

SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-278
DA Number	DA/868/2018/E
LGA	City of Parramatta Council
Proposed Development	Section 4.55 (2) modification to approved DA/868/2018 for the construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial and educational uses and a childcare centre with 2 levels of basement on Lot 2. The proposal was approved as an Integrated development under the Water Management Act 2000. Modifications sought include internal and external changes to the west tower of the Westmead IQ development. The proposal will be determined by the Sydney Central City Planning Panel.
Street Address	158-164 Hawkesbury Road, WESTMEAD NSW 2145
Applicant/Owner	Western Sydney University
Date of DA lodgement	5 August 2021
Number of Submissions	None
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Section 4.55 (2) modification application where the parent application was determined by the SCCPP and the current modification seeks a further variation the development standards beyond 10%.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • State Environmental Planning Policy (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (BASIX) 2004 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
Report prepared by	Denise Fernandez, Senior Development Assessment Officer
Report date	1 November 2021

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Does the DA require Special Infrastructure Contributions conditions (S94EF)?	Not Applicable
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Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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

1. The Site and Surrounds

The subject site is known as 164 Hawkesbury Road. The site is currently under construction and is legally described as Lot 2 in DP 1227281. The site is bounded by Darcy Road to the north, Hawkesbury Road to the east and the recently developed Farmhouse Road to the south and west. The site is located in the vicinity of St Vincent's building and Farmhouse building, which are local heritage items on the adjoining lot to the south in the Western Sydney University precinct.

The site is an irregular shaped allotment and has a cross fall of 7.5m from the southern boundary to the north western boundary at the corner of Hawkesbury Road and Farmhouse Road West.

The site is approximately 175m north west of Westmead Railway Station and is located directly to the south of Westmead Hospital. The site is also in the vicinity of a number of regionally significant land uses and features such as the Parramatta CBD, Parramatta Parklands and the Parramatta River.

Significant infrastructure investments are proposed by the State Government in proximity to the site including construction of Parramatta Light Rail (Stage 1) and the Sydney Metro West project.

The subject is currently under construction as part of the approval under DA/868/2016 for 2 x mixed use buildings.

The subject site has the following area and dimensions:

Area – 5694m²

Darcy Road – 90 metres

Hawkesbury Road (East) – 40 metres

Farmhouse Road (South) – 75 metres

Farmhouse Road (West) – 75 metres.



Figure 1: Land Zoning Map (Source: Council's GIS)



Figure 2: Aerial image of the subject site and surrounding context (Source: Nearmaps)

2. Site History

RZ/4/2011 - Proposal of 158 - 164 Hawkesbury Road and 2A Darcy Road.

A Planning Proposal was approved in 2011 to rezone the land at 158 -164 Hawkesbury Road and 2A Darcy Road from SP2 Special Uses (Educational Establishment) to B4 Mixed Use. A site specific Development Control Plan was adopted by Parramatta Council during this time. Local Environmental Plan amendment relating to the site came into effect from 13 September 2013. The amendments permitted building height of 31 metres and a FSR of 3.5: 1 on the subject site.

DA/571/2014 - Stage 1 Masterplan

Sydney Central City Planning Panel approved DA/571/2014 on land at 158-164 Hawkesbury for the demolition of five (5) buildings, tree removal, bulk earthworks, and construction of roads and Torrens title subdivision of the site into five (5) allotments. The approval also included a concept plan and building envelopes on each of the 5 lots.

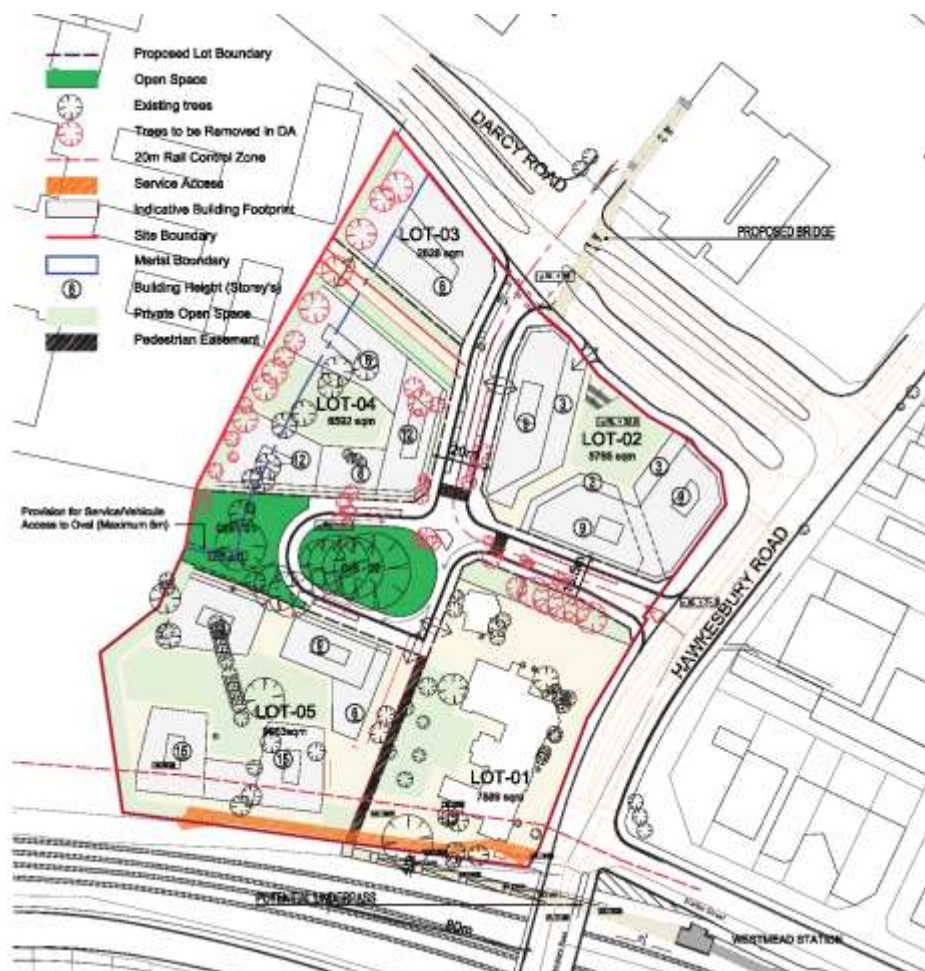


Figure 3. Approved Concept Plan demonstrating a U-Shaped Plaza development on Lot 2.

DA/868/2018 - Construction of 2 x Mixed Use Buildings

Sydney Central City Planning Panel approved the application for construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial and educational uses and a childcare centre with 2 levels of basement on subject of Lot 2 created under Masterplan on 4th December 2019.



Figure 4. Approved development on Lot 2 illustrating an east and a west tower.

DA/868/2018/A – Modifications to the approved 2 x Mixed Use Buildings

Section 4.55(1A) modification to DA/868/2018 for the construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial & educational uses and a childcare centre with 2 levels of basement. The modifications include extension of ground floor retail tenancies, relocation of the education levels, deletion of 3 car spaces, replacement of commercial space with retail space, conversion of commercial space on level 10 to an open terrace area, change in awning types and internal modifications to change the layout of the tenancies. The modification application was approved under delegation on 1 September 2020.

DA/868/2018/B – Modifications to the approved 2 x Mixed Use Buildings

Section 4.55 (1A) modification to approved DA/868/2018 for the construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial and educational uses and a childcare centre with 2 levels of basement. The modifications sought include a staged construction and occupation of the proposed development and staged payment of the S94 contributions. The modification application was approved under delegation on 9 October 2020.

DA/868/2018/C – Modifications to the approved 2 x Mixed Use Buildings

Section 4.55(1A) modification to DA/868/2018 for the construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial & educational uses and a childcare centre with 2 levels of basement. The modification is for the installation of temporary signage lighting on the construction site tower crane. The modification application was approved under delegation on 7 April 2021.

DA/868/2018/D – Modifications to the approved 2 x Mixed Use Buildings

Section 4.55(1A) modification to DA/868/2018 for the construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial & educational uses and a childcare centre

with 2 levels of basement. The modification includes the relocation of the temporary loading dock to Farmhouse Road South. At the time of writing the report, this modification application remains under assessment.

3. The Proposal

Consent is sought to modify the approved development as follows:

Architectural changes

- Increase in typical floor to floor heights between 250mm and 980mm.
- Stair core widths and depths increased to accommodate increased floor to floor height
- Lift sizes updated to suit a broader range of uses and BCA classes including healthcare. Shuttle lift arrangement from LG to L 1 is also updated.
- Façade louvres incorporated as part of the infill curtain wall panels for air intakes/exhausts of service risers.
- Basement layout updated to accommodate additional healthcare storage requirements.
- Loading dock updated with ambulance bay.
- End of trip facilities consolidated to one facility beneath the east tower. resulting in a reduction in the available end of trip facilities provided on the site, including a reduction of bicycle parking spaces from 180 to 90.
- Car space layout updated, with a reduced quantum of car parking spaces. The number of car parking spaces provided within the development has been reduced from 134 to 121 car spaces.

Structural changes

- Additional columns and column size updated to suit amended building layout.
- Floor slab depth updated from 650mm to 730mm to accommodate additional loads.
- Additional steel columns on Level 2 and Level 3.
- Core structure updated to accommodate an additional truck parking bay along Farmhouse Road (West).

Changes to services

- New substation added within northern tenancy location.
- New switch room added on lower ground.
- Additional plant equipment room added to basement.
- Riser sizes in the building core increased.
- Plenums on façade required for free area added on typical level 2-3.
- Level 10 layout updated with a consolidated plant area to allow for extension of services. Tenancy relocated to the north.
- Blank paneling to L4 to allow a portion of the façade to be removable on the north-western edge of lifts.
- Additional lift to service floor plate.
- Additional façade opening on Level 10 to allow for more external terrace area and external open space for future tenancies.

Key Assessment

As a result of the abovementioned changes, the overall height of the development is to increase from 52.5m to 55.89m.

Over the course of its development the development on the site has since been refined to ensure design and economic suitability. The changes to the height for the west building are as follows.

Development Standard under PLEP 2011	Approved Building Envelope under DA/571/2014	Approved under DA/868/2018	Proposal under DA/868/2018/E
Height - 31m	32.8m (variation of 5.8%)	West Building – 52.5m (difference of 21.5m and variation of 69% from PLEP)	West Building – 55.89m (difference of 3.39m or variation of 80% from PLEP)

Have the works been completed?	No
Has the consent lapsed?	No. Had physical works not commenced, the consent would lapse on 17 December 2024.

4. Assessment Under Section 4.55

SECTION 4.55(2)	Yes
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The consent, as modified, would result in a development that is substantially the same as the original development. See further assessment below.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The application was referred to Civil Aviation Safety Authority (CASA) as part of the assessment of this modification. To date, Council has not received any comments from CASA.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The modification was notified in accordance with the relevant development control plan.
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received.
In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	An assessment against the relevant matters contained within s4.15 are addressed further in this report. In addition, as the original application was determined by the Regional panel, the modified proposal must be considered against the reasons for approval given by the Panel. The modified proposal remains consistent with the reasons of approval as given by the Panel.
ASSESSMENT OF WHETHER THE PROPOSAL IS SUBSTANTIALLY THE SAME	
In considering whether the development is substantially the same, the applicant bears the onus of satisfying the consent authority that the modified development is substantially the same as the original development (<i>Vacik Pty Ltd v Penrith City Council</i> , unreported, 24 February 1992). In this judgement, Stein J states that it is not appropriate to simply say that the nature of the development, in this case the use of the site as a residential flat building, as amended would be the same use and therefore substantially the same development. Stein J goes on to say that it is necessary to consider whether the proposed modified development would be essentially or materially or having the same essence as that which had been originally approved. These comments are reiterated in <i>Trinvass Pty Ltd v The Council of the City of Sydney</i> [2018] NSWLEC 77.	

Bignold J in his decision in *Moto Projects No 2 Pty Limited v North Sydney Council* [1999] 106 LGERA 298, states that:

“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (currently) approved development.

The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).”

As such, an assessment of the proposed modified development to determine if substantially the same as the original development requires an assessment of the quantitative and qualitative impacts of the modified proposal.

Quantitative Assessment

The amended development proposes to increase the overall height of the development by 3.39m to 55.89m. The maximum height for the site is 31m. The overall departure in this case equates to 80% from the height. The changes to height are due to the minor increase per floor to allow a higher floor to ceiling height to accommodate a hospital use. The bulk of the development is not that inconsistent with the original development and that the changes are indiscernible from the pedestrian level.

The modifications also seek to reconfigure the basement layout to provide improved facilities and an ambulance bay. This results in a reduction in the overall number of car and bicycle spaces for the development. Notwithstanding, the site benefits from maximum car parking provisions and maintains compliance despite the reduction in the number of car spaces whilst reducing traffic and parking demands. Council’s Traffic Engineer has no objections to the reduction in the overall number of car and bicycle spaces under the modifications.

The changes under the modification application also result in the layout reconfiguration on Level 10. Notwithstanding, the development maintains the FSR of the development as previously approved as well as a similar bulk and solar access impacts.

Qualitative Assessment

The changes to the reconfiguration of the internal floor layout, external façade, parking, and height do not in this instance result in significant changes to bulk and scale that would otherwise be noticeable on a pedestrian level. These changes also do not result in additional adverse impacts to adjoining neighbours.

Conclusion

Based on the above assessment, the modified development is substantially the same as the original approved development as the development is materially the same in terms of use, intensity and environmental impacts.

ENVIRONMENTAL PLANNING INSTRUMENTS

SEPP

COMMENTS

SEPP 55 – REMEDIATION OF LAND

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

SEPP (BASIX) 2004	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.
SREP (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.
SEPP (INFRASTRUCTURE) 2007	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.
SEPP (VEGETATION IN NON-RURAL AREAS) 2017	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment. There has been no additional tree removal proposed.
SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILDCARE FACILITIES) 2017	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.
SEPP 64 – ADVERTISING AND SIGNAGE	The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

PARRAMATTA LOCAL ENVIRONMENT PLAN 2011			
CLAUSE	PREVIOUSLY APPROVED	MODIFICATION	COMPLIANCE
Height of Buildings	West Building – 52.5m (difference of 21.5m and variation of 69% from PLEP). Approved under DA/868/2018	West Building – 55.89m (difference of 3.39m or variation of 80% from PLEP)	No, discussion below.
Applications assessed under Section 4.55 of the EPA Act 1979 do not require a variation to be sought under Clause 4.6 of the Parramatta LEP 2011. Notwithstanding, a merit assessment of the variation is provided below.			
The applicant has provided the following justification for the variation to the <u>height</u> permitted:			
<p><i>The proposed increase in height of 3.39m as a result of this modification is minor and does not conflict with the principles established as part of the approved development and through the approvals of other (significantly taller) buildings within the WSU precinct. The proposed modification constitutes a 6.5% increase to the height of the approved building, which is considered minor, and will provide the benefit of flexibility, ensuring the building and overall project can accommodate uses which are envisaged by the Westmead Place Strategy other than commercial, such as healthcare, which require greater floor to ceiling heights in order to comply with the BCA.</i></p> <p><i>The increase is contextually minor having regard to the approved building and is not overly perceptible. The increase also does not result in any undue or overbearing visual impact when viewed from the street. Furthermore, the increase in the height of the proposal does not alter the character or relationship of the buildings. In the context of significantly taller buildings in proximity to the site, the minor increase is visually negligible, and the building height remains appropriate.</i></p> <p><i>In summary, the minor increase in the height of the west tower will still result in an overall building which sits comfortably within its context, set amongst a future context of a number of approved and constructed buildings which are much greater in scale.</i></p>			

Merit assessment of the variation: In assessing a variation to a development standard, the following needs to be considered:

Is the planning control a development standard?

The planning control, Clause 4.3 Height of Buildings is a development standard pursuant to Parramatta Local Environmental Plan 2011.

What is the underlying object or purpose of the standard?

The underlying purpose of Clause 4.3 is to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan; to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; to require the height of future buildings to have regard to heritage sites and their settings; to ensure the preservation of historic views; to reinforce and respect the existing character and scale of low density residential areas; and to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standard would reduce the utility of the development by preventing other uses to be accommodated. As such, retaining the originally approved height would be inconsistent with the relevant aims of the Parramatta LEP 2011 which includes encouraging a range of development, including employment that accommodates the needs of the existing and future residents, workers, and visitors of Parramatta.

Compliance with the development standard in this case would hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act which include the promotion and co-ordination of the orderly and economic use and development of land.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

- The departure to the overall height is minor and is a result of incremental changes to the floor to ceiling height on each floor.
- The height does not result in undue solar access or amenity impacts to adjoining development.
- The additional height in this instance does not provide opportunities for increased density.
- The proposal provides generally compliant building separation in accordance PDGP 2011 to ensure that the development does not contribute to a loss of privacy to and from the site.
- The proposed bulk and scale are compatible with the existing and desired future character of the site.

Is the exception well founded?

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The recent findings in case *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* indicate that the consent authority must be satisfied that the applicant's written request adequately demonstrates that the compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention; and that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

In this case, the applicant's justification that the increase in the height is required to allow additional uses to be accommodated within the development is adequate. It addresses the matters required to be demonstrated by Clause 4.6(3) and the proposed development is in the public interest as it is consistent with the objectives of the Height of Buildings Development Standard and the objectives for development within the B4 Mixed Use zone.

Floor Space Ratio	GFA is 31,066m ² and FSR of 5.45:1. Approved under DA/868/2018/A	No change is proposed. Notwithstanding the internal layout changes, the modifications maintain the same FSR as that previously approved.	Yes
Architectural roof features	An architectural roof feature is not proposed.	No change is proposed	Yes
Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.		N/A
Heritage Conservation	The subject site does not contain a heritage item, is not in the vicinity of an item and does not fall within a heritage conservation area.		N/A
Aboriginal Places of Heritage significance	The subject site is located within a low sensitivity recorded area.		N/A
Acid sulphate soils	The site is identified as containing Class 5 Acid Sulphate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared.		N/A
Earthworks	The proposed earthworks were satisfactory.	No change proposed with regards to earthworks. Despite the changes to the basement, the building footprint will be maintained. All changes to the basement are within the approved basement footprint as that previously approved.	Yes
Flood planning	The site is not identified by council as being flood prone.		N/A

Biodiversity protection	The site is not identified on this map	N/A
Water protection	The site is not identified on this map	N/A
Development on landslide risk land	The site is not identified on this map.	N/A
Affected by a Foreshore Building Line	The site is not located in the foreshore area.	N/A
Bushfire Prone Land	The site is not identified on this map.	N/A

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Part 2 Site Planning

Views and vistas	There are no significant views and vistas from the subject site identified in Appendix 2 of Council's DCP.
Flooding	The site is not identified in Council's database as being flood prone.
Protection of waterways	The site is not located on/near a waterway
Protection of groundwater	The proposal does not impact on groundwater.
Sedimentation	Appropriate conditions have been included in the consent.
Acid sulphate soils	The proposal does not impact on acid sulphate soils.
Salinity	The proposal does not impact on salinity.
Air quality	The proposal does not impact on air quality.
Development on sloping land	The proposal meets the controls.
Biodiversity	The site does not include EEC.
Development on land abutting the E2 & W1	The site is not abutting E2 and/or W1 land.
Public domain	The proposal meets the controls.

Part 3 Development Principles – residential accommodation

Development Control	Original DA	Modification	Compliance
Minimum Site Frontage	Satisfactory	No change is proposed	Yes
Maximum building height	See PLEP comment		Yes
Minimum front setback	Satisfactory	No change is proposed	Yes
Minimum side setbacks	Satisfactory	No change is proposed	Yes
Minimum rear setback	Satisfactory	No change is proposed	Yes
Deep Soil zone	Satisfactory	No change is proposed	Yes
Landscaped Area	Satisfactory	No change is proposed	Yes
Private Open Space	Satisfactory	No change is proposed	Yes
Parking and Vehicular Access	See comment for Special Precinct – Westmead No change is proposed		Yes
Residential Subdivision	Satisfactory	No change is proposed	Yes
Solar Access	Satisfactory	The solar access diagrams submitted to Council	Yes

		demonstrate that the change to the height does not in this instance result in any significant changes to the solar access within the development and to adjoining properties.	
Building Form and Massing	Satisfactory	The modification to the height because of changes to the floor to ceiling height, does not in this instance result in a perceptible increase in bulk and scale of the development and is therefore acceptable.	Yes
Building Façade and Articulation	Satisfactory	Façade changes are proposed to reflect the internal modifications. Council's Urban Designer has reviewed the changes and raised no objections to the proposal.	Yes
Roof Design	Satisfactory	No change is proposed	Yes
Streetscape	Satisfactory	Whilst façade change is proposed, the modifications maintain an appropriate streetscape presentation which is supported by Council's Urban Designer.	Yes
Visual and Acoustic Privacy	Satisfactory	No change is proposed	Yes
Acoustic Amenity	Satisfactory	No change is proposed	Yes
Cross Ventilation	Satisfactory	Increase in typical floor to floor heights between 250mm and 980mm. Notwithstanding, each floor maintains the capacity to achieve cross ventilation and is acceptable in this regard.	Yes
Water Sensitive Urban Design	Satisfactory	No change is proposed	Yes
Waste Management	Satisfactory	No change is proposed	Yes
Access for People with Disabilities	Satisfactory	Council's Accessibility Officer reviewed the proposed changes and raised no objections to the modifications.	Yes
Safety and Security	Satisfactory	No change is proposed	Yes
Parking and Vehicular Access	180 bicycle spaces approved	Due to the changes to the basement floor layout, the number of bicycle spaces	Yes

	under DA/868/2018/A	is to be reduced to 90 spaces. Council's Traffic Engineer reviewed the proposal and raised no objections to the modifications.	
Heritage & Special Precincts			
Westmead Precinct			
Height	See PLEP discussion		Yes
FSR	See PLEP discussion		Yes
Setbacks	No changes are proposed.		Yes
Provision of a pedestrian link	No changes are proposed.		Yes
Open Space	No changes are proposed.		Yes
Heritage	No changes are proposed.		Yes
Traffic and Transport	Under DA/868/2018/A, a reduction in the number of car spaces was approved to 134 spaces. The current modification application further reduces the number of car spaces to 121 spaces. As previously stated, the site benefits from a maximum car parking provision which ensures that despite the reduction in the number of parking spaces, the development maintains compliance. The reduction of car spaces in this instance also reduces the traffic generated on adjoining local roads. Council's Traffic Engineer has reviewed the modifications and raised no objections subject to conditions of consent.		Yes
Draft Parramatta Local Environmental Plan 2020			
Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council. Whilst the draft LEP must be considered when assessing this application, under cl 4.15(1)(a)(ii), the LEP is neither imminent or certain and therefore limited weight is placed on it. Notwithstanding, the proposal development is consistent with the objectives of the Draft LEP.			
REFERRALS			
Accessibility	Supported subject to conditions.		
Urban Design	Supported subject to conditions.		
Traffic and Transport	Supported subject to conditions.		
EXTERNAL REFERRALS			
Civil Aviation	To date, Council has received no comment / objection in relation to the application.		

PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures contained within the DCP. In response, no submissions were received.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

COVID-19 STATEMENT

Council's Crisis Management Team suspended all Conciliation Meetings from 25 March 2020, for the foreseeable future, due to COVID19 and maintaining social distancing requirements. Therefore, a conciliation meeting in accordance with Council's resolution was not required to held for this application.

Conciliation Conference – Not Required

The application received no unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

DEVELOPMENT CONTRIBUTIONS

The original DA approval included a condition of consent which requires the payment of a financial contribution based on a percentage of the cost of development. As the financial contribution has not been paid to date, this condition remains applicable under this application and does not require further amendment.

CONCLUSION

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal *is* suitable for the site and *is* in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approval

That Council as the consent authority, modify development DA/868/2018 for construction of 2 x mixed use buildings of 8 and 11 storeys comprising retail, commercial and educational uses and a childcare centre with 2 levels of basement on Lot 2 to include internal and external changes to the west tower of the Westmead IQ development on land at 158-164 Hawkesbury Road WESTMEAD as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the **original** Notice of Determination subject to the following modifications:

General Matters

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

Architectural Drawings (180216.00) by Architectus:

Drawing/Plan No.	Issue	Plan Title	Dated
DA0004	F	Proposed Site Location Plan	23.07.2021
DA0998	I	L-LG – Lower Ground	23.07.2021
DA0999	I	L-M - Mezzanine Level	23.07.2021
DA1000	J	L-00 - Ground Floor Plan	23.07.2021
DA1001	I	L-01 - First Floor Plan	23.07.2021
DA1002	G	L-02 - Second Floor Plan	23.07.2021
DA1004	E	L-04 – Third Floor Plan and Fourth Floor Plan	23.07.2021
DA1005	F	L-05 - Fifth Floor Plan and Sixth Floor Plan	23.07.2021
DA1007	G	L-07 - Seventh Floor Plan	07.09.2021
DA1008	E	L-08 - Eighth Floor Plan and Ninth Floor Plan	23.07.2021
DA1009	F	L-10 - Tenth Floor	23.07.2021
DA1011	E	L-Roof - West & East Building Roofs	23.07.2021
DA2000	G	North Elevation	23.07.2021
DA2001	G	East Elevation	23.07.2021
DA2002	F	South Elevation	23.07.2021
DA2003	E	West Elevation	23.07.2021
DA2004	D	North & East Context Elevations	23.07.2021
DA2200	B	Signage Proposed Zones	15.07.2019
DA2500	H	Section A-A	23.07.2021
DA2501	G	Section B-B	23.07.2021
DA2502	F	Section C-C	23.07.2021
DA2503	H	Section D-D	23.07.2021
DA2504	B	Section E-E	15.07.2019
DA2510	G	Sections - Sheet 1	23.07.2021
DA2511	G	Sections – Sheet 2	23.07.2021
DA2512	D	Sections – Sheet 3	23.07.2021

<i>Drawing/Plan No.</i>	<i>Issue</i>	<i>Plan Title</i>	<i>Prepared by</i>	<i>Dated</i>
3730-SK01	P1	Signage	Titan Cranes & Rigging	06/7/2020

Staging Drawings

Drawing Plan/No.	Issue	Plan Title	Dated
DA0998.1	A	Station Plan - L-LG – Lower Ground	20.05.2020

DA0999.1	A	Staging Plan - L-M – Mezzanine Level	20.05.2020
DA1000.1	A	Staging Plan - L-00 – Ground Floor Plan	13.10.2020
DA2000.1	A	Staging Elevation - North Elevation	13.10.2020
DA2002.1	A	Staging Elevation - South Elevation	13.10.2020
DA2500.1	A	Staging Section - Section A-A	13.10.2020

Stormwater Plans (S18254) by Floth Sustainable Building Consultants:

Drawing/Plan No.	Issue	Plan Title	Dated
DA-H01	01	Legend and Drawing Schedule	20.11.2018
DA-H02	01	Site Plan Stormwater Services	20.11.2018
DA-H03	01	Lower Ground Stormwater Services	20.11.2018
DA-H04	01	Mezzanine Level Stormwater Services	20.11.2018
DA-H05	02	Ground Floor Plan Stormwater Services	26.07.2019
DA-H06	02	Detail Sheet 1 Stormwater Services	26.07.2019
DA-H07	02	Detail Sheet 2 Stormwater Services	26.07.2019
DA-H08	01	Detail Sheet 3 Stormwater Services	20.11.2018

Civil Engineering Drawings (18371) by Robert Bird Group

Drawing/Plan No.	Issue	Plan Title	Dated
C-0-00	1	Cover sheet, Location map and Sheet Index	22.11.2018
C-0-01	1	General Notes	22.11.2018
C-1-00	1	Erosion and Sediment Control Plan	22.11.2018
C-1-10	1	Erosion and Sediment Control Details	22.11.2018
C-2-00	1	Bulk Earthworks Plan	22.11.2018
C-3-00	1	General Arrangement Plan	22.11.2018
C-3-10	1	Civil Details	22.11.2018
C-3-11	1	Structural Details	22.11.2018
C-3-20	1	Footpath Longitudinal Sections Sheet 1 of 6	22.11.2018
C-3-21	1	Footpath Longitudinal Sections Sheet 2	22.11.2018

Drawing/Plan No.	Issue	Plan Title	Dated
		of 6	
C-3-22	1	Footpath Longitudinal Sections Sheet 3 of 6	22.11.2018
C-3-23	1	Footpath Longitudinal Sections Sheet 4 of 6	22.11.2018
C-3-24	1	Footpath Longitudinal Sections Sheet 5 of 6	22.11.2018
C-3-25	1	Footpath Longitudinal Sections Sheet 6 of 6	22.11.2018
C-3-30	1	Foot Path Cross Sections Sheet 1 of 5	22.11.2018
C-3-31	1	Foot Path Cross Sections Sheet 2 of 5	22.11.2018
C-3-32	1	Foot Path Cross Sections Sheet 3 of 5	22.11.2018
C-3-33	1	Foot Path Cross Sections Sheet 4 of 5	22.11.2018
C-3-34	1	Foot Path Cross Sections Sheet 5 of 5	22.11.2018
C-4-00	1	Pavement Layout Plan	22.11.2018
C-4-10	1	Pavement Details	22.11.2018
C-6-00	1	Stormwater Management Plan	22.11.2018
C-6-10	1	Stormwater Details	22.11.2018
C-6-53	1	Overland Flow Path Analysis – Catchment Plan	22.11.2018
C-6-60	1	Overland Flow Path Analysis	22.11.2018

Landscape Drawings (S18-025) by OCULUS

<i>Drawing/Plan No.</i>	<i>Issue</i>	<i>Plan Title</i>	<i>Dated</i>
L-600	<u>A</u>	Landscape Staging Plan	18/05/2020

Drawing/Plan No.	Issue	Plan Title	Dated
L000	C	Cover Page and Location plan	26/11/2018
L001	B	Material Palette	22/11/2018
L-100	B	Public Domain Plan	22/11/2018
L-200	B	Internal Works Plaza	22/11/2018
L-201	A	Level 7 Terrace	22/11/2018
L-202	A	Roof Terrace	26/11/2018
L-300	A	Planting Plan Plaza	22/11/2018
L-400	B	Sections & Elevations	22/11/2018
L-401	B	Sections & Elevations	22/11/2018
L-402	B	Sections & Elevations	22/11/2018

L-500	B	Landscape Details	22/11/2018
L-501	B	Landscape Details	22/11/2018
L-502	B	Landscape Details	22/11/2018
L-503	B	Landscape Details	22/11/2018
L-504	B	Landscape Details	22/11/2018
L-505	B	Landscape Details	22/11/2018
L-506	B	Landscape Details	22/11/2018

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Access Report		Final	Morris Access Goding	21/11/2018
Accessibility Statement		Final	Morris Access Goding	21/11/2018
Acoustic Report	18254	B	Floth	21/11/2018
Addendum Site Audit Statement	86185.02	0	Douglas Partners	14/06/2019
Addendum to Arborist Statement			The Ents Tree Consultancy	14/09/2018
Addendum to Design Report			Architectus	07/05/2019
Addendum to Design report	180216	Issue B	Architectus	21/07/2021
DA Architectural Design Report (Part 1/7)		B	Architectus	28/11/2018
DA Architectural Design Report (Part 2/7)		B	Architectus	28/11/2018
DA Architectural Design Report (Part 3/7)		B	Architectus	28/11/2018
DA Architectural Design Report (Part 4/7)		B	Architectus	28/11/2018
DA Architectural Design Report (Part 5/7)		B	Architectus	28/11/2018
DA Architectural Design Report (Part 6/7)		B	Architectus	28/11/2018
DA Architectural Design Report		B	Architectus	28/11/2018

(Part 7/7)				
Addendum to Wind Impact Statement	WE336-05F01	Rev - 01	Wind Tech	14/06/2019
Aeronautic Report	LB00247	002	Landrum & Brown Worldwide	21/11/2018
Addendum to Aeronautic Report	LB00470		L&B	21/07/2021
Arborist Report			The Ents Tree Consultancy	14/09/2018
Basement Parking Allocation plan	2461	4	Ptc	16/06/2019
BCA Report	2018/1902	1.3	Steve Watson & Partners	29/11/2018
Childcare Centre Illumination Plan December 21	18254	P1	Floth Sustainable Building Consultants	03/05/2019
Childcare Centre Illumination Plan June 21	18254	P2	Floth Sustainable Building Consultants	06/05/2019
Childcare Design Statement and Test Fitout		0	Gardiner Architects	25/10/2018
Civil Engineering Report	18371C	A	Robert Bird Group	22/11/2018
Clause 4.6 Floor Space Ratio	218313	1	Ethos Urban	29/11/2018
Clause 4.6 Maximum Height	218313	1	Ethos Urban	30/11/2018
Construction Management Plan			Solutions Consulting	November 2018
Construction Waste Management Plan	WSU CWMP	V1	Jo Drummond	11/06/2019
CPTED Report	SY180258	2	Baker Ryan Steward	23/11/2018
Fire Safety Statement	40203		Wood & Grieve Engineers	26/11/2018
Geotechnical Report	86185.01	R.001. Rev 2	Douglas Partners	27/11/2018
Green Travel		2	Ptc.	29/11/2018
Heritage Impact Statement		Final	NBRS Architecture. Heritage.	21/11/2018
Addendum to			NBRS Architecture.	13/07/2021

Heritage Impact Statement			Heritage.	
Infrastructure Services Report	18254	A	Floth Sustainable Building Consultants	21/11/2018
Landscape Design Report	S18-025	B	OCULUS	21/11/2018
Public Art Strategy Statement			UAP	13/05/2019
Public Art Strategy	P1615			November 2018
Site Audit Statement	0503-1607		JBS&G	21/10/2018
Statement of Environmental Effects	218313	1	Ethos Urban	30/12/2018
Structural Report	18371	B	Robert Bird Group	21/11/2018
Traffic Impact Statement		6	Ptc	30/11/2019
Waste Management Plan			The Mack Group	26/11/2018
Waste Room Plan			EcCell	16/06/2019
Wind Impact Assessment	WE336-01F01	3	Windtech	23/11/2018
Wind Impact Statement	WE336-05F01	1	Windtech	14/6/2019
Correspondence from Civil Aviation Safety Authority	F15/3963-81			18/11/2019
Correspondence from Roads and Maritime Services	SYD18/02020			23/01/2019
Correspondence from Sydney Water	176320			4/ 03/2018
General Terms of Approval of the NSW Office of Water	IDAS1111780			19/ 02/2019

<i>Document</i>	<i>Ref No.</i>	<i>Issue</i>	<i>Prepared by</i>	<i>Dated</i>
<i>Traffic and Parking Assessment</i>			<i>Ptc</i>	<i>14/05/2020</i>
<i>Accessibility Statement</i>			<i>Morris Goding Access Consultants</i>	<i>15/05/2020</i>

<i>Civil Design Statement</i>			<i>SCP</i>	<i>15/05/2020</i>
<i>Operational Waste Management Plan</i>		<i>V1</i>	<i>EcCell</i>	<i>15/05/2020</i>
<i>Construction Waste Management Plan</i>		<i>V1</i>	<i>EcCell</i>	<i>15/05/2020</i>

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.

Amended by DA/868/2018/A, DA/868/2018/B, DA/868/2018/C and DA/868/2018/E

- A minimum Australian Qualification Framework Level 3 arboriculture service provider is to remove the following street trees to facilitate development (refer to Arborist Report prepared by The Ents Tree Consultancy dated 14 September 2018 for tree No's & locations):

Tree No.	Name	Common Name	Name of Street Frontage
1-3	<i>Corymbia maculata</i>	Spotted Gum	Hawkesbury Rd
4-10	<i>Corymbia maculata</i>	Spotted Gum	Darcy Rd
15	<i>Magnolia 'Little Gem'</i>	Dwarf Bullbay Magnolia	Farmhouse Rd

Note: All approved tree removal works must conform to the Safe Work Australia Guide to managing risks of tree trimming and removal work.

The following street trees shall be planted within the road reserve;

Qty	Name	Common Name	Minimum Pot Size	Name of Street Frontage
2 x	<i>Lophostemon confertus</i>	Brushbox	200L	Hawkesbury Rd
5 x	<i>Lophostemon confertus</i>	Brushbox	200L	Darcy Rd
1 x	<i>Magnolia 'Little Gem'</i>	Dwarf Bullbay Magnolia	200L	Farmhouse Rd

Note: All approved street tree plantings shall be planted a minimum of three (3) metres from any driveway and 10 metres from an intersection.

Reason: To ensure restoration of environmental amenity.

- No materials, vehicles, refuse skips and the like are to be placed or stored in the adjacent public reserve.

Reason: To ensure public safety and protect the amenity of public land.

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

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

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

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

6. No materials, vehicles, refuse skips and the like are to be placed or stored in the adjoining or adjacent public reserve.

Reason: To ensure public safety and protect the amenity of public land.

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

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

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

Reason: To maintain the amenity of the area.

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

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

10. Air Services

Advisory Note: The development at a maximum 11 storeys is likely to have no impact on Bankstown Airports Airspace. It is suggested however, that the proponent contact Westmead Hospital due to its position regarding any crane activity.

11. Civil Aviation safety Authority (CASA) recommends that the taller (north western) building be obstacle lit by medium intensity steady red lights during the hours of darkness at each top corner of the highest level (at level RL **82.34** incorporating the roof of the plant room) of the building.

Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139

- Aerodromes (MOS Part 139)

<https://www.legislation.gov.au/Details/F2017C00087>.

Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS Part 139.

Note: For further details, refer to the correspondence from CASA, Ref No. F15/3963-81 and dated 18/11/2019.

Note: Amended as per DA/868/2018/E

12. Public Safety

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

It is noted that not all the foregoing issues may be directly relevant or significant to the Development Application e.g. the childcare centre is separated from the indoor substation by a retail level (L-00 - Ground Floor Plan). However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or proposed electricity infrastructure required to facilitate the proposed development on or in the vicinity of the site occur.

Reason: To ensure public safety.

Note: For further details, refer to the correspondence from Endeavour Energy dated 24/12/2018.

13. RMS (EXTERNAL AUTHORITIES)

The development is to be carried out in accordance with the correspondence from RMS (Reference No. SYD18/02020) dated 23 January 2019.

(a) Roads and Maritime has previously resumed and dedicated a strip of land as road along the Darcy Road and Hawkesbury Road frontage of the subject property, as shown by grey colour on the attached Aerial "X".

Whilst Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes, all building and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Darcy Road & Hawkesbury Road boundary.

(b) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

(c) The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

(d) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

Reason: To comply with RMS requirements.

Note: For further details, refer to the correspondence from RMS, Ref No. SYD18/02020 and dated 23/01/2019.

14. Sydney Water (EXTERNAL AUTHORITIES)

The development is to be carried out in accordance with the correspondence from Sydney Water (Reference No. 176320) dated 4 March 2018.

(a) Water Servicing

The development will be serviced by the existing 250mm water main constructed under Case 78856, located along the site's northern boundary fronting Darcy Road.

(b) Wastewater Servicing

The development will be serviced by the existing 225mm sewer constructed under Case 78856, which encroaches on the site's south-western corner.

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.

Further advice and requirements for this proposal are in the attachment/s. If you require any further information, please contact the Growth Planning and Development at urbangrowth@sydneywater.com.au.

Reason: To comply with Sydney Water requirements.

15. Water NSW (EXTERNAL AUTHORITIES)

The development is to be carried out:

(a) In accordance with the General Terms of Approval of the NSW Office of Water (Reference No. IDAS1111780) dated 19 February 2019.

WaterNSW has determined that the proposed development will encounter groundwater during the excavation process, and is subject to a Water Supply Work Approval under the *Water Management Act 2000* for dewatering during the construction phase. If there is ongoing take of groundwater during the post construction phase, a Water Supply Work Approval and a Water Access Licence will be required. This determination is subject to appropriate construction methods to be employed to minimise volume of groundwater take during the construction phase. WaterNSW provides General Terms of Approval attached.

For further information in regards to making an application, and information required for the Approval information licensing requirements, including the preparation of a dewatering management plan, please contact Richard Meares, Water Regulation Officer on (02) 9865 2324, or by email to richard.meares@waternsw.com.au.

Reason: To comply with Water NSW requirements.

16. 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.
17. 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.
18. 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.
19. The fit-out and operation of the childcare centre, including any associated signage, shall be the subject of separate development consent.
Reason: To ensure development consent is obtained prior to the fit-out, first use or occupation of the child care facility tenancy.
20. The specific use or occupation of the retail premises, including associated signage within the development shall be the subject of further development consent for such use or occupation.
Reason: To ensure appropriate approval is obtained prior to that use commencing.

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.)
21. The PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.
Reason: To ensure appropriate vehicular manoeuvring is provided.
 22. **90 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.**
Reason: To comply with Council's parking requirements.
Amended as per DA/868/2018/E

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

Note that parking space dimensions for each use are to be provided in accordance with Figure 2.2 of AS2890.1. Parking spaces that are 2.3m wide x 5.0m long are to be designated for small cars in accordance with Clause 2.4.1(a)(iii) of AS2890.1 and is to be marked on the plans. Shared area for accessible spaces are to be line marked and bollards are to be installed in accordance with AS2890.6. Details are to be illustrated on plans submitted with the relevant construction certificate application.

Reason: To comply with Council's parking requirements.
Amended as per DA/868/2018/E

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

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

- 24a. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

Reason: To ensure appropriate vehicular access is provided.

The above condition has been added under DA/868/2018/A pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

- 24b. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

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

Reason: To protect Council's infrastructure.

The above condition has been added under DA/868/2018/A pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

25. Six (6) motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the relevant construction certificate.
Reason: To comply with Council's parking requirements.
26. Minimum one (1) car parking space is to be allocated for car share parking space. Car share parking space must be publicly accessible during the operating hours of car parking and shall be adequately lit and sign posted. Written evidence must be provided with the development application demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The PCA shall ascertain that agreement with a commercial operator is subscribed prior to issue of the **relevant** construction certificate. Details are to be illustrated on plans submitted with the **relevant** construction certificate.
Reason: To comply with Council's Development Control Plan.
The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.
27. Gradients of the access ramps from Farm House Road West to the basement car park and the loading dock are to be provided in accordance with AS 2890.1. Details are to be illustrated on plans submitted with the **relevant** construction certificate.
Reason: To comply with Australian Standards.
The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.
28. Give way line markings and convex mirrors, as nominated in the Traffic Impact Assessment report by PTC (dated 30 November 2018), are to be installed at the locations shown in Attachment 3 of the submitted Traffic Impact Assessment, with height and location of convex mirrors adjusted to allow drivers a full view of the driveway in order to see if another vehicle is coming through. Details are to be illustrated on plans submitted with the **relevant** construction certificate.
Reason: To ensure safety of drivers.
The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.
29. 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 the **relevant** Construction Certificate.
Reason: To ensure satisfactory stormwater disposal.
The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.
30. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

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

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

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

31. 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.

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

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

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the **Construction Certificate for Stage 1 works**.

Reason: To ensure satisfactory storm water disposal.

The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

33. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be

submitted for the approval of the PCA prior to release of ***the Construction Certificate for Stage 1 works*** on the site.

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third Edition), the relevant Australian Standards and the National Construction Code
- (b) ***"Stormwater Management Plan", Drawing No S18254, Issue 02, dated 26 July 2019, prepared by Floth.***
- (c) A Site Storage Requirement of 470 m³/ha and a Permissible Site Discharge of 80 L/s/ha to be used (when using 3rd edition of UPRCT's handbook).
- (c) ***OSD calculations shall be based on the 3rd edition of the UPRCT handbook and as summarised in the issue 02 of drawing H07 of the stormwater plans.***
- (d) Adequate grate(s) to be provided in accordance with the Upper Parramatta River Catchment Trust On-Site Detention Handbook (Ed 3) so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (e) ***Tank openings to be minimum 900mm x 900 mm and to be grated. No solid covers to be used.***
- (f) ***OSD tanks shall not be located under any habitable floor.***
- (g) ***All inlet pipes shall be connected directly to the High Flow Bypass (HFB) Chamber. The pipes within the OSD tank main storage shall be secured to the ground or wall every 1m.***
- (h) ***A grated access point is to be provided adjacent to the DCP over the non-return pipe.***
- (i) ***A minimum 100mm and 200 mm freeboard from design Natural Surface Level to be provided for non-habitable and habitable floors respectively. A sufficient grade (minimum 1%) to be provided around the buildings to ensure surface flows can be directed around the building.***
- (j) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure to be provided.
- (k) An emergency overflow weir shall be incorporated, allowing the high early discharge chamber to overflow to the outlet chamber prior to surface surcharge.

Note: The PCA shall assess the emergency overflow weir's functionality prior to the ***relevant*** Construction Certificate being issued.

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

The above condition has been amended under DA/868/2018/A and DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

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

The above condition has been amended under and DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

- 32a. 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 and including the 1% AEP plus 500mm freeboard.

The design and construction of the proposed development shall **generally** comply with the principles set out in the publication "Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas", published by the NSW Government.

No storage of materials below the 1% AEP flood level shall be allowed.

Only flood resistant material to be used below the 1% AEP plus 500mm freeboard.

All structures to have flood compatible building components below the 1% AEP plus 500mm freeboard.

All services and utilities connected to the property are required to be flood proof.

Reason: To ensure the structure can withstand flooding

The above condition has been added under DA/868/2018/A pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

- 32b. Based on the Stormwater plans prepared by Floth, project S18254, Issue 02, drawings H05, H06 and H07, dated 26/07/2019, 17 (seventeen) 690PSorb Stormwater filters must be installed to manage surface runoff water to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. The followings to be considered:

- a) The number and type of proposed water quality devices and Stormfilter cartridges are not to be reduced, nor replaced with an alternate manufacturer's product without the written approval from Council.
- b) Stormwater Treatment Measures for the proposed development shall be designed in accordance with the requirements of the devices manufacturer design guidelines. Details are to be included with the plans and specifications accompanying any Construction Certificate.
- c) A Maintenance Schedule must be provided for the stormwater treatment measures, including the rainwater tank, in accordance with the requirements of the manufacturer. The designer of the stormwater treatment measures must prepare the Maintenance Schedule and this schedule must show the designer's name, signature and date on it.

- d) A certificate from the water quality devices manufacturer must be obtained and submitted to the PCA verifying that the designed Stormwater Quality Control system and the setup of the MUSIC model are in accordance with the manufacturer specifications.
- e) Details of the proposed devices and Maintenance Schedule must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

The above condition has been added under DA/868/2018/A pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

- 35. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – ‘The use of ventilation and air conditioning in buildings’ – ‘Fire and smoke control in multi-compartmented buildings’. Details showing compliance are to accompany an application for the **relevant** Construction Certificate.

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

The above condition has been amended under and DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

- 36. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for the **relevant** 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.

The above condition has been amended under and DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

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

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

Reason: To minimise impact on adjoining properties.

The above condition has been amended under and DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

38. Prior to the issue of the **relevant** construction certificate, a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be recycled. Waste collection from the site shall occur in accordance with the details contained within this report.

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

The above condition has been amended under and DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

39. Deleted (repetition)
Amended as per DA/868/2018/E

40. Deleted (repetition)
Amended as per DA/868/2018/E

41. Separate waste bins are to be provided on site for recyclable waste.
Reason: To provide for the appropriate collection/recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

42. Public Domain Construction Drawings
Prior to the issue of the **relevant** Construction Certificate for any construction work relating to **the public domain and landscaping works**, a set of detailed Public Domain Construction Drawings must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not limited to, the following areas:

- (a) All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback,
- (b) Any publicly accessible areas including areas on private land;
- (c) Any works in carriageway, and
- (d) Onsite landscape work.

Grading of the pedestrian footway:

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

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

- (h) The latest City of Parramatta Public Domain Guidelines (PDG);
- (i) The approved public domain drawings listed above, and
- (j) All the conditions listed in this consent.

The Public Domain Construction Drawings must reflect the following changes:

- (k) Where possible, maximum active uses at street edge using operable windows and doors that encourages perceived 'safe-street';
- (l) Columns should not block off views of the retail when viewed obliquely down the street. Except building entry, the interface of the bases of the buildings to the street should have depth and a regular shoreline: between columns provide either a base with depth ie seat height plinth or tactile clues (textured pavement ie cobble, not TGSi) to ensure consistent clear path of travel, provide detailed drawing showing extent of proposed tactile pavement as part of CC drawing submission;

(m) The central space:

- i) Should be designed to feel like a street offering at grade pedestrian connection between Darcy Road and Farmhouse Road South.
- ii) Acknowledge space is privately owned but is clearly publicly accessible (24/7)

(n) Consider future pedestrian desire lines:

- iii) Integrate future pedestrian bridge from the hospital over Darcy Road with direct connection through the central plaza to PLR/heavy rail stations;
- iv) Farmhouse Road South should have a widen footpath by setting the building back 1m and or use an undercroft/awning, not a colonnade. The widen footway anticipates the proposed extension of the street to connect Bridge Road to Hawkesbury Road and significant numbers of pedestrians that will use this footway when accessing the heavy rail and PLR;

(o) Pavement within the site should drain to nearest surface drain within the site, not be directed to the public domain.

(p) Canopy trees in the central plaza should be in set down slab planters to maximise flexible use of this space; large canopy trees should be provided in soil volume and depths plus sub-soil drainage as per best practice and or ADG, 4P Planting on Structure;

p)(i) To reinforce the spatial quality of building to building, the plaza landscaping should also be revised to create a simple pattern of trees (either ordered centrally or along both sides). The landscaping is to reinforce the overall spatial characteristics of the plaza.

p)(ii) Public seating should be arranged which is separate to the outdoor dining. Use of the publically accessible areas should not be conditional on the purchase of goods and services from the offerings.

- (q) All tactiles and hand rails at base and top of stairs and ramps must not intrude into the public domain;
- (r) Street light poles should be MFPS as per the PPDG and located in the furniture zone at the back of kerb as per the PPDG; show generic MFP footing design available from Council on request;
- (s) All kerb ramps to be aligned with the path of travel and direct users, in particular those requiring universal access, to the kerb ramp directly opposite;
- (t) Where public domain pavement is extended to building face, ensure new pavement pattern is aligned with existing, provide detail/notation
- (u) At the intersection of pavements, use detail 6.2.3 *Paving Merges, Fig 6.27 Paving Merge – Full Granite and City Centre Paving*, of the PPDG, do not use continuous saw-cut joint
- (v) Define the property line using:
 - (i) Expansion joint where basement is under the pavement;
 - (ii) Continuous steel edge, max 3mm wide, flush with pavement; and or,
 - (iii) Survey dot marker at all points where property line changes direction, subject to Manager DTSU approval.
- (w) Final public domain design and pavement material for Hawksbury Road is subject to PLR. Applicant to coordinate final design and pavement material with PLR and this must be included in the Public Domain Construction Drawings for approval by Manager DTSU.

- (x) Any future street lighting and Multi-Function poles (MFPs) installation shall be coordinated with Parramatta Light Rail;**
- (y) Staged occupation of the development, including staged delivery of the public domain in order to allow the early occupation of the East Tower.**

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

The above condition has been amended (in bold) under DA/868/2018/A and DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

43. Footway Specifications

Notwithstanding the approved Public Domain Drawings and Public Domain Alignment Drawings, the following requirements shall be included in the Public Domain Construction Drawings prior to the issue of the relevant Construction Certificate:

(a) Footpath

The standard granite flagstone, as per the PDG, Australian Grandee (Sydney Pearl), 600x300x50, 400x300x50, exfoliated shall be applied to the entire public domain areas to the full length of the development site. This includes

the public footway and any setback between the building/podium line and property boundary.

Final pavement material for Hawksbury Road subject to PLR. Applicant to coordinate final pavement material and design with PLR.

For granite flagstone paving, the footpath paving set out and details must comply with Council's design standard (DS45).

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

(b) Kerb Ramps

Kerb ramps must be designed and located in accordance with Council's design standards (DS45), using granite flagstone paver specified above. Ramps are to be aimed to the ramp on the opposite side of the road.

(c) Vehicle Crossing

Council's standard vehicle crossing is to be provided. Refer Council's design standard (DS45), using granite flagstone paver specified above.

(d) Pit lids and grates

All pit lids in paved areas of the public domain should be level with the paving around and aligned with the paving pattern, use 6.2.4 Pit lids and Infills, PPDG. Joints should be coordinated where possible. Where allowed by the service providers, the pit lids should be infilled with the surrounding paving material.

Details demonstrating compliance are to be submitted to Council's Manager DTSU for approval prior to the issuing of the **relevant** Construction Certificate and again prior to the issuing of the **relevant** Occupation Certificate.

(e) Tactile Indicators (TGSIs)

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

TGSI's must comply as follows.

(z) TGSI's are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) including its amendment in 2010.

(aa) TGSI's are not required on a landing where handrails continue through the landing.

TGSI's must not project into the public domain and clear path of travel.

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

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be limited to, change in pavement colour, textures and or other visual

aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant for consideration and inclusion in the Public Domain Construction Drawings prior to issuing of **the relevant** CC approval.

(g) Sealant

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

(h) Non-slip surface – for non-Council standard pavements

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

(i) Street Furniture

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

(j) Lighting

Pedestrian and street lighting shall be to Council's requirements and Public Domain Guidelines and Australian Standards.

Street lighting layout, including multi-function poles to be as per Council's *Street Lighting Design Guide*, available on request. Street lighting layout is subject to PLR. Applicant to coordinate final design with PLR.

All the lighting features in the public domain shall be coordinated and detailed in the Public Domain Construction Documentation including and street light pole and footings plus a lighting design, to be approved by Assets System and Contract Coordinator, that demonstrates light levels in the public domain comply with Council's Public Domain Guidelines. All new LED luminaires shall include 7pin NEMA socket.

(k) Applied to Publically Accessible Private Space

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

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

Handrails must comply as follows:

- (vii) Handrails installed on each side of the stair.
- (viii) Landing area designed to sufficiently accommodate the required TGS1 and handrail projection, which must be outside pedestrian path of travel and circulation spaces.
- (ix) Design of handrail according to AS1428.1:2009.

- (x) Diameter of handrail 30-50mm.
- (xi) Clearance behind the handrail at least 50mm.
- (xii) Must have no obstruction for 2700 as shown in fig 29 of AS1428.1

Ramps must comply as follows:

- (xiii) Level landings at top and base
- (xiv) Non-slip surfaces in wet and dry conditions
- (xv) Compliant handrails on each side with at least 1000mm between handrails
- (xvi) A lower rail with maximum clearance of 65mm below.
- (xvii) A kerb or kerb rail at a height between 65mm and 75mm or greater than 150mm as per fig 18 of AS1428.1

Preference is to achieve graded walkways, flatter than 1:20, which do not require handrails.

Reason: To improve accessibility

The above condition has been amended (in bold) under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

44. Footway Specifications

(a) Multi-media conduit

A conduit for Council's multi-media facilities may be required to be installed to the full length of Hawkesbury Road and Darcy Road frontages. The applicant must coordinate this scope of work with Council's Community Crime Prevention Officer where new public domain works are part of this application and as per Parramatta Light Rail requirements.

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

Reason: To comply with the Public Domain Guidelines.

45. Street Tree Specifications

Notwithstanding the approved set of drawings identified above, required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty	Average Spacing
Hawkesbury Road	<i>Lophostemon confertus</i>	Brush Box	200Lt	As shown on the approved drawings or as agreed by Council's DTSU Manager	
Darcy Road	<i>Lophostemon confertus</i>	Brush Box	200Lt		

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

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

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

The above condition has been amended (in bold) under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

- 45.a *Submitted drawings show construction of one vehicle crossings at Farmhouse Road (west) and the removal of 1 (one) street tree and one vehicle crossings at Farmhouse Road (south) to facilitate the Stage 1 development.*

The vehicle crossings are supported provided the foot path and kerb and gutter are fully reconstructed to the direction and satisfaction of the Supervisor Civil Assets.

The removal of the street tree is not supported.

The above condition has been added (in bold) under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

46. Street Tree Specifications

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

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standard *CoP_Street tree planting in StrataVault with 1500x1500mm Grate*, and *CoP_Street tree planting in StrataVault with Mass Planting* with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

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

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

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

Reason: To ensure high quality street trees are provided.

47. Street Tree specifications

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

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

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

48. Network Capacity/Connection

Endeavour Energy has noted the following in the Statement of Environmental Effects.

3.11 Infrastructure and Services

As outlined at Section 2.3, the site is well serviced by existing infrastructure, however Floth has confirmed the following infrastructure and service upgrades or connections are required to accommodate the density of the proposed development. A new indoor substation will be established by the proponent to Endeavour Energy's requirements. Endeavour Energy have advised that the Westmead zone substation has adequate capacity to supply the development.

The Architectural Plans (L-M - Mezzanine Level) show the indoor substation located to the Darcy Road frontage. Endeavour Energy's Figure 1.0 – Proposed Overlay for Reference Only from the Infrastructure Services Report for Development Application show the indoor substation located to the Farmhouse Road (south) road frontage.

The fact that provision is being made for the substation is a positive. Endeavour Energy's general requirements is for an indoor substation to be at ground level and have direct access from a public street. Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. The indoor substation will need to be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to the attached copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the **relevant** Construction Certificate / commencement of works.

In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Reason: To comply with Endeavour Energy

The above condition has been amended (in bold) under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

49. Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

In regards to the Development Application including the childcare centre (L-01 - First Floor Plan), Endeavour Energy's Substation Primary Design Section have provided the following comments in regards to another childcare centre proposed in proximity of a padmount substation but which applies to all distribution equipment with high voltage earths.

Endeavour Energy's 'Design certification checklist for ASP L3' the design must comply with Endeavour Energy's 'Earthing Design Instruction EDI 001 – Earthing design risk assessment' in which child care centres are regarded as a 'special location' – please see the following extract of EDI 001.

Special Location

The "special" location category implies an area within close proximity to or within a premise where there is a high likelihood that does will not be worn and/or the risks associated with the earthing system has the potential to be exposed to a number of people simultaneously through contact with affected metalwork. This includes (but is not limited to) schools, pre-schools, day care centres, aquatic centres, recreational swimming areas and beaches

If the child care centre is in proximity of a padmount substation, the applicant should check with the proponent and their ASP responsible for the network connection to the site that any padmount substation earthing has been designed to comply with the 'special location' requirements under EDI 100 ie. at the time

the ASP did the design they may not have been aware of the intended use of part of the site as a child care centre.

Reason: To Comply with Endeavour Energy

50. Prudent Avoidance

The electricity network is operational 24/7/365 i.e. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage i.e. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV). In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances.

These emissions are generally not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure. Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know, January 2016' which can also be accessed via the Energy networks Australia website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.

The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.

Exposure to electric and magnetic fields (EMF) may be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. However, as the strengths of EMFs decrease rapidly with distance from the source, typical exposure associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances should not exceed the recommended public exposure limits.

Endeavour Energy's Network Environment Assessment Section has provided the following advice in regards to a Planning Proposal involving a child care centre in proximity of electricity infrastructure.

Prudent avoidance measures must however be implemented. Prudent avoidance was a policy recommended by former Chief Justice of the High Court of Australia, Sir Harry Gibbs, as a result of an inquiry he conducted into

community needs and high voltage transmission lines including issues in relation to EMF back in 1991. The findings in the Gibbs report are consistent with subsequent inquiries and are still relevant today.

Prudent avoidance is defined as doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to new high voltage transmission facilities. In practical terms, this means designing new transmission and distribution facilities having regard to their capacity to produce EMFs, and siting them having regard to the proximity of houses, schools and the like.

Although the Gibbs report was particularly aimed at electricity distributors to consider when placing their infrastructure, and bearing in mind that there are childcare centres and schools adjacent to our infrastructure in various locations right across our franchise area, it is nonetheless Endeavour Energy's recommendation it that a child care centre not be built adjacent to electricity infrastructure.

Should such a development proceed, the design of the child care centre should also consider prudent avoidance measures such as any rooms which the children will occupy (play areas, sleeping rooms, eating areas) be arranged such that they are on the side of the site/building which is furthest away from the electricity infrastructure ie. in particular the existing easement area for the 132 kV high voltage underground cables.

There is scientific consensus that health effects have not been established but that the possibility cannot be ruled out. Accordingly, if there are any concerns regarding the location of the child care centre (or any other 'sensitive uses') in proximity to the electricity infrastructure, in order to make an informed conclusion, the applicant may need to commission an independent review to provide an overall assessment including electric and magnetic field measurement and advice. Applying a precautionary approach early on in the Planning Proposal will hopefully result in the adoption of prudent avoidance principles benefitting the eventual development of the site.

Reason: To comply with Endeavour Energy requirements.

51. Public Art

Client / UAP (applicant) are to proceed with their selection process. Council supports UAP's plans to conduct a curated, limited competition and is in support of the decision to include both local (Western Sydney) artists and Indigenous artists within the artist selection process. UAP will then work with the commissioned artist to develop the artworks consistent with the curatorial vision and suggested approaches as outlined in the strategy.

Reason: To deliver satisfactory public art.

52. Public Art

On completion of the design development phase, the Applicant is required to submit all additional documentation to Council that details the realisation of the public art strategy, including itemised budget (\$250,000.00), construction documents, final design and site plan for the artwork, prior to its implementation.

Reason: To deliver satisfactory public art.

53. RMS (EXTERNAL AUTHORITY)

The development is to be carried out in accordance with the correspondence from RMS (Reference No. SYD18/02020) DATED 23 January 2019.

(a) A Construction Pedestrian Traffic Management Plan (CPTMP) shall be submitted in consultation with the Sydney Coordination Office (SCO), Parramatta Light Rail and Council, prior to the issue of a Construction Certificate. The CPTMP needs to include, but not be limited to, the following: construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.

Reason: To comply with RMS

54. An alignment plan indicating the relation between assets and the development proposal is required to be submitted prior to the issues of a construction certificate.

Reason: To comply with Council's Civil Assets

55. 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.

56. A monetary contribution comprising **\$1,190,871.91** is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta Section 94A Development Contributions Plan (Amendment No. 5)*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council of 40% of the above sum prior to the issue of an Occupation Certificate for the East Tower and the remaining 60% is to be paid prior to the issue of the occupation certificate for the West Tower.

"A bank guarantee is to be submitted to the satisfaction of Council for the outstanding development contribution balance prior to the issue of any construction certificate."

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

Parramatta Section 94A Development Contributions Plan (Amendment No. 5) can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

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

The above condition has been amended (in bold) under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

57. External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the **relevant** construction certificate to the satisfaction of the Certifying Authority.
Reason: To have a minimal impact on the neighbouring property.
The above condition has been amended (in bold) under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.
58. 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.
59. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

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

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/868/2018;

- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Development Site Bond	\$25,750.00
Hoarding	\$2652.00 (Class A), \$5304.00 (Class B)

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

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

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

Prior to Work Commencing

61. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of Council's Traffic and Transport Manager and the Transport for NSW Sydney Coordination Office. The following matters must be specifically addressed in the Plan:
- a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - iii. The locations of proposed Work Zones in the egress frontage roadways,
 - iv. Location of any proposed crane standing areas,
 - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

- viii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - ix. A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
 - x. Proposed construction hours,
 - xi. Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
 - xii. Construction program that references peak construction activities and proposed construction 'Staging',
 - xiii. Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
 - xiv. Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified, and,
 - xv. The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this requirement.
- b) The Construction and Traffic Management Plan is to consider the provision of a sign on the hoarding that provides a phone number and email address for members of the local community to make enquires or complaints regarding traffic control for the site. The construction company for the site is to provide a representative for meetings that may occur once a month and may include representatives of the local community and Council staff to discuss traffic control at the site.
- c) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed '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.

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

- (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.

e) Where applicable, the plan must address the following:

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

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

62. 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.

63. 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.

64. 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.

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

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

66. 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.

67. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
 - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
 - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
 - (d) The impact on groundwater levels in relation to the basement structure.
 - (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations,

reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason: To ensure the ongoing safety and protection of property.

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

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

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

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

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

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

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

Reason: To ensure public safety.

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

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

71. 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.

72. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be

constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

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

During Work

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

Reason: Protection of existing environmental infrastructure and community assets.

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

Reason: To ensure appropriate landscaping.

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

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

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

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

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

Reason: To ensure proper management of Council assets.

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

Reason: To ensure maintenance of Council's assets.

Amended as per DA/868/2018/E

79. 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.
80. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.
Reason: To protect public safety.
81. The existing footpath is to be re-constructed at the frontages to the full width of the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.
Reason: To provide pedestrian passage.
82. A Standard Kerb Ramp is to be constructed at the intersections of in accordance with Council Plan No. DS4. Details must be submitted to and be approved by Council prior to construction. All costs must be borne by the applicant.
Reason: To provide adequate access.
83. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.
Reason: To ensure pedestrian safety.
84. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the **relevant** Occupation Certificate.
Reason: To ensure Council's assets are appropriately constructed.
The above condition has been amended (in bold) under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.
85. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.
Reason: To prevent pollution of the environment.
86. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.
Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.
87. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern

identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality. Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways.

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

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

89. Urban Design

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

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

The required inspections include the followings:

- (a) Commencement of public domain works including tree protection measures installed and set out of tree pits;
- (b) Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- (c) Installation of required underground conduits;
- (d) Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- (e) Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- (f) Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
- (g) Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- (h) Completion of unit (granite) paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer; and
- (i) Completion of paving sealant application and tactile indicator installation as per Council's specification.
- (j) Installation of street trees including required sub-drainage layer installed as specified. Delivery of street trees to site shall be installed within 24hrs of

delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 to prove the quality of the tree stock.

- (k) Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

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

As each basement level is constructed provide survey data demonstrating level change is not required at the building/public domain interface as per the approved updated Alignment Drawings, or Public Domain Drawings as agreed by Manager DTSU.

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

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

90. Urban Design

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

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

91. Excavation

The applicant should be advised of the following object of Section 49A 'Excavation work affecting electricity works' of the of Electricity Supply Act 1995 (NSW) covering the carrying out or proposed carrying out of excavation work in, on or near Endeavour Energy's electrical infrastructure.

With the increased number of developments incorporating basements often being constructed to the property boundaries or immediately adjacent to easements, the integrity of the nearby electricity infrastructure can be placed at risk.

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

Reason: To comply with Endeavour Energy

92. 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.

93. 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 Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

94. 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.

95. 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.

96. 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.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

97. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of the **relevant** Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

The above condition has been amended (in bold) under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

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

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

99. **Prior to the issue of the relevant Occupation Certificate(s), a Green Travel Plan, is to be submitted to Council, supported by details of how that Plan**

will be implemented. The plan is to include targets, travel data and the measures to achieve the targets. The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the commercial units in perpetuity.

Reason: To comply with Parramatta DCP 2011.

Amended as per DA/868/2018/E

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

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

The above is to be submitted to the Principal Certifying Authority prior to the issue of an **occupation certificate for Stage 1 of the development** and a copy is to accompany the Occupation Certificate when lodged with Council.

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

The above condition has been amended (in bold) under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

101. Prior to the issue of an **Occupation Certificate for Stage 1 for the development (the early occupation of East Tower)** a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities, basement pump system and Stormwater Quality control devices on the lot.

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

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA.

An additional clause shall be included with the Positive Covenant, for the maintenance of the Basement Pump system and the Water Quality Treatment Devices. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility and the Water Quality Treatment Devices, including its relationship to the building footprint.

Restrictions and positive covenants must be registered with LPI over the basement pump system, Stormwater Quality Control devices and outlet works. A Copy of raingarden Maintenance Schedule of the raingardens to accompany the 88E application submitted to Council. Photo of the installed signage for raingarden to be provided.

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

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

Reason: To ensure maintenance of on-site detention facilities

The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

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

The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

103. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council’s Standard Plan No. DS1. The reinstatement must be completed prior to the issue of Occupation Certificate **for both stages of the development, i.e. for East Tower and West Tower 2**. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

104. Prior to the issue of **the relevant Occupation Certificate for each stage of the development (Stage 1 for works associated with East Tower and Stage 2 for works associated with West Tower)** written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:

- (a) Acoustic Report No18254, revision No. B prepared by Floth Sustainable Building Consultants, dated 21/11/2018

Reason: To demonstrate compliance with submitted reports.

The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

105. Prior to the issue of **the relevant Occupation Certificate for each stage of the development (Stage 1 for works associated with East Tower and Stage 2 for works associated with West Tower)**, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

- (a) Acoustic Report No. No18254, revision No. B prepared by Floth Sustainable Building Consultants, dated 21/11/2018.
- (b) Contamination Assessment as per Site Audit Statement, Reference No. 0503-1607, prepared by JBS&G, dated 21/10/2018 and addendum Site Audit Statement, Reference No. 86185.02 0, prepared by Douglas Partners and dated 14/06/2019
- (c) Accessibility Statement, prepared by Morris Goding Access and dated 21/11/2018

Reason: To demonstrate compliance with submitted reports.

The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

106. 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.

107. Urban Design

Prior to the **relevant Occupation Certificate for each stage of the development (Stage 1 for works associated with East Tower and Stage 2 for works associated with West Tower)**, the works outlined in the approved Public Domain Construction Drawings must be completed to Council's satisfaction with a **final approval** obtained from Council's Assets & Environment Manager.

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

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

A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain (including dedicated reserve/park). A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying minimum 52 weeks'

plant establishment to be provided by the applicant following handover of paving and furniture assets to Council. Council maintenance of plant material to commence following the above plant establishment period.

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

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

The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

108. Public Art

The artwork is to be completed in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate **for Stage 2 of the development, i.e. prior to the occupation of the West Tower.**

Prior to the issue of the Occupation Certificate for the East Tower, a set of detailed Public Arts Drawings must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager.

Reason: To ensure delivery of public art

The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

109. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

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

110. This consent does not authorise the use or operation of the premises as a child care centre, except where the operator and all employees are in possession of a current valid license from the NSW Department of Education and Communities in accordance with the National Quality Framework requirements.

Reason: Compliance with legislative requirements.

111. A street number is to be placed on the site in a readily visible location from a public place prior to the **issue of Occupation Certificate for Stage 1 for the occupation of the East Tower** of the development. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

The above condition has been amended under DA/868/2018/B pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

112. Prior to the issue of any Occupation Certificate, the developer is to provide the Principle Certifying Authority with evidence satisfactory arrangements have been made with a telecommunications provider to provide broadband access to the development.

Note: For more information contact NBN Co.;

Development Liaison Team: Call 1800 881 816;
Email: newdevelopments@nbnco.com.au;
Web: www.nbnco.com.au/NewDevelopments

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

113. A written application to Council's Civil Assets Team for the release of a bond must quote the following:
- (a) Council's Development Application number; and
 - (b) Site address.

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

An Occupation Certificate ***for Stage 2 of the development for the occupation of West Tower*** is not to be issued until correspondence has been issued by Council detailing the bond has been released.

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

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

114. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.
- Reason:** To ensure appropriate electricity services are provided.

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

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report and a copy of this report forwarded to Council electronically at council@cityofparramatta.nsw.gov.au.

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

The Use of the Site

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

Reason: To comply with Australian Standards.

117. One year from the issue of the Occupation Certificate, and every year for 2 years thereafter, the applicant shall submit to the satisfaction of Council's Manager

Development & Traffic Services a review report on the effectiveness of the Green Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include any recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.

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

118. 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: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

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

Reason: To reduce noise levels.

120. 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.

121. 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.

122. 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.

123. 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.

124. 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.

