
Flood Impact Report	Mott MacDonald	June 2014
Acid Sulfate Soil Management Plan E22386	Environmental Investigations	2 April 2015

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

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

(As amended by DA/67/2015/C).

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

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

Reason: To prevent pollution of waterways.

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

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

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

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

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

Reason: To ensure compliance with legislative requirements.

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

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

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

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

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

- (a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - (b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council

for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- (c) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (e) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (g) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (h) Demolition is to be completed within 5 days of commencement.
- (i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (j) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (k) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;

- (i) Proposed protection of pedestrians adjacent to the site;
 - (ii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (l) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (m) Before demolition works begin, adequate toilet facilities are to be provided.
- (n) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (o) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (i) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (ii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

Prior to the issue of a Construction Certificate

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

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

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

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

The key design elements of this project are:

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

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

Reason: To ensure the design integrity of the proposal.

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

Reason: To ensure the amenity of future residents.

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

Reason: To ensure satisfactory stormwater disposal.

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

Reason: To minimise impact on adjoining properties.

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

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

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

Reason: To ensure compliance with SEPP 55.

- 13. The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm

water drains and/or easements, and if further requirements need to be met. This process will result in the plans being appropriately stamped.

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

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

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

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

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

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

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- (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) Submission of full hydraulic details and pump manufacturers specifications.
- (e) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

Reason: To ensure satisfactory storm water disposal.

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

Reason: To ensure satisfactory storm water disposal.

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

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

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

Reason: To ensure the structure can withstand flooding events.

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

Reason: To ensure the flood warning system is installed.

19. A CDS model 0506 interceptor water quality treatment device or approved equivalent must be installed to manage stormwater quality to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed device and location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

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

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

Reason: To ensure appropriate vehicular access is provided.

21. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of

ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

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

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

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

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

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

Reason: To ensure visitor carparking is accessible.

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

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

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

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

Reason: To protect Council's infrastructure.

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

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

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

Reason: To ensure structural stability of the stormwater channel.

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

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

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

Reason: To ensure renewal of existing infrastructure.

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

Reason: To protect the basement from seepage.

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

- a) The basement level landscaped area between the Clay Cliff Creek channel and the southern wall of the car park structure shall be clear of any built obstructions to the flood flow.

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

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

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

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

Reason: To ensure appropriate stormwater management.

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

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

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

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

Reason: To comply with the Home Building Act 1989.

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

Reason: To ensure that the levy is paid.

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

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

36. An acid-sulphate soils management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) must be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and must include a site analysis from a National Association of Testing Authorities (NATA) registered laboratory. This strategy must address the following aspects:

- (a) Specific mitigating measures to minimise the disturbance of acid sulphate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- (b) Management and disposal of the excavated material;
- (c) Measures taken to neutralise the acidity; and
- (d) Run-off control measures.
- (e) The recommendations of the strategy must be completed prior to the commencement of building works.

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

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

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

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

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

Reason: To protect the visual amenity of the area.

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

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

Reason: To comply with legislative requirements.

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

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

Reason: To comply with the requirements of SEPP 65.

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

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

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

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

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

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

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

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

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

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

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

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

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA 67/2015;
- (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
Hoarding	\$10,400
Nature Strip and Roadway	\$20,000

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

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

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

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

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

47. Individual air conditioning units for units within this development are not to be clustered. This is to be confirmed on the Construction Certificate Plans by the Principal Certifying Authority.
Reason: To protect internal amenity.

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

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

- (a) Details of the realisation of the arts plan through final design concepts;
- (b) A site plan identifying where the art works will be implemented on site; and
- (c) Construction and project management documentation.

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

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

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

Reason: To ensure compliance with the agreed VPA.

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

Reason: To ensure appropriate recording of the VPA.

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

Reason: To ensure the VPA is complied with.

52. Prior to the issue of the first Construction Certificate, the applicant must have paid the monetary contribution of \$200,000.00 as stipulated within

the Voluntary Planning Agreement. **Note:** This is in addition to S94A contributions.

Reason: To comply with the terms of the VPA.

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

Reason: To ensure adequate natural ventilation.

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

Reason: Environmental protection and flood safety.

55. Prior to the issuing of the Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document -Western Sydney Salinity Code of Practice 2003.

Reason: To ensure appropriate safeguards against salinity.

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

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

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

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

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

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

59. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and

the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1 , AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure appropriate vehicular manoeuvring is provided.

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

Reason: To comply with Council's parking requirements.

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

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

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

Reason: To ensure provision of motorcycle parking.

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

Reason: To ensure car parking is appropriately designed.

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

Reason: To ensure adequate maneuvering.

Prior to Work Commencing

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

Reason: To ensure adequate toilet facilities are provided.

66. Prior to the release of the Construction Certificate, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction

of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

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

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

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

- identified and specific traffic control measures identified for each,
- (ii) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- (i) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (iii) Minimising construction related traffic movements during school peak periods,

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

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

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

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

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

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

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

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

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

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

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

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (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.

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

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (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.

73. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following

activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

(a) On-street mobile plant:

E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.

(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.

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

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

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

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

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

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

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

(a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and

(b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

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

Reason: To comply with legislative requirements.

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

Reason: To ensure public safety.

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

(a) Unauthorised entry of the work site is prohibited;

(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.

78. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and

furnished to Council before any works authorised by this consent are conducted:

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

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

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

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

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

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

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

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

During Work

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

Reason: To ensure no adverse impacts on neighbouring properties.

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

Reason: To protect public safety.

82. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.
Reason: To ensure appropriate car parking.
83. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.
Reason: To ensure Council's assets are appropriately constructed.
84. Flood warning signs, clearly audible warning alarms and a flood safety and evacuation plan shall be maintained in operation throughout the construction phase of the work. All site personnel shall be made aware of the flood prone nature of this site, potentially hazardous conditions and short warning times of flood events, as part of the mandatory Worksafe health and safety requirements.
Reason: To ensure worksite safety.
85. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.
Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.
86. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.
Reason: To ensure compliance with this consent.
87. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.
Reason: To protect the amenity of the area.
88. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior

approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

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

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

Reason: To protect the amenity of the area.

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

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

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

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

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

Reason: To protect the amenity of the area.

92. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location

of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

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

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

Reason: To protect archaeological heritage.

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

Reason: To ensure proper management of Council assets.

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

Reason: To ensure maintenance of Council's assets.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

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

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

Reason: To comply with stator requirements.

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

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (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.

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

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

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

Reason: To protect the environment.

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

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

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office

using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

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

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

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

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

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

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

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

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

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

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

All footpath crossings, laybacks and driveways are to be constructed according to Council’s Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance

Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

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

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

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

Reason: Pedestrian and Vehicle safety.

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

Reason: To provide satisfactory drainage.

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

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

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

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

Reason: To ensure internal acoustic amenity.

107. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.
Reason: To ensure restoration of environmental amenity.
108. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.
Reason: To complying with legislative requirements of the Environmental Planning and Assessment Act 1979.
109. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.
Reason: To ensure a visible house number is provided.
110. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 603157M, will be complied with prior to occupation
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
111. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.
Reason: To ensure appropriate electricity services are provided.
112. A written application to Council's Civil Assets Team for the release of a bond must quote the following:
(a) Council's Development Application number; and
(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.
113. Design Verification issued by PTI Architects is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate

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

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

Reason: To comply with the requirements of SEPP 65.

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

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

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

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

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

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

116. The artworks are to be completed in full in accordance with documentation submitted throughout the development process and are to be installed to the satisfaction of Council prior to the release of any Occupation Certificate for the site.

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

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

Reason: To comply with the VPA.

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

- (i) The issue of an Occupation Certificate for any part of the Development; or
- (ii) The registration of a Strata Plan for any part of the development, Whichever occurs later, the Developers must transfer the Strata Lots to Council in accordance with the terms outlined in the VPA.

Reason: To ensure compliance with the VPA.

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

1 Bedroom – 6m³

2 Bedroom – 8m³

3 Bedroom – 10m³

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

Reason: To ensure provision of appropriate storage.

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

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

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

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

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

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

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

Reason: To ensure provision of sustainable transport options.

124. Prior to the issue of the Occupation Certificate and to the satisfaction of the Principal Certifying Authority, a convex mirror is to be installed on each basement level within the ramp access (with one near the entry

driveway and one at the bottom of the ramp) with its height and location adjusted to allow an exiting driver a full view of the driveway.

Reason: To ensure the safety of drivers.

The Use of the Site

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

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

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

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

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

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

Reason: To prevent loss of amenity to the area.

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

Reason: To ensure provision of adequate waste disposal arrangements.

129. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

130. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.
Reason: To ensure waste is adequately stored within the premises.
131. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.
Reason: To ensure the removal of graffiti.
132. Service vehicles delivering to the site to be limited to a small rigid vehicle.
Reason: To ensure that the loading bay is used for its intended purpose.
133. The motorised vehicular access gate to be provided at the driveway entry/exit point from Hassall Street is to be operated via remote control. If an intercom or security gate is to be installed, it is to be provided at the centre of the driveway to the car park in accordance with Clause 3.3(b) of AS2890.1-2004.
Reason: To comply with Australian Standards.

Date: 14 May 2018
Responsible Officer: Sohini Sen