



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

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| Panel reference | PPSSCC-24 |
| DA number | DA/501/2019 |
| LGA | City of Parramatta |
| Proposed development | Construction of a mixed use building comprising 403 residential apartments, 16 retail tenancies, centre-based childcare facility, and associated parking, landscaping and public domain works. |
| Property | Lots 5, 8 and 9 DP 1228764 4 – 8 Uhrig Road, LIDCOMBE NSW 2141 |
| Applicant | Karimbla Constructions Services (NSW) Pty Ltd |
| Owner | Karimbla Properties (No. 51) Pty Ltd |
| Date of DA lodgement | 7 August 2019 |
| Submissions | None |
| 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 (State and Regional Development) 2011• SEPP (Infrastructure) 2007• SEPP No. 55 – Remediation of Land• SEPP No. 65 – Design Quality of Residential Apartment Development• SEPP (Building Sustainability Index: BASIX) 2004• SEPP (Educational Establishments and Child Care Facilities) 2017• SREP (Sydney Harbour Catchment) 2005• 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 – Design Excellence Advisory Panel comments Attachment 4 – Clause 4.6 exception written request |
| Planning proposal | None |
| Recommendation | Approval subject to conditions |
| Report prepared by | Andrew Golden, Senior Development Assessment Officer |
| Report date | 15 October 2020 |

Summary of s4.15 matters

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| 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

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| Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and | Yes |
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| relevant recommendations summarized, in the Executive Summary of the assessment report? | |
| 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 403 residential apartments, 16 retail tenancies, centre-based childcare facility, 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 0.82m (1.1%) 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 over statutory 72m maximum height for lift overruns, plant rooms and parapet wall.

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

- Building footprint – tower footprints exceed maximum 900sqm footprint.
- Setbacks – encroachments into 3m setback required above podium along Uhrig Road in northern tower.
- Common open space – 26% proposed (minimum 30% required), however compliant with ADG.

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 (then called) 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.

A revised draft Master Plan and amendments to ALEP 2010 was placed on exhibition from 31 August 2020 until 28 September 2020.

The exhibited package shows the following changes to the subject site:

- No change to FSR;
- No change to land use zone;
- Increase in maximum building height from 72m.

The package also introduces an incentive clause whereby an additional uplift in height (to 144m) and FSR (to 5.16:1) can be supported if specific carparking rates are met (with the intent to minimise the provision of car parking). The uplift is not pursued in this current application.

The proposed development is designed in accordance with current ALEP 2010 (with a minor encroachment above the 72m height limit).

4. Site description, location and context

4.1 Site

The subject site ('Phase 3') includes Lots 5, 8 and 9 DP 1228764, known as 4, 6 and 8 Uhrig Road, Lidcombe, as shown in figure 2.

The subject site has a total approximate area of 12,237sqm, which includes 10,843sqm of B2 zoned land, and 1,394sqm zoned RE1.

The site generally falls toward Uhrig Road, with a change in level from approximately 15.5m RL at the north-eastern corner to approximately 9.5m RL at the south-western corner. Vegetation is limited along the Uhrig Road frontage.

The site is located on the south-eastern side of Uhrig Road, with an approximate frontage of 170m to Uhrig Road.



Figure 2 – locality (subject site outlined in red), 4-8 Uhrig Road

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 and RE1 – Public Recreation, with a maximum building height of 72m and a floor space ratio of 3.5:1 (for the B2 portion; RE1 portion does not have HOB or FSR standards) pursuant to Auburn Local Environmental Plan 2010 (ALEP 2010).

4.2 Site improvements and constraints

The subject site has been previously used for the storage and dispatch of goods, including shipping containers, communications equipment and chemicals. However, the site is currently undergoing construction activity associated with the early works approved under DA/538/2019, see below at 4.3.2.

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 3 – street view from Uhrig Road looking south-west

4.3 Relevant Carter Street Priority Precinct applications

4.3.1 DA/232/2018 – subdivision

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 5 (road lot), lot 8 (development lot) and lot 9 (public open space) are the subject site of this proposal.

4.3.2 DA/538/2019 – early works

DA/538/2019 was approved on 28 February 2020 and consent to the following development at Lots 5, 8 and 9 DP 1228764, known as 4, 6 and 8 Uhrig Road, Lidcombe.

Basement excavation, shoring and piling

The approved development included bulk earthworks to a depth of approximately 8m, removal of 11 trees, installation of shoring and pilings to secure the excavated area and remediation works.

The approved plans approve a bulk excavation level of RL 5.3m for a majority of the excavation, with areas deeper for lift pits, etc.

The FFL of basement 2 as proposed by DA/501/2019 is RL 5.4m so the approvals are consistent.

5. The proposal

The proposal includes the following:

- Construction of a mixed use development with a five storey podium and two towers of 21 and 22 storeys, involving the following uses:
 - 403 residential apartments (189 x 1 bedroom; 156 x 2 bedroom; 58 x 3 bedroom)
 - 16 retail tenancies at street level (along Uhrig Road and pedestrian link);
 - Centre-based childcare facility; and
 - Basement and above ground parking (558 parking spaces);
- Podium level landscaped and embellished courtyard;
- East-west pedestrian link along southern boundary;
- General landscape treatment and embellishments.

Of the 403 apartments, apartment mix is proposed as below.

- 189 x 1 bedroom (47%);
- 156 x 2 bedroom (39%);
- 58 x 3 bedroom (14%).



Figure 4 – photomontage from Uhrig Road looking south-west



Figure 5 – photomontage from Uhrig Road looking east

6. Public notification and any submissions

The application required a 14 day advertising period, which originally occurred between 18 September 2019 and 2 October 2019. The application was readvertised following amended plans between 13 May 2020 and 27 May 2020.

No submissions were received during either period.

7. Referrals

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| 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

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| 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

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| 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 • Residential apartments (residential accommodation) • Retail premises (commercial premises) • Centre-based child care facility |
| 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 72m. • Lift overrun, plant rooms and parapet wall encroach 72m limit by 0.82m (1.1%). • 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 local provisions | <ul style="list-style-type: none"> • All relevant provisions satisfied |

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 common open space 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.

All relevant matters have been addressed. 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 16 October 2019. The following issues were raised.

| Issues Raised | Comment |
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| Significant and inexplicable departures from DCP – no constraints on site | The proposal has since been amended and now includes only minor departures from CSPDCP 2016, relating to tower footprints, setback encroachments and communal open space provisions. |
| Significant non-compliances with setbacks, insufficient fragmented communal open space | <p>All variations are minor in nature, appropriate and supported.</p> <p>The setback non-compliances are proposed for a corner of the northern tower and a distinct podium/tower form is proposed in lieu of the additional setbacks, to differentiate the bulk.</p> <p>The communal open space is now proposed across two parts of the site (podium terrace and ground floor near Uhrig Road). The communal open space remains slightly below the 30% required by CSPDCP 2016, but is above the 25% required by ADG.</p> <p>In addition, DEAP is now satisfied with the scheme and the design quality of the proposal.</p> <p>A full assessment of non-compliances is in Attachment A.</p> |
| Unacceptable undersupply of landscape area – Panel expects compliance with controls on deep soil availability | <p>Communal open space is compliant with ADG controls, slightly short of CSPDCP 2010 compliance.</p> <p>Deep soil zone is provided in accordance with ADG requirements. There are no controls for minimum deep soil in CSPDCP 2016.</p> |
| Panel noted significant issues raised by DEAP | DEAP is now satisfied with the scheme given the various design amendments made to the original proposal. |
| Contributions plan identifies need for 1,000sqm community facility as part of Town Centre, which is not provided | <p>The Carter Street Precinct Development Contributions Plan 2016 (CP 2016) does include reference to a community facility that is to be dedicated to Council, and references a VPA.</p> <p>Following extensive research, there is no such VPA.</p> <p>CP 2016 is a section 7.12 (previously 94A) plan, which requires a fixed development levy of a percentage of the proposed cost of works.</p> |
| Reference to VPA, but not provided to Panel | <p>CP 2016 is the only contributions plan applying to the site.</p> <p>S7.12(2) of the EP&A Act 1979 outlines that a consent authority cannot impose a condition under s7.11 as well as s7.12 on the same development consent.</p> <p>As such, there is no contributions plan currently in force that applies to the site that authorises the imposition of a condition under s7.11 of the EP&A Act 1979 to require dedication of land.</p> <p>Therefore, a community facility is not provided within the development, but appropriate conditions of consent are imposed to require payment of a 1% contribution in accordance with CP 2016.</p> |
| Maximum building footprint control exceeded by both towers – DEAP says too bulky | <p>The development was amended to resolve non-compliances with maximum building length for tower components.</p> <p>Variations to maximum building footprint for tower components still exist, but are considered satisfactory on merit. DEAP raise no further objection to bulk or scale of the tower components.</p> |
| Child care centre will be | The development involves approval for the land use as a |

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| subject so a separate DA – not clear what level of consent is expected | centre-based childcare facility. A condition of consent has been imposed that requires further development consent for the fit-out, occupation and operation of the facility. |
| FSR calculations need to be verified and may increase | The floor space ratio of 3.5:1 has been verified and compliance is demonstrated. |

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/501/2019 for a mixed use building comprising 403 residential apartments, 16 retail tenancies, centre-based childcare facility, and associated parking, landscaping, and public domain works at Lots 5, 8 and 9 DP 1228764, 4 – 8 Uhrig Road, Lidcombe.

ATTACHMENT A – PLANNING ASSESSMENT

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|------------------------|-------------|
| Panel Reference | PPSSCC-24 |
| DA Number | DA/501/2019 |

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)(iia) 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 9 |
| 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 |
| Transport for NSW (including Roads and Maritimes Services, and Parramatta Light Rail) | No objections. Appropriate conditions of consent to be imposed, including manoeuvrability into, out of and within the site; vehicles associated with the development to be located within property; pedestrian safety; and a Construction Traffic Management Plan. The development includes the preservation of the 5m wide corridor for PLR along Uhrig Road. |
| Department of Planning, Industry and Environment (DPIE) | The applicant has obtained a satisfactory arrangements certificate. |
| Ausgrid | No objections. Appropriate conditions of consent to be imposed. |
| Sydney Olympic Park Authority (SOPA) | No objections. Appropriate conditions of consent to be imposed, including construction impacts on SOPA assets, noise from SOPA venues and a Construction Traffic Management Plan. |
| Sydney Water | No objections. Appropriate conditions of consent to be imposed. |
| Hazards Branch (DPIE) | Team Leader – Hazards within DPIE has confirmed that, although the population proposed will exceed the population estimated by the Land Use Safety Study prepared by Arriscar Pty Ltd, no further risk assessment was required as the site does not front Carter Street, is separated and outside of Area 1 and Area 2. See section 7.12 for full discussion of pipeline impacts. |
| INTERNAL | |

| Unit | Comment |
|---|---|
| Landscape/ tree management | No objections, conditions to be imposed. |
| 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 health – general | No objections, conditions to be imposed, including sediment and erosion control, and environmental and amenity protection. |
| Environmental health – waste | No objections, conditions to be imposed. Further information located below at section 7.8. |
| Environmental health – acoustic | No objections, conditions to be imposed, including a noise management plan, and use of site requirements. |
| Environmental health – contamination | No objections, conditions to be imposed. Further information located below at section 2.4. |
| Urban design (public domain) | <p>Council's urban designer (public domain) has reviewed the application, having particular regard to the grading of the southern pedestrian link (to ensure consistency with the development to the south at 11A and 13 Carter Street, and appropriate design), and the public domain interface along Uhrig Road, specifically with the RE1 zoned land that will eventually become public open space as a 'public plaza'.</p> <p>There were no objections and it was considered that appropriate conditions of consent are to be imposed to ensure appropriate outcomes.</p> |
| Social outcomes | <p>Correspondence was received from Council's social outcomes team who raised initial concerns with the layout and design of the podium landscaped area and dwelling mix.</p> <p>The layout of the podium, with a breakdown of the split between pathways, planter boxes and recreational space was provided, with the notion that too much space is given to pathways and planter boxes. However, given the proposal's inclusion of a swimming pool and gym, and the site's proximity to a range of passive and active recreation uses within Sydney Olympic Park, it is considered that sufficient recreational space exists within the development and the immediate vicinity to ensure resident access to high quality open space. Further, the space is considered compliant with the ADG.</p> <p>Social outcomes' is concerned that the development provides too many 1 bedroom units, and not enough 2 bedroom units. The development provides 47% 1 bedroom (189), 39% 2 bedroom (156) and 14% 3 bedroom (58). However, there are differences amongst the 1 bedrooms to be provided, with 22 'true' 1 bedroom units provided, and 167 1 bedroom + study units provided. This further increases the dwelling diversity within the development.</p> <p>In addition, the relevant development control plan does not specify a required dwelling mix. As such, it is considered that the proposal is appropriate.</p> |
| Environmental sustainability | <p>Council's external sustainability consultant has reviewed the NatHERS and BASIX assessments and is satisfied the development can be supported.</p> <p>Appropriate conditions of consent are imposed, requiring compliance with such commitments and updated BASIX</p> |

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| | certificates and stamped plans to be submitted that adequately specify performance requirements for all glass types used in the NatHERS certification. |
| Universal access | The accessibility of the development as a whole (including adaptable residential units, public domain, car parking areas and retail tenancies) has been assessed and is considered satisfactory. |
| Quantity surveyor | <p>The applicant originally stated a total cost of development of \$108,820,064.00. Council had this figure reviewed by an external quantity surveyor, who determined that a total of \$149,471,560.00 was more genuine.</p> <p>The applicant was advised of this in an additional information letter sent 19 November 2019.</p> <p>Following a review, the applicant's QS provided a revised figure of \$128,221,269.00.</p> <p>As such, the applicant paid the \$23,087.30 in shortfall of DA fees.</p> <p>The revised total cost of development is now taken to be the genuine cost.</p> |

2. Environmental planning instruments

2.1 Overview

The instruments applicable to this application are:

- SEPP (State and Regional Development) 2011;
- SEPP (Infrastructure) 2007;
- SEPP No. 55 – Remediation of Land;
- SEPP No. 65 – Design Quality of Residential Apartment Development;
- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP (Educational Establishments and Child Care Facilities) 2017;
- SREP (Sydney Harbour Catchment) 2005;
- Auburn Local Environmental Plan 2010.

Compliance with these instruments is addressed below.

2.2 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.

2.3 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).

CI.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 6), 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 6 – pipeline corridor (shown in blue) in relation to subject site (shown outlined in red)

Further, Caltex and Viva Energy have both confirmed that the centre-based childcare facility is outside of their respective measurement lengths and thus no Safety Management Study is required, nor are any requirements under respective legislation.

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

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.

The RAP recommends that off-site disposal of the contaminated soil is the most appropriate strategy for the identified areas of concerns. All remediation works are to be validated by a qualified environmental consultant upon completion.

The RAP has been reviewed by Council's environmental health section who have raised no objection. Appropriate conditions of consent requiring conformance with the RAP and appropriate subsequent certification have been imposed.

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 State Environmental Planning Policy No. 65 – Design Quality of Residential

Apartment Development;

SEPP 65 applies to the development as it proposes to convert Building B to residential apartments. SEPP 65 aims to improve the design quality of residential apartment development. This proposal has been assessed against the relevant matters for consideration, including:

- The nine design quality principles;
- Design Excellence Advisory Panel; and
- Apartment Design Guide (ADG).

2.5.1 Nine design quality principles

Part 4 of SEPP 65 introduces nine design principles. These principles do not generate design solutions, but rather provide a guide to achieving good design and a means to evaluate the merits of proposed solutions.

As required, the application provides a design statement that responds to these principles, prepared by the project architect.

An assessment against the design principles is provided below.

| Principle | Comment |
|-------------------------------------|---|
| Context and neighbourhood character | The locality is transforming to a high density mixed use precinct. The development is generally consistent with the desired future character prescribed by ALEP 2010 and CSPDCP 2016. The building will contribute to the quality and identity of the area, and provide residential accommodation supported by commercial uses. |
| Built form and scale | The form and scale of the development is acceptable given consistency with relevant planning instruments and controls, and response to desired future character of the precinct. The development provided for a podium and tower expression that is appropriately articulated and designed. |
| Density | The proposed density is consistent with the precinct specific controls outlined in ALEP 2010. The controls were developed by the (then named) Department of Planning and Environment with regard to the context of the site in terms of infrastructure availability, accessibility of public transport and entertainment and community facilities, and environmental quality. |
| Sustainability | Energy and water efficiency targets under SEPP (BASIX) 2004 are achieved. The design is consistent with best practice design criteria for cross ventilation and solar access under the ADG. <ul style="list-style-type: none">• Natural ventilation• Solar access• Water efficiency• Energy efficiency |
| Landscape | Communal open spaces, predominantly the landscaped podium terrace, are appropriately designed and will positively contribute to the residential apartment development |
| Amenity | Apartment amenity for residents is satisfactory when assessed against the best practice design guidelines identified in the ADG, which supports SEPP 65. The scheme includes communal facilities at podium level for use by residents. |
| Safety | Appropriate outcomes achieved through the design generally and otherwise by conditions of consent as proposed. |
| Housing diversity and | The development provides for 189 x 1 bedroom (47%), 156 x 2 bedroom (39%) and 58 x 3 bedroom (14%). |

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|--------------------|---|
| social interaction | Of the 1 bedrooms provided, 22 are 'true' 1 bedrooms, while the other 167 are 1 bedroom + study. This further increases the dwelling diversity. The required number of adaptable housing units is provided. |
| Aesthetics | The composition of building elements and materials is satisfactory, and the application has been supported by DEAP (see below). |

2.5.2 Design Excellence Advisory Panel (DEAP)

City of Parramatta's Design Excellence Advisory Panel (DEAP) reviewed the application on multiple occasions.

12 September 2019

The following comments were provided:

- Appropriate reconciliation of level differences between ground floor and public domain is a key issue, and needs to be improved to resolve grade separate issues.
- Retail commercial spaces to be moved to boundary.
- Northern-most communal open space appears to be left over space, neither public nor semi private (noting it will be in private ownership).
- Through-site links under last exhibited master plan is of urban design and connectivity benefits.
- Further consideration in terms of internal amenity of long corridors.
- Recommends removal of colonnade altogether.
- Concerns with child care centre location (third floor) and quality of external play area.
- Confused entry sequences for circulation and location of proposed shop should be reconsidered.
- A 1,000sqm community facility is required.
- Predominantly glass façade means sun shading will be required.
- Should be at least a two storey podium at building A to be a pergola structure that will assist in scaling the building down to human scale and assist with creating a built form transition to the public realm.

The application was given a 'red light' recommendation meaning the applicant must contact Council to discuss the significant issues.

Contact with Council in way of a formal meeting was undertaken, and the applicant was given the opportunity to submit preliminary design changes that were to be subject to a desktop review by DEAP to ensure the design as headed in the right direction.

Following this, the amendments were incorporated, and the application was re-referred to DEAP.

26 March 2020

The following comments were provided:

- Futureproof streetscape for Parramatta Light Rail phase 2.
- Stairs in public domain are to be kept to a minimum and design should follow existing levels as much as possible.
- Universal access to retail tenancies from the public open space is not direct or legible and compromises the use of landscaped public space.
- Building access for the boundary shared between development and future public open space to be kept to a minimum.
- Needs to be legible delineation between public and private space.

- A continuous awning above retail uses is required (minimum 2.5m – 3m, with a minimum height of 3.6m – 4.3m).
- Civil drawings need to be coordinated with landscape package.
- Turning circle at north on Uhrig Road is redundant and kerb alignment should be amended.
- Child care centre relocated is a satisfactory amendment.
- Community centre locations were discussed.
- Podium landscape should provide a well-designed range of amenities including BBQ area, shade pavilion, open lawn, pathways, seating areas, small play area and provision for shade and privacy.
- Pool amenities could be independently access from communal podium terrace.
- Corridors remain long and unrelieved.
- Supports rationale to establish a podium form and amended façade treatment and materiality with more horizontal emphasis and less curtain wall elements.
- Envelope openings resulting from cranked form of northern tower appear to not allow any views from lift lobby.
- South elevation of northern tower visible from the eastern street lacks the same level of detail attention to the other elevations.

The application was given an ‘amber light’ recommendation meaning once the application and design team have addressed the issues outlined, the next iteration shall be reviewed again by DEAP.

Following this, the amendments were incorporated, and the application was re-referred to DEAP for a desktop review.

29 May 2020

To ensure the same DEAP members reviewed the proposal for consistency, a desktop review was organised, with final comments provided on 29 May 2020.

The following comments were provided:

- The appropriateness of WSUD detailing and selection of street trees and under planting is queried by the Panel. Reducing the awning size from 4m to 3m would provide more room for growth and light into the laneway.
- Panel understands detail design of public domain is being undertaken in close consultation with Council’s urban design and landscape sections. This should provide resolution of the paving details, wall details, lighting and plant selection.
- The Panel is disappointed that the podium open space is predominantly mass planting, circulation and paving, with little amenity for the residents. Reduced footpath widths and more open lawned area would be recommended, and provision of detail cross sections to show how separation of private and communal open spaces is achieved. In some areas, continuous beds with stepping-stones could also be used instead of pathways. The addition of small flowering trees to the north east corner of the site – between the pool area Units 406 and 407 – would provide additional shade amenity and privacy, and the use of climbers up blank walls is also recommended.
- Some 1 bedroom units have study areas with walls that could allow conversion to bedrooms and these areas should be required to remain open. It is also noted that some unit layouts have bedrooms directly accessed off living areas.
- More clarity be provided on the scope for ecologically sustainable design features such as water saving, solar panels, water tanks etc. and whether the roof over the pool area and adjacent units could be landscaped with appropriate plant and grass species for insulation benefits and improved visual outlook from the tower units above.

The application was given a ‘green light’ recommendation meaning 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.

15 July 2020

A teleconference was held on 15 July 2020 with Council's assessing officer, City Architect and Urban Designer and Design Competition Coordinator in attendance, to undertake the green light review.

The issues raised by the Panel (outlined above) were discussed in detail.

Issue:

The appropriateness of WSUD detailing and selection of street trees and under planting is queried by the Panel. Reducing the awning size from 4m to 3m would provide more room for growth and light into the laneway.

Panel understands detail design of public domain is being undertaken in close consultation with Council's urban design and landscape sections. This should provide resolution of the paving details, wall details, lighting and plant selection.

City Architect review response:

Council's Public Domain – Urban Design officer has confirmed they are satisfied with the revised public domain drawings, and that appropriately species selection and design has been incorporated into the scheme.

Issue:

The Panel is disappointed that the podium open space is predominantly mass planting, circulation and paving, with little amenity for the residents...

City Architect review response:

It was noted that the Panel's review of the podium open space's layout outlined a lack of amenity for the residents. The space however is considered appropriately designed, with significant vegetation proposed in formal and mounded garden beds.

It was agreed that the additional planting (especially in the form of trees) would increase the amenity for residents, and privacy, especially when looking down towards the podium space. It was concluded that the shared views to trees is appropriate and appropriately designed.

In addition, it was acknowledge that the site is within close proximity and walking distance to a range of passive and active recreation uses within Sydney Olympic Park, and that the space is considered acceptable with regard to ADG.

Issue:

Some 1 bedroom units have study areas with walls that could allow conversion to bedrooms and these areas should be required to remain open. It is also noted that some unit layouts have bedrooms directly accessed off living areas.

City Architect review response:

It was acknowledged that these 1 bedroom + study units did include walls that allowed the opportunity for conversion. The development and plans clearly show these spaces as studies, and any conversion would be unlawful. However, to mitigate any possibility for unlawful conversion, a condition of consent has been imposed to requires in-built joinery prior to the issue of any occupation certificate as a guarantee the spaces are studies and not bedrooms.

With regard to access of living areas, the proposal is considered appropriate with regard to ADG.

Issue:

More clarity be provided on the scope for ecologically sustainable design features such as water saving, solar panels, water tanks etc. and whether the roof over the pool area and adjacent units could be landscaped with appropriate plant and grass species for insulation benefits and improved visual outlook from the tower units above.

City Architect team response:

Council's expert sustainability consultant has reviewed the application and considers it satisfactory from an ecologically sustainable design point of view.

As such, the teleconference confirmed sign off from Council's City Architect team and the proposed development is considered satisfactory.

The DEAP's full comments are included at Attachment 3.

2.5.3 Apartment Design Guide (ADG)

| Parameter | Design criteria | Proposal/ comment | Compliance |
|---------------------|---|---|------------|
| Communal open space | 25% site area, 50% direct sunlight for 2 hours between 9am and 3pm on 21 June | 2,082sqm or 26% of developable area* Required solar access achieved from 12pm. | Yes |
| Deep soil zone | 7% site area with minimum dimension of 6m | 562sqm or 7% of developable area* | Yes |
| Building separation | Over 25m (9+ storeys) = 24m between habitable rooms and balconies and 12m between non-habitable rooms. | 35m | Yes |
| Parking | Compliance with Guide to Traffic Generating Developments | 558 parking spaces proposed (see 7.6 for full details of parking) | Yes |
| Solar access | At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9am and 3pm on 21 June Maximum 15% receive no sunlight | 73% (296 out of 403) apartments receive at least 2 hours solar access; while 14% (56 out of 403) apartments receive less than 15 minutes solar access | Yes |
| Cross ventilation | At least 60% of apartments are to be naturally cross ventilated in the first nine storeys | 64% (112 out of 174 in first nine storeys) are cross ventilated | Yes |
| Ceiling heights | Habitable – 2.7m; non-habitable – 2.4m | 2.7m for habitable and minimum 2.4m for non-habitable | Yes |
| Apartment size | <ul style="list-style-type: none"> • 1 bed – 50sqm • 2 bed – 70sqm • 3 bed – 90sqm | <ul style="list-style-type: none"> • 1 bed – 50-62sqm • 2 bed – 71-89sqm • 3 bed – 95-102sqm | Yes |
| Room depths | Habitable – 2.5m x ceiling height; in open plan layouts maximum room depth is 8m from a window | Habitable rooms have satisfactory depths. | Yes |

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|--------------------|---|--|-----------------------|
| Layout | <p>Master bedrooms – minimum 10sqm; other bedrooms – minimum 9sqm; Bedrooms – minimum dimension 3m; Living/dining room minimum widths –</p> <ul style="list-style-type: none"> • Studio and 1 bedroom – 3.6m • 2 and 3 bedroom – 4m | <p>Master bedroom sizes are larger than 10sqm; Other bedroom sizes are larger than 9sqm; minimum dimensions met. Living room widths are all appropriate.</p> | Yes |
| POS and balconies | <ul style="list-style-type: none"> • 1 bed – 8sqm, 2m min. depth • 2 bed – 10sqm, 2m min. depth • 3+ bed – 12sqm, 2.4m min. depth. | All balconies are appropriately designed with regards to size and dimensions | Yes |
| Common circulation | <ul style="list-style-type: none"> • Maximum 8 units off a circulation core; • Maximum 40 units sharing a single lift | <p>8 and 9 apartments on each floor of either tower, each floor serviced by three lifts 111 units sharing two lifts Comprehensive elevator traffic analyses and capacity for both towers, prepared by KONE Corporation, has been submitted in support of the application. The analysis concludes that in the development, an average time to destination (i.e. time from when passenger either registers a landing call, or joins a queue, until the responding elevator begins to open its doors at the destination floor) of between 51 and 60 seconds will be experienced. This is considered acceptable.</p> | Satisfactory on merit |
| Storage | <ul style="list-style-type: none"> • 1 bedroom – 6m3 • 2 bedroom – 8m3 • 3+ bedroom – 10m3. 50% storage within unit | Appropriate levels of storage are provided through combination of in-apartment and parking area storage | Yes |

**Note: developable area excludes RE1 zoned and, and land for dedication for pedestrian link and road widening*

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

A NatHERS and BASIX Assessment report, prepared by Efficient Living, was submitted in support of the application. The assessment outlines a 6.2 rating.

BASIX requires a minimum target of 40% for water, a pass for thermal comfort and a minimum target of 25% for energy. The report outlines these are met.

Council's external sustainability consultant has reviewed the report and is satisfied the development can be supported. Appropriate conditions of consent are imposed, requiring compliance with such commitments and updated BASIX certificates and stamped plans to be submitted that adequately specify performance requirements for all glass types used in the

NatHERS certification.

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

The proposal includes a centre-based childcare facility. The application seeks approval for the land use, but does not include the fit-out, occupation or operation of the facility. To ensure this occurs, an appropriate condition of consent has been imposed that clarifies that the consent does not authorise the fit-out, occupation or operations, and that separate development consent for this must be obtained.

As such, not all sections of the SEPP will be relevant.

| Specific development controls | Compliance |
|--|--|
| <i>12 Notification of councils and State Emergency Service – development on flood liable land</i> | |
| A public authority, or a person acting on behalf of a public authority, must not carry out, on flood liable land... | N/A – site is not flood liable |
| <i>22 Centre-based child care facility – concurrence of Regulatory Authority required for certain development</i> | |
| Applies to development for the purpose of a centre-based child care facility if not compliant with: a) indoor unencumbered space requirements, or b) outdoor unencumbered space requirements Concurrence of the Regulatory Authority required. | N/A – capable of compliance |
| <i>23 Centre-based child care facility—matters for consideration by consent authorities</i> | |
| ...must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development. | The applicable provisions of the Guideline have been considered, see 2.7.1 below. |
| <i>26 Centre-based child care facility—development control plans</i> | |
| (1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility... | Noted – CSPDPC 2016 does not have any controls for centre-based child care facilities, but reverts back to Auburn Development Control Plan 2016. |

2.7.1 Child Care Planning Guideline August 2017

| Requirement | Comment | Compliance |
|---|--|------------|
| C1 For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> • The acoustic and privacy impacts; • The setbacks and siting of buildings within the residential context; • Traffic and parking impacts of the proposal on residential amenity. | <ul style="list-style-type: none"> • Site adjoins R4. • The development is appropriately designed to mitigate acoustic and privacy impacts and is incorporated into the design of a mixed used building. • Traffic and parking are considered satisfactory. | Yes |
| C2 When selecting a site, ensure that: <ul style="list-style-type: none"> • The location and surrounding uses are compatible with the proposed development or use; • The site is environmentally safe; • There are no potential environmental contaminants; | <ul style="list-style-type: none"> • Site is appropriately zoned, and development is compatible and complementary to the current and desired direction of the Precinct. • The site is free of environmental hazards and will be made suitable for the use. | Yes |

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| <ul style="list-style-type: none"> • The characteristics of the site are suitable for the scale and type of development proposed; • Where the proposal is to occupy or retrofit... • There are suitable drop off and pick up areas, and off and on street parking; • The type of adjoining road is appropriate and safe for the proposed use; • It is not located closely to incompatible social activities and uses... | <ul style="list-style-type: none"> • The facility is appropriately scaled. • The facility is proposed, not a retrofit. • Parking, drop-off and pick-up facilities are incorporated and integrated into the design of the development. • The road network is suitable. • There are no incompatible land uses nearby. | |
| <p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • Near compatible social uses... • Near or within employment areas, town centres, business centres, shops; • With access to public transport including rail, buses, ferries; and • In areas with pedestrian connectivity to the local community, businesses, shops, services and the like. | <ul style="list-style-type: none"> • The Precinct is undergoing 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 site is within the town centre of the precinct, and within walking distance of public transport. | Yes |
| <p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions</p> <ul style="list-style-type: none"> • Any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site. | <ul style="list-style-type: none"> • There are no environmental risks to children, staff or visitors (see discussion of pipeline considerations at section 7.12). | Yes |
| <p>C5 The proposed development should:</p> <ul style="list-style-type: none"> • Contribute to the local area by being designed in character with the locality and existing streetscape; • Reflect predominant form • Recognise streetscape qualities • Include design and architectural treatments that respond to and integrate with the existing streetscape; • Use landscaping to positively contribute to the streetscape and neighbouring amenity; and • Integrate car parking. | <ul style="list-style-type: none"> • The facility is incorporated into the mixed use development and is thus integrated into the design. • It adopts the predominant form, scale, materials and colours and appears as a seamless component. • Appropriate landscaping is proposed. • Car parking is integrated into the design of the development. | Yes |
| <p>C6 Create a threshold with a clear transition between public and private realms</p> | <ul style="list-style-type: none"> • The facility is clearly defined as private. | Yes |
| <p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p> | <ul style="list-style-type: none"> • A lobby servicing the centre-based childcare facility is located from Uhrig Road; although not entirely separated from residential users, it is legible and defined | Yes |

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| C8 Where development adjoins public parks, open space or bushland... | <ul style="list-style-type: none"> • The site adjoins RE1 land, but the centre itself does not. | N/A |
| C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. | <ul style="list-style-type: none"> • Detailed design will be subject of future development consent that must be obtained for fit-out, occupation and operation. | N/A |
| C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. | <ul style="list-style-type: none"> • N/A – does not adjoin a classified road. | N/A |
| C11 Orient a development on a site and design the building layout to: <ul style="list-style-type: none"> • Ensure visual privacy and minimise potential noise and overlooking • Optimise solar access • Avoid overshadowing • Minimise cut and fill • Ensure buildings define the street; • Where located above ground level... | <ul style="list-style-type: none"> • Overlooking from lower-level apartments is obscured by awnings, shade structures and trees. • Due to the orientation of the development (and location of facility at the north), overshadowing is reduced and solar access is appropriate. • The facility is located at ground level. | Yes |
| C12 The following matters may be considered to minimise the impacts of the proposal on local character... | <ul style="list-style-type: none"> • The facility is incorporated and integrated into the design of the mixed use development. | Yes |
| C13 Where there are no prevailing setback controls minimum setback to a classified road... | <ul style="list-style-type: none"> • The facility is incorporated and integrated into the design of the mixed use development. | Yes |
| C14 On land in a residential zone... | <ul style="list-style-type: none"> • Site is zoned B2. | Yes |
| C15 The built form of the development should contribute to the character of the local area | <ul style="list-style-type: none"> • The facility is incorporated and integrated into the design of the development and contributes to the character of the Precinct. | Yes |
| C16 Entry to the facility should be limited to one secure point | <ul style="list-style-type: none"> • A single access point from Uhrig Road is proposed, which is legible, accessible, visible, monitored and clearly defined. | Yes |
| C17 Accessible design | <ul style="list-style-type: none"> • The accessibility of the entire development is satisfactory. | Yes |
| C18 Appropriate planting should be provided along the boundary integrated with fencing. | <ul style="list-style-type: none"> • Large trees in deep soil are provided along the boundary. | Yes |
| C19 Incorporate car parking into the landscape design of the site | <ul style="list-style-type: none"> • Parking is incorporated into the podium and is wholly sleeved by the development. | Yes |
| C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces. | <ul style="list-style-type: none"> • There are open balconies along the northern elevation, however overlooking is obscured by awnings, shade structures and trees. | Yes |
| C21 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas | <ul style="list-style-type: none"> • The facility has been designed to minimise overlooking through landscaping and facility layout. | Yes |
| C22 Minimise direct overlooking of adjoining developments | <ul style="list-style-type: none"> • The facility does not overlook adjoining developments. | Yes |

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| C23 A new development that is located adjacent to residential accommodation should: <ul style="list-style-type: none"> • Provide an acoustic fence; and • Ensure that mechanical plant or equipment is screened | <ul style="list-style-type: none"> • An acoustic report was submitted with the development, specifying glazing and gap-filling requirements. • However, further acoustic assessment and more specific acoustic treatments will be required under a future application for fit-out, occupation and operation when detailed design is undertaken. • Relevant sections of Council have reviewed the application and raise no objection. | Yes |
| C24 A suitably qualified acoustic professional should prepare an acoustic report | | Yes |
| C25 Adopt design solutions to minimise the impacts of noise... | | Yes |
| C26 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where... | <ul style="list-style-type: none"> • The development is not on industrial zoned land, along a railway/transit corridor, a busy road or where ANEF contours is between 20 and 25. | N/A |
| C27 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development. | <ul style="list-style-type: none"> • The site is not located where air pollution is expected to occur. | Yes |
| C28 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments... | <ul style="list-style-type: none"> • The site is not located where air pollution is expected to occur. | Yes |
| C29 Hours of operation within areas... | <ul style="list-style-type: none"> • Detailed design and operational details will be subject of future development consent that must be obtained for fit-out, occupation and operation. • Hours of operation will be subject to a future development application. | N/A |
| C30 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses. | | N/A |
| C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. | <ul style="list-style-type: none"> • 20 car spaces are provided, in accordance with ADCP 2010. | Yes |
| C32 In commercial or industrial zones and mixed use developments, on street parking may only be considered where... | <ul style="list-style-type: none"> • All car parking is located within the site and no on the street. | Yes |
| C33 A Traffic and Parking Study should be prepared to support the proposal.... | <ul style="list-style-type: none"> • An appropriate traffic report was submitted in support of the entire development. | Yes |
| C34 Alternate vehicular access should be provided where child care facilities are on sites fronting... | <ul style="list-style-type: none"> • N/A – the site does not require alternative vehicular access. | Yes |
| C35 Child care facilities proposed within cul-de-sacs or narrow lanes... | <ul style="list-style-type: none"> • N/A – not a cul-de-sac or narrow lane. | Yes |

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| C36 Design solutions may be incorporated into a development to help provide a safe pedestrian environment: | <ul style="list-style-type: none"> • The facility is easily accessed from car parking area and pedestrian entrances, and entry is legible. • This entrance is not located near the loading docks. • Vehicles can enter and exit the site in a forward direction. | Yes |
| C37 Mixed use developments should include: <ul style="list-style-type: none"> • Driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks; • Drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site; and • Parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. | <ul style="list-style-type: none"> • Single vehicular access point is provided for the development, inclusive of two loading docks for SRV and MRV. • Council's traffic section has reviewed the application and raised no objection. • Parking spaces allocated to centre-based childcare facility are located closest, and is located on the same parking level as visitor spaces, retail spaces and a small number of residential spaces. | Yes |
| C38 Car parking design should: <ul style="list-style-type: none"> • Include a child safe fence; • Provide clearly marked accessible parking in accordance with appropriate Australian Standards; • Include wheelchair and pram accessible parking. | <ul style="list-style-type: none"> • Parking is incorporated into the podium and is wholly sleeved by the development. • It is physically separated from the facility and appropriate accessible parking is provided. | Yes |
| Part 4 – Applying the National Regulations to Development Proposals | | |
| 3.25sqm per child of unencumbered indoor space | <ul style="list-style-type: none"> • Indicative plans show 270sqm of indoor space across two toddlers' playrooms, a babies' playroom and a preschool playroom. • This could service 83 children if 3.25sqm rate applied. • Detailed design and calculations of exact spaces will be subject of a future development application for the fit-out, occupation and operation of the facility, but appears to be appropriately sized to enable future use. | Yes |
| There must be laundry facilities or access to laundry facilities. A service must ensure that adequate, developmentally and age-appropriate | <ul style="list-style-type: none"> • Detailed design and fit-out and operational details will be subject of future development | N/A – capable of compliance |

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| toilet, washing and drying facilities are provided... | consent that must be obtained for fit-out, occupation and operation. | |
| Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures safety | | |
| A service must provide adequate area or areas for administrative functions. | | |
| Child care facilities must provide for children who wear nappies | | |
| A centre-based service must ensure that the rooms and facilities within the premises are designed to facilitate supervision of children at all times | | |
| Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. | • Detailed operational details will be subject of future development consent that must be obtained for fit-out, occupation and operation. | |
| 7sqm per child unencumbered outdoor space | • Indicative plans show approx. 700sqm of outdoor space. However, detailed design and calculations of the spaces meeting 'unencumbered' definition would be subject of a future development application for the fit-out, occupation and operation of the facility, but appears to be appropriately sized to enable future use. | Yes |
| Outdoor spaces must allow children to explore and experience the natural environment. | • Detailed operational and fit-out details will be subject of future development consent that must be obtained for fit-out, occupation and operation. | N/A – capable of compliance |
| Outdoor spaces must include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun. | • Detailed operational and fit-out details will be subject of future development consent that must be obtained for fit-out, occupation and operation. • Shade is provided. | Yes |
| Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. | • Detailed operational and fit-out details will be subject of future development consent that must be obtained for fit-out, occupation and operation. • Fencing is proposed. | Yes |

2.8 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.

2.9 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.

- Mixed use development
- Residential apartments (residential accommodation)
- Retail premises (commercial premises)
- Centre-based child care facility

| Relevant clause | Proposal | Compliance |
|---|---|---------------------------|
| 2.7 Demolition | Demolition completed under separate consent. | N/A |
| Land use table B2 – Local Centre | The proposal is a 'mixed use development' incorporating residential apartments as 'residential flat building', 'retail premises' ('commercial premises'), and a 'centre-based child care facility'. All are 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 – 72m | Minor encroachments above 72m (0.82m, 1.1%), see 2.7.1 discussion below. Encroachments are for rooftop equipment plant rooms and lift overruns) and part of parapet wall. | No – clause 4.6 supported |
| 4.4 Floor space ratio – 3.5:1 | 3.5:1 (37,948sqm / 10,483sqm = 3.5) (Note: 10,483sqm includes B2 zoned land; RE1 land is excluded as does not have an applicable FSR control) | 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 | <p>The site is identified as Class 5 and within 500m of land identified as Class 2.</p> <p>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 levels (RLs) of 8.3m, 6.9m, 9.3m and 11.8m).</p> <p>The development is unlikely to lower the water table on adjacent Class 2 land.</p> | Yes |

| | | |
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| (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 4. |

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) | <p><i>the consent authority is satisfied that:</i></p> <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> | See comments below. |
| (b) | <i>the concurrence of the Secretary has been obtained.</i> | Concurrence of the Secretary assumed (Planning Circular PS 20-002, issued 5 May 2020). |

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 request is included at Attachment 4).

Evaluation

The following heights are proposed.

| | Existing ground level | Maximum height (RL) | Maximum height (m) | Extent of departure | % departure |
|-----------------------|-----------------------|---------------------|--------------------|---------------------|-------------|
| <i>Southern tower</i> | | | | | |
| Rooftop equipment | RL 14.76m | RL 87.4m | 72.64m | 0.64m | 0.9% |
| <i>Northern tower</i> | | | | | |
| Rooftop equipment | RL 12.03m | RL 84.85m | 72.82m | 0.82m | 1.1% |

| | | | | | |
|--------------|-----------|-----------|--------|-------|------|
| Parapet wall | RL 11.22m | RL 83.63m | 72.41m | 0.41m | 0.6% |
|--------------|-----------|-----------|--------|-------|------|

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 considerably;
- Opportunity to increase supply and diversity of residential accommodation within walking distance of existing and planned public transport;
- New retail tenancies at ground level will contribute to activation and enlivenment of the precinct;
- 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 largely indiscernible when viewed from the streetscape and public domain, meaning it does not significantly contribute to perceived density, height or bulk;

- The bulk of the development itself complies with the building height, with encroachments for parapet walls; and rooftop equipment that is positioned towards the centre of the buildings.

Although the grounds cited are not site specific, they are well documented and similar variations have previously been supported for adjoining development applications, namely:

- DA/620/2016 at 1-5 Carter Street (0.85m, 1.185% variation);
- DA/1056/2016 at 1-5 and 7 Carter Street (4.1m, 9.8% variation); and
- DA/367/2019 at 11A and 13 Carter Street (1.17m, 2.8%).

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 in the form of 16 retail tenancies 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 planned public transport upgrades, and supply of bicycle storage encourages active transport. |
| To encourage high density residential development. | Noted – the development provides high density residential development. |
| 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) as well as universal accessibility. |

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 is 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.

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 to decrease FSR from 3.5:1 to 2.37:1.

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.

A revised draft Master Plan and amendments to ALEP 2010 was placed on exhibition from 31 August 2020 until 28 September 2020.

The exhibited package shows the following changes to the subject site:

- No change to FSR;
- No change to land use zone;
- Increase in maximum building height from 72m.

The package also introduces an incentive clause whereby an additional uplift in height (to 144m) and FSR (to 5.16:1) can be supported if specific car parking rates are met (with the intent to minimise the provision of car parking). The uplift is not pursued in this current application.

Nevertheless, the proposed development is compliant with the current floor space ratio and seeks a minor exception to the current 72m 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 2.5.2) to ensure high quality appearance and design.

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. A pedestrian link is appropriately provided for along the southern side. 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 proposed development includes land zoned RE1. The embellishment of the space will be subject to a future development application. | Yes |
| Part 4 – Residential mixed use development | | Complies |
| 4.1 Building height and form | <ul style="list-style-type: none"> The development proposes a five storey podium and two towers of 21 and 22 storeys. Heights are inconsistent with ALEP 2010; the application is supported by a clause 4.6 request (held at Attachment 4). Building lengths are below 65m, and where greater than 30m, articulation is provided. Tower footprints are approx. 1,065sqm and 1,075sqm. 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 five 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 northern tower encroaches into the additional 3m setback above the podium. However, the podium's design differentiates the bulk of the podium from the bulk of the towers. This reduces the perceived bulk of the podium, giving it a satisfactory appearance and visual bulk from the street. | Generally – but satisfactory on merit |
| 4.2 Setbacks and public domain interface | <ul style="list-style-type: none"> Significant articulation through use of balconies, recesses and architectural features throughout all façades. Balconies vary in size, shape and articulation to assist in satisfying this control. Materials and finishes help provide visual interest. Setback non-compliance exists for tower elements above podium along Uhrig Road (zero setbacks when potential road widening taken into consideration). | Generally – but satisfactory on merit |

| | | |
|--|--|---------------------------------------|
| | <ul style="list-style-type: none"> • However, as above, DEAP has supported the scheme as a whole. • The corner components 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 level along the Uhrig Road/future public open space and pedestrian link frontages, 16 retail tenancies are provided. • Four residential lobbies are proposed: one from Uhrig Road (servicing podium and northern tower), one at south-eastern corner (servicing southern tower), and one from the eastern road (servicing podium). • The more-northern lobby from Uhrig Road also services the centre-based childcare facility. • The retail tenancies are generally consistent with the levels of the footpath areas and pedestrian link. Slight variations exist, however these spaces have been designed to be universally accessible. • Awnings are provided above the retail tenancies along Uhrig Road, public park and pedestrian link frontages. | |
| 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 26% (approximately 2,082sqm) of the development block (Note: area excludes RE1 zoned and, and land for dedication for pedestrian link and road widening). A minimum 30% is required by CSPDCP 2016, however only 25% is required by ADG. • It is appropriately designed, and the large outdoor area on the top of the podium provides the majority of this area, with a forecourt at street level on Uhrig Road providing the remainder. • The podium communal area is appropriately designed with a range of facilities, including pool and pool deck, seating, open lawn, gym, sauna, sun beds, shade structures, BBQ and picnic areas and substantial planting (including trees, shrubs, groundcovers). Private courtyards/terraces for apartments have direct access to this common open space. • Despite some overshadowing, the common open space area on the podium receives appropriate solar access and air flow. • CSPDCP 2016 does not specify a numerical minimum for deep soil zones. Deep soil zone is proposed as the centre-based childcare facility's external play area and represents approximately 7% (562sqm) of the development block. • A minimum 50% of communal open space is required to be softscaped; the development achieves compliance with this. | Generally – but satisfactory on merit |
| 4.5 Vehicular access and car parking | <ul style="list-style-type: none"> • Proposed parking is provided at basement levels 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 | Yes |

| | | |
|--|--|-----------------|
| | <p>of façades and are successfully screened from the public domain.</p> <ul style="list-style-type: none"> • Entries into the parking areas from eastern street is a clearly defined vehicular entrance, separate from pedestrian access points. Vehicular access point is integrated into the overall design, and does not detract aesthetically. • Single vehicular access point is provided to minimise conflict. • End of trip facilities are provided in 'lower ground' carpark (adjacent to the eastern street). • A total of 558 parking spaces are proposed for the development. This represents – <ul style="list-style-type: none"> ○ 422 spaces for residential apartments; ○ 81 spaces for residential visitors; ○ 33 spaces for retail; ○ 20 spaces for centre-based childcare facility; ○ 2 car share spaces. • See section 7.6 for full discussion of car parking and bicycle parking. | |
| 4.6 Acoustic assessment | <ul style="list-style-type: none"> • 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. • The report has been assessed internally with no objections raised, subject to imposition of appropriate conditions of consent. • See section 7.4 for full discussion. | Yes |
| 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. • The proposal has been appropriately designed to limit the opportunity for anti-social behaviour and encourage safety and security. • See section 7.11 for full discussion of CPTED. | Yes |
| 4.8 Sydney Olympic Park event impacts | The imposition of an appropriate condition of consent requiring an events covenant being registered on title is recommended. | Yes |
| 4.9 Adaptable housing | <ul style="list-style-type: none"> • CSPDCP 2016 reverts to adaptable housing controls in ADCP 2010, which requires 40 adaptable dwellings in the proposal. • 40 adaptable dwellings are proposed. | Yes |
| Part 6 – Environmental management | | Complies |
| 6.1 Sustainability | <p>A NatHERS and BASIX Assessment report, prepared by Efficient Living, was submitted in support of the application. The assessment outlines a 6.2 rating.</p> <p>Council's external sustainability consultant has reviewed the report and is satisfied the development can be supported. Appropriate conditions of consent are imposed, requiring compliance with such commitments and updated BASIX certificates and stamped plans to be submitted that adequately specify performance requirements for all glass types used in the NatHERS certification.</p> | Yes |

| | | |
|-----------------------|--|-----|
| 6.2 Flooding | The site is not flood liable land. | N/A |
| 6.3 Stormwater (WSUD) | <ul style="list-style-type: none"> • Stormwater will be managed via on-site detention systems. • Council's internal catchment development engineer has reviewed the proposal and has recommended the imposition of appropriate conditions of consent to ensure a suitable stormwater system is provided, including the relocation of tank 1. • The imposition of conditions will ensure an appropriate stormwater concept for the site. | 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 has obtained written certification that satisfactory arrangements have been made for contributions to designed State public infrastructure in the Carter Street precinct.

5.2 Carter Street Precinct Development 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 Development Contributions Plan 2016 (CP 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 total cost of development is \$128,221,269.00. An appropriate condition requiring a 1% contribution is included in the recommendation.

Community centre

CP 2016 includes reference to a community facility that is to be constructed to 'cold-shell' and then dedicated to Council. Council would then utilise contributions from developments in the precinct to fit-out the facility, at a later date, to the cost of \$2.5m.

CP 2016 is a section 7.12 (previously 94A) plan, which requires a fixed development levy of a percentage of the proposed cost of works. This is confirmed by the first sentence in Part A Schedule 1 which outlines "the section 94a contributions levy for the Carter Street Precinct is 1% of the cost of development.

CP 2016 is the only contributions plan applying to the site, meaning there is no section 7.11 contributions plans applying to the site.

S7.12(2) of the EP&A Act 1979 outlines that a consent authority cannot impose a condition under s7.11 as well as s7.12 on the same development consent.

As such, there is no contributions plan currently in force that applies to the site that authorises the imposition of a condition under s7.11 of the EP&A Act 1979 to require dedication of land. Therefore, a community facility is not provided within the development, but appropriate conditions of consent are imposed to require payment of the 1% contribution.

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 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

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 along Uhrig Road. Departures from this control are proposed for tower components along Uhrig Road.

A 7m 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).

The design incorporates articulation through use of balconies, recesses and architectural features throughout the scheme and along all façades. The two tower elements have an approximate separation of 35m.

Each apartment 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 mixed use development that incorporates residential accommodation, and is compatible with its setting in the Carter Street priority precinct.

Overall, 403 residential apartments, a centre-based childcare facility and 1,637sqm of retail space across 16 tenancies is provided.

Council's Design Excellence Advisory Panel has supported the built form of the scheme (refer to section 2.5.2 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 maximum of 72m for lift overruns, plant rooms and part of a parapet wall, 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 relevant sections of Council and DEAP and is considered satisfactory.

Accessibility

The application is supported by an accessibility report, prepared by ABE Consulting Pty Ltd and dated 13 August 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.

Council's universal design and access project officer has reviewed the application and is satisfied.

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. The communal open spaces satisfy the ADG.

Reflectivity

The application has submitted a glare and reflectivity report, prepared by SLR, and dated 28 April 2020. 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.

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.

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 slabs do 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'
- Specific glazing requirements and acoustic seals for internal play area of centre-based childcare facility.

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.

Compliance with CSPDCP 2016 noise criteria is demonstrated and appropriate conditions have been imposed to ensure acceptable noise criteria is experienced.

In addition, the imposition of an appropriate condition of consent requiring an events covenant being registered on title is recommended.

Wind

An environmental wind tunnel study, prepared by SLR and dated 31 August 2020, has been submitted in support of the application.

Wind conditions in various locations across and adjacent to the subject site will increase as a result of the development. To mitigate, SLR has proposed mitigation measures, namely additional landscaping and screening, to minimise the impacts felt.

The following summation outlines wind impacts with the proposed development and resulting wind conditions. A total of 36 sensors within and around the site were tested.

| Location | Potential wind impact (no mitigation) | Resulting wind condition (with mitigation) |
|---|--|---|
| Opposite side of Uhrig Road (sensors 1-5) | 13.5m/s – 17.0m/s | 12.0m/s – 14.5m/s |
| RE1 zoned land (sensors 6-8) | 16.0m/s – 20.5m/s | 14.5m/s – 16.0m/s |
| Uhrig Road frontage (sensors 9-14) | 15.0m/s – 21m/s | 11.0m/s – 14.5m/s |
| Adjacent to centre based child care (sensors 15-16) | 15.0m/s – 17.0m/s | 10.0m/s – 15.5m/s |
| Northern road (sensors 17-20) | 15.5m/s – 18.5m/s | 10.0m/s – 16.0m/s |
| Western road (sensors 21-26) | 13.5m/s – 20.0m/s | 10.5m/s – 16.0m/s |
| Pedestrian link (sensors 27-30) | 11.5m/s – 17.0m/s | 8.0m/s – 15.5m/s |
| Podium communal open space (sensors 31-36) | 14.0m/s – 22.0m/s | 13.0m/s – 16.0m/s |

In the above table, the 'potential wind impact' column outlines the wind impacts to be experienced if the development is built with no mitigation measures included; the 'resulting wind conditions' column outlines the wind impacts to be experienced if the development is built and implements proposed mitigation measures. The mitigation measures to be implemented include existing and additional trees and vegetation, and a 1.8m vertical screen at podium level.

Under the Melbourne-derived wind acceptability criteria, the following wind speeds are outlined:

- 24m/s – knockdown in isolated areas (safety criteria);
- 23m/s – knockdown in public access areas (safety criteria);
- 16m/s – comfortable walking (comfort criteria);
- 13m/s – comfortable standing, waiting (comfort criteria); and
- 10m/s – outdoor dining (comfort criteria).

As illustrated by the table above, there will be no exceedance of the safety criterion (i.e. no locations above 23m/s).

The environmental wind tunnel study was reviewed by an external wind consultant.

It is considered that the expected wind impacts are appropriate provided the mitigation methods are implemented appropriately.

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, the majority of shadows will fall towards the south of the property and the eastern street.

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

Solar access diagrams indicate that 73% of residential 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 14% of residential apartments will receive less than 15 minutes of sunlight to these areas at the same time. This is compliant with the ADG.

7.5 Public domain

Relationship with Uhrig Road, the eastern street 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.
- All vehicular entry is limited to 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 apartments and retail tenancies to all frontages provides passive and casual surveillance of the public realm and improves actual and perceived safety.
- Architectural design and treatment will achieve suitable streetscape presentation.
- Appropriate landscape treatments to frontages to contribute to the public domain.

7.6 Access, transport and traffic

Car parking supply – generally

The development proposes a total of 558 parking spaces, representing:

- 422 spaces for residential apartments;
- 81 spaces for residential visitors;
- 33 spaces for retail;
- 20 spaces for centre-based childcare facility;
- 2 car share spaces.

This is compliant with the requirements of CSPDCP 2016.

Car parking supply – residential apartments

CSPDCP 2016 provides the following **maximum** parking rates for residential apartments:

| Apartment | Maximum rate | No. proposed | Max. spaces | Provided |
|--------------|-------------------------|--------------|-------------|------------|
| 1 bedroom | 1 space per dwelling | 189 | 189 | 422 |
| 2 bedroom | 1 space per dwelling | 156 | 156 | |
| 3 bedroom | 2 spaces per dwelling | 58 | 116 | |
| Visitors | 0.2 spaces per dwelling | 403 | 81 | 81 |
| TOTAL | | | 542 | 503 |

The development proposes 503 spaces for the residential component (422 for residents, 81 for visitors).

Car parking supply – retail

CSPDCP 2016 requires a maximum 1 space per 50sqm for the local retail tenancies. There is 1,637sqm of retail across 16 tenancies. This requires a maximum of 33 spaces.

33 spaces are proposed for the retail component, equal to the maximum, which is acceptable.

Car parking supply – centre-based childcare facility

CSPDCP 2016 does not specify rates for a centre-based childcare facility, so the required rate is defaulted to requirements in Auburn Development Control Plan 2010 (ADCP 2010), which requires a minimum of 20 spaces.

20 spaces are proposed for the centre-based childcare facility, equal to the minimum, which is acceptable.

Bicycle parking supply

CSPDCP 2016 requires a minimum of 442 bicycle spaces (403 for residential, 34 for residential visitors, and 5 for retail).

The development proposes 451 bicycle spaces.

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 2.4m 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 in to the site and confirm it to be satisfactory. Two loading bays are provided: one for standard rigid vehicle and one for medium rigid vehicle. A loading dock management plan is required by condition of consent.

Construction traffic

A Construction and Pedestrian Traffic Management Plan is to be submitted prior to works commencing.

Operational traffic

The application is supported by a traffic report which includes a forecast for future traffic generation.

The report estimates that approximately 141 trips in the AM peak, and 194 trips in the PM peak would likely be experienced at the site.

The traffic report and application as a whole has been assessed by the relevant section 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.

On-site stormwater collection and disposal

Stormwater will be managed via on-site detention systems. Council's internal catchment development engineer has reviewed the proposal and has recommended the imposition of appropriate conditions of consent to ensure a suitable stormwater system is provided, including the relocation of tank 1.

The imposition of conditions will ensure an appropriate stormwater concept for the site.

7.8 Waste management

An operational waste management plan, prepared by Elephants Foot Recycling Solutions (dated 24 July 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 retail tenancies and centre-based childcare facility and Council will be engaged to service the residential component.

Relevant sections of Council, including the Waste Services and the Environmental Health

sections, have reviewed the documentation and have raised no objection to the proposed process.

Imposition of appropriate conditions of consent is recommended.

7.9 Construction management

Construction management

A construction management plan (CMP), prepared by Karimbla Construction Services (NSW) Pty Ltd and dated 2 August 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;
- 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;
 - Construction 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, as below.

| Principle | Comment |
|-------------------------------|---|
| Natural surveillance | <ul style="list-style-type: none"> • The pedestrian link is straight, providing appropriate sightlines. • Retail tenancies provide activation. • All frontages have balconies and windows overlooking the public domain, increasing supervision and surveillance. The apartments are residential in nature, indicating some permanency of residents and increase natural surveillance where SOP is very visitor-focussed. • Security and casual lighting are integrated into the development to ensure spaces are appropriately lit. |
| Access control | <ul style="list-style-type: none"> • Wayfinding within the development is eligible, and four lobbies are proposed. • The public domain is limited to ground level with discernible access points for separate uses. • Physical separation of spaces is included, and lift access is controlled via swipe access or similar. • Design includes physical barriers to reduce unauthorised access. |
| Territorial reinforcement | <ul style="list-style-type: none"> • The proposal provides actual boundary markers (including entries and exit) and will provide a sense of guardianship and ownership through maintenance of spaces. • There is a clear delineation between public and private spaces by physical separation, visual cues and similar. • Internal spaces are controlled through use of signage, physical cues, physical separation and landscape features. • Visual cues include display of security signage and CCTV cameras, motion sensor lighting, and placement of amenities in open public areas to promote activity away from private spaces. |
| Space and activity management | <ul style="list-style-type: none"> • Maintenance is supported by use of high-quality materials and limiting opportunities for vandalism and graffiti. • Procedures to ensure speedy removal of graffiti and rectification of vandalism. |

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

- 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, the risk assessment remains a relevant assessment tool.

To begin quantifying the societal risk (based on population) Arriscar estimated an assumed population of 459 people for the subject site.

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

| Use | Provision | Occupancy | Total people |
|-----|-----------|-----------|--------------|
|-----|-----------|-----------|--------------|

| | | | |
|------------------------|----------------|------------------|------------|
| Residential apartments | 403 apartments | 2.2 persons/room | 886.6 |
| Retail | 1,637sqm | 1 person/30sqm | 54.5 |
| Commercial (childcare) | 1,100sqm | 1 person/30sqm | 36.6 |
| TOTAL | | | 978 |

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 assesses the pipeline associated risks for the subject site with a residential population of 459 people over 24 storeys, and a non-residential maximum of 113 people. This is a total of 572 people. The proposed population of 978 people is above the LUSS estimate. The Hazards section of the Department of Planning, Industry and Environment (DPIE) has confirmed that a further risk assessment is not required, for the following reasons:

- The subject site is not directly fronting Carter Street and therefore the potential impact from the pipeline to the proposed lot may be reduced given the separation distance.
- Given the land is outside of Area 1 and Area 2, DPIE agrees that an additional risk assessment is not required.

The draft master plan and urban design report for the precinct provided the following figure, showing two pipeline corridor setback areas: Area 1 and Area 2.



Figure 8 – pipeline corridor setback areas (subject site shown outlined in orange)

Area 1 shows land where residential land uses are not suitable (shaded light blue). Area 2 shows where sensitive land uses (such as child care centres) are not suitable (shown with diagonal hatching). The subject site (shown in orange) is outside of both areas, meaning the proposed land uses are suitable.

In addition, Caltex and Viva Energy have both confirmed the following:

- Viva Energy – the centre-based childcare facility is outside of measurement length, and as such no requirements under relevant legislation.
- Caltex – the centre-based childcare facility is outside of the measurement length therefore no need for an SMS.

Given the above confirmations from DPIE, Viva Energy and Caltex, the proposal is considered satisfactory having regard to the pipelines in the Carter Street precinct.

8. Suitability of the site

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.

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

DRAFT CONDITIONS OF CONSENT

GENERAL MATTERS

Planning and general

1. The development is to be carried out in accordance with the following **architectural plans** prepared by DKO Architecture, 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 |
|--------------------------|--------------------------|---------------|
| DA001, E | Development summary | 23 June 2020 |
| DA103, D | Site plan | 23 April 2020 |
| DA200a, D | Basement 02 | 23 April 2020 |
| DA200b, F | Basement 01 | 23 April 2020 |
| DA201, J | Lower ground floor plan | 23 June 2020 |
| DA202, H | Ground floor plan | 23 June 2020 |
| DA203, F | Level 1 | 23 June 2020 |
| DA204, F | Level 2 | 23 June 2020 |
| DA205, F | Level 3 | 23 June 2020 |
| DA206, F | Level 4 | 23 June 2020 |
| DA207, E | Level 5 | 23 April 2020 |
| DA208, E | Level 6 – 11 | 23 April 2020 |
| DA209, E | Level 12 – 20 | 23 April 2020 |
| DA210, E | Level 21 | 23 April 2020 |
| DA211, E | Roof | 23 April 2020 |
| DA300, E | Elevations – sheet 1 | 23 April 2020 |
| DA301, E | Elevations – sheet 2 | 23 April 2020 |
| DA302, E | Elevations – sheet 3 | 23 April 2020 |
| DA303, E | Elevations – sheet 4 | 23 April 2020 |
| DA304, E | Elevations – sheet 5 | 23 April 2020 |
| DA305, D | Elevations – finishes | 23 April 2020 |
| DA306, D | Elevations – finishes | 23 April 2020 |
| DA307, D | Section A | 23 April 2020 |
| DA308, D | Section B | 23 April 2020 |
| DA309, D | Section C | 23 April 2020 |
| DA310, C | Artist's impression | 23 April 2020 |
| DA311, C | Artist's impression | 23 April 2020 |
| DA312, A | Long section profile | 23 April 2020 |
| DA313, A | Ramp sections | 23 April 2020 |
| DA320, A | Façade section – sheet 1 | 23 April 2020 |
| DA321, A | Façade section – sheet 2 | 23 April 2020 |
| DA404, F | COS and deep soil | 23 April 2020 |
| DA405, D | GFA calculation | 23 April 2020 |
| DA406, D | Apartment mix | 23 April 2020 |
| DA407, D | Adaptable apartments | 23 April 2020 |
| DA408, D | Adaptable unit plans | 23 April 2020 |
| DA409, D | Height plan axonometric | 23 April 2020 |
| DA410, A | Adaptable unit details | 23 April 2020 |

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, A | Landscape cover page | 24 April 2020 |
| L200, A | Ground level planting plan | 24 April 2020 |
| L201, A | Ground level planting plan | 24 April 2020 |
| L202, A | Ground level planting plan | 24 April 2020 |
| L203, A | Ground level planting plan | 24 April 2020 |
| L210, A | Level 4 podium planting plan | 24 April 2020 |
| L211, A | Level 4 podium planting plan | 24 April 2020 |
| L212, A | Level 4 podium planting plan | 24 April 2020 |
| L215, A | Level 5 landscape plan | 24 April 2020 |
| L900, A | Typical landscape details | 24 April 2020 |
| LPD000, A | Landscape cover page | 24 April 2020 |
| LPD200, A | Landscape public domain plan | 24 April 2020 |
| LPD201, A | Landscape public domain plan | 24 April 2020 |
| LPD202, A | Landscape public domain plan | 24 April 2020 |
| LPD900, A | Typical landscape details | 24 April 2020 |
| LPD901, A | Typical landscape details | 24 April 2020 |

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. 9188_ADR_DA_v1.1) | ABE Consulting | 13 August 2019 |
| Adaptable Unit Design Report (report no. MTN-112), revision 2 | Wall to Wall | 4 June 2020 |
| Environmental Wind Tunnel Study – Wind Tunnel Mitigation Testing Assessment (report no. 610.16237.01900-R01, revision v3.0) | SLR Consulting Australia Pty Ltd | 31 August 2020 |
| Acoustic Report (report no. 20190893.1/0708A/R0/TA) and supplementary letter (no. 20190893.1/1703A/R0/TA) | Acoustic Logic | 7 August 2019 and 17 March 2020 |
| Operational Waste Management Plan (revision B) | Elephants Foot | 24 July 2019 |
| NatHERS and BASIX Assessment (revision F) | Efficient Living | 11 September 2020 |
| Traffic and Transport Assessment (job no. 248429) and supplementary statement (final_v4) | Arup | 26 July 2019 and 30 April 2020 |
| Crime Prevention through Environmental Design Assessment | APP Corporation | 27 February 2020 |

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. 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.

5. 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.

6. The 7m 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.

7. This consent does not authorise, approve or provide consent for any of the following:

- Embellishment of the public open space area.
- Any outdoor dining on public space.
- Fit-out, occupation or operation of the centre-based child care facility.

A separate development application must be submitted, and separate development consent received, for any of the above.

Reason: To clarify the terms of this consent.

8. In accordance with the Land Use Safety Study (LUSS) prepared by Arriscar and dated 12 June 2018, an emergency plan shall be provided outlining emergency refuge and/or egress arrangements provided for the development in the event of an incident involving a pipeline.

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

9. To ensure the design quality of the development is retained, the approved schedule of external materials of construction shall not be altered without the prior approval of Council.

Reason: To ensure design quality is retained.

Transport for NSW (TfNSW) including Roads and Maritime Services (RMS)

10. The development shall be undertaken to comply with the following requirements of TfNSW (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) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
 - (d) The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

Reason: to ensure compliance with requirements of RMS.

Ausgrid

11. *Supply of Electricity*

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- Site conditions or other issues that may impact on the method of supply.

Please see Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

12. *Proximity to Existing Network Assets, Overhead Powerlines*

There are existing overhead electricity network assets in Uhrig Road.

Safework NSW Document – Work near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

13. *Underground Cables*

There are existing underground electricity network assets in Uhrig Road.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

It remains the responsibility of the developer and relevant contractors to ensure Ausgrid will have 24/7 access. Should proposal impact the existing assets, suitable arrangements should be made to relocate the assets prior to the commencement of construction so that statutory clearances are not encroached.

Sydney Olympic Park Authority (SOPA)

14. *Construction impacts on SOPA assets*

- (a) Any alterations, modifications, or new retaining wall structures on the boundary adjoining SOPA land shall be submitted and agreed to in writing by SOPA’s Director, Environment and Planning prior to the issue of a construction certificate. The retaining wall should be constructed to the relevant BCA standards and should be maintained by the developer. SOPA cannot accept any responsibility of the wall or an altered/ amended wall.

- (b) Details of the pedestrian footpath at the junction of Uhrig Road / Edwin Flack Lane and the new service lane should be first submitted and agreed in writing by SOPA's Director, Environment and Planning prior to the issue of a construction certificate.

The details shall include the interface of the pavement between SOPA land the subject site and shall be designed to the relevant specification.

- (c) Given the proximity of excavation and construction works to SOPA's land, a pre-construction dilapidation report be provided to SOPA detailing the current structural condition of any roads, public domain and/or infrastructure assets including but not limited to the existing retaining wall located to the south east of the site or within the zone of influence.

15. *Construction and traffic management*

The revised Construction Traffic Management Plan, required by conditions of this consent, shall be approved by SOPA's Director, Environment and Planning prior to the issue of a Construction Certificate for the development.

Landscaping

- 16. Trees equal to or greater than 3.5 metres in height, which are protected under Auburn Development Control Plan 2010 (Tree Preservation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

Environmental health – general

- 17. The parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system, complying with:

- (a) Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater First Flush Pollution);
- (b) Environment Protection Authority's Managing Urban; and
- (c) Environment Protection Authority's Managing Urban Stormwater: treatment techniques (1997).

The stormwater treatment device(s) are to be maintained on a regular basis to ensure their functionality. All solid and liquid wastes collected from the device are to be disposed of in accordance with Protection of the Environment Operations Act 1997.

Reason: To prevent pollution of waterways.

- 18. Car wash bay spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the owners' corporation.

Reason: To protect the local amenity.

- 19. The operation of the premises is to be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

Reason: To ensure that stormwater drains are not polluted.

- 20. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste)

Regulation 2014 and in accordance with NSW Environment Protection Authority (EPA) Waste Classification Guidelines.

Reason: To prevent pollution of the environment.

21. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

Environmental health – waste

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

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

23. 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.

24. 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.

25. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the NSW EPA Better Practice Guide for Resource Recovery in Residential Developments. 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.

Environmental health – contamination

26. Hazardous or intractable wastes arising from the demolition or construction processes shall be removed and disposed of in accordance with the requirements of SafeWork 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 EPA Waste Classification Guidelines.

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.

27. Following demolition activities, 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. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

A site audit statement shall be issued at the completion of the investigation by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

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

28. 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.

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

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

30. 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.

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.

31. 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.

32. 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.

33. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy No. 55 – Remediation of Land.

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

34. Following excavation and removal of any underground storage tank, the land shall be assessed in accordance with the NSW Environment Protection Authority's Technical Note: Investigation of Service Station Sites (2014). A report on the investigation is to be supplied to Council's Environment and Public Health Unit.

At the completion of the investigation, a site audit statement shall be issued by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

Reason: To ensure that the land is left in a safe and healthy condition.

35. Remediation works shall be carried out in accordance with the Remediation Action Plan numbered MER-03-10972 / RAP1 / v2 'final' prepared by ADE Consulting Group (dated 25 January 2017), received by Council on 20 November 2019. 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.

36. A validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:

- (a) Compliance with the approved RAP;
- (b) The remediation acceptance criteria (in the approved RAP) has been fully complied with;
- (c) All remediation works undertaken comply with the contaminated lands planning guidelines, Contaminated Lands Management Act 1997, SEPP 55 and Council's Management of Contaminated Lands Policy and includes:
 - Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - A "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
 - A statement confirming that the site following remediation of contamination is suitable for the intended use.

Reason: To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the Contaminated Land Management Act 1997.

37. Following the preparation of the validation report, Council requires the applicant to engage an accredited auditor under the Contaminated Land Management Act 1997 to

review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur to ground level courtyards and communal open space areas within the development. The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 4.55 Modification Application or further Development Application pursuant to the Environmental Planning and Assessment Act 1979 will be required.

Reason: To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the Contaminated Land Management Act 1997

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Fees and charges

38. 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.

39. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of any 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.

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

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

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

41. 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/501/2019;

- (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 |
|-----------------------|-------------|
| Development site bond | \$25,750.00 |
| Street trees | \$4,120.00 |

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.

Planning and general

42. 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.

43. 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.

44. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for the relevant 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.

45. External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

Reason: To have a minimal impact on the neighbouring property.

46. All outdoor lighting must comply with the relevant provisions of AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany the relevant 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.

47. 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 the relevant Construction Certificate.

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

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

49. 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. 9188_ADR_DA_v1.1, 13 August 2019;
 - (b) Adaptable Unit Design Report, prepared by Wall to Wall, report no. MTN-112, revision 2, dated 4 June 2020;

- (c) Environmental Wind Tunnel Study – Tunnel Mitigation Testing Assessment, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16237.01900-R01, revision v3.0, dated 31 August 2020;
- (d) Acoustic Report (report no. 20190893.1/0708A/R0/TA) and supplementary letter (no. 20190893.1/1703A/R0/TA), prepared by Acoustic Logic, dated 7 August 2019 and 17 March 2020 respectively;
- (e) Operational Waste Management Plan, prepared by Elephants Foot, revision B, dated 24 July 2019;
- (f) NatHERS and BASIX Assessment, prepared by Efficient Living, revision F, dated 11 September 2020;
- (g) The Glare and Reflectivity Assessment submitted to satisfy conditions of this consent

Reason: To ensure a suitable level of amenity.

50. Prior to the issue of the relevant construction certificate, the following must be demonstrated to the satisfaction of Council's Group Manager Development and Traffic Services Unit (DTSU):

- (a) Details for species of trees/landscaping proposed for wind mitigation must be submitted and approved to ensure the trees/landscaping are appropriate and adequate to achieve the mitigation required by the approved Environmental Wind Tunnel Study – Tunnel Mitigation Testing Assessment, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16237.01900-R01, revision v3.0, dated 31 August 2020.
The information must be supported by an arboricultural assessment, prepared by a suitably qualified professional, and demonstrate that the selected species can survive under the expected wind levels, and assist in mitigating impacts.

Reason: To ensure appropriate mitigation of wind impacts.

51. 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.

52. 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 the relevant 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.

53. The provision of utility services to the building shall include dual water reticulation piping (lilac pipes) to enable connection to future recycled water via the Sydney Olympic Park Water Reclamation and Management Scheme (WRAMS) or other future Sydney Water

recycled water system. Details are to be included in the relevant Construction Certificates.

Transport for NSW (TfNSW) including Roads and Maritime Services (RMS)

54. The development shall be undertaken to comply with the following requirements of TfNSW (RMS):
- (a) A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.

Sustainability and reflectivity

55. Prior to the issue of the relevant construction certificate, the following must be demonstrated to the satisfaction of Council's Group Manager Development and Traffic Services Unit (DTSU):

- (a) Submit updated BASIX certificates and stamped plans that adequately specify the performance requirements for all glass types used in the NatHERS certification for the project and model all windows correctly for openable areas, including where restricted opening devices are required, in the NatHERS certification.

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

56. Prior to the issue of the relevant construction certificate, an amended Glare and Reflectivity Assessment is to be provided and must address the following matters to the satisfaction of Council's Group Manager Development and Traffic Services Unit (DTSU):

- (a) Provide objective analysis to confirm adequate mitigation of glare risk from reflected sunlight. The analysis shall include calculation of resulting glare indices where control of reflectivity is relied upon and geometric analysis where physical screening is provided. The analysis is to be undertaken for all necessary representative viewpoints.
- (b) Provide reference sections for glazing to demonstrate external visible light reflectivity is no greater than 10%.

Note that where compliance with this condition results in changes to the design composition of the building's façade, a modification application may be necessary.

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

Traffic and transport

57. The PCA shall ascertain that any new element in the basement and podium 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 relevant construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

58. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. A total of 558 parking spaces is to be provided and be allocated as follows:

- 422 spaces for residential apartments including 41 spaces as accessible parking;
- 81 residential visitor spaces including 1 space as accessible parking;
- 33 spaces for retail uses including 1 space as accessible parking;
- 20 spaces for centre-based childcare facility including 1 space as accessible parking;
- 2 car share spaces.

Tandem car spaces are to be allocated to the same apartment. Details are to be illustrated on plans submitted with the relevant construction certificate.

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

59. 499 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 relevant construction certificate.

Reason: To comply with Council's parking requirements.

60. Prior to the issue of the relevant construction certificate, the applicant shall submit a Loading Dock Management Plan to the satisfaction of Council's Traffic and Transport Manager. The Plan must address the following matters:

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

Reason: To ensure compliance with the relevant DCP and reduce kerbside stopping reliance.

Engineering

61. Prior to the issue of the relevant Construction Certificate, the applicant shall demonstrate to Council's satisfaction that sufficient freeboard is provided within the proposed finished floor levels of the ground floor to protect against any overland flooding or stormwater inundation from Uhrig Road and the pedestrian link.

Reason: To ensure that the development is resilient to flooding.

62. 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.

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.

63. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate consistent with:

- (a) Stormwater Management Report, prepared by AT&L, project no. 19-650, issue C, dated 28 April 2020.
- (b) Concept stormwater drainage plan, prepared by AT&L, project no. 19-650, issue C, dated 28 April 2020.

Stormwater details relating to Lot 9 DP1228764 are not to form part of the Construction Certificate as these will be subject to a separate development application. All stormwater infrastructure servicing adjoining lots (i.e. Lots 7 & 8 DP 1228764) proposed to be located within Lot 9 DP1228764 shall be relocated wholly within the adjoining lots.

Reason: To ensure satisfactory stormwater disposal.

64. 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.

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.

65. 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.

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

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

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

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) – 2 hour duration storm event, allowing for pump failure.
- (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
- (c) The permissible site discharge (PSD) rate; or

- (d) The rate of inflow for the one hour, 5 year ARI storm event.
- (e) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (f) A 100mm freeboard to all parking spaces.
- (g) Submission of full hydraulic details and pump manufacturers specifications.
- (h) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

Reason: To ensure satisfactory storm water disposal.

68. 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 certifying authority prior to release of the Construction Certificate for stormwater works.

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the concept Stormwater Plans approved by this consent and with the Auburn DCP, Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
- (b) A Site Storage Requirement of 325 m³/ha and a Permissible Site Discharge of 150 L/s/ha. Lot 9 DP1228764 is to be considered as 'bypass area' for the purposes of the OSD calculations and additional volume provided within Lot 8 DP1228764.
- (c) OSD tank 1 is to be relocated from under any habitable or sensitive floor area, such as retail units, residential units, the child care centre and its playground etc. Its location will also need to consider the consequences of potential failure and also the requirements of (d) and (e) below.
- (d) Adequate grate(s) to be provided so the OSD tank storage areas can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank in accordance with the Auburn DCP and AS3500.3. As a guide, the Auburn DCP requires a 900mm x 900mm tank opening every 5 metres with at least one grate to inspect the orifice and another grate to inspect the return pipe inlet.
- (e) The grates of the OSD tanks will also provide an emergency surcharge mechanism in the case of pipe failure and a surface flow path shall be provided to direct any overflows of the OSD tank to the point of discharge. Units (retail or residential) adjoining the flow path shall be provided with sufficient freeboard above the top water level of the flow path.
- (f) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

69. Water quality treatment devices must be installed to manage stormwater discharge in accordance with the Stormwater Management Report, prepared by AT&L, project no. 19-650, issue C, dated 28 April 2020, to satisfy the requirements of the Carter Street

DCP. Plans and details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

70. 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 a Construction Certificate to the satisfaction of the Certifying Authority.

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

Reason: To ensure appropriate vehicular access is provided.

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

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

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

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

Reason: To protect Council's infrastructure.

73. Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Development Engineering Design Guidelines. The engineering details are to form part of the Construction Certificate documentation.

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

74. The proposed kerb inlet pit must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.

Reason: To ensure appropriate drainage.

Urban design – public domain

75. 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 pedestrian link;
- 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);
- The approved (D07496164) Public domain landscape drawings – 11A and 13 Carter Street; and
- All the conditions listed in this consent.

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

- The public domain is designed in accordance with the street section illustrated in the Draft DCP 18 (Appendix 2) – Uhrig Road North/Town Centre (section Figure 5). The section outlines the necessary provisions for Parramatta Light Rail Phase 2, and although the project is not currently underway, CoP wants to futureproof the streetscape as much as possible and protect the trees from any possible disruption.
- The turning circle road geometry at Uhrig Road North is now redundant. The turning circle should be removed and kerb alignment amended to provide a consistent carriageway width as per the Carter Street DCP, aligning with kerbs at Edwin Flack Avenue as instructed in Condition 12 of the Development Application Notice of Determination for DA/232/2018, dated 8 June 2018.
- Stairs in the public domain are to be kept to a minimum and design should follow existing levels as much as possible. Civic Park design will be subject to a separate Development Application but levels and access need to be resolved within this application.
- Awnings in pedestrian link to be no greater than 3m deep for additional solar access.

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

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

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).

Uhrig Road footpath

- Uhrig Road is currently 1.8m. This will not be a sufficient width considering its significance as the Village Centre and as a main axis to Sydney Olympic Park (connecting to Edwin Flack Avenue). Footpath should be 3m wide as per the Carter Street DCP 2016/18 and should be located close to the building boundary to future proof the street scape for Parramatta Light Rail Phase 2.
- Footpath should be a consistent width (3m) and have a consistent alignment (straight and parallel to kerb) along Uhrig Road.
- Streetscape design and building interface (including outdoor dining, cycleway, footpath trees and landscape) must be in accordance with Draft Amendment to Carter Street Precinct Development Control Plan 2018 (DCP 18) Figure 5: Street Section B-B Uhrig Road North.

General footpath

The standard concrete paving, as per the PDG, shall be applied to Uhrig Road, West and North 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.

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

West Street driveway detail shall reflect DS40 sheet 3 Detail 7 and 8 – Typical vehicular crossing plans from City of Parramatta's Engineering Details.

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 the Construction Certificate and again prior to the issuing of an Occupation Certificate.

Tactile Ground Surface Indicators (TGSi)

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.

TGSIs must comply as follows.

- TGSIs are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) including its amendment in 2010.
- TGSIs 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. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications as per Council's Safety Officer advice.

Applied to publically accessible private space:

Non-slip surface – for non-Council Standard Pavements

The applicant shall provide test results (after applying paving sealant) to prove applicable pavement material and finishes used in the publicly accessible areas and any plaza areas are **non-slip surfaces** that comply with a P4 rating as per AS4586:2013. Independent slip resistance test results to P5 Classification (Wet Pendulum Test) of completed works should be submitted.

Steps

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

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

Handrails

Handrails must comply as follows:

- Handrails installed on each side of the stair.
- Landing area designed to sufficiently accommodate the required TGSIs and handrail projection, which must be outside pedestrian path of travel and circulation spaces.
- Design of handrail according to AS1428.1:2009.
- Diameter of handrail 30-50mm.

- Clearance behind the handrail at least 50mm.

Street Furniture

Street furniture selection and detail shall be to Council's requirements where the furniture is located in publicly owned land. Street furniture in the public domain must comply with Council's Public Domain Guidelines and at least 50% must offer backrests and arms.

Cycle racks

Public bike racks to service the retail area shall be supplied and equally distributed (clusters of maximum 4-off racks) to the furniture zone of the pedestrian link / Uhrig Road as per the PDG. Location outside of this zone to be agreed by Council's Group Manager Development and Traffic Services Unit (DTSU) prior to issue of Construction Certificate.

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

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.

77. Notwithstanding the approved drawings, the required street tree species, quantities and supply stocks are:

| Street name | Botanical name | Common name | Pot size | Qty | Average spacing |
|--------------|---------------------------------------|-----------------|----------|-----|---|
| Uhrig Road | <i>Zelkova serrata</i> 'Green elm' | Japanese Elm | 200L | 17 | As shown on the approved drawings or as agreed by Council's Group Manager Development and Traffic Services Unit (DTSU). |
| West Street | <i>Flindersia australis</i> | Australian Teak | 200L | 9 | |
| North Street | <i>Corymbia maculata</i> | Spotted Gum | 200L | 4 | |

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.

A structural pavement system is required around proposed street trees *in paved areas* in the footway and publicly accessible pedestrian areas to mitigate against soil

compaction and to maximise aeration and porosity in the tree root zone. Suitable systems include suspended concrete slabs or structural cells such as strata cells. Tree grates may be required depending on the detailed design of the selected pavement structure system.

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.

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

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

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

Reason: To improve accessibility.

Landscaping

79. 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.
- (b) All raised planting boxes/beds containing trees must be retained to a minimum height of 1,000mm.
- (c) All on structure raised planting containing turf to ensure minimum 200mm soil depth and water availability is achieved.
- (d) 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 sections and details.
- (e) A specification for soil type by a suitably qualified Soil Scientist, to ensure sufficient nutrient and water availability is achieved.
- (f) A maintenance schedule to cover all landscape areas including access for turf cutting/regime within the level 4 podium.

Reason: To ensure the creation of functional gardens.

80. The final landscape plan must be consistent with plans numbered L200 – L203, L210 – L212 and L215, prepared by Meriton, and dated 24 April 2020, together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) Deletion of *Rhaphiolepis umbellata* (Yeddo Hawthorn) as it is considered an environmental weed in some regions of Greater Sydney and NSW. Suitable replacement species include (but are not limited to) the following;
- *Correa* 'Ivory Bells' (White Australian Fuchsia)
 - *Hymenosporum flavum* 'Gold Nugget' (Dwarf Native Frangipani)
 - *Plectranthus* 'Mona Lavender' (Spur Flower)
 - *Rhaphiolepis indica* 'Oriental Pearl' (Oriental Pearl Indian Hawthorn)

Reason: To ensure appropriate landscaping is implemented.

Environmental health – general

81. An open service area measuring at least 7.6 metres x 3.0 metres is to be provided for use by residents for car cleaning and washing activities. This area is to be suitably located, paved, graded and drained. All waste water from the car wash bay shall be discharged to sewer under a Trade Waste Agreement from Sydney Water. This may require the installation of a pre-treatment device. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

The means of disposal shall comply with:

- EPA's *Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste)* and *Managing Urban Stormwater: treatment techniques*

Details are to be submitted with the construction certificate.

Reason: To designate a car washing area within the development and to ensure waste water is properly managed.

Environmental health – waste

82. 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.

Environmental health – acoustic

83. Prior to the issue of the relevant construction certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on residential buildings from rail corridors and/or busy roads:

- (a) In any bedroom in the building: 35dB(A) between 10pm – 7am
- (b) Anywhere else in the building (other than a garage, hallway, kitchen or bathroom: 40dB(A) at any time.

Reason: Compliance with relevant noise amenity criteria in Infrastructure SEPP.

84. Prior to the issue of the relevant construction certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise

criteria specified for managing the noise impact on child-care centres from rail corridors and/or busy roads:

- (a) In any area: 40dB(A) at any time.

Reason: Compliance with relevant noise amenity criteria in Infrastructure SEPP.

PRIOR TO WORKS COMMENCING

Planning and general

85. 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.

86. 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.

87. 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.

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

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

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

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

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

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

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

89. 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.

90. 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.

91. 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.

Engineering

92. 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.

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

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

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

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

Reason: Management of records.

94. Details of the proposed road and drainage works within the public domain shall be approved by Council's Civil Infrastructure Unit prior to commencement of any work.

Reason: To ensure adequate civil infrastructure is provided.

95. 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.

96. 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.

97. 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.

98. 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.

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

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

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

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

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

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

Traffic and transport

100. Prior to the commencement of any works on site, the applicant must 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.

Environmental health – general

101. 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.

Environmental health – acoustic

102. 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) Identify sensitive locations near the site;
- (b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- (c) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (d) Selection criteria for plant and equipment;
- (e) Community consultation;
- (f) Details of work schedules for all construction phases;
- (g) Selection of traffic routes to minimise residential noise intrusion;
- (h) Schedule of plant and equipment use and maintenance programs;
- (i) Noise monitoring techniques and method of reporting results;
- (j) The methodology to be employed for handling and investigating any complaints should they arise;
- (k) Site induction details for employees and contractors; and
- (l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

Reason: To maintain appropriate amenity to nearby occupants.

Environmental health – contamination

103. 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 Safework 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.

DURING WORKS

Planning and general

104. 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.

105. 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.

106. 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.

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

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

108. 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.

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

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

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

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

110. 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.

111. 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.

Engineering

112. Stormwater must be connected to Council's stormwater drainage system in Uhrig Road.

Reason: To ensure satisfactory storm water disposal.

113. 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.

114. 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.

115. 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.

Traffic and transport

116. 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.

117. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal), prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

Landscaping

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

Reason: To ensure appropriate landscaping.

119. Trees to be removed are:

| Tree no. | Species | Common Name | Location |
|----------|---|-------------------------|------------------------|
| 1 | <i>Ficus superba</i> var. <i>henneana</i> | Deciduous strangler fig | Northern boundary |
| 2 | <i>Phoenix canariensis</i> | Canary Island Date Palm | Northern boundary |
| 2a | <i>Callistemon viminalis</i> | Weeping bottlebrush | Northern boundary |
| 3 | <i>Tristanopsis laurina</i> | Water Gum | Northern boundary |
| 4 | <i>Callistemon viminalis</i> | Weeping bottlebrush | Northern boundary |
| 5 | <i>Harpephyllum caffrum</i> | Kaffir Plum | Street tree Uhrig Road |
| 6 | <i>Harpephyllum caffrum</i> | Kaffir Plum | Street tree Uhrig Road |
| 7 | <i>Tristanopsis laurina</i> | Water Gum | Northern boundary |
| 8 | <i>Syzygium smithii</i> | Lilly Pilly | Northern boundary |
| 9 | <i>Phoenix canariensis</i> | Canary Island Date Palm | Northern boundary |
| 10 | <i>Corymbia citriodora</i> | Spotted Gum | Northern boundary |
| 11 | <i>Corymbia citriodora</i> | Spotted Gum | Northern boundary |

Reason: To facilitate development.

120. 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.

121. 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.

Environmental health – general

122. 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.

123. 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 Australian & New Zealand Guidelines for Fresh & Marine 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.

Environmental health – waste

124. 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.

125. 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 EPA'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.

Environmental health – contamination

126. 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.

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

Reason: To ensure appropriate disposal of asbestos materials.

128. 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.

Urban design – public domain

129. 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.

PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

Planning and general

130. A monetary contribution comprising \$1,282,212.69 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 occupation certificate or two years from the date of any construction certificate, whichever is earlier.

A bank guarantee, guaranteeing the entire contribution amount and in accordance with Carter Street Precinct Development Contributions Plan 2016, must be provided 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.

131. 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.

132. 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. 9188_ADR_DA_v1.1, 13 August 2019;
- (b) Adaptable Unit Design Report, prepared by Wall to Wall, report no. MTN-112, revision 2, dated 4 June 2020;
- (c) Environmental Wind Tunnel Study – Tunnel Mitigation Testing Assessment, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16237.01900-R01, revision v3.0, dated 31 August 2020;
- (d) Acoustic Report (report no. 20190893.1/0708A/R0/TA) and supplementary letter (no. 20190893.1/1703A/R0/TA), prepared by Acoustic Logic, dated 7 August 2019 and 17 March 2020 respectively;
- (e) Operational Waste Management Plan, prepared by Elephants Foot, revision B, dated 24 July 2019;
- (f) NatHERS and BASIX Assessment, prepared by Efficient Living, revision F, dated 11 September 2020;
- (g) The Glare and Reflectivity Assessment submitted to satisfy conditions of this consent.

Reason: To ensure a suitable level of amenity and demonstrate compliance with submitted reports.

133. 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.

134. 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.

135. Street number(s) for each building and retail tenancies (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.

136. 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.

137. 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.

138. 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.

139. 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.

140. 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.

141. 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.

142. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.

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

Reason: To comply with the requirements of SEPP 65.

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

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

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

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

Reason: To comply with CPTED requirements.

145. 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).

146. Prior to the issue of any occupation certificate, built-in cabinetry shall be installed in all rooms denoted as 'study' to ensure no conversion to bedrooms. The Principal Certifying Authority shall be satisfied that this requirement has been completed.

147. Prior to the issue of any occupation certificate, the Principal Certifying Authority shall be satisfied that all matters relating to the management risks associated the pipelines (construction risks and individual/societal risks) have been completed, or are in place.

148. Prior to the issue of any occupation certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority stating that:

- (a) 40 apartments are adaptable dwelling(s) which achieve a class C design in accordance with the requirements of AS 4299 -1995, as outlined in Accessibility Unit Design Report, prepared by Wall to Wall Design and Consulting, report no. MTN-112, 4 June 2020.
- (b) The completed development otherwise addresses the requirements of AS1428, the Building Code of Australia (BCA), DDA Access to Premises Standards

(including DDA Access Code) to ensure consistency with the obligations of the Commonwealth Disability Discrimination Act (DDA).

Reason: To ensure legislative requirements are met.

149. 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) Easement for any awning(s) overhanging public domain or RE1 zoned land.
- (e) Covenant to burden the residential component of the development and property substantially in the form of the event covenant used by Sydney Olympic Park Authority, and otherwise to the satisfaction of Council, in relation to disturbance, inconvenience, nuisance, disruption or economic loss arising in connection with the operation of Sydney Olympic Park.
- (f) 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 the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure maintenance of facilities and access.

Engineering

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

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

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

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

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

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

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

152. 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.

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

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

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

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

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

Reason: Pedestrian and Vehicle safety.

154. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of the relevant Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

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

Reason: To ensure the Stormwater drainage system is adequately maintained.

Traffic and transport

156. Prior to the issue of the relevant Occupation Certificate, a Green Travel Plan is to be submitted to Council, supported by details of how that Plan will be implemented. The plan is to include:
- (a) Targets to reduce single occupant car trips to the site for the journey to work and business travel based on an initial estimate of the number of trips to the site by mode,
 - (b) Measures to achieve the targets including a list of specific tools or actions,
 - (c) Monitoring Scheme including annual travel survey to estimate the change in travel behaviour to and from the site and a review of the measures based on the results of the travel survey.

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

Reason: To comply with Parramatta DCP 2011.

157. Two (2) car parking spaces are to be allocated for car share parking space. Car share parking spaces shall be publicly accessible at all times, adequately lit and sign posted, prior to issue of an occupation certificate. Written evidence shall be provided 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 an occupation certificate. Details are to be illustrated on plans submitted with the occupation certificate.

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

Urban design – public domain

158. 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 OC approval of the public domain works by Council Officers.

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

Landscaping

159. 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 the relevant Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

Waste

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

- (a) Confirm the appointment of Council to collect all domestic waste from the site
- (b) Arrange a site inspection to confirm the adequacy of access for Council's garbage collection vehicles.

161. Prior to the issue of any Occupation Certificate the applicant shall provide documentation to demonstrate registration of the following easements:

- (a) An easement enabling required access by Council for the purpose of collecting domestic waste. The terms of the easement shall be approved by Council's Supervisor Waste Services prior to registration of that easement. In this regard the easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the property by reason of the operation of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner of the land shall indemnify the Council, its agents and persons.

THE USE OF THE SITE

Planning and general

162. 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.

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

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

164. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

165. No advertisement/signage shall be erected on or in conjunction with the development without prior consent.

Reason: To comply with legislative controls.

166. No A-frame signs or sandwich boards are permitted.

Reason: To protect the amenity of the area.

167. No materials, goods or vehicles associated with the use of the premises are to be stored or displayed on or within the street reserve or other public area.

Reason: To ensure the integrity of Council's assets is protected and to ensure unobstructed pedestrian movement in the vicinity of the proposal.

168. 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.

Reason: To protect the amenity of the area.

169. The owner/manager of the site is responsible for the removal of all graffiti from buildings, structures, fencing etc. within 48 hours of its application.

Reason: To ensure the removal of graffiti.

Traffic and transport

170. The roller shutter door or gates are to be provided at the driveway entry and exit and are to be operated via remote control or swipe card. If an intercom or swipe card infrastructure 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.

171. One year from the issue of the Occupation Certificate, and every year for 2 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.

Landscaping

172. All landscape works shall be maintained for a minimum period of fifty-two (52) weeks following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

Reason: To ensure restoration of environmental amenity.

Environmental health – waste

173. 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.

174. 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.

175. 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

176. 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.

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

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

- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia and in accordance with AS1668

Reason: To ensure provision of adequate waste storage arrangements

Environmental health – acoustic

178. 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.

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

Reason: To reduce noise levels.

180. 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.

181. Air conditioners must not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7.00am and after 10.00pm on any other day.
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

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

Reason: To prevent loss of amenity to the area.