

Our Reference:DA/314/2017 Contact: Alex McDougall Telephone: 9806 5050

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12 March 2018

DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

Issued under the Environmental Planning and Assessment Act 1979 Section 4.22

Development Consent No:	DA/314/2017
Property Address:	37 – 41 Oxford Street, EPPING NSW 2121
	(Lot 2 DP 1205413)
Description:	30 Storey Mixed Use Tower Building with 4 Storey Basement (Concept Approval Only). This application was determined by the Sydney Central City Planning Panel.
Determination:	APPROVED SUBJECT TO CONDITIONS
Determination Date:	7 March 2018
Consent to Operate From:	12 March 2018
Consent to Lapse On:	12 March 2023

You are advised that your application has been **APPROVED** subject to the following conditions:

General Matters

1. Any future detailed development application related to this concept approval is to be generally in accordance with the following concept 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 and subsequent separate development applications as part of future detailed Development Applications:



Drawing No.	Description	Prepared by	Date
Architectural Dr	awings		
S1-DA-1101-C	Basement Level 4	Candalepas	19/02/18
	Envelope	Associates	
S1-DA-1102-C	Basement Level 2 -	Candalepas	19/02/18
	3 Envelope	Associates	
S1-DA-1103-C	Basement Level 1	Candalepas	19/02/18
	Envelope	Associates	
S1-DA-1111-C	Ground Floor Plan	Candalepas	19/02/18
		Associates	
S1-DA-1112-C	Level 1 Envelope	Candalepas	19/02/18
		Associates	
S1-DA-1113-C	Level 2 Envelope	Candalepas	19/02/18
		Associates	
S1-DA-1114-C	Level 3 Envelope	Candalepas	19/02/18
		Associates	
S1-DA-1115-C	Level 4-6 Envelope	Candalepas	19/02/18
		Associates	
S1-DA-1116-B	Typical Level 7-12	Candalepas	05/12/17
	Envelope	Associates	(As submitted to
		-	Council 19/02/18)
S1-DA-1117-C	Typical Level 13-25	Candalepas	19/02/18
	Envelope	Associates	
S1-DA-1118-C	Level 26-27	Candalepas	19/02/18
	Envelope	Associates	
S1-DA-1119-C	Level 28 Envelope	Candalepas	19/02/18
04.54.400.0		Associates	4.0.10.0.14.0
S1-DA-1120-C	Level 29 Envelope	Candalepas	19/02/18
04 54 4404 0		Associates	40/00/40
S1-DA-1121-C	Roof Plan Envelope	Candalepas	19/02/18
04 54 4004 0		Associates	40/00/40
S1-DA-1201-C	Section 01	Candalepas	19/02/18
04 DA 4000 0	O a atliana 00	Associates	40/00/40
S1-DA-1202-C	Section 02	Candalepas	19/02/18
04 DA 4004 D	East Elevetien	Associates	05/40/47
S1-DA-1301-B	East Elevation	Candalepas	05/12/17
		Associates	(As submitted to
04 DA 4000 C	Couth Elevetion	Canadalanaa	
51-DA-1302-C	South Elevation	Candalepas	19/02/18
S1 DA 1000 C	Most Floustian	Condolonoo	10/02/19
ST-DA-1303-C			19/02/18
S1 DA 1204 C	North Elevation	Condolance	10/02/19
ST-DA-1304-C			19/02/18
		ASSOCIALES	

Landscape Plans							
SS16-3442- 101-C	Landscape F Ground Floor I	Plan Plan	/	Site Lands Archite	Image cape ects	01/12/17	

Reference No	Description	Prepared by	Date
WD281-	Pedestrian Wind	Windtech	01/11/17
04F02(REV0)	Environment Statement		
WD281-	Response to Peer Review	Windtech	16/02/18
04F03(REV1)	of Pedestrian Wind		
	Environment Statement		
N/A	Stage 1 DA Urban Design	Urbis	12/2017
	Report		
0351r01v3	Traffic Impact	Ason Group	01/12/17
	Assessment Report		
Issue C	Stormwater Management	Building	11/2017
	Plan	Services	
		Engineers	
SA6311	Statement of	Urbis	12/04/17
	Environmental Effects		
SA6311	Statement of	Urbis	19/02/18
	Environmental Effects –		
	Addendum Report		
5795-B	SEPP 65 Design	Candalepas	01/12/17
	Verification Statement	Associates	
20E-17-0155-	Ecologically Sustainable	Vipac	23/11/17
TRP-633772-5-2	Design (ESD) Report		
N/A	Arboricultural Impact	Naturally	22/11/17
	Appraisal and Method	Trees	
	Statement		
N/A	Tree 24 and Tree 28	Naturally	19/02/18
	Retention Letter	Trees	
17077-C	Acoustic Feasibility	Wilkinson	23/11/17
	Assessment	Murray	
19615/4133C-	Preliminary Site	SMEC Testing	04/2014
14/0769	Investigation	Services Pty	
		Ltd	

Reason: To ensure future detailed application are in keeping with the approved concept.

- No approval is given for any work on the site. A future 'Stage 2' detailed development application must be submitted to and approved by Council prior to any works on the site.
 Reason: To satisfy requirements of Clause 100 of the Environmental Planning and Assessment Regulations 2000
- 3. The Concept Plan approved envelopes do not guarantee that a future building form will be approved in that form. Future detailed Development Applications must provide for a building form that addresses building separation, articulation standards, public accessibility, amongst other matters, and if not provide reasonable alternative planning solutions to compliance.

Reason: To ensure future detailed building forms achieve a suitable standard of design.

4. All subsequent development applications and the issue of any Construction Certificate must not be inconsistent with the conditions of the Concept Plan.

Reason: To ensure that development on the site is consistent with the concept plan.

5. The recommendations outlined in the specialist reports listed in Condition 1 shall be incorporated into the plans and documentation accompanying the future detailed development application subject to the satisfaction of Council officers.

Reason: To ensure a suitable level of residential amenity.

- Prior to the issue of an Occupation Certificate for the future building the applicant shall establish a public right of way on the publicly accessible front setback area shown on the drawings hereby approved.
 Reason: To ensure that public benefits are provided in keeping with the applicant's offer.
- The applicant is to liaise with NSW Office of Water to determine whether future development applications require a controlled activity approval under the Water Management Act 2000.
 Reason: To determine whether the future applications are Integrated Development under the provisions of the Environmental Planning & Assessment Act, 1979.
- No advertisement/signage shall be erected on or in conjunction with the development without prior consent.
 Reason: To comply with legislative controls.

<u>Design</u>

- The design architect of the project, Candalapes Associates, is not to be changed for future detailed development applications without prior notice and approval of the Council's City Architect.
 Reason: To ensure design excellence.
- 10. The detailed stage 2 application is to conform to the recommendations of Council's Design Excellence Advisory Panel in their comments dated 17/01/18. The acceptability of the applicant's response shall be determined by Council's Design Excellence Advisory Panel in a further review of the application at stage 2.

Reason: To ensure the building represents architectural best practice.

- 11. Notwithstanding Condition 1, the public footway to the front of the site shall be upgraded in keeping with the requirements of the Parramatta Public Domain Guidelines as part of the Stage 2 application. **Reason:** To ensure an appropriate public domain.
- 12. Notwithstanding Condition 1, the podium envelope front setback (all 3 levels) shall be 4.5m from Oxford Street.Reason: To provide flexibility for future detailed design of street elevation.

<u>Utilities</u>

- 13. All future development applications shall take into consideration the following requirements of Sydney Water:
 - a) Building Plan Approval

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

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

The Tap in $^{\text{TM}}$ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals

- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in[™] online service is available at: https://www.sydneywater.com.au/SW/plumbing-buildingdeveloping/building/sydney-water-tap-in/index.htm

b) Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit

www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Reason: To satisfy water/wastewater provider requirements.

- Electrical connection to the site will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premises Connection Requirements'.
 Reason: To satisfy energy provider requirements.
- 15. It is recommended that the nominated electrical consultant/contractor provide a preliminary enquiry to Ausgrid to obtain advice for connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
 - The existing network can support the expected electrical load of development
 - A substation may be required on-site, either a pad mount kiosk or chamber style and;
 - Site conditions or other issues that may impact on the method of supply.

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

Reason: To satisfy energy provider requirements.

- 16. The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design. **Reason:** To satisfy energy provider requirements.
- 17. All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines. **Reason:** To satisfy energy provider requirements.
- 18. There are existing underground electricity network assets in Oxford Street. Special care should also be taken to ensure that driveways and any other element of the development within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence, it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. **Reason:** To satisfy energy provider requirements.

Environmentally Sustainable Design

- 19. Subsequent development applications must demonstrate that the following environmental performance requirements will be met: -
 - (a) improvement of Energy score in BASIX by at least 10 basis points over the minimum requirement at the time of detailed application lodgement (i.e. BASIX score of 35).
 - (b) improvement of Water score in BASIX by at least 10 basis points over the minimum requirement at the time of detailed application lodgement (i.e. BASIX score of 50).
 - (c) 20% improvement on BASIX thermal comfort heating and cooling caps
 - (d) 5.5 star NABERS rating for commercial/retail portion of building
 - (e) Solar PVs to offset at least 50% of the base building's energy demands (lights, lifts, carpark, etc)
 - (f) Rainwater harvesting from roof and its treatment to supplement non-potable water.

A report demonstrating compliance is to be submitted to and approved by Council's Manager Development and Traffic Services prior to release of the final Occupation Certificate. **Reason:** To ensure the applicant's stated commitment to implement environmental performance beyond BASIX is provided for the development.

Trees & Landscape Requirements

20. Architectural plans and documents for the future detailed development application must demonstrate that the following trees, as referenced in the Arborist Report prepared by Naturally Trees dated 22 November 2017, are to be retained and sufficiently protected during site works:

Tree No.	Name	Common Name	Radius from the trunk
24	Syzygium paniculata	Magenta Cherry	6 metres
28	Eucalyptus saligna	Sydney Blue Gum	12 metres
29-35	Syzygium sp	Lilly Pilly	2 metres
36	Jacaranda mimosifolia	Jacaranda	3.6 metres

The following requirements must be addressed:

- (a) The Stormwater Drainage Plan prepared by Building Services Engineers dwg no. ACE170411.SW.DA 000-106 Issue D dated 15 February 2017 must be revised to remove the retaining wall structure and retain existing ground levels within the quoted radius of the nominated tree(s).
- (b) The redirection of the sewer main must be demonstrated on plans and must not encroach the quoted radius of the nominated tree(s).
- (c) Any excavation required for footings of the proposed building structure must be contained wholly outside the quoted radius of the nominated trees.

Reason: To ensure adequate protection of existing trees.

- 21. An Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) prepared by an AQF Level 5 arborist must be submitted with the future detailed development application which must be consistent with the Arborist Report prepared by Naturally Trees dated 22 November 2017 and the Arborist Letter from Naturally Trees dated 19 February 2018. Trees which must be retained are numbered 24, 28, 29-35 and 36.
 - (a) The arborist report must provide a tree removal/retention plan at 1:100 or 1:200 scale showing the location of all trees required to be retained and removed.

- (b) The plan must include survey detail and show the existing ground levels at the base of each tree, the actual canopy spread to scale, the location of and diameter at breast height (DBH) of the trunk of the tree and a tree number (All trees shall be plotted by a registered surveyor).
- (c) The report must include a tree protection plan for all trees which must be retained. The tree protection plan shall identify the tree protection area for each tree and clearly identify the percentage of development encroachment to the root system and canopy of the tree. The tree protection plan shall be site specific and show all proposed development works, including the location of the above and below ground structures and services.
- (d) The report must list all documentation referenced during the assessment process and demonstrate due consideration to the development in its entirety. The report must address all likely impacts of the proposed development on all trees required to be retained, and particularly any tree that may require site specific protection measures to minimise impact. Potential development impacts will include all above and below ground structures and services and any potential impacts to the tree canopy. Generic tree protection information that is not site specific should not be included.
- (e) Where retained trees have a development setback and tree protection zone established, a recommended tree protection specification and diagram must be provided in accordance with AS4970-2009 Protection of Trees on Development Sites. All site plans are to be amended to indicate the tree protection zone requirements as set forth in the arborist's report along with any other noted requirements that the arborist deems necessary to ensure the long term health and sustainable retention of the subject trees.
- **Reason:** To ensure adequate protection of existing trees.
- 22. A Landscape Plan must be submitted with the future detailed development application which is generally consistent with Landscape Plan prepared by Site Image Landscape Architects dwg no. SS16-3442 101 C dated 1 December 2017, together with any additional criteria required by the Consent Authority addressing the following requirements:
 - (a) Notwithstanding Condition 1, the landscape plan must include at least 7 trees along the front setback of the site in the approximate location and of the approximate size of the existing trees in that location.

- (b) A detailed Planting Plan including a planting schedule with suitable species of trees, shrubs and ground covers indicating planting locations, species type (botanic/ common name) mature dimensions, plant numbers/planting density (annotated on the Planting Plan) and the size of the containers at planting. NOTE: Landscaped areas and proposed tree planting shall not be in conflict to the Stormwater drainage for the site.
- (c) Proposed tree species proposed for all landscape areas must be at a native/exotic ratio of 4:1.
- (d) Trees which are listed in City of Parramatta Council's Development Control Plan 2011 Section 5.4 'Exempt Species List' are not permitted.
- (e) Large sized trees are not recommended to be planted upon structure (not including the set down basement levels) and are required to be limited to a maximum mature height of 8-10 metres
- (f) Above structure raised planting boxes/beds must be designed to meet soil volumes and depths in accordance with NSW Planning and Environment Apartment Design Guide section 4P.
- (g) Construction details for all above structure raised planting boxes/beds showing substrate depth, drainage and waterproofing.
- (h) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

Reason: To ensure that appropriate landscaping is implemented.

Future DA Submission Requirements

23. Any subsequent development application must be accompanied by a Wind Effects Report which includes the results of a wind tunnel test on the proposed building. The wind effect report must demonstrate that the proposal will not have an unacceptable impact on the wind environment of the public domain or adjoining properties.

The report must demonstrate that the following wind criteria are achieved:

- The primary trafficable area of open space adjacent to the northern retail unit shall achieve the wind comfort and safety criteria for 'Long Exposure Activities' as defined by A.G. Davenport (1972) and Melbourne (1978) respectively.
- The primary trafficable area of public open space to the front of the site (east) shall achieve the wind comfort and safety criteria for 'Short Exposure Activities' as defined by A.G. Davenport (1972) and Melbourne (1978) respectively.

• The public domain footway to the front of the site (east) shall achieve the wind comfort criteria for 'Pedestrian Walking' as defined by A.G. Davenport (1972) and wind safety criteria of 'Comfortable Walking' as defined by Melbourne (1978).

The report should outline what amelioration measures are necessary, if any, to achieve the wind criteria. Any amelioration should be clearly detailed on the submitted architectural drawings (i.e. awnings, trees, fins, etc).

Reason: To ensure the proposal has an acceptable impact on the amenity of the public and adjoining/nearby properties.

- 24. A waste management plan, covering demolition, construction and operational phases, is to submitted with any future development application for. The Plan should include details of waste generation, recycling, disposal and management at all stages of the development, the location and design of the waste storage areas including:
 - (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
 - (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
 - (c) The walls being cement rendered to a smooth, even surface and caved at all Intersections;
 - (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
 - (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements.

- 25. A geotechnical report should be submitted with the DA for detailed design. This report must be prepared by a qualified, experienced geotechnical engineer and must address, but is not limited to, the following:
 - (a) The potential for groundwater drawdown due to the proposed development, and how this risk will be mitigated.
 - (b) Soil strength and recommendations for appropriate excavation and construction methods.
 - (c) Excavation vibration management recommendations considering nearby vulnerable structures and infrastructure.
 - (d) Groundwater conditions.
 - (e) Excavation support recommendations.

(f) A construction phase soil and water management plan, considering potential groundwater ingress into the excavation cavity.

Reason: Environmental protection.

- 26. The future detailed development application must include the following architectural documentation:
 - (a) 1:20 wall sample sections, through podium and tower;
 - (b) Materiality, demonstrating high quality finishes to the satisfaction of Council's City Architect; and
 - (c) 3D photo montages

Reason: To ensure design excellence can be assessed.

27. The future detailed development application must include a lift services report, from an appropriately qualified professional, demonstrating that the lifts provided will achieve a good level of service for future occupants. **Reason:** To ensure design excellence can be assessed.

Engineering

28. The proposed Water Sensitive Urban Design (WSUD) treatment train consisting entirely of end-of-pipe filtration systems is not considered adequate. The purpose of WSUD measures is not just to improve water quality, but also to provide stormwater quantity and amenity benefits. To this end the WSUD strategy for this site must be augmented to include landscape-integrated measures and maximize rainwater harvesting. Details of this revised system must be clearly shown in the stormwater plan submitted with future detailed development applications.

The configuration of the filtration cartridges within the OSD tank must be amended for submission with a DA for detailed design. Stormwater should enter into a flow separating device upstream of the WSUD and OSD devices, where only the 1 in 3 month (4EY) first flush flows should be directed to the filtration system and all higher flows directed straight to OSD storage. The outlet of the filtration system must also be directed to the OSD system. The final OSD configuration should be consistent with the filtration cartridge manufacturer's standard drawings.

Reason: To mitigate negative impacts on the natural hydrological cycle of increased urbanization within the catchment.

29. On-site detention is required for this site, to be designed based on the Upper Parramatta River Catchment Trust Handbook 4th edition. The rainshadow effect of wind driven rain on vertical building surfaces must be factored into the calculation of the OSD catchment.

Reason: To minimise the rate of stormwater runoff from the site.

30. A study of the local drainage system must be undertaken to ascertain whether upgrades to Council's existing stormwater system are necessary in order to cater for any additional runoff from the proposed development. This study shall detail the pre-development Council stormwater drainage network using the DRAINS model or equivalent. This model must then be run for pre and post development run-off conditions, considering overland flow from the upstream catchment and wind driven rain on the proposed structures. Improvements to the existing Council downstream stormwater drainage pipe system may be required in order to achieve a 20 ARI design capacity post-development, if required by Council. This should be identified in the detailed DRAINS model. A hydraulic check of the site drainage system will also need to be run at the point of connection to Council's drainage system to ensure that there are no issues of backwater flows resulting in flooding of sections of the site.

The results of this study must be submitted to Council's Team Leader Technical Specialists (DTSU) for approval prior to the release of any construction certificate.

Detailed plans for any civil works proposed within the public domain must be submitted with the DA for detailed design.

Reason: To ensure all works carried out on Council assets are consistent with Council standards.

- 31. The stormwater plans submitted with a detailed design DA should be generally in accordance with the stormwater concept package, drawing numbers 101-110 rev: D, dated 15/02/2018, prepared by BSE building services engineers. In addition, they should also address the following:
 - (a) The location and volume of all proposed rainwater tanks must be clearly indicated on stormwater plans.
 - (b) All RWO stormwater inlets should be replaced by appropriately sized grated surface collection pits, to allow adequate inlet capacity for stormwater collection.
 - (c) The minor (pit and pipe) stormwater drainage system must be designed for 5% AEP inlet and conveyance capacity, considering an appropriate blockage factor.

- (d) Overland flow corridors must be provided for major flows up to 1% AEP. These flow paths must be clearly shown on the stormwater plans, and depth of waters, slope and capacity of the flow corridors must be considered.
- (e) Documentary evidence must be supplied to support the legal right of the subject site to drain through the existing 3m drainage easement to Chester Street. This should take the form of a Title document listing the subject site as a beneficiary of this easement.
- (f) Calculations should be supplied demonstrating that the pipelines within the existing 3m wide drainage easement have the capacity to take the runoff from the new development, considering any other properties also draining to this infrastructure.

Reason: To ensure that information submitted with a future DA for detailed design is sufficient to allow a full engineering assessment.

Right of Appeal:

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court **within six months after the date** on which you receive this notice.

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged and determined within six (6) months of the date on which you received this notice.

<u>Note:</u> To enable the Section 8.2 review to be considered within the six month timeframe prescribed by under the Environmental Planning and Assessment Act 1979, it is advisable to lodge the application for review under Section 8.2 as soon as possible to facilitate the statutory timeframes.

Yours sincerely

Alex McDougall Executive Planner City Significant Development