



## Report to Sydney Central City Planning Panel

<b>SWCCP reference</b>	2018SWC065
<b>DA No.</b>	381/2018
<b>Date of receipt</b>	7 June 2018
<b>Proposal</b>	Demolition of existing structures, tree removal and construction of a part 4, part 16 storey mixed use development comprising retail, licensed bar/restaurant and medical centre, 5 storeys for use as a hotel containing 97 rooms, 6 storeys for use as residential apartments containing 33 units over 4 levels of basement carparking for 130 vehicles. The proposal also includes site preparation works, an accessible through site link and public domain upgrades along Railway Parade and Ashley Lane. The proposal is Integrated Development under the Water Management Act 2000. The application will be determined by the Sydney Central City Planning Panel.
<b>Street address</b>	24-26 Railway Parade, WESTMEAD NSW 2145
<b>Property Description</b>	Lot 1 DP 952720 and Lot 1 DP 972068 and Lot 10 DP 605684
<b>Applicant</b>	Hovey Urbis Pty Ltd
<b>Owner</b>	Drill Pty Ltd
<b>Submissions</b>	29 Objectors (31 submissions)
<b>List of All Relevant Section 4.55 Matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations</li><li>• State Environmental Planning Policy No. 55</li><li>• State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li><li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li><li>• State Environmental Planning Policy (State and Regional Development) 2011</li><li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.</li><li>• Infrastructure SEPP (ISEPP)</li><li>• Parramatta Local Environmental Plan 2011 (PLEP 2011)</li><li>• Parramatta Development Control Plan 2011 (PDCP 2011)</li><li>• Parramatta S94A Contributions Plan</li></ul>
<b>Recommendation</b>	Deferred Commencement
<b>Council Officer</b>	Denise Fernandez, Senior Development Assessment Officer

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

### Legislative clauses requiring consent authority satisfaction

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

### Clause 4.6 Exceptions to development standards

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

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)? No

### Conditions

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

## 1. Executive summary

This report considers a proposal to construct a part 4, part 16 storey mixed use development comprising retail, licensed bar/restaurant, a medical centre, 97 rooms for the purposes of a hotel, 33 residential units and basement car parking for 130 vehicles. The proposal also includes site preparation works, an accessible through site link and public domain upgrades along Railway Parade and Ashley Lane.

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

This report recommends that the Panel approve a variation to the building height in Parramatta Local Environment Plan 2011, via clause 4.6 of that plan.

## 2. Key issues

- a. Building height – Clause 4.6 written request submitted; and
- b. Variations to ADG communal open space, deep soil and balconies.

## 3. Site context

The site is located at 24-26 Railway Parade, Westmead and is legally described as Lot 10 in DP 605684, Lot 1 in DP 952720 and Lot 1 in DP 972068. The site has an area of 2514m<sup>2</sup>.

The site has frontages to Railway Parade to the south of the site and Ashley Lane to the east. The existing development on the site comprises two levels; the ground floor is entirely retail, the second floor contains retail uses and the Westmead Tavern. The building layout comprises an internal courtyard with the majority of shops facing inwards, away from the street. A through-site link is established from Railway Parade to the rear of the site, extending to Hawkesbury Road. There is a 20-space car park at the rear (north) of the building accessed from Ashley Lane and pedestrian access to the internal courtyard from both the north and south.

The site is located on the opposite side of Railway Parade to the Westmead Train Station and forms part of the Westmead Town Centre. East of the site are multi-storey residential developments and west of the site are commercial uses. To the north of the site, adjacent to the car park is a two-storey office building.

Further, the site is located approximately 500 metres from Westmead Hospital and the Western Sydney University.



Figure 1: Aerial photo of the site

## 4. Site description and location

### 4.1 Background

#### 4.1.1 Westmead Precinct

The subject site is located within the Westmead Precinct. This precinct is identified as being of strategic value as it contains a regionally significant health and educational hub. Westmead also provides a high density residential areas which support this primary function. Any redevelopment within the Westmead Precinct should provide additional opportunities for residential, retail, business, hospital, education and community facility development which is to be integrated with the existing public transport network.

### Figure 2: Westmead Precinct

A Planning Proposal (RZ/2/2012) was lodged with the City of Parramatta Council to increase the permissible building height and floor space ratio (FSR) under the Parramatta Local Environmental Plan 2011 for the subject site. The Planning Proposal considered the following changes to the PLEP 2011.

- Parramatta LEP 2011 FSR Map – Sheet FSR\_004. Amend the subject site's Maximum FSR standard from 1.5:1 (Zone S1) to 4.5:1 FSR (Zone Y).
- Parramatta LEP 2011 Height of Buildings Map – Sheet HOB\_004. Amend the subject site's maximum Height of Building standard from 12 metres (Zone M) to 52 metres (Zone Y).
- Introducing a provision limiting the residential floor space of any development on the subject site to a maximum of 1.5:1 FSR (Clause 6.10A of PLEP 2011).

On 4 March 2016, the abovementioned changes to the PLEP 2011 were gazetted. Council also subsequently adopted site specific amendments to the Parramatta Development Control Plan (PDCP) to provide detailed objectives and design controls to support the amendments to the PLEP.

A Voluntary Planning Agreement associated with the above-mentioned changes to the PLEP was also executed to involve public domain upgrades to Railway Parade and Ashley Lane road reserves and courtyard.

#### **4.1.3 Desired Objectives for the site at 24 – 26 Railway Parade, Westmead under PDCP 2011**

Under PDCP 2011 the location of the site is intended to support a greater intensity of uses in order to benefit from ready availability of transport services in the locality.

The mixed use character of development is complementary to this objective and the proposal incorporates a mix of land uses including shops, a tavern, medical suites with short term accommodation (hotel) and residential uses in the tower.

The DCP outlines that development on the site is to be designed so that:

- The built form is stepped in plan and elevation and provide architectural modulation to minimise overshadowing;
- A 3-4 level podium setback from the street frontages to allow widening of the footpath to improve the public domain is provided;
- The tower up to a height of 15 storeys is to be set further back to respect existing development patterns;
- The tower is to mark the Darcy Road termination and complement the gateway of the Westmead Precinct, with development of a similar scale to that on the WSU site to the west.



- A double storey high pedestrian link will provide public pedestrian access from the Railway Station via Railway Parade through to a landscaped courtyard open space and allows for a potential link to Hawkesbury Road and Westmead Hospital and beyond.
- Active uses are to be provided to the edges of the pedestrian link and public open space, the street edge to Railway Parade and the corner of Railway Parade and Ashley Lane. Active uses are to include shops, building entries and commercial uses.

The proposal generally meets the abovementioned objectives in the design of the development with the exception of the double storey pedestrian link. The proposal provides a pedestrian link on the ground floor from Railway Parade through to the rear of the site. In this instance, the one storey pedestrian link as proposed improves connections between Levels 1 and 2 whilst also providing a dedicated entry for the tavern which is located separately from the retail food and beverage area to the rear and as a security measure for the patrons of the tavern. The reduced height of the pedestrian link maintains sightlines from Railway Parade to the rear of the site as well as providing satisfactory amenity for the ground floor uses and the common open space area.

The proposal has considered the abovementioned objectives in the design of the development, which is assessed throughout this report. Overall, the development achieves the desired design outcomes contained in PDGP 2011 for the site.

## 5. The proposal

The current proposal comprises the construction of a part 4 and part 16 storey mixed use development comprising:

- 2353m<sup>2</sup> of retail space
- 635m<sup>2</sup> licensed bar/restaurant
- 1305m<sup>2</sup> Medical Centre
- 2950m<sup>2</sup> for a hotel containing 97 rooms over 5 storeys
- 3145m<sup>2</sup> of residential apartments containing 33 units
- 4 levels of basement car parking for 130 vehicles.

The application also includes:

- Landscaping of common open space within the site (ground, podium and Level 8);
- Public domain works and the provision of an accessible pedestrian site link; and
- All required civil works including an Onsite Detention System for stormwater management.

## 5.1 Variation to height under the current application

The proposal on the subject site seeks to depart from the height standard that apply under the Parramatta Local Environmental Plan 2011.

The proposal seeks approval for a development with a height of 56.5 metres which is a 4.5 metre variation to the maximum height of 52 metres for the site.

The portion of the development that breaches the maximum height is the roof area which contains plant, cooling towers, and lift overruns. The number of plant structures proposed are required due to the number of uses contained within the development. The proposal was amended to introduce an architectural roof feature to screen the plant located on the roof.

It is noted that the portion of the development that breaches the maximum height limit does not contain areas that contribute to GFA / FSR.

The applicant has submitted a Clause 4.6 Statement (see **Attachment C**) to support the height variation.

Council's assessment of the variation to the height is contained in Part 2 of this report.

## 5.2 Deferred Commencement requirements

Sydney Trains

The application was referred to Sydney Trains for comment under the provisions of the ISEPP. In response, Sydney Trains provided their concurrence subject to a Deferred Commencement requiring the applicant to submit additional detailed Rail specific Geotechnical Engineering, Structural and Civil Reports. The full requirements as per Sydney Trains concurrence is noted in Attachment B of this report.

## 6. Public notification

The application was originally notified between 20 June 2018 and 11 July 2018. The proposal was re-notified to widen the scope of notification area between 26 July 2018 and 27 August 2018. In response, eighteen (18) submissions were received.

Amended plans, which were notified between 27 March 2019 and 17 April 2019. Whilst the amended plans were being notified, Council was made aware that notification letters were not distributed to the shops within the shopping complex. As this was inconsistent with the

original notification of the application, the amended proposal was re-notified between 1 May 2019 and 22 May 2019. In response, 15 submissions were received.

## 7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions No

## 8. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply? No

Does Section 4.10A (Designated Development) apply? No

Does Section 4.46 (Integrated Development) apply? Yes

Are submission requirements within the Regulations satisfied? Yes

## 9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs None - A detailed assessment is provided at **Attachment A**.

## 10. Parramatta Local Environmental Plan 2011

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

Table 1: LEP compliance

	<i>Comment or non-compliances</i>
Zones	<ul style="list-style-type: none"> <li>B4 Mixed Use</li> </ul>
Definition	<ul style="list-style-type: none"> <li>Mixed Use development</li> </ul>
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"> <li>Permissible in the zone</li> <li>Consistent with zone objectives</li> </ul>
Part 4 Principal development standards	<ul style="list-style-type: none"> <li>Non-compliance - Building height The development standard is 52 metres.</li> <li>The development proposes a maximum height of 56.5 metres.</li> </ul> <p>A request under clause 4.6 has been provided. The variation is supported.</p>



Part 5  
Miscellaneous provisions All relevant provisions satisfied

Part 6  
Additional local provisions All relevant provisions satisfied

## 11. Parramatta Development Control Plan 2011

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

Table 2: DCP compliance

	Comment or non- compliance
Part 2 – Site Planning	Consistent
Part 3 – Development Principles	Satisfactory
Part 4 – Special Precincts	Satisfactory

## 12. Response to SCCPP briefing minutes

The matters raised by the Panel at its Briefing meeting are addressed below:

- *The Panel does not fully understand what is being placed on the roof*
- *It (ie. height) is a new control so full compliance is expected*
- *Oversized plant on the roof seems unacceptable*
- *No real explanation for significant non-compliance with communal open space*

### Comment:

- The structures on the roof are plant, generators and cooling towers. The applicant was requested to investigate whether the amount of plant could be reduced to minimise the number of structures on the roof. Upon investigating this request, the applicant noted that all the structures on the roof are required and are required due to the number of separate uses contained within the development.
- As a result, the overall height of the development is breached at 56.5 metres. This variation only relates to the roof area which contains the plant and generators. No floor area that would contribute to FSR is located beyond the 52 metre height limit for the site.
- To ensure that the roof area, which contains the plants, generators and cooling towers, does not contribute to an unsightly, cluttered appearance, an architectural roof feature around the roof was incorporated to screen the plant structures.
- The proposal was also required to respond to the adjoining public domain levels which increased the height at the ground level and the height of the overall development. Notwithstanding, the proposal achieves an appropriate design outcome which meets the objectives of the height control under PLEP 2011 and PDCP 2011.

- The areas which are included in the GFA / FSR are located below the maximum height. As mentioned, only the plant, roof area and architectural roof feature protrude beyond the height limit and is not that dissimilar to other recent developments approved by the SCCPP.
- With regards to the variation to the Communal Open Space requirement under the ADG's, the applicant provides the following response:

*Part 3D of the ADG states that provision should be made for 25% of the site area as communal open space.*

*It is noted that the ADG does not apply a sliding scale depending upon the number of apartments proposed in a development nor does it take into consideration mixed-use proposals where residential is not the dominant use.*

*The proposed development includes 33 apartments and 3,287sqm of residential GFA which equates to 29% of the total GFA proposed.*

*Due to the highly mixed-use nature of the proposal, and the delivery of the through site link and public open space at ground level communal open space is required to be located on the building podium.*

*A consolidated area for communal open space for residents is provided at level 8 and is equal to 176sqm in usable area (7% of total site area). While this does not equal 25% of the site area it is proportionate to the amount of residential floor space proposed.*

*The design guidance in the ADG states that where developments are unable to achieve the design criteria, they should demonstrate proximity to public open space and facilities. The development includes a publicly accessible ground level courtyard and through site link. Cumulatively, these areas coupled with the Level 8 terrace result in 687sqm of open space which is equivalent to 27% of the site area. In addition, the site is located 300m from Parramatta Park, an 85-hectare parkland.*

*The level of open space provision within the site and in close proximity will therefore provide residents with sufficient open space provision.*

In addition to the above comments provided by the applicant, Council's response in relation to this issue is located elsewhere in this report.

## **Conclusion**

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

## **RECOMMENDATION**

- A. That the Sydney Central City Planning Panel approve the variations to the building height control in clause 4.3 of Parramatta LEP 2011, being satisfied that the applicants written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest

because it is consistent with the objectives of the particular standard and the objectives for development within the zone; and

- B. That pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant a Deferred Commencement to Development Application DA/381/2018 subject to Schedule 1 of the conditions in **Attachment B**.
- C. That all the objectors be advised of the Sydney Central City Planning Panel's decision.



## ATTACHMENT A- PLANNING ASSESSMENT

**SCCPP reference** 2018SWC065

**DA No.** 381/2018

### 1. Overview

This Attachment assesses the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

**Table 1- Matters for consideration**

<i><b>Provision</b></i>	<i><b>Comment</b></i>
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 2 below
Section 4.15(1)(a)(ii) - Draft planning instruments	Not applicable
Section 4.15 (1)(a)(iii) - Development control plans	Refer to section 3 below
Section 4.15 (1)(a)(iiia) - Planning agreements	Not applicable
Section 4.15 (1)(a)(iv) - The Regulations	Refer to section 4 below
Section 4.15 (1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15 (1)(b) - Likely impacts	Refer to section 5 below
Section 4.15 (1)(c) - Site suitability	Refer to section 6 below
Section 4.15 (1)(d) - Submissions	Refer to section 7 below
Section 4.15 (1)(e) - The public interest	Refer to section 8

The following internal and external referrals were undertaken:

**Table 2: Referrals**

Landscape	Satisfactory subject to conditions
Development Engineer	Satisfactory subject to conditions

Building Surveyor	Satisfactory subject to conditions
Environmental Health (Acoustic)	Satisfactory subject to conditions
Environmental Health (Contamination)	Satisfactory subject to conditions
Environmental Health (Waste)	Satisfactory subject to conditions
Traffic	Satisfactory subject to conditions
Urban Design (Public domain)	Satisfactory subject to conditions
Public Art	Satisfactory subject to conditions
Assets (Alignment)	Satisfactory
Land Use	Satisfactory
Crime Prevention	Satisfactory
Property	Satisfactory
City Architects	Satisfactory
Social Impact	See Section 6.13 of this report for discussion.
Sydney Trains	Satisfactory – concurrence and GTAs received
Water NSW	Satisfactory – concurrence and GTAs received
Endeavour Energy	Satisfactory subject to conditions
NSW Police	Satisfactory subject to conditions
RMS	Satisfactory subject to conditions
Sydney Metro Airports Bankstown	Satisfactory
Parramatta Light Rail	Satisfactory
DEAP	Satisfactory
Air Services and CASA	Satisfactory
Sydney Metro West	No response received

## 2. Environmental planning instruments

Compliance with these instruments is addressed below.

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

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

The application was submitted with a Preliminary Site Investigation (PSI) that identified several potential sources for contamination. These sources being leaks/spills from 3 triple interceptor traps within the existing car park, leaks and spills from the dry cleaners on site, use of contaminated fill and asbestos materials. As a result, the PSI recommended that a Detailed Site Investigation (DSI) be prepared.

A DSI was consequently submitted to Council. Based on the field works and investigation undertaken, the DSI concluded that the as the majority of the site is capped with hardstand /

concrete, that exposure between any sources of contamination and ecologically sensitive receptors are unlikely.

With regards to the asbestos on site, the DSI noted that it does not preclude the redevelopment of the site. However, upon demolition and redevelopment of the site, the works will need to consider the presence of asbestos and ensure that it is managed appropriately. Conditions are recommended for inclusion in the consent for proper asbestos handling during demolition and construction.

The DSI also recommends that the triple interceptor traps be decommissioned and should include validation of surrounding soils for contaminants.

Chlorinated hydrocarbons associated with the dry cleaning operations were also detected by the DSI and that this impacted on the soil below the existing building. Due to existing structures and that access to this area is limited, the DSI recommended that additional investigation and delineation is required to determine the extent of the chlorinated hydrocarbons following demolition of the structures on the site.

An addendum letter to the DSI was further submitted to Council which concluded that based on the investigation completed that the site can be made suitable for the proposed use being for a mixed use development following detailed investigation upon demolition and application of remediation activities.

Council's Environmental Health Officer (EHO) has reviewed the proposal, the documentation submitted with the application and concurs with the methodology, and conclusions noted, and agrees the site can be made suitable for the proposed use. Conditions of consent nominated by Council's EHO are included in the recommendation of this report.

In particular, Council imposed a condition a further DSI be prepared upon demolition of the existing building and submitted to Council for review. The condition also requires that any subsequent remediation works required be completed in order to render the land suitable for the proposed use. This is to be validated and that a Validation Report be submitted to Council.

Those circumstances are sufficient to satisfy the requirements of clause 7 of this Policy.

## **2.2 State Environmental Planning Policy BASIX**

The requirements outlined in the amended BASIX certificate have been satisfied in the design of the proposal. A condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

## **2.3 State Environmental Planning Policy (Infrastructure) SEPP**

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

The application is subject to clause 45 of the SEPP as the application proposes works within the vicinity of electricity infrastructure. Endeavour Energy provided comments with regards to the development and found the application to be satisfactory subject to conditions.

The application is subject to clause 85 of the SEPP as the development proposes works within proximity to a rail corridor. As such, Sydney Trains were notified of the proposal within 7 days of the application being made. In response, Sydney Trains provided comment and consequently their concurrence on 16 August 2018. These requirements form part of the recommendations.

The application was also referred to Parramatta Light Rail (PLR) pursuant to Clause 85 of the SEPP as the site is within proximity to a light rail corridor. Upon review of the proposal, PLR raised no further concerns and confirmed that no concurrence is required.

The application is subject to clause 87 of the SEPP as the development is for a residential purpose which is in proximity to a railway corridor. An acoustic report was submitted with the application which provides recommendations that ensure that any bedroom and other rooms elsewhere in the building meet acceptable decibel levels. The acoustic report was reviewed by Council's Health (Acoustic) Officer who found the report to be satisfactory subject to conditions with regards to the acoustic impacts on the development from rail noise. The acoustic report will be included as a recommendation for inclusion in the consent.

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

The application is not subject to clause 102 of the SEPP as the average daily traffic of Railway Parade is less than 40,000 vehicles.

The application is subject to Clause 104 as the proposal seeks approval for more than 2000m<sup>2</sup> of retail area. In response, RMS raised no objections to the proposal subject to conditions of consent.

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

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

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

### Design Excellence Advisory Panel (DEAP)

The proposal was considered by DEAP at pre-lodgement stage and as a formal development application. Upon submission of amended plans, Council's City Architects Team reviewed the amended proposal and provided their comments. The DEAP, City Architects, applicant's comments and Council's response are tabled below.

**Table 3: DEAP / City Architects comments and response**

<b>DEAP Comments</b>	<b>Applicant Response</b>	<b>City Architects Comments</b>	<b>Planning Comment</b>
The Panel commends the applicant for addressing the issues raised at the previous panel meeting in July 2017. The	Noted	Noted	Noted



development has been well considered given the various site constraints and the density achieved.			
Notwithstanding the above the Panel suggested a few minor adjustments to further improve the overall development.	Noted	Noted	Noted
The stairs at the end of the arcade leading up to the commercial businesses (tavern and food outlets) on the first floor require an after hours security strategy. The Panel recommends that a lockable gate be added at the bottom of the stairs that controls access at certain times. A CPTED study for this area should be considered to ensure intended access provisions can work.	A security gate has been added at the base of the public stairs leading to the food and beverage area and is illustrated in the amended Architectural Plans submitted.	A security gate has been added to the base of the stairs leading to the level 01 food + beverage precinct. The applicant has not made any comment on the safety improvement (perceived or actual) provided by the security.	A CPTED study was submitted with the application.  Whilst the CPTED study did not discuss in detail this area, it recommends that the development incorporate safety measures across the development including the car parking area, entry and exit points, external and internal layout, on-going maintenance and management as well as landscaping. The proposal as well the CPTED study were reviewed by the NSW Police and Council's Crime Prevention Officer whom raised no objections to the proposal. It is noted that the CPTED study will be incorporated in the consent.
The applicant mentioned that a public art plan would be incorporated into the proposal. The Panel recommends that local heritage issues be the focus for the art piece and that it be to the satisfaction of Council's relevant officer. Of particular interest was the services wall along Ashely Lane where there was scope to help create a better visual activation to the lower levels.	The recommendations for public art will be considered by the Proponent and may inform the public art strategy for the site.	A public art plan has not been submitted for Councils review.  The public art zone located along Ashley Lane is supported.  It is recommended that a condition of consent is applied that ensures that the public art zone is approved as part of the DA, and that a public art plan is submitted for Councils review prior to the relevant CC.	A Public Arts Plan was submitted to Council and reviewed by Council's Arts Plan Officer. Upon review, Council's Arts Plan Officer raised no objections subject to conditions of consent.
The current proposal breached the 52m height limit by achieving a height of 57.28m. The Panel considers the departure from the LEP height control to be acceptable since it allows the narrower footprint to be maintained.	Noted	Noted. The City Architect and the DEAP consider the height protrusion to be acceptable as it relates to rooftop plant and does not relate to a residential level. The plant and services overrun are also	Amended plans were submitted reducing the overall height of the development to 56.5 metres.  This variation to the development standard is discussed

		setback from the building edge and will be partly concealed by an architectural roof feature.	elsewhere in this report.
The Communal Open Space, located on level 8, should provide ease of access for all residents, shade, a barbeque, seating, a universal WC and suitable landscaping. Elements extending above parapet height should be setback from the building edges so that they are not visible from the surrounding public domain.	<p>The residents communal open space provides ease of access for all residents. The Landscape Plans submitted with the DA show shade structures, a barbeque and seating area as well as landscaping provided at this level.</p> <p>A universal WC has been added in response to the Panel's recommendation and is illustrated in the amended Architectural Plans submitted.</p>	<p>An amenities and washup bay has been added to satisfy the panels request. This area is directly accessible from communal open space but is contained within the original building envelope.</p> <p>A glazed canopy has also been added above the bbq, dining and lounge pavilions.</p>	The amendments to address Panel's concerns if considered acceptable.
<p>For any future plans for the site in relation to detailed design and layout, the Panel recommends that:</p> <ul style="list-style-type: none"> <li>a) HVAC equipment should preferably be grouped within designated screened plant areas either on typical floors or on rooftops.</li> <li>b) Wall mounted equipment (e.g. instantaneous gas HW heaters) and associated pipework is concealed into wall cabinets and ducts</li> <li>c) If service equipment is located on private balconies, additional area above ADG minimums should be provided.</li> <li>d) Rainwater downpipes are thoughtfully designed and integrated into the building fabric.</li> <li>e) The above items should be positioned so that they are not visible from common areas or the public domain adjacent to the development.</li> <li>f) Balustrade design must address visual screening of large items typically stored on</li> </ul>	Noted and incorporated in amended plans.	Noted	Noted.

<p>balconies, for example BBQ's, clothes drying devices and bicycles.</p> <p>The landscape enhancement of the stormwater channel should be given more detailed consideration in consultation with Sydney Water</p>			
<p>Active ESD provisions such as rainwater recycling, solar power and solar hot water were not discussed at the meeting, however it is assumed that at a minimum these measures will be included in the development.</p>	<p>An ESD Report was prepared and submitted with the DA. The Report describes the many ESD initiatives integrated within the development to comply with 4 star NABERS requirement of the Parramatta DCP 2011 for the non-residential component and SEPP BASIX 2004 for the residential component.</p>	<p>Subject to expert assessment but statement notes that 4 stars NABERS has been achieved.</p>	<p>Council is satisfied that the proposal has incorporated active ESD provisions compliant with the relevant DCP controls and BASIX requirements.</p>
<p>The Panel requires that annotated 1:20 scale cross-sections and details of all proposed façade types and materials are included with the DA submission and form part of the consent documentation.</p>	<p>Annotated 1:20 scale cross sections have been prepared and are submitted as part of the Amended Architectural Plans.</p>	<p>Documentation submitted. Ensure all detailed architectural drawings are stamped as part of approval.</p>	<p>Plans have been submitted in accordance with this recommendation and will be incorporated in the consent.</p>

Overall the Panel was supportive of the proposal, concluding:

*The Parramatta Design Excellence Advisory Panel (The Panel) supports the proposal in its current form. The Panel advises that this is a well considered and presented scheme and that the architectural, urban design and landscape quality is of a high standard.*

Council's City Architects Team has also provided the following comments:

*The entry to the pedestrian arcade has been amended to now include a ramp, stairs and a small wall. We recommend that the staircase width is increased to no less than the width of the pedestrian arcade, and that no solid elements (e.g low walls) are installed that reduce the visual permeability from Railway Parade through to the arcade/link. This amendment can be conditioned as part of approval.*

A condition reflecting the above recommendation from Council's City Architects Team will be included in the consent.

### Design Quality Principles

Part 4 of the Policy introduces 9 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions. As required by the Environmental Planning and Assessment

Regulation, the application is accompanied by a response to those design principles, as prepared by the project architect.

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

**Table 4: Response to SEPP 65 design principles**

<b>Principle</b>	<b>Comment</b>
<b>Context and neighbourhood character</b>	The locality, in particular, this portion of the Westmead precinct is transforming to a high-density residential/mixed use area. The development generally accords with the desired future character nominated by the LEP and DCP. The building will contribute to the quality and identity of the area.
<b>Built form and scale</b>	Notwithstanding the departure to the height for the site, the development responds to the intent of the development standard. Site planning, building volume/ mass presentation and detailing are satisfactory noting the conclusions of the DEAP and Council's City Architects. Public domain outcomes are satisfactory.
<b>Density</b>	The proposed density is consistent with the precinct specific controls in the LEP and DCP. Those controls were developed with regard to the context of the site in terms of availability of infrastructure, public transport, community facilities and environmental quality.
<b>Sustainability</b>	Energy and water efficiency targets under SEPP (Basix) 2004 are achieved. The design is consistent with best practice design criteria for cross ventilation and solar access under the ADG.
<b>Landscape</b>	The landscape treatment is generally satisfactory and is supported by Council's Landscape Officer.
<b>Amenity</b>	Amenity for the apartments is satisfactory when tested against best practice design criteria identified in the ADG which supports the SEPP. The scheme includes a range of communal facilities for the benefit of all residents.
<b>Safety</b>	Appropriate outcomes are achieved through the design generally, and otherwise by conditions of consent as proposed.
<b>Housing diversity and social interaction</b>	The residential component of the development skews the unit mix towards 1 and 2 bedroom units. This is considered to be acceptable given that the site is located opposite a railway corridor and is within proximity to Westmead Hospital and Westmead Town Centre where 1 and 2 bedroom units are suitably located to maximise housing choice for diverse household types. The required number of adaptable housing units is provided.
<b>Aesthetics</b>	The composition of building elements and materials is satisfactory.

#### Residential Flat Design Code

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

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

**Table 5: Response to ADG**

<b>Element</b>	<b>Comment</b>	<b>Complies</b>
<b>Building separation/Visual Privacy</b>	<p>The residential component of the development begins on Level 9 of the development.</p> <p>The adjoining site to the west is a 4 storey commercial development.</p> <p>The adjoining site to the rear (north) is a 3 storey commercial development with ground floor parking.</p> <p>The development provides the following setbacks:</p> <p>To the western boundary – 13m To the northern boundary – 19m</p> <p>Provided that future developments design for compliant setbacks within their site, the proposal will meet the building separation requirements under the ADG's between sites.</p>	Yes
<b>Common Open Space</b>	<p>Required – 628.5m<sup>2</sup> (25% of the site) Provided – 176m<sup>2</sup> located on Level 8 (7% of the site)</p> <p>Due to the mixed use nature of the development and that the residential uses is located on Level 9, the location of the COS on Level 8 is considered to be appropriate. This ensures that occupants of the residential units are provided with a usable outdoor common recreation area within the development. This area is provided with satisfactory landscaping and amenities (such as a BBQ area and amenities) to improve the quality and encourage utility of this area.</p> <p>It is noted that the residential units account for only 23% of the total GFA of the development (ie. 33 units). As such, the amount of COS provided is considered to be proportionate to the number of occupiers using the COS. Further, the site is within proximity to Domain Creek Playground (800m to the east) and Parramatta Park (1km to the east) which can be utilised by the occupants and visitors of the development.</p> <p>Whilst the minimum communal open space within the development has not been provided, the amount provided is considered acceptable given the quality of this area and is appropriate for a town centre lifestyle.</p> <p>Council's City Architects and DEAP reviewed the proposal and upon review of the plans did not raise any objections to the location or the variation to the common open space provided. In this regard, the variation to the communal open space requirement under the ADG is accepted.</p>	<b>No, but acceptable</b>

	Shadow diagrams also show that a minimum of 50% of the COS as receiving a min. 2 hours of direct sunlight.	
<b>Public Open Space</b>	<p>The application proposes a public open space on the ground floor. It connects Railway Parade, the arcade and shops on the ground floor within the development to Ashley Lane and to Hawkesbury Road.</p> <p>The Public Open space is protected from strong winds whilst receiving adequate solar access.</p> <p>The Public Open space provides a range of passive recreational activities and is clearly defined from private areas of the development.</p>	Yes
<b>Deep Soil</b>	<p>Required – 176m<sup>2</sup> (Min. 7% and 6m width). Provided – Nil.</p> <p>The basement levels as well as the public domain/paving requirements (as part of the VPA) reduces the deep soil opportunities on the site. Notwithstanding, the site is located within the Westmead Town Centre where limited deep soil planting are a common outcome.</p> <p>It is noted however, that the VPA requires landscape planting along both frontages to assist with streetscape presentation and softening the perception of bulk. Landscaped areas are also located on Level 3 and 8 of the development.</p>	<b>No, but acceptable</b>
<b>Parking and Bicycle storage</b>	<p>The site is subject to maximum parking provisions under the PDGP 2011. As such, the development is not to exceed 33 residential parking spaces and 7 visitor spaces.</p> <p>The development provides 33 residential spaces and 5 visitor parking spaces.</p> <p>Also refer to PDGP 2011 section of the report for all car parking proposed.</p>	Yes
<b>Solar access and daylight</b>	<p>24 units (72%) within the development will receive a minimum of 2 hours of solar access.</p> <p>9 units out of 33 (27%) are single aspect. However, only 3 (10%) units will receive no sunlight.</p>	Yes
<b>Common circulation</b>	The development provides a maximum of 6 apartments per core.	Yes
<b>Apartment size and layout</b>	<ul style="list-style-type: none"> <li>• Minimum unit sizes are achieved</li> <li>• Apartment layouts are efficient</li> </ul>	Yes
<b>Ceiling heights</b>	<ul style="list-style-type: none"> <li>• Minimum of 2.7m for habitable rooms is achieved</li> </ul>	Yes
<b>Private open space and balconies</b>	<ul style="list-style-type: none"> <li>• All balconies with the exception of the balconies for the 1 unit bedroom units meets the minimum requirements.</li> </ul> <p>The development provides 7m<sup>2</sup> balconies for 1 bedroom units, which is less than the minimum 8m<sup>2</sup>, required. The variation is considered be minor. The plans illustrate that the balconies can be furnished for</p>	<b>No, but acceptable.</b>

	the use of the occupants. Given this the proposal is considered to be acceptable	
<b>Natural ventilation</b>	<ul style="list-style-type: none"> <li>Residential units are located on Level 9 which assumes that the units will be provided with adequate cross ventilation.</li> <li>No units exceed 18m in overall depth when measured from glass line to glass line.</li> </ul>	Yes
<b>Storage</b>	Required supply of storage for each unit is achieved	Yes

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

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

The site is located within proximity to Parramatta River to the east of the site. The nature of this project and the location of the site (approx. 700m) are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water.

## **2.6 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The application has been assessed against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application proposes the removal of 1 tree from the site identified as Old Man Banksia. Councils Landscape Officer notes that this tree will require removal to facilitate the proposed development and allow a footpath widening.

Accordingly, Council's Landscape Officer has reviewed the application and raise no objections subject to conditions.

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

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

## **2.8 Parramatta Local Environmental Plan 2011**

### **Zoning and permissibility**

The proposed uses meet the definitions of '*mixed use development*' and is permissible with consent in the zone.

### **Zone objectives**



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

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

The proposal is consistent with those objectives.

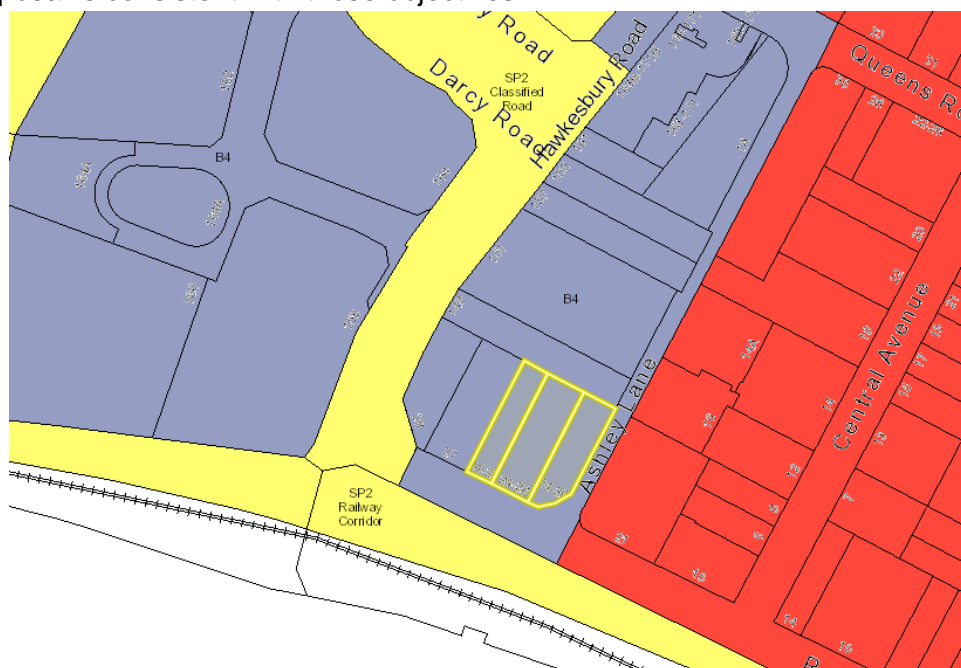


Figure 9: Extract from LEP zone map

## Remaining provisions

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

Table 6: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	Demolition of the existing shopping complex is proposed. A Demolition Plan and a Waste Management Plan has been prepared by the applicant.	Yes
Clause 4.3 Building height	The development standard is 52 metres. The proposed development proposes an overall height of 56.5 metres (8% variation to the height control).	No, refer to clause 4.6
Clause 4.4 Floor space ratio	The development standard for the site is 4.5:1. The total FSR for the development is 4.47:1	Yes
Clause 4.6		Yes

Exceptions to standard	The application relies upon this clause to allow the exceedence of the height standard as noted above. See assessment following at the end of this table.	
Clause 5.1 Relevant acquisition authority	Not applicable.	<b>N/A</b>
Clause 5.6 Architectural Roof Feature	<p>The proposal was amended to include an architectural roof feature to screen the plant, cooling rooms and lift overruns from the presentation of the building. In this regard, the architectural roof feature complies with this provision as it:</p> <ul style="list-style-type: none"> <li>- Comprises of a decorative element on the uppermost portion of the building constructed of glazed panels in neutral tinted glass.</li> <li>- Does not contain an advertising structure</li> <li>- Does not include floor space area and cannot be reasonably capable of modification to include floor area and;</li> <li>- Will not result in adverse overshadowing</li> </ul> <p>It is noted the architectural roof feature breaches the maximum height for the site. This is considered in the Clause 4.6 assessment located elsewhere in this report.</p>	<b>Yes</b>
Clause 5.10 Heritage	<ul style="list-style-type: none"> <li>• The site is not a listed heritage item, nor is it within a conservation area.</li> <li>• The site is within proximity to a heritage item located to the west on the WSU site (located on Lot 1).As the subject site and the heritage item is separated by Hawkesbury Road, it is considered that the proposed development is unlikely to result in adverse impacts on the heritage item.</li> </ul>	<b>Yes</b>
Clause 6.1 Acid sulphate soils	<ul style="list-style-type: none"> <li>• The site is identified a "Class 5" Acid Sulphate Soil (ASS).</li> <li>• The works do not trigger need for an ASS management plan.</li> </ul>	<b>Yes</b>
Clause 6.2 Earthworks	<ul style="list-style-type: none"> <li>• Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council's Development Engineer, who is satisfied the works can be managed without adverse impact.</li> <li>• Site works will not prejudice the future development of any adjoining land, or the amenity of that land.</li> <li>• Issues relating to soil quality are addressed via considerations of SEPP 55</li> <li>• No circumstances identified to indicate potential for disturbing relics.</li> </ul>	<b>Yes</b>
Clause 6.3 Flood Planning	The site is not identified on the flood planning map	<b>N/A</b>
Clause 6.4 Biodiversity	The site is not identified on the biodiversity map	<b>N/A</b>
Clause 6.5 Water protection	The site is not identified on water protection map	<b>N/A</b>
Clause 6.6		



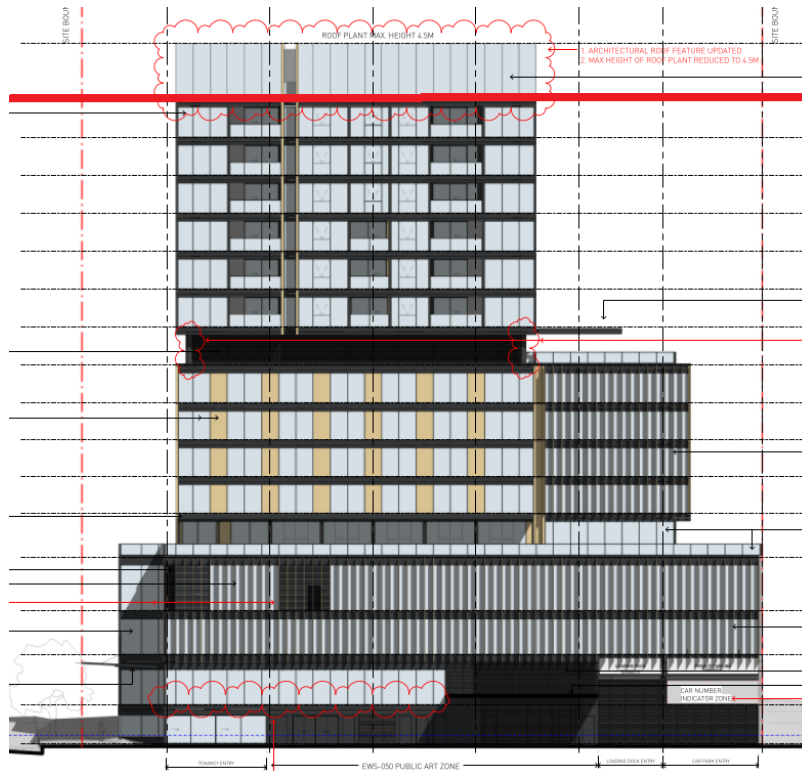


Figure 13: Extract of sectional drawing when viewed from Ashley Lane.

### **Evaluation**

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

The objectives of this clause are:

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

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

The applicant has submitted a written request seeking variation to the maximum building height prescribed by Clause 4.3 as required by Clause 4.6 of PLEP 2011.

Clause 4.6(2) provides that in certain circumstances, consent ...*may be granted for development even though the development would contravene a development standards imposed by this or any other environmental planning instrument.*

The operation of Clause 4.6 is not limited by the terms of Clause 4.6(8) of PLEP 2011, or otherwise by any other instrument.

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

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

The applicant contends that compliance with a development standard is unreasonable or unnecessary are listed within the “five part test” outlined in *Wehbe v Pittwater Council (2007)*.

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

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

- *The proposed development has been designed to achieve the desired future character for the Westmead Strategic Precinct and built form principles established specific to the site under the Parramatta DCP 2011. The proposed massing has been developed in accordance with the DCP to achieve a sense of transition in use and form to the residential neighbourhoods to the east and north.*

*The proposed non-compliance relates to rooftop plant and services and does not relate to an additional residential level. All of the permissible floor space is contained within the permissible 52m height control.*

- *The variation has been informed from detailed building services advice. The proposal represents the requirements for building plant and vertical transportation throughout the building, having regard to the multitude of uses the proposal seeks to introduce.*

*Because the proposed non-compliance is limited to rooftop plant and services it will have no disruption of views or loss of privacy to existing development.*

*The plant and services are proposed in a consolidated rooftop location, setback from the building edges and concealed from view by a 4.5m high architectural roof feature. Thus, as it is not anticipated it will not be readily perceivable from the public domain.*

*Overshadowing analysis has been undertaken by Sissons Architects at June 21 (refer attachment). The shadow compares the shadow cast from a compliant 52m height control and the proposed 56.5m building height (shadow attributed to the additional height is shown by 'red shading').*

*The analysis demonstrates that there is very minor additional shadow arising from the rooftop plant and services. This shadow is however fast moving and will have negligible impact on any property it affects. In summary, this additional shadow is apparent between 9am and 1pm to properties located on the southern side of Alexandra Avenue (opposite side of Westmead Railway Station). Between 11 am and 2pm the shadow is confined to the Alexandra Avenue roadway and Westmead Railway Station. By 3pm, the additional shadow reaches the front setback of the residential properties located along Alexandria Avenue near the Hassall Street intersection.*

- *The proposed 52m height control and built form and massing requirements were developed for the site based on an extensive analysis of important heritage significant sites. This includes landscape vistas from Old Government House and a streetscape response to the Old Boys Home on Hawkesbury Road. The proposed rooftop plant and services are considered to result in negligible heritage impact on these items. As discussed, the proposed plant and services are located in the centre of the building, setback from the building edges and are screened by an architectural roof feature. As such, they are not considered to be visually apparent from the public domain and key viewpoints.*
- *The site is strategically located in the Westmead Town Centre and adjoins land that is zoned B4 Mixed Use and R4 High Density Residential. The proposed height exceedance has no impact on the character and scale of any low density residential area.*

- *The proposed overshadowing impacts arising from the development are considered acceptable. The proposal demonstrates that satisfactory solar access on June 21 is maintained to neighbouring residents, whereby all affected dwellings are capable of achieving a minimum of 3 hours of solar access on June 21.*

*In addition, the attached overshadowing diagrams demonstrate that the additional building height results in negligible additional overshadowing.*

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

The applicant contends that this consideration is met and is summarised below:

- *It results in a superior outcome for the community with a preferred built form arrangement that aligns with the vision for the site and the wider Westmead Strategic Precinct compared to a compliant scheme. A compliant scheme is likely to result in a 15-storey built form and a significant underutilisation of the floor space for this strategically important site located in the growing Westmead Strategic Precinct and well connected to existing and planned public transport infrastructure.*
- *The Statement of Environmental Effects prepared by Urbis demonstrates that any impacts associated with the proposed development are acceptable, particularly since there are no significant solar access impacts on neighbouring properties or the public domain as a result of the height variation.*
- *The additional building height is confined to rooftop plant and services. All floor space is confined within the maximum 52 metre height control.*
- *The variation does not result in unreasonable adverse amenity impacts on adjacent land.*
- *The variation does not diminish the development potential of adjacent land.*
- *The development is compliant with the floor space ratio development standards.*
- *The scale of development is considered appropriate given the significance of the site as supporting the growth of the Westmead Strategic Precinct.*

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

In *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* demonstrated the importance of the request as being ‘adequate’ to address the matters under Clause 4.6(3)(a). This case confirms that a request that is otherwise meritorious may fail in the first instance because it is not well drafted.

In *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7* requires that the consent authority must be satisfied that the applicant’s written request has adequately addressed the matter in Clause 4.6(3)(a) that compliance with each development standard was unreasonable or unnecessary.

Further, *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 9* established that the applicant must demonstrate that compliance with the development standard is unreasonable and unnecessary is separate from the consistency with the objectives of the standard.

The applicant’s written request is provided at **Attachment C**.

In this instance, Council is satisfied that applicant’s Clause 4.6 Statement is not only well drafted, but that it also addresses the matters in Clause 4.6(3)(a) of PLEP 2011. The applicant’s statement provided a suitable argument as to why the standard is unreasonable

and unnecessary in this case, in particular that it has been appropriately designed to respond to consider the site, its surroundings and the Westmead Town Centre precinct.

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

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

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

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

Such concurrence is assumed as per Planning Circular PS 08-003 '*Variations to development standards*'.

### **Conclusion**

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

- The proposed variation of 4.5 metres represents only an 8% departure to the standard. This is considered to be minor given the overall scale of the development.
- The departure relates only to the plant room and lift overruns located on the roof. There is no areas that contribute to GFA located beyond the maximum height and therefore does not contribute to any perception of adverse bulk and scale.
- As the portion of the development that departs from the standard does not contain GFA / FSR, it does not create any adverse solar access impacts on adjoining sites.
- Despite the variation, the development maintains a scale that is acceptable in the location, which is opposite a railway station and within the Westmead Town Centre and where high density developments are expected.
- The site is not identified as containing significant views to places of interest and does not in this instance exacerbate visual impacts to and from the site.
- The proposal provides compliant building separation in accordance with the ADG's to ensure that the development does not contribute to a loss of privacy to and from the site.
- It is noted that the proposed height is not that dissimilar to the developments located in the WSU site opposite Hawkesbury Road. The development on the WSU site range between 4 and 24 storeys. As such, the proposed development is considered to be consistent with the heights within the Westmead town centre. This is also consistent with the site specific controls and objectives under PDGP 2011.
- CASA as well as Sydney Metro Airports raised no objections to the proposed height of the development.
- The amended proposal has also provides an architectural roof feature to screen the plant areas and lift overrun from view which improves the visual presentation of the development.
- The departure to the height has the support of Council's Urban Designers, City Architect and DEAP as it is considered to result in a better Urban Design outcome.
- The development contributes to the wider Westmead precinct by providing a mixed use development to support its primary function as a health and educational hub.
- The departure to the standard does not hinder the development from achieving the objectives of the B4 Mixed Use zone as it accommodates a mix of uses in an accessible location to maximise public transport patronage and encourage walking and cycling.



- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

In reaching this conclusion regard has been had to the relevant Judgements of the LEC, including *Zhang v City of Ryde Council* (2016).

### 3. Parramatta Development Control Plan 2011

#### Compliance

The DCP is comprised of the following sections:

- 2 – Site Planning
- 3 – Development Principles
- 4 – Special Precincts

Compliance tables are provided below:

**Table 7: DCP 2011 compliance table**

Part 2 – Site Planning		Complies
2.4.1		
Views and Vistas	The site is not identified as having views and vistas identified as being significant by Appendix 2 nor is the site located in the Harris Park Conservation Area.	Yes
2.4.2.1		
Flooding	The site is not identified by Council as being flood prone.	N/A
2.4.2.2		
Protection of Waterway	The site does not adjoin a waterway.	N/A
2.4.2.3		
Protection of Groundwater	Three levels of basement parking, a basement level for 1 tenancy and a loading dock located below NGL requires extensive excavation.  A Geotechnical report has been submitted which did not encounter groundwater / water table during testing.  Notwithstanding, the application was referred to Water NSW whom determined that the proposed excavation works will encounter groundwater and is therefore subject to a Water Supply Work Approval for dewatering. Despite this, Water NSW raised on objections to the proposal and issued their General Terms of Approval (GTA's).	Yes
2.4.3.1		
Soil Management	An erosion and sedimentation plan has been submitted with the application.	Yes
2.4.3.3		
Salinity	Subject to conditions, the works will not impact or be impacted by salinity.	Yes

	The proposed landscaping is assessed as appropriate. Consultation with Council's Landscape and Tree Management Officer has found that the proposed plant species will not require an unreasonable amount of water for their maintenance.	
2.4.4 Land Contamination	Refer to assessment under SEPP 55.	Yes
2.4.5 Air Quality	Standard conditions of consent will be applied.	Yes
2.4.6 Development on sloping land	The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform	Yes
2.4.7 Biodiversity	Council's Landscape Officer has not raised concerns with regards to the Landscape Plan subject to conditions.	Yes
	The landscape plan submitted with the application does not include provision for species nominated in Appendix 3 of the PDCP 2011.	
	The site does not adjoin bushland nor does it adjoin land zoned E2 or W1.	
2.4.8 Public Domain	The plans have been amended to provide an appropriate street address with distinguishable entries via a clear pedestrian pathway to ensure clear identification from the public domain.	Yes
	Balconies and windows on the upper units and levels address the street frontage promoting natural surveillance from within the development to the front, public domain and Ashley Lane. Windows and balconies also face the communal area on Level 8 as well as to the ground floor public open space to provide surveillance to these areas.	
	Standard conditions incorporated in the consent requiring the payment of a bond to ensure that the nature strip is maintained and in the event that it is damaged due to the works associated with the proposal that Council be reimbursed for the damages.	
	Indicative plans of the public domain works that adjoins the development site (covered under the VPA) have also been reviewed to ensure that the public domain works for the site is appropriate.	

Part 3 – Development Principles		Complies
B4 Zone – Built Form Controls		
Height	See LEP assessment under 'height'	<b>No, but acceptable</b>
FSR	Max FSR - 4.5:1 Residential Max FSR – 1.5:1	Yes
	<b>Proposed</b> Basement Level 1 – 679.12m <sup>2</sup> Lower Ground – 30m <sup>2</sup> Upper Ground – 1190.3m <sup>2</sup>	

	<p>Level 1 – 1247.43m<sup>2</sup>  Level 2 – 1305.76m<sup>2</sup>  Level 3 – 708.316m<sup>2</sup>  Level 4 to 7 – 2954.6m<sup>2</sup> (per level = 738.65m<sup>2</sup>)  Level 8 – 86.2m<sup>2</sup>  Level 9 to 11 – 1529.4m<sup>2</sup> (per level = 509.8m<sup>2</sup>)  Level 12 to 14 – 1530m<sup>2</sup> (510.5m<sup>2</sup> per floor)</p> <p>Total – 11261.12m<sup>2</sup>  Site - 2514m<sup>2</sup>  Total FSR – 4.47:1  Residential FSR – 1.25:1</p>	
Minimum Site Frontage	<p><b>Required</b> – Min. 18m  <b>Provided:</b>  South Frontage – 35.31m  Eastern Frontage – 43.7m</p>	Yes
Front Setback	See Assessment under Part 4.	<b>No, but acceptable</b>
Side Setbacks / Rear Setbacks	<p><b>Required</b> – Dependent Upon amenity impact/s on adjoining development.  <b>Provided</b> – Nil on the ground floor and increases from Level 9 (between 3m and 19m). This is considered appropriate given the non-residential uses that adjoin the site to the north and west. It is noted however, that the residential component of the development complies with the building separation requirements under the ADG's.</p>	Yes
Deep Soil Landscaped Area	<p><b>Required</b> – Rear setback area is to be a deep soil landscaped area in the B4 zone if residential development is proposed at ground.  <b>Provided</b> - The proposal does not provide residential dwellings on the ground floor. See also ADG assessment for 'Deep Soil'</p>	<b>No, but acceptable</b>
3.2.1 Building Elements	<p>The bulk of the building is consistent with the desired future character of Westmead.</p> <p>It is considered that the proposed development subject to conditions of consent will not adversely impact on the existing streetscape as plans indicate satisfactory setbacks and articulation, thereby, reducing the bulk and scale of the development and as such, any adverse impacts on the amenity of the potential adjoining properties.</p>	Yes
3.2.2 Building Façade and Articulation	<p>The proposal provides appropriate setbacks and building articulation resulting in a reduced perception of bulk and scale.</p> <p>The development is designed with multiple recesses to create articulation, improve solar access to the adjoining properties and to create some visual interest on the pedestrian level. Accordingly, there will be no unreasonable loss of amenity to adjacent properties.</p> <p>The application proposes balconies to the residential levels and terraces on the Tavern level which address the street frontage and do not project more than 800mm beyond the building envelope.</p> <p>The proposal does not propose Juliet balconies or bay windows.</p>	Yes

	Multiple stair lift/cores are provided to encourage multiple street entries.	
3.2.3 Roof Design	The development incorporates a flat roof which is not uncommon with the modern design for similar forms of development. It is noted that the recently approved developments on the WSU site was also approved with a flat roof and as such, the roof form for the proposed development is considered consistent with that of previously approved development.	Yes
3.2.5 Streetscape	The urban context of the wider locality is residential of low to high density. Westmead is also a health and educational precinct.  As previously stated in this report, the development is of an appropriate bulk and scale with adequate setbacks and landscaping. As such, the development is considered to be consistent with the B4 Mixed Use zoning of the site and the future streetscape character of the area.	Yes
	Basement carparking is provided to minimise the impact of parking structures on the building façade and the front setback.	
	The mail boxes are located in residential lobby of the development.	
3.2.6 Front Fences	No front fences are proposed.	N/A
3.3.1 Landscaping	The proposed works has the endorsement of Council's Landscape and Tree Management Officer subject to conditions of consent.  The basement is located within the building footprint. Accordingly, landscaping on the ground floor public open space is limited to shrub planting. However, landscaping is also provided on Level 3 and 8 in the form of a green roof, garden pavilion and a lawn area.	Yes
3.3.2 Private and Common Open Space	See ADG assessment for Common Open Space and Private Open Space requirements.	<b>No, but acceptable</b>
3.3.3 Visual Privacy	See ADG assessment for Visual Privacy.	Yes
3.3.4 Acoustic Amenity	See ISEPP discussion with regards to acoustic amenity.	Yes
3.3.5 Solar Access & Cross Ventilation	The adjoining sites to the north, east and west will receive more than 3 hour of solar access during the winter solstice. Due to the orientation of the site, overshadowing will fall mainly on the railway corridor and Alexandra Avenue (south of the railway corridor). Accordingly, the proposal is acceptable in this regard.  The development provides 2.7m floor to ceiling height on each floor.	Yes
	See ADG assessment for cross ventilation.	
3.3.6 Water Sensitive Urban Design	Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.	Yes

3.3.7 Waste Management		<p>The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.</p> <p>The garbage room is located within the basement level 1 adjoining the loading dock.</p> <p>The WMP states that the private waste contractor on site will service the individual uses as well as the residential component.</p>	Yes
3.4.1 Public Art		<p>An Arts Plan has been submitted with the application. The related documentation was reviewed by Council's Public Art Officer whom raised no objections to the proposal subject to conditions of consent.</p>	Yes
3.4.2 Access People disabilities	for with	<p>The application was submitted with an Accessibility Report. This report as well as standard conditions requiring compliance with the relevant BCA and Australian standards will be included in the consent.</p> <p>It is noted that the ground floor is accessible from the street by people with disabilities. Access from the basement to the upper levels is via a lift.</p> <p>Disabled parking is also provided within the basement.</p>	Yes
3.4.4 Safety Security	and	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The entries on the ground floor face the street, the pedestrian link and common areas promoting natural surveillance from within the development to the public domain.</p>	Yes
3.4.5 Housing Diversity Choice	and	<p>Provided -</p> <p>9 x 1 bedroom units (27%) 21 x 2 bedroom units (63%) 3 x 3 bedroom units (9%)</p> <p>See SEPP 65 Principles comments.</p>	Yes
Adaptable dwellings		<p>Required – 3.3 units Provided – 4 units (Units 1101, 1103, 1104 and 1106)</p>	Yes
3.5 Heritage Archaeology	and	<p>The site does not contain a heritage item.</p> <p>The site is not within a heritage conservation area.</p> <p>See LEP discussion for Heritage.</p>	Yes
3.6 Parking Provisions		<p>See ADG assessment for parking requirements and residential rates. See Part 4 below for breakup of all car parking provided.</p>	Yes
3.7 Residential Subdivision		<p>The site does not result in the isolation of any adjoining properties.</p>	Yes
Part 4 – Strategic Precinct Site Specific Controls for 24 – 26 Railway Parade, Westmead			Complies

Maximum Building Height	<p><b>Required</b> - Max 15 storeys corner of Railway Pde and Ashley Lane and maximum height of 10 storey to rear of the site along Ashley Lane</p> <p><b>Provided</b> – Maximum 16 storeys</p> <p>Whilst the development exceeds the number of storeys under this control, the bulk of the habitable areas are contained within the maximum height for the site. The proposal also had to accommodate the adjoining public domain levels which increased the height at the ground level and overall development. Notwithstanding, the proposal maintains an appropriate design outcome which meets the objectives of this control.</p>	<b>No, but acceptable.</b>
	<p><b>Required</b> - Maximum height of 4 storeys to south-west of the site on Railway Pde.</p> <p><b>Provided</b> - Max 4 storeys</p>	Yes
Street frontage heights	<p><b>Required</b> - Max. 3 storeys facing Ashley Lane</p> <p><b>Proposed</b> - Max. 4 storeys</p> <p>The variation accommodates the slope of the site which is lower towards Ashley Lane. As a result, the Lower Ground Level is partially below and above the NGL. Notwithstanding, the proposal was reviewed by DEAP and Council's City Architect whom raised no objections to the departure and that overall, the proposal is a better design outcome.</p>	<b>No, but acceptable.</b>
	<p><b>Required</b> - Max. 4 storeys facing Railway Pde with transition towards the laneway (east)</p> <p><b>Provided</b> - Max 4 storeys</p>	Yes
Building Setbacks	<p><b>Required</b> - Min 3m from both Railway Pde and Ashley Lane</p> <p><b>Provided</b> – Min. 3m.</p> <p>Setbacks above max street frontage heights:</p> <ul style="list-style-type: none"> <li>- Min. 6m to Ashley Lane</li> <li>- Min. 6m to Railway Pde</li> </ul> <p><b>Provided</b> – Min. 3m from 3<sup>rd</sup> storey and Min. 8.5m from 4<sup>th</sup> storey. Min. 7m from 4<sup>th</sup> storey along Railway Parade.</p> <p>The variation to the setback to Ashley Lane from the 3<sup>rd</sup> storey is considered to be minor given that the setback to Ashley Lane increases to 8.5 metres from the 4<sup>th</sup> storey. Given this, the proposal is considered to be satisfactory.</p>	Yes
		<b>No, but acceptable</b>
Public Domain and Landscaping	<p><b>Required</b> - The subject site will provide a publicly accessible open space</p> <p><b>Provided</b> - The site has provided an area to the north-western portion of the site and is indicated on the plans as being Public Open Space.</p> <p><b>Required</b> – A min of 350m<sup>2</sup> of Public Open space with a min. dimension of 20m x 17m</p> <p><b>Provided</b> - The public open space provided is an area of 316m<sup>2</sup> and with a min dimension of 23m x 13.8m.</p> <p>Despite the non-compliance, the public open space provided meets the objectives of the control and that it:</p> <ul style="list-style-type: none"> <li>- Allows integration with the ground floor and Level 1 uses</li> <li>- Provides sightlines to and from Railway Parade</li> <li>- Provides improved landscaped character</li> </ul>	Yes
		<b>No, but acceptable</b>

	<p><b>Required</b> - Solar access of a minimum of 2 hours between the hours of 10am and 3pm June 22<sup>nd</sup> to at least 50% of the POS Area.  <b>Provided</b> - Achieves more than 2 hours of solar access between 10am and 3pm during mid-winter.</p>	Yes
	<p><b>Required</b> - A double storey through site link pedestrian link with a min. width of 6m.  <b>Provided</b> – One storey through site link with a min. of 5.2m</p> <p>The reduced height allows improved connections between Levels 1 and 2 and the dedicated entry point for the tavern, which is located separately from the retail food and beverage area to the rear. The reduced height still provides sightlines from Railway Parade to the rear of the site as well as providing satisfactory amenity for the ground level retail.</p>	No, but acceptable
The open space is to be:	<p><b>Required</b> - Activated on all edges with the proposed development (minimum 90% of active edges minimum)  <b>Provided</b> - 2 tenancies with entries that address the Public Open Space. The supermarket as well as 2 additional tenancies address the arcade which leads to the Public Open Space.</p>	Yes
	<p><b>Required</b> - A high quality urban space including landscaping, art works and areas for dining and passive recreation.  <b>Provided</b> - The application is submitted with landscaping, dining areas and passive recreation.</p>	Yes
The pedestrian link will be:	<p><b>Required</b> - Activated on all edges within the proposed development (minimum 90% to be active edges);  <b>Provided</b> - The supermarket, 2 tenancies and the lift lobby to the medical centre addresses the arcade/pedestrian link.</p>	Yes
	<p><b>Required</b> - Maximum depth of building covering the link is to be 12 metres.  <b>Provided</b> – 13.6m</p> <p>The variation to the this control allows for improved integration with the building and through site link, improving activation opportunities. Despite the variation, the through site link still encourages good pedestrian flows.</p>	No, but acceptable
	<p><b>Required</b> - The link is to have a glazed roof to optimize solar access as illustrated in Figures 4.3.4.2.2, 4.3.4.2.3, 4.3.4.2.4 and 4.3.4.2.6.  <b>Provided</b> - The link is designed with a glazed roof to optimize solar access.</p>	Yes
Traffic and Transport	<p><b>Required</b> - All vehicle access is to be from Ashley Lane  <b>Provided</b> - All vehicle access is via Ashley Lane</p>	Yes
	<p><b>Required</b> - Vehicle and service access widths are to be minimised and incorporated into the building form  <b>Provided</b> - Vehicle and service access width are minimised and incorporated into the building form.</p>	Yes
	<p><b>Required</b> - High quality design and materials are to be used for the security shutters into the car park and loading areas;  <b>Provided</b> - High quality design and materials used for security shutters.</p>	Yes
	<p><b>Required</b> - Any on grade or above ground car parking and service areas are to be sleeved with other uses such as commercial and residential and is not to be visible to the public domain  <b>Provided</b> - All parking areas are not visible to the public domain.</p>	Yes



	<p><b>Required</b> - Where possible car parking and garbage is to be located in basements</p> <p><b>Provided</b> - Car parking and garbage areas are located within the basement levels.</p>	Yes
	<p><b>Required</b> - Services and service access points are to be minimised on the street frontages</p> <p><b>Provided</b> - Service access points are minimised on the street frontages.</p>	Yes
	<p><b>Required</b> - A detailed traffic model and assessment must be provided with a Development Application</p> <p><b>Provided</b> - A detailed traffic model has been submitted with the application.</p>	Yes
Bicycle Parking	<p><b>Required</b></p> <p>Retail – 5.5 spaces or 6 spaces Residential – 16.5 or 17 spaces</p> <p><b>Provided</b> – 30 spaces</p>	Yes
Car Parking	<p><b>Required</b></p> <p>Retail (incl. F&amp;B) – 2353m<sup>2</sup> (78.4 or 79 spaces) Medical – 1305m<sup>2</sup> (4.35 or 5 spaces). Tavern – 635m<sup>2</sup> (6.35 or 7 spaces) Hotel – 97 rooms (19.4 or 20 spaces) + 3 employees ( 1 space) Residential – 33 dwellings (33 car spaces plus 6.6 or 7 visitor spaces).</p> <p>Total – 145 spaces (maximum)</p> <p><b>Provided</b></p> <p><b>Retail</b> – 63 spaces <b>Medical</b> – 4 spaces <b>Tavern</b> – 6 spaces <b>Hotel</b> – 19 spaces <b>Residential</b> – 33 residential spaces and 5 visitors (located in Basement Level 4)</p> <p>Total – 130 spaces</p> <p>The proposal was reviewed by Council's Traffic Engineers whom raised no objections to the provision of 130 on-site parking spaces subject to conditions of consent.</p>	Yes

#### 4. Planning agreements

As previously noted, a Voluntary Planning Agreement associated with the changes to the PLEP regarding the height and FSR for the site has been executed. The VPA involve public domain upgrades to Railway Parade and Ashley Lane road reserves.

Further, Part 8 (a) to (c) of the VPA excludes the application from being subject to Section 7.11 / 7.12 Contribution payments to the hotel or motel component of the development.

Accordingly, the contribution payments was calculated on the basis of the overall cost of works excluding the cost related to the hotel component of the proposal.

## 5. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 8: Relevant EPA Regulations

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

## 6. Likely impacts

### 6.1 Context and setting

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

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

#### Response

This proposal will result in acceptable physical impacts as follows:

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

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

#### Response

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

- It contributes to the mix of land uses contemplated by the planning controls and the residential needs of the Westmead precinct;
- Site planning locates tower elements in suitable location to avoid negative amenity outcomes of adjacent sites or areas of public open space;
- The scale and form and presentation of the building is generally consistent with planning controls, and the design and site planning is acceptable as independently assessed by Council's DEAP;
- The built form does not result in significant adverse impacts for adjacent sites;
- The public domain treatment is satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.
- The development is suitably located opposite a railway corridor and light rail infrastructure.

## **6.2 Site works**

### Excavation

The excavation required to provide the basement levels is considered to be acceptable. Both Sydney Trains and Sydney Water have not raised any objections with regards to extent of excavation work with proximity to the rail corridor and any impacts to ground water.

### Tree removal

One tree is required to be removed. The scheme makes satisfactory adequate arrangements for re-landscaping of private and public elements of the proposal.

### Utility services

All utility services are available to the site. Standard conditions will be imposed on the consent requiring approvals to be obtained for connection to the service providers prior to the issue of the Occupation Certificate.

## **6.3 Natural and technological hazards**

The contamination of the site is assessed elsewhere in this report. See SEPP 55 assessment.

## **6.4 Site design**

### Setbacks

There are several instances where the design does not strictly comply with the DCP setbacks, however the outcome is nevertheless satisfactory. See DCP table for the assessment.

### Height, bulk and scale

The height of the building is satisfactory as previously discussed. The bulk and scale of the

proposal is consistent with the outcomes contemplated by the precinct planning controls, and is satisfactory on merit.

### External materials

The schedule of external materials and finishes is satisfactory.

### Wind

The application is supported by a technical report which has identified the need for wind mitigation measures as follows:

**Table 9: Wind mitigation measures**

<i>Location</i>	<i>Mitigation measures</i>
Ground Level	<ul style="list-style-type: none"><li>• Inclusion of densely foliating trees with interlocking canopies along the southern perimeter (Railway Parade).</li><li>• Inclusion of densely foliating trees capable of growing to a height of 3-4m with at least 3-4m wide canopy at the south-western corner of the development.</li><li>• Glaze in the opening at the southern end of the atrium, for the section above the awning along Railway Parade.</li></ul>
Level 3 (hotel lobby)	<ul style="list-style-type: none"><li>• Inclusion of proposed landscaping for the Level 3 Terrace.</li><li>• Extension of the proposed densely foliating evergreen hedge at the north-eastern corner of the terrace space. The hedge needs to be capable of growing to a height of 1.5m.</li><li>• Make the proposed awning on Level 3 Terrace to be impermeable.</li></ul>

Suitable conditions are included in the recommendation.

### Accessibility

The application is supported by a technical report which concludes the proposal is able to achieve compliance with the requirements of the BCA, DDA and AS 4299, subject to resolution of nominated design matters. Those matters are minor and can be addressed at the time of the Construction Certificate.

### Landscaping

Council's Tree Management and Landscape Officer is generally satisfied with the landscape treatment, and has provided conditions for inclusion in any approval.

## **6.5 Amenity considerations**

### Internal amenity

A satisfactory outcome is achieved. See ADG assessment for further comment.

### Common open space

The primary common open space on Level 8. The provision of common open space is discussed in the ADG section of this report.

#### Public open space

A Public Open Space is provided on the ground floor as required by PDGP 2011. The public open space accommodates rich landscaping which is accessible to all.

#### Noise

The application is supported by a technical report which confirms that road traffic noise levels, noise from the railway and light rail corridor, and noise from the tavern and non-residential uses will exceed relevant minimum and maximum noise criteria for the apartments without noise attenuation measures.

The report confirms identifies glazing/seals treatments to facades to resolve that circumstance. Suitable conditions are included in the recommendation.

#### Hours of Operation

The hours of operation for the individual uses in the development are as follows:

- Supermarket and food and beverage- 7am-10pm (7 days)
- Medical centre - 9am-7pm; (7 days)
- Tavern – 10am to 3am (Monday – Saturday) and 10am to Midnight (Sunday)

**Note:** The above are the current operating hours of the tavern. It is noted that under Consent No. DA/1353/2002/A, the approved hours operation are 7am to 3am Monday to Saturday and 10am to 12 midnight, Sunday.

- Hotel - 24 hour/7days;

The above hours of operation are supported by the various technical reports including acoustic and CPTED assessments. Council's specialist whom raised no objections, subject to conditions of consent, has reviewed the proposed hours of operation as well as the hours of operation.

The hours of operation for the various uses are not uncommon for a town centre, which is located within close proximity to public transport. The hours of operation also support the local community in their day-to-day needs.

Council's Crime Prevention Officer as well as the NSW Police have reviewed the proposed hours of operation (including the current hours of operation for the Tavern) for the various uses within the development and raised no objections subject to conditions of consent.

## **6.6 Public domain**

#### Built form relationship to public domain

A positive public domain outcome will result given:

- The building achieves a desirable interface with public areas in terms of the relationship between the ground floor levels and the adjoining footpaths;
- The building addresses its street frontages;
- Service areas are integrated into the building design and do not visually dominate the streetscape or pedestrian areas adjoining the site;
- The building provides for a direct visual connection to the street ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces around the site;
- The architectural treatment will achieve a suitable streetscape presentation; and
- An appropriate landscape treatment is provided for those edges of the site that contribute to the public domain.

#### Public domain works

Council's Urban Design (Public Domain) team is generally satisfied with the treatment nominated for public domain areas, and has provided conditions for inclusion to confirm the works.

### **6.7 Relationship to adjacent sites**

#### Overlooking

The development ensures adequate setbacks to boundaries so that in the event of re-development of adjoining sites, and the implementation of adequate setbacks within its boundaries, satisfactory building separation will be provided to mitigate any overlooking impacts to and from the subject site.

#### Overshadowing

This is addressed in detail in the ADG and PDCP 2011 tables.

#### Operational noise

The basement levels, which contain parking, will require mechanical ventilation.

The acoustic report supporting the application states acoustic treatments to control noise emissions to satisfactory levels.

### **6.8 Access, transport and traffic**

#### Parking supply

The number of parking provided satisfies maximum provisions under the DCP.

#### Parking access and design

The geometry and design of parking areas and associated elements, including service areas, is satisfactory. Council's Traffic Engineer supports the development subject to conditions of consent.

#### Construction Traffic

A condition will be imposed on the consent requiring the submission of a Construction Traffic Management Plan to be prepared and submitted to Council for review and approval prior to any works commencing.

### **6.9 Water management**

#### Stormwater collection and disposal

Council's Engineer is satisfied with the approach to stormwater management, including arrangements for WSUD.

#### Water quality during construction

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

### **6.10 Waste management**

#### Construction phase

This matter will be addressed within a Construction Management Plan.

It is noted that the fit-out of the individual uses will be subject to separate applications and will include waste management procedures specific to the construction of their fit-out.

#### Operation phase

Dedicated space for the storage and collection of waste is provided within the loading dock area (on basement level 1). Council's Waste Officer has reviewed the Waste Management Plan which supports the application, and is satisfied with arrangements for the storage and collection of waste from the development.

Council's Traffic Engineer is satisfied the design of the service areas are satisfactory for the type and size of waste vehicles required to attend the site.

### **6.11 Construction Management**

To minimise nuisance during the construction period the recommendation to the report requires the preparation of a construction management plan addressing the following matters:

- Dilapidation reports;
- Demolition and removal of hazardous materials;
- Sediment and erosion control and water quality during construction;

- Construction traffic management plan;
- Hours of works;
- Construction noise and vibration;
- Material delivery and storage;
- Safety fencing;
- Traffic and pedestrian safety;
- Dust control; and
- Tree protection.

## 6.12 Safety, security and crime prevention

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

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard has been given to those considerations. Further, a CPTED Assessment was submitted with the application which ensures suitable outcomes are achieved. The recommendation of the assessment includes:

- Restrict access to car parking through implementation of physical barriers.
- Provision of signage to be prominently displayed
- Control access to parking allocated to different users of the basement
- Internal and external lighting to Australian Standards
- Installation of CCTV to the basement entry and exit points;
- Provide clear sightlines.
- Apply low maintenance and graffiti resistant materials.
- Implement random security patrols in high risk areas.
- Landscaping for the communal open space on Level 8 should not interrupt sightlines or provide opportunities for entrapment.
- Install greenways or vertical planting on blank walls to deter vandalism.
- Implement maintenance schedule as outlined in the landscaping strategy.

## 6.13 Social and economic impacts

Council's Social Outcomes identified the following issues regarding the proposal:

Social Outcomes Comment	Planning Response
Further consideration of dwelling mix and increasing the number of 3 bedroom units	This is discussed in the DCP section of this report.
Mitigation strategies required for the co-location of the tavern with the medical centre, residential apartments, retail tenants and hotel users and staff.	A tavern is currently located in the existing shopping complex on the site. The existing shopping complex contains retail and commercial uses. The shopping complex as well as the tavern adjoins residential premises to the east and north-east. Accordingly, it is considered that the proposed mixed use development which would also contain a tavern, retail uses, residential units and a medical centre is envisaged to result in similar social impacts as that of the existing development.



	<p>It is noted that the applicant has confirmed that the Tavern use does not seek approval for changes to the operation hours, the number of electronic gaming machines or number of staff. Further, the existing floor area of the tavern (internal area of 506m2 with a wine garden area of 251m2) is larger than the proposed floor area under the subject application. Any changes to the tavern approved under the current application will be subject to a separate application and will warrant the submission of a Social Impact Assessment to reflect the changes and its impacts on the nearby uses.</p> <p>Further, Council's Crime Prevention Officer as well as the NSW Police have raised no objections to the proposal subject to conditions of consent including safety measures to protect the patrons and staff of the tavern, residents, hotel users and other users of the mixed use development.</p>
A Social Impact Assessment should be provided to consider the layout of the tavern including the location and ease of access to the electronic gaming machines.	The subject application does not seek approval for the fit-out of the tavern. This concern is to be addressed in any future application for the tavern fit-out.
That the Tavern component comply with trading periods, liquor and gaming standards in accordance with its license.	<p>The Tavern use will comply with its current license and trading hours.</p> <p>Whilst a residential component will be located within the development, the Tavern has always been located within close proximity to residential premises. As such, no additional adverse social impacts are envisaged as a result of the proposal provided that the Tavern use maintain compliance with its license and Plan of Management.</p>
Clarity on separation of access and entry points to residential and hotel uses and the access and entry points to the tavern, medical centre and supermarket.	<p>The access separation for the different uses are as follows:</p> <ul style="list-style-type: none"> <li>○ The Hotel and residential components share a lift bank (Lift bank 04) and entrance lobby located off the pedestrian arcade on upper ground. General access will be provided to the Hotel reception on Level 3 with restricted access (via swipe cards etc.) to Hotel Room and residential levels.</li> <li>○ The Supermarket entry point is off the pedestrian arcade on Upper Ground, the arcade is accessed via passenger Lifts 1,2 &amp; 3 from the parking levels.</li> <li>○ F&amp;B / Tavern are accessed via the escalator, passenger lifts 1,2,3 and the public stairs from Upper Ground Level. They are accessed via passenger lifts 1,2 and 3 from the parking levels.</li> <li>○ The Medical Centre is accessed solely from passenger lifts 1,2,3.</li> </ul>
Confirmation on the intensity of use of the tavern including any increase in electronic gaming machines	The applicant has confirmed that the application does not seek any additional electronic gaming machines or an extension in hours of operation.
Plan of Management to be provided for the Tavern	A Plan of Management has been submitted for the Tavern and reviewed by Council's Social Outcomes whom raised no objections.
Communal open space to be child friendly for all ages	The communal open space has been designed in accordance with the requirements of PDCA 2011 and the ADG's for the use of all persons, including children. Whilst the Communal Open Space with the development does provide play equipment, the subject site is located within proximity to Domain Creek Playground (800m to the east) and Parramatta Park (1km to the east).

The proponent does not ascertain their current status or future commitment to be an active member of the Liquor Accord. The licensee is required to join and be an active member of the Parramatta Liquor Accord. This means the licensee is obliged to be a financial member in good standing and attend at least 75% of all meetings of the accord each calendar year.	The NSW Police has imposed a condition requiring the licensee to join the Liquor Accord.
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## 7. Site suitability

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

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

## 8. Public interest

In accordance with the notification procedures that are contained in Appendix 5 of PDCP 2011 owners and occupiers of surrounding properties were given notice of the application for a 30 day period between 20 June 2018 and 11 July 2018 and then again between 26 July 2018 and 27 August 2018. The second notification was required to expand the notification catchment. In response, 16 submissions were received.

The issues raised in the submissions are as follows.

Issue	Comment
<b>Bulk and Scale</b>	This issue is assessed in detail elsewhere in this report. Despite the variation to the height, it is considered appropriate for its location and is designed as envisaged by Council's controls for the Westmead Precinct. It is also noted that the proposed FSR of the development is below the maximum allowed on the site.
<b>Acoustic</b>	An Acoustic Report has been submitted and reviewed by Council's Health (Acoustic Officer) who raised no objections to the proposal subject to conditions of consent.
<b>Acoustic Report did not consider acoustic impacts to adjoining developments.</b>	The Acoustic Report considered acoustic impacts on adjoining residential developments as contained in Section 3.1.4 and 4.1 of the Report, which concludes that the development is unlikely to result in adverse noise impacts provided that appropriate noise attenuation measures are applied.
<b>Air Pollution</b>	The proposed mixed use development and the proposed individual uses are unlikely to produce adverse air pollutants.
<b>Solar Access</b>	As previously noted, due to the orientation of the site, the development is unlikely to result in adverse solar access impacts on adjoining developments. The majority of the overshadowing is expected over the railway corridor and on Alexandra Avenue.

<b>Anti- Social behaviour</b>	A CPTED Assessment has been submitted that provides recommendations to deter anti-social behaviour. This report will be incorporated in the consent to ensure that the recommendations are implemented. Council's Crime Prevention Officer as well as the NSW Police also reviewed the development and neither raised any objections to the proposal on grounds of anti-social behaviour.
<b>The Tavern component will continue to be a disturbance to residential premises</b>	Council's Health Officers, Social Outcomes, Crime Prevention and NSW Police whom raised no objections to the relocation of the Tavern.
<b>Privacy</b>	Overlooking and privacy impacts to and from the development site are considered to be mitigated through adequate building separation as well as provision of fixed louvres.
<b>Streetscape</b>	The development is a form of development envisaged by the controls and has been designed with the support of DEAP and Council's City Architect. As such, the proposal is considered to contribute to the amenity on the streetscape.
<b>Views</b>	See PDCP 2011 assessment of Views
<b>Insufficient Infrastructure to support the development</b>	The proposal is a form of development envisaged by the controls in response to services, schools and transport available in the area. As such, it is considered that sufficient infrastructure is available to support the development.
<b>Increase in parking and traffic</b>	The increase in traffic movement within the locality as a result of the development was reviewed by Council's Traffic Engineer who raised no objections, subject to conditions of consent. Further, the proposal provides the required parking spaces for the development and is considered to be appropriate given its proximity to public transport.
<b>Entry and Exit point from Ashley Lane will result in traffic congestion.</b>	The proposal was reviewed by Council's Traffic Engineer who raised no objections to the proposal with regards to entry and exit of the development and its impacts on adjoining roads. Ashley Lane is also the preferred option for vehicle entry/exit under PDCP 2011.
<b>Uncontrolled traffic management and risk to life</b>	The development provides appropriate traffic management measures which were reviewed by Council's Traffic Engineers who raised no objections to the proposal subject to conditions of consent. Accordingly, the proposal will not result in uncontrolled traffic that would increase safety risks.
<b>Insufficient public transport</b>	The site is located opposite a railway corridor as well as being in proximity to Parramatta Light Rail. It is considered that the development is serviced by satisfactory public transport.
<b>Insufficient on-street parking</b>	It is noted that all parking required by the development is provided within the proposed basement therefore, reducing the demand for on-street parking. The development is also within proximity to public transport to reduce private vehicle use and therefore reduce the demand for on-street parking.
<b>Insufficient parking encourages illegal parking.</b>	In the event that vehicles are parked illegally across driveways, Councils Regulatory Services should be contacted for further action.
<b>Development will impact on Sydney Metro West and Parramatta Light Rail</b>	The application was referred to both Sydney Metro West as well as PLR. PLR have raised no objections to the proposal and have issued their concurrence. Sydney Metro West did not provide comments within the allotted time. It is assumed therefore that they raise no issues with the proposal.
<b>The development is of a height that will impact on the flight path for Westmead Hospital</b>	The application was referred to Air Services, CASA and Sydney Metro Airport. Upon review of the proposal, no objections were raised. Council also received no submissions from NSW Health that objected to the height of the proposal and that this development would impact on helicopter flight paths for Westmead Hospital.

<b>Need for a pedestrian overpass across Railway Parade.</b>	There are currently no plans for a pedestrian overpass over Railway Parade. However, a new street crossing across Railway Parade (in front of the development site) to the train station will be provided as part of the agreed works under the VPA for the development.
<b>Incorrect information on Traffic Report</b>	Council's Traffic Engineer reviewed the Traffic Report and raised no objections to the details contained within the report.
<b>Noise and Dust during construction</b>	Standard conditions of consent will be imposed to regulate and minimise unreasonable noise and dust during construction works.
<b>Insufficient notification of the application. Shop owners were not notified.</b>	The development was notified twice and notification letters hand delivered to shop owners. It is considered that the notification of the development is in accordance with Appendix 5 of PDCP 2011.
<b>Signage located along the 21 Railway Parade interface</b>	A review of the eastern elevation of the proposed development (which faces Ashley Lane) does not indicate any proposed signage. Notwithstanding, any outdoor signage will be subject to a separate approval.
<b>Reduces the number of shops in the locality</b>	It is noted that the mixed use development proposes several retail tenancies including food and drink beverage tenancies.
<b>Rezoning of adjoining site for a similar development</b>	Any applications for a rezoning to an adjoining site to allow for a similar development will be assessed separately.
<b>Development is not necessary given the development on the WSU site.</b>	The subject site allows development of the proposed density and scale. The proposal is therefore consistent with the objectives of the controls for this area despite previously approved development within proximity to the site.
<b>Development for profit</b>	This is not a matter of consideration under Section 4.15 of the EP&A Act.
<b>Property Values</b>	This is not a matter of consideration under Section 4.15 of the EP&A Act.

## Amended Plans

Yes

### Summary of amendments:

- Revised variation to the height of the development by 4.5 metres (i.e. overall height of 56.5m)
- Increased the total number of parking spaces to 130
- Changes to the internal floor levels;
- Reconfiguration of basement floor layout to accommodate additional parking spaces
- Some internal reconfiguration of internal floor levels
- Provision of architectural roof features.

The application was notified in accordance with Council's notification procedures contained within Appendix 5 of DCP 2011 between 27 March 2019 and 17 April 2019. The amended plans were again re-notified between 1 May 2019 and 22 May 2019 to include the shop owners of the shopping complex. In response, 14 submissions were received. Issues not raised in the previous notification of the application are addressed below. Issues have been grouped to avoid repetition.

<b>Issue</b>	<b>Response</b>
<b>The metro station is ideally located on the subject site.</b>	Council has not received any information regarding the location of the Metro Station. The site is being developed pursuant to the current controls applicable to the subject site.
<b>The proposed height is out of character</b>	Despite the departure to the maximum height, it is considered generally consistent with the objectives of the control and is a form of development envisaged by the planning instruments.
<b>The development is out of character for the locality</b>	Whilst the proposal will be the first development of this scale and height in this location, it is ideally located opposite a railway

	corridor within the limits of the Westmead Town Centre. The WSU development opposite Hawkesbury Road is similar in height and scale as that proposed. This is consistent with the objectives of the site specific controls under PDOP 2011. Accordingly, the proposal is considered to be in character with the future of the locality.
<b>Cumulative impacts of PLR and the development on local traffic</b>	Both Council's Traffic Engineer as well as PLR have raised no objections to the proposal on traffic generation. As such, the proposal is considered satisfactory in this regard.
<b>Insufficient On-site Parking</b>	The proposal complies with the maximum car parking provisions for the Westmead Precinct.
<b>Loss of parking</b>	The proposed development seeks approval for 130 on-site parking spaces. This is more than the on-site parking currently provided by the existing shopping complex. As such, there will be no loss of parking because of the development.
<b>Need more commuter parking.</b>	Commuter parking adjoining the railway corridor is provided by Transport for NSW. All parking provided on-site is for the users and residents of the development.
<b>Hotel use will increase nuisance in residential location.</b>	Due to its proximity to Westmead Hospital, a hotel component on the site is appropriate. It is also suitably located opposite a railway corridor with access to PLR within the limits of the Westmead Town Centre. Accordingly, the hotel component is considered to be appropriate on the site that will compliment the residential uses within the development and those adjoining.
<b>Increase traffic accidents</b>	There is no nexus between the proposal and an increase in traffic accidents. Notwithstanding, the proposal is designed to ensure proper traffic management to ensure that traffic accidents are prevented in and around the development site.
<b>The proposed retail portion of the development is too small for the community.</b>	The development provides 2353m <sup>2</sup> of retail space comprising of 6 tenancies (including a supermarket) and 8 food and beverage tenancies.
<b>Development will result in increase light spill</b>	The proposal does not seek approval for external lighting that would result in adverse light spill impacts.
<b>The proposal infringes on human rights.</b>	The application has been assessed to ensure satisfactory amenity is achieved both within the development site and on adjoining sites.
<b>Relocation of shops should be assisted if the application were to be approved.</b>	This is not a matter of consideration under Section 4.15 of the EP&A Act.
<b>Development will cause financial hardship for shop owners.</b>	This is not a matter of consideration under Section 4.15C of the EP&A Act.

## CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

*"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."*

### Conciliation Conference – Required and Held

The application received 16 unique submissions during the initial notification period and as a result a Conciliation Conference was required to be held.

The Conciliation Conference was held on the 13 September 2018. In attendance were the applicant and 10 objectors. Council Staff were also in attendance. Issues not raised in the previous notifications of the application are addressed below. Issues have been grouped to avoid repetition.

Issue	Response
<b>Application does not provide alternatives</b>	The development subject of this application is the final design / option for the site as put by the applicant to Council for assessment.
<b>Shop owners should be given an opportunity to return</b>	The development provides retail spaces to retain the retail opportunities in the locality.
<b>Hotels already located on Hawkesbury Road</b>	The subject site allows for a hotel use despite hotels already located within proximity of the site.
<b>Customers of shops will be negatively impacted</b>	It is acknowledged that in the event of an approval that shops will not be present on the site during the construction stage. However, as the development proposes, over 2000m2 of modern retail space is provided within the development to replace the existing shopping complex.
<b>Increased safety risks to pedestrians</b>	The public domain that adjoin the site will be improved upon redevelopment of the site, which will improve pedestrian safety.
<b>Ground Floor does not contain retail</b>	The ground floor level contains retail tenancies.
<b>4 levels of basement is unnecessary</b>	The basement levels are necessary to provide the development with parking opportunities that should not be located on-street as it does not contribute to streetscape amenity. The basement levels also include storage and garbage areas that is to be obscured from the streetscape.
<b>Demolition clause is unfair.</b>	This is not a matter of consideration under Section 4.15 of the EP&A Act.
<b>Condition should be imposed to compensate shop owners in the event that the development is approved.</b>	This is not a matter of consideration under Section 4.15 of the EP&A Act.



## **ATTACHMENT B - CONDITIONS OF CONSENT**

**SWCCP reference** 2018SWC065

**DA No.** 381/2018

### **SCHEDULE 1**

Pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

- A1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with relevant ASA standards (<https://www.transport.nsw.gov.au/industry/standards-and-accreditation/standards>):
1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
  2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
  3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
  4. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
  5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the

This consent is not to operate until the Applicant satisfies to Council, within **12 months** of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the above matters and the approval/certification has been forwarded to the Council.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

## GENERAL MATTERS

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

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan, Project No. 16-021. Drawing No. DA005. Revision B.	Sissons Architect	26 October 2018
Overall Ground Floor Plan - Demolition, Project No. 16-021. Drawing No. DA008. Revision B.	Sissons Architect	26 October 2018
Overall Ground Floor Plan - Proposed, Project No. 16-021. Drawing No. DA009. Revision C.	Sissons Architect	5 March 2019
LB4 Car Park Plan, Project No. 16-021. Drawing No. DA111. Revision D.	Sissons Architect	5 March 2019
LB3 Car Park Plan, Project No. 16-021. Drawing No. DA112. Revision D.	Sissons Architect	5 March 2019
LB2 Car Park Plan, Project No. 16-021. Drawing No. DA113. Revision D.	Sissons Architect	5 March 2019
LB1 Tenancy Store Loading Dock Plan, Project No. 16-021. Drawing No. DA114. Revision C.	Sissons Architect	29 May 2019
Lower Ground – Ashley Lane, Project No. 16-021. Drawing No. DA115. Revision D.	Sissons Architect	29 May 2019
Upper Ground – Railway Parade, Project No. 16-021. Drawing No. DA116. Revision D.	Sissons Architect	29 May 2019
Level 1 – Tavern – F&B Precinct, Project No. 16-021. Drawing No. DA117. Revision C.	Sissons Architect	5 March 2019



Level 2 -Medical Centre, Project No. 16-021. Drawing No. DA118. Revision C.	Sissons Architect	5 March 2019
Level 3 – Hotel Lobby, Project No. 16-021. Drawing No. DA119. Revision B.	Sissons Architect	26 October 2018
Level 4 – 7 - Hotel, Project No. 16-021. Drawing No. DA120. Revision C.	Sissons Architect	5 March 2019
Level 8 – Plant Room, Project No. 16-021. Drawing No. DA121. Revision C.	Sissons Architect	5 March 2019
Level 9 – 11 – Apartment Floor Type A, Project No. 16-021. Drawing No. DA122. Revision B.	Sissons Architect	26 October 2018
Level 12 - 14 – Apartment Floor Type B, Project No. 16-021. Drawing No. DA123. Revision B.	Sissons Architect	26 October 2018
Roof Plan, Project No. 16-021. Drawing No. DA124. Revision C.	Sissons Architect	5 March 2019
Railway Parade Elevation (South), Project No. 16-021. Drawing No. DA151. Revision C.	Sissons Architect	5 March 2019
Ashley Lane Elevation (East), Project No. 16-021. Drawing No. DA152. Revision C.	Sissons Architect	5 March 2019
North Elevation, Project No. 16-021. Drawing No. DA153. Revision C.	Sissons Architect	5 March 2019
West Elevation, Project No. 16-021. Drawing No. DA152. Revision C.	Sissons Architect	5 March 2019
Arcade Elevations, Project No. 16-021. Drawing No. DA155. Revision B.	Sissons Architect	26 October 2018
Section 1, Project No. 16-021. Drawing No. DA161. Revision C.	Sissons Architect	5 March 2019
Section 2, Project No. 16-021. Drawing No. DA162. Revision C.	Sissons Architect	5 March 2019
Section 3, Project No. 16-021. Drawing No. DA163. Revision D.	Sissons Architect	29 May 2019
Section 4, Project No. 16-021. Drawing No. DA164. Revision C.	Sissons Architect	5 March 2019

Section 5, Project No. 16-021. Drawing No. DA165. Revision C.	Sissons Architect	5 March 2019
External Materials, Project No. 16-021. Drawing No. DA170. Revision C.	Sissons Architect	5 March 2019
Apartment Plans, Project No. 16-021. Drawing No. DA401. Revision B.	Sissons Architect	26 April 2018
Hotel Room Plans, Project No. 16-021. Drawing No. DA402. Revision B.	Sissons Architect	26 April 2018
Hotel Room Key Plans, Project No. 16-021. Drawing No. DA403. Revision A.	Sissons Architect	26 April 2018
Vehicle Entry and Ramp Analysis, Project No. 16-021. Drawing No. DA512. Revision B.	Sissons Architect	26 April 2018
OSD Tank Access Strategy, Project No. 16-021. Drawing No. DA550. Revision B.	Sissons Architect	29 May 2019
Façade Details – Apartment – North and South, Project No. 16-021. Drawing No. DA700. Revision A.	Sissons Architect	26 April 2018
Façade Details – Apartment – East and West, Project No. 16-021. Drawing No. DA701. Revision A.	Sissons Architect	26 April 2018
Façade Details – L8 Plant – Typical, Project No. 16-021. Drawing No. DA710. Revision A.	Sissons Architect	26 April 2018
Façade Details – Hotel - South, Project No. 16-021. Drawing No. DA720. Revision A.	Sissons Architect	26 April 2018
Façade Details – Hotel – East and West – Type 1, Project No. 16-021. Drawing No. DA721. Revision A.	Sissons Architect	26 April 2018
Façade Details – Hotel – East and West – Type 2, Project No. 16-021. Drawing No. DA722. Revision A.	Sissons Architect	26 April 2018
Façade Details – Podium, Project No. 16-021. Drawing No. DA730. Revision A.	Sissons Architect	26 April 2018
Façade Details – Podium – Solid Panel, Project No. 16-021. Drawing No. DA731. Revision A.	Sissons Architect	26 April 2018
Façade Details – Podium – Vertical Louvres, Project No. 16-	Sissons Architect	26 April 2018

021. Drawing No. DA732. Revision A.		
Façade Details – Podium – Glass Louvres, Project No. 16-021. Drawing No. DA733. Revision A.	Sissons Architect	26 April 2018
Façade Details – Podium – Plant Room Louvres, Project No. 16-021. Drawing No. DA734. Revision A.	Sissons Architect	26 April 2018
Façade Details – Architectural Rood Feature, Drawing No. DA735. Revision A.	Sissons Architect	5 March 2019
Façade Details – Ground Floor – Stair Security, Drawing No. DA740. Revision A.	Sissons Architect	26 April 2018
Revised Landscape VPA Plan. Project No. SA4589. Revision F	URBIS	17 July 2018
Erosion and Sediment Control Plan. Job No. 161634. Drawing No. SKC01. Revision P4.	TTW	19 October 2018
Concept Stormwater Plan. Job No. 161634. Drawing No. SKC02. Revision P5.	TTW	19 October 2018
Stormwater Concept Plan. Job No. 161634. Drawing No. SKC03. Revision P10.	TTW	29 May 2019
Details Sheet. Job No. 161634. Drawing No. SKC04. Revision P8.	TTW	29 May 2019
Public Domain – Site Works Plan. Job No. 161634. Drawing No. C01. Revision P1.	TTW	26 October 2018
Railway Parade Cross Section. Job No. 161634. Drawing No. C02. Revision P1.	TTW	26 October 2018
Ashley Lane Cross Section. Job No. 161634. Drawing No. C03. Revision P1.	TTW	26 October 2018
Railway Alignment Plan and Longitudinal Section. Job No. 161634. Drawing No. C04. Revision P1.	TTW	26 October 2018
Ashley Lane Alignment Plan and Longitudinal Section. Job No. 161634. Drawing No. C05. Revision P1.	TTW	26 October 2018
Details Sheet. Job No. 161634. Drawing No. C06. Revision P1.	TTW	26 October 2018
Revised Landscape VPA Plan. Project No. SA4589. Rev. G	URBIS	28 February 2019

GL Landscape Layout Plan. Project No. ND1765. Drawing No. L101. Rev. I	URBIS	28 February 2019
GL Landscape Layout Plan. Project No. ND1765. Drawing No. L102. Rev. I	URBIS	28 February 2019
GL Landscape Layout Plan. Project No. ND1765. Drawing No. L103. Rev. I	URBIS	28 February 2019
Level 3 Landscape Layout Plan. Project No. ND1765. Drawing No. L104. Rev. F	URBIS	14 May 2018
Level 8 Landscape Layout Plan. Project No. ND1765. Drawing No. L105. Rev. F	URBIS	25 October 2018
Detail Plan. Project No. ND1765. Drawing No. L106. Rev. D	URBIS	1 May 2018

<b>Document(s)</b>	<b>Prepared By</b>	<b>Dated</b>
Revised Landscape Plan Design Report	URBIS	28 February 2019
Accessibility Report. Rev. 8	Newland Wood	24 October 2018
BCA Report. Rev. 5	Newland Wood	24 October 2018
Public Art Strategy	UAP Studio	March 2019
Contamination Addendum Letter / s	Presna	13 March 2019 / 13 December 2018
Detailed Site Investigation	Presna	July 2018
Preliminary Plan of Management – Tavern	N/A	N/A
Traffic Impact Assessment	Traffix	October 2018
Traffic Statement	Traffix	21 December 2018
Concept Stormwater Management Report	TTW	25 October 2018
Stormwater Response	TTW	30 October 2018
Acoustic Report	WSP	May 2018
Arborist Report	Earthscape	November 2017
SEPP 65 Design Report	Sissons Architect	May 2018
Energy Report	LCI	24 May 2018
BASIX Report No. 867945M_02	BASIX	8 June 2018
Waste Management Plan	Elephants Foot	20 April 2018
Geotechnical Report	JK Geotechnics	19 May 2017
CPTED Assessment	URBIS	22 May 2018
Building Services Report	LCI	5 April 2018

Wind Report Part 2	Windtech	December 2017
Wind Report Part 1	Windtech	April 2018
Reflectivity Report	Windtech	December 2017

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

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

2. 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.

3. 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.

4. 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.

5. All requirements as per the General Terms of Approval (GTAs) issued by Water NSW are to be complied with.

**Reason:** As per requirements of Water NSW.

6. All requirements as per the General Terms of Approval (GTAs) issued by Sydney Trains are to be complied with.

**Reason:** As per requirements of Sydney Trains.

7. With regards to the electrical easements affecting the site and Endeavour Energy's requirements, the land owner shall not:

- Install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy

and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. Most activities are prohibited within the padmount substation easement area. However, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, Jeffrey Smith, on direct telephone 9853 7139 or alternately email [Jeffrey.Smith@endeavourenergy.com.au](mailto:Jeffrey.Smith@endeavourenergy.com.au) .

In regards to the existing padmount substation on the site, please find attached for the applicant's reference a copy Endeavour Energy's 'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations'.

It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

**Reason:** As per Endeavour Energy's requirements.

8. Following completion of all demolition activity on site a Detailed Site Investigation is to be undertaken as per the requirements of SEPP55 and the Contaminated Land Management Act 1997, a copy of which is to be provided to City of Parramatta for review. Any subsequent remediation that is required is to be completed in order to render the land suitable for the proposed use and the site is to be validated and Validation Report provided to City of Parramatta for review prior to any additional construction works commencing.

**Reason:** To ensure any contamination concerns are appropriately addressed

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

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

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

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

10. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

**Reason:** To provide contact details for council inspectors and for the public to report any incidents.

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

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

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

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

13. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

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

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

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

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

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

## Prior to the Issue of the 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.)

16. An amended site works plan is to be submitted to the PCA that refers to the correct stormwater plan details (as detailed in Condition 1) and as annotated on drawing "Siteworks Plan, Job No. 161634. Drawing C01. Revision P1. Dated 26 October 2018"

**Reason:** To ensure consistency between plans.

17. Amended plans are to be submitted to the Certifying Authority illustrating that the bicycle racks are relocated on Railway Parade to increase overall surveillance on this street.  
**Reason:** To increase surveillance.
18. The arcade staircase (on Railway Parade) width is to be increased to no less than the width of the pedestrian arcade, and that no solid elements (e.g low walls) are installed that reduce the visual permeability from Railway Parade through to the arcade/link.  
**Reason:** As per City Architects requirements.
19. Prior to the Issue of the Construction Certificate, amended plans are to be submitted illustrating:
- Design of the building front, entrances and common areas (Lobbies) is emphasized with windows and other transparent materials to encourage surveillance opportunities into and out of the building.
  - Surveillance equipment shall be installed to assist with the physical security of the building and assist law enforcement to identify those people involved in anti-social or criminal behaviour.
- Reason:** Crime Prevention and Design.
20. Prior to the Issue of the Construction Certificate, the following information is to be submitted to the Certifying Authority:
- A lighting maintenance policy is to be established for the development.
  - The lighting policy is to also include an examination and measures (that meet or exceed Australian Standards) of adequate lighting are provided for Ashley Lane.
  - Internal and External lighting is to meet the relevant standards to enhance surveillance opportunities during hours of darkness and the safety of staff and customers.
- Reason:** Crime management and prevention.
21. 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.

22. 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.

23. A monetary contribution comprising **\$518,259.00** is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 2). 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.

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

Parramatta Section 94A Development Contributions Plan (Amendment No. 2) can be viewed on Council's website at:  
[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)

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

24. 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.

25. 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.

26. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation

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

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

27. 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 381/2018;
- (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
Nature Strip and Roadway	\$40,000

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.

28. Design Verification issued by a registered architect 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 Apartment Development.

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

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

29. 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.

30. 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.

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

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

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

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

32. 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.

33. 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 any work commencing.

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

34. 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.

35. 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.

36. The development must incorporate 4 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.

37. 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.

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

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

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

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

39. Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.

**Reason:** To enable future upgrading of electricity services.

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

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

41. 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.

42. Plans and documents submitted must include the following with an application for a Construction Certificate:

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

**Reason:** To ensure the creation of functional gardens.

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

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

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour lines are required.
- Localised flattening of public footpath levels at building doorways is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line.
- Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.

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

- The latest City of Parramatta Public Domain Guidelines (PDG);
- CoP TRIM No D06694022 Amended Plans and Documentation – 18 march, ZIP file containing:  
Appendix A – Revised Architectural Plans  
Appendix B – Revised Landscape Plans by Urbis
- CoP TRIM No D06715803 email and attachments DA/381/2018 – amended alignment drawings

- CoP TRIM No D06716254 – email and attachments DA/381/2018 –VPA, see attached Executed VPA dated 1<sup>st</sup> Feb 2016 ref- RZ/2/2012
- Public Domain Comments provided on the above drawings
- All the conditions listed in this consent.

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

44. Notwithstanding the approved Public Domain Drawings, the VPA drawings and Public Domain Alignment Drawings, the following requirements shall be included in the Public Domain Construction Drawings:

#### Footpath

The standard granite flagstone paving to Railway Parade and in-situ concrete (full width) to Ashley Lane should be applied to the Public Domain areas as per the Parramatta Public Domain Guidelines 2017 (PDG). **‘Silver Black’ and Sesame Grey’ size 600x300x50 and 400x300x50mm with exfoliated or bush hammered finish** shall be applied to the entire public domain areas on railway parade (including the VPA areas), and **in-situ concrete, colour natural grey with a broom finish** in Ashley Lane, to the full length of the development site. This includes the public footway and any setback between the building/podium line and property boundary including the 24/7 publically accessible areas of the private property.

The Railway parade footpath paving set out and details must comply with Council’s design standard, DS 45, sheet 1-7, and the Ashley Lane drawings should follow DA 3A for the footpath and DS 9 for the driveways. The details should be modified to reflect the site conditions and materials as required.

A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council’s Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).

#### Cross Walk & Blister

The new cross walk proposed as part of the VPA works needs to be constructed to RMS details to Council’s approval. The blister and associated details should be constructed to agreed timelines and to the approval of the Service Manager DTSU. Coordinated interim plans where the public domain may be partially finished with the existing crossing retained in place, and associated construction details must be included in the Public Domain Construction Documentation to show the phased construction of the Public Domain. Works should be pedestrian safe at all times.

#### Kerb Ramps

Kerb ramps must be designed and located in accordance with AS 1428.1 – 2009 (including the 2010 amendments) and Council’s design standards and the PDG, using the paving finish to match that stated above depending on the location of

the ramp. The ramps must be aligned with the direct path of travel and with the ramp on the opposite side of the road.

#### Vehicle Crossing

Provide Council's standard vehicle crossing. Refer Council's design standard DS45 for Railway Parade, and DS 9 for any crossings in Ashley Lane.

Materials to match the surrounding paving based on location of the vehicle crossing within the public domain.

#### Tactile Indicators (TGSIs)

TGSIs must be used on the public footpath and comply with the requirements in the Public Domain Guidelines. The TGSIs must be installed in the locations as shown on the approved Public Domain Construction Drawings.

TGSI's must comply as follows.

- TGSI's are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) including its amendment in 2010.
- TGSI's are not required on a landing where handrails continue through the landing.

#### Clear Path of Travel (Shore-Lining)

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

#### Sealant

Sealant is to be applied to all paved surfaces in the public domain in accordance with Council requirements.

#### Non-slip surface – for non-Council standard pavements

The applicant shall provide test results (after applying paving sealant) to prove all pavement material and finishes used in the public domain and any plaza areas are **non-slip surfaces** that comply with a V5 rating (according to AS4586:2013) in both wet and dry conditions.

#### Street Furniture

Street furniture selection and detail shall be to Council's requirements where the furniture is located in publicly owned land. Street furniture in the public domain must comply with Council's Public Domain Guidelines.

#### Cycle racks



Public bike racks shall be supplied and equally distributed (clusters of max 4-off racks) to the furniture zone of Railway Parade as per the PDG. Locations outside of this zone to be as per approved public domain drawings and as agreed by Council's DTSU Manager prior to issue of Construction Certificate.

Cycle racks are to be located so that bicycles do not encroach onto the public footway.

### Lighting

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

### Applied to Publically Accessible Private Space

#### Steps

Steps in public open space must comply with the following requirements:

- Equal height risers of 150-165mm, and equal width treads of 275-300mm.
- Level landing areas at the top and base of steps.
- The first riser at least 900mm from the property boundary
- Opaque risers
- Compliant contrast nosings for full stair width
- Non-slip surfaces in wet and dry conditions

#### Handrails

Handrails must comply as follows:

- Handrails installed on each side of the stair (or centrally).
- Landing area designed to sufficiently accommodate the required TGS1 and handrail projection, which must be outside pedestrian path of travel and circulation spaces.
- Design of handrail according to AS1428.1:2009.
- Clearance behind the handrail at least 50mm.

#### Ramps

Ramps must comply as follows:

- Level landings at top and base
- Non-slip surfaces in wet and dry conditions
- Compliant handrails (to AS1428.1:2009) on each side with at least 1000mm clear between handrails
- A lower rail with maximum clearance of 65mm below.

Preference is to achieve ramps which do not require handrails (ie make them flatter than 1:20).

### Multi-media conduit

A conduit for Council's multi-media facilities shall be installed to the full length of the street frontages (as per this DA and the VPA) on Railway Parade. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications.

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

**Reason:** To comply with the Public Domain Guidelines.

45. Notwithstanding the approved stamped public domain drawings, the required street tree species, quantities and supply stocks (minimum requirements) are as follows:

Street Name	Botanical Name	Common name	Pot Size	Qty	Average Spacing
Railway Parade (north Eastern side of the street)	Lophostemon confertus	Brush Box	200 L	8	As shown on the approved drawings or as agreed by Council's DTSU Manager
Railway Parade (north Western side of the street)	Lophostemon confertus	Brush Box	200 L	11	
Ashley Lane	Harpullia pendula	Tulipwood	100 L	5	

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

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

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

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

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standards and 'street tree planting details in paved footpath with stratavault' (details are available on request) with adequate clearances to other street elements in accordance with the Public Domain Guidelines. Details should be adjusted to reflect the site conditions and surrounding materials.

A structural pavement system is required around **all** proposed street trees *in paved areas* in the footway and publicly accessible pedestrian areas to mitigate against soil compaction and to maximise aeration and porosity in the tree root zone. Suitable systems include suspended concrete slabs or structural cells such as strata cells. Tree grates should be provided as part of the design to reflect PDG requirements. Adjust the detailed design of the selected pavement structure system to suit.

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

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

**Reason:** To ensure high quality street trees are provided.

47. Notwithstanding the approved Landscape DA concept drawings final approval of plant species selection for the project will be provided according to the detailed design work and plant schedules prepared by the applicant for the Public Domain Construction Drawing submission. Commentary about proposed species by council officers can be arranged as required.

**Reason:** To ensure high quality landscaped areas are provided.

48. Trees and all planted areas must be provided with the required soil volumes and depths as follows:

- Trees located in deep soil – in accordance with the Public Domain Guidelines (refer Table 5.1)
- Any planting on bedrock or podium slabs and any planters – Apartment Design Guide (refer Section 4P, Table 5) even in case the guidelines are not applicable to the project.

Calculations demonstrating soil volume compliance are to be included in the Public Domain Construction Drawings. Soil depth calculations are to be based on a maximum depth of 1m excluding any drainage layers.

49. Where tree and understorey planting is proposed on slab, under building, green wall or any other overhang fronting the public domain an automatic irrigation system is to be provided. Irrigation design information is to be provided in the Public Domain Construction Drawings.

**Reason:** To provide best conditions to achieve healthy, thriving, long-lived trees in the CBD and town centres.

50. All the common areas proposed within the site, including rooftop terraces, shall be fully accessible.

Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

Details demonstrating compliance are to be submitted to the PCA prior to the issuing of a Construction Certificate and again prior to the issuing of an Occupation Certificate.

**Reason:** To improve accessibility.

51. Prior to the issue of the Construction Certificate, the applicant are to proceed with their Public Art selection process and then shall commission an artist to develop the artworks consistent with the curatorial vision and suggested approaches as outlined in the strategy.

**Reason:** To deliver satisfactory public art.

52. 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 application.

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

53. 30 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with the construction certificate.

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

54. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

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

55. 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 to the satisfaction of Council's Traffic and Transport Manager and not be compromised by the landscaping, signage fences, walls or display materials.

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

56. A paid parking arrangement with ticketless parking system, as nominated in the Traffic Response report by TRAFFIX (dated 21 December 2018), and a variable message sign at the entrance of the access driveway on Ashley Lane showing the number of available parking spaces within the car park are to be provided. Details of the system are to be submitted with the construction certificate.

**Reason:** To avoid congestion within the carpark.

57. Prior to the issue of a construction certificate, the applicant is to submit a separate application for the proposed changes to the pedestrian crossing and the parking restriction along Railway Parade to Council's Traffic and Transport

Services section for being considered by the Parramatta Traffic Committee for approval.

The raised pedestrian crossing is to be designed in accordance with Council's specifications. The construction of the approved pedestrian crossing and the changes to the parking restriction is to be carried out by the applicant and all costs associated with the supply and construction of the traffic facility and appropriate signage are to be paid for by the applicant at no cost to Council.

It is noted that the relocation of the pedestrian crossing to the west towards the traffic signal at Hawkesbury Road is not supported at this stage, as this may compromise traffic efficiency at the intersection of Hawkesbury Road and Railway Parade.

**Reason:** To comply with Roads Act 1993.

58. Prior to the issue of the relevant construction certificate, the applicant must submit a Loading Dock Management Plan, as nominated in the amended Traffic Impact Assessment report by TRAFFIX (dated October 2018), to the satisfaction of Council's Traffic Services Manager. The Plan must address the following matters:

- Delivery requirements and service schedules;
- Operational aspects on how to use facilities; and
- Management duties and responsibilities.

**Reason:** To ensure compliance with the Parramatta DCP 2011 and reduce kerbside stopping reliance.

59. A Construction Pedestrian Traffic Management Plan (CPTMP) should be submitted in consultation with the TfNSW Sydney Coordination Office (SCO), Roads and Maritime, and City of Parramatta Council, prior to the issue of a Construction Certificate. The CPTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, taking into consideration the cumulative traffic impacts of other developments in the area.

**Reason:** As per RMS requirements.

60. All roof water and surface water is to be connected to an operable 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.

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

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

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

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

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

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

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

63. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.
- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.

***Stormwater Management Plans***

Stormwater Drainage Plans ref:16-021 dwg: DA114 rev: C  
DA115 rev: D  
DA116 rev: D  
DA163 rev: D  
DA550 rev: B

Prepared by Sissons Architects

Stormwater Drainage Plans ref: 161634 dwg: SKC00 rev: P4  
SKC01 rev: P4  
SKC02 rev: P5  
SKC03 rev: P10  
SKC04 rev: P8

- (b) A Site Storage Requirement of 470m<sup>3</sup>/ha and a Permissible Site Discharge of 80L/s/ha (when using 3rd edition of UPRCT's handbook) OR

The Site Reference Discharge (Lower Storage), SRDL of 40/s/ha, Site Storage Requirement (Lower Storage) SSRL of 300m<sup>3</sup>/ha, Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 455m<sup>3</sup>/ha (when using the Extended/Flood detention method - 4th edition of UPRCT's handbook).

- (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (d) An overflow pipeline pipe addressing overflows and emergency overflows from the OSD facility must be provided. The overflow pipe shall be a minimum 225mm dia and shall connect into the 375mm dia discharge pipeline. Calculations demonstrating the adequacy of the 225mm dia shall be submitted to the certifying authority prior to the issue of a Construction Certificate.
- (e) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

64. Water quality treatment devices must be installed to manage surface runoff water to Ashley Lane to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

65. Heavy duty vehicular crossings shall be constructed in accordance with Council's Standard Drawing numbers DS9 and 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 any work commencing.

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

66. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

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

67. Revised stormwater plans shall be submitted to Council for assessment and approval and shall reflect the latest architectural plans showing the relocation of the on-site detention facility. The relocated OSD facility is shown on architectural plans:

Stormwater Drainage Plans ref:16-021 dwg: DA114 rev: C  
DA115 rev: D  
DA116 rev: D  
DA163 rev: D  
DA550 rev: B

Prepared by Sissons Architects

Emergency overflow from the system shall be taken into consideration. In this regard an overflow pipe (min dia 225mm) shall be provided.

The certifying authority shall not issue a Construction Certificate until Council has received revised stormwater plans for assessment and approval. Upon a satisfactory assessment Council will issue a letter of approval. This letter of approval shall accompany the application for a Construction Certificate.

**Reason:** To ensure adequate stormwater design and that it ensures consistency with the architectural plans.

## Prior to the Work Commencing

68. The street trees and trees identified for protection shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by Earthscape Horticultural Services and the conditions of consent.

**Reason:** To ensure the protection of street tree(s) and trees to be retained on and adjacent to the site.

69. Consent from Council must be obtained prior to any pruning works being undertaken on any street tree or any trees located in adjoining properties (proposed awning). **NOTE:** if Council managed street trees require pruning contact is to be made with Council's Open Space Team to arrange any pruning required.

**Reason:** To ensure the protection of the street tree(s) to be retained.

70. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

**Reason:** To ensure trees are protected during construction.

71. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works



involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

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

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

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

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

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

74. 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.

75. 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.

76. 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.

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

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

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 re being undertaken.

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

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

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

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

79. Prior to the commencement of work, the a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary 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.

80. 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.

81. 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.

82. 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.

- 83. 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.

84. 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.

85. 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.

86. 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.

87. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Council of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters, drainage pits, pipes etc. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works. Failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs

**Reason:** To ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development.

88. If any excavation work affects Endeavour Energy's electricity infrastructure, prior contact must be made to Endeavour Energy's Regional Service North via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or alternately email [Regional.ServicesNorth@endeavourenergy.com.au](mailto:Regional.ServicesNorth@endeavourenergy.com.au) .

**Reason:** As per Endeavour Energy's Requirements.

89. The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV). In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development. Even with less sensitive non-residential development on the lower levels of the building, Endeavour Energy believes that a policy of prudent avoidance should be considered.

Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/> and provides the following advice:

*Localised EMFs may also be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. Note that the strengths of EMFs decrease rapidly with distance from the source.*

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

**Reason:** As per Endeavour Energy's Requirements.

90. Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical or other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

**Reason:** As per Endeavour Energy's Requirements.

91. If the applicant has any concerns over the proposed works in proximity of the electricity infrastructure, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au.

**Reason:** As per Endeavour Energy's Requirements.

92. The consent holder is to enter in a Rock Anchor Licence with Council for any anchoring or shoring into Ashley Lane or Railway Parade as part of the basement carpark development prior to any excavation.

Note: A suitable arrangement is required with any adjoining owner where anchoring and shoring are required into those privately owner properties.

**Reason:** To allow for shoring and anchoring.

93. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of Council's Traffic and Transport Manager. 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 entry and egress for all construction vehicles on the site,
  - (iii) The location 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, tradeperson 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,
  - (x) Proposed construction hours,
  - (xi) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
  - (xii) Construction program that references peak construction activities and proposed construction 'Staging',
  - (xiii) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works, and,
  - (xiv) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified.
- (b) The Construction and Traffic Management Plan is to consider the provision of a sign on the hoarding that provides a phone number and email address for members of the local community to make enquires or complaints regarding traffic control for the site. The construction company for the site is to provide a representative for meetings that may occur once a month and may include representatives of the local community and Council staff to discuss traffic control at the site.
- (c) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Work Zone' restriction in the egress frontage roadways of the development site.

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

- (d) Traffic Control Plan(s) for the site:
- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red



card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,

- (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closure or crane use from public property.
- (e) Where applicable, the plan must address the following:
  - (i) Evidence of Roads and Maritime Services 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 the conditions.

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

94. 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.

## During Construction

95. 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.

96. 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.

97. 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.

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

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

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

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

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that 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.

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

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

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

101. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm 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.

102. 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.

103. 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.

104. 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.

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

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

106. No materials, vehicles, refuse skips and the like are to be placed or stored in the adjacent public reserves during works.

**Reason:** To ensure protection of trees and the amenity of public land.

107. In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

**Reason:** As per Endeavour Energy Requirements.

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

**Reason:** Protection of existing environmental infrastructure and community assets.

109. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within five (5) metres of the trunk of any street tree or within the drip line of any street tree.

**Reason:** To ensure the protection of the street tree(s) to be retained adjacent to the site.

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

**Reason:** To ensure appropriate landscaping.

111. No service, structure, conduit or the like is permitted to be fixed or attached to any street tree.

**Reason:** To ensure the protection of the street tree(s).

112. Tree (street) to be removed is:

Tree No.	Species	Common Name	Location
1 x	<i>Banksia serrata</i>	Old Man Banksia	Adjacent to railway

**Reason:** To facilitate development.

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

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

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

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

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

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

116. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

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

117. 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.

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

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

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

119. Liquid and solid wastes generated on site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

**Reason:** To prevent pollution of the environment.

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

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

121. 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.

122. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

**Reason:** To protect against subsidence, erosion and other nuisances.

123. All the public domain works shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors.

A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact **Council's Inspection Officer** for each inspection listed below. At least **48 hour** notice must be given for all inspections.

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Completion of unit (granite) paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer; and
- Completion of paving sealant application and tactile indicator installation as per Council's specification.
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation, permeable paving and location of fixtures and fittings.

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

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

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

**Reason:** To ensure the quality of public domain works complies with Council standards and requirements.

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

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

125. 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.

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

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

127. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Similarly, a 200mm wide grated drain, incorporating a heavy duty removable galvanised grate shall be provided on the basement ramp at the entry of the basement. The drainage line from this grated drain shall be connected to the basement pump out system.

**Reason:** Stormwater control.

128. 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.

## Prior to the issue of the Occupation Certificate

129. Prior to the issue of the Occupation Certificate, all deliverables as required under the VPA shall be executed and delivered.

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

130. 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.

131. 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.

132. 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.

133. 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.

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

**Reason:** To ensure developments are appropriately numbered.

135. 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. 867945M\_02, will be complied with prior to occupation

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



136. 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.

137. 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.

138. Design Verification issued by a registered architect 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 Apartment Development.

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

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

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

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

140. 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.

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

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

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

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

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

143. 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.

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

- (a) compare the post-construction **dilapidation** report with the pre-construction **dilapidation** report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.
- (d) Forward a copy of the dilapidation report with the PCA's comparison and assessment review report to Council.

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

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

- (a) Acoustic Report No. 2270867PA-180416-ARM, dated 22 May 2018, prepared by WSP

**Reason:** To demonstrate compliance with submitted reports

146. A Landscaping maintenance plan must be prepared and submitted to the Certifying Authority prior to the issue of the Occupation Certificate to ensure vegetation is maintained to ensure sight-lines are maintained throughout the development.

**Reason:** Crime Prevention.

147. Medical wastes shall be disposed of by an authorised waste disposal contractor. Contractor details are to be submitted to the Principal Certifying Authority before the issue of an occupation certificate.

**Reason:** To ensure proper disposal of medical wastes.

148. Adequate ventilation to the waste storage room shall be provided in accordance with the requirements of the Building Code of Australia. Certification that the system functions in accordance with Australian Standard AS 1668 is to be provided to the certifying authority prior to occupation of the premises.

**Reason:** To ensure adequate ventilation.

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

The applicant must also ensure that all associated public domain works and publically accessible areas in private property works, agreed as part of the VPA, must be completed at this stage, to the satisfaction of the Council and to the agreed staged timelines with the Council.

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

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

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

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

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

150. Prior to the issue of the Occupation Certificate, a Plan of Management for the hotel is to be prepared and is to include the following details (but not limited to):

- check in procedures
- numbers and operating hours of staff
- access control including restricting guests to specific room levels
- any regulations relating to on-site visitors and emergency management issues
- Clarification of whether apartment tenants or other external people can access the proposed breakfast bar should also be considered.

A copy of the Plan of management is to be submitted to Council.

**Reason:** Crime management and prevention.

151. On completion of the design development phase, the Applicant is required to submit all additional documentation to Council that details the realisation of the public art strategy, including budget (itemized), construction documents, final design and site plan for the artwork, prior to its implementation.

**Reason:** To deliver satisfactory public art.

152. The artwork is to be completed in full in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate.

**Reason:** To ensure delivery of public art.

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

- (a) A WAE survey shall be conducted and plans prepared showing the 'as built' of the complete on-site detention system including (but not limited to) discharge point into Council system, storage tank (including all critical elements), all pipes and pits connected to the OSD system, overland flow swale and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.
- (b) 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.
- (c) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (d) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (e) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.
- (g) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, walls and cover slab from a qualified structural engineer

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

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

154. 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 on-site stormwater detention facilities on the lot.

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

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

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

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the Restriction on the Use of the Land. These photos shall include such elements as the orifice plate, trash screen, step irons, weir, sump and bench on the floor of the DCP, return pipe and flap valve, wide angle view of the storage area or multiple photos, grates closed from above, grates open showing the edges to the opening and under frame packing with mortar or concrete, all pipe entries to the DCP and confined space warning signs at each entry point. The photos must be well labelled and must differentiate between multiple tanks. Additional photos may be requested if required.

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

155. 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. DS1. 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.

## Use of the Site

156. To provide adequate surveillance:
- Cameras should be installed both within and around the building to maximize surveillance opportunities.

- Cameras should monitor any cashier areas, entrances, lift areas, public or common areas and licensed premises.
- TV monitors should be able to be monitored by staff at all times.
- Camera recording equipment should be installed in a secure area to avoid tampering.
- Install security lighting in and around the building, particularly over entry/exit points to create an even distribution of light with no glare, e.g. sensor lighting, floodlighting.
- Bicycle storage areas, car parks and other high crime risk areas are well lit to assist in surveillance of these areas.

**Reason:** Crime Prevention.

157. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

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

158. Disposal of wastes from the premises shall comply with the waste management plan. Waste minimisation practices are to be demonstrated with the ongoing use, with records of disposal of hazardous wastes being kept. The storage and disposal of any hazardous waste (sharps and or clinical waste, items contaminated by blood) is to be in accordance with requirements of the Protection of the Environment Operations (Waste) Regulation 2005.

**Note:** The disposal of hazardous wastes through a general waste collection service is not permitted.

**Reason:** To ensure provision is made for appropriate disposal of wastes.

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

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

**Reason:** To ensure provision of adequate waste storage arrangements

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

**Reason:** To ensure provision of adequate waste disposal arrangements.

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

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

162. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.  
**Reason:** To ensure waste is adequately stored within the premises.
163. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.  
**Reason:** To ensure compliance with Sydney Water's requirements and protect the environment.
164. 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.
165. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.  
**Reason:** To minimise noise impact of mechanical equipment.
166. 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.
167. The Licensee/Approved Manager or the supervisor on duty must ensure that no live entertainment, DJ entertainment, nightclub entertainment, live bands or vocalists entertainment is to occur at the premises. In this condition: Nightclub operation refers to times where the licensed premises, or any part of the licensed premises, is used to provide entertainment by way of live or recorded amplified music where there is a space offered to patrons for dancing. Typical features of a nightclub operation may include loud music played by a DJ, a dance floor area, low background lighting, and intermittent bright or coloured lighting effects.  
**Reason:** As per requirements of NSW Police
168. The tavern used authorised must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the Community

Impact Statement, application and other information submitted in the process of obtaining DA approval.

**Reason:** As per requirements of NSW Police

169. Closed-circuit television system:

- The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
  - o The system must record continuously from opening time until one hour after the premises is required to close (or, in the case of premises that is not required to cease trading, continuously at all times),
  - o Recordings must be in digital format and at a minimum of six (6) frames per second,
  - o Any recorded image must specify the time and date of the recorded image,
- The system's cameras must cover the following areas:
  - i) all entry and exit points on the premises,
  - ii) the footpath immediately adjacent to the premises, and
  - iii) all publicly accessible areas (other than toilets) on the premises.
- The licensee must also:
  - o Keep all recordings made by the CCTV system for at least 30 days,
  - o Ensure that the CCTV system is accessible at all times the system is required to
  - o operate pursuant to clause (I)(a), by at least one person able to access and fully
  - o operate the system, including downloading and producing recordings of CCTV footage, and
  - o Provide any recordings made by the system to a police officer or Liquor & Gaming NSW inspector within 24 hours of any request by a police officer or Liquor & Gaming NSW inspector to provide such recordings.

Immediately after the person in charge of the premises or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

- o Take all practical steps to preserve and keep intact the area where the act of violence occurred
- o Retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by the NSW Police, as published from time to time on the Liquor & Gaming NSW website,
- o Make direct and personal contact with the NSW Police Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident, and
- o Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred. In this condition, "staff member" means any person employed by, or acting on behalf of, the licensee of the premises, and includes



any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.

- The premises is to be operated at all times in accordance with the Plan of Management. The Plan of Management may be varied from time to time after consultation with the Local Police Commander of NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
- The licensee must join and be an active participant in the local liquor accord.

**Reason:** As per requirements of NSW Police

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

**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

171. The hours of operation for the individual uses are as follows:

- Supermarket – 7 days, 7am to 10pm
- Food and Beverage - 7 days, 7am to 10pm
- Medical Centre – 7 days, 9am to 7pm
- Tavern – 10am to 3am (Monday – Saturday) and 10am to Midnight (Sunday);
- Hotel - 7days – 24 hours.
- All other uses not specified above; Monday to Friday – 9am to 5pm.

**Reason:** To ensure appropriate amenity.

172. The roller shutter door to be provided at the driveway entry and exit is to be operated via remote control. If an intercom is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1-2004.

**Reason** To comply with Australian Standards.





## ATTACHMENT C – Clause 4.6 Statement for Height

### 1. INTRODUCTION

This variation request has been prepared under Clause 4.6 of the *Parramatta Local Environmental Plan* (PLEP 2011). The Height of Buildings Map that accompanies Clause 4.3 of the PLEP 2011 prescribes a maximum height of 52m for the subject site (refer Figure 1).

The proposed mixed-use development has a total height of 56.5m, exceeding the maximum height for the site by 4.5m (8.6%). To achieve a better development outcome, this clause 4.6 variation seeks an exception to this development standard.

Figure 1 – Height of Building Map



## 2. ASSESSMENT FRAMEWORK

### 2.1. CLAUSE 4.6 OF PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Clause 4.6 of PLEP 2011 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of Clause 4.6 are:

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

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a development application that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, Clause 4.6 requires that the consent authority consider a written request from the applicant, which demonstrates that:

- a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) There are sufficient environmental planning grounds to justify contravening the development standard.*

Furthermore, the consent authority must be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone, and the concurrence of the Secretary has been obtained.

In deciding whether to grant concurrence, subclause (5) requires that the Secretary consider:

- a) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- b) The public benefit of maintaining the development standard, and*
- c) Any other matters required to be taken into consideration by the Secretary before granting concurrence.*

[Note: Concurrence is assumed pursuant to *Planning Circular No. PS 18-003 Variations to Development Standards* dated 21 February 2018].

This document forms a Clause 4.6 written request to justify the contravention of the Building Height development standard in Clause 4.3. The assessment of the proposed variation has been undertaken in accordance with the requirements of the PLEP 2011, Clause 4.6 Exceptions to Development Standards.

### 2.2. NSW LAND AND ENVIRONMENT COURT: CASE LAW

Several key New South Wales Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached.

The correct approach to preparing and dealing with a request under clause 4.6 is neatly summarised by Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118:

*[13] The permissive power in cl 4.6(2) to grant development consent for a development that contravenes the development standard is, however, subject to conditions. Clause 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.*

*[14] The first precondition, in cl 4.6(4)(a), is that the consent authority, or the Court on appeal exercising the functions of the consent authority, must form two positive opinions of satisfaction under cl 4.6(4)(a)(i) and (ii). Each opinion of satisfaction of the consent authority, or the Court on appeal, as*

to the matters in cl 4.6(4)(a) is a jurisdictional fact of a special kind: see *Woolworths Ltd v Pallas Newco Pty Ltd* (2004) 61 NSWLR 707; [2004] NSWCA 442 at [25]. The formation of the opinions of satisfaction as to the matters in cl 4.6(4)(a) enlivens the power of the consent authority to grant development consent for development that contravenes the development standard: see *Corporation of the City of Enfield v Development Assessment Commission* (2000) 199 CLR 135; [2000] HCA 5 at [28]; *Winten Property Group Limited v North Sydney Council* (2001) 130 LGERA 79; [2001] NSWLEC 46 at [19], [29], [44]-[45]; and *Wehbe v Pittwater Council* (2007) 156 LGERA 446; [2007] NSWLEC 827 at [36].

- [15] The first opinion of satisfaction, in cl 4.6(4)(a)(i), is that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)). The written request needs to demonstrate both of these matters.
- [16] As to the first matter required by cl 4.6(3)(a), I summarised the common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary in *Wehbe v Pittwater Council* at [42]-[51]. Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.
- [17] The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: *Wehbe v Pittwater Council* at [42] and [43].
- [18] A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: *Wehbe v Pittwater Council* at [45].
- [19] A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: *Wehbe v Pittwater Council* at [46].
- [20] A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: *Wehbe v Pittwater Council* at [47].
- [21] A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary: *Wehbe v Pittwater Council* at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in *Wehbe v Pittwater Council* at [49]-[51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act.
- [22] These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.
- [23] As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

- [24] The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].
- [25] The consent authority, or the Court on appeal, must form the positive opinion of satisfaction that the applicant’s written request has adequately addressed both of the matters required to be demonstrated by cl 4.6(3)(a) and (b). As I observed in *Randwick City Council v Micaul Holdings Pty Ltd* at [39], the consent authority, or the Court on appeal, does not have to directly form the opinion of satisfaction regarding the matters in cl 4.6(3)(a) and (b), but only indirectly form the opinion of satisfaction that the applicant’s written request has adequately addressed the matters required to be demonstrated by cl 4.6(3)(a) and (b). The applicant bears the onus to demonstrate that the matters in cl 4.6(3)(a) and (b) have been adequately addressed in the applicant’s written request in order to enable the consent authority, or the Court on appeal, to form the requisite opinion of satisfaction: see *Wehbe v Pittwater Council* at [38].
- [26] The second opinion of satisfaction, in cl 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under cl 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in cl 4.6(4)(a)(ii), not indirectly satisfied that the applicant’s written request has adequately addressed the matter in cl 4.6(4)(a)(ii).
- [27] The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development’s consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii).
- [28] The second precondition in cl 4.6(4) that must be satisfied before the consent authority can exercise the power to grant development consent for development that contravenes the development standard is that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained (cl 4.6(4)(b)). Under cl 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018, to each consent authority, that it may assume the Secretary’s concurrence for exceptions to development standards in respect of applications made under cl 4.6, subject to the conditions in the table in the notice.
- [29] On appeal, the Court has the power under cl 4.6(2) to grant development consent for development that contravenes a development standard, if it is satisfied of the matters in cl 4.6(4)(a), without obtaining or assuming the concurrence of the Secretary under cl 4.6(4)(b), by reason of s 39(6) of the Court Act. Nevertheless, the Court should still consider the matters in cl 4.6(5) when exercising the power to grant development consent for development that contravenes a development standard: *Fast Buck\$ v Byron Shire Council* (1999) 103 LGERA 94 at 100; *Wehbe v Pittwater Council* at [41].



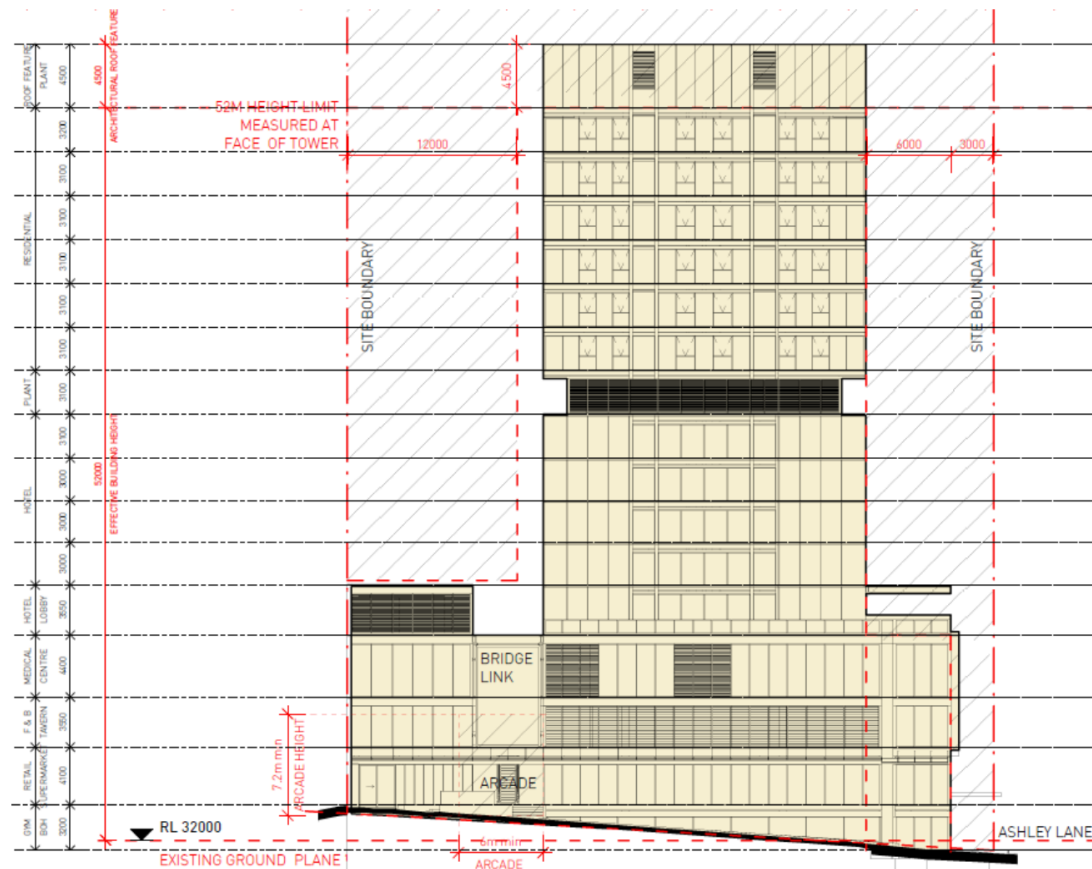
## 3. EXTENT OF CONTRAVENTION

### 3.1. BACKGROUND

In March 2016, a site-specific amendment to the Parramatta LEP 2011 and Parramatta DCP 2011 were gazetted and adopted by Council. The amendments facilitated an increase in the site's height of building and FSR development standard to 52 metres and 4.5:1 (and imposed a maximum residential FSR of 1.5:1). The accompanying DCP amendment provides more detailed objectives and design controls including setting the built form and building envelope to guide future development on the subject site.

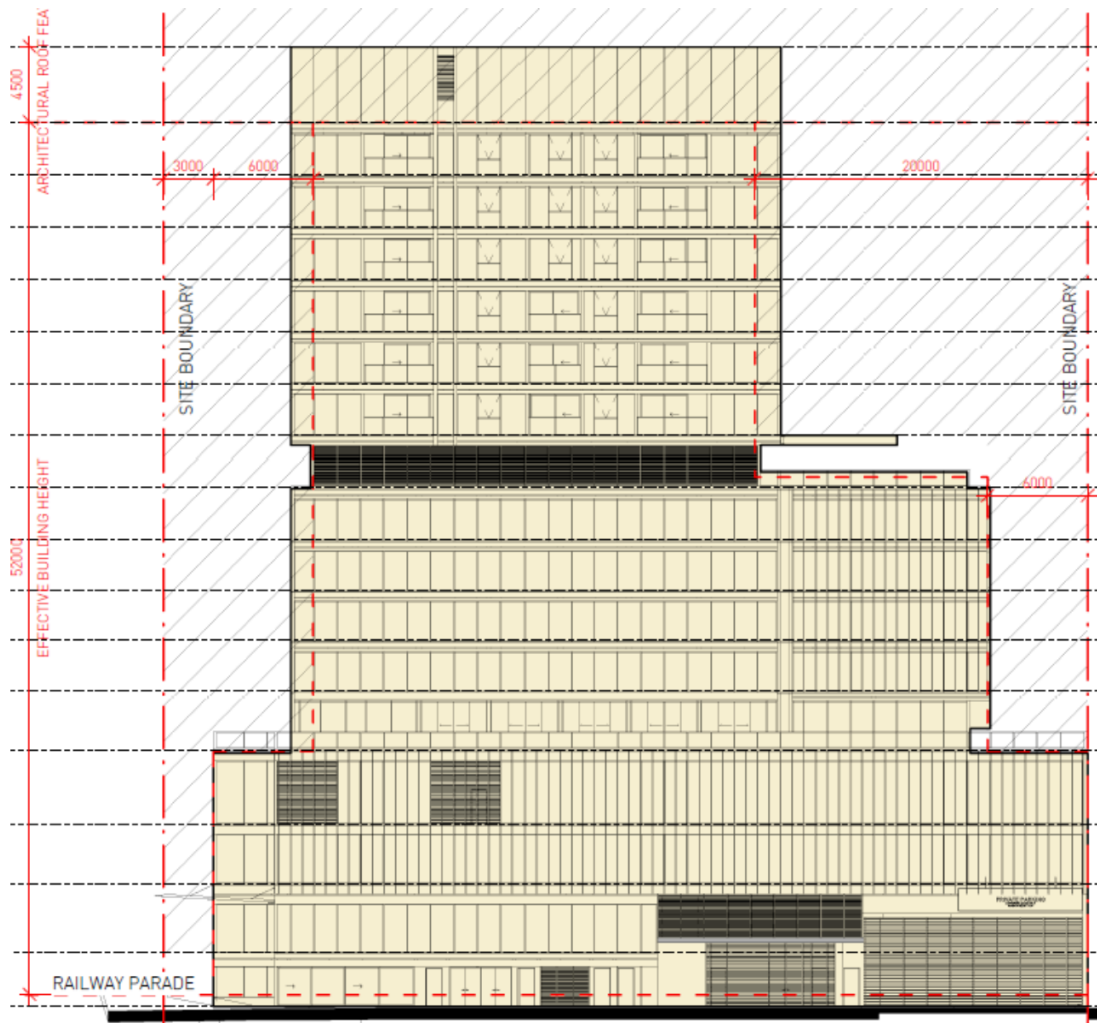
The proposed development is generally consistent with the built form envisaged for the site under the Part 4.3.4.2 of the Parramatta DCP 2011 and Parramatta LEP 2011. As shown in the **Figure 2** and **Figure 3** elevation extracts, the proposed floor space (measured to the FFL of Roof Level) of the development sits entirely within the maximum 52 metre LEP height of building development standard and generally within the building envelopes envisaged for the site under the DCP 2011 (building envelope annotated by 'dotted red outline').

Figure 2 – Railway Parade Elevation



Source: *Sissons Architects*

Figure 3 – Ashley Lane Elevation



Source: Sissons Architects

## 3.2. VARIATION TO HEIGHT

The proposed 4.5m height protrusion is limited to lift and stair core overruns and consolidated rooftop plant and does not relate to a residential level. Further, the plant and services overrun are setback from the building edge and will be concealed from view by a 4.5m high glazed architectural roof feature. Thus, it will not be readily perceived when viewed from the public domain (see Figure 3 perspective extracts).

Overshadowing analysis has been undertaken by Sissons Architects at June 21 and is attached to this report. The shadow compares the shadow cast from a compliant 52m height control and the proposed 56.5m building height (shadow attributed to the additional height is shown by 'red shading').

The analysis demonstrates that there is minimal additional shadow arising from the rooftop plant, services and integrated architectural roof feature. This shadow is however fast moving and will have negligible impact on any property it affects. In summary, this minor additional shadow is apparent in the morning period between 9am and 10am to properties located on the south western side of Alexandra Avenue (opposite side of Westmead Railway Station). Between 11am and 2pm the shadow is confined to the Alexandra Avenue roadway and Westmead Railway Station. By 3pm, the additional shadow reaches the front setback of the residential properties located along Alexandria Avenue near the Hassall Street intersection.

Overall, strict compliance with the building height development standard would result in an approximate. 14-storey built form. This is considered to be a significant underutilisation of the floor space available for this strategically important site, which is located directly adjacent to the Westmead Train Station, and within a



walkable catchment to several existing bus stops as well as the planned Parramatta Light Rail and Sydney Metro West.

The proposal also provides a unique opportunity to revitalise and redevelop the site into a highly mixed-use development. This opportunity is somewhat constrained for other adjoining sites in Westmead due to them being strata subdivided.

Figure 4 – Perspective Views



Picture 1 – View from North West and North East



Picture 2 – View from South East and South West

Source: *Sissons Architects*

## 4. CLAUSE 4.6 VARIATION REQUEST: BUILDING HEIGHT

The following sections of the report provide an assessment of the request to vary the development standard relating to the maximum height of buildings in accordance with Clause 4.6 of PLEP 2011.

### 4.1. KEY QUESTIONS

#### 4.1.1. Is the Planning Control a Development Standard?

The height of buildings prescribed under Clause 4.3 of the PLEP 2011 is a development standard capable of being varied under Clause 4.6 of PLEP 2011.

#### 4.1.2. Is the Development Standard Excluded from the Operation of Clause 4.6?

The development standard is not excluded from the operation of Clause 4.6.

#### 4.1.3. What is the Underlying Object or Purpose of the Standard?

The objectives of the height of buildings development standard are as follows:

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) to ensure the preservation of historic views,*
- (e) to reinforce and respect the existing character and scale of low density residential areas,*
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

### 4.2. CONSIDERATION

#### 4.2.1. Clause 4.6(3)(a) – Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are listed within the 'five-part test' outlined in *Wehbe v Pittwater [2007] NSWLEC 827*. These tests are outlined in Section 2.2 of this report (paragraphs [17]-[21]).

An applicant does not need to establish all of the tests or 'ways'. **It may be sufficient to establish only one way**, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way

The development is justified against the first of the Wehbe tests as set out below.

***Test 1: The objectives of the development standard are achieved notwithstanding non-compliance with the standard***

The proposed development achieves the objectives of the height of buildings standard as outlined in clause 4.3(1) of the PLEP 2011 as detailed in Table 1 overleaf.

Table 1 – Consistency with the Height of Buildings development control objectives

Objective	Assessment
<i>(a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,</i>	<p>The proposed development has been designed to achieve the desired future character for the Westmead Strategic Precinct and built form principles established specific to the site under the Parramatta DCP 2011. The proposed massing has been developed in accordance with the DCP to achieve a sense of transition in use and form to the residential neighbourhoods to the east and north.</p> <p>The proposed non-compliance relates to rooftop plant and services and does not relate to an additional residential level. All of the permissible floor space is contained within the permissible 52m height control.</p>
<i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i>	<p>The variation has been informed from detailed building services advice. The proposal represents the requirements for building plant and vertical transportation throughout the building, having regard to the multitude of uses the proposal seeks to introduce.</p> <p>Because the proposed non-compliance is limited to rooftop plant and services it will have no disruption of views or loss of privacy to existing development.</p> <p>The plant and services are proposed in a consolidated rooftop location, setback from the building edges and concealed from view by a 4.5m high architectural roof feature. Thus, as illustrated at <b>Figure 3</b>, it is not anticipated it will not be readily perceivable from the public domain.</p> <p>Overshadowing analysis has been undertaken by Sissons Architects at June 21 (refer attachment). The shadow compares the shadow cast from a compliant 52m height control and the proposed 56.5m building height (shadow attributed to the additional height is shown by 'red shading').</p> <p>The analysis demonstrates that there is very minor additional shadow arising from the rooftop plant and services. This shadow is however fast moving and will have negligible impact on any property it affects. In summary, this additional shadow is apparent between 9am and 10am to properties located on the southern side of Alexandra Avenue (opposite side of Westmead Railway Station). Between 11am and 2pm the shadow is confined to the Alexandra Avenue roadway and Westmead Railway Station. By 3pm, the additional shadow reaches the front setback of the residential properties located along Alexandria Avenue near the Hassall Street intersection.</p>
<i>(c) to require the height of future buildings to have regard to heritage sites and their settings,</i>	<p>The proposed 52m height control and built form and massing requirements were developed for the site based on an extensive analysis of important heritage significant sites. This includes</p>

Objective	Assessment
	<p>landscape vistas from Old Government House and a streetscape response to the Old Boys Home on Hawkesbury Road.</p> <p>The proposed rooftop plant and services are considered to result in negligible heritage impact on these items. As discussed, the proposed plant and services are located in the centre of the building, setback from the building edges and are screened by an architectural roof feature. As such, they are not considered to be visually apparent from the public domain and key viewpoints.</p>
<i>(d) to ensure the preservation of historic views,</i>	See comment above regarding maintaining historic landscape vistas to Old Government House.
<i>(e) to reinforce and respect the existing character and scale of low density residential areas,</i>	<p>The site is strategically located in the Westmead Town Centre and adjoins land that is zoned B4 Mixed Use and R4 High Density Residential.</p> <p>The proposed height exceedance has no impact on the character and scale of any low density residential area.</p>
<i>(f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.</i>	<p>The proposed overshadowing impacts arising from the development are considered acceptable. The proposal demonstrates that satisfactory solar access on June 21 is maintained to neighbouring residents, whereby all affected dwellings are capable of achieving a minimum of 3 hours of solar access on June 21.</p> <p>In addition, the attached overshadowing diagrams demonstrate that the additional building height results in negligible additional overshadowing.</p>

In summary, the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

***Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary***

Not relied upon.

***Test 3: The underlying objective or purpose of the standard would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable***

Not relied upon.

***Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable***

Not relied upon.

***Test 5: The zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary***

Not relied upon.

#### 4.2.2. Clause 4.6(3)(b) - Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?

There are sufficient environmental planning grounds to justify the proposed variations to the development standard, including the following:

- It results in a superior outcome for the community with a preferred built form arrangement that aligns with the vision for the site and the wider Westmead Strategic Precinct compared to a compliant scheme. A compliant scheme is likely to result in a 15-storey built form and a significant underutilisation of the floor space for this strategically important site located in the growing Westmead Strategic Precinct and well connected to existing and planned public transport infrastructure.
- The Statement of Environmental Effects prepared by Urbis demonstrates that any impacts associated with the proposed development are acceptable, particularly since there are no significant solar access impacts on neighbouring properties or the public domain as a result of the height variation.
- The additional building height is confined to rooftop plant and services. All floor space is confined within the maximum 52 metre height control.
- The variation does not result in unreasonable adverse amenity impacts on adjacent land.
- The variation does not diminish the development potential of adjacent land.
- The development is compliant with the floor space ratio development standards.
- The scale of development is considered appropriate given the significance of the site as supporting the growth of the Westmead Strategic Precinct.

In conclusion, there are sufficient environmental planning grounds to justify convening the development standard.

#### 4.2.3. Clause 4.6(4)(a)(ii) – Will the Proposed Development be in the Public Interest Because it is Consistent with the Objectives of the Particular Standard and Objectives for Development within the Zone in Which the Development is Proposed to be Carried Out?

As detailed in Table 1, the proposed development is consistent with the objectives of the height of buildings development standard. The proposal is also consistent with the B4 Mixed Use zone land use objectives that apply to the site under the PLEP 2011, as outlined within Table 2 below.

Table 2 – Consistency with the B4 Zone Objectives

Objective	Assessment
<i>To provide a mixture of compatible land uses.</i>	The proposal integrates a multitude of uses and is a genuine mixed-use development. The proposal includes retail, commercial, health and hotel uses which complement the proposed residential land use and contribute to providing for the local needs of the broader community.
<i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>	The proposal is for the redevelopment of the site comprising the integration of residential and non-residential uses. The site is located in a highly accessible location. The site is currently serviced by the Westmead Train Station and several local and regional bus routes. The site will also benefit in the future from the planned Parramatta Light Rail and Sydney Metro West. Both of these new transport modes are planned to be located within a 500m radius of the site.

Objective	Assessment
<i>To encourage development that contributes to an active, vibrant and sustainable neighbourhood.</i>	The proposal incorporates a range of apartment types and sizes in one, two and three-bedroom configurations located above a highly active ground plane and through-site link comprising active retail uses, a medical centre and a hotel.
<i>To create opportunities to improve the public domain and pedestrian links.</i>	<p>The proposal itself will make a significant contribution to the public domain. The proposal represents an opportunity to renew the existing shopping centre in a vibrant mixed-use development.</p> <p>The proposal includes the provision of a publicly accessible through site link from Railway Parade to the rear of the site, which continues through to an existing informal pedestrian connection to Westmead Hospital and Western Sydney University beyond. In addition, a Voluntary Planning Agreement (VPA) is registered on the title of the land requiring the developer to undertake public domain improvements along Railway Parade and Ashley Lane including the realignment of the pedestrian crossing which provides safe pedestrian access to Westmead Railway Station.</p>
<i>To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.</i>	The proposal includes a range of non-residential uses. In particular, the proposal comprises neighbourhood scale retail uses to support the daily needs of the community. The proposal also includes a medical centre and a hotel, leveraging the sites strategic location in the Westmead health and education precinct.
<i>To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.</i>	Not applicable.

The proposal is considered to be in the public interest as the development is consistent with the objectives of the development standard, and the land use objectives of the zone.

#### **4.2.4. Clause 4.6(5)(a) - Would Non-Compliance Raise any Matter of Significance for State or Regional Planning?**

The proposed non-compliance with the height of buildings development standard will not raise any matter of significance for State or Regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

#### **4.2.5. Clause 4.6(5)(b) - Is There a Public Benefit of Maintaining the Planning Control Standard?**

The proposed development does not result in any unreasonable or significant adverse environmental (social, economic or biophysical) impacts. In particular, the variation does not diminish the redevelopment potential or amenity of any adjoining land.

The proposed development achieves the objectives of the height of buildings development standard and the land use zoning objectives despite the non-compliance.



The proposed variations to the maximum building height are limited to rooftop plant and services, does not include any floor space and is not attributed to a storey. The rooftop plant and services are setback from the building edge and concealed from view by an architectural roof feature.

Compliance in this circumstance would result in an inferior outcome, with a development that is 15-storeys in height and does not realise to its full extent the floor space available. This is considered to result in a poor outcome for the site that is strategically located in the growing Westmead Strategic Precinct and well connected to existing and planned public transport infrastructure.

The proposal aligns with the directions of the Greater Sydney Region Plan and Central District Plan. It will contribute to achieving the '30 min city' concept and facilitates urban renewal including housing and jobs in alignment with infrastructure investment.

Given the nature of the proposed variation and the justification of the impacts provided within this statement and accompanying SEE. The proposal is consistent with the public interest as it promotes the orderly and efficient use of land. Maintaining the development standard would not result in a public benefit.

**4.2.6. Clause 4.6(5)(c) – Are there any other matters required to be taken into consideration by the Secretary before granting concurrence?**

Concurrence can be assumed. Nevertheless, there are no known additional matters that need to be considered within the assessment of the Clause 4.6 request prior to granting concurrence, should it be required.

## 5. SUMMARY

As described in the preceding sections, taking into account the significance of the site, its context, and the vision for the locality, strict compliance with the numerical standard in this instance is both unreasonable and unnecessary for the following reasons:

- The proposal has been reviewed on several occasions by the Parramatta Design Excellence Advisory Panel whom commended the architect on the quality of the design.
- The vision for the Westmead Strategic Precinct is to celebrate its regionally significant health and education hub and provide opportunities for residential, retail, business, hospital, education and community facility development integrated with public transport facilities to improve public transport accessibility and to provide a more permeable pedestrian and bicycle network. This has been achieved through the proposed uses and scale and arrangement of the public realm as a key feature of the site.
- The proposal aligns with the strategic planning framework – the Greater Sydney Region Plan and Central District Plan. Specifically, the proposal will contribute to achieving the '30 min city' concept and facilitates urban renewal including housing and jobs in alignment with infrastructure investment.
- The proposed height exceedance is confined to rooftop plant and services and does not represent additional floor space.
- The proposed floor space, which complies with Clause 4.4 of the LEP is entirely within the height of building control under the Parramatta LEP 2011.
- The additional height will not result in any significant detrimental amenity impacts (overshadowing, views or privacy) to surrounding development when compared to a complying design. Nor will the extent of the non-compliance result in any adverse visual impact on the locality.
- The non-compliance will not hinder the development's ability to satisfy the objectives of the B4 Mixed Use zone.

Based on the reasons outlined, it is concluded the request is well founded and the particular circumstances of the case warrant flexibility in the application of the maximum height of building development standard.