



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-25
DA Number	DA/517/2019
LGA	City of Parramatta
Proposed Development	Construction of a 17 storey commercial office addition to an approved 14 storey mixed use building (DA/841/2017). The application will be determined by the Sydney Central City Planning Panel.
Street address	Lot 2 STR 1119257 10 Valentine Avenue, PARRAMATTA NSW 2150
Applicant	Investa Office Developments
Owner	Australian Unity Investment Management Administration Pty Ltd
Date of DA lodgement	29 August 2019
Number of submissions	None
Recommendation	Approval subject to conditions
Regional development criteria (Schedule 7 of SEPP (SRD) 2011)	General development that has a capital investment value of more than \$30 million (cl.2)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulation 2000• SEPP (Infrastructure) 2007• SEPP (State and Regional Development) 2011• SREP (Sydney Harbour Catchment) 2005• SEPP No. 64 (Advertising & Signage)• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Architectural Drawings Attachment 2 – Design Excellence Jury Review
Clause 4.6	None
Summary of key submissions	<ul style="list-style-type: none">• Building length• Setbacks
Report prepared by	Andrew Golden – Senior Development Assessment Officer, City Significant Development
Report date	12 March 2020

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

Yes

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?	N/A
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes

1. Executive summary

The proposal provides for an additional 17 storeys above an approved 14 storey mixed use building at 10 Valentine Avenue, Parramatta (approved under DA/841/2017).

The additional levels result in an overall height of 119.9m at the highest point. The proposed development is positioned above the approved mixed use building, within the same footprint, and is consistent in design.

The proposal includes changes to approved levels 13 and 14 as follows –

- From commercial area and plant to entirely commercial;
- From lift motor room and roof level with solar panels to entirely terraced areas.

Remaining additional levels are proposed as follows –

- Levels 15 to 21 – “typical mid-rise office floors”;
- Level 22 – terrace;
- Levels 23 to 29 – “typical high rise office floors”;
- Level 30 – plant floor;
- Level 31 – lift motor room and roof; and
- Roof – 111 solar panels.

The proposal is consistent with the winning entry in a design competition, awarded design excellence for the approved 14 storey mixed use building.

The proposed building generally follows bulk, scale and form envisaged by Parramatta Local Environmental Plan 2011 (PLEP 2011) and Parramatta Development Control Plan 2011 (PDCP 2011). As such, it is considered to provide a high standard for future users.

The site constraints include flooding and proximity to the Western Sydney railway line. However, it is considered that sufficient evidence was provided under DA/841/2017 that these risks can be managed appropriately.

While some non-compliances with PDCP 2011 are involved, the proposal is considered acceptable given the narrow width of the site, and the variations supported and approved under previous consents.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the high density character of the area and the built forms envisaged by the controls.

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 outlined by the relevant statutory planning framework. Accordingly, approval is recommended.

2. Key issues

- **Building length** – DA/841/2017 approved a non-compliant building length of 81.6m; this application seeks to build upon the existing building footprint maintaining non-compliant length.
- **Setbacks** – additional setbacks above the 26m are not proposed (0m proposed) and; side and rear setbacks are non-compliant (DA/841/2017 approved setback non-compliances for 14 storeys; additional 17 storeys to be consistent with approved setbacks).

3. Site description, location and context

3.1 Site

The subject site is legally described as Lot 2 STR 1119257, known as 10 Valentine Avenue, Parramatta, as shown in figure 1. The subject site has a total site area of 3,935sqm, however, the development is confined to the southern half of the site (approximately 2,000sqm).

The subject site is located on the north-eastern corner of the intersection of Valentine Avenue and Parkes Street, within the Parramatta CBD. The development area has a frontage to Valentine Avenue of approximately 90m and to Parkes Street of approximately 20m, with an approximate 3.5m fall from north to south.

The site immediately adjoins the base of the Western Sydney Train line corridor's railway embankment, with the actual train line approximately two storeys (~6.5m) above the site's ground level. The site is 250m from Parramatta railway station and 550m from the nearest proposed Parramatta light rail stop.

3.2 Site improvements and constraints

The site currently contains a 13 storey commercial office building (17,600sqm gross floor area [GFA], 25 basement car parking spaces) and a six storey above ground multi-storey car park (286 spaces). The 13 storey building is to be retained, while the above ground car park is to be demolished and replaced under DA/841/2017.

The site is zoned B3 – Commercial Core, with a maximum building height of 54m and a floor space ratio of 6:1 pursuant to PLEP 2011. It does not contain any heritage items, but adjoins State significant heritage item I00696, 'Parramatta Railway Station'. It is not located in a heritage conservation area and is of low Aboriginal heritage sensitivity. It is likely to contain acid sulfate soils and is flood affected.



Figure 1 – locality map (subject site outlined in red), 10 Valentine Avenue



Figure 2 – view from the corner of Valentine Avenue and Parkes Street looking north (existing building in background; car park to be demolished and replaced by approved 14 storey building in foreground).

3.3 Surrounding development

Adjoining the site in each general direction is as follows –

- North – Parramatta railway station;
- East – Western Sydney Train line;
- South – 19 storey shop-top housing development at 36-46 Cowper Street;
- West – 17 storey hotel at 1 Valentine Avenue.

3.4 Site history

DC/18/2016

A design competition was held for the site in April and May 2017.

On 24 May 2017, a proposal by Fitzpatrick + Partners was awarded design excellence triggering the following bonuses under cl.7.10(8) of PLEP 2011:

- Height – 15% bonus (from 54m to 62.1m)
- FSR – 15% bonus (from 6:1 to 6.9:1)

DC/18/2016 covered two scenarios: a smaller (14 storeys) and a larger (31 storeys) building.

DA/841/2017 –

DA/841/2017 was granted consent by the Sydney Central City Planning Panel on 4 April 2018 and approved a *14 storey mixed use building on corner of Valentine Ave and Parkes St, comprising ground floor retail unit, 6 storeys above ground car parking and 8 storeys commercial offices above; demolition of existing above ground car park; 4 building identification signs; landscaping; and public domain works.*

The proposed additional levels will be added to this 14 storey building.

DA/841/2017/C –

Approved 23 August 2019. Addition of one passenger lift, changes to internal layout, car parking, access arrangements and minor changes to podium façade.

DA/841/2017/D –

Approved 4 February 2020. Removal of signage zones from top of building, provision of solar shading on façades and reduction in length of awning above entry.

RZ/6/2018 –

A site specific planning proposal (RZ/6/2018) was made into legislation on 28 February 2020.

The planning proposal amended PLEP 2011 in the following ways.

- (a) Increase FSR from 6:1 to 10:1;
- (b) Increase maximum height of buildings from 54m to 130m;
- (c) Insert site specific clause that exempt office premises from FSR calculations (to replicate clause within CBD planning proposal incentivising provision of CBD commercial floor space);
- (d) Insert site specific clause applying maximum car parking rates as recommended in the CBD Strategic Transport Study;
- (e) Insert site specific clause that prohibits subdivision of above ground car parking.

PL/90/2019 –

A pre-lodgement meeting was held on 2 August 2019 (with the proposal consistent with this DA).

It was outlined at the pre-lodgement meeting that given the advanced status of a site specific planning proposal, this development application could be lodged.

No significant or unresolvable issues were identified.

3.5 Statutory Context

The Parramatta CBD is undergoing significant redevelopment transitioning from its historic

low-medium rise commercial development to high rise mixed use development.

This application was made whilst the site specific planning proposal RZ/6/2018 was under assessment by Council.

RZ/6/2018 was made into legislation on 28 February 2020.

4. The proposal

The proposal includes the following:

- Construction of additional 17 storeys to an approved 14 storey mixed use building (approved under DA/841/2017) with plant above;
- Total height to top of commercial levels of 109.6m, and a total height to top of all plant of 119.9m (i.e. highest point of building);
- Additional 21,115sqm of gross floor area (GFA);
- Three signage zones, as follows:
 - Wall sign, top storey, north-western elevation (12m x 3.75m);
 - Wall sign, top storey, north-eastern elevation (12m x 3.75m);
 - Wall sign, top storey, south-western elevation (12m x 3.75m).

The proposal includes changes to the approved levels 13 and 14/roof.

- Level 13 – from part commercial and part plant, to entirely commercial; and
- Roof/Level 14 – from lift motor room and roof with solar panels, to entirely terrace.

Additional levels are proposed as below:

- Levels 15 to 21 – “typical mid-rise office floors”;
- Level 22 – terrace;
- Levels 23 to 29 – “typical high rise office floors”;
- Level 30 – plant floor;
- Level 31 – lift motor room, roof, generators and 153 solar panels; and
- Roof – 111 solar panels.

There are **no** changes to the first twelve levels (including no changes to ground floor or public domain, parking provisions, or end-of-trip facilities).

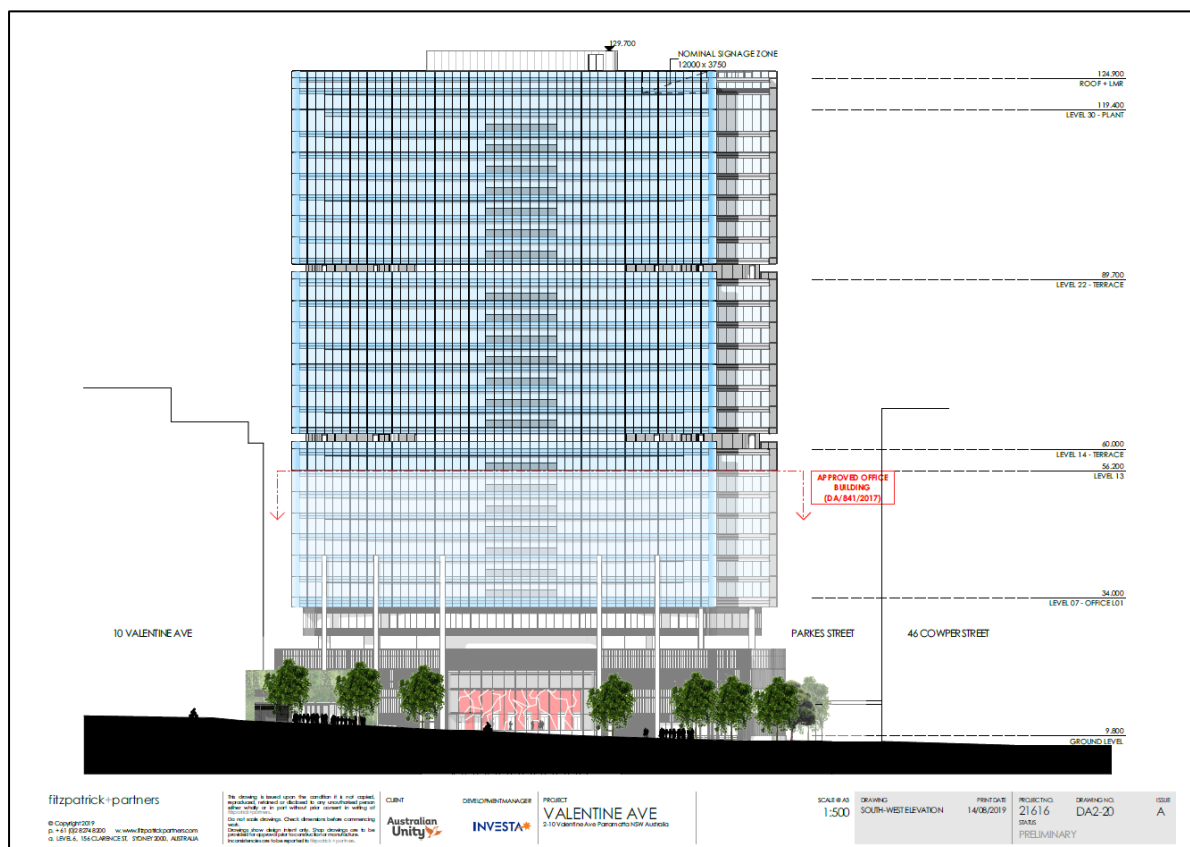


Figure 3 – south-western elevation (showing portion of building approved under DA/841/2017 below dotted red line)

The proposal would result in the following at the site:

- Increase in GFA from 27,094sqm (retained building and DA/841/2017 approved building) to 48,209sqm (+21,115sqm, +78%; i.e. all buildings resulting on site).

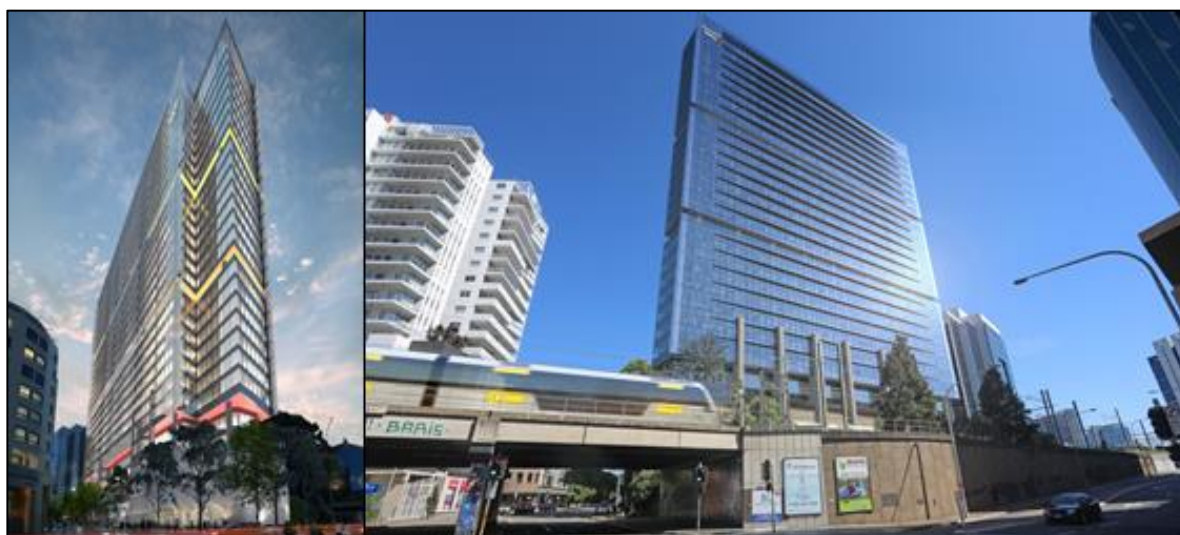


Figure 4 – photomontages of proposal from Parkes Street looking north (left) and Parkes Street looking east (right).

5. Public notification and any submissions

The application was advertised in accordance with PDCP 2011 for a period of 21 days between 18 September 2019 and 10 October 2019.

No submissions were received.

6. Referrals

Any matters arising from internal or external referrals not dealt with by conditions?	No
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7. Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

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

8. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	None – detailed assessment is provided at Attachment A.
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9. Parramatta Local Environmental Plan 2011 (PLEP 2011)

The table below presents a summary assessment against the terms of PLEP 2011. A detailed evaluation is provided at Attachment A.

Provision	Comment
Land use zone	• B3 – Commercial Core
Definition	• Commercial premises
Part 2 Permitted or prohibited development	• Permitted with consent in zone • Consistent with zone objectives
Part 3 Exempt and complying development	• Not applicable
Part 4 Principal development standards	• Compliance with all standards.
Part 5 Miscellaneous provisions	• All relevant provisions satisfied
Part 6 Additional local provisions – generally	• All relevant provisions satisfied
Part 7 Additional local provisions – Parramatta City Centre	• All relevant provisions satisfied

10. Parramatta Development Control Plan 2011 (PDCP 2011)

The table below presents a summary assessment against the terms of PDCP 2011. A detailed evaluation is provided at Attachment A.

Provision	Comment
2.4 Site considerations	The proposal is considered generally consistent with site considerations, including views and vistas, water management, soil management, biodiversity and public domain.
3.1 Preliminary building envelopes	The proposal adopts the building footprint approved by DA/841/2017, including some non-compliant setbacks. The proposed height and FSR are consistent with PLEP 2011.
3.2 Building elements	The proposal incorporates consistent façade, design and general aesthetic as the building approved under DA/841/2017. The proposal has given consideration to energy efficient design and proposes no changes to the streetscape or ground level. This is considered satisfactory.

3.3 Environmental amenity	The proposal is consistent with landscaping, privacy, open space, solar access, cross ventilation, water sensitive urban design and waste management controls.
3.4 Social amenity	Public art was included under DA/841/2017 in the foyer of the building; the proposal does not undermine that provision. The proposal is designed to ensure safety, security and accessibility.
3.5 Heritage	The proposal satisfactorily responds to adjoining items of heritage significance and does not interrupt any significant view corridors.
4.3.3 Strategic Precinct – Parramatta City Centre	The proposal is consistent with the strategic direction for the Parramatta City Centre.

11. 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
Site specific planning proposal will need to be made into legislation before DA can be determined by the Panel.	The site specific planning proposal (RZ/6/2018) was made into legislation on 28 February 2020.
Design contest was held in 2016; need Design Jury Review to confirm that development maintains design excellence.	Design jury review was undertaken on 6 November 2019. The Jury are supportive of the proposal as presented, and are satisfied that it is consistent with the original Design Excellence Competition winning scheme. Full details held at section 2.6.2 of attachment A.
Adjoins State significant heritage site – station on site is heritage item. Expert heritage assessment will be required.	Council's heritage adviser has reviewed the application with adjoining heritage items and views within the vicinity considered. There is no objection to the proposal. Detailed heritage assessment held at section 2.6.1 of attachment A.

12. 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.

The proposed development is located within a CBD context, which is earmarked for increased mixed use densities and high rise development, however some technical non-compliances with PDCA 2011 are sought (as detailed throughout report).

Accordingly, approval of the development application is recommended, subject to appropriate conditions.

13. Recommendation

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

1. Grant consent, subject to the conditions of consent under Attachment B, to development application no. DA/517/2019 for a 17 storey commercial office addition to an approved 14 storey mixed use building at Lot 2 STR 1119257, 10 Valentine Avenue, Parramatta.

ATTACHMENT A – PLANNING ASSESSMENT

Panel Reference	PPSSCC-25
DA Number	DA/517/2019

1. Overview

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

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

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

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

The application is not integrated development.

1.3 Referrals

The following internal and external referrals were undertaken.

EXTERNAL	
Authority	Comment
Transport for NSW	No objection subject to the proposed development being contingent on completion of DA/841/2017, and that the TfNSW concurrence issued for DA/841/2017 is not to be amended, replaced or superseded by any concurrence issued by any other rail authority without further agreement from TfNSW. Appropriate conditions of consent have been imposed.
Sydney Water	No objection subject to imposition of appropriate conditions relating to servicing (section 73 compliance certificate), building plan approval ('Tap in') and other relevant requirements.
Endeavour Energy	No objection subject to imposition of appropriate standard safety conditions.
Roads and Maritime Services	No objection subject to imposition of appropriate conditions requiring appropriate manoeuvring, compliance with Australian Standards, consideration of pedestrian safety, submission of a construction traffic management plan and a road occupancy licence.
Sydney Metro (Corridor Protection)	Sydney Metro (Corridor Protection) has outlined that no concurrence role under cl. 86 of SEPP (Infrastructure) 2007 is triggered as site is not within Sydney Metro City and Southwest corridor; and no concurrence role under cl. 85 of SEPP (Infrastructure) 2007 is triggered as site is not within Sydney Metro City and Southwest corridor, or Sydney Metro Northwest.

	No objection.
Sydney Trains	No objection subject to imposition of appropriate conditions relating to safety and risk.
Wind (consultant)	<p>An independent wind consultant has reviewed the environmental wind assessment and wind tunnel testings provided in support of the application.</p> <p>It was concluded that the wind impacts expected at the site are reasonable.</p> <p>Full discussion at section 7.4.</p>
Quantity surveyor (consultant)	<p>The applicant originally stated a total cost of development of \$75,144,187.00. Council had this figure reviewed by an external quantity surveyor, who determined that this was not a genuine cost. As a result, the applicant's quantity surveyor and the independent quantity surveyor engaged by Council have collaborated to determine the genuine cost. The most appropriate process for establishing this figure was to evaluate the entire 31 storey building, and subtract the cost of development accepted for DA/841/2017. This approach was agreed to by both professionals.</p> <p>It was determined that the 31 storey building was valued at \$152,437,351.00; \$70,219,526.00 was accepted as the cost for DA/841/2017.</p> <p>Thus, \$82,217,825.00 is now taken to be the genuine cost of development.</p>
INTERNAL	
Unit	Comments
Traffic	<p>No objection to the proposed development subject to imposition of appropriate conditions. It is noted that car parking provision has been deemed acceptable, but a desire to increase bicycle parking was expressed (see assessment against control 4.3.3.5 in table under section 9.1 of this report for discussion). Traffic has calculated bicycle provision on all GFA at the site (i.e. including the building to be retained, which has its own parking areas). Bicycle parking should only relate to proposed building, in which bicycle parking provision complies with PDGP 2011. Therefore, no condition requiring additional bicycle spaces is included.</p> <p>Council has a proposal to convert Valentine Avenue into a two-way street. As such, a construction and pedestrian traffic management plan is required to be prepared (by way of condition) and must be prepared for both scenarios.</p>
Waste	<p>It was concluded that the waste storage room on ground floor remains appropriately sized for the entire building.</p> <p>No objection subject to imposition of recommended conditions to ensure waste is managed appropriately.</p>
Public art	Council's cultural projects and public art team have outlined they remain satisfied that the digital screen approved under DA/841/2017 is an adequate contribution to public art for the site.
City Architect	<p>A Design Excellence jury review was undertaken on 6 November 2019. The Jury are supportive of the proposal as presented, and are satisfied that it is consistent with the original Design Excellence Competition winning scheme.</p> <p>Appropriate standard conditions of consent relating to design excellence conditions are to be imposed.</p> <p>Full discussion at section 2.6.2.</p>

Environmental sustainability	<p>No objection to the proposed development subject to imposition of appropriate conditions. Conditions to be imposed are to be consistent with those imposed in development consent no. 841/2017, but include minor amendments to NABERS requirements to reflect the sustainability report submitted with this application.</p> <p>Glare and reflectivity issues have been raised with regards to the tower components and a lack of detailed response showing how neighbouring buildings will block the sun angles causing reflection. However, an appropriate condition of consent requiring further analysis be submitted to and approved by Council prior to the issue of the relevant construction certificate has been imposed to satisfactorily address the issue at construction certificate stage.</p>
Accessibility	<p>No objection provided the granting of consent does not contravene compliance with conditions of DA/841/2017.</p> <p>Condition 27 of DA/841/2017 deals with accessibility, and relates to the footpaths, kerb ramps, vehicle crossings, tactile ground surface indicators, clear path of travel, sealants on paved surfaces, non-slip surfaces, street furniture, cycle racks, lighting, steps, handrails, ramps and stormwater aspects of the public domain. As no part of this application proposes amendments to the design of the public domain or publicly accessible spaces, it is considered there are no objections or additional universal access requirements.</p>
Strategic	<p>It was concluded that the proposal satisfies the controls of the site specific planning proposal. Consent shall not be issued until the PLEP 2011 amendment is gazetted.</p> <p>One condition requiring prohibiting the subdivision of car parking spaces (i.e. must remain in common property) was recommended by land use planning; however, as parking areas do not form part of this application (i.e. areas were approved under DA/841/2017 and no changes are proposed), this cannot be imposed due to lack of nexus.</p>
Heritage	<p>Council's heritage advisor has reviewed the design of the development and architectural plans and raises no objection to the proposal.</p> <p>Full heritage discussion at 2.6.1 of attachment A.</p>

2. Environmental planning instruments

2.1 Overview

The instruments applicable to this application are:

- SEPP (Infrastructure) 2007;
- SEPP (State and Regional Development) 2011;
- SREP (Sydney Harbour Catchment) 2005;
- SEPP No. 64 – Advertising and Signage;
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

2.2 State Environmental Planning Policy (Infrastructure) 2007

Pursuant to Schedule 3 of SEPP (Infrastructure) 2007, the proposal is 'traffic generating

development' as it proposes commercial premises with a gross floor area of more than 10,000sqm.

Under cl.104, the application was referred to RMS, who did not raise any objection subject to the imposition of relevant conditions (see section 1.3 above for further discussion).

The subject site adjoins the Western Sydney railway line.

Under cl. 85 and cl. 86, Sydney Metro (Corridor Protection) has no concurrence role (see section 1.3 above for further discussion).

Under cl.85, the application was referred to Sydney Trains, who did not raise any objection subject to the imposition of relevant conditions (see section 1.3 above for further discussion).

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

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

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

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

2.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SREP (SHC) 2005 applies to the entire Parramatta local government area. It aims to maintain Sydney Harbour for existing and future generations and establish balance between a prosperous working harbour, healthy and sustainable waterway environment and recreational access to the foreshore and waterways by establishing planning 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.

The proposal is considered compliant with SREP (SHC) 2005.

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

The application proposes three signage **zones** (i.e. areas only, no actual signage proposed), as follows:

- Wall sign zone, top storey, north-western elevation (12m x 3.75m);
- Wall sign zone, top storey, north-eastern elevation (12m x 3.75m);
- Wall sign zone, top storey, south-western elevation (12m x 3.75m).

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

A comprehensive assessment against Schedule 1 is provided in the table below. As the proposal includes zones only, and not the actual signs, some assessment criteria held in Schedule 1 of SEPP 64 is irrelevant.

Consideration	Comment
1 <i>Character of the area</i>	

<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	The signage is compatible and in keeping with Parramatta CBD, which is characterised by large commercial development with associated signage.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	N/A – actual signage is not proposed and will require further approval if not exempt development.
2 Special areas	
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	N/A – actual signage is not proposed and will require further approval if not exempt development. Regardless, the proposed zones will not result in locations that will detrimentally affect the heritage significance of the heritage listed railway station. The site is not located in a heritage conservation area.
3 Views and vistas	
<i>Does the proposal obscure or compromise important views?</i>	The signage zones are flush with façades, meaning no obscurities.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	The signage zones are flush with façades and do not protrude above building height. They do not dominate the skyline or reduce vista quality.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	The signage zones will not compromise the rights of other signs/advertisers in the vicinity.
4 Streetscape, setting or landscape	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	The proposal only includes signage zones, but the size and scale of the zones is considered in keeping with the CBD setting and streetscape.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	N/A – actual signage is not proposed and will require further approval if not exempt development.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	There is no existing advertising of relevance.
<i>Does the proposal screen unsightliness?</i>	There is no relevant unsightliness requiring screening.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	The signage zones are flush with façades and do not protrude above building height, but would be above tree canopies. This is considered acceptable given height and CBD location.
<i>Does the proposal require ongoing vegetation management?</i>	No vegetation is proposed in the vicinity of the signage zones.
5 Site and building	
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The proposal only includes signage zones, but the size and scale of the zones is considered in keeping with CBD setting and the scale of the proposed building.
<i>Does the proposal respect important features of the site or building, or both?</i>	The proposed zones do not detract from building design; there are no important site features.

<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	N/A – actual signage is not proposed and will require further approval if not exempt development.
6 Associated devices and logos with advertisements and advertising structures	
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	N/A – actual signage is not proposed and will require further approval if not exempt development.
7 Illumination	
<i>Would illumination result in unacceptable glare?</i>	N/A – actual signage is not proposed and will require further approval if not exempt development.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	
<i>Is the illumination subject to a curfew?</i>	
8 Safety	
<i>Would the proposal reduce the safety for any public road?</i>	N/A – actual signage is not proposed and will require further approval if not exempt development.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	

Therefore, the proposal is compliant with SEPP 64.

2.6 Parramatta Local Environmental Plan 2011 (PLEP 2011)

The relevant requirements of PLEP 2011 have been considered in the assessment of the development application, as below.

Relevant clause	Proposal	Compliance
Land use table B3 – Commercial Core	The use is defined as ‘commercial premises’ and are permitted with consent in the B3 zone.	Yes
Zone objectives	<p>The proposal is considered to be consistent with the B3 objectives, namely:</p> <ul style="list-style-type: none"> • To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. • To encourage appropriate employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To strengthen the role of the Parramatta City Centre as the regional business, retail and cultural centre, and as a primary retail centre in the Greater Metropolitan Region. 	Yes

4.3 Height of buildings – 130m	109.6m to top of commercial levels; 119.9m to top of plant (highest point)	Yes
4.4 Floor space ratio – 10:1	12.25:1 (48,209sqm GFA, 3,935sqm site area)	Yes – ‘office premises’ are exempted from FSR calculations for 10 Valentine Avenue per cl.7.17(2)
4.6 Exceptions to development standards	None proposed.	N/A
5.6 Architectural roof features	There is no excavation proposed.	Yes
5.10 Heritage conservation	See discussion following this table.	Yes
6.1 Acid sulfate soils	There are no earthworks proposed.	Yes
6.2 Earthworks	There are no earthworks proposed.	Yes
6.3 Flood planning	Flood planning was addressed upon assessment of DA/841/2017 for development at ground level. There are no works proposed below flood planning level in this application.	Yes
7.3 Car parking	Cl. 7.14 applies despite cl.7.3, thus not applicable.	N/A
7.4 Sun access	The proposal will not result in any additional overshadowing of Jubilee Park, Parramatta Square or Lancer Barracks during between 12pm – 2pm.	Yes
7.6 Airspace operations	The Bankstown Airport OLS of 156m AHD is not breached. As such an aeronautical referral is not required.	N/A
7.10 Design Excellence – Parramatta City Centre	The proposal forms part of winning entry in a design competition (DC/18/2016) and has received the designation of ‘design excellence’. The additional storeys have been reviewed by the Design Excellence Jury and also found to exhibit design excellence (see section 2.6.2).	Yes
7.14 Car parking for certain land in Parramatta City Centre	The maximum number of car parking spaces for the entire 31 storey building is 50 spaces. $M = (G \times A) / (50 \times T)$ (where G is GFA of commercial building; A is site area; T is GFA of all buildings on site). $M = (30,609 \times 3,935) / (50 \times 48,209)$ $M = \text{maximum } 50 \text{ spaces (rounded up).}$ 160 spaces across the site was approved under DA/841/2017, and a reduction to 143 spaces was approved under DA/841/2017/C. The entire 31 storey building will be provided with 143 spaces, well above the 50 space maximum. However, this proposal for additional storeys proposes no car parking and as such there is no non-compliance. A cl.4.6 is not required.	Yes

	In addition, increasing office floor space without increasing parking is consistent with Council's strategic direction to reduce car parking in the CBD.	
7.17 Development on land at 10 Valentine Avenue, Parramatta	7.17(2) outlines that despite clauses 4.4 and 7.2, consent may be granted to the erection of a building that has a FSR that exceeds the maximum FSR if the consent authority is satisfied that the additional floor area will be used only for the purposes of office premises. The development provides entirely office premises and as such, the proposed 12.25:1 FSR is acceptable.	Yes

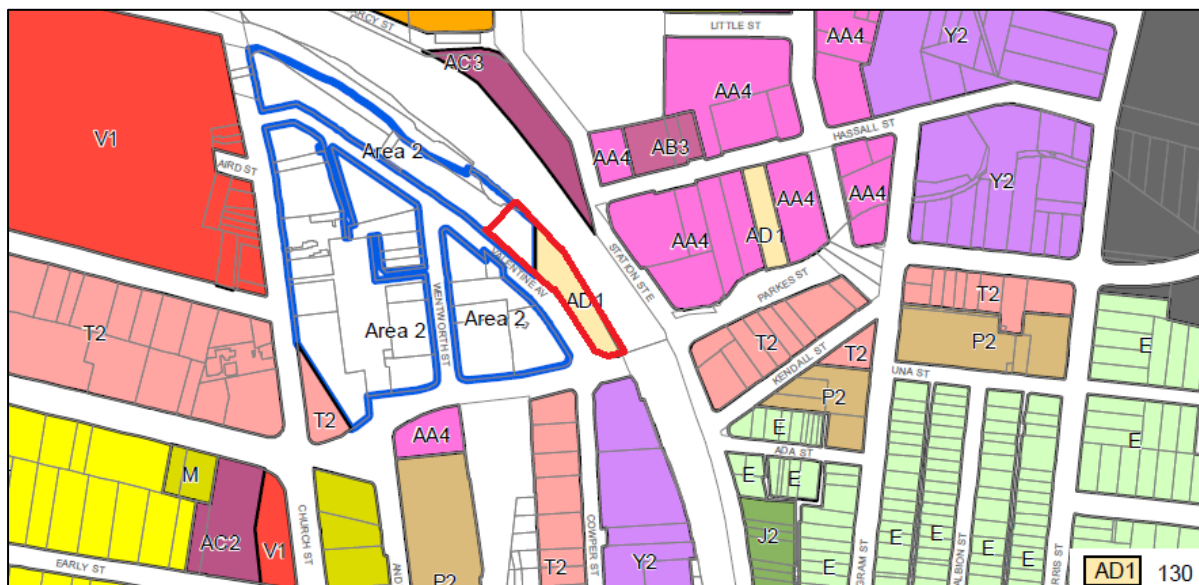


Figure 5 – maximum height of buildings of 130m (AD1 indicating 130m) under PLEP 2011, subject site outlined in red, 10 Valentine Avenue

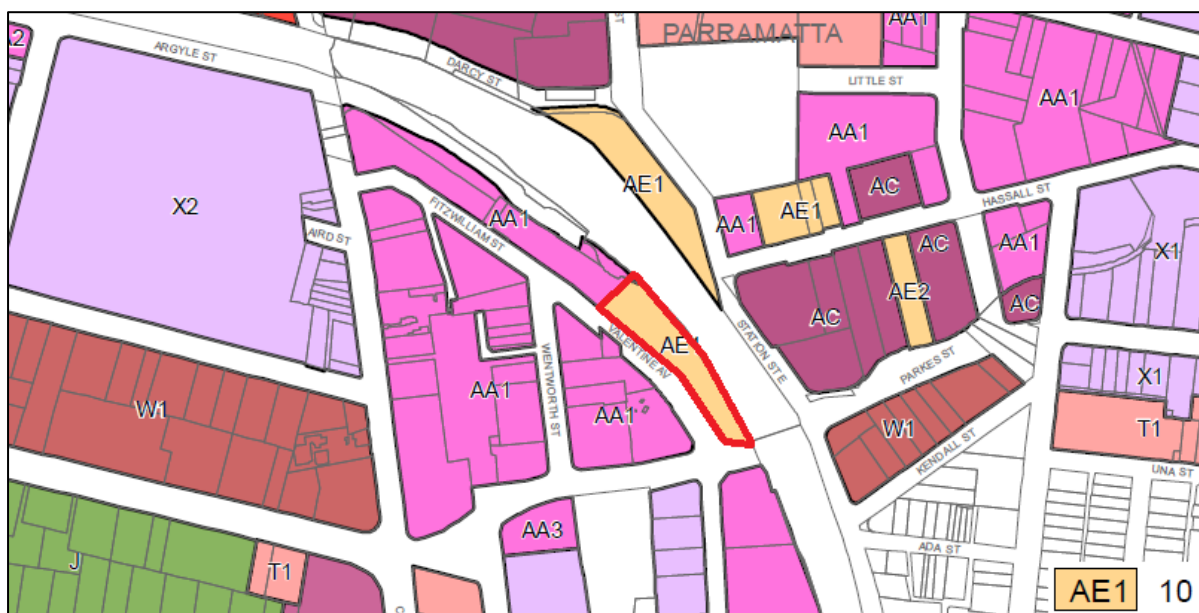


Figure 6 – maximum floor space ratio of 10:1 (AE1 indicating 10) under PLEP 2011, subject site outlined in red, 10 Valentine Avenue

2.6.1 Clause 5.10 Heritage conservation

During the assessment of DA/841/2017, it was concluded that:

- The site is not individually heritage listed, however, it is in the vicinity of several listed heritage items, notably backing onto Parramatta railway station.
- Given the nature of the proposal, the separation between sites, and the nature of significance of the item, it is considered that the impact on heritage values of the item and the area will be within acceptable limits.
- The site has been excavated in the past and is registered as having nil archaeological potential in Council records.

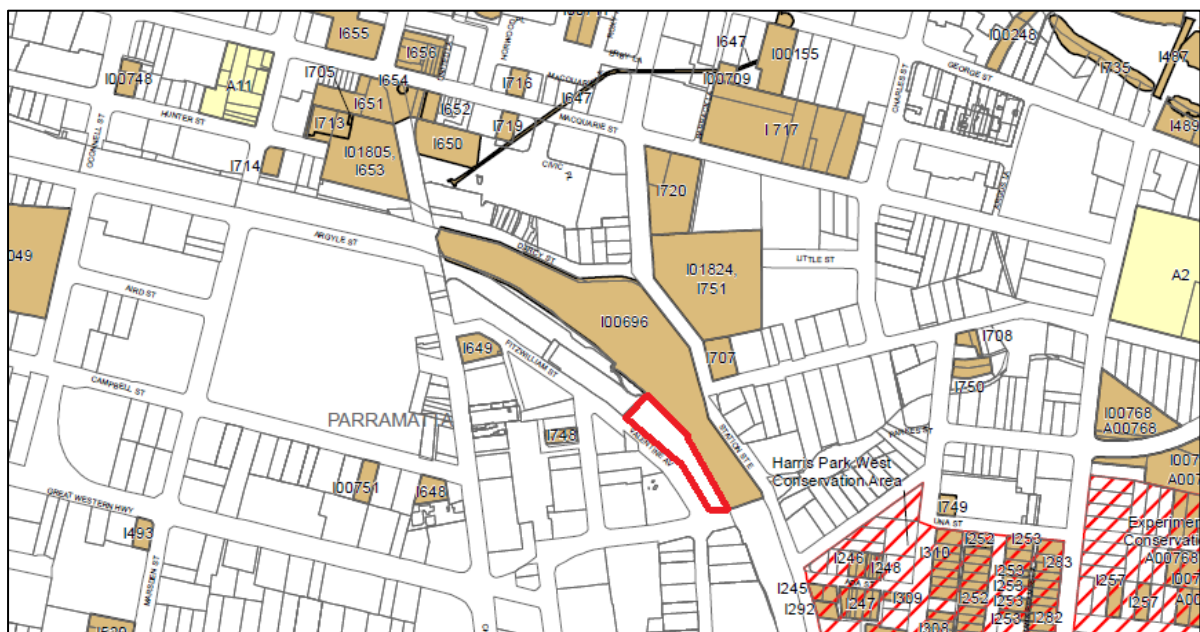
However, given the nature of the proposed development, that is an additional 17 storeys, it is necessary to reassess heritage impacts.

Nearby listed heritage items and heritage context

The site adjoins State significant heritage item I00696, 'Parramatta Railway Station', but is located approximately 200m from the significant station buildings.

The site is also in the vicinity of locally significant heritage items, as shown in figure 7 below, including:

- I707 – 'Commercial Hotel', 24 Hassall Street;
- I649 – 'Shop (former fire station)', 140 Church Street;
- I748 – 'Attached houses', 21 Wentworth Street; and
- Experiment Farm Conservation Area.



The proposed development is situated within the Parramatta CBD. The bulk, scale, height and appearance of the proposal is entirely consistent with this setting.

The Parramatta Square (PS) redevelopment is set to become a landmark and destination within the heart of Parramatta, located immediately adjoining Parramatta railway station, and including the following:

The PS redevelopment can be seen in figure 8 below.

Figure 8 – Parramatta Square redevelopment shown adjoining Parramatta Railway station

During the assessment of 4PS, a statement of heritage impact, prepared by a suitably qualified consultancy, outlined that the vision for Parramatta is evolving, and this will change the setting of heritage items in close proximity to the subject site as the city increases in height and density.

listed item.

Overall heritage impact

The proposed development is significantly separated from the heritage item and is compliant with statutory controls, consistent with the vision and future direction of Parramatta CBD.

It is not expected that the proposed development will result in any adverse impacts on the significance of any surrounding heritage items, including State significant 'Parramatta Railway Station', nor be detrimental to any significant views.

The proposal is considered satisfactory from a heritage perspective and thus compliant with cl.5.10 of PLEP 2011.

2.6.2 Design Excellence Jury

The Design Excellence Jury was reconvened to review the application by way of a digital desktop review and subsequent teleconference.

The Jury provided the following feedback on 21 November 2019:

- The Jury unanimously agree that the proposed additional 17 storeys is consistent with the approved 14 storeys (DA/841/2017).
- The Jury unanimously agree that the proposal is consistent with the original Design Excellence winning scheme (DC/18/2016).
- The Jury is very pleased with the addition of solar shading to all exposed façades, which is to the satisfaction of Council's independent ESD advisor.
- The design of the floorplate has high amenity and promotes wellbeing through the depth of floorplate, access to natural light and views.

Overall, the Jury are "supportive of the Development Application as presented, and are satisfied that it is consistent with the original Design Excellence Competition winning scheme".

3. Draft planning instruments

3.6 Parramatta CBD Planning Proposal

To manage the significant growth and changes in the Parramatta CBD, Council has prepared a Planning Proposal (PP) to amend the planning controls for the CBD contained in PLEP 2011.

The PP broadly seeks changes to the CBD boundary, land use mix, primary built form controls, and the mechanisms for infrastructure delivery.

On 11 November 2019, an updated draft PP was reported to Council, which responded to the conditions of the Gateway Determination issued by the Department of Planning, Industry and Environment on 13 December 2018.

Regardless, a site specific planning proposal was prepared, and made into legislation on 28 February 2020, that amended controls for the site (refer to section 3.4 of assessment report for full details).

4. Development control plans

4.6 Parramatta Development Control Plan 2011 (PDCP 2011)

An assessment of the proposal against the relevant controls in PDCP 2011 is provided below:

Control	Proposal	Compliance
2.4 Site considerations		
Views and vistas	<p>According to Appendix 2, the site does not have significant views or vistas and is not located in the Harris Park Conservation Area.</p> <p>In accordance with the planning principle established in <i>Tenacity Consulting v Warringah [2004] NSWLEC 140</i>, the proposal is considered to acceptably share views for the following reasons:</p> <ul style="list-style-type: none"> • Potential loss of views from adjoining properties are not water views nor iconic views. Rather they are general city views. Regardless, adjoining properties would still maintain general district views either side of the proposal. View loss is considered negligible. • The proposal complies with the relevant height controls. <p>While the proposal includes some non-compliance with upper level setbacks, the impact on views is negligible and as such is not considered to be reason to refuse the application.</p>	Yes
Water management	The proposal is considered unlikely to impact on Parramatta River quality due to sufficient on-site drainage, water treatment and the distance from the river.	Yes
Soil management	The proposal does not include any excavation or works at ground level.	Yes
Land contamination	The proposal does not include any works at ground level, and does not involve a change of land use.	Yes
Air quality	The proposal is not considered likely to result in unacceptable air quality impacts.	Yes
Development on sloping land	The site slopes slightly. The building approved under DA/841/2017 does not step down with the land, rather it takes advantage of the land leveling undertaken for previous development of the existing car park. Regardless, the additional levels are above the approved building.	Yes
Biodiversity	The site is free of any significant biodiversity. The proposed development is located wholly above the approved footprint.	Yes
Public domain	The proposal does not include any works at ground level. Satisfactory public domain improvements and upgrades were approved under DA/841/2017.	Yes
3.1 Preliminary building envelopes		
Height	The proposal is 119.9m to its highest point, compliant with the maximum building height of 130m in PLEP 2011.	Yes
Height transition	There is no requirement to transition height.	Yes
Preliminary building envelope tables	<p>The proposed height and FSR are consistent with PLEP 2011 requirements. Minimum site frontage is complied with.</p> <p>Some non-compliances with upper level setbacks (consistent with the setbacks approved under DA/841/2017) are considered acceptable.</p>	Yes

	The additional levels are located above the existing footprint.	
3.2 Building elements		
Building form and massing	The approved building has a large footprint and is relatively close to adjoining towers. However, it was considered acceptable and approved due to commercial uses, CBD location, and awarding of design excellence. The proposed additional levels adopt the same footprint and design as the approved building, and is thus considered appropriate.	Yes
Building façades and articulation	The approved building consisted primarily of glazed façades which were considered to be in keeping with the character of the area and the commercial use. The additional levels adopt same façade design to present a consistent appearance. Terrace podium levels visually break up the tower façade, and provide separation, articulation and visual interest.	Yes
Roof design	The building is terminated by a plant zone, appropriately screened. It does not contribute to bulk or scale, nor is it visible from the streetscape. It maintains a relatively clean, flat roof form in keeping with the CBD context.	Yes
Energy efficient design	The proposed development has benchmark sustainability targets of 5 star Green Star, 5 star NABERS energy, 4 star NABERS water and a WELL rating of 'gold'. Key design initiatives include (but not limited to) high performance double glazed façades, external shading, large photovoltaic array, efficient HVAC (heating, ventilation, air conditioning), LED lighting throughout and regenerative lifts. Conditions are included to secure delivery of these initiatives.	Yes
Streetscape	It was determined that DA/841/2017 improved the streetscape, activating the southern end of Valentine Avenue (but not Parkes Street). As no works are proposed at ground level with this application, there are no changes to the approved satisfactory streetscape.	Yes
Fences	There are no fences proposed.	Yes
3.3 Environmental amenity		
Landscaping	DA/841/2017 did not require any ground level planting on the subject site due to the site's narrow width and CBD location. Several green walls are provided at ground level, which were acceptable. No additional landscaping is now required.	Yes
Private and communal open space	The development does not reduce the amount of approved communal open space; it provides additional space at terrace levels 14 and 22.	Yes
Visual and acoustic privacy	The proposal is close to the adjoining building. However, given the less sensitive nature of the use, the visual separation is considered acceptable. The proposal maintains privacy by separation from other nearby uses. Primary noise impacts would arise from plant and equipment, of which are fully enclosed. Plant is appropriately set back from the building edges. A standard condition relating to noise amenity is considered to be sufficient to ensure acoustic privacy.	Yes
Acoustic amenity	The closest residences are located on the opposite side of Parkes Street to the south (>20m). Given the CBD location	Yes

	and commercial use, it is not considered that any discernable increase in noise will result.	
Solar access and cross ventilation	The proposal will result in a 31 storey building directly to the north of shop top housing across Parkes Street. However, due to the mostly north-south orientation, the shadow is fast moving. The dwellings across Parkes Street would receive morning and afternoon sun and thus receive required solar access of two hours between 9am and 3pm on 21 June.	Yes
Water sensitive urban design	The proposed development has benchmark sustainability targets of 5 star Green Star and 4 star NABERS water. Key design initiatives include (but not limited to) rainwater collection and reuse, efficient fittings and fixtures, and efficient HVAC to minimise cooling tower water consumption. Conditions are included to secure delivery of these initiatives.	Yes
Waste management	The applicant has submitted an operational waste management plan (WMP) to identify individual waste streams that will contribute to the amount of waste generated. It maximises recycling rates, diverting waste from landfill and is considered acceptable. The WMP concludes that the ground floor waste storage room remains appropriately sized regardless of increased GFA. Council's waste referral specialist has agreed. Conditions are included to ensure waste is managed appropriately.	Yes
3.4 Social amenity		
Culture and public art	The building approved under DA/841/2017 included provision of a large digital screen in the lobby to be used solely for the depiction of art. The Public Arts Strategy approved under DA/841/2017 included a process for artist selection. The screen was considered to be highly visible from the public domain and marks the entry to the building. Notice of determination no. DA/841/2017 included conditions requiring compliance with the Public Arts Plan and prohibits using the screen for purposes of advertising, promotional content, company names and logos, and broadcast/re-broadcast of television. The proposed development does not propose any changes to the public art provision, nor does it undermine DA/841/2017. Council's cultural projects and public art team are satisfied that the approved digital screen is an adequate contribution to public art at the site, and further provision is not required under this DA.	Yes
Access for people with disabilities	The original consent for the site, DA/841/2017, was supported by an access report that concluded accessibility was satisfactory. A supplementary statement, prepared by Morris Goding Access Consulting, has been submitted to support this application. It concludes that the proposed additional levels do not materially affect accessibility. Council's universal accessibility officer has confirmed that accessibility within the proposal is appropriate.	Yes

Amenities in buildings available to the public	End of trip facilities were added to the approved 14 storey building under DA/841/2017/C. The facilities include male and female change rooms, showers, lockers and toilets on level 6. In addition, five female, six male (three WCs, three urinals) and one accessible toilet is provided on levels 7 – 12, approved under DA/841/2017. Under this application, identical toilet facilities are provided on each of levels 13 – 29.	Yes
Safety and security	It is considered that the proposal is not likely to contribute to increased criminal or anti-social behaviour as it sits above the approved development. During assessment of DA/841/2017, it was concluded that: <ul style="list-style-type: none">• Primary entrance is easily identifiable;• Natural surveillance of the public domain would increase with proposed level of occupancy;• Introduction of a new retail unit at ground level would increase activation;• Private areas are clearly delineated; and• Access to the carpark would be secured with an access gate. The proposed development does not undermine any component of previous compliance.	Yes
Housing diversity	No residential component is proposed.	N/A
3.5 Heritage		
General	See assessment at 2.6.1 of this report for full discussion.	Yes
Archaeology	The site has been excavated in the past and is registered as having no archaeological potential and low sensitivity for Aboriginal cultural impact on Council's mapping system. There is no excavation as part of this proposal and the encounter of Aboriginal relics is considered unlikely.	Yes
Aboriginal cultural heritage		Yes
3.6 Movement and circulation		
Sustainable transport	A green travel plan has been submitted in support of the application. The green travel plan analyses the current split for travel modes in the local travel zone, provides strategies to increase active and public transport use, and assumes revised splits for travel modes following implementation of strategies. It should be noted that the site is within comfortable walking distance of Parramatta railway station, bus interchange and the closest planned light rail stop. Bicycle storage provision is significant, and quality end-of-trip facilities are provided. The green travel plan assists in achieving 5 star Green Star rating by being awarded 10 points for transport.	Yes
Parking and vehicular access	See assessment against sections 4.3.3.5 later in this table for parking provisions. Four loading docks were provided under DA/841/2017. A loading dock management plan is to be prepared and is required by way of condition of that consent. The proposed development does not alter already approved parking and vehicular access arrangements.	Yes
Accessibility and connectivity	There are no changes to accessibility and connectivity provided under DA/841/2017.	N/A
4.3.3 Strategic Precinct – Parramatta City Centre		

Objectives	<p>The proposal is considered to be consistent with the objectives, namely:</p> <ul style="list-style-type: none"> • To support the primacy of the centre as an employment node with a strong commercial core occupied by high order quality commercial buildings. • To support the commercial core with surrounding mixed use development that reinforces and complements the centre's core employment role. • To ensure high quality design of buildings and public areas. 	Yes
4.3.3.1 Building form		
Front setback 0m or in keeping with adjoining	The approved 14 storey building is set back between 0m and 6m from Valentine Avenue. This is consistent with existing commercial building on site and adjoining.	Yes
Street frontage height of 26m, then 6m setback above this	<p>Additional setbacks above the 26m are not proposed, as DA/841/2017 approved 0m setback for entire 14 storeys. Proposed additional levels maintain this setback.</p> <p>The 0m setback was considered acceptable under DA/841/2017 based on site constraints (narrow) and awarded design excellence. As such, it is considered that maintaining these setbacks and using the same footprint for the additional levels is similarly acceptable.</p>	No – but considered acceptable
Building length <45m	<p>The building length approved under DA/841/2017 was 81.6m (81% non-compliance).</p> <p>As the proposed additional levels adopt the same footprint, the same non-compliance exists.</p> <p>Under DA/841/2017, the non-compliance was considered acceptable based on site constraints (narrow) and awarded design excellence. As such, it is considered that maintaining these setbacks and using the same footprint for the additional levels is similarly acceptable.</p>	No – but considered acceptable
Office floor area <12m from window	Majority of gross floor area is less than 12m from window.	Yes
Side setback 6m (above 26m); 6m between buildings on site	<p>Side setback to Parkes Street boundary does not comply fully with 6m (between 0m and 6m).</p> <p>Distance between approved 14 storey building and existing building was determined to be 6m under assessment of DA/841/2017. The additional levels adopt the same footprint and thus maintain this separation.</p>	Partially – but considered acceptable
Rear setback 12m (above 26m)	<p>Between 1m and 1.5m.</p> <p>Under DA/841/2017, the non-compliance was considered acceptable based on site constraints (narrow) and awarded design excellence. As such, it is considered that maintaining these setbacks and using the same footprint for the additional levels is similarly acceptable.</p>	No – but considered acceptable
Wind mitigation	<p>An environmental wind assessment and wind tunnel testing, prepared by CPP: Cermak Peterka Petersen and dated 12 June 2019 and November 2017 respectively, have been submitted in support of the application.</p> <p>It was found that wind impacts resulting from the development are satisfactory.</p> <p>Full discussion of wind impacts is held at section 7.4 of this report.</p>	Yes

Building exteriors	During assessment of DA/841/2017, the Design Excellence Jury considered the proposed materials to be in keeping with design excellence principles. The proposed additional storeys will adopt the same materiality and design, with the Design Excellence Jury supporting the proposal (see section 2.6.2 for detail).	Yes
Sun access to public spaces	The proposed development does not overshadow any of the protected areas. The proposed development does not fall within the sun access plane for Jubilee Park outlined in figure 4.3.3.1.16.	Yes
4.3.3.2 Mixed use buildings		
Street activation	There are no changes to the ground floor level or it's activation of the public domain. It is anticipated that more users within the development will result, potentially having flow-on but indirect benefits for activation.	N/A
Floor to ceiling heights – 2.7m	Floor to ceiling heights >2.7m.	Yes
Servicing	There are no changes to the proposed servicing at the site. The building will remain serviced by a relocated cross-over to Valentine Avenue, and a double height servicing area with space for two servicing vehicles (1 x small rigid vehicle, 1 x medium rigid vehicle).	Yes
4.3.3.3 Public domain and pedestrian amenity		
Active frontages min. 50% primary, min. 40% secondary	There are no changes to the level of activation approved under DA/841/2017. There are no works at ground level.	Yes
Continuous awning	Not required in this location. Awning provided regardless.	Yes
4.3.3.4 Views and view corridors		
Protect views	Figure 4.3.3.4.1 does not require protection of views in this location.	Yes
4.3.3.5 Access and parking		
Location of vehicle access	There are no changes to the vehicular access arrangements approved under DA/841/2017.	N/A
Design of vehicle access		N/A
Pedestrian access and mobility	There are no changes to pedestrian access arrangements approved under DA/841/2017.	N/A
Vehicular driveways and manoeuvring areas	There are no changes to vehicular access arrangements or maneuvering areas approved under DA/841/2017.	N/A
On-site parking	See assessment against cl.7.14 in PLEP 2011 compliance table for car parking discussion.	Yes
Bicycle space 1 per 200sqm (~153)	Calculations for bicycle spaces should refer specifically to the proposed building, meaning the DA/841/2017 building approved and the addition that is proposed here (and exclude the existing building to be retained, located further north on the site, as this building has its own parking	

	areas). The resulting 31 storey building will have a GFA of 30,609sqm. Based on PDCP 2011 calculations, 153 bicycle spaces are required. DA/841/2014/C approved 193 spaces, thus acceptable.	
Above ground parking design	There are no changes to the above ground parking design approved under DA/841/2017.	N/A
4.3.3.6 Environmental Management		
Landscape design	DA/841/2017 did not require any ground level planting on the subject site due to the site's narrow width and CBD location. Several green walls are provided at ground level, which were acceptable. As such, no additional landscaping is now required.	Yes
Planting on structures	No additional planting on structures is proposed.	Yes
Green roof (encouraged)	The roof is occupied by photovoltaic panels, contributing to the development's sustainability initiatives.	Yes
Energy and water efficient design	The proposal has benchmark sustainability targets of 5 star Green Star, 5 star NABERS energy, 4 star NABERS water and a WELL rating of 'gold'.	Yes
Recycled water	An appropriate condition of consent has been imposed requiring a dual reticulation (dual pipe) system be installed to supply all potable and non-potable water uses for building, including a single connection point at the boundary of the site for connection to a future recycled water scheme.	Yes
Design excellence	For DA/841/2017, the applicant followed the design excellence competition process outlined in the DCP and covered two schemes: a smaller and a larger building. As such, DC/18/2016 assessed the 31 storeys. The Design Excellence Jury has supported the proposal (see section 2.6.2 for detail).	Yes

5. Planning agreements or contributions plans

5.1 Planning agreement

No planning agreements are applicable to the proposed development.

5.2 Parramatta City Council Section 94A Development Contributions Plan – Parramatta City Centre (Amendment 4)

Due to the site's location in the Parramatta City Centre, and the total cost of development exceeding \$200,000.00, a section 7.12 development contribution of 3% is required pursuant to *Parramatta City Council Section 94A Development Contributions Plan – Parramatta City Centre (Amendment 4)*.

The applicant's quantity surveyor and an independent quantity surveyor engaged by Council have collaborated to determine the genuine cost of development for the proposal. The most appropriate process for establishing this figure was to evaluate the entire development (i.e. resulting 31 storey building), and then subtract the total cost of development accepted for DA/841/2017. This approach was agreed to by both professionals

It was determined that the 31 storey building was valued at \$152,437,351.00; and a cost of \$70,219,526.00 was accepted for DA/841/2017.

As a result, \$82,217,825.00 is accepted as the genuine cost of development for the proposal.

A standard condition of consent has been imposed requiring payment of this contribution prior to the issue of any construction certificate.

6. The Regulation

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 a proposal with surrounding development, established in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191, provides the following test to determine whether the proposed development 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, because:

- There are no site works or alterations to the ground profile;
- There are no changes to approved vehicle access arrangements;
- Traffic generation will not compromise safety for road users, nor reduce the local road network efficiency;
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- No unreasonable noise, shadows or diminishing views that would be detrimental to adjacent and surrounding sites are likely to result.

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 is located within Parramatta CBD;
- It provides commercial land use contemplated and permissible by the planning controls;
- Site planning limits negative amenity outcomes for adjoining sites;
- Scale, form and presentation is generally consistent with applicable planning controls;
- Design is consistent with original design excellence winning scheme and has been supported through a Design Excellence Jury review;
- Glazed façades are typical of commercial development in surrounding locality;
- Satisfactory public domain treatment approved under DA/841/2017 will not be altered;
- Operational characteristics of the site will not result in adverse impacts for adjacent sites or the wider locality.

7.2 Site works

Excavation and tree removal

Earthworks and tree removal do not form part of this application.

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

The proposed additional storeys adopt an identical building footprint to the 14 storeys approved by DA/841/2017. As a result, previously approved setback non-compliances are also adopted, as follows.

- Additional setbacks above the 26m street wall height are not proposed. 0m setback for all storeys.
- Side setback to Parkes Street boundary does not comply with required 6m (between 0m and 6m provided).
- Rear setbacks do not comply with required 12m (between 1m and 1.5m provided).

The setbacks under DA841/20147 were supported due to the site's shallow depth and awarded design excellence. Maintaining these setbacks and using the same footprint is considered acceptable in this instance based on the overall design and aesthetic of the proposal.

Additionally, the Design Excellence Jury Review confirmed that the proposal is consistent with the original Design Excellence winning scheme (see section 2.6.2).

Height, bulk and scale

The tower component reads as three distinct horizontal elements, defined by two recessed terraced levels. The bulk and scale of the proposal is consistent with the outcomes expected by the precinct planning controls, and is satisfactory on merit.

The height of the proposal complies with the statutory maximum.

External materials, schedule of finishes

The schedule of external materials and finishes has been the subject of review by the Design Excellence Jury and is considered satisfactory.

The façades are comprised of a fully glazed and sunshaded curtain wall.

Accessibility

There are no changes to satisfactory accessibility arrangements as originally approved under DA/841/2017 (which provides for appropriate footpaths, kerb ramps, vehicle crossing, tactile ground surface indicators, path of travels, sealants, non-slip surfaces, street furniture, cycle racks, lighting, steps, handrails, ramps and stormwater aspects of the public domain).

Reflectivity

The application is supported by a solar reflectivity assessment, prepared by CPP Cermak Peterka Petersen (ref: 11628, dated 23 August 2019).

The assessment has been reviewed by Council's external solar reflectivity consultant who has raised some concerns with regards to the tower components and a lack of detailed response showing how neighbouring buildings will block the sun angles that cause reflection.

As a result, it is recommended that a condition be imposed that requires the applicant to submit further analysis that shows appropriate glare impacts.

These details are to be submitted prior to the issue of the relevant construction certificate and must be reviewed and approved by Council's Group Manager Development and Traffic Services Unit (DTSU) in consultant with Council's City Architect and other relevant sections.

7.4 Amenity considerations

Wind

An environmental wind assessment and wind tunnel testings, prepared by CPP: Cermak Peterka Petersen and dated 12 June 2019 and November 2017 respectively, have been submitted in support of the application.

CPP has outlined that a marginal increase in downwash would be expected as a result of the tower height increase, wind conditions at ground level are expected to remain generally suitable from a pedestrian comfort perspective.

The CPP assessments were peer reviewed by an independent wind consultant engaged by Council, Windtech.

Multiple clarifications were required by Windtech from CPP to ensure the integrity of the wind tunnel testings.

Ultimately, Windtech raise no issue with the proposal and agreed with CPP that the wind impacts expected at the site are reasonable.

Overshadowing

The proposal has been accompanied by diagrams demonstrating shadows cast.

The development results in a 31 storey building directly north of an existing shop top housing development across Parkes Street. However, due to the mostly north-south orientation, the shadow is fast moving and the dwellings would still receive morning and afternoon sun, thus receiving the required solar access.

Additionally, the proposal will not result in any overshadowing of Jubilee Park, Lancer Barracks or Parramatta Square.

7.5 Public domain

Relationship with Valentine Avenue and the public domain

A positive public domain relationship between the development and the Valentine Avenue frontage was approved under DA/841/2017. No changes to the public domain are proposed.

7.6 Access, transport and traffic

Car parking supply

160 spaces across the site were approved under DA/841/2017, and a reduction to 143 spaces was approved under DA/841/2017/C.

This application proposes no additional car parking which is technically compliant with cl.7.14 of PLEP 2011.

An existing non-compliance will exist at the site, as the resulting total 31 storey building will be provided with 143 car parking spaces, whereas PLEP 2011 allows a maximum 50 spaces.

However, this level of parking was approved under DA/841/2017 and DA/841/2017/C and this application proposes no additional car parking. Thus, the application can be seen as compliant with PLEP 2011 and is to be supported.

The proposal is seen as consistent with Council's strategic direction of increasing office floor space and reducing car parking in the CBD.

The application has been assessed by Council's traffic engineer who has no objection to the proposed development.

Parking access and design and service vehicle access

The application does not propose any changes to the parking access and design or service vehicle access arrangements approved under DA/841/2017.

Construction traffic

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

Operational traffic

The application does not alter or amend any of the operational traffic arrangements approved under DA/841/2017, which was supported by a satisfactory traffic impact assessment.

7.7 Water management

Water quality

The proposal has been appropriately conditioned to connect to the stormwater system and OSD approved under DA/841/2017. Conditions of consent imposed on DA/841/2017 required primary and tertiary filtration devices to be installed and maintained in perpetuity to manage runoff to Valentine Avenue and Parkes Street.

On-site stormwater collection and disposal

Stormwater will be managed via the on-site detention (OSD) system, with a volume of 75 cu.m, located in the basement, approved under DA/841/2017.

As the building's footprint is not altered, it is considered that the approved OSD is appropriate.

7.8 Waste management

Construction phase

The application is supported by a satisfactory waste management plan that covers the construction phase of the development (demolition of structures at site covered by

DA/841/2017).

Operational phase

An operational waste management plan, prepared by Aurecon (dated 20 August 2019), was submitted in support of the application and the methodology addresses the following components:

- Legislation;
- Waste generation;
- Interim storage;
- Waste transport within the site;
- Consolidation activities; and
- Waste collection.

A private waste contractor will be engaged to service the development, and general waste should be collected once daily (Monday to Friday) and recyclables once weekly.

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

Appropriate conditions are provided in the recommendation.

7.9 Construction management

Construction management

A construction management plan (CMP), prepared by Investa and dated August 2019 (version 3), was submitted in support of the application.

The CMP addresses the following matters:

- Protection of surrounding developments;
- Public amenity, safety and pedestrian management, including:
 - Hours of works;
 - Noise and vibration levels;
 - Public safety;
 - Pedestrian management;
 - Construction management.
- Materials handling, including:
 - Deliveries;
 - Waste management;
 - Cranes, hoists and loading platforms.
- Traffic management, including:
 - Site access;
 - Ongoing management;
 - Street closures;
 - Pedestrian movements.
- Environmental Management, including:
 - Occupational health and safety;
 - Hazardous materials;
 - Dust control;
 - Site discharge;
 - Recycling.

7.8 Social and economic impacts

No adverse impacts have been identified.

8. Site suitability

8.1 Does the proposal fit the locality and is the site suitable?

The subject site is appropriately zoned for the proposed development, and is located within Parramatta CBD.

The site is affected by flooding. Flooding was assessed by relevant sections of Council under DA/841/2017, where it was considered that the proposal was designed satisfactorily to minimise risk to human safety and property. The proposed additional levels are not located below the flood planning level and the development is considered appropriate.

DA/841/2017 was supported by relevant information demonstrating the site is suitable with regard to contamination and acid sulphate soils. The proposed development does not alter this compliance.

There are no other natural hazards or significant site constraints that will have an adverse impact on the proposal.

Accordingly, the site is considered to be suitable for the proposed development subject to relevant conditions.

8.2 Public submissions

There were no submissions received during public notification.

9. Public interest and notification

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

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

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

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

This application is generally consistent with the specific controls and the wider planning framework, and therefore accords with the Central City District Plan.

No submissions were received during notification of the application.

10. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any

organisation / persons that have made submissions in respect to the proposed development.

ATTACHMENT B – CONDITIONS OF CONSENT

Panel Reference	PPSSCC-25
DA Number	DA/517/2019

DEVELOPMENT APPLICATION 517/2019

GENERAL MATTERS

Standard Conditions

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

Drawing no.	Prepared by	Dated
<i>Architectural Drawings</i>		
Drawing list, DA2-02, issue: A	fitzpatrick partners	14/08/2019
Location plan, DA2-03, issue: A	fitzpatrick partners	14/08/2019
Site analysis – existing, DA2-04, issue: A	fitzpatrick partners	14/08/2019
Context plan, DA2-05, issue: A	fitzpatrick partners	14/08/2019
Typical office – level 13, DA2-10, issue: A	fitzpatrick partners	14/08/2019
Terrace – level 14, DA2-11, issue: A	fitzpatrick partners	14/08/2019
Typical office – level 15-21, DA2-12, issue: A	fitzpatrick partners	14/08/2019
Terrace – level 22, DA2-13, issue: A	fitzpatrick partners	14/08/2019
Typical office – level 23-29, DA2-14, issue: A	fitzpatrick partners	14/08/2019
Plant – level 30, DA2-15, issue: A	fitzpatrick partners	14/08/2019
Lift motor room – level 31, DA2-16, issue: A	fitzpatrick partners	14/08/2019
LMR roof, DA2-17, issue: A	fitzpatrick partners	14/08/2019
South-west elevation, DA2-20, issue: A	fitzpatrick partners	14/08/2019
North-east elevation, DA2-21, issue: A	fitzpatrick partners	14/08/2019
North-west and south-east elevation, DA2-22, issue: A	fitzpatrick partners	14/08/2019
Sections A & B, DA2-23, issue: A	fitzpatrick partners	14/08/2019
Section C, DA2-24, issue: A	fitzpatrick partners	14/08/2019
Façade sunshades – summary, DA2-31, issue: A	fitzpatrick partners	14/08/2019
Façade sunshade – shadow diagrams, DA2-32, issue: A	fitzpatrick partners	14/08/2019

Façade details, DA2-33, issue: A	fitzpatrick partners	+	14/08/2019
Area schedule, DA2-39, issue: A	fitzpatrick partners	+	14/08/2019
Perspectives, DA2-40, issue: A	fitzpatrick partners	+	14/08/2019
Perspectives, DA2-41, issue: A	fitzpatrick partners	+	14/08/2019
Perspectives, DA2-42, issue: A	fitzpatrick partners	+	14/08/2019

Document	Prepared by	Dated
Statement of Environmental Effects, ref: 18042	Robinson Urban Planning	22 August 2019
Fire Engineering Statement, ref: 2128362	GHD	22 August 2019
Building Code of Australia 2019 Compliance Report, ref: 06082018, revision A	McKenzie Group	16 August 2019
Environmental Wind Tunnel Tests, ref: 11628	CPP: Cermak Peterka Petersen	8 November 2017
Façade Pressure Wind Tunnel Tests, ref: 11628	CPP: Cermak Peterka Petersen	23 November 2017
Wind Study Peer Review (response to review dated 24 October 2019), ref: 11628	CPP: Cermak Peterka Petersen	7 November 2019
Wind Study Peer Review (response to review dated 24 October 2019 – comment 3.2), ref: 11628	CPP: Cermak Peterka Petersen	7 November 2019
Wind Study Peer Review (response to review dated 28 November 2019 – item 2.2), ref: 11628	CPP: Cermak Peterka Petersen	10 December 2019
Reflectivity assessment, ref: 11628	CPP: Cermak Peterka Petersen	23 August 2019
Design statement for DA, ref: 2-10 Valentine Avenue, Parramatta	fitzpatrick partners	Undated
DA-2 – Addition to Approved Office Building (DA/841/2017) Revision A Structural Report, ref: 161403SAAB	Taylor Thomson Whitting	15 August 2019
Green Travel Plan, ref: 161403 TAAE, revision 2	Taylor Thomson Whitting	22 August 2019
Loading dock capacity statement, ref: 161403	Taylor Thomson Whitting	22 August 2019
Construction Management Plan/ Environmental Management Plan/ Construction Traffic Management Plan, version 3	Investa	August 2019
Section J report, ref: 256013, revision 3	Aurecon (Zofia Kuypers)	12 August 2019
Access Statement	Morris Goding Access Consulting	22 August 2019
Waste management plan – demolition, construction and use of premises	Investa Office Developments (Natasha Devlin)	22 August 2019

Operational Waste Management Plan, ref: 256013, revision A	Aurecon (Maeve Molins and Shaun Devine)	20 August 2019
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Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

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

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

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

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

Reason: To ensure compliance with legislative requirements.

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

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

Design Excellence

5. In order to ensure the design excellence quality of the development is retained:

- (a) The architectural design team, *fitzpatrick + partners*, is to have direct involvement in the design documentation, contract documentation and construction stages of the project (including signing off any required certifications at development application, modification application, construction certificate and occupation certificate stages).
- (b) The design architect's team is to have full access to the site, following appropriate safety inductions, and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the life of the project.
- (c) Evidence of the design architect's team commission is to be provided to the Council prior to release of the relevant Construction Certificate.
- (d) Council's Design Competition Panel (Design Excellence Jury) is to review and provide comment on the architectural drawings, landscape drawings and samples of all external materials, in particular the external glazing and façade detailing to ensure the scheme remains substantially the same as the award winning scheme prior to the issue of any relevant Construction Certificate and any Occupation Certificate.
- (e) The design architect of the project is not to be changed without prior notice and approval of the Design Excellence Jury.

The Principal Certifying Authority must be satisfied that the above matters have been complied with prior to the issue of a relevant Construction Certificate, in accordance with written confirmation from City of Parramatta Council.

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

Endeavor Energy

6. Endeavour Energy's G/Net master facility model indicates that the site is in a location identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.

When undertaking works on, or in the vicinity of, Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction or electrical workers could be exposed include:

- Customer meter boards;
- Conduits in ground;
- Padmount substation culvert end panels; and
- Joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Health, Safety & Environment via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am – 5:30pm.

Reason: To protect the amenity of the area and ensure construction safety.

7. The decommissioning of the existing substation and its replacement or augmentation, will be dealt with as part of Endeavour Energy's application for connection of load. The certification of the design does not constitute an agreement for the release or variation of the easement and no works should be undertaken to decommission the existing infrastructure within the easement until the release or variation of the easement has been resolved and approved by Endeavour Energy.

Reason: To comply with the requirements of Endeavour Energy and maintain electrical supply to surrounding properties.

8. Workers involved in work near electricity infrastructure are at risk of receiving an electric shock and causing substantial damage to plant and equipment. All physical works must to comply with Endeavour Energy's public safety policies that assist the general public and construction workers in understanding associated risks and safe work procedures. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

Reason: To comply with the requirements of Endeavour Energy and maintain electrical supply to surrounding properties.

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

Reason: To ensure construction safety procedures are appropriately implemented.

Roads and Maritime Services (RMS)

10. All vehicles shall enter and exit the site in a forward direction.

Reason: To ensure compliance with requirements of RMS.

11. 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.
Reason: To ensure compliance with requirements of RMS.
12. 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.
13. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the surrounding road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
Reason: To ensure compliance with requirements of RMS.

Sydney Trains

14. Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
Reason: To comply with the requirements of Sydney Trains and SEPP (Infrastructure) 2007.
15. Compliance with any acoustic assessment applicable to development consent DA/841/2017.
Reason: To comply with the requirements of Sydney Trains.
16. Compliance with the electrolysis report applicable to development consent DA/841/2017.
Reason: To comply with the requirements of Sydney Trains.
17. Compliance with any track monitoring plan applicable to development consent DA/841/2017.
Reason: To comply with the requirements of Sydney Trains.

Transport for NSW (TfNSW)

18. Transport for NSW (TfNSW) concurrence provided for DA/841/2017 is not amended by any part of this development consent. The TfNSW concurrence provided for DA/841/2017 is not to be amended, replaced or superseded by any concurrence issued by any other rail authority, without further agreement from TfNSW.
Reason: To comply with the requirements of Transport for NSW.

Stormwater and engineering

19. All stormwater must be connected to the stormwater system and OSD approved under DA/841/2017 and utilise primary and tertiary filtration devices approved under DA/841/2017.
Reason: To ensure satisfactory stormwater disposal and to ensure appropriate water quality treatment measures are in place.

Waste

20. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:
- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
 - (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
 - (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
 - (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
 - (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.
- Reason:** To ensure provision of adequate waste storage arrangements.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Standard Conditions

21. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).
- Reason:** To comply with the Environmental Planning and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.
22. Access and services for people with disabilities shall be provided to the 'affected part' of the building in accordance with the requirements of the Access to Premises Standard 2010, the National Construction Code 2013 and the recommendations contained within the 'Access Review Scheme 1.1' (rev.: A), prepared by Morris Goding Access Consulting dated 26 October 2017 and the statement prepared by Morris Goding Access Consulting dated 22 August 2019. Detailed plans, documentation and specification must accompany the application for a Construction Certification to the satisfaction of the Certifying Authority.
- Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.
23. 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.
24. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

25. 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 demonstrating compliance must be submitted to, and approved by, Council's City Architect prior to issue of the relevant Construction Certificate.

Reason: To have a minimal impact on neighbouring properties and the public domain.

Design Excellence

26. Prior to the issue of the relevant Construction Certificate, the following detail must be submitted to, and approved by, Council's City Architect, Design Excellence Jury and Independent Environmentally Sustainable Development consultant:

- (a) A 1:1 manufactured visual mock-up (VMU) of key junctions of the external glazed façade, including any articulation elements (minimum 3m x 3m dimensions)

Reason: To fulfill the Design Excellence criteria of the Parramatta LEP 2011.

27. Prior to the release of the relevant construction certificate the applicant shall submit for the approval of the City Architect, key cross sections, partial plans and partial elevations through external walls, balconies, pergolas and other key external details. Drawings are to be fully annotated at a scale of 1:50 (or if necessary 1:20) showing details, materials, finishes and colours, so that the details and materiality of the external facades are clearly documented.

Revised 3D photomontages should also be submitted. The development shall be completed in accordance with the plans approved to satisfy this condition.

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

Fees and charges

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

Reason: To ensure that the levy is paid.

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

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

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

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

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

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

31. A monetary contribution comprising \$2,466,534.75 is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta City Centre Civic Improvement Plan (Amendment No. 4)*. Payment must be by EFTPOS, bank cheque or credit card only.

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

At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

Parramatta City Centre Civic Improvement Plan (Amendment No. 4) can be viewed on Council's website at:

<https://www.cityofparramatta.nsw.gov.au/businessdevelopment/planning/development-contributions>

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

Roads and Maritime Services (RMS)

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

Reason: To ensure compliance with requirements of RMS.

Stormwater and engineering

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

Reason: To ensure satisfactory stormwater disposal.

34. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the 1 in 100 year level plus 500mm freeboard.

Reason: To ensure the structure can withstand flooding impacts.

Sustainability

35. Prior to the issue of the relevant Construction Certificate, the following must be demonstrated to the satisfaction of the Principal Certifying Authority:

- (a) The building must achieve a 5-star Green Star Design as-built rating. Evidence is to be provided in accordance with the Design Review certified rating of the Green Building Council of Australia.
- (b) A dual reticulation (dual pipe) system is to be installed of sufficient size and capacity to supply all potable and non-potable water uses for the building including single connection point at the boundary of the site for connection to a future recycled water scheme.
- (c) The building will be designed to achieve a 4 star NABERS water rating.
- (d) LED lighting must be provided throughout the building.
- (e) Outdoor air ventilation rates must exceed the minimum requirements of AS1668.2 2012 by 50%.

- (f) All lifts must be gearless with regenerative drives. Passenger lifts to have destination control.
- (g) Solar photovoltaic generation must be installed to the extent indicated for the roof and lift motor room roof as outlined on approved drawing ref: DA2-16 A and DA2-17 A.
- (h) The carpark levels are to be naturally ventilated to the fullest extent possible under the NCC BCA.
- (i) The building will be designed and constructed to operate at a minimum NABERS Energy rating of 5.5 stars without accounting for any Green Power used in the building and a corresponding Commitment Agreement be entered into with NSW Office of Environment and Heritage.

Reason: To ensure sustainable development outcomes are achieved.

Glare and reflectivity

36. Prior to the issue of the relevant construction certificate, further analysis of the tower façade must be submitted to ensure solar reflections do not impact onto approaching motorists, train drivers or pedestrians.

Details demonstrating compliance are to be submitted to, and approved by, Council's Group Manager Development and Traffic Services Unit (DTSU) in consultation with Council's City Architect and other relevant sections, prior to the issue of the relevant construction certificate.

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

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

Sydney Trains

37. Prior to the issuing of a Construction Certificate, the Applicant is to submit to Sydney Trains certification from a Geotechnical and Structural Engineer that the footings/piles of the development in accordance with development consent DA/841/2017 for the same site can accommodate the additional levels under this consent and that there will be no additional impacts on the adjoining rail corridor or rail infrastructure.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

38. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- If advised by Sydney Trains, track monitoring plan

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

39. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written

confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

40. If required by Sydney Trains, prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

41. If required, prior to the issue of a Construction Certificate, the Applicant is to contact Sydney Trains Engineering Management Interfaces team to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

42. If required, prior to the issue of a Construction Certificate, the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

43. Prior to the issuing of a Construction Certificate, the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

44. Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

Sydney Water

45. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information
- Water meter installations
- Pressure boosting and pump approvals
- Changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

PRIOR TO WORK COMMENCING

Standard Conditions

46. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
 - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

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

Reason: To comply with legislative requirements.

47. The site must be enclosed by a 1.8m high security fence, if a hoarding is not provided, 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.

48. 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;

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

This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

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

Reason: To ensure adequate toilet facilities are provided.

50. 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.

Stormwater and engineering

51. 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.

52. 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.

53. 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.

Sydney Trains

54. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

Traffic and transport

55. Prior to the commencement of any works on site (excluding exploratory and investigative works), the applicant must submit a Construction Pedestrian and Traffic Management Plan to the satisfaction of Council's Traffic and Transport Manager and the Transport for NSW Sydney Coordination Office. The following matters must be specifically addressed in the Plan:

Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:

- (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 locations 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, tradesperson 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 impacts 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) Cumulative construction impacts of projects in the Parramatta CBD. Should any impacts be identified, the duration of the impacts; and
- (o) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified.

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

Traffic Control Plan(s) for the site:

- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
- (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.

Where applicable, the plan must address the following:

- (iii) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- (iv) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- (v) Minimising construction related traffic movements during school peak periods.

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

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

56. 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.

DURING WORK

Standard Conditions

57. 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.

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

Reason: To protect the amenity of the area.

59. 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.

60. 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 to 5.00pm.
- No work is to be carried out on Sunday or Public Holidays.

Demolition works are restricted to:

- Monday to Friday: 7.00am to 5.00pm; and
- No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

Note: Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

Reason: To protect the amenity of the area.

61. 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.

62. 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.

Stormwater and engineering

63. 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.

Roads and Maritime Services (RMS)

64. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

Reason: To ensure compliance with requirements of RMS.

Sydney Trains

65. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

66. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing or barrier along the rail corridor boundary with the development site. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

Traffic and transport

67. 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 works.

Reason: To ensure proper management of Council assets.

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

Reason: To ensure maintenance of Council's assets.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Standard Conditions

69. Prior to the issue of the relevant Occupation Certificate, an Occupation Certificate must be issued for DA/847/2017.

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

70. Occupation or use of the building or part is not permitted until an Occupation Certificate has 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.

71. Prior to the issue of an Occupation Certificate, a fire safety certificate must be issued as required by Clause 153 of the Environmental Planning and Assessment Regulation 2000.

Reason: Protection of life and to comply with legislative requirements.

Design Excellence

72. Council's Design Competition Panel (Design Excellence Jury) shall review and comment on the completed development prior to the issue of an Occupation Certificate to ensure design integrity. Where the Jury identifies matters which are not satisfactory, resolution shall be required prior to the issue of the Occupation Certificate.

Reason: To ensure the proposal achieves design excellence.

Sydney Trains

73. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

74. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

Reason: To comply with the requirements of Sydney Trains and Division 15 'Railways' of SEPP (Infrastructure) 2007.

Sydney Water

75. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water prior to the issue of any Occupation Certificate.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. 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.

Traffic and transport

76. Prior to the issue of an Occupation Certification, the Principal Certifying Authority is to be satisfied that the facilities provided on site are in accordance with the Green Travel Plan (reference 161403 TAAE, revision 2) prepared by Taylor Thomson Whitting and dated 22 August 2019

Reason: To ensure implementation of the Green Travel Plan.

Waste

77. Prior to issue of the occupation certificate, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all waste contracts and receipts shall be kept on site and made available to Council officers on request.
Reason: To comply with the Requirements of the Protection of the Environment Operations Act 1997 and Regulations.
78. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.
Reason: To ensure a waste collection service is commenced at the time of occupation of the development.
79. 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.

THE USE OF THE SITE

Standard Conditions

80. No goods are to be stored/displayed outside the walls of the building.
Reason: To ensure visual amenity.
81. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.
Reason: To ensure the removal of graffiti.
82. Roller shutters are not to be placed over any external door or window of the premises. Any security grill is to be located on the inside of the glass shop front and must be an open grill able to be seen through.
Reason: To provide an appropriate streetscape appearance.
83. 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.
84. Any use of the premises as a Place of Public Entertainment is subject to further approval of Council.
Reason: To protect the amenity of the area.

Acoustic

85. The use of the premises not giving rise to:
- (a) transmission of unacceptable vibration to any place of different occupancy,
 - (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.
- Reason:** To prevent loss of amenity to the area.

86. 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.
87. 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.
88. Servicing, deliveries and the like are not to occur between the hours of 10:00pm and 7:00am, 7 days a week.
Reason: To protect the amenity of the area.

Sustainability

89. The applicant shall undertake a formal Green Star Design and As Built rating within 18 months of practical completion and submit the results to the City of Parramatta.
Reason: To ensure sustainable development outcomes are achieved.
90. The applicant shall undertake a formal NABERS Water rating within 18 months of the building achieving 75% commercial occupancy and submit the results to the City of Parramatta.
Reason: To ensure sustainable development outcomes are achieved.
91. The applicant shall undertake a formal NABERS Energy Rating within 18 months of the building achieving 75% commercial occupancy, and submission of the rating result to the City of Parramatta.
Reason: To ensure sustainable development outcomes are achieved.

Traffic and transport

92. All loading and unloading must take place within the designated loading areas on the subject property.
Reason: To improve the safety of the users of the public carpark.
93. All vehicles are to enter and exit the site in a forward direction. In addition, all vehicles are to be wholly contained on site before being required to stop.
Reason: To improve the safety of the users of the public carpark.
94. The Green Travel Plan, required by these conditions, shall be displayed throughout the commercial areas of the site (at least one copy on each floor).
Reason: To discourage trips by private vehicle.

Waste

95. 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.
96. 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.
97. 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.