



**SYDNEY CENTRAL CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel Reference	PPSSCC-13
DA Number	DA/367/2019
LGA	City of Parramatta
Proposed Development	Construction of a mixed use building comprising 340 serviced apartments, four retail tenancies, supermarket, and associated parking, landscaping and public domain works.
Property	Lots 6 and 7 DP 1228764 11A and 13 Carter Street, LIDCOMBE NSW 2141
Applicant	Karimbla Properties (No. 51) Pty Ltd
Owner	Karimbla Properties (No. 51) Pty Ltd
Date of DA lodgement	25 June 2019
Number of Submissions	None
Recommendation	Approval subject to conditions
Regionally significant development criteria (Schedule 7 of SEPP (SRD) 2011)	General development that has a capital investment value of more than \$30 million (cl.2)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulation 2000• SEPP (Infrastructure) 2007• SEPP (State and Regional Development) 2011• SREP (Sydney Harbour Catchment) 2005• SEPP No. 64 (Advertising & Signage)• Auburn Local Environmental Plan 2010• Carter Street Precinct Development Control Plan 2016• Auburn Development Control Plan 2010
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Architectural drawings Attachment 2 – Landscape drawings Attachment 3 – Civil drawings Attachment 4 – Design Excellence Advisory Panel comments Attachment 5 – Clause 4.6 exception written request
Report prepared by	Andrew Golden, Senior Development Assessment Officer
Report date	25 November 2019

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
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6) 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 of the EPAA)?	No
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes

1. Executive summary

The report considers a proposal to construct a mixed use building comprising 340 serviced apartments, retail tenancies, supermarket, and associated parking, landscaping and public domain works.

Following assessment of the application against the relevant statutory planning framework, and consideration of matters raised in referrals, it is deemed that the proposal is satisfactory.

The site constraints include nearby gas pipelines and potential provision of stage 2 of Parramatta Light Rail requiring widening of Uhrig Road. However, it is considered that sufficient evidence has been provided that these risks can be managed appropriately.

While some non-compliances with the Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016) are proposed, the development is considered acceptable given the development's quality design and appearance, and overall built form and aesthetics.

The amenity impacts on adjoining and nearby properties are considered reasonable based on the site's location in a steadily-progressing priority precinct.

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration relevant State and local planning controls. On balance, the proposal has responded satisfactorily to the objectives and controls of the relevant statutory planning framework.

This report recommends that the Panel:

- Approve a 1.17m (2.8%) exception to the building height control in Auburn Local Environmental Plan 2010 (ALEP 2010), via clause 4.6 of ALEP 2010; and
- Approve the application, subject to the recommended conditions.

2. Key Issues

Auburn Local Environmental Plan 2010 (ALEP 2010):

- Building height – minor encroachments into statutory 42m maximum height for lift overrun and fire stairs on south-western tower.

Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016):

- Building footprint – tower footprints exceed maximum 900sqm footprint.
- Setbacks – zero setbacks proposed for tower components above the podium.
- Car parking – 251 spaces provided for serviced apartments (340 spaces total).

Site constraints:

- Nearby pipelines and pipeline corridors.

3. Carter Street priority precinct

3.1 Background and context

The Carter Street Priority Precinct comprises 52 hectares of land, as shown in figure 1, bounded by Sydney Olympic Park, the M4 Motorway, Haslams Creek and land immediately adjacent to Birnie Avenue. The precinct has historically been used for light industry and warehousing with associated offices. In 2015, the NSW Government rezoned the precinct for high density residential development, a new village centre and a primary school.

The precinct generally north of Carter Street is undergoing an urban renewal process and steady progression towards a strategic centre that delivers a mix of housing, employment and retail services with access to public transport, open space and the entertainment, recreational and cultural precinct of Sydney Olympic Park.

The southern side of Carter Street is characterised by a variety of industrial uses and warehouse developments. Those land uses are expected to remain in place for the long term.



Figure 1 – Carter Street Priority Precinct, subject site marked with red dot

3.2 Strategic review by the Department of Planning and Environment (DP&E)

In mid-2017, the DP&E commenced a review of the planning controls for the Carter Street Precinct, in conjunction with its consideration of the Sydney Olympic Park Master Plan 2030. The purpose of that review was to ensure the controls accommodated changes to the design of a proposed off ramp from the M4 Motorway and Parramatta Light Rail (stage 2) stop and terminus whilst still ensuring housing, employment and retail services within the Carter Street precinct.

The outcome was a revised Master Plan used to inform amendments to Auburn Local Environmental Plan 2010 (ALEP 2010) and Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016).

Public exhibition of the draft documents concluded on 26 October 2018, and the draft was

submitted for approval in early 2019. However, the Department has recently advised those draft controls are now indefinitely deferred, specifically with regard to the subject site.

4. Site description, location and context

4.1 Site

The subject site ('Phase 4') includes Lots 6 and 7 DP 1228764, known as 11A and 13 Carter Street, Lidcombe, as shown in Figure 2 ('West Street' being 11A Carter Street; development lot being 13 Carter Street).

The subject site has a total approximate area of 12,533sqm, which includes 10,705sqm for the development lot, and 1,828sqm for road and associated public infrastructure. The site has a general fall towards the western corner, with changes in level of about 1m along the Uhrig Road frontage, and about 1.5m along the eastern boundary.

The site is located at the intersection of Carter Street and Uhrig Road, with an approximate frontage of 115m to Carter Street to the south, and an approximate frontage of 90m to Uhrig Road to the west.

Land to the northern side of Carter Street is undergoing an urban renewal process and steady progression towards a strategic centre that delivers a mix of housing, employment and retail services with access to public transport, open space and the entertainment, recreational and cultural precinct of Sydney Olympic Park.

The southern side of Carter Street is characterised by a variety of industrial uses and warehouse developments.

The subject site is zoned B2 – Local Centre, with a maximum building height of 42m and a floor space ratio of 2.5:1 pursuant to Auburn Local Environmental Plan 2010 (ALEP 2010).

4.2 Site improvements and constraints

Existing development on the site comprises an existing industrial warehouse with associated awnings and concrete areas.

A complying development certificate has been obtained for the demolition and removal of all existing improvements.

The site is not a heritage item or within a heritage conservation area, nor is it located within the vicinity of either. It is affected by acid sulfate soils but is not flood liable land.



Figure 2 – locality map (subject site outlined in red), 11A and 13 Carter Street



Figure 3 – street view from the corner of Carter Street and Uhrig Road looking northeast

4.3 Relevant Carter Street Priority Precinct subdivision consent

DA/232/2018 was approved on 5 June 2018 and consented to the following development at Lots 16, 17, 18, 19, 23 and 24 DP 225350 and Lot 200 DP 1160458 (1 – 7, 13 Carter Street and 23 Uhrig Road).

Resubdivision of 7 allotments to create 11 lots, being 4 development lots, plus residual road and open space lots, road construction, stormwater drainage and public domain works. This application is a consolidation of consents previously granted to DA/172/2017 and DA/429/2016.

Lots created by DA/232/2018 were as follows:

- 4 development lots (lots 1, 4, 7 and 8);
- 5 lots to be dedicated as public road (lots 3, 5, 6, 10 and 11);
- 2 lots to be dedicated as public open space (lots 2 and 9)

Lot 7 (development lot) and lot 6 (road lot) are the subject site of this proposal.

5. The proposal

The proposal includes the following:

- Construction of a three storey podium and three towers of 11, 12 and 13 storeys, for use as serviced apartments with 340 apartments:
 - Podium – a total of 68 apartments;
 - North-western building – a total of 96 apartments;
 - South-western building – a total of 63 apartments; and
 - Eastern building – a total of 113 apartments.
- Mix provided in serviced apartments as below:
 - 59% one bedroom;
 - 32% two bedroom;
 - 9% three bedroom.
- Ground floor lobby, arrivals lounge and back of house service areas;
- Podium level pool, gymnasium, sauna, spa and change room facilities;
- Podium level landscaped and embellished courtyard;
- One level of basement parking and three levels of podium parking providing 340 car spaces (including one rideshare space and 11 accessible spaces) and 235 bicycle spaces;
- Four retail premises at ground floor (167sqm, 58sqm, 105sqm and 74sqm);
- Supermarket (1,741sqm);
- East-west pedestrian link along northern boundary;
- General landscape treatment and embellishments;
- Tree removal;
- Signage.



Figure 4 – photomontage of Uhrig Road perspective



Figure 5 – photomontage of West Street perspective



Figure 6 – photomontage from corner of Uhrig Road and pedestrian link at the north

6. Public notification and any submissions

The application was advertised for a period of 14 days between 10 July 2019 and 24 July 2019.

No submissions were received.

7. Referrals

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

Does Section 1.7 (significant effect on threatened species) apply?	No
Does Section 4.10 (designated development) apply?	No
Does Section 4.46 (integrated development) apply	No
Are submission requirements within the regulation satisfied?	Yes

9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	None – detailed assessment is provided at Attachment A.
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10. Auburn Local Environmental Plan 2010 (ALEP 2010)

The table below presents a summary assessment against the terms of ALEP 2010. A detailed evaluation is provided at Attachment A.

Provision	Comment
Land use zone	<ul style="list-style-type: none"> B2 – Local Centre
Definition	<ul style="list-style-type: none"> Mixed use development Serviced apartments (tourist and visitor accommodation) Retail premises (commercial premises)
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"> Permitted with consent in zone Consistent with zone objectives
Part 3 Exempt and complying development	<ul style="list-style-type: none"> Not applicable
Part 4 Principal development standards	<ul style="list-style-type: none"> Compliance with all standards, except maximum height of building of 42m. Lift overrun and fire stairs of south-western building encroach 42m limit by 1.17m (2.8%). Clause 4.6 request submitted – the variations are supported.
Part 5 Miscellaneous provisions	<ul style="list-style-type: none"> All relevant provisions satisfied
Part 6 Additional provisions local	<ul style="list-style-type: none"> At the time of preparing this report, all relevant provisions satisfied, except for clause 6.8 (State public infrastructure) – see section 4.1 of Attachment A.

11. Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016)

The table below presents a summary assessment against the terms of CSPDCP 2016. A detailed evaluation is provided at Attachment A.

Provision	Comment
Part 2 Vision, principles, indicative structure	The proposal is considered generally consistent with the vision statement.
Part 3 Public domain	The proposal is considered satisfactory.

Part 4 Residential/mixed use development	Some non-compliance with setbacks, footprints of towers and building length proposed, however considered satisfactory on merit.
Part 5 Employment uses	N/A – only applies to land zoned B6 under ALEP 2010
Part 6 Environmental management	The proposal is considered satisfactory.

12. Planning Agreements

The relevant matters are:

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

A detailed assessment is provided at section 5.1 of Attachment A.

13. Response to Sydney Central City Planning Panel (SCCPP) briefing minutes

SCCPP was briefed on 4 September 2019. The following issues were raised.

Issues Raised	Comment
Generally supports the DEAP's key points to improve urban design and amenity for occupants.	DEAP is now satisfied with the scheme given the various design amendments made to the original proposal – refer to section 2.8 of Attachment A for full discussion.
Clause 4.6 exception to development standard building height, to be assessed, but in principle requested variation looks reasonable.	The proposed departure from maximum building height is considered acceptable in this instance – refer to section 2.7.1 of Attachment A for full discussion.
Verify floor space ratio – some built areas appear to have been omitted.	The floor space ratio of 2.5:1 has been verified and compliance is demonstrated.
Detail and design of pedestrian link given it straddles boundary between phases 3 and 4.	The pedestrian link has undergone redesign and the final outcome is satisfactory. Relevant internal sections of Council, and DEAP, are satisfied with the proposed pedestrian link.
Pipeline corridors and associated impacts.	Pipeline issues have been addressed, see section 7.12 of Attachment A for full detail.
Maximum building length and maximum building footprint should comply with DCP.	The development was amended to resolve non-compliances with maximum building length for tower components. Variations to maximum building footprint for tower components still exist, but are considered satisfactory on merit and support by DEAP – refer to section 4.1 of Attachment A (clause 4.1 of compliance table) for full discussion.
Provision of zero setbacks for towers.	The development has been amended to remove tower zero setbacks at northern boundary; however, zero setbacks for towers are still proposed fronting Uhrig Road (when considering land take for potential widening of Uhrig Road). Despite these non-compliances, the development as a whole

	has been supported by DEAP as a result of the proposal's appropriate articulation, visually defined two storey high podium along Uhrig Road, architectural recesses and design.
Lack of active frontage to Carter Street.	<p>The development was amended to provide additional activation of Carter Street, including:</p> <ul style="list-style-type: none"> • Additional staff entry and wider pavement; • Two bed unit near south-east corner converted to three bedroom with additional windows on Carter Street elevation; • Changes to balcony of three bedroom unit in south-east corner to orientate towards Carter Street; • Reconfiguration of back of house spaces at ground level and additional windows to Carter Street; and • Additional planting at level 2 above service entry. <p>DEAP were satisfied with the design changes to increase activation of Carter Street.</p> <p>As such, the development is now considered satisfactory in this regard.</p>
Porte-cochere appropriateness and interaction with potential light rail along Uhrig Road.	<p>The porte-cochere has been deemed appropriate for the proposed development as it is not atypical of hotel-type development, and is designed to ensure that access to the porte-cochere does not conflict with pedestrian access or footpath access.</p> <p>The porte-cochere does not undermine the design of the development, and the buildings satisfactorily address respective street frontages.</p>
Parking about 50% of DCP requirement need for good justification.	<p>The proposal was amended to increase parking provision from 208 spaces to 340 spaces (additional 132 spaces, 63% increase). Of the proposed 340 parking spaces, 251 spaces are for serviced apartments and 89 spaces for retail. Seven are accessible spaces.</p> <p>Strict compliance with DCP would require 426 spaces. 340 spaces represents a provision of 80%.</p> <p>The application has been assessed by relevant sections of Council who agree with the proposed car parking supply. Refer to section 8.6 of Attachment A for further detail.</p>
Necessary signage is missing and should be provided.	A detailed signage strategy has now been submitted and assessed – refer to section 2.6 of Attachment A for full discussion.

14. Summary and conclusion

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

Accordingly, approval of the development application is recommended.

15. Recommendation

That the Sydney Central City Planning Panel, as the consent authority

1. Is satisfied that the applicant's written clause 4.6 request to vary the height of building development standard has addressed the matters required to be addressed under clause 4.6(3) of Auburn Local Environmental Plan 2010, that sufficient environmental planning grounds exist and that the variation will be in the public interest as the

development is consistent with the relevant objectives of the zone and development standard; and

2. Grant consent, subject to the conditions of consent under Attachment B, to development application no. DA/367/2019 for a mixed use building comprising 340 serviced apartments, four retail tenancies, supermarket, associated parking, landscaping, signage and public domain works at Lots 6 and 7 DP 1228764, 11A and 13 Carter Street Lidcombe.

ATTACHMENT A – PLANNING ASSESSMENT

Panel Reference	PPSSCC-13
DA Number	DA/367/2019

1. Overview

1.1 Section 4.15 of the EP&A Act 1979: Evaluation

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

Clause	Comment
4.15(1)(a)(i) any environmental planning instrument	Refer to section 2
4.15(1)(a)(ii) any proposed instrument	Refer to section 3
4.15(1)(a)(iii) any development control plan	Refer to section 4
4.15(1)(a)(iiia) any planning agreement	Refer to section 5
4.15(1)(a)(iv) the regulations	Refer to section 6
4.15(1)(b) the likely impacts	Refer to section 7
4.15(1)(c) the suitability of the site	Refer to section 8
4.15(1)(d) any submissions	Refer to section 8.2
4.15(1)(e) the public interest	Refer to section 9

1.2 Section 4.46 of the EP&A Act 1979: What is “integrated development”?

The application is not integrated development for the purposes of the EP&A Act 1979.

1.3 Referrals

The following internal and external referrals were undertaken.

EXTERNAL	
Authority	Comment
Roads and Maritime Services	No objections, conditions to be imposed.
Department of Planning, Industry and Environment (DPIE)	The applicant is in the process of obtaining a satisfactory arrangements certificate. This report has been prepared in expectation that the certificate will be issued prior to reporting to SCCPP. If not, the Panel will need to defer consideration of this application.
Ausgrid	The application was referred to Ausgrid on 27 June 2019. The letter outlined that if Council does not receive written comments within 21 days, it will be assumed that Ausgrid does not wish to comment. No comments were received, thus assumed no objections.
Sydney Olympic Park Authority	No comments and no objections to be made.
Sydney Water	No objections, conditions to be imposed.
Caltex	No comments received, however pipeline issues have been resolved (see section 7.12 for further information).
Viva Energy	Viva Energy are the pipeline operator of the nearby pipeline. Viva originally objected to the proposed on 17 July 2019, citing safety concerns and compliance issues. However, Viva then removed its objection, recommending appropriate conditions to be imposed.
Parramatta Light Rail (Transport for NSW)	No written response from PLR (TfNSW) has been received to date. PLR has provided verbal advice that the 5m wide transport corridor

		along Uhrig Road is to be protected for Stage 2 of Parramatta Light Rail. Protection of the transport corridor forms part of the development.
Hazards (DPIE)	Branch	Team Leader – Hazards within DPIE has confirmed that, as the population for the site will be less than the Land Use Safety Study prepared by Arriscar Pty Ltd for the precinct, no further risk assessment was required. Implementation of the SMS being prepared for Viva and Meriton is sufficient to address pipeline integrity considerations. See section 7.12 for further discussion of pipeline impacts.
INTERNAL		
Unit		Comment
Landscape/ tree management		No objections, conditions to be imposed.
Environmental health – acoustic		No objections, conditions to be imposed.
Environmental health – contamination		No objections, conditions to be imposed. Further information located below at section 2.4.
Waste		No objections, conditions to be imposed. Further information located below at section 7.8.
Internal catchment development engineer		No objections, conditions to be imposed.
Traffic		No objections, conditions to be imposed. Further information located below at section 7.6.
Environmental sustainability		No objections, conditions to be imposed.
Community crime prevention		No objections and no relevant conditions.
Urban design (public domain)		No objections, conditions to be imposed.
Quantity surveyor		The applicant originally stated a total cost of development of \$92,951,573.00. Council had this figure reviewed by an external quantity surveyor, who determined that a total cost of development of \$110,545,620.00 was more genuine. As such, the applicant paid \$20,936.90 in shortfall of DA fees. The revised total cost of development is now taken to be the genuine cost.

2. Environmental planning instruments

2.1 Overview

The instruments applicable to this application are:

- SEPP (Infrastructure) 2007;
- SEPP (State and Regional Development) 2011;
- SEPP No. 55 – Remediation of Land;
- SREP (Sydney Harbour Catchment) 2005;
- SEPP No. 64 – Advertising and Signage;
- Auburn Local Environmental Plan 2010.

Compliance with these instruments is addressed below.

2.2 State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Schedule 3 of SEPP (Infrastructure) 2007, the proposal is considered 'traffic generating development' as it proposes a purpose with potential for 200 or more motor vehicles per hour.

As such, the proposal was referred to RMS, who did not raise any objection subject to the imposition of relevant conditions (see Section 1.3 above).

Cl.66C of SEPP (Infrastructure) 2007 is relevant for the determination of development applications adjacent to land in a pipeline corridor.

The pipeline corridor is located on the southern side of Carter Street (see figure 7), meaning the subject site is not adjacent to the corridor, being separated by Carter Street and associated road reserves. As such, cl.66C does not apply.



Figure 7 – pipeline corridor (shown in blue) in relation to subject site (shown outlined in red)

Therefore, the application is considered compliant with SEPP (Infrastructure) 2007.

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

Pursuant to Schedule 7 of SEPP (SRD) 2011, the proposal is considered 'regionally significant development' as it has a capital investment value of more than \$30 million.

As such, Section 4.5 of the EP&A Act 1979 outlines that the regional planning panel (Sydney Central City Planning Panel in this case) is the consent authority.

2.4 State Environmental Planning Policy No. 55 – Remediation of Land

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

Investigation of the site by the applicant's consultant determined that there are numerous areas of contamination, and remediation is required.

A Remediation Action Plan (RAP), prepared by ADE Consulting Group Pty Ltd and dated 25 January 2017 (report no. MER-03-10972/RAP1, version 2 'final'), was submitted in support of the application.

As the RAP was dated 2017, it was requested that an addendum report, confirming the relevance of the original report, be submitted.

Subsequent documentation prepared by ADE Consulting Group Pty Ltd (dated 6 September 2019) was submitted outlining that implementation of the original RAP, taking into account the updated plans, will make the site suitable for this use.

The RAP has been reviewed by Council's environmental health section who have raised no objection.

The RAP confirms that the land will be suitable, after remediation, for the purpose for which the development is proposed to be carried out.

Therefore, the application is considered compliant with SEPP 55.

2.5 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SREP (SHC) 2005 applies to the Parramatta local government area in its entirety. It aims to maintain Sydney Harbour for existing and future generations and establish balance between a working harbour, healthy and sustainable waterway environment and recreational access by establishing principles and controls for the catchment as a whole.

The location and nature of the proposal means there are no specific controls, with the exception of the objective to improve water quality. That outcome will be achieved through the imposition of appropriate conditions to address the collection and discharge of water.

2.6 State Environmental Planning Policy No. 64 – Advertising and Signage

The application proposes a detailed signage strategy, including directional/placemaking, retail and sky signage, as below.

Sign	Location	Contents	Dimensions	Specification
DIR.G.1 (loading dock signage)	Ground level, adjoining service entrance on Carter Street	'Loading dock'	8000mm (w) 1200mm (h)	<ul style="list-style-type: none"> Aluminium panel painted matte black with reflective white vinyl on face of panel.
DIR.G.2 (building identification)	Ground level, middle of porte-cochere	'Meriton suites'	6000mm (w) 2000mm (h) 175mm (d)	<ul style="list-style-type: none"> Fabricated lettering painted to specified colours and fixed to mesh backing. Fixing method TBC.
DIR.G.3 (directional plinth wayfinding)	Ground level, entrance to porte-cochere	'Meriton suites', 'reception', 'hotel drop off', 'Parramatta Rd', 'Olympic Park',	1250mm (w) 3100mm (h) 220mm (d)	<ul style="list-style-type: none"> Internal steel frame with matte black cladding router cut to allow logo and directional text. Gold vinyl applied to face (not illuminated). Illuminated text, lettering, arrows and parking icon. Translucent blue vinyl parking icon.

		contact details		
DIR.G.4 (carpark signage, under awning light box)	Ground level, within pedestrian link adjoining pedestrian entrance to carpark near supermarket	'Parking', arrow and icon	1200mm (w) 400mm (h) 200mm (d) (baseline fixed 2700mm above FFL)	<ul style="list-style-type: none"> • Fabricated double sided lightbox painted black. • White acrylic face with computer cut matte black and translucent vinyl graphics. • Internally illuminated with LEDs.
DIR.1.1 (directional plinth wayfinding)	Level 1, south-eastern corner of site	'The Retreat by Meriton', addresses TBC, client contact details	1250mm (w) 3100mm (h) 220mm (d)	<ul style="list-style-type: none"> • Internal steel frame with matte black cladding router cut to allow logo and directional text. • Gold vinyl applied to face (not illuminated). • Illuminated text, lettering, arrows and parking icon to illuminate. • Translucent blue vinyl parking icon.
DIR.1.2 (building identification)	Level 1, adjoining foyer entrance along eastern street	TBC (number and building name)	4083mm (w) 1000mm (h) 220mm (d)	<ul style="list-style-type: none"> • Fabricated lightbox painted matte black. • White acrylic lettering pushed through. • Internally illuminated with warm white LEDs. • Fixing method TBC.
DIR.1.3 (parking entrance wayfinding)	Level 1, car park entrance from eastern street	Parking icon, 'The Retreat', 'Meriton suites', 'Residents, visitors, hotel guests', other TBC	2400mm (w) 950mm (h) 150mm (d) (baseline fixed 2700mm above FFL)	<ul style="list-style-type: none"> • Fabricated double sided lightbox painted black. • White acrylic face with computer cut matte black and translucent vinyl graphics. • Internally illuminated with LEDs.
DIR.1.4 (pedestrian plinth wayfinding/directional)	Level 1, north-eastern corner in pedestrian link	'The Retreat by Meriton', area map, other directional lettering	1000mm (w) 2400mm (h) 140mm (d)	<ul style="list-style-type: none"> • Internal steel frame with matte black cladding router cut to allow logo and directional text. • Gold vinyl applied to face (not illuminated). • Illuminated text, lettering, arrows and parking icon to illuminate. • Translucent blue vinyl parking icon.
SS.12.1 and SS.12.2 (sky signage)	Level 12, northern façade of north-western building and southern	'Meriton'	8200mm (w) 2400mm (h) 203mm (d)	<ul style="list-style-type: none"> • Aluminium panel structure painted black to match façade. • Illuminated text and lettering. • Non-illuminated returns.

	façade of eastern building			
RS.G.01, RS.G.02, RS.G.04, RS.G.06, RS.G.08, RS.G.09, RS.G.10 (under awning light box)	Ground level, adjoining commercial tenancies	Tenant logo/ details	1200mm (w) 400mm (h) 200mm (d) (baseline fixed 2700mm above FFL)	<ul style="list-style-type: none"> • Fabricated double sided lightbox painted black. • White acrylic face with computer cut matte black and translucent vinyl graphics. • Internally illuminated with LEDs. • Sign fixed to awning above.
RS.G.03, RS.G.05, RS.G.07 (above entry tenant light box)	Ground level, adjoining commercial tenancies	Tenant logo/ details	1500mm (w) 400mm (h) 200mm (d) (baseline fixed 2700mm above FFL)	<ul style="list-style-type: none"> • Fabricated double sided lightbox painted black. • White acrylic face with computer cut matte black and translucent vinyl graphics. • Internally illuminated with LEDs. • Sign fixed to building front.
RS.G.11 (supermarket signage entry statement lightbox)	Ground level, adjoining supermarket	Supermarket logo/ details	4500mm (w) 1200mm (h) 150mm (d)	<ul style="list-style-type: none"> • Fabricated lettering with white acrylic faces. • Returns painted to match brand colours. • Internally illuminated to face only. • Fixing details TBC. • Sign fixed above store entry.

SEPP 64 aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

A comprehensive assessment against the assessment criteria prescribed by Schedule 1 of the Policy is provided below.

Consideration	Comment
1 Character of the area	
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	Complies – signage is compatible and in keeping with the Carter Street precinct (specifically the local centre) which shall be characterised by mixed use development with associated signage.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	Complies – similar in scale, bulk and design to signage displayed within the precinct and wider area.
2 Special areas	

<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	Complies – there are no nearby areas that would be affected by the signage. Additionally, the signage is typical of the proposed development and will not visually detract from the amenity of the locality.
3 Views and vistas	
<i>Does the proposal obscure or compromise important views?</i>	Complies – there are no important views to or from the site that signage will obscure.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	Complies – the proposal does not dominate the skyline or reduce vista quality as all signage is below the maximum height of the building and is commensurate with the scale of the development.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	Complies – signage will not compromise the rights of other signs/advertisers in the vicinity.
4 Streetscape, setting or landscape	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Complies – signage is appropriate in terms of size, scale, bulk and form commensurate to the scale of the development and does not detrimentally affect the streetscape, landscape or public realm.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	Complies – signage will contribute to visual interest by demarcating the commercial nature of the site.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	N/A – there is no existing signage at the site.
<i>Does the proposal screen unsightliness?</i>	N/A – there is no relevant unsightliness that requires screening.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	Complies – ‘sky signage’ at level 12 is relatively flush with façade and does not protrude above building or structure height, but is above tree canopies. This is acceptable given the context of the priority precinct.
<i>Does the proposal require ongoing vegetation management?</i>	N/A – no vegetation is proposed in the vicinity of the signage zones.
5 Site and building	
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	Complies – signage is of an appropriate scale and proportion to the proposed development and its priority precinct setting.
<i>Does the proposal respect important features of the site or building, or both?</i>	N/A – signage does not detract from building design; there are no important site features.
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	Complies – signage and development has been designed concurrently, meaning a harmonious relationship.
6 Associated devices and logos with advertisements and advertising structures	
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	Complies – safety devices, supporting structures, lighting and logos have been integrated into the design of signage,
7 Illumination	

<i>Would illumination result in unacceptable glare?</i>	Complies – it is not anticipated that signage would result in unacceptable glare as only certain aspects of the signage is illuminated. Only lettering, texts, logos for most of the signs are illuminated, with panels and returns remaining non-illuminated for the most part.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	Complies – safety for pedestrians, vehicles or aircraft is not expected to be affected due to proposed locations of signs.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	Complies – it is not expected that illumination with result in detrimental amenity impacts as illumination of signs is relatively minor and it is a town centre location.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	Capable of compliance – appropriate conditions of consent to be imposed to ensure satisfactory illumination.
<i>Is the illumination subject to a curfew?</i>	
8 Safety	
<i>Would the proposal reduce the safety for any public road?</i>	Complies – signage is not located within road reserves, nor will it reduce safety of road users.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	Complies – signage is located to ensure safety of pedestrians and bicyclists.
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	Complies – signage does not obscure sightlines or reduce safety.

As such, the application is considered compliant with SEPP 64.

2.7 Auburn Local Environmental Plan 2010 (ALEP 2010)

The relevant requirements of ALEP 2010 have been considered in the assessment of the development application, as below.

Relevant clause	Proposal	Compliance
2.7 Demolition	Demolition completed under separate development consent.	N/A
Land use table B2 – Local Centre	The use is defined as ‘serviced apartments’ and is permitted with consent in the B2 zone.	Yes
Zone objectives	<p>The proposal is considered to be consistent with the B2 objectives, namely:</p> <ul style="list-style-type: none"> • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To encourage high density residential development. • To encourage appropriate businesses that contribute to economic growth. • To achieve an accessible, attractive and safe public domain. 	Yes
4.3 Height of buildings – 42m	Minor encroachments above 42m (1.17m, 2.8%), see 2.7.1 discussion below. Encroachments are for fire stairs and lift overrun.	No – clause 4.6 supported

4.4 Floor space ratio – 2.5:1	2.5:1 (31,533sqm / 12,533sqm = 2.5)	Yes
4.6 Exceptions to development standards	A clause 4.6 request has been submitted to support proposed variations to maximum building height, refer to 2.7.1 below for full discussion.	Yes
5.6 Architectural roof features	There are no architectural roof features that encroach into the maximum building height.	N/A
6.1 Acid sulfate soils	The site is identified as Class 5 and within 500m of land identified as Class 2. The geotechnical report, prepared by Douglas Partners and dated September 2006, outlined that a bore location within the site near Carter Street showed a groundwater RL of 6.9m. The development is unlikely to lower the water table on adjacent Class 2 land.	Yes
6.2 Earthworks	Earthworks required to create basement level (RL 6.65 FFL) and semi-basement level (RL 10.10 FFL), meaning cut up to approximately 5.6m. Council's internal catchment and development engineer has considered the development satisfactory.	Yes
6.3 Flood planning	The site is not flood liable land.	N/A
6.5 Essential services	All required services are available at the subject site. These services will be decommissioned/ diverted as necessary to enable construction, and then augmented as nominated by the relevant service provider to satisfy the increased demands generated by the proposal.	Yes
6.8 Arrangements for contributions to designated State public infrastructure (Carter Street Priority Precinct)	The applicant is in the process of obtaining a satisfactory arrangements certificate. This report has been prepared in expectation that the certificate will be issued prior to reporting to SCCPP. If not, the Panel will need to defer consideration of this application.	Yes

2.7.1 Evaluation of departure from ALEP 2010 maximum building height

Overview

The standard	Clause 4.3 of ALEP 2010, maximum height of buildings – 42m
Objectives of the standard	(a) <i>to establish a maximum height of buildings to enable appropriate development density to be achieved, and</i> (b) <i>to ensure that the height of buildings is compatible with the character of the locality.</i>
Extent of variation	The proposed encroachment in metres, and the percentage variation, is: • South-western building (building A) – 1.17m, 2.8%



Figure 8 – height plane study showing building elements above ALEP 2010 control

Operational provisions

Cl.4.6, subcl.	Provision	Comment
(1) Objectives	<p>(a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i></p> <p>(b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances</i></p>	Noted.
(2) Operation of cl.4.6	The operation of clause 4.6 is not limited by clause 4.6(8) of ALEP 2010, or any other instrument.	Noted.
(3) Written request from applicant	<p>The applicant is to provide a written request seeking to justify contravention of the development standard. The request must demonstrate:</p> <p>(a) <i>that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i></p> <p>(b) <i>that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p>	Received – refer to Attachment 5.

Matters for the consent authority to be satisfied

The matters that the consent authority is to be satisfied on are set out in clause 4.6(4) of ALEP 2010, as addressed below.

Cl.4.6(4)	Provision	Comment
(a)	<i>the consent authority is satisfied that:</i>	See comments below.

	<p>(i) <i>the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p> <p>(ii) <i>the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i></p>	
(b)	<i>the concurrence of the Secretary has been obtained.</i>	Concurrence of the Secretary assumed (Planning Circular PS 18-003, dated 21 February 2018).

Summary of the applicant's contentions

The applicant's contentions regarding environmental planning grounds to justify the non-compliance with the height development standard is summarised below (full clause 4.6 requested is included at Attachment 5).

Evaluation

To assist the Panel with its consideration of the height variation, an assessment against the relevant case law established in the NSW Land and Environment Court (LEC) is provided below.

These cases establish tests that determine whether application of a development standard is unreasonable or unnecessary and whether there are environmental planning grounds.

Requirement A – unreasonable and unnecessary (clause 4.6(3)(a) of ALEP 2010)

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

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

The applicant relies upon the first circumstance – that the objectives of the standard are achieved despite the requested departure. This is further reviewed at Requirement C below.

Requirement B – environmental planning grounds (clause 4.6(3)(b) of ALEP 2010)

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

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

- Provide for a design responsive to site topography, which falls approximately 4.8m east to west;
- Variation for fire stairs and lift overrun does not interfere with the orderly and economic use of the land;
- Will not lead to unreasonable or adverse impacts on the amenity of neighbouring land, any future development or the amenity of occupants within the subject development;
- No impact on amenity as the encroachment is hidden from view (especially from the streetscape and public domain) by being located on the roof and towards the centre, meaning it does not contribute to perceived density, height or bulk;
- The building itself complies with the building height, with encroachment positioned away from the edges of the building;

Although the grounds cited are not site specific, they are well documented and similar variations have previously been supported for adjoining development applications DA/620/2016 at 1-5 Carter Street (0.85m, 1.185% variation) and DA/1056/2016 at 1-5 and 7 Carter Street (4.1m, 9.8% variation).

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

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

Objectives of the height standard	
Provision	Comment
To establish a maximum height of buildings to enable appropriate development density to be achieved, and	LEP density control (FSR) is not breached.
To ensure that the height of buildings is compatible with the character of the locality.	The precinct is a discrete locality generally separated from other residential precincts by significant physical/ visual barriers such as the M4 Motorway and Haslams Creek. Within the precinct are multiple height controls up to 72m, thus the minor encroachment is not incompatible with the locality's character.
Objectives of the zone	
Provision	Comment
To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.	Achieved – commercial uses (retail, tourist and visitor accommodation) are proposed to serve the community.
To encourage employment opportunities in accessible locations.	Achieved – commercial uses provide employment opportunities.
To maximise public transport patronage and encourage walking and cycling.	Achieved – located within walking catchment of existing railway station, and supply of bicycle storage encourages active transport.
To encourage high density residential development.	Noted – the development does not provide residential development (rather another

	permissible land use), but it does not preclude provision of residential development elsewhere in this zone.
To encourage appropriate businesses that contribute to economic growth.	Achieved – commercial uses satisfy this.
To achieve an accessible, attractive and safe public domain.	Achieved – CPTED provisions are satisfied (see section 7.11 assessment for further discussion).

Conclusion

It is considered that the requested variations to the maximum height of building development standard can be supported given:

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

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

2.8 Design Excellence Advisory Panel

City of Parramatta's Design Excellence Advisory Panel (DEAP) reviewed the application firstly on 8 August 2019, raising the following concerns:

- No support for departure from DCP tower setbacks.
- Greater activation required to Carter Street frontage.
- Design of the public lane needs a more civic treatment.
- More residential access points required to improve permeability.
- Lobby and corridor spaces need to be of highest quality.
- Massing is relentless and introverted. Greater separation between built elements is required.
- Design of courtyard at level 3 requires significant improvements to achieve better defined and more usable spaces.
- Façade expression and articulation requires greater attention.

As a result, the development underwent some redesign in an attempt to address the DEAP's concerns, and a revised scheme was then again reviewed by the DEAP on 10 October 2019.

Following this meeting, the panel made the following comments:

- The panel acknowledges that design changes have been made, including adjustments to the built form/massing, increased permeability, activation and landscaping and improvements to the building character and Carter Street frontage.
- The panel is of the opinion that undergrounding of power lines in the public realm should be investigated by Council and Meriton.
- A pergola and some small trees should be added to the podium landscaped area at the north-eastern corner. Side wall of podium could also be enhanced with taller landscaped plantings or climbers planted at street level.
- For buildings along Uhrig Road, the horizontal line of the two storey podium should be continued across all façades (e.g. thickening balcony slab edge of third tower, or making third floor glass balustrade solid in alignment).
- Drawn sections are required confirming all soil depths are appropriate to the proposed

- size and scale of new planting.
- The panel is generally satisfied with the landscape proposal, subject to the following comments:
 - Greater variety in landscape spaces and a few more trees;
 - Planting along Uhrig Road should align with the planting to the north end;
 - An additional planting bed next to cold water pump room along Carter Street;
 - Stepping stone pathways to some rooms on landscape podium would benefit from a low hedge between them to improve sense of separation and privacy.

The Panel supported the application in its current form and recommended that only minor changes are required and, provided these changes are incorporated and supported by Council's City Architect, the Panel does not need to review the application again.

Council's City Architect reviewed the application and provided sign off on 14 November 2019.

The DEAP's full comments from both meetings are included at Attachment 4.

3. Draft Planning Instruments

3.1 Draft amendments to Auburn Local Environmental Plan 2010 (ALEP 2010)

The Department of Planning, Industry and the Environment (DPIE) has undertaken a review of the master plan and existing planning controls for the precinct to accommodate a new westbound off-ramp from the M4 Motorway at Hill Road, the proposed Parramatta Light Rail (stage 2) and to respond to the revised Sydney Olympic Park Master Plan 2030. Draft amendments to ALEP 2010 and CSPDCP 2016 were publicly exhibited from 7 September 2018 until 26 October 2018.

For this site, the Draft LEP provisions proposed:

- Decrease FSR from 2.5:1 to 2.37:1.
- Increase HOB from 42m to 72m.

Generally, the draft amendments also proposed to insert a site-specific clause for the precinct requiring certain development to demonstrate design excellence, and introduce a transport corridor along Uhrig Road to allow for proposed Parramatta Light Rail (Stage 2) extension. Along with the transport corridor, the amendments also introduce a requirement for Transport for NSW (TfNSW) concurrence for development on land within, or adjacent to, the corridor. This results in a 5m wide land take from the subject site's western boundary.

The draft controls were finalised in early 2019 and have since been awaiting approval by the Minister. However, Council has recently been advised by DPIE those draft controls are indefinitely deferred, specifically in relation to the subject site. For the remainder of the precinct, DPIE is further reviewing the draft controls.

Accordingly, it is Council's view those draft controls are neither certain nor imminent. Indeed the strategic intent for the precinct, and any next steps, is unclear.

Nevertheless, the proposed development is compliant with the current floor space ratio, and seeks a minor exception to the current 42m maximum building height standard.

In addition, the development has been reviewed against the qualitative criteria for design excellence, and has been reviewed by DEAP (see section 2.8) to ensure high quality appearance and design.

Although the amendments are deferred, it is Council's understanding that TfNSW still require

protection of the transport corridor. The application includes dedication of this land to Council, and the consent is appropriately conditioned.

4. Development Control Plans

4.1 Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016)

An assessment of the proposal against the relevant controls in CSPDCP 2016 is provided below:

Part 2 – Vision, principles and indicative structure		Complies
2.1 Vision	The development is consistent with the vision of the precinct as a strategic centre with a mix of uses.	Yes
2.2 Development principles	The development is not inconsistent with the development principles.	Yes
2.3 Indicative structure plan	The development is not inconsistent with the indicative structure plan.	Yes
Part 3 – Public domain		Complies
3.1 Street network	There are no new streets or lanes proposed. All existing trees are proposed for removal. Crossovers for vehicular access do not conflict with pedestrian safety.	Yes
3.2 Pedestrian and cycle network	An on-road route is proposed along Uhrig Road. The development does preclude provision of this.	Yes
3.3 Public open space network	The subject site does not propose (nor is required to propose) any public open space.	Yes
Part 4 – Residential mixed use development		Complies
4.1 Building height and form	<ul style="list-style-type: none"> The development proposes a three storey podium and three towers of 11, 12 and 13 storeys. Heights are inconsistent with ALEP 2010; the application is supported by a clause 4.6 request (held at Attachment 5). Building lengths are all below 65m, and where greater than 30m, articulation is provided. Tower footprints are 1,223sqm, 869sqm and 1,586sqm. Despite numerical non-compliance, the development as a whole, including footprints, have been supported by DEAP as a result of the proposal's appropriate articulation, visually defined two storey high podium along Uhrig Road, architectural recesses and design. The towers will not unreasonably overshadow communal open space, public open space or nearby developments' communal and private open space. The podium includes a horizontal plane to differentiate the bulk of the podium from the bulk of the two western towers (in lieu of additional setbacks for tower components above the podium). This reduces the perceived bulk of the podium, giving it a satisfactory appearance and visual bulk from the street. 	Partially – but satisfactory on merit
4.2 Setbacks and public domain	<ul style="list-style-type: none"> No residential uses or dwellings are proposed. Significant articulation through use of balconies, recesses and architectural features throughout all façades. 	Partially – but satisfactory

interface	<p>Balconies vary in size, shape and articulation to assist in satisfying this control. Materials and finishes help provide visual interest.</p> <ul style="list-style-type: none"> • The 10m setback to Carter Street includes planting of large trees, buffer planting adjacent to buildings and turfing. All existing trees in this location are proposed for removal, but there has been no objection to removal from relevant internal sections of Council. • Setback non-compliance exists for tower elements above podium along Uhrig Road (zero setbacks when potential road widening taken into consideration), and Carter Street. Minor encroachments for balcony elements also exist at south-western and south-eastern corners (encroaching into required 10m setback to Carter Street). • However, as above, DEAP has supported the scheme as a whole due to: <ul style="list-style-type: none"> ○ Visually defined two storey high podium along Uhrig Road (visually scaling the development down in lieu of additional setbacks); ○ Significant 10m setback for Carter Street; ○ Appropriate articulation, design and architectural recesses to the eastern street. • The corner components of both buildings have been appropriately designed with balconies providing articulation and recessing, assisting with perceived bulk of the buildings. Balconies provided on corners vary in size, configuration and treatment to emphasise the corners. At ground floor north-western corner, four retail tenancies are provided with a total 90sqm of outdoor dining. • Hotel lobby, porte-cochere and retail tenancy along Uhrig Road. • The hotel lobby and retail space are generally consistent with the levels of the footpath areas and pedestrian link. Slight variations exist, however there are no significant differences between Uhrig Road/pedestrian link levels and retail • Awnings are provided above the entrance to the hotel lobby and wraps around the north-western corner along the shops' and supermarket entrances. 	on merit
4.3 Building design and façades	<ul style="list-style-type: none"> • Each street façade is provided with recesses and breaks to provide a scale and grain that reflects the mixed use nature of the building and building entries. 	Yes
4.4 Private open space and landscaping	<ul style="list-style-type: none"> • Total common open space proposed is equal to 38% (approximately 4,700sqm) of the entire site area (minimum 30% required). • It is appropriately designed, and the large outdoor area on the podium of level 3 provides for the majority of this percentage. • The large outdoor areas are appropriately designed with a range of facilities, including pool and pool deck, seating, nature play, lawn, district view seating area, shade structures, picnic areas and substantial planting (including trees, shrubs, groundcovers). Private courtyards/terraces for hotel rooms on level 3 have direct access to this common open space. • Despite some overshadowing, the common open space 	Yes

	<p>area on the podium receives appropriate solar access and air flow.</p> <ul style="list-style-type: none"> • CSPDCP 2016 does not specify a numerical minimum for deep soil zones. Deep soil zones are proposed predominately along the Carter Street and Uhrig Road frontage, and represent approximately 10% (>1,225sqm) of the site area. • A minimum 50% of communal open space is required to be softscaped; the development proposes more than 60%. • The landscape design, specifically along Carter Street, is integrated into the stormwater management concept. 	
4.5 Vehicular access and car parking	<ul style="list-style-type: none"> • Proposed parking is provided at a basement level and above ground within the podium. Although not entirely underground, under-croft or semi-basement, the parking areas are fully sleeved by hotel rooms and integrated into the building footprint so that parking areas do not form part of façades and are successfully screened from the public domain. • Entries into the parking areas from eastern street, the porte-cochere from Uhrig Road and the loading areas from Carter Street are all clearly defined vehicular entrances, separate from pedestrian access points. All vehicular access points are integrated into the overall design, and do not detract aesthetically. • The location of access to the porte-cochere takes advantage of active uses fronting Uhrig Road, and the location of the access to the parking areas from the eastern street takes advantage of the site's topography, allowing parking to be located partly in basement and partly above ground. • Single vehicular access points along the eastern street and Carter Street are provided to minimise potential conflicts. • The porte-cochere provides two crossovers on Uhrig Street, but is typical of hotel design to allow drop-off and pick-up of passengers and will not create unnecessary disruption to pedestrians considering clearly defined pedestrian access is also provided. • Loading areas adjacent to Carter Street are screened from public view. • End of trip facility provided at ground floor. • A total of 340 parking spaces are proposed for the development. This represents – <ul style="list-style-type: none"> ○ 251 spaces for serviced apartments (including 7 accessible spaces and 1 ride share space); ○ 89 spaces for retail. • See section 7.6 for full discussion of car parking and bicycle parking. 	Generally – but satisfactory on merit
4.6 Acoustic assessment	<p>An acoustic assessment, prepared by Acoustic Logic, has been submitted in support of the application. The report has made recommendations for mitigation measures and has assessed noise intrusion in accordance with CSPDCP 2016 and SEPP (Infrastructure) 2007, specifically in relation to traffic and entertainment noise, and glazing construction, external walls, roof/ceiling construction and external doors. The report has been assessed internally with no objections raised, subject to imposition of appropriate conditions of</p>	Yes

	consent.	
4.7 Safety and security	<ul style="list-style-type: none"> • Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of the built environment to reduce opportunities for crime and anti-social behaviour. • CPTED has four key principles: <ol style="list-style-type: none"> a. Natural surveillance b. Access control c. Territorial re-enforcement d. Space and activity management • Natural surveillance – the pedestrian link is straight, providing appropriate sightlines, and the retail tenancies provide activation. All frontages have balconies and windows overlooking the public domain, increasing supervision and surveillance. • Access control – wayfinding within the development is legible, with two main entrances to serviced apartments (main lobby on Uhrig Road, second lobby on eastern street). Entrances directly into apartments from the public domain are limited, meaning access into and out of the development is controlled. Access points are formalised and surveilled, while informal access points are reduced. • Territorial re-enforcement – the proposal provides actual boundary markers (including entry and exit to the serviced apartments and retail spaces) and, as the development is commercial in nature, provides a sense of guardianship and ownership through effective maintenance, management and staff. This reduces opportunities for anti-social behaviour and increases opportunities for perceived and actual feelings of safety. • Space and activity management – based on the nature of the development (serviced apartments and retail tenancies), the site will be formally supervised and controlled. The development will be highly accessed frequently, limiting opportunities for abuse of unused spaces. 	Yes
4.8 Sydney Olympic Park event impacts	The imposition of appropriate condition of consent requiring an events covenant being registered on title is recommended.	Yes
4.9 Adaptable housing	The development does not propose any residential uses.	N/A
Part 6 – Environmental management		Complies
6.1 Sustainability	<p>An ecologically sustainable design (ESD) report was submitted in support of the application.</p> <p>The project will achieve a 4.5 star NABERS Energy for Hotels through a commitment agreement with the Office of Environment and Heritage.</p> <p>The project will reduce water consumption by installing taps, urinals, toilets and washing machines with a WELS rating of 4, showers with a WELS rating of 3, and dishwashers with a WELS rating of 4.5.</p> <p>ESD principles, including passive design, optimal orientation, sunshading, ventilation and open plan living have all been incorporated into the design.</p> <p>A satisfactory operational waste management plan has been submitted, and a dual reticulation supplying all non-drinking</p>	Yes

	water uses has been condition.	
6.2 Flooding	The site is not flood liable land.	N/A
6.3 Stormwater (WSUD)	Stormwater will be managed via an on-site detention system located in the basement (addressing water quantity) that will then connect to the proposed Water Sensitive Urban Design (WSUD) measures (addressing water quality) located within the 10m Carter Street setback. It will ultimately be discharged to the existing street network in Carter Street. Council's internal catchment development engineer has reviewed the proposal and has no objective to the stormwater concept.	Yes

5. Planning agreements or contributions plans

5.1 Planning agreement

An agreement under section 93F of the EP&A Act 1979 was executed on 18 November 2015 between the Minister for Planning and various property owners within the Carter Street Priority Precinct. Two obligations rise from the VPA, as discussed below.

Payment of development contributions

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

This matter is addressed in clause 6.8 of ALEP 2010, which provides that consent must not be granted unless the Secretary has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development.

The applicant is in the process of obtaining a satisfactory arrangements certificate. This report has been prepared in expectation that the certificate will be issued prior to reporting to SCCPP. If not, the Panel will need to defer consideration of this application.

5.2 Carter Street Precinct Contributions Plan 2016

The agreement executed by the Minister for Planning for the Carter Street Priority Precinct specifically notes that it does **not** exclude the operation of section 7.12 (previously 94A of EP&A Act 1979).

The land therefore remains the subject of the Carter Street Precinct Contributions Plans 2016, which operates for the purposes of section 7.12 of the EP&A Act 1979. It provides as follows:

- Clause 9 – the rate of contribution is 1% of the cost of development.
- Clause 13 – Plan applies to all applications for development under Part 4 of the Act.
- Clause 14 – no exemptions are relevant for this application.
- Clause 17 – cost of development calculated as per clause 25J of the EP&A Regulation.
- Clause 22 – payment to be made at time specified in the Notice of Determination.

The genuine total cost of development is \$110,545,620.00. An appropriate condition requiring a 1% contribution (Condition 26) is included in the recommendation.

6. The Regulations

The recommendation of this report includes conditions to ensure compliance with the Regulation.

7. The likely impacts of the development

The likely impacts of the development have been considered in this report, and the proposal is considered satisfactory.

7.1 Context and setting

The NSW Land and Environment Court (LEC) planning principle on compatibility of proposal with surrounding development, established in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191, 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.

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

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

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

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

- It provides a mix of land uses contemplated and permissible by the planning controls;
- Site planning locates built elements in suitable locations, avoiding negative amenity outcomes for adjoining areas;
- Scale, form and presentation is generally consistent with applicable planning controls;
- Design and site planning resolves issues raised by the DEAP;
- Public domain treatment will be satisfactory;
- Operational characteristics of the site will not result in adverse impacts for adjacent sites or the wider locality.

7.2 Site works

Excavation

Earthworks are required to create a basement level (RL 6.65 FFL) and a semi-basement level (RL 10.10 FFL), meaning cut up to approximately 5.6m.

Council's internal catchment and development engineer has considered the development satisfactory in this regard.

Tree removal

The application includes tree removal and adequate re-landscaping of the site.

Services

All required services are available. These services will be decommissioned/diverted as necessary to enable construction, and then augmented as nominated by the relevant service provider to satisfy the increased demands generated by the proposal.

7.3 Site design and internal design

Setbacks and built form

CSPDCP 2016 requires an additional 3m setback for tower elements above the podium. Departures from this control are proposed for tower components along Uhrig Road and Carter Street (no additional setbacks). Minor encroachments for balcony elements also exist at south-western and south-eastern corners (encroaching into required 10m setback to Carter Street).

A 5m setback is proposed along Uhrig Road which takes into consideration potential road widening (to accommodate possible Parramatta Light Rail stage 2 as identified in draft amendments to ALEP 2010); thus in reality, and if road widening eventuates, the setback to Uhrig Road would be zero.

A 10m setback is proposed along Carter Street, (compliant for podium, non-compliant for tower components as no additional setback provided) which includes planting of large trees, buffer planting adjacent to buildings and turfing.

The design incorporates articulation through use of balconies, recesses and architectural features throughout the scheme and along all façades. Three tower elements are proposed with separations between towers ranging from 5m to 21m.

Each unit involves a balcony that varies in size, shape and articulation to assist in providing a varied and satisfactory appearance.

The development provides a built form outcome that is typical of tourist and visitor accommodation and mixed use development, and compatible with its setting in the Carter Street priority precinct.

Overall, approximately 2,145sqm of retail space and 340 serviced apartments are provided.

Design Excellence Advisory Panel has supported the built form of the scheme (refer to section 2.8 of this attachment).

Height, bulk and scale

The bulk and scale of the proposal is consistent with the outcomes expected by the precinct planning controls, and satisfactory on merit.

The design has been the subject of review by DEAP, which is now satisfied that the built form outcome is appropriate and of high aesthetic quality.

The height of the proposal exceeds statutory maximums for lift overruns and fire stairs of south-western tower, but it is considered satisfactory in this instance.

External materials, schedule of finishes

The schedule of external materials and finishes has been the subject of review by Council's

City Architect's office and DEAP and is considered satisfactory.

Accessibility

The application is supported by an accessibility report, prepared by ABE Consulting Pty Ltd and dated 7 June 2019, that provides a statement of compliance against Part D3, clause F2.4 and clause E3.6 'deemed to satisfy' (DtS) requirements of the BCA, the Disability (Access to Premises – Buildings) Standards 2010 and relevant Australian Standards.

Throughout assessment of the application, Council's universal design and access project officer raised some minor matters. Those matters raised are minor and can be addressed at the time of construction certificate.

Landscaping

Council's tree management and landscape officer is satisfied with the landscape treatment for the private elements of the proposal, including communal open space areas.

Amended design includes specific improvements to podium landscaping as required by DEAP.

Reflectivity

The application is supported has submitted a glare and reflectivity report, prepared by SLR and dated 6 November 2019. The report has identified areas that may be affected by glare, and that initial calculations show that with uninterrupted glazed façades, there will be some non-complying glare for motorists travelling west along Carter Street.

SLR has then outlined that these numbers will be reduced by considering a number of real world factors as well as design changes including wing walls.

The report was reviewed by Council's external sustainability consultant who has raised some concerns with the report.

As a result, it is recommended that a condition be imposed that requires the applicant to submit detailed calculations and analysis that shows compliant glare impacts. These details are to be submitted prior to the issue of any construction certificate and must be reviewed and approved by Council's Development and Traffic Services Unit (DTSU) Manager in consultation with Council's City Architect (Condition 31).

7.4 Amenity considerations

Acoustic privacy and noise intrusion from adjacent sources

An acoustic assessment, prepared by Acoustic Logic, has been submitted in support of the application. The report has made recommendations for mitigation measures and has assessed noise intrusion in accordance with CSPDCP 2016 and SEPP (Infrastructure) 2007, specifically in relation to traffic and entertainment noise, and glazing construction, external walls, roof/ceiling construction and external doors.

The report specifically references CSPDCP 2016, and recommends mitigation measures as follows:

- Specific glazing requirements for windows of all façades (to be reviewed at CC stage);
- No acoustic measures for external masonry walls;
- No vents on internal skin of external walls; any penetrations in the internal skin of

- external walls are to be acoustically sealed;
- Concrete slab does not require acoustic upgrade;
- Penetrations in ceilings (e.g. light fittings etc.) must be sealed gap free with flexible sealant and any ventilation openings in ceilings must be acoustically treated to maintain acoustic performance of ceiling construction;
- Specific glazing requirements for any external glass doors with full perimeter acoustic seals.

The report has been assessed internally with no objections raised, subject to imposition of appropriate conditions of consent.

Noise from adjacent Sydney Olympic Park stadium precinct

This issue was the subject of particular concern by SCCPP in October 2017 when determining a development application in Carter Street, north-west of this site. SCCPP was concerned about any potential conflict arising from high density development in the Carter Street precinct and the Olympic Park precinct.

At the time of writing this report, a State significant development (SSD) application is on exhibition for the refurbishment of Stadium Australia (commercially known as ANZ Stadium) which is approximately 300m from the subject site. The SSD includes reducing the seating capacity of Stadium Australia from 83,602 to 70,000 seats.

Compliance with CSPDCP 2016 noise criteria is demonstrated (refer to 'Acoustic privacy' section above) and appropriate condition has been imposed to ensure acceptable noise criteria is experienced (Condition 33).

Wind

An environmental wind assessment, prepared by SLR and dated 6 November 2019, has been submitted in support of the application.

SLR has outlined *"it is the opinion of SLR that ground levels wind speeds within all public access areas surrounding the development would remain at their present levels or be reduced with the addition of the proposed development and its wind mitigation treatments."*

Existing wind conditions in some locations (such as pedestrian link, Uhrig Road footpath, Carter Street footpath, eastern street footpath) are already close to or exceeding 16 m/s. In these areas, the proposed awning and landscaping could help to mitigate these conditions.

In other locations, wind impacts and mitigation measures are proposed as below:

Location	Potential wind impact	Mitigation
Northern entry to supermarket	Low – winds should be below 13m/s for all directions	Awnings above building entries and landscape further assist in reducing wind speeds in these locations.
Lobby entries	Low – winds should be below 13m/s for all directions	Revolving doors for entry.
Outdoor eating area (within northern pedestrian link)	Low – moderate – winds could be close to or exceed 10m/s for westerly winds	Landscaping; portable or retractable wind screens are recommended to outdoor seating should future tenants choose to provide.
Open space (at podium level)	Low – winds should be below 10m/s for all directions	Vegetation and balustrade are proposed.
Upper level balconies	Low – winds should be below 10m/s for all directions	Fixed/moveable screens and glazing. Analysis at detailed design stage

		required to quantify wind speeds at balconies and determine number and location of wind shielding screens.
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As such, SLR concluded that the recommended mitigation measures will “assist in ameliorating all potentially adverse winds identified”.

Overshadowing

The proposal has been accompanied by diagrams demonstrating shadows cast within, and beyond, the development site at the winter solstice.

Due to the orientation of the site and the location of towers (generally along eastern and western frontages with a north-south orientation), the majority of shadows will fall over Carter Street.

Although some overshadowing of the communal open space will result, it is considered that it will receive appropriate solar access.

In addition, a shadow study shows that the proposal will not cast unreasonable shadow onto the adjoining site to the east (Meriton phase 2), nor will it undermine that development's compliance with the Apartment Design Guide, as apartments will still receive a minimum of two hours sunlight between 9am and 3pm at the winter solstice.

Solar access diagrams in support of the application show 65% of serviced apartments will receive a minimum 2 hours of sunlight between 9am and 3pm on 21 June to their private open spaces and living rooms, and only 16% of serviced apartments will receive less than 15 minutes of sunlight to these areas at the same time.

7.5 Public domain

Relationship with Uhrig Road and pedestrian link

A positive public domain relationship between the development and its frontages to Uhrig Road and the northern pedestrian link will result as follows:

- Buildings have a satisfactory interface between ground floor levels and levels of adjoining public areas.
- Service vehicle entry is limited to Carter Street, with a porte-cochere from Uhrig Road providing pick-up and drop-off services typical of hotel development. Vehicular access into parking areas for guests and visitors is provided off the eastern street. Vehicular access does not interfere with pedestrian link or general pedestrian access.
- Service areas are integrated into the building and do not dominate the streetscape or undermine the design of the development.
- Above ground parking areas are located within the podium, wholly sleeved by the development.
- Overlooking from rooms and retail tenancies to all frontages to provide passive and casual surveillance of the public realm and improve perceived safety.
- Architectural design and treatment will achieve suitable streetscape presentation.
- Appropriate landscape treatments to frontages to contribute to the public domain.

Relationship with Carter Street

Following review by DEAP, the design of the development adjoining Carter Street provides for an appropriate level of activation, as below.

During assessment, the development was amended to provide additional activation of Carter Street, including:

- Additional staff entry and wider pavement;
- Two bed unit near south-east corner converted to three bedroom with additional windows on Carter Street elevation;
- Changes to balcony of three bedroom unit in south-east corner to orientate towards Carter Street;
- Reconfiguration of back of house hotel spaces at ground level and additional windows to Carter Street; and
- Additional podium planting at level 2 above service entry.

7.6 Access, transport and traffic

Car parking supply – generally

The development proposes a total of 340 parking spaces, representing:

- 251 spaces for serviced apartments (including guests, staff and visitors);
- 89 spaces for retail.

7 accessible spaces are provided within the 340 spaces.

Strict compliance with relevant DCPs would require 426 parking spaces. 340 parking spaces represents a provision of 80% DCP requirements.

The application has been assessed by Council's traffic engineer who generally agrees with the car parking provision and holds no objection to the proposed development, subject to imposition of appropriate conditions of consent.

Car parking supply – serviced apartments

CSPDCP 2016 does not provide controls for tourist and visitor accommodation (serviced apartments). A provision in CSPDCP 2016 defaults parking requirements to Auburn Development Control Plan 2010 (ADCP 2010) controls when a specific land use is not mentioned.

ADCP 2010 requires a minimum 1 space per unit and 1 space per two employees is required for the serviced apartment component. This would result in a requirement for 355 spaces.

Council's internal traffic section has reviewed the application and has outlined that the hotel parking rate in ADCP 2010 is considered significantly high.

As such, it is considered that the 251 spaces (representing 1 space per 1.35 apartments) is sufficient in this case.

Car parking supply – retail

CSPDCP 2016 requires a minimum 1 space per 25sqm gross floor area for the supermarket, and 1 space per 50sqm for the local retail tenancies. This requires a total of 78 spaces.

89 spaces are proposed for the retail component, in excess of the 78 minimum, which is acceptable. In addition, it may be possible for the additional 11 spaces to be used for additional visitor parking spaces.

Bicycle parking supply

CSPDCP 2016 requires a total of 234 bicycle spaces (189 for serviced apartments staff and 38 for visitor; 7 for retail).

The development proposes 235 bicycle spaces in the basement.

Parking access and design

The application has been reviewed by Council's traffic engineer who has outlined that the layout and dimensions of parking spaces and aisle widths are satisfactory. Parking spaces are between 2.5m and 2.6m wide and are 5.4m long. Accessible spaces include a dedicated space and an adjoining shared space with bollard. Aisle widths are 5.8m.

At blind aisles, aisles are extended 1m beyond the last parking space and a minimum 300mm space is provided where the side of space adjoins a wall or column.

The above configurations are considered appropriate, subject to imposition of appropriate conditions, including requiring compliance with AS 2890.1.

Service vehicle access

Council's traffic engineer has reviewed the proposed arrangements for service vehicles from Carter Street and confirm it to be satisfactory. Appropriate conditions of consent are nevertheless imposed to ensure completed building is satisfactory (Condition 39).

Construction traffic

A Construction and Pedestrian Traffic Management Plan is to be submitted for Council's endorsement prior to works commencing (Condition 72).

Operational traffic

The application is supported by a traffic report which includes surveys of three comparable existing hotels in Lidcombe/Sydney Olympic Park area: Ibis at 11b Olympic Boulevard; Quest at 6 Edwin Flack Avenue; and Meriton Suites at 3 Carter Street. It is advised that surveys were required as RMS development guidelines do not contain traffic generation data for tourist accommodation.

Occupancy of hotels surveyed was not known, but surveys were undertaken over two standard week days (26 September and 27 September 2019). Average movements from all sites was 0.21 vehicle trips per hour (vtph) per suite in the AM and PM peaks.

If this average were to be attributed to the proposed 340 suites, a total of 72 vtpm in the AM and PM peaks would result.

The report goes on to outline that RMS traffic generation criteria for 'retail use' is based on large retail centres including sites without on-site/adjacent high density development or high transport accessibility ('walk-in' trade).

As such, the consultant has prepared traffic estimations based on a Meriton development at the former ACI site in Waterloo as a comparable. At this location there is a 2,600sqm supermarket and 1,148sqm of specialty shops. The proposal includes 1,741sqm supermarket and 404sqm specialty retail.

Surveys of the Waterloo site were undertaken and observed an average of 170 vtpm on Thursday PM and 169 vtpm on Saturday midday.

The report states that given the proposed development includes less retail floor space, a 75% reflection of the Waterloo comparison is appropriate. As such, the report provides a peak traffic generation estimate of 128 vtpd on both Thursday PM Saturday midday.

Finally, the report compares the proposed traffic generation to the current traffic generated by the previous warehouse use at the site (approximately 6,500sqm in size). RMS criteria of 0.5 vtpd per 100sqm applied to the site would result in 32 vtpd in the AM and PM peaks.

As such, the report concludes that approximately 72 additional vtpd in the AM peak and 168 vtpd in the PM peak would result of the proposal, but claims a significant proportion of the retail movements would be internal to the precinct, walk-in trade or dual use. It is agreed that this is likely.

Under normal peak traffic circumstances, the operation of intersections in the vicinity is generally satisfactory except in the afternoon peak for the Carter Street intersections due to the current absence of traffic signals. However, impacts on the operation of intersections in the vicinity will be relatively minor as a result of the development, and will not result in any significantly adverse traffic implications.

The application has been assessed by relevant sections of Council who generally agrees with the findings of the report and holds no objection to the proposed development, subject to imposition of appropriate conditions of consent.

7.7 Water management

Water quality during construction

This matter is addressed by conditions in recommendation of this report (Condition 21).

On-site stormwater collection and disposal

Stormwater will be managed via an on-site detention system located in the basement (addressing water quantity) that will then connect to the proposed Water Sensitive Urban Design (WSUD) measures (addressing water quality) located within the 10m Carter Street setback. It will ultimately be discharged to the existing street network in Carter Street.

Council's internal catchment development engineer has reviewed the proposal and is satisfied with the proposed arrangement subject to imposition of appropriate conditions (Condition 52).

7.8 Waste management

Construction phase

An amended waste management plan that covers the construction phase of the development is to be submitted to, and endorsed by, Council prior to the commencement of works, as recommended by Council's environmental health section.

Appropriate conditions are provided in the recommendation (Conditions 94).

Operational phase

An operational waste management plan, prepared by Elephants Foot Recycling Solutions (dated 3 June 2019), was submitted in support of the application and details the following three objectives:

- Promote responsible source separation;
- Ensure adequate waste provisions and robust procedures; and
- Compliance with all relevant codes, policies and guidelines.

A private waste contractor will be engaged to service the development, with separate storage areas and collection rooms for the serviced apartments, supermarket and retail tenancies components.

Relevant sections of Council have reviewed the documentation and have raised no objection to the proposed process.

Appropriate conditions are provided in the recommendation (Conditions 154, 155, 157, 159, 160, 161, 162, 163 and 164).

7.9 Construction management

Construction management

A construction management plan (CMP), prepared by Karimbla Construction Services (NSW) Pty Ltd and dated 7 June 2019, was submitted in support of the application.

The CMP addresses the following matters:

- Timing and approvals (stages);
- Public/worker safety, amenity and site security;
- Excavation phase;
- Construction phase management, including:
 - Cranes;
 - Man and material hoist;
 - Gantry;
 - Formwork system;
 - Site accommodation;
 - Material handling and storage;
 - Power.
- Environmental control, including:
 - Noise and vibration management;
 - Work hours;
 - Dust management;
 - Stormwater and sediment control;
 - Vehicle wash pits;
 - Wash down areas;
 - Waste management;
 - Soil and water management plan.
- Traffic management plan, including:
 - Pedestrian management;
 - Traffic management;
 - Footpath and road closures;
 - Construction loading zones;
 - Constriction personnel, trades and visitor parking.

7.10 Social and economic impacts

No adverse impacts have been identified.

7.11 Safety, security and crime prevention

Crime Prevention Through Environmental Design (CPTED) is a recognised crime prevention strategy that focuses on the planning, design and structure of the built environment to reduce opportunities for crime and anti-social behaviour.

CPTED has four key principles:

1. Natural surveillance
2. Access control
3. Territorial re-enforcement
4. Space and activity management

Evaluation of the application against above principles indicates that due regard has been given to those considerations (refer to assessment against control 4.7 in table under section 4.1 of this attachment).

To ensure a suitable outcome is achieved, the recommendation requires the following measures to be implemented into the development (Condition 131).

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

7.12 Pipelines and associated impacts

Upon preparation of draft amendments to CSPDCP 2010, the (then) Department of Planning and Environment (DPE) engaged Arriscar Pty Ltd to prepare a Land Use Safety Study (LUSS) to estimate the risks posed by the existing pipelines. Although the precinct amendments have been indefinitely deferred (see section 3.2), the risk assessment remains a relevant assessment tool.

To begin quantifying the societal risk (based on population) Arriscar estimates an assumed population of 878 people for the subject site.

When estimating the population for the development, the following assumptions are made:

Use	Provision	Occupancy	Total people
Serviced apartments	340 rooms	2.2 persons/room	748
Retail	404sqm	1 person/30sqm	13.5
Supermarket	1,741sqm	1 person/30sqm	58
TOTAL			820

The LUSS finds that the land uses proposed in the indicative masterplan and amendments comply with the State government's individual risk criteria for land use safety planning. This finding is based on the estimated and assumed populations.

The LUSS appropriately assesses the pipeline associated risks for the subject site with a population of 958 people.

As the development proposes an estimated 820 people (below the 958 people assumed in the LUSS), it can be concluded that no further risk assessment is required, and the risks associated with the pipeline have been adequately considered.

Viva Energy originally objected to the proposal, but subsequently withdrew their objection, subject to the imposition of appropriate conditions to cover the following matters are imposed:

1. *Complete a Safety Management Study – as per Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;*

2. *The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:*
 - (a) *Actions as required by the completed Safety Management Study;*
 - (b) *The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:*
 - i. *Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;*
 - ii. *NSW Pipelines Act 1967; and*
 - iii. *NSW Pipeline Regulations 2013.*
3. *Viva Energy, undertaking and deposit agreement to be signed and returned prior to the Safety Management Study.*

Council is advised that a Safety Management Study (SMS) is being prepared by Viva Energy in conjunction with Meriton. The applicant is required by condition of consent to provide this document to Council prior to the release of any construction certificate.

8. Suitability of the site

8.1 Does the proposal fit the locality?

The subject site is appropriately zoned for the proposed development, and the precinct is undergoing a steady urban renewal process.

Subject to the imposition of recommended conditions, the site is considered suitable for the development as:

- 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.

8.2 Public submissions

There were no submissions received during public notification.

9. Public interest and notification

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

The Greater Sydney Commission's (GSC) five District Plans are a guide for implementing 'A Metropolis of Three Cities – the Greater Sydney Region Plan' at a District level. These twenty year plans are a bridge between regional and local planning.

The City of Parramatta falls within the Central City District, which has the following planning priorities and actions outlined in the plan:

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

This application is generally consistent with the specific controls introduced by the NSW Government for the Carter Street Priority Precinct, and the wider planning framework, and therefore accords with the Central City District Plan.

No submissions were received during notification of the application.

10. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

ATTACHMENT B – CONDITIONS OF CONSENT

Panel Reference	PPSSCC-13
DA Number	DA/367/2019

DEVELOPMENT APPLICATION 367/2019

GENERAL MATTERS

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

Drawing no. and revision	Title	Dated
DA-0101, 6	Location and site analysis	5 November 2019
DA-0200, 5	Floor plan – parking level 1	5 November 2019
DA-0201, 11	Floor plan – ground	5 November 2019
DA-0202, 11	Floor plan level 1	5 November 2019
DA-0203, 11	Floor plan level 2	5 November 2019
DA-0204, 11	Floor plan level 3	5 November 2019
DA-0205, 11	Floor plan level 4	5 November 2019
DA-0206, 10	Floor plan level 5	5 November 2019
DA-0207, 10	Floor plan level 6	5 November 2019
DA-0208, 10	Floor plan level 7	5 November 2019
DA-0209, 10	Floor plan level 8	5 November 2019
DA-0210, 10	Floor plan level 9	5 November 2019
DA-0211, 10	Floor plan level 10	5 November 2019
DA-0212, 10	Floor plan level 11	5 November 2019
DA-0213, 10	Floor plan level 12	5 November 2019
DA-0214, 10	Roof plan	5 November 2019
DA-0501, 11	Elevation – north	5 November 2019
DA-0502, 11	Elevation – east	5 November 2019
DA-0503, 11	Elevation – south	5 November 2019
DA-0504, 11	Elevation – west	5 November 2019
DA-0505, 7 Needs updating – Meriton have been asked to update	Perspective views – sheet 1	5 November 2019
DA-0506, 7	Perspective views – sheet 2	5 November 2019
DA-0507, 8	Perspective views – sheet 3	5 November 2019
DA-0508, 7	Perspective views – sheet 4	5 November 2019
DA-0601, 8	Section – sheet 1	5 November 2019
DA-0602, 8	Section – sheet 2	5 November 2019
DA-0610, 5	Street sections	5 November 2019
DA-0611, 6	Façade sections – sheet 1	5 November 2019
DA-0612, 5	Façade sections – sheet 2	5 November 2019
DA-3101, 8	GFA diagrams – sheet 1	5 November 2019
DA-3102, 8	GFA diagrams – sheet 2	5 November 2019
DA-3103, 8	GFA diagrams – sheet 3	5 November 2019
DA-3301, 7	Height plane study	5 November 2019
DA-3401, 3	Communal open space and deep soil diagrams	5 November 2019

The development is to be carried out in accordance with the following **on-site landscape plans** prepared by Meriton, endorsed with Council's Stamp as well as the

documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing no. and revision	Title	Dated
L000, C	Landscape planting plan	31 October 2019
L200, C	Ground level planting plan	31 October 2019
L201, C	Ground level planting plan	31 October 2019
L202, C	Ground level planting plan	31 October 2019
L203, C	Ground level planting plan	31 October 2019
L204, C	Ground level planting plan	31 October 2019
L205, C	Level 2 planting plan	31 October 2019
L206, C	Level 3 planting plan	31 October 2019
L207, C	Level 3 planting plan	31 October 2019
L208, C	Level 3 planting plan	31 October 2019
L209, C	Level 3 planting plan	31 October 2019
L210, C	Level 3 planting plan	31 October 2019
L215, B	Typical landscape details	4 October 2019
L216, B	Typical landscape details	4 October 2019
LPD000, A	Public domain landscape plan	4 October 2019
LPD200, A	Public domain landscape plan	4 October 2019
LPD201, A	Public domain landscape plan	4 October 2019
LPD202, A	Public domain landscape plan	4 October 2019
LPD203, A	Public domain landscape plan	4 October 2019
L210, A	Public domain landscape section	4 October 2019
L215, A	Public domain landscape details	4 October 2019

The development is to be carried out in accordance with the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Document	Prepared by	Dated
Accessibility Review Report (report no. 9095_Ard_DA_v1.0)	ABE Consulting	7 June 2019
Environmental Wind Assessment (report no. 610.16237-R13, revision v1.3)	SLR Consulting Australia Pty Ltd	6 November 2019
Acoustic Report (report no. 20190361.1/0706A/R2/TA, revision 2)	Acoustic Logic	7 June 2019
Operational Waste Management Plan (revision B)	Elephants Foot	3 June 2019
Ecologically Sustainable Design (ESD) Report (report no. 19-0764, revision B)	Efficient Living	5 November 2019
NABERS Energy for Hotels – Concept Advice (report no. 19-0763, revision B)	Efficient Living	5 November 2019
Glare and Reflectivity Assessment (report no. 610.16237-R15, revision v2.2)	SLR Consulting Australia Pty Ltd	6 November 2019
Assessment of Traffic and Parking Implications (report no. 19080, revision F)	TTPA: Transport and Traffic Planning Associates	October 2019

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

Drawing no. and revision	Title	Dated
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Sheet no.s 1 – 21, issue 01	13 Carter Street Meriton suites and retail signage locations – DA documentation	30 September 2019
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The development is to be carried out in accordance with:

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

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

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

2. 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.

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

Reason: To ensure compliance with legislative requirements.

4. Arrangements for stormwater collection and disposal, including Water Sensitive Urban Design shall be completed in accordance with plans approved to satisfy condition 1 of this consent, and as otherwise required by conditions within this Notice.
5. Hazardous or intractable wastes arising from the demolition or construction processes shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:
 - (a) Work Health and Safety Act 2011
 - (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
 - (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

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

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

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health, and to comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

7. 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.

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

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

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

9. Remediation works shall be carried out in accordance with the Remediation Action Plan (reference no. MER-03-10972/RAP1, v2, 'final') prepared by ADE Consulting Group Pty Ltd and dated 25 January 2017. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works.

Reason: To comply with the statutory requirements of State Environmental Planning Policy 55.

10. 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.

11. A covenant shall be registered on the title of the land and a copy of the title submitted to Council and the principal certifying authority prior to the issue of an occupation certificate, giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.

Reason: To ensure that the encapsulated cell is not breached and to prevent the future occurrence of a health hazard and the spread of contamination.

12. A covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge from any contaminants or for any works required by the Environment Protection Authority.

Reason: To ensure that the encapsulated cell is not breached and to prevent the future occurrence of a health hazard and the spread of contamination.

13. 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, unless approved in this consent.

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.

14. Separate waste processing and storage facilities are to be provided for the serviced apartments and the other commercial tenants. These facilities should be designed and located so that they cannot be accessed by the public. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

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

15. 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.

16. 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.

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

Reason: To minimise costs to Council.

18. The 5m wide strip of land nominated "land dedication" on approved plans is to be dedicated at no cost to the City of Parramatta Council to facilitate the implementation of Stage 2 of Parramatta light rail prior to the issue of any Occupation Certificate.

A separate application must be made for a subdivision certificate. This application shall not be made until the public domain works have been finalised to Council's satisfaction.

The application for subdivision must be accompanied by a Site Audit Statement, prepared by an auditor accredited under the Contaminated Land Management Act 1997, confirming that the land to be dedicated is free from any contamination and suitable for the proposed use.

Reason: To ensure compliance with legislative requirements.

19. The detailed stormwater plan must be designed and implemented generally in accordance with, and to the Certifier's satisfaction, the following DA submissions with respect to stormwater:
 - (a) "Phase 4, Carter Street, Lidcombe Civil Stormwater Management Report", report no. REP001-01-16-427-Civil Report, prepared by AT&L, revision: A, dated 13 June 2019;
 - (b) "Civil Works Package", prepared by AT&L, project no. 16-437, revision: C, dated 3 October 2019;
 - (c) the WSUD provisions contained in the landscape development application design, prepared by Meriton and dated 31 October 2019.

All proposed Water Sensitive Urban Design facilities in the public domain adjoining the site, including the bioswale and tree pits must be retained.

20. The perimeter walls and floor of the basement shall be constructed using a "Tanked Construction" method, to prevent any groundwater penetrating the basement walls and floor base. This must be provided using impervious construction and not through permanent draining of the basement structure. Below ground walls and the basement floor slab must be designed to withstand hydrostatic loading. A structural engineer's certification of this must be provided for the approval of the PCA prior to release of the Construction Certificate.
21. The landowner shall manage groundwater inflows and outflows during construction and thereafter in perpetuity, including monitoring, to ensure all of the requirements of Council and Water NSW/DPI Water are satisfied and that there are no adverse effects on the environment and public health, including water table levels, surface and groundwater flow regimes, contamination and pollution, flooding, water quality and structural stability.

Reason: Protection of the environment and public health.

22. The development must comply with the following requirements:
 - (a) Complete a Safety Management Study – as per Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;
 - (b) The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:
 - i. Actions as required by the completed Safety Management Study;
 - ii. The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:
 - Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;
 - NSW Pipelines Act 1967; and
 - NSW Pipeline Regulations 2013.
 - (c) Viva Energy, undertaking and deposit agreement to be signed and returned prior to the Safety Management Study.

Reason: to comply with requirements of pipeline operator.

23. The development shall be undertaken to comply with the following requirements of NSW Roads and Maritime Services (RMS):
- (a) All vehicles shall enter and exit the site in a forward direction.
 - (b) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking restrictions may be required to maintain the required sight distances at the driveway.
 - (c) The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
 - (d) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
 - (e) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control

Reason: to ensure compliance with requirements of RMS.

24. Prior to any works commencing (including excavation), a Safety Management Study addressing the risks associated with the nearby pipeline corridor must be submitted to the satisfaction of Council.

Reason: to comply with requirements of pipeline operators and to ensure public safety.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Reason: To ensure that the levy is paid.

26. A monetary contribution comprising \$1,105,456.20 is payable to the City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Carter Street Precinct Development Contributions Plan 2016. Payment must be by EFTPOS, bank cheque or credit card only.

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

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

The Carter Street Precinct Development Contributions Plan 2016 can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

Reason: To comply with legislative requirements.

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

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

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

28. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of each Construction Certificate. The fee will be in accordance with Councils 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.

29. In accordance with Section 4.17(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/367/2019;
- (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
Street furniture	N/A
Development site bond	\$25,750.00
Street trees	\$14,420.00

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) 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.

30. Prior to the issue of any construction certificate, the following must be demonstrated to the satisfaction of the certifying authority:

- (a) The building has been designed and will be constructed to operate at a minimum NABERS Energy for Hotels rating of 4.5 stars without accounting for any Green Power used in the building and a corresponding Commitment Agreement be entered into with NSW Office of Environment and Heritage.
- (b) A dual reticulation (dual pipe) system is to be installed, with the dual reticulation system being of sufficient size to supply all non-drinking water uses of the building and suitable for future connection to a recycled water main.
- (c) Rainwater collection and reuse is to be installed and suitably sized to serve non-drinking water uses through the dual reticulation system.
- (d) Waste chutes servicing the guest room floor are capable of handling not less than two separated waste streams.
- (e) Solar photovoltaic generation must be installed of sufficient capacity to match the installed power density of all artificial lighting on the site, or 300kW.
- (f) Water efficient fixtures and fittings must be used throughout, including guestrooms. Minimum WELS rating of 4 star for toilets, 6 star for tapware and 3 star (less than 7.5 l/min) for showers are required.
- (g) Travel Information kits for residents and workers have been produced.

Reason: To ensure design excellence and environmentally sustainable development outcomes are achieved.

31. Prior to the issue of any construction certificate, the following must be demonstrated to the satisfaction of Council:

The design of the building facade shall not result in reflected glare that causes discomfort or threatens safety of pedestrians, drivers or other building occupants. The applicant is to submit detailed calculations and analysis, including assessment of key viewpoints and line of sight, to confirm solar reflections do not adversely impact approaching motorists or pedestrians. Details demonstrating compliance are to be submitted to, and approved by, Council's Group Manager Development and Traffic Services Unit (DTSU) in consultation with Council's City Architect and independent Solar Reflectivity consultant prior to the issue of any Construction Certificate

Should specular type reflections be identified that exceed a reasonable disability glare and discomfort thresholds, opaque perpendicular elements such as fins should be included to mitigate sources of glare.

Reason: To have a minimal impact on road users and users of the public domain.

32. The recommendations outlined in the following reports shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Principal Certifying Authority (except as amended elsewhere in this Notice):

- (a) Accessibility Review Report, prepared by ABE Consulting, report no. 9095_ARD_DA_v1.0, 7 June 2019;
- (b) Environmental Wind Assessment, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16237-R14-v1.3, dated 6 November 2019;

- (c) Acoustic Report, prepared by Acoustic Logic, report no. 20190361.1/0706A/R2/TA, revision 2, dated 7 June 2019;
- (d) Operational Waste Management Plan, prepared by Elephants Foot, revision B, dated 3 June 2019;
- (e) Ecologically Sustainable Design (ESD) Report, prepared by Efficient Living, report no. 19-0764, revision B, dated 5 November 2019;
- (f) NABERS Energy for Hotels – Concept Advice, prepared by Efficient Living, report no. 19-0763, revision B, dated 5 November 2019;
- (g) Glare and Reflectivity Assessment, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16237-R15, revision v2.2, dated 6 November 2019.

Reason: To ensure a suitable level of amenity.

33. The minimum glazing requirements outlined in section 4.2.3 and other recommendations of the Acoustic Report, prepared by Acoustic Logic, report no. 20190361.1/0706A/R2/TA, revision 2, dated 7 June 2019, shall be implemented.

Prior to the issue of relevant Construction Certificates, details to the satisfaction the Principal Certifying Authority shall be provided which demonstrate the design and construction of the buildings will achieve the 'recommended noise criteria' in section 4.6 of Carter Street Precinct Development Control Plan 2016, being:

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

Reason: To ensure a suitable level of amenity.

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

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

35. To reduce the extent of overhead cabling, all low voltage distribution and service mains required to facilitate the development must be underground both within the allotment boundaries and the public way. Details must be provided with the plans and documentation accompanying the application for the relevant Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape.

36. All outdoor lighting must comply with the relevant provisions of AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Certifying Authority.

Reason: To provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

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 entire development.

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

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

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

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

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

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

Reason: To maintain appropriate amenity to nearby occupants.

39. 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

40. 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.

41. 243 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

42. End of trip facilities including showers must be provided within the development and made accessible without charge to cyclists who work in the building. Details must be provided with the plans and specifications accompanying the application for a Construction Certificate.

Reason: To promote and provide facilities for alternative forms of transport.

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

Reason: To ensure pedestrians safety

44. The applicant is to submit a separate application for the proposed pedestrian refuge island in Uhrig Road at the north east corner of the site to Council's Traffic and Transport Services for consideration by the Parramatta Traffic Committee and Council's approval. The construction of the approved treatment is to be carried out by the applicant and all costs associated with the supply and construction of the traffic facility and appropriate signage are to be paid for by the applicant at no cost to Council.

Reason: To comply with Roads Act 1993.

45. One (1) car parking space is to be allocated for car share parking space. Car share parking space shall be publicly accessible at all times, adequately lit and sign posted. Written evidence shall be provided with the development application demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The PCA shall ascertain that agreement with a commercial operator is subscribed prior to issue of the construction certificate. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's Development Control Plan.

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

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

Reason: To ensure appropriate vehicular access is provided.

47. 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.

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

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

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

Reason: To minimise impact on adjoining properties.

49. 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.

50. The developer must lodge a Feasibility application to Sydney Water, including a proposed water and wastewater servicing strategy through a Water Servicing Coordinator (WSC). For help, either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

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

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

52. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the relevant Construction Certificate for any work approved under this application:

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
- i. "Phase 4, Carter Street, Lidcombe Civil Stormwater Management Report", report no. REP001-01-16-427-Civil Report, prepared by AT&L, revision: A, dated 13 June 2019;
 - ii. "Civil Works Package", prepared by AT&L, project no. 16-437, revision: C, dated 3 October 2019;
 - iii. the WSUD provisions contained in the landscape development application design, prepared by Meriton and dated 31 October 2019.

- (b) 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.
- (c) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

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

- (a) "Phase 4, Carter Street, Lidcombe Civil Stormwater Management Report", report no. REP001-01-16-427-Civil Report, prepared by AT&L, revision: A, dated 13 June 2019;
- (b) "Civil Works Package", prepared by AT&L, project no. 16-437, revision C, dated 3 October 2019;
- (c) the WSUD provisions contained in the landscape development application design, prepared by Meriton and dated 31 October 2019.

and 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.

54. 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.

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

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

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

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

Reason: To protect Council's infrastructure.

57. Council Approvals for Public Domain Works

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

- All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback and porte-cochere;
- 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);
- All the conditions listed in this consent.

The Public Domain Construction Drawings must be prepared to reflect the following changes:

- Canopy trees and landscape in pedestrian link not be in raised planter. The canopy trees and landscape to be set down flush with FGL. Materials and finish to be fit for purpose for high use urban activity in this space.
- Deep soil and areas to be shown, including calculations that demonstrate these space achieve their function as planting spaces for large trees in accordance with ADG 4P Planting on structures or Parramatta PDG 5.1.1 Soil Volume, whichever is larger.
- Planting on slab, soil depths and volumes to meet ADG 4P Planting on structures.
- Carter Street overland flow setback not to have obstructions such as raised edges or walls.
- In anticipation of future light rail, canopy tree locations and alignment within the Uhrig Road setback to be designed to accommodate future public domain amenity and alignment within this space. Prior to submission of any plans, please lease with Urban Design (Public Domain).

To confirm that the public domain plans align with the required plan of dedication, these plans are to be re-submitted to Council for approval by Council's Group Manager Development and Traffic Services Unit (DTSU), prior to implementation of these works.

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

58. Footway Specifications

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

Street Footpath

The standard concrete paving, as per the PDG, shall be applied to Uhrig Road, Carter and West Street footpath areas (except the town centre).

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

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

Pedestrian link

Pavement to match existing pedestrian link between Phase 2A and 2B; standard 'City Centre Paving' concrete paver, as per the PDG, pebblecrete, product PPX:544:35D, 300x300x60mm, with honed finish shall be applied to the entire public domain area of the pedestrian link. Paver finish, dimensions and layout to be confirmed with onsite inspection and photo record of existing pedestrian link between Phase 2A and 2B.

For unit paving, the footpath paving set out and details must comply with Council's design standard (DS40, sheet 1-3).

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

Kerb ramps

Kerb ramps must be designed and located in accordance with Council's design standards (DS3 for in-situ concrete paths and DS40 sheet 1-3, for concrete pavers). Ramps are to be aimed to the ramp on the opposite side of the road.

Vehicle crossing

Council's standard vehicle crossing is to be provided. Refer Council's design standard (DS40 sheet 1-3), using broom finished concrete.

Pit lids

All pit lids in paved areas of the public domain should be level with the paving around and aligned with the paving pattern. Joints should be coordinated where possible. Where allowed by the service providers, the pit lids should be infilled with the surrounding concrete pavers paving material.

Pit lids and grates

A schedule of proposed pit lid and grate finishes is to be submitted with the Public Domain Construction Drawings set. 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 Council's Group Manager Development and Traffic Services Unit (DTSU) for approval prior to the issuing of a Construction Certificate and again prior to the issuing of an Occupation Certificate.

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 construction certificate approval.

Lighting

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

Multi-media conduit

A conduit for Council's multi-media facilities shall be installed to the full length of the street frontages on Uhrig Road and Carter Street. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications as per Council's Safety Officer advice.

Documentary evidence of compliance with these requirements is to be confirmed in the Public Domain Construction Drawings to be submitted to and approved by Council's Group Manager Development and Traffic Services Unit (DTSU) prior to the issue of the relevant Construction Certificate.

Reason: To comply with the Public Domain Guidelines.

59. Street tree specifications

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

Street name	Botanical name	Common name	Pot size	Qty	Average spacing
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Uhrig Road	<i>Zelkova serrata</i> 'Green elm'	Japanese Elm	200L	As shown on the approved drawings or as agreed by Council's Group Manager Development and Traffic Services Unit (DTSU).
Carter Street	<i>Lophostemon confertus</i>	Brush Box	200L	
West Street	<i>Flindersia australis</i>	Australian Teak	200L	

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

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

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 standard with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

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 Group Manager Development and Traffic Services Unit (DTSU) prior to the issue of the relevant Construction Certificate.

Reason: To minimise plant failure rate and ensure quality of stock utilised. To ensure high quality street trees are provided.

60. Planting upon structures

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

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

- (c) A specification ('Fit-for-purpose' performance description) for soil type and a maintenance schedule specified by a suitably qualified Soil Scientist, to ensure sufficient nutrient and water availability is achieved.

Reason: To ensure the creation of functional gardens.

61. External walls and cladding flammability

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

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Reason: To ensure public safety.

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

- (a) The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project (including signing off any relevant required certifications at DA, s4.55 modification applications, Construction Certificate and Occupation Certificate stages)
- (b) The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the life of the project
- (c) Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (d) The design architect of the project is not to be changed without prior notice and approval of the Council.
- (e) The approved schedule of external materials of construction shall not be altered without the prior approval of council.

63. Prior to the issue of a construction certificate:

- (a) An auditor accredited under the Contaminated Land Management Act 1997 must issue a Site Audit Statement to Council;
- (b) Council approve the remediation works and site validation;
- (c) Council issues a statement that the site is suitable for the proposed use.

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

PRIOR TO WORKS COMMENCING

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

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

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

Reason: To comply with legislative requirements.

- 65. 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.

- 66. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98A(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;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

Reason: Statutory requirement.

- 67. 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.

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

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

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

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

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

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

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

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

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

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,

- (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.
- Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.
- (c) Traffic Control Plan(s) for the site:
- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
 - (d) 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 this condition.

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

72. Prior to the commencement of any works on site, the applicant shall submit a Construction and Pedestrian Traffic Management Plan (CPTMP) to the satisfaction of Council's Traffic and Transport Manager. The CPTMP shall be prepared by a suitably qualified and experienced traffic consultant. The following matters must be specifically addressed in the CPTMP:

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

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

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

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

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

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

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

73. 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).

In addition, 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.

74. 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.

75. 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.

76. 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.

77. 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.

78. 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.

79. 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.

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

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

81. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

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

DURING WORKS

82. 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.

83. Dust control measures shall be implemented during all periods of earthworks, 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.

84. 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.

85. 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 following hours:

- Monday to Friday inclusive: 7:00am and 5:00pm; and
- Saturday: 8:00am and 5:00pm.
- No work is to be carried out on Sunday or Public Holidays.

Demolition works are restricted to:

- Monday to Friday inclusive: 7:00am and 5:00pm; and
- No work is to be carried out on Saturday, Sunday or Public Holidays.

Reason: To protect the amenity of the area.

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

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

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

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

87. 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.

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

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

89. 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.

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

Reason: To ensure maintenance of Council's assets.

91. 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.

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

Reason: To ensure appropriate disposal of asbestos materials.

93. 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 are met.

94. 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.

95. 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.

96. 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.

97. 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.

98. 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.

99. 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.

100. 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.

101. A footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.

Reason: To provide pedestrian passage.

102. Standard kerb ramps are to be constructed at the intersections of adjoining streets in accordance with Council Plan No. DS4. Details must be submitted to and be approved by Council prior to construction. All costs must be borne by the applicant.

Reason: To provide adequate access.

103. 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.

104. Proof of completion of footpath construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To provide pedestrian passage.

105. In the event that material is identified at the subject site as contaminated as defined in the Managing Land Contamination Planning Guidelines dated 1998 and prepared by the Department of Urban Affairs and Planning, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. Any soil investigation must be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites, the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007, and the provisions of the Contaminated Land Management Act 1997 and Regulation 2013.

Reason: To ensure that the provisions set out in Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land have been met and the use of the land poses no risk to the environment and human health.

106. 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;
- Completion of paving sealant application and tactile indicator installation as per Council's specification.
- Installation of street trees including required sub-drainage layer installed as specified.
- 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 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.

107. 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.

108. Tree removal

Trees to be removed are:

Excising trees numbered 8 to 24 (inclusive), 24A, 25 – 42 (inclusive) in accordance with the Arboricultural Impact Assessment, prepared by Jackson's Nature Works, dated 12 June 2019.

Reason: To facilitate development.

109. Trees with adequate root volume

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.

110. Removal of trees by an arborist

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.

111. 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.

112. 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.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

113. Occupation or use of the building or part is not permitted until Occupation Certificate(s) have been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

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

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

Reason: To ensure developments are appropriately numbered.

115. 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 property have clearly identified street numbering, particularly for safety and emergency situations.

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

Reason: To ensure a visible house number is provided.

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

Reason: To ensure provision of appropriately located telecommunication facilities.

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

Reason: To ensure appropriate electricity services are provided.

119. The following conditions shall be complied with:

- (a) For safety, access to the swimming pool must be restricted by fencing or other measures as described by the Swimming Pools Act 1992, the Swimming Pool Regulation 2008, and Australian Standard AS1926 Parts 1 and 2 - 2007. The fencing or other measures must be completed prior to any water being placed in the pool.
- (b) Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that noise levels associated with spa/pool pumping units shall not exceed 5 dBA at the boundaries of the site..
- (c) To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must be placed where it is not visible from a public place.
- (d) To ensure the proper disposal of polluted waters and to avoid runoff nuisance for downstream properties, all drainage including any overland waters associated with the pool and spa must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.
- (e) For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
- (f) Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.
- (g) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",
- (h) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

Reason: To ensure compliance with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and the National Construction Code together with maintaining amenity.

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

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

121. Prior to issue of an Occupation Certificate, an operational plan of management is to be submitted to and approved by Council. At a minimum, the plan must:

- (a) Incorporate a trolley containment system to contain trolleys to the premises (these could include coin/token operated systems, wheel locks activated by a radio signal or magnetic strip, cattle grids at carpark entrances and exits, radio signal transmitters on trolleys);
- (b) Include sufficient trolley bays within or adjacent to the premises (including its car park);
- (c) Incorporate signage that trolleys should not be removed from the premises (including its car park), and that penalties apply for abandoning trolleys in public places;
- (d) Provide adequate trolley collection services to ensure that unattended trolleys are collected in a timely fashion;

- (e) Ensure that all trolleys are marked or labelled in such a manner that Council can easily ascertain the owner of the trolley (including the store responsible for its provision);
- (f) Agree to a process of ongoing liaison with Council to ensure that Council's objectives regarding shopping trolley management and collection are being met;
- (g) Outline how and when the operator will remove general litter associated with the premises from any public places immediately adjoining or adjacent to the site;

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

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

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

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

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

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

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

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

A copy of this report is to be forwarded to Council electronically at council@cityofparramatta.nsw.gov.au.

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

124. A Green Travel Plan to promote non-private vehicle transport for employees and visitors is to be submitted to the satisfaction of the certifying authority and a copy provided to Council prior to the issue of the relevant Occupation Certificate.

Reason: To discourage trips by private vehicle.

125. The Applicant shall provide written evidence to Council's Group Manager Development and Traffic Services Unit (DTSU), prior to release of the final Occupation Certificate, demonstrating that at least one (1) car share spaces have been offered to all car share providers operating in Sydney together with the outcome of the offers or a letter of commitment to the service.

Reason: To comply with Council's parking requirements.

126. 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 provide and maintain one (1) car share parking spaces on the lot and provide public access to these spaces. The authority to release must be the City of Parramatta Council.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through 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 car share spaces within the lot.

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 the site.

Reason: To ensure the availability of these spaces for car share operators.

127. 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.

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

- (a) Accessibility Review Report, prepared by ABE Consulting, report no. 9095_Ard_DA_v1.0, 7 June 2019;
- (b) Environmental Wind Assessment, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16237-R14-v1.3, dated 6 November 2019;
- (c) Acoustic Report, prepared by Acoustic Logic, report no. 20190361.1/0706A/R2/TA, revision 2, dated 7 June 2019;
- (d) Operational Waste Management Plan, prepared by Elephants Foot, revision B, dated 3 June 2019;
- (e) Ecologically Sustainable Design (ESD) Report, prepared by Efficient Living, report no. 19-0764, revision B, dated 5 November 2019;
- (f) NABERS Energy for Hotels – Concept Advice, prepared by Efficient Living, report no. 19-0763, revision B, dated 5 November 2019;
- (g) Glare and Reflectivity Assessment, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16237-R15, revision v2.2, dated 6 November 2019.

Reason: To ensure a suitable level of amenity.

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

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

Reason: To ensure a suitable level of amenity.

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

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

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

The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras must include the foyer area to the buildings. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week. The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed;

- (a) Wayfinding measures within parking levels;
- (b) Internal and external lighting to Australian Standards.

Reason: To comply with CPTED requirements.

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

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

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

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

133. Prior to issue of the Occupation Certificate, the applicant must create a Positive Covenant and Restriction on the Use of Land prepared in accordance with Section 88E of the Conveyancing Act 1919, burdening the owner of the allotment with the requirement to maintain the on-site stormwater detention and treatment facilities.

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

Where a title already exists, the Positive Covenant and the Restriction on the use of Land are to be created via an application to the Land Titles Office using forms 13PC and 13RPA.

The relative location of the On-Site Detention and Stormwater Treatment facilities as they relate to the building footprint must be shown to scale in plan form or a works as executed plan if the work is completed is required to accompany 13PC and 13RPA forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

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

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

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

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

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

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

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 occupation certificate approval of the public domain works by Council Officers.

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

137. Proof of completion of the kerb ramp must be submitted to the satisfaction of the Council prior to the issue of an Occupation Certificate.

Reason: To provide adequate access.

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

- (a) Show rights of way or easement for pedestrian link;
- (b) Show all rights of way or easements for all basement levels to allow for private and public vehicle access, including service vehicles.
- (c) Easements for all services.
- (d) All other matters as nominated in this consent.

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

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

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

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

139. Prior to the issue of any Occupation Certificate:

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

words “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”, “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”, and “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES”,

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

140. A Building Management Plan must be prepared which incorporates all necessary actions to maintain and operate the On Site Detention and Water Sensitive Urban Design stormwater treatment facilities within the site. Details of the plan shall be submitted for the approval of the PCA prior to release of the Occupation Certificate and the Plan shall be implemented for the life of the development.

THE USE OF THE SITE

141. The specific commercial/retail tenancies must be the subject of further development approval for such use or occupation.

Reason: To ensure development consent is obtained prior to that use commencing.

142. 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.

143. Illuminated signs must be fitted with an automatic timing device to turn the illumination off between the hours of 10pm and 7am Monday to Sunday.

Reason: To maintain amenity for adjoining properties.

144. The signage and lighting associated with this consent are not permitted to be flashing or moving.

Reason: To maintain amenity for adjoining properties.

145. One year from the issue of the Occupation Certificate, and every year for 3 years thereafter, the applicant shall submit to Council’s Group Manager Development and Traffic Services Unit (DTSU) a review of the effectiveness of the Green Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.

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

146. The roller shutter door is to be provided at the driveway entry and exit and 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.

147. 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 and 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.

148. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the venue.

Reason: To protect the amenity of the surrounding neighbourhood.

149. No live music of entertainment shall be provided within the premises.

Reason: To protect the amenity of the surrounding neighbourhood.

150. Security personnel licensed under the Security Industry Act 1997 shall be engaged by the licensee to patrol the area to ensure that patrons do not cause nuisance, or annoyance to the quietly and good order of the neighbourhood.

Reason: To protect the amenity of the surrounding neighbourhood.

151. Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

Reason: To prevent loss of amenity to the area.

152. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area

153. There are to be no external speakers at the premises.

Reason: To prevent loss of amenity to the area.

154. 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.

155. 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.

156. The swimming pool and gymnasium facilities are not to be operated for general commercial purposes and access shall be restricted to guests and visitors of guests only.

157. 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

158. 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.

159. 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.

160. 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 compliance with BCA requirements.

161. 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.

162. 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.

163. 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.

164. 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 rooms/areas between collection periods.

Reason: To ensure waste is adequately stored within the premises.