

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

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|--|---|
| <b>Panel Reference</b>   | PPSSCC-365  |
| <b>DA Number</b>   | DA/61/2018/A  |
| <b>LGA</b>   | City of Parramatta Council  |
| <b>Proposed Development</b>  | Section 4.55(2) Modification to the mixed use development originally approved as DA/61/2018. The proposed modification includes the incorporation of Lot 100 DP 1274400 and its accompanying floor space into a modified development. The inclusion of this lot will increase the building envelope and will result in a number of modifications to the approved building, including the façade, apartment layout and carparking.   |
| <b>Street Address</b>  | 48-54 Beecroft Road and 52-54 and 54R Rawson Street, EPPING NSW 2121 (Lot 2 DP 592094, Lot 1 DP 541808, Lot 1 DP 592094, Lot 2 DP541808, Lot 4 DP 541960, Lot A DP 325036, Lot 3 DP 541960 and Lot 100 DP 1274400)  |
| <b>Applicant</b>   | Mr. Sameh Ibrahim   |
| <b>Owner</b>   | DGS Epping Development Pty. Ltd. and City of Parramatta Council   |
| <b>Date of DA lodgement</b>  | 9 June 2022   |
| <b>Submissions</b>   | None  |
| <b>Recommendation</b>  | Approval  |
| <b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>             | Section 4.55 (2) modification application where the parent application was determined by the SCCPP and is now includes Council land.  |
| <b>List of all relevant s4.15(1)(a) matters</b>                                    | <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment (EP&amp;A) Act 1979</li> <li>• EP&amp;A Regulation 2000</li> <li>• SEPP (Building Sustainability Index: BASIX) (BASIX SEPP) 2004</li> <li>• SEPP (Planning Systems) 2021</li> <li>• SEPP (Transport and Infrastructure) 2021</li> <li>• SEPP (Resilience and Hazards) 2021</li> <li>• SEPP (Biodiversity and Conservation) 2021</li> <li>• SEPP No. 65 (Design Quality of Residential Apartment Development) (SEPP 65) &amp; Apartment Design Guide (ADG)</li> <li>• Parramatta Local Environmental Plan (PLEP) 2023</li> <li>• Parramatta Development Control Plan (PDCP) 2011</li> </ul> |
| <b>List all documents submitted with this report for the Panel's consideration</b> | <ul style="list-style-type: none"> <li>• Architectural Drawings</li> <li>• Civil Plans</li> <li>• Landscape Drawings</li> </ul>   |
| <b>Report prepared by</b>  | Planning Ingenuity on behalf of City of Parramatta Council  |
| <b>Report date</b>   | 31 March 2023   |

### Summary of s4.15 matters

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

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### Legislative clauses requiring consent authority satisfaction

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

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### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (Clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **No**

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)? **No**

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### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

## 1. Executive Summary

This application seeks consent to modify the development approved under DA/61/2018 for the incorporation of Lot 100 DP 1274400 and its accompanying floor space into a modified development. The addition of this lot will increase the building envelope and will result in a number of modifications to the approved building, including the façade, apartment layout and carparking.

The proposed development generally follows the form for the site envisaged by the applicable planning controls. The key issues that need to be considered by the Panel in respect of this application are the solar access arrangements to apartments and to communal open spaces, and the overall amenity provide to future occupants of the development.

The modification application has been assessed relative to section 4.55(2) and section 4.15 of the *Environmental Planning and Assessment (EP&A) Act 1979*, taking into consideration all relevant state and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework and as such is recommended for approval.

## 2. Key Issues

### SEPP 65 (ADG)

- **Communal Open Space (section 3D) –**
  - Control: Minimum 50% direct sunlight to main COS for 2 hours during mid-winter (1,195m<sup>2</sup>)
  - Proposed: 540m<sup>2</sup> or 22% of the total 2,390m<sup>2</sup> COS proposed
  - However, the proposal provides in excess of the 25% (539m<sup>2</sup>) requirement for the area of COS, and the entire roof top COS (540m<sup>2</sup>) receives direct sunlight during mid-winter.
- **Apartment Size & Layout (section 4D) –**
  - Control: 2 bedroom apartment minimum size 70m<sup>2</sup>, with an additional 5m<sup>2</sup> for an extra bathroom
  - Proposed: minimum 73m<sup>2</sup> for 2-bedroom apartment with 2 bathrooms
  - The deficiency of 1m<sup>2</sup> or 2m<sup>2</sup> for some 2-bedroom apartments is minor and the apartment layouts represent an efficient use of space without compromising amenity of future occupants.

## 3. Site Description, Location, and Context

### 3.1 Site and Location



Figure 1. Existing Development (Rawson Street).

The mid-block site is located within the Epping Town Centre to the west of the northern railway line and the Epping Railway Station. The site comprises seven allotments with a combined site area of 2,061.4m<sup>2</sup> and dual frontages to Beecroft Road (37.3m) and Rawson Street (34.1m). The site exhibits a cross-fall of approximately 3.45 metres from a high point of RL 95.65m in the south-eastern corner on Beecroft Road to a low point of RL 90.7m in the north-western corner on Rawson Street.





**Figure 2.** Existing Development (Beecroft Road).

The site is currently occupied by 6 commercial buildings of 1 and 2 storeys in height, including the Epping Walk retail arcade which also serves as a pedestrian through-site link on private land between Beecroft Road and Rawson Street.



**Figure 3.** Aerial view of locality (subject site in red with the additional lot dashed) (Source: Nearmap, 2022)

### 3.2 Context

The area has historically been a mixed-use commercial area with low to medium rise commercial buildings and shop top housing. Under the contemporary planning controls and upgrades to the railway station and the Epping to Chatswood line (completed in 2019), the locality is beginning a transition to a high-density mixed-use environment.

## 4. Site History

DA/61/2018 was approved by the Sydney Central City Planning Panel (SCCPP) for the construction of a 21 storey mixed use building comprising 2 – 3 storey podium containing 5 retail tenancies and 18 storeys of shop-top housing containing 130 apartments (46 x 1 bed, 70 x 2 bed and 14 x 3 bed) over 4 storeys of basement car parking; public through-site link; and demolition of existing buildings on 4 September 2019. The approved development included a variation to the height of buildings control of 6%.

## 5. The Proposal

### 5.1 Summary of Proposal

Consent is sought to modify the approved development to incorporate Lot 100 in DP 1274400 within the overall development site and modify the approved 21 storey mixed use building as summarised below. Lot 100 DP 1274400 was formerly owned by Council and classified as a 'Road Reserve' under the Roads Act, 1993. Lot 100 DP 1274400 has since been subject to a Road Closure in accordance with Section 34 to the Roads Act, 1993 and sold to the current land owner of the subject site. The modification is summarised as follows:

- Site area increased from 2,061.4m<sup>2</sup> to 2,156m<sup>2</sup> (an increase of 94.6m<sup>2</sup>)
- Changes to the building footprint to increase the gross floor area (GFA) by 536m<sup>2</sup> to a total GFA of 12,903m<sup>2</sup>, to comprise:
  - 1,370m<sup>2</sup> of GFA for retail;
  - 11,417m<sup>2</sup> of GFA for residential; and
  - 122m<sup>2</sup> of GFA for plant, amenities and a rooftop corridor.
- Changes to the internal apartment layout and unit configuration at all levels, including a reduction in the number of apartments from 130 to 123 and a change in the apartment mix as summarised below;

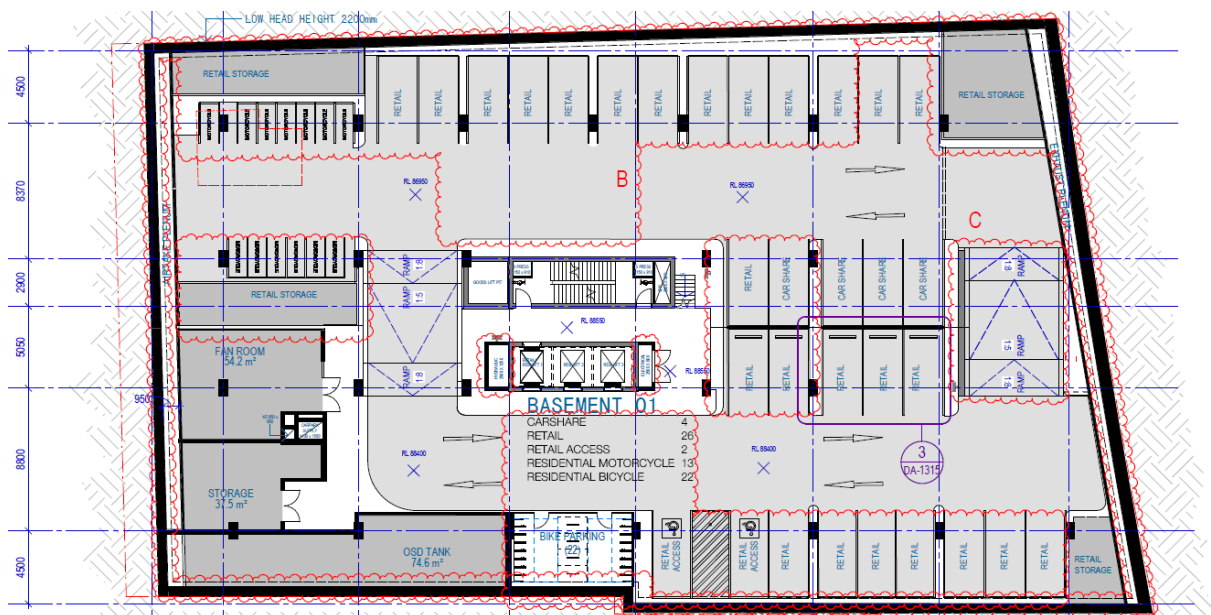
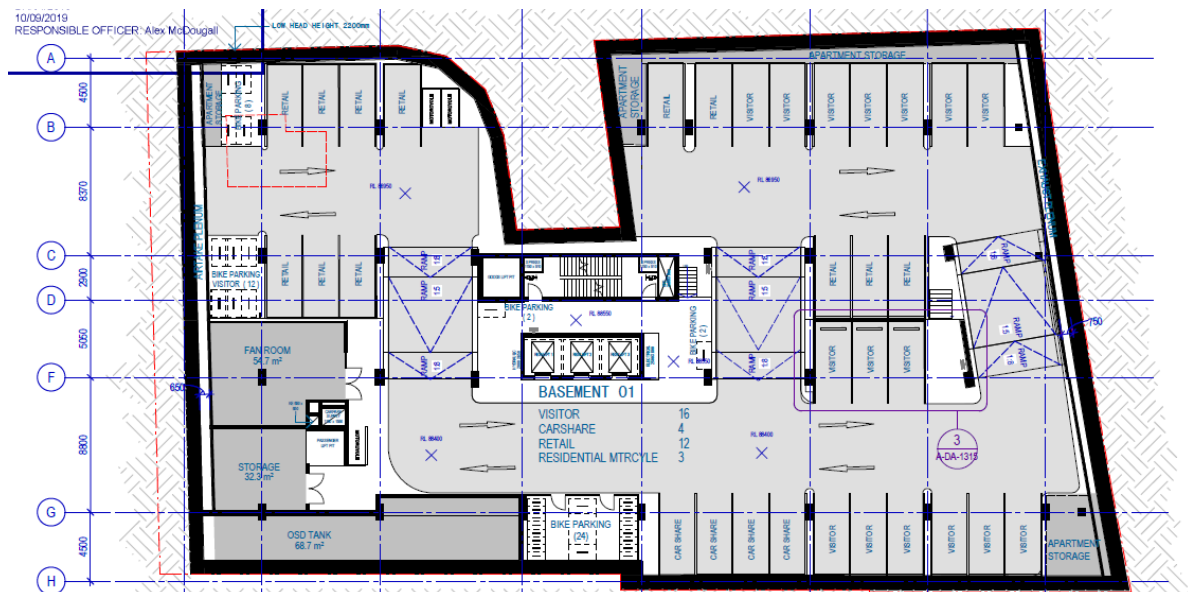
|                    | 1 bedroom apartments | 2 bedroom apartments | 3 bedroom apartments | 4 bedroom apartments |
|--------------------|----------------------|----------------------|----------------------|----------------------|
| Approved D/61/2018 | 46                   | 70                   | 14                   | 0                    |
| To be modified     | 14                   | 81                   | 27                   | 1                    |

- Amendments to the general arrangements of the basement layout and carparking to accommodate 153 car parking spaces, 136 bicycle parking spaces, 13 motorcycle parking spaces, loading facilities, waste management areas and storage. Basement parking changes are summarised as follows;

|                    | Retail parking spaces | Resident parking spaces | Visitor parking spaces | Car share parking spaces | Bicycle parking spaces | Motorcycle parking spaces |
|--------------------|-----------------------|-------------------------|------------------------|--------------------------|------------------------|---------------------------|
| Approved D/61/2018 | 19                    | 85                      | 19                     | 4                        | 168                    | 5                         |
| To be modified     | 35                    | 96                      | 18                     | 4                        | 136                    | 13                        |

- Construction changes for the vehicle access/egress facilitated by the inclusion of Lot 100 enables ground and lower ground finished floor levels to change as well as rearrangement of:
  - the retail tenancies, landscaping and circulation zones on the Ground and Lower Ground Level increasing commercial GFA from 881m<sup>2</sup> and five (5) tenancies to 1,344m<sup>2</sup> and 19 (smaller) tenancies and
  - changes to the through-site links for more movement options through Ground Floor Level;
- Improved layout and function of waste management and loading bay areas
- Increases in the communal open space area at podium Level 01 to include the area of Lot 100 and associated increases in the landscaped perimeter to this level
- Increase in the size of the Building Managers Office and residential lobby areas at Ground Floor and Lower Ground Floor
- Minor amendments to the building façade and window arrangements
- Revised landscaping and communal open space areas to rooftop and inclusion of an enclosed corridor to the rooftop to connect east and west outdoor areas with an increase in COS rooftop area of 31m<sup>2</sup>
- Amended external wall to gas/water meter and substation to the east side of the vehicle entry point for improved safety and clearance for access
- Removed reliance on common corridor space for cross ventilation such that cross ventilation now relies on individual apartment layout
- Improved accessibility to commercial tenancies

|                                |                   |
|--------------------------------|-------------------|
| Have the works been completed? | No                |
| Has the consent lapsed?        | No                |
| Lapsing date of consent?       | 19 September 2024 |





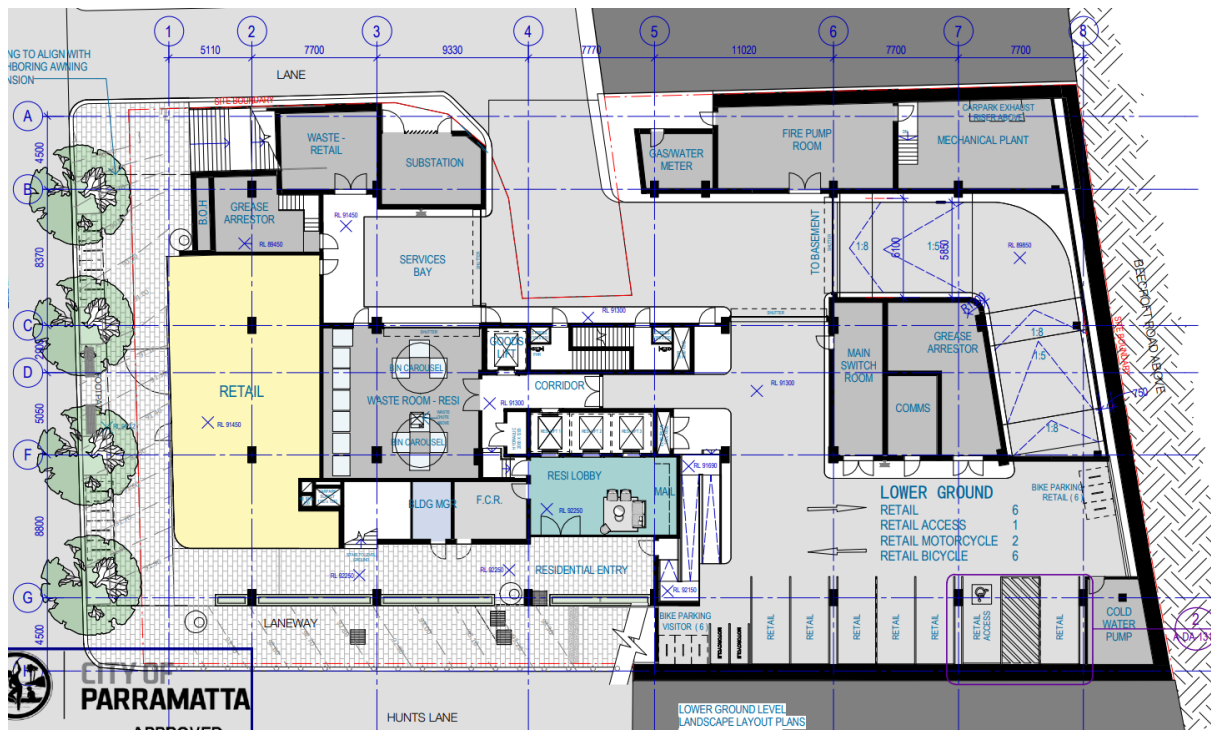


Figure 6. Approved Lower Ground Floor Plan (Source: Woods Bagot stamped approved plans for D/61/2018).

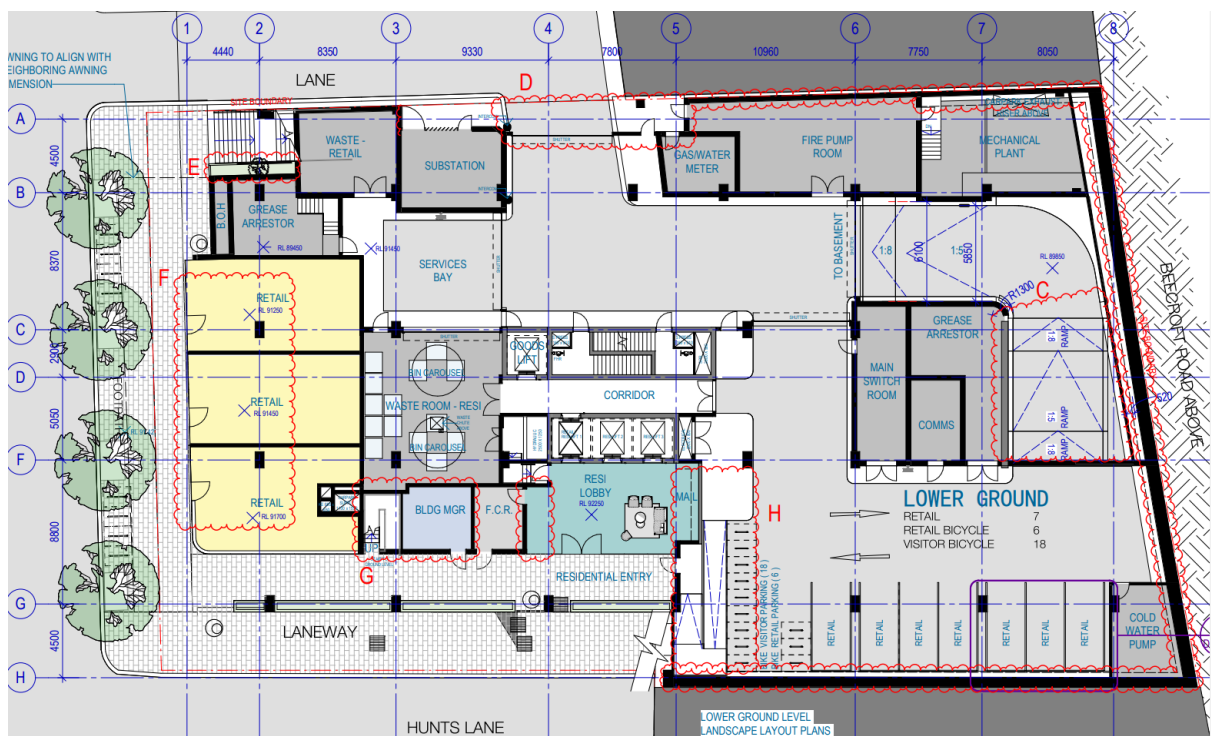
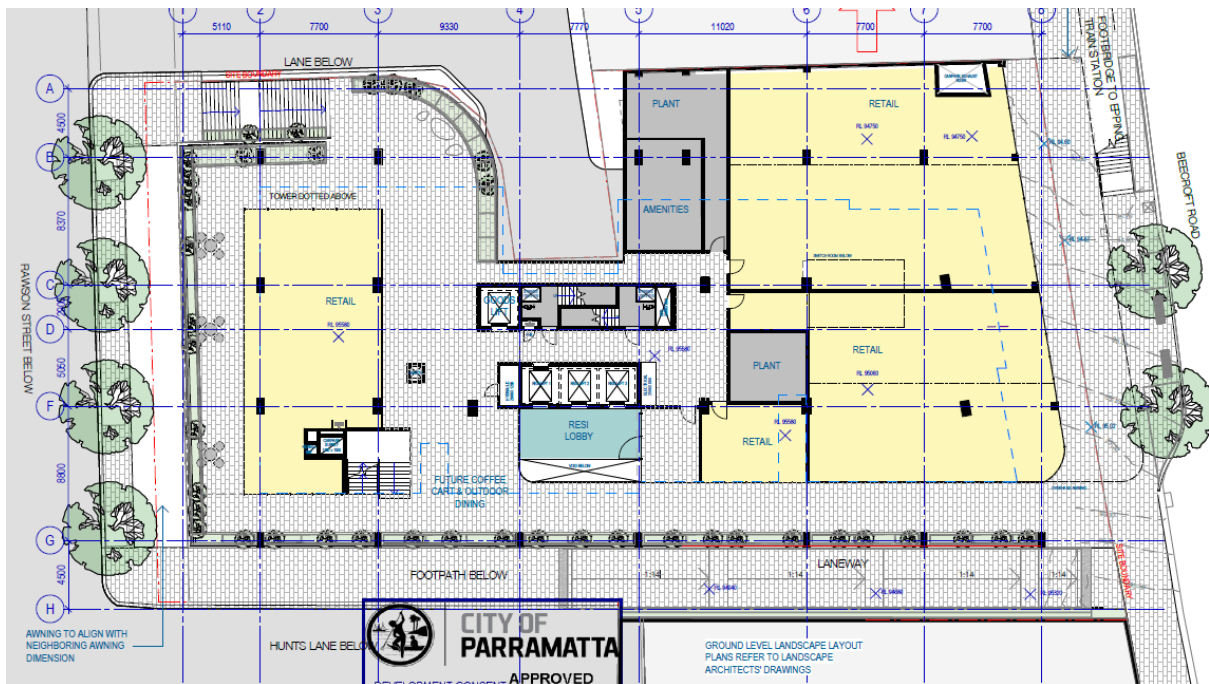
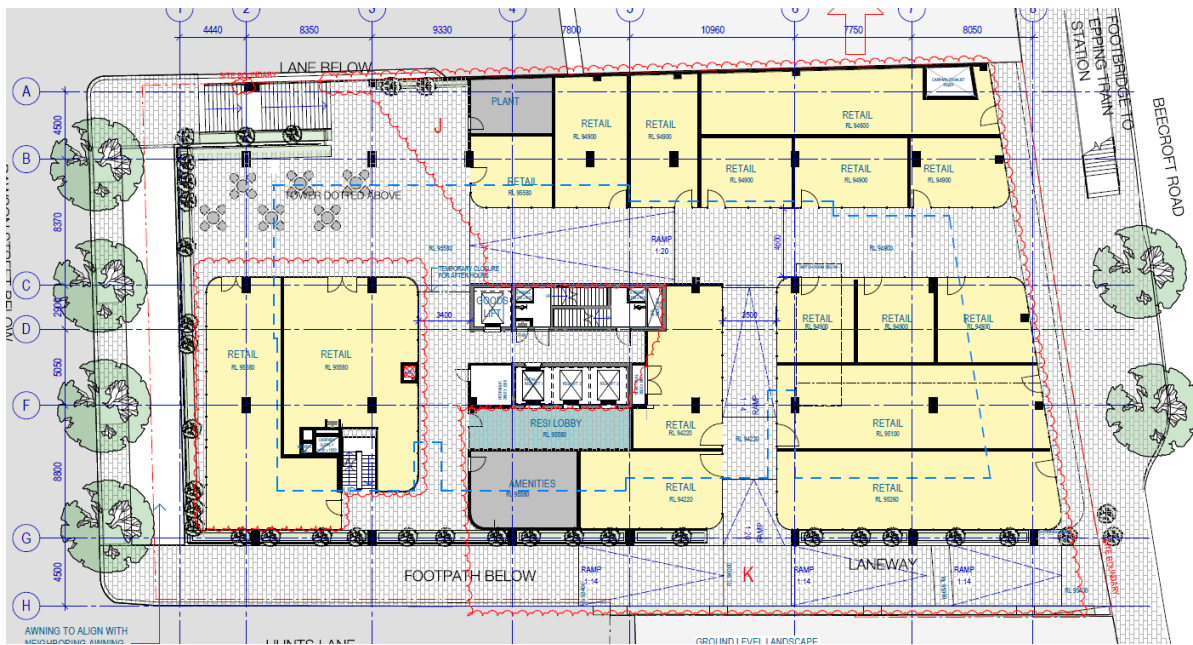


Figure 7. Proposed Lower Ground Floor Plan (Source: Woods Bagot).

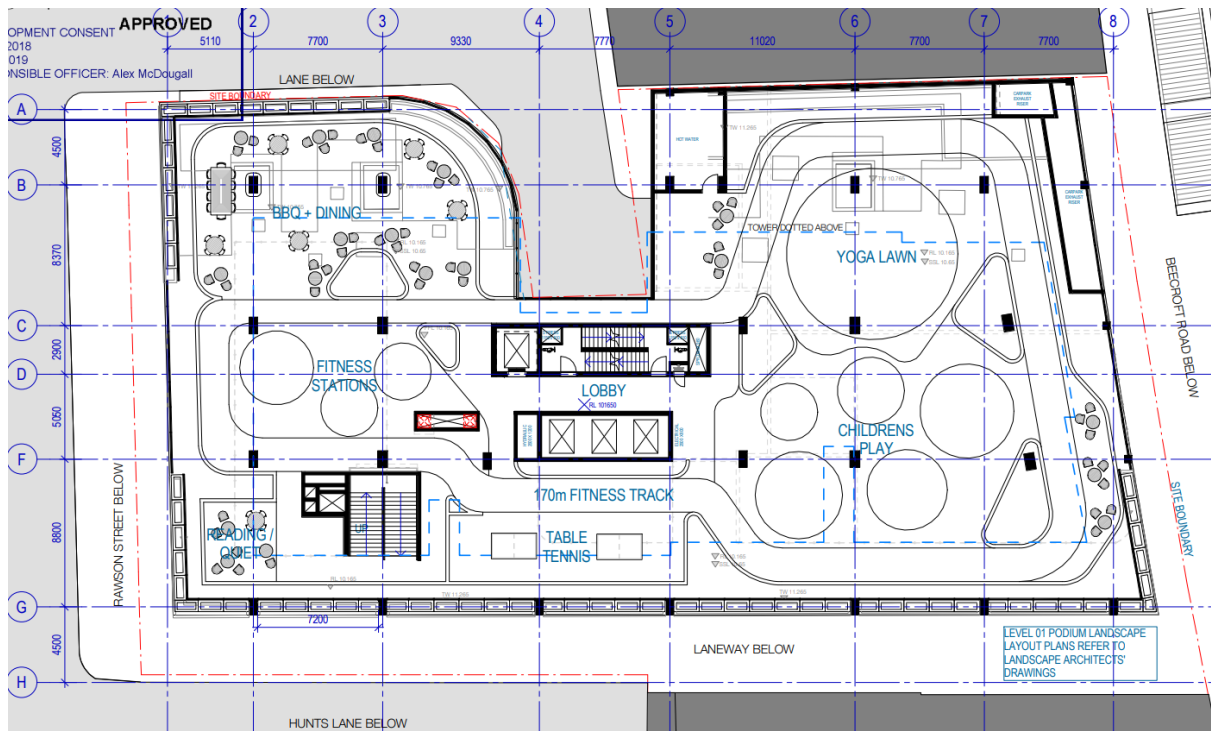


**Figure 8.** Approved Ground Floor Plan (Source: Woods Bagot stamped approved plans for D/61/2018).

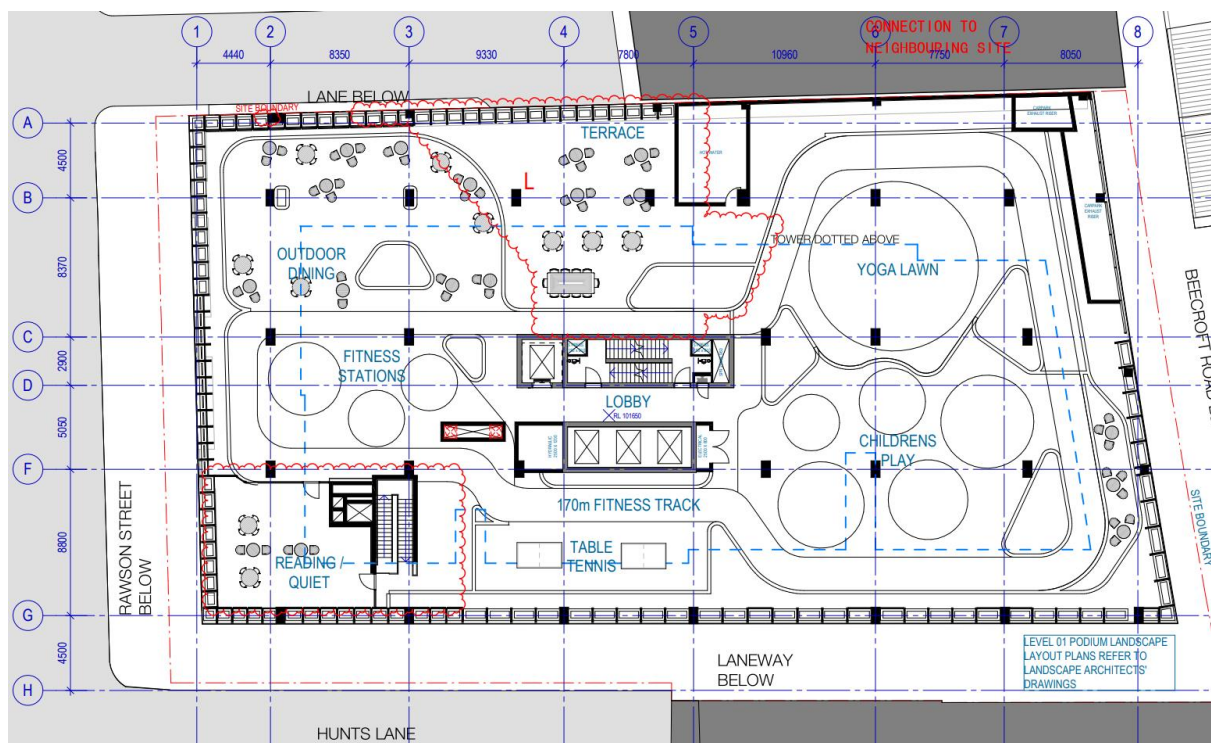


**Figure 9.** Proposed Ground Floor Plan (Source: Woods Bagot).

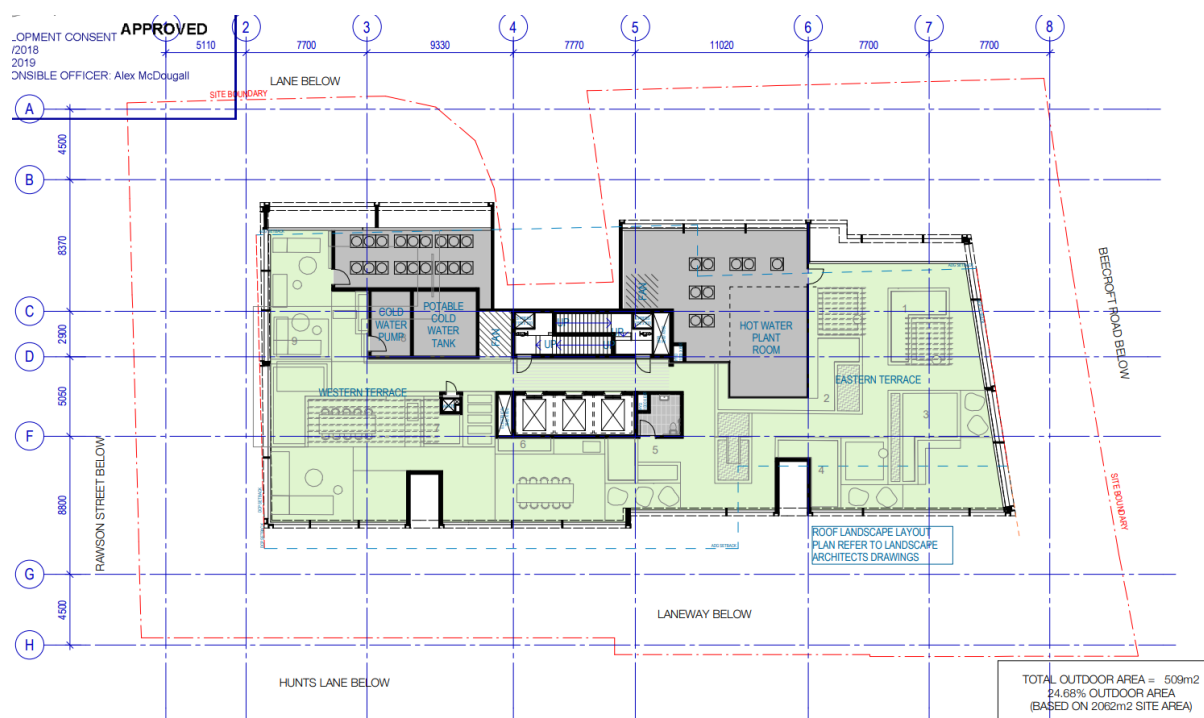




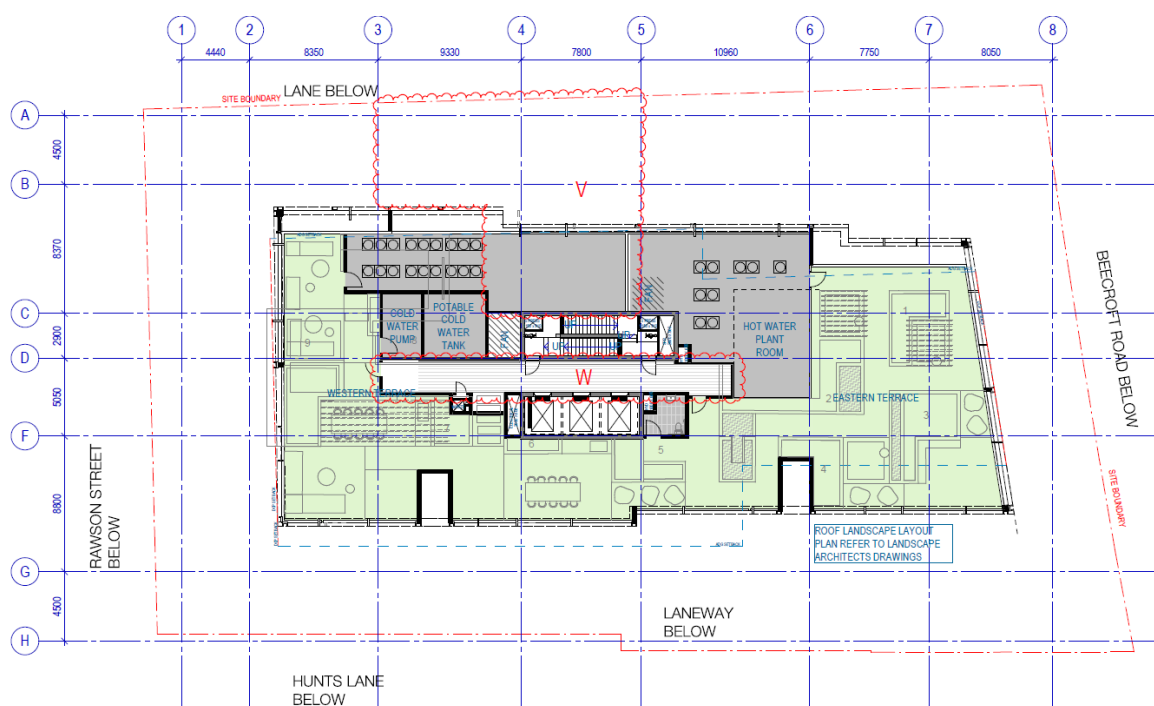
**Figure 10.** Approved Level 01 Podium Communal Open Space Plan (Source: Woods Bagot stamped approved plans D/61/2018)).



**Figure 11.** Proposed Level 01 Podium Communal Open Space Plan (Source: Woods Bagot stamped approved plans D/61/2018)).



**Figure 12.** Approved Roof Plan (Source: Woods Bagot stamped approved plans D/61/2018)).



**Figure 13.** Proposed Roof Plan (Source: Woods Bagot).

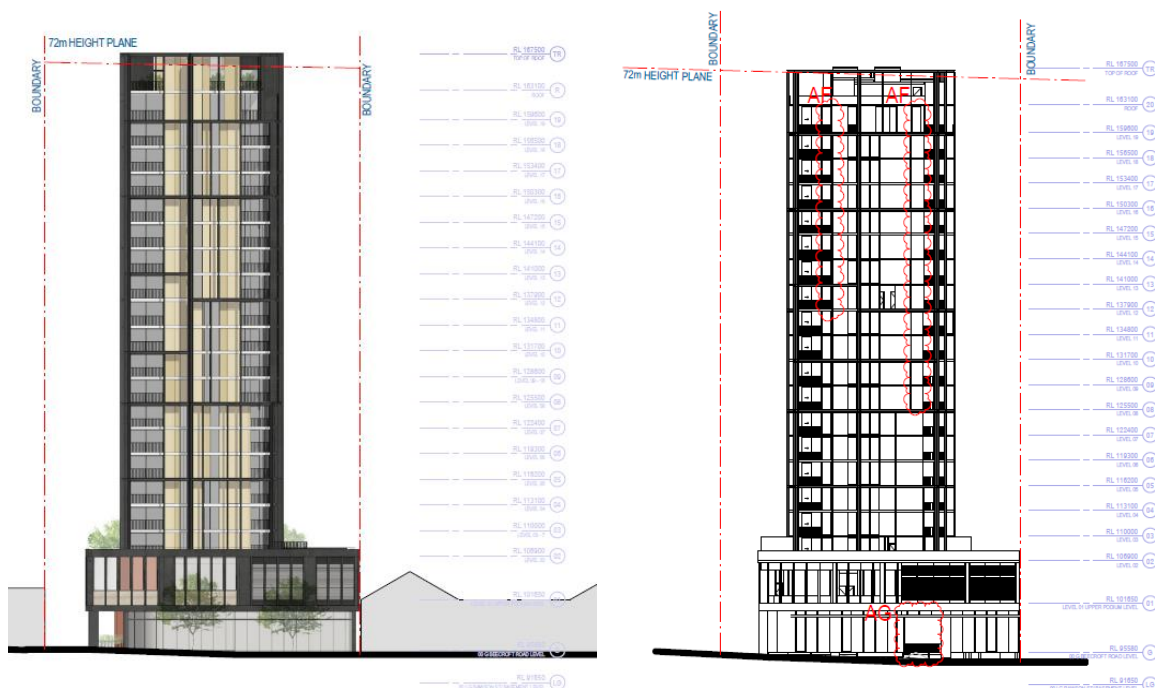
The proposed modifications do not change the following:

- Approved mix of uses (retail and residential)
- Compliance with the FSR standard of 6:1 (approved FSR 6.002:1, proposed 5.99:1)
- Building height (approved 76.33m and 6% variation, proposed height 76.33m)
- Finished floor levels with the exception of some minor changes at Lower Ground Floor Level
- Compliance with parking controls
- Approved setbacks to all site boundaries
- Architectural design quality, materials, colors and finishes

The below compares the elevations plans development consent DA/61/2018 approved by Sydney Central City Planning Panel on 4 September 2019, and the proposed modifications.



**Figure 14.** Approved (left) and proposed (right) southern elevations (Source: Woods Bagot).



**Figure 15.** Approved (left) and proposed (right) eastern elevations to Beecroft Road (Source: Woods Bagot).

## 5.2 Summary of Amendments Since Lodgement

The applicant submitted revised drawings and documentation addressing concerns raised by Council's DEAP, City Architect, and Council officers including, but not limited to, the following changes:

- Adjustments to vehicle clearance and swept path analysis to match Small Rigid Vehicle (SRV) waste servicing vehicle requirements that can facilitate either Private Contract servicing or Council servicing
- Reconfiguration of some apartments including conversion of liveable units to adaptable units;
- Reconfiguration of ground floor retail to address accessibility requirements; and
- Revised landscaping and communal open space, including increased communal rooftop space by 31m<sup>2</sup>.

## 6. Referrals

The following referrals were undertaken during the assessment process:

### 6.1 Sydney Central City Planning Panel Briefing (14/07/2022)

The key issues identified for consideration by the Panel at its Briefing meeting are addressed below:

| Issues Raised                                   | Comment   |
|---|---|
| Request for further information to be addressed | The applicant has addressed all concerns raised within the requests for further information sent on 1 July 2022 and 22 July 2022, as well as the comments from the DEAP (see below). Where any concerns have not been directly addressed, appropriate conditions have been recommended. |
| Finalisation of laneway acquisition             | The property 54R Rawson St, Epping is currently in the process of being transferred from the City of Parramatta to the developer. At the time of writing this had not yet been finalised.   |

Table 1: SCCPP briefing notes and response.

### 6.2 Design Excellence Advisory Panel

Council's Design Excellence Advisory Panel (DEAP) considered the application at a meeting on 14 July 2022. Of note, the panel concluded as follows,

*"The Parramatta Design Excellence Advisory Panel (The Panel) generally supports the proposal in its current form with caveats that require further consideration. The Panel advises that this is a reasonably well considered and presented scheme and that the architectural, urban design and landscape quality are of a reasonable standard."*

The DEAP's full comments are included at Appendix 1.

The comments from the DEAP were addressed by the Applicants response to Council on 31 October 2022 and November 2022. All matters requiring additional information identified during the assessment of the proposed modification have either been resolved through the submission of additional information or addressed by recommended conditions.

### 6.3 External

The application requires concurrence from Transport for NSW (Sydney Metro) under section 2.99 of SEPP (Transport and Infrastructure) 2021 due to the proximity of a subsurface stratum lot, owned by Transport for NSW (Sydney Metro), which directly abuts the eastern boundary of the site.

| Authority                        | Comment  |
|----------------------------------|--|
| Transport for NSW (Sydney Metro) | Sydney Metro rejected the concurrence referral for this modification and noted that no amendment is needed to the Concurrence provided for the original DA under section 2.99 if the Transport and Infrastructure SEPP as no changes are proposed to the excavation within 25m of the rail corridor. |

Table 2: External referrals

### 6.4 Internal

| Authority          | Comment   |
|--------------------|---|
| Public Domain      | There are no apparent changes to public domain and thus existing conditions of consent should remain.                     |
| Civil Assets       | The proposal satisfies the requirements of Council's controls and can be supported, subject to conditions of consent.     |
| Catchment Engineer | Supported the proposed changes and amended Civil Plans provided conditions 55 relating to On Site Detention and condition |



| Authority           | Comment  |
|---------------------|--|
|                     | 58 relating to Water Treatment for stormwater is updated to reflect the updated OSD tank design.   |
| Traffic & Transport | The proposal satisfies the requirements of Council's controls and can be supported, subject to conditions of consent.  |
| Universal Design    | All issues with the proposal in relation to access provisions have been satisfied by amended plans and documentation or can be addressed by conditions including to ensure the entries to the retail outlets provide compliant step free low level thresholds with any variation in heights taken up within the retail spaces without distorting the footpath. A condition requesting further detail regarding amenities to be provided to the PCA prior the issue of the Construction Certificate has also been provided. |
| Waste               | The updated waste plan was considered satisfactory and Council have committed to provided the waste service on the site.   |

**Table 3:** Internal referrals

## 7. Environmental Planning and Assessment Act 1979

The sections of the Act which require consideration are addressed below:

### 7.1 Section 1.7: Significant effect on threatened species, populations or ecological communities, or their habitats

The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

### 7.2 Section 4.15: Evaluation

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

| Provision   | Comment             |
|---|---------------------|
| Section 4.15(1)(a)(i) - Environmental planning instruments        | Refer to section 7  |
| Section 4.15(1)(a)(ii) - Draft environmental planning instruments | Refer to section 8  |
| Section 4.15(1)(a)(iii) – Development control plans               | Refer to section 9  |
| Other Planning Controls   | Refer to section 10 |
| Section 4.15(1)(a)(iiia) - Planning Agreement                     | Refer to section 11 |
| Section 4.15(1)(a)(iv) - The Regulations                          | Refer to section 12 |
| Section 4.15(1)(a)(v) - Coastal zone management plan              | Not applicable.     |
| Section 4.15(1)(b) - Likely impacts                               | Refer to section 13 |
| Section 4.15(1)(c) - Site suitability                             | Refer to section 14 |
| Section 4.15(1)(d) – Submissions                                  | Refer to section 15 |
| Section 4.15(1)(e) - The public interest                          | Refer to section 16 |

**Table 4:** Section 4.15(1)(a) considerations

### 7.3 Section 4.55: Substantially the Same Development

Section 4.55 of the Environmental Planning & Assessment Act 1979 contains provisions relating to the modification of development consent. Specifically, subclause (2) refers to other modifications, and states:

*“(2) Other modifications*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(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*

*(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*

*(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*

*(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.*

*Subsections (1) and (1A) do not apply to such a modification.”*

The proposal is the subject of a Section 4.55(2) modification as it entails modifications to the design of the approved development that require detailed assessment of the potential impacts.

When assessing a modification application, the consent authority has a threshold decision to make, and must be satisfied that what is proposed is “substantially the same” development as the original development, as set out in Section 4.55(2)(a) of the EP&A Act. Whether the development will be “substantially the same” as the original consent is a mixed question of fact and law. This decision can be guided by principles and tests established in the Courts.

Decisions of the Land and Environment Court support the proposition that the main elements of the proposal are matters substantially the same as the existing development consent, as outlined below.

The traditional ‘test’ as to whether or not a development as modified will be “substantially the same” development as that originally approved was applied by J Stein and the Court of Appeal in *Vacik Pty Limited v Penrith City Council* [1992] NSWLEC 8 and endorsed by J Bignold in *Moto Projects (No 2) Pty Ltd v North Sydney C* [1999] NSWLEC 280.

J Stein stated in the *Vacik* case: “*In my opinion ‘substantially’ when used in the section [s102, the predecessor of s96] means essentially or materially having the same essence*”.

J Bignold expressed in the *Moto* case: “*The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified ... not merely a comparison of the physical features or components of the development ... rather ... 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).*”

J Bignold came to deal with the matter of “substantially the same” again in *Tipalea Watson Pty Limited v Kurringai Council* [2003] NSWLEC 253. From this Judgement, one can distil a list of matters or ‘tests’ to consider, being whether the modification involves the following:

*(a) significant change to the nature or the intensity of the use;*

*(b) significant change to the relationship to adjoining properties;*

*(c) adverse amenity impacts on neighbours from the changes;*

*(d) significant change to the streetscape; and*

*(e) change to the scale or character of the development, or the character of the locality*

In 2015, the principles regarding Section 96(2)(a) (now Section 4.55(2)(a)) were summarised in *Agricultural Equity Investments Pty Ltd v Westliffe Pty Ltd (No 3)* [2015] NSWLEC 75 where Pepper J set out the legal principles that apply as follows:

*The applicable legal principles governing the exercise of the power contained in s 96(2)(a) of the EPAA may be stated as follows:*

- 1. first, the power contained in the provision is to “modify the consent”. Originally the power was restricted to modifying the details of the consent but the power was enlarged in 1985 (North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 43 NSWLR 468 at 475 and Scrap Realty Pty Ltd v Botany Bay City Council [2008] NSWLEC 333; (2008) 166 LGERA 342 at [13]). Parliament has therefore “chosen to facilitate the modification of consents, conscious that such modifications may involve beneficial cost savings and/or improvements to amenity” (Michael Standley at 440);*
- 2. the modification power is beneficial and facultative (Michael Standley at 440);*
- 3. the condition precedent to the exercise of the power to modify consents is directed to “the development”, making the comparison between the development as modified and the development as originally consented to (Scrap Realty at [16]);*
- 4. the applicant for the modification bears the onus of showing that the modified development is substantially the same as the original development (Vacik Pty Ltd v Penrith City Council [1992] NSWLEC 8);*
- 5. the term “substantially” means “essentially or materially having the same essence” (Vacik endorsed in Michael Standley at 440 and Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298 at [30]);*
- 6. the formation of the requisite mental state by the consent authority will involve questions of fact and degree which will reasonably admit of different conclusions (Scrap Realty at [19]);*
- 7. the term “modify” means “to alter without radical transformation” (Sydney City Council v Ilenace Pty Ltd [1984] 3 NSWLR 414 at 42, Michael Standley at 474, Scrap Realty at [13] and Moto Projects at [27]);*
- 8. in approaching the comparison exercise “one should not fall into the trap” of stating that because the development was for a certain use and that as amended it will be for precisely the same use, it is substantially the same development. But the use of land will be relevant to the assessment made under s 96(2)(a) (Vacik);*
- 9. the comparative task involves more than a comparison of the physical features or components of the development as currently approved and modified. The comparison should involve a qualitative and quantitative appreciation of the developments in their “proper contexts (including the circumstances in which the development consent was granted)” (Moto Projects at [56]); and*
- 10. a numeric or quantitative evaluation of the modification when compared to the original consent absent any qualitative assessment will be “legally flawed” (Moto Projects at [52]).*

In the recent case of *Arrage v Inner West Council* [2019] NSWLEC 85, Preston J found that there was no legal obligation to consider the circumstances in which the development consent was granted when comparing the approved development and the proposed modified development, or to consider the material or essential elements of the original development consent, neither of which are mandatory relevant matters. Rather it is the statutory provision of Section 4.55 which provides the relevant test.

Whether or not there will be increased environmental or neighbourhood amenity impacts under a proposed modified development is not a consideration as to whether or not a modification proposal is substantially the same under Section 4.55 of the EP&A Act. Authority for this position is set out in a decision of Talbot J in *Wolgan Action Group Incorporated v Lithgow City Council* [2001] NSWLEC 199 [43] in which he provides:

*“Even if the present applicant is correct in that there will be a significant increase in the environmental impact ... that, nevertheless, does not necessarily preclude a conclusion that the development, to which the consent as modified relates, is substantially the same development as that already permitted. The extension ... alone does not change the inherent character of the development itself. There may be some additional environmental impact but that is a matter to be considered as part of the deliberations on the merits.”*

#### Modification Principles Applied to the Proposal

We have considered the modifications against the above principles.

A comparison between the development as modified and the development that is the subject of the original consent, can conclude that there is no considerable difference in the visual or physical

appearance of the building, and therefore the extent of the modification will be “essentially or materially having the same essence” as the approved development (*Vacik endorsed in Michael Standley at 440 and Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298 at [30]*).

With consideration to *Moto Projects (No. 2) Pty Limited v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298*, which outlines principles for determining whether a s4.55(2) application is ‘substantially the same’ as an originally issued development consent. The assessment of ‘substantially the same’ needs to consider qualitative and quantitative matters.

The proposed modifications maintain the proposed mix of commercial and shop top housing land uses as approved under DA/61/2018.

The primary modification is the inclusion of Lot 100 in the development site. In *Scrap Realty Pty Limited v Botany Bay City Council [2008] NSWLEC 333*, Preston CJ found there is power under the (then) Section 96(2) to add land to which a consent applies. The inclusion of Lot 100 imparts design and function advantages to the proposal and is supported as part of the modification.

The building envelope, design and form and its relationships to the streetscape and neighbouring properties remains substantially the same as the originally approved application. The setbacks from all boundaries are the same as approved under D/61/2018. The building height is the same.

The connectivity to adjoining public roads and the public realm is substantially the same with all vehicle access and egress via the laneway and points of pedestrian connectivity to both Rawson Street and Beecroft Road as well as a publicly accessible through site link.

The architectural design, materials, colours and finishes are substantially the same.

The intensity of use is substantially the same. The modification proposes an increase in commercial GFA from 881m<sup>2</sup> to 1,344m<sup>2</sup> as the consequence of a consolidated footprint and adjustments to finished lower ground floor levels with the inclusion of Lot 100. The modification includes an increase in basement parking spaces for commercial uses with an additional 16 parking spaces. The commercial layout is a more efficient layout of the ground and lower ground floor footprints.

The intensity of use of the shop top housing component is substantially the same with a reduction in the total number of apartments from 130 to 123. The total number of bedrooms is proposed to increase from 228 to 261. Communal open space areas at Level 3 and the rooftop are proposed to increase.

There is no change to the shadow cast by the building. The external appearance is substantially the same. Excavation depth is unchanged. Servicing requirements and requirements for waste storage and management and loading facilities are the same.

For these reasons, the proposed modifications do not require the submission of a new development application and is considered substantially the same as the development originally approved under D/61/2018. The proposed modifications will “alter without radical transformation” (*Sydney City Council v Ilence Pty Ltd [1984] 3 NSWLR 414 at 42, Michael Standley at 474, Scrap Realty at [13] and Moto Projects at [27]*).

With consideration to the tests identified in *Tipalea Watson Pty Limited v Kurringai Council*, the proposal as modified will:

- (a) not change the nature or the intensity of the use (still a mixed use development comprising a similar amount of commercial and residential floor space);
- (b) not change the relationship to adjoining properties (maintains amenity, bulk and scale of the approved development);
- (c) not adversely affect the amenity of neighbouring properties (in terms of privacy, overshadowing and views); and
- (d) not significantly change the scale or character of the development or the locality as the building is entirely compatible with the scale envisaged by the desired future character of the Epping Town Centre.

As noted in *Wolgan Action Group Incorporated v Lithgow City Council*, an increase in environmental impacts is not a consideration as to whether or not a modification proposal is substantially the same. Nonetheless, in our view, the impacts of the proposed modifications will be minimal particularly in



terms of design, amenity, solar access, privacy and views, parking, vehicle access and egress, safety, waste servicing and management, building management, access and adaptable apartments, quality of landscaping and open space and the embellishment of the public realm.

As such, we are satisfied that the proposed development is substantially the same as the approved development under DA/61/2018, in accordance with Section 4.55 of the Environmental Planning & Assessment Act 1979.

## **8. Environmental Planning Instruments**

### **8.1 Overview**

The instruments applicable to this application comprise:

- SEPP (Planning Systems) 2021
- SEPP (Building Sustainability Index: BASIX) (BASIX SEPP) 2004;
- SEPP (Transport and Infrastructure) 2021;
- SEPP (Resilience and Hazards) 2021;
- SEPP (Biodiversity and Conservation) 2021;
- SEPP No. 65 (Design Quality of Residential Apartment Development) (SEPP 65); and
- Parramatta Local Environmental Plan (PLEP) 2011.

Compliance with these instruments is addressed below.

### **8.2 State Environmental Planning Policy (Planning Systems) 2021**

The proposed development has a Capital Investment Value (CIV) of more than \$20 million. As such, Part 2.4 of this Policy provides that the application is 'regionally significant development' and thus the Sydney Central City Planning Panel (SCCPP) is the consent authority for this application.

### **8.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX Certificate was submitted with the development application in line with the provisions of this State Environmental Planning Policy. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate. This will be conditioned in any consent granted.

### **8.4 SEPP (Transport and Infrastructure) 2021**

The proposal is not considered to constitute 'traffic generating development' as it proposes less than 200 car parking spaces, less than 300 residential units and does not have vehicular access to a classified road. Notwithstanding, the DA was referred to Road and Maritime Services (RMS), who raised no objection to the proposal subject to conditions.

The original development required the concurrence of Sydney Metro (c/o Transport for NSW), under clause 2.98 of the SEPP due to its proximity to the northern train line and underground north-west metro line.

Sydney Metro was notified in accordance with Section 2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. Sydney Metro returned the request on 15 June 2022 and stated that an amended concurrence role is not triggered since the proposed development does not involve any change to the excavation in excess of 2 metres below ground level within 25m of the rail corridor. On this basis, Sydney Metro considers the potential impact on the rail corridor will be negligible provided existing concurrence conditions remain unchanged. Sydney Metro also has no comments on the DA for the purpose of sections 2.48 or 2.97 of the Transport and Infrastructure SEPP.

### **8.5 SEPP (Biodiversity and Conservation) 2021**

This Policy, which applies to the whole of the Parramatta Local Government Area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment, and promoting recreational access to the foreshore and waterways by

establishing planning principles and controls for the catchment as a whole. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome can be achieved through the imposition of suitable conditions to address the collection and discharge of water during construction and operational phases of the development.

## 8.6 SEPP (Resilience and Hazards) 2021

A preliminary site investigation report was submitted with the original application DA61/2018. The report outlined the history of the site, noting it has been used for commercial and retail uses since the early 1900s and that there is no evidence to suggest that contaminating activities were undertaken on the site.

Council's Environmental Health team reviewed the original proposal and considered there to be no unacceptable contamination risk subject to conditions. The proposed modifications do not alter these conclusions and the site is considered to remain suitable for the proposed use with regard to contamination.

## 8.7 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)

SEPP 65 applies to the development as it is a development of more than three (3) storeys in height and containing more than four (4) residential units. SEPP 65 requires that residential apartment development satisfactorily address nine (9) design quality principles and consider the recommendations in the Apartment Design Guide (ADG).

### ***Design Quality Principles***

The proposal is considered to be consistent with the design principles for the reasons outlined below:

| Requirement  | Council Officer Comments  |
|--|---|
| <i>Principle 1: Context and Neighbourhood Character</i>      | The proposed building is considered to make a positive contribution to the locality and improve the existing streetscape with a tall slim-line tower of high quality architectural detailing. The design includes a number of retail units at ground level that would maintain the retail character of the Epping centre. The character of this locality is transitioning from low-medium scale commercial uses to high density mixed use developments. This proposal is consistent with that shift.  |
| <i>Principle 2: Built Form and Scale</i>                     | The approved development included a height variation. The proposed modifications do not change the building height. The modification does not significantly alter the building bulk and scale and includes Lot 100 which allows more efficient layout at each level of the building and additional GFA which is appropriate for the scale of development site.  |
| <i>Principle 3: Density</i>                                  | The proposal will increase the gross floor area of the development proportional to the inclusion of Lot 100 as well as improvements to the efficient layout of each floorplate – particularly the ground floor level. The proposed changes will not result in any exceedance to the FSR control.  |
| <i>Principle 4: Sustainability</i>                           | An updated BASIX Certificate and relevant reports/documentation have been submitted with the application outlining that the proposal would meet or exceed the relevant targets.   |
| <i>Principle 5: Landscape</i>                                | The proposed landscape amendments are considered to be high quality and would provide appropriate planting to communal open spaces and the public realm, creating an appropriate landscaped setting.  |
| <i>Principle 6: Amenity</i>                                  | Subject to conditions, the proposal as amended is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.   |
| <i>Principle 7: Safety</i>                                   | The proposal is generally considered to provide appropriate safety for occupants and the public. A significant number of units are orientated towards public streets creating passive surveillance. Retail components at ground level would activate the precinct to further enforce a sense of passive surveillance. Adjustments have been made to improve lines of sight to residential lobbies and throughout the publicly accessible through link. Conditions are recommended for the appropriate security at the interface with the laneway. |
| <i>Principle 8: Housing Diversity and Social Interaction</i> | The proposal achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.<br>The proposal provides high quality communal open spaces which would foster social interaction.  |

| Requirement                    | Council Officer Comments   |
|--------------------------------|--|
| <i>Principle 9: Aesthetics</i> | The proposed colours, materials and finishes are considered to be appropriate and reflect the use, internal design, and structure of the development as originally approved. The proposed modifications aesthetically respond to the environment and context, contributing in an appropriate manner to the desired future character of the area. The modification has satisfactorily addressed the matters raised by the DEAP. |

**Table 5:** Assessment of the proposal against the Design Quality Principles

### **Design Review Panel**

The application was referred to the City of Parramatta's Design Excellence Advisory Panel, in keeping with the requirements of Clause 28 of SEPP 65. See Section 5.2 above.

### **Apartment Design Guide**

The relevant provisions of the ADG are considered within the following assessment table:

| Standard                                    | Requirement   | Proposal   | Compliance  |
|---|---|--|---|
| <b>Part 3</b>                               |   |  |   |
| <i>3B-1: Orientation</i>                    | The proposed modifications will not alter the orientation of the approved development.  |  |   |
| <i>3B-2: Overshadowing</i>                  | The proposed modifications will not significantly alter the built form of the development, and as such no adverse shadowing impacts above what was approved will result. Neighbouring dwellings and private and public open spaces will receive adequate solar access.  |  |   |
| <i>3C: Public Domain Interface</i>          | The proposed modifications do not significantly alter the developments relationship to the public domain. Council's Public Domain Officer supports the application subject to conditions.   |  |   |
| <i>3D: Communal &amp; Public Open Space</i> | Min. 25% of site area (539m <sup>2</sup> )  | Podium Level 01 = 1850m <sup>2</sup> (approx.)<br>Rooftop = 540m <sup>2</sup> (approx.)<br>Total = 2,390m <sup>2</sup> or 110%<br>540m <sup>2</sup> or 22%   | Yes   |
|   | Min. 50% direct sunlight to main communal open space for minimum two (2) hours mid winter (1,195m <sup>2</sup> )  |  | Yes. 50% of the <u>minimum required</u> communal open space area is located on the rooftop and receives satisfactory solar access in midwinter. This is considered to be compliance with the ADG. |
|   | <p>The proposal includes private communal open space for the residential apartments on the podium-top and rooftop. The landscape plan outlines a variety of seating, shading structures, soft and hard landscaping, and planting in these areas that would ensure they provide good amenity.</p> <p>It is noted that the proposal provides in excess of the 25% requirement for communal open space, and technically complies with the direct sunlight provision, with the entire rooftop area receiving direct sunlight during mid winter.</p> |  |   |
| <i>3E: Deep Soil</i>                        | Min. 7% with min. dimensions of 6m for sites of 1500m <sup>2</sup> or greater (150.92m <sup>2</sup> )   | <p>Nil deep soil is provided in the approved DA/61/2018.</p> <p>No change is proposed to the deep soil provision approved under DA/61/2018.</p> <p>Variation justified as proposal is for infill development in a mixed use zone with commercial ground and lower ground floor uses and basement car parking</p> | No change to approved DA/61/2018  |

| Standard                                 | Requirement   | Proposal  | Compliance                       |
|--|---|---|----------------------------------|
|  |   | occupying the entire site which does not facilitate deep soil zones.  |                                  |
| 3F: <i>Visual Privacy</i>                | <u>Boundary Setbacks</u><br><br>To 55 Beecroft Rd.(north east neighbour)<br><br>Storey 3 – 6m<br><br>Storey 4 – 6m<br><br>Storey 5 to 8 – 9m<br><br>Storey 9+ – 12m<br><br>To 47 Beecroft Rd. (south east neighbour)<br><br>Storey 3 – 6m<br><br>Storey 4 – 6m<br><br>Storey 5 to 8 – 9m<br><br>Storey 9+ – 12m<br><br>To Centreline of Unnamed Laneway adjoining North Boundary<br><br>Storey 3 – 6m<br><br>Storey 4 – 6m<br><br>Storey 5 to 8 – 9m<br><br>Storey 9+ – 12m<br><br>To centreline of Hunts Lane adjoining southern boundary<br><br>Storey 3 – 6m<br><br>Storey 4 – 6m<br><br>Storey 5 to 8 – 9m<br><br>Storey 9+ – 12m                             | 5.4 - 6m<br><br>8.6 – 10.1m<br><br>8.6 – 10.1m<br><br>8.6 – 10.1m<br><br>4.8m<br><br>9.2m<br><br>9.2m<br><br>9.2m<br><br>7.1m<br><br>10.3m<br><br>10.6m<br><br>10.8m<br><br>7.1m<br><br>10.7m<br><br>10.7m<br><br>10.7m | No change to approved DA/61/2018 |
| 3G: <i>Pedestrian Access and Entries</i> | Retail units provide activation to the Beecroft Road, Rawson Street and through-site link frontages. A publicly accessible through link is provided through the commercial floors as well as along the southern boundary adjacent to Hunts Lane.<br><br>Separate entry/exit has been provided for vehicles to the unnamed laneway to the north.<br><br>Accessibility throughout the development has been supported by Council's Access Assessment Officer.  |   |                                  |
| 3H: <i>Vehicle Access</i>                | The proposal relies upon vehicular entry off the unnamed laneway adjacent to the north, with vehicular access to the basement parking and ground floor servicing levels via a two-way access. Council's Traffic Engineers are satisfied that there are suitable traffic control measures and secured access arrangements proposed to ensure pedestrian and vehicle conflicts are minimised. Conditions are recommended for works within the laneway (signage, pavement marking, kerb and gutter etc) for safe movement of vehicles and pedestrians. Modifications to the design and layout of servicing for deliveries/loading/waste management are satisfactory. |   |                                  |



| Standard                               | Requirement  | Proposal   | Compliance   |
|--|--|--|--|
| 3J: <i>Bicycle and car parking</i>     | The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.<br>DCP applies.   | Maximum 160 car parking spaces<br>Proposed 153 spaces  | Yes  |
| <b>Part 4</b>                          |  |  |  |
| 4A: <i>Daylight / Solar Access</i>     | Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-winter; (86)<br><br>Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (<19)   | 98 (79.7%)<br><br>20.3% (25 dwellings)<br><br>The approved development did not comply and 34 dwellings (26%) received no direct sunlight. The modification is an improvement to DA/61/2018.  | Yes<br><br><b>No</b>   |
| 4B: <i>Natural Ventilation</i>         | Min. 60% of apartments below 9 storeys naturally ventilated (>74)  | 116 Dwellings (94.3%)<br><br>From floor 10 onwards balconies not enclosed.   | Yes  |
| 4C: <i>Ceiling heights</i>             | Min. 2.8m habitable<br>Min 2.4m non-habitable  | No change to floor to floor heights for residential apartments is proposed.<br><br>The proposal has floor to floor heights of 3.1m and 2.7m floor to ceiling heights for residential levels.   | Yes  |
| 4D: <i>Apartment size &amp; layout</i> | 1B – Min 50m <sup>2</sup><br>2B – Min 70m <sup>2</sup><br>3B – Min 90m <sup>2</sup><br><br>An additional 5m is required for units with an additional bathroom.<br><br>All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.<br><br>Habitable room depths max. 2.5 x ceiling height: 6.75m<br>Max. habitable room depth from window for open plan layouts: 8m   | 1B – min. 50m <sup>2</sup><br>2B – min. 73sqm (2 baths)<br>3B – min. 101sqm<br><br>30 units fall short by not providing an extra 5m <sup>2</sup> for additional bathroom<br>Complies<br><br>Generally compliant<br><br>Maximum habitable room depth is 8m. | Yes<br><br><b>No (minor)</b><br>Yes<br><br>Yes<br><br>Yes<br><br>Yes |
|  | 30 of the 123 units do not comply with the minimum apartment size requirements, as they do not provide the additional 5sqm required for an additional bathroom. The units fall short by a maximum of 1sqm or 2sqm which is considered minor and acceptable. The floor layout of non-compliant apartments includes open plan living/kitchen/dining spaces and overall efficient layout to optimise use of space. The deficiency by 1 to 2m <sup>2</sup> will not compromise amenity for future occupants. |  |  |
|  | Min. internal areas:   |  |  |
|  | Master Bed - 10m <sup>2</sup><br>Other Bed - 9m <sup>2</sup><br>Min. 3m dimension for bedrooms (excl. wardrobe)  | >10m <sup>2</sup><br>>9m <sup>2</sup><br>>2.75m  | Yes<br>Yes<br><b>No (minor)</b>                                      |

| Standard                           | Requirement   | Proposal   | Compliance  |
|------------------------------------|---|--|---|
|                                    | space).   |  |   |
|                                    | 44 bedrooms within the development do not comply with the minimum bedroom dimension requirements, noting most of these provide a minimum dimension of 2.95m. This is considered minor and appropriate given each of these bedrooms meet the minimum bedroom area requirements. The variation will not compromise the function and amenity of these bedrooms.                |  |   |
|                                    | Min. width living/dining:   |  |   |
|                                    | <ul style="list-style-type: none"><li>1B – 3.6m</li><li>2B – 4m</li><li>3B – 4m</li></ul>   | <ul style="list-style-type: none"><li>&gt;3.6m</li><li>&gt;3.8m</li><li>&gt;4m</li></ul> | <ul style="list-style-type: none"><li>Yes</li><li><b>No (minor)</b></li><li>Yes</li></ul> |
|                                    | 7 living areas within the development do not comply with the minimum width requirements, which is considered minor. Each of the units are provided with sufficient living space and compliant bedroom sizes and all living rooms include glass sliding doors linked to the private open space areas which adds to a sense of spaciousness and amenity for future residents. |  |   |
| 4E: Private open space & balconies | Min. area/depth:<br>1B - 8m²/2m<br>2B - 10m²/2m<br>3B - 12m²/2.4m   | 10m²/2m<br>10m²/2m<br>12m²/2.4m  | Yes<br>Yes<br>Yes   |
| 4F: Common circulation & spaces    | Max. apartments –off circulation core on single level: 8  | 8  | Yes   |
| 4G: Storage                        | 1B – Min 6m³  | 6m³  | Yes   |
|                                    | 2B – Min 8m³  | 8m³  |   |
|                                    | 3B – Min 10m³   | 10m³   |   |
|                                    | Min. 50% required in Apartment  | >50%   |   |
| 4H: Acoustic Privacy               | The proposal has generally been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance where possible. Noisier areas such as kitchens and laundries are designed to be located away from bedrooms where possible.  |  |   |
| 4J: Noise and pollution            | The proposal does not impact the approved development's performance in terms of noise and pollution.  |  |   |
| 4K: Apartment Mix                  | The proposed continues to provide units which vary in size, amenity, orientation and outlook to provide a mix for future residents. A variety of apartments are provided across all levels of the building.   |  |   |
| 4M: Facades                        | The proposed modifications do not significantly alter the approved facade and architectural detailing of the development. The development continues to be sufficiently varied and articulated to provide visual interest.   |  |   |
| 4N: Roof design                    | No significant changes are proposed to the approved roof form. Rooftop plant and lift overrun remain suitably concealed within the roof top open space set-out ensuring they are not visible from the street.   |  |   |
| 4O: Landscape Design               | The proposal is considered to provide an appropriate quantity and variety of landscaping which would contribute to the amenity of the area.   |  |   |
| 4P: Planting on structures         | Adequate planting on structures is provided.  |  |   |
| 4Q: Universal Design               | 20% Liveable Housing Guidelines Silver Level design features (>25)  | 31   | Yes   |
| 4S: Mixed Use                      | The proposal continues to provide a mix of retail and residential land use within the development.  |  |   |
| 4T: Awnings and Signage            | No changes are proposed.  |  |   |
| 4U: Energy Efficiency              | The updated BASIX Certificate demonstrates the development exceeds the pass mark for energy efficiency.   |  |   |
| 4V: Water management               | The updated BASIX Certificate demonstrates that the development achieves the pass mark for water conservation.  |  |   |
| 4W: Waste management               | The proposed waste management arrangements are considered acceptable and have been supported by Council's Waste Officer.  |  |   |

| Standard                        | Requirement   | Proposal | Compliance |
|---------------------------------|---|----------|------------|
| 4X: <i>Building maintenance</i> | The proposed materials are considered to be sufficiently robust, minimising the use of render and other easily stained materials. |          |            |

**Table 6:** Assessment of the proposal against the ADG.

As detailed in the above table, the proposed development largely complies with the requirements of the Apartment Design Guide and is considered acceptable on merit.

## 8.8 Parramatta Local Environmental Plan 2023

At the time DA/61/2018 was determined and indeed at the time this Modification application was lodged, the following draft instrument was relevant:

- Draft Consolidated Parramatta LEP 2020

That draft, now known as Parramatta LEP 2023 commenced on the 2 March 2023. Its saving provisions via clause 1.8A apply only to development applications. Accordingly, this modification application must be assessed against PLEP 2023 and not PLEP 2011.

The relevant objectives and requirements of PLEP 2023 have been considered in the assessment of the development application and are contained within the following table.

| Development standard                 | Proposal   | Compliance                                   |
|--------------------------------------|--|--|
| <b>2.1 Zoning</b>                    |  |  |
| E1 – Local Centre                    | The proposal will not alter the approved use of the site as a mixed use development comprising shop top housing and commercial premises. The proposed land uses are permissible with development consent in the zone.  | Yes  |
| <b>2.3 Zone Objectives</b>           |  |  |
|                                      | <p>The proposed modifications will not alter the nature or use of the approved development and will continue to meet the zone objectives given:</p> <ul style="list-style-type: none"> <li>• The proposed development provides an appropriate mix of opportunities for a range of retail, commercial and residential accommodation.</li> <li>• In the short term jobs will be created through the construction of the development and in the longer term employment will be available with the operation of retail tenancies and support maintenance services.</li> <li>• 123 residential apartments close to Epping Railway Station with links to major employment centres will encourage the use of public transport.</li> </ul> | Yes  |
| <b>4.3 Height of Buildings</b>       |  |  |
| Control: 72m                         | No change is proposed to the approved maximum building height.   | No (same variation approved with DA/61/2018) |
| <b>4.4 Floor Space Ratio</b>         |  |  |
| Control: 6:1 (12,936m <sup>2</sup> ) | Total GFA: 12,903m <sup>2</sup> or 5.99:1  | Yes  |
| <b>5.10 Heritage conservation</b>    |  |  |
|                                      | The subject site is not listed as a heritage item, nor is it within the vicinity of a listed item. The subject site is not located within a heritage conservation area.  | N/A  |
| <b>6.2 Earthworks</b>                |  |  |

|  |  |     |
|--|--|-----|
|  | The proposal does not involve any additional earthworks above what was approved. | Yes |
|--|--|-----|

**Table 7:** Assessment of the proposal against PLEP 2023

## 9. Development Control Plan

### 9.1 Parramatta Development Control Plan 2011

The modification has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Parramatta Development Control Plan 2011 (PDCP 2011). Where there is conflict between PDCP 2011 and the SEPPs listed above, the SEPP controls prevail to the extent of the inconsistency and as such are not included below. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

| Development Control                    | Comment  | Comply |
|--|--|--------|
| <i>Part 2 Site Planning</i>            |  |        |
| 2.4.1 Views and Vistas                 | Views of significant topography, key landmark buildings or sites of historical significance are not impacted by the proposal.  | Yes    |
| 2.4.8 Public Domain                    | The development makes a positive contribution to the interface with the public domain and includes works within the public domain as well as provision of a publicly accessible through link which have been designed to the satisfaction of Council's Public Domain Officer.  | Yes    |
| <i>Part 3 Development Principles</i>   |  |        |
| 3.2.1 Building Form and Massing        | The Design Excellence Advisory Panel (DEAP) did not raise any concerns with the proposed amendments to the building form, façade, architectural detailing or roof design of the development other than to support the application of the same colours, materials and finishes treatments approved with D/61/2018.  | Yes    |
| 3.2.2 Building Façade and Articulation |  |        |
| 3.2.3 Roof Design                      |  |        |
| 3.2.4 Energy Efficient Design          | An updated BASIX certification has been provided.  | Yes    |
| 3.2.5 Streetscape                      | The proposal presents satisfactorily to both street frontages and to Hunts Lane, and is in keeping with the desired future character of the area. The proposal provides for attractive street frontages, which would be activated by the provision of retail tenancies oriented to Beecroft Road and Rawson Street. Public domain works include the paved through link and paved footpath reserves with feature tree planting. The facades are in proportion with the scale of development anticipated by the planning controls.   | Yes    |
| 3.3.2 Private/ Communal Open Space     | Quality private and usable outdoor spaces are provided for future residents. The communal open space at Level 3 is designed primarily for active uses and will be useable in all weather conditions. The rooftop space will have pockets of passive space and includes walls and planter beds to control microclimate and create wind breaks, patches of sunlight and shade, outdoor BBQ and eating areas.   | Yes    |
| 3.3.3 Visual and Acoustic Privacy      | The proposed modifications do not alter the visual and acoustic privacy relationship with adjoining properties. No changes are proposed to the approved building setbacks which are considered sufficient to ensure that future adjoining development can achieve visual and acoustic privacy. The vehicle access/egress point has been redesigned as facilitated by the inclusion of Lot 100 and particular attention has been given to works within the adjoining laneway to cater for safe movement of vehicles and pedestrians both ancillary to the site and as generated by the existing nearby developments that use the laneway. | Yes    |
| 3.3.4 Acoustic Amenity                 | The proposal is acceptable in this regard.   | Yes    |
| 3.3.5 Solar Access and Ventilation     | As outlined in the ADG assessment above, it is considered that the proposal provides satisfactory solar access and ventilation. Cross ventilation is improved with the modified layout.  | Yes    |

|  |  |                                 |
|--|--|---------------------------------|
| 3.3.7 Waste Management   | All concerns raised with the waste management arrangements on the site have been resolved to the satisfaction of Council's Specialist Waste Officer.   | Yes                             |
| 3.4.2 Access for People with Disabilities                              | All concerns raised with accessibility have been addressed by the Applicant and there are not further issues with the proposal in this regard.   | Yes                             |
| 3.4.5 Housing Diversity and Choice                                     |  |                                 |
| <i>Mix</i><br>1 bed (10 – 20%)<br>2 bed (60 – 75%)<br>3 bed (10 – 20%) | 1 bed – 14 (11.4%)<br>2 bed – 81 (65.9%)<br>3 bed – 27 (22%)<br>4 bed – 1 (0.8%)   | Yes<br>Yes<br><b>No (minor)</b> |
| <i>Adaptable</i><br>10% (>12.3)  | 13.8% (17)   | Yes                             |
| <i>Part 4.1.5 Epping Town Centre</i>                                   |  |                                 |
| Desired Future Character   | <p>The proposal continues to achieve the following improvements to the local area:</p> <ul style="list-style-type: none"> <li>The proposal would result in public domain improvements, including greater setbacks to Beecroft Road and Rawson Street for improved sight lines and capacity of the footpath reserve to accommodate pedestrian traffic associated with the train station, and maintains a through-site link between the two road frontages internal to the commercial levels as well as a through link adjacent to Hunts Lane.</li> <li>The proposal includes active ground floor and lower ground floor uses to the two street frontages.</li> <li>The upper levels are sufficiently setback from the street boundaries.</li> <li>The proposal would not have an unacceptable impact on the amenity of adjoining/nearby properties.</li> <li>The proposal has demonstrated an acceptable standard of accommodation for future occupants.</li> </ul> | Yes                             |
| Objectives   | <p>The proposal is considered to be consistent with the following objectives of the area:</p> <ul style="list-style-type: none"> <li>The proposed tower compromises a high quality built form with satisfactory articulation, modulation and an attractive composition of building elements. The modification was endorsed by DEAP.</li> <li>Ground floor and lower ground floor retail uses are proposed, thereby reinforcing the existing character and function of Beecroft Road and Rawson Street, respectively.</li> <li>An acoustic report was supplied with the application, demonstrating that the proposal can be suitably treated to reduce noise and vibration impacts from Beecroft Road and the Northern Railway Line.</li> <li>The proposed through-site link improves connections between the railway station and the west side of Epping town centre.</li> </ul>   | Yes                             |
| Pedestrian Connections and Laneways<br><br>Min width: 6m               | The proposal has been amended to improve the through site link on the site from Beecroft Road to Rawson Street by providing more direct pathways through the middle of the commercial levels and on the southern side of the site adjacent to Hunts Lane. These links will remain open at all times as an extension of public footpaths.   | Yes                             |
| Landscaping & Public Domain  | The proposed development will continue to improve the public domain through the inclusion of street trees and paving along both its frontages and extending into the footpath reserve.   | Yes                             |
| Building height<br><br>Max 22 storeys                                  | The proposed building is 21 storeys in height.   | Yes                             |



|  |  |  |
|--|--|--|
| <p>Building setbacks</p> <p>Front:</p> <p>Rawson St.:<br/>Podium: 2m<br/>Tower: 8m</p> <p>Beecroft Rd.:<br/>Podium: 1.5m<br/>Tower: 6m</p> <p>Side:</p> <p>North:<br/>Podium: 0m<br/>Tower: 6m</p> <p>South:<br/>Podium: 0m<br/>Tower: 8m</p>                          | <p>No change is proposed to the approved building setbacks as below.</p> <p>2m – 3.6m<br/>8.3m</p> <p>2m<br/>6.3m</p> <p>0m<br/>6m</p> <p>0m<br/>8m</p>  | <p>Yes<br/>Yes</p> <p>Yes<br/>Yes</p> <p>Yes<br/>Yes</p> <p>Yes<br/>Yes</p>  |
| <p>Building bulk and depth</p> <p>Podium Height: 2-3 storey</p> <p>Commercial Floorplate GFA: 1,200m<sup>2</sup></p> <p>Residential Floorplate GFA: 700m<sup>2</sup></p> <p>Residential Floorplate Envelope: 900m<sup>2</sup></p> <p>Floorplate Dimension: &lt;40m</p> | <p>Rawson Street: 3 storeys<br/>Beecroft Road: 2 storeys</p> <p>970m<sup>2</sup></p> <p>646m<sup>2</sup></p> <p>&lt;900m<sup>2</sup></p> <p>North-south: ~31m (podium), ~21m (tower)<br/>East-west: ~59m (podium), ~48m (tower)</p> <p>The proposed development does not alter the approved floorplate dimensions. The inclusion of Lot 100 to "fill in" the building floorplate does not alter the maximum floorplate dimensions.</p>   | <p>Yes<br/>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes<br/><b>No</b></p> |
| <p>Building Height Transition</p>  | <p>The development does not share a boundary with an R2 zone or lower height zone. The proposed changes do not alter the approved maximum building height of the development.</p>  | <p>Yes</p>   |
| <p>Building Design</p>   | <p>The proposal continues to present a building design that is considered to appropriately respond to the desired future character of the area for the following reasons:</p> <ul style="list-style-type: none"> <li>• Facades are satisfactorily articulated;</li> <li>• Opaque and blank walls are limited, active frontages proposed with the provision of retail tenancies.</li> <li>• The external materials and finishes are appropriate.</li> <li>• Balconies are provided in accordance with the ADG;</li> <li>• Use of render and other high maintenance materials has been limited.</li> <li>• The podium is visually interesting and of a human scale.</li> <li>• The building is slender in the profile most visible from the public domain (i.e. Rawson Street and Beecroft Road)</li> <li>• The floor plan is an efficient use of space at each level</li> <li>• Basement capacity has been increased</li> <li>• Function and design of waste and loading areas are improved</li> <li>• Sight lines and movement paths of travel have been improved and streamlined</li> </ul> | <p>Yes</p>   |
| <p>Active street frontages and address</p>   | <p>The frontages to Rawson Street, Beecroft Road and the through-site link are activated with retail shopfronts and residential lobbies.</p>   | <p>Yes</p>   |

|  |   |  |
|--|---|--|
| Vehicle access   | The proposal improves on the approved vehicle access arrangements. All changes to the basement parking levels are considered appropriate and do not have any adverse impacts in terms of vehicle access. The capacity of the basement has increased. The circulation pathways within the basement have improved sight lines. The entry/exit to the unnamed laneway is improved in terms of grades, sight lines and clearances. The waste servicing and loading areas have improved clearances and more functional and efficient layout.   | Yes  |
| Mixed use developments<br><br>Floor-celling:<br>Ground: >3.6m<br>Commercial: >3.3m<br>Residential: >2.7m   | 3.6m (Rawson), 6.0m (Beecroft)<br>3.6m (Rawson), 6.0m (Beecroft)<br>2.8m  | Yes<br>Yes<br>Yes  |
| Environmental Management   | The applicant did not submit an amended wind analysis for the communal open spaces, as requested by the DEAP. These spaces are not accessible by the public and various landscaping and edge treatments are proposed to screen from strong winds and provide sunlight penetration.<br><br>Since the proposal does not include any significant changes to the public realm spaces compared to the approved D/61/2018, the wind impacts are considered to be acceptable and appropriately dealt with through the landscape treatment of these spaces to ensure they offer high levels of amenity. | Yes  |
| Safety and Security  | The proposal is generally considered to be safe and secure.<br><br>The proposal has slightly increased the frontage of the lower ground floor lobby and increased lines of sight and direct access to the ground floor lobby from the public through link which will increase the visibility of both lobby areas and enhance its presence when approached from the through link adjacent to Hunts Lane as well as when approached from the common through link within the ground level commercial area.   | Yes  |
| Car parking<br><br><u>Residential</u><br><br>Vehicles<br>Resident:<br>1 br – 0.4 per dwelling = 6<br>2br – 0.7 per dwelling = 57<br>3br – 1.2 per dwelling = 34<br>Visitors: 1 per 7 dwellings = 18<br>Max – 160 spaces<br><br><u>Commercial</u><br><br>Vehicles<br>Retail: 1/30m <sup>2</sup> = 46 max<br><br>Motorcycles:<br>Commercial - 1/25 car spaces = 2<br>Residential – 1/50 car spaces = 3<br><br>Bicycles = 69 required | The car parking is located in basement. Car parking rates are a maximum and will not be exceeded. 16 additional spaces are proposed for the commercial uses which is suitably proportional to the increased commercial GFA.<br><br>153 spaces proposed.<br><br>35 spaces proposed.<br><br>13 spaces proposed.<br><br>134 spaces proposed.   | Yes<br><br>Yes<br><br>Yes<br><br>Yes<br><br>Yes<br><br>Yes |

**Table 8:** Assessment of the proposal against the Parramatta Development Control Plan 2011.

## **10. Other Planning Controls**

### **10.1 Parramatta Public Domain Guidelines**

The proposed modifications do not significantly alter the approved development in regards to its relationship and treatment of the public domain. No issue has been raised with the proposal in this regard and Council's Public Domain Officer supports the modification. As such the development is considered to remain consistent with the Parramatta Public Domain Guidelines.

## **11. Planning Agreements**

There are no planning agreements relevant to the subject application.

## **12. Environmental Planning Regulations**

The recommendation of this report includes conditions to ensure the provisions of the Regulation are satisfied.

## **13. The Likely Impacts of the Development**

The proposal is considered to be substantially the same as the approved development under DA61/2018 and is not considered to have any new or additional detrimental impacts on surrounding development and the public domain, beyond those which were considered acceptable in the original assessment and approval of DA/61/2019.

Although the proposal increases the gross floor area of the approved development in proportion to that allocated to the inclusion of Lot 100, the proposal does not exceed the FSR control and will not contribute to any additional parking or traffic impacts on the locality.

It is considered that the proposal will provide social and economic benefits by contributing to the housing provision within the Epping Town Centre and providing additional commercial space in a highly accessible location. The proposal remains consistent with Council's vision for the Epping Town Centre.

## **14. Site Suitability**

The proposal does not significantly alter the built form or external appearance of the approved development on the site and is considered to be substantially the same as that approved on the site. The inclusion of Lot 100 facilitates a more efficient floor plate and internal layout at every level and improves design arrangements for vehicle access and egress and servicing via the unnamed adjoining laneway to the north. As such, the site is considered suitable for the modified development.

## **15. Submissions**

The application was advertised between 20 June and 11 July 2022 in accordance with Council's consolidated notification procedures for a period of 21 days. No submissions were received during this period.

## **16. Public Interest**

No circumstances have been identified to indicate this proposal would be contrary to the public interest.

## **17. Disclosure of Political Donations and Gifts**

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

## 18. Development Contributions

An adjusted development contribution is required to be paid as the modification increases the estimated development cost and the number and size of dwellings. The standard condition of consent imposed under the original development application approval requiring payment of a development contribution is recommended to be revised accordingly.

## 19. Summary and Conclusion

The application has been assessed relative to section 4.15 and section 4.55 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 for the following reasons:

1. The development as modified is substantially the same development for which consent was originally granted;
2. The modified development will be compatible with the emerging and planned future character of the area;
3. The modifications do not significantly alter the streetscape appearance of the approved building when viewed from Beecroft Road and Rawson Street and do not alter the relationships to adjoining sites and the public realm;
4. The modified proposal will not result in any significant adverse impacts in respect to privacy, overshadowing or bulk and scale, traffic generation and appropriate onsite parking, accessibility and amenity, safety and security, construction impacts and operational impacts; and
5. For the reasons given above, approval of the application is in the public interest.

## 20. Recommendation

### Approval

That the Sydney Central City Planning Panel as the consent authority, grant consent to modification of Development Application No. DA/61/2018/A, for the incorporation of Lot 100 DP 1274400 and its accompanying floor space into a modified development at 48-54 Beecroft Road and 52-54 Rawson Street, EPPING NSW 2121, as shown on the plans submitted with this modification application, for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to amending the conditions as follows:

### General Matters

#### Approved Plans and Supporting Documentation

1. The development must be carried out in accordance with the plans and documentation listed below, and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Architectural Drawings (Woods Bagot Job No: 150245)

| Plan No.         | Issue     | Plan Title                  | Dated             |
|------------------|-----------|-----------------------------|-------------------|
| A-DA-0000        | 16        | COVER SHEET                 | 02/08/2019        |
| A-DA-1101        | 13        | SITE PLAN - PROPOSED        | 02/08/2019        |
| <b>A-DA-1201</b> | <b>16</b> | <b>BASEMENT LEVEL - B04</b> | <b>26/09/2022</b> |
| <b>A-DA-1202</b> | <b>16</b> | <b>BASEMENT LEVEL - B03</b> | <b>26/09/2022</b> |

| <b>Plan No.</b>  | <b>Issue</b> | <b>Plan Title</b>                   | <b>Dated</b>      |
|------------------|--------------|-------------------------------------|-------------------|
| <b>A-DA-1203</b> | <b>16</b>    | <b>BASEMENT LEVEL - B02</b>         | <b>26/09/2022</b> |
| <b>A-DA-1204</b> | <b>18</b>    | <b>BASEMENT LEVEL - B01</b>         | <b>26/09/2022</b> |
| <b>A-DA-1205</b> | <b>20</b>    | <b>LOWER GROUND - RAWSON STREET</b> | <b>26/09/2022</b> |
| <b>A-DA-1206</b> | <b>18</b>    | <b>GROUND - BEECROFT ROAD</b>       | <b>26/09/2022</b> |
| <b>A-DA-1207</b> | <b>15</b>    | <b>LEVEL 1 - PODIUM</b>             | <b>8/12/2021</b>  |
| A-DA-1208        | 15           | LEVEL 2                             | 26/09/2022        |
| <b>A-DA-1209</b> | <b>15</b>    | <b>LEVEL 3 - 9 (TYPICAL)</b>        | <b>26/09/2022</b> |
| <b>A-DA-1210</b> | <b>14</b>    | <b>LEVEL 10 – 11 (TYPICAL)</b>      | <b>26/09/2022</b> |
| <b>A-DA-1211</b> | <b>14</b>    | <b>LEVEL 12 - 18 (TYPICAL)</b>      | <b>26/09/2022</b> |
| <b>A-DA-1212</b> | <b>15</b>    | <b>LEVEL 19</b>                     | <b>26/09/2022</b> |
| <b>A-DA-1213</b> | <b>14</b>    | <b>ROOF PLAN</b>                    | <b>26/09/2022</b> |
| A-DA-1214        | 3            | DEMOLITION PLAN - GROUND            | 02/08/2019        |
| <b>A-DA-1301</b> | <b>12</b>    | <b>ELEVATION SOUTH</b>              | <b>26/09/2022</b> |
| <b>A-DA-1302</b> | <b>10</b>    | <b>ELEVATION EAST</b>               | <b>26/09/2022</b> |
| <b>A-DA-1303</b> | <b>16</b>    | <b>ELEVATION NORTH</b>              | <b>26/09/2022</b> |
| <b>A-DA-1304</b> | <b>10</b>    | <b>ELEVATION WEST</b>               | <b>08/12/2021</b> |
| A-DA-1311        | 11           | SECTION - EAST WEST                 | 02/08/2019        |
| A-DA-1312        | 11           | SECTION - NORTH SOUTH               | 02/08/2019        |
| A-DA-1313        | 4            | SECTION - CAR PARK 1                | 02/08/2019        |
| A-DA-1314        | 4            | SECTION - CAR PARK 2                | 02/08/2019        |

| <b>Plan No.</b>  | <b>Issue</b> | <b>Plan Title</b>                     | <b>Dated</b>      |
|------------------|--------------|---------------------------------------|-------------------|
| A-DA-1315        | 3            | SECTION - CAR PARK 3                  | 02/08/2019        |
| A-DA-1316        | 1            | SECTION - LANEWAY                     | 02/08/2019        |
| <b>A-DA-2901</b> | <b>9</b>     | <b>ADAPTABLE &amp; LIVABLE UNITS</b>  | <b>26/09/2022</b> |
| <b>A-DA-2951</b> | <b>9</b>     | <b>APARTMENT STORAGE AREA PLANS</b>   | <b>26/09/2022</b> |
| <b>A-DA-2952</b> | <b>8</b>     | <b>APARTMENT STORAGE AREA PLANS</b>   | <b>08/12/2021</b> |
| <b>A-DA-2971</b> | <b>17</b>    | <b>GFA PLANS 1</b>                    | <b>26/09/2022</b> |
| <b>A-DA-2972</b> | <b>14</b>    | <b>GFA PLANS 2</b>                    | <b>26/09/2022</b> |
| <b>A-DA-2973</b> | <b>8</b>     | <b>GFA PLANS 3</b>                    | <b>08/12/2021</b> |
| <b>A-DA-6001</b> | <b>7</b>     | <b>WINDOWS SCHEDULE LEVEL 2 - 9</b>   | <b>26/09/2022</b> |
| <b>A-DA-6002</b> | <b>7</b>     | <b>WINDOWS SCHEDULE LEVEL 10 - 11</b> | <b>26/09/2022</b> |
| <b>A-DA-6003</b> | <b>7</b>     | <b>WINDOWS SCHEDULE LEVEL 12 - 18</b> | <b>26/09/2022</b> |
| <b>A-DA-6004</b> | <b>7</b>     | <b>WINDOWS SCHEDULE LEVEL 19</b>      | <b>26/09/2022</b> |
| <b>A-DA-6005</b> | <b>1</b>     | <b>FACADE &amp; MATERIALS 1</b>       | <b>26/09/2022</b> |
| A-DA-9001        | 7            | PERSPECTIVE 1                         | 02/08/2019        |
| A-DA-9002        | 7            | PERSPECTIVE 2                         | 02/08/2019        |
| A-DA-9003        | 7            | PERSPECTIVE 3                         | 02/08/2019        |

Civil Drawings (Bornhorst & Ward Job No: 16115)

| <b>Plan No.</b> | <b>Issue</b> | <b>Plan Title</b>              | <b>Dated</b> |
|-----------------|--------------|--------------------------------|--------------|
| C0000           | D            | Cover Sheet                    | 17/05/19     |
| C0001           | D            | Legend                         | 17/05/19     |
| C0210           | F            | Existing and Proposed Contours | 29/07/19     |
| C0310           | F            | Verge Sections Layout          | 29/07/19     |



| Plan No. | Issue | Plan Title                                     | Dated    |
|----------|-------|--|----------|
| C0420    | D     | North Laneway Verge Longitudinal Section       | 17/05/19 |
| C0421    | D     | Beecroft Rd Verge Longitudinal Section         | 17/05/19 |
| C0422    | D     | Hunts Lane Verge Longitudinal Section          | 17/05/19 |
| C0423    | D     | Rawson St Verge Longitudinal Section           | 17/05/19 |
| C0500    | D     | North Laneway Verge Sections Sheet 1           | 17/05/19 |
| C0501    | D     | North Laneway Verge Sections Sheet 2           | 17/05/19 |
| C0502    | D     | Beecroft Rd Verge Sections                     | 17/05/19 |
| C0503    | E     | Hunts Ln Verge Sections Sheet 1                | 17/05/19 |
| C0504    | E     | Hunts Ln Verge Sections Sheet 2                | 17/05/19 |
| C0505    | E     | Hunts Ln Verge Sections Sheet 3                | 17/05/19 |
| C0506    | E     | Rawson St Verge Sections Sheet 1               | 17/05/19 |
| C0507    | E     | Rawson St Verge Sections Sheet 2               | 17/05/19 |
| DA-C0000 | C     | Cover Sheet                                    | 07/02/19 |
| DA-C0001 | G     | Legend   | 07/02/19 |
| DA-C0002 | G     | Erosion and Sediment Control Notes and Details | 07/02/19 |
| DA-C0003 | G     | Erosion and Sediment Control Layout            | 07/02/19 |
| DA-C0004 | H     | OSD Tank Layout Rawson St Level                | 07/02/19 |
| DA-C0005 | J     | Level 1 Basement Layout                        | 07/02/19 |
| DA-C0008 | F     | Stormwater Longitudinal Section                | 07/02/19 |
| DA-C0010 | H     | OSD Tank Sections Sheet 1                      | 07/02/19 |
| DA-C0011 | H     | OSD Tank Sections Sheet 2                      | 07/02/19 |
| DA-C0012 | H     | OSD Tank Sections Sheet 3                      | 07/02/19 |
| DA-C0013 | H     | OSD Tank Sections Sheet 4                      | 07/02/19 |
| DA-C0020 | B     | Drainage Catchment Layout                      | 07/02/19 |

**Further Civil Drawings (Wilson Consulting Engineers)**

| Plan No.            | Issue    | Plan Title                                 | Dated             |
|---------------------|----------|--|-------------------|
| <b>210803 – C00</b> | <b>1</b> | <b>Title, Notes &amp; Sediment Erosion</b> | <b>26/04/2022</b> |
| <b>210803 – C01</b> | <b>4</b> | <b>Site Plan – Ground Floor</b>            | <b>10/02/2023</b> |
| <b>210803 – C02</b> | <b>2</b> | <b>Site Plan – First Floor</b>             | <b>10/02/2023</b> |
| <b>210803 – C03</b> | <b>4</b> | <b>Detail Plan 1</b>                       | <b>10/02/2023</b> |

| Plan No.     | Issue | Plan Title             | Dated      |
|--------------|-------|------------------------|------------|
| 210803 – C04 | 3     | Detail Plan 2          | 10/02/2023 |
| 210803 – C05 | 3     | Detail Plan 3          | 10/02/2023 |
| 210803 – C10 | 1     | Sections North Laneway | 26/04/2022 |
| 210803 – C11 | 1     | Sections Beecroft Rd   | 26/04/2022 |
| 210803 – C12 | 1     | Sections Hunts Lane    | 26/04/2022 |
| 210803 – C13 | 1     | Sections Rawson Street | 26/04/2022 |

Landscape Drawings (Urbis Job No: ND1745)

| Plan No. | Issue | Plan Title                               | Dated      |
|----------|-------|--|------------|
| L-000    | O     | Cover Sheet + Drawing Register + Legend  | 31/10/2022 |
| L-101    | L     | Lower Ground Level Landscape Layout Plan | 22/07/2022 |
| L-102    | M     | Ground Level Landscape Layout Plan       | 22/07/2022 |
| L-103    | F     | Level 01 – Podium Landscape Layout Plan  | 22/09/2021 |
| L-104    | F     | Roof Landscape Layout Plan               | 31/10/2022 |
| L-105    | M     | Plant Schedule                           | 31/10/2022 |
| L-106    | E     | Roof Landscape Layout Plan               | 22/09/2021 |

Accompanying Reports

| Documents                | Reference Number | Prepared By                   | Dated    |
|--------------------------|------------------|-------------------------------|----------|
| Access Assessment Report | 221217           | Accessible Business Solutions | 18/12/21 |
| Acoustic Report          | 16SYA0015 R02_2  | TTM                           | 13/02/19 |

|  |                      |                         |                 |
|--|----------------------|-------------------------|-----------------|
| Investigation of acoustic treatment to façade for natural ventilation purposes | 16SYA0015 D03_1      | TTM                     | 17/10/18        |
| <b>BASIX</b>   | <b>741782M_06</b>    | <b>EMF Griffiths</b>    | <b>21/04/22</b> |
| <b>BCA Assessment Report</b>   | <b>114412-BCA-r2</b> | <b>BCA Logic</b>        | <b>10/12/21</b> |
| Design Report  | Revision: A          | Woods Bagot             | 09/11/17        |
| Green Travel Plan  | 4                    | TTM                     | 31/07/19        |
| <b>Report on Geotechnical Investigation</b>                                    | <b>85816.00</b>      | <b>Douglas Partners</b> | <b>25/10/17</b> |
| Report on Numerical Modelling and Impact Assessment                            | 85816.05             | Douglas Partners        | 12/02/19        |
| Landscape  | ND1745 [9]           | Urbis                   | 02/08/19        |
| Lift Services  | 216655               | EMF Griffiths           | 14/01/17        |
| Preliminary Numerical Analyses of Shoring Walls                                | 85816.02             | Douglas Partners        | 11/07/18        |
| Nationwide House Energy Rating Scheme  | 0003401750           | EMF Griffiths           | 27/11/18        |
| Preliminary Site Investigation   | 85816.00             | Douglas Partners        | 27/10/17        |
| Social Impact Assessment   | 15780-02             | Ethos Urban             | 09/07/18        |
| Statement of Environmental Effects   | 15780-01             | Ethos Urban             | 09/07/18        |
| Stormwater Management Plan   | 16115-D              | BornHorst & Ward        | July 2018       |
| Thermal Performance Specifications   | N/A                  | EMF Griffiths           | 26/10/18        |
| <b>Traffic Impact Statement</b>  | <b>202107_026</b>    | <b>TTM</b>              | <b>31/01/22</b> |
| <b>Traffic Calming Measures</b>  | <b>Figure 3</b>      | <b>Ethos Urban</b>      | <b>31/10/22</b> |
| <b>Waste Management</b>  | <b>16BRW0018_5</b>   | <b>TTM</b>              | <b>11/03/22</b> |
| Wind Comfort Conditions Memorandum   | 1804388              | RWDI                    | 21/08/19        |

**Note:** In the event of any inconsistency between the architectural plans, landscape plans, stormwater disposal plans or photomontages, the architectural plans shall prevail to the extent of the inconsistency.

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

**Note: As amended by DA/61/2018/A**

***Hazardous/intractable waste disposed legislation***

2. Hazardous or intractable wastes arising from the demolition process shall be removed

and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

- a) Work Health and Safety Act 2011
- b) NSW Protection of the Environment Operations Act 1997 (NSW) and
- c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

#### ***Building work in compliance with BCA***

3. 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.

#### ***Construction Certificate***

4. Prior to commencement of any construction works associated with the approved development (including excavation), 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.

#### ***No encroachment on Council and/or Adjoining property***

5. The development must be constructed within the confines of the property boundary. With the exception of the approved awnings and through site link, 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.

#### ***Demolition of Buildings***

6. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

**Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not

- to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
  - (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
  - (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
  - (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
  - (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
  - (i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
  - (j) 1.8m high protective fencing is to be installed to prevent public access to the site.
  - (k) 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.
  - (l) Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
  - (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
  - (n) Before demolition works begin, adequate toilet facilities are to be provided.
  - (o) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
  - (p) Within 14 days of completion of demolition, the applicant must submit to Council:
    - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
    - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
    - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to

commencement of any demolition works and after the completion of the demolition works.

**Reason:** To protect the amenity of the area.

***Tanked Basement Construction***

7. The perimeter walls and floor of the basement shall be constructed using a "Tanked Construction" method, to prevent any flood and ground waters seeping through the basement walls and floor base. The landowner shall manage groundwater inflows and outflows during construction and thereafter in perpetuity, including monitoring, to ensure there are no adverse effects on the environment and public health, including water table levels, surface and groundwater flow regimes, contamination and pollution, flooding, water quality and structural stability.

**Reason:** Protection of the environment and public health.

***Dewatering Licence***

8. Under the Water Act 2000 the proponent must obtain a dewatering licence for construction phase groundwater extraction. This should extend only for the duration of excavation and no dewatering should occur after the tanked (waterproofed) basement construction has been completed.

**Reason:** Aquifer management.

***Public Utility Relocation***

9. 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 ensure the applicant bears all reasonable costs for the development.

***Communal Open Space***

10. All the common areas proposed within the site, including rooftop terraces, shall be fully accessible to disabled persons.

**Reason:** To provide equitable access for disabled persons.

***Car Parking Allocation***

11. **A maximum of 153 car parking spaces shall be provided on site and shall comply with the following requirements:**
  - a) A maximum of 95 resident owned car parking spaces including 14 accessible parking spaces;
  - b) A minimum of 19 residential visitor car parking spaces including 1 accessible parking space and 3 spaces for electric vehicles;
  - c) A maximum of 35 retail car parking spaces including 2 accessible parking spaces; and
  - d) A minimum of 4 car share parking spaces.

**Reason:** To ensure traffic impacts from the development are minimised.

**Note:** Amended as per DA/61/2018/A

***Electrical Infrastructure - Asbestos***

12. Endeavour Energy's G/Net master facility model indicates that the site is in a locality identified or suspected of having asbestos or asbestos containing materials (ACM) present. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.



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

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

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

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

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

### ***Electrical Connection***

13. Although there are existing customer connections to the site, the applicant for the future proposed development of the site may need to submit an application for connection of additional load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. 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/>

Advice on the electricity infrastructure required to facilitate the proposed development (including asset relocations) can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Trade & Investment and details are available on their website via the following link or telephone 13 77 88:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

**Reason:** To comply with the requirements of Endeavour Energy.

### ***Electrical Easements***

14. The following is a summary of the usual / main terms of Endeavour Energy's electrical easements / protected electrical works requiring that the land owner:
- Not install or permit to be installed any services or structures within the easement site.
  - Not alter the surface level of the easement site.
  - Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

If the proposed works will encroach/affect Endeavour Energy's easements contact must first be made with the Endeavour Energy's Easements Officer.

It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

**Reason:** To comply with the requirements of Endeavour Energy.

### ***Electrical Infrastructure - Excavation***

15. If any excavation work affects Endeavour Energy's electricity infrastructure, prior contact must be made to Endeavour Energy's Easements Officer
- Reason:** To comply with the requirements of Endeavour Energy.

### ***Electrical Infrastructure – Tree Planting***

16. The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.
- Reason:** To comply with the requirements of Endeavour Energy.

### ***Electrical Workers Safety***

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

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

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should report this immediately via telephone to the 24-hour emergency service centre on 131 003.

**Reason:** To ensure construction safety procedures are appropriately implemented.

### ***Retention of Existing Art***

18. The sculpture located on the Rawson Street footway to the front of the site shall be retained in approximately the same location. The sculpture can be moved during construction. Any damage caused to the sculpture shall be repaid by the applicant at no cost to Council.

**Reason:** To maintain existing public art.

#### ***Sydney Metro – Other Requirements***

19. Any conditions or other requirements imposed by Sydney Metro as part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

#### ***Sydney Metro – Written Confirmation***

20. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

#### **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.)

#### **Planning**

#### ***Home Warranty Insurance***

21. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

**Note:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the

purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

**Reason:** To comply with the Home Building Act 1989.

### ***Developer Contributions***

22. A monetary contribution comprising \$2,003,471.27 is payable to the City of Parramatta Council prior to the issue of any Construction Certificate in accordance with City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre) and Section 7.11 of the Environmental Planning and Assessment Act 1979 as set out below:

| <b>Contribution Type</b> | <b>Amount</b>          |
|--------------------------|------------------------|
| Plan Administration      | \$ 3,806.61            |
| Community Facilities     | \$ 155,870.08          |
| Drainage & Water Quality | \$ 34,459.72           |
| Open Space & Recreation  | \$ 1,362,761.11        |
| Public Domain            | \$ 290,302.99          |
| Roads & Shared Paths     | \$ 156,270.76          |
| <b>Total</b>             | <b>\$ 2,003,471.27</b> |

All contributions will be index linked in accordance with Part 2.13 (Adjustment of contribution rates in this Plan) of City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre).

**Reason:** To provide for improvements to community infrastructure.

***(Amended under DA/61/2018/A)***

### ***Long Service Levy***

23. 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.

### ***Environmental Enforcement Service Charge***

- ~~24. 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.~~

~~**Note. Condition deleted by DA/61/2018/A**~~

### ***Infrastructure & Restoration Administration Fee***

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

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

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

### **Security Bonds**

26. In accordance with Section 4.17(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/61/2018;
- (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:

| <b>Bond Type</b>  |
|---|
| <b>Hoarding</b> <i>(see Schedule of Fees and charges (\$2,652 -\$5,304 per street frontage in current financial year)</i> |
| <b>Development Sites</b> <i>(see Schedule of Fees and Charges, \$25,750 in current financial year)</i>                    |
| <b>Street Trees</b> <i>(\$2060 per street tree in current financial year)</i>   |
| <b>Street Furniture</b> <i>(\$2060 per street tree in current financial year)</i>   |

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta 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.

### **No external service ducts**

27. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the

Construction Certificate to the satisfaction of the Certifying Authority.

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

***Single master TV antenna***

28. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on the building to service the development. A connection is to be provided internally to each dwelling/unit within the development. Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority. The connections are to be operational prior to the issue of any Occupation Certificate.

**Reason:** To protect the visual amenity of the area.

***SEPP 65 verification***

29. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

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

**Reason:** To comply with the requirements of SEPP 65.

***Construction Noise Management Plan***

30. 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.

***Energy Provider Requirements for Substations***

31. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

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

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

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



### ***Adaptable Dwellings***

32. At least 10% of all residential units (i.e. at least 13) shall be designed and fit-out as adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

**Reason:** To ensure the required adaptable dwellings are appropriately designed.

### ***Liveable Housing***

33. At least 20% of all residential units (i.e. at least **25**) shall be designed and fit-out to achieve the 'silver level' requirements as set out in the Liveable Housing Design Guidelines Details published by Liveable Housing Australia. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure study rooms are not converted to use as bedrooms.

**Note: Amended as per DA/61/2018/A**

### ***Storage Provision***

34. Prior to the issue of the Construction Certificate, the basement storage areas will be allocated to the applicable units to the satisfaction of the Principal Certifying Authority. The allocation will be such that each unit has a minimum total secure storage volume (including the storage space within each unit) as follows:

- i) 1 bedroom units – 6m<sup>3</sup>
- ii) 2 bedroom units – 8m<sup>3</sup>
- iii) 3 bedroom units – 10m<sup>3</sup>

**Reason:** To ensure each unit has sufficient on-site storage capacity.

### ***Waste and Recycling Storage Facilities***

35. Waste and recycling storage facilities are to be provided in each residential and retail unit. Details of the unit waste storage areas are to be provided to the satisfaction of the Principal Certifying Authority, prior to the issue of a Construction Certificate.

**Reason:** To ensure adequate storage for refuse.

### ***Specialist Reports***

36. The works/methods/procedures/control-measures/recommendations in the specialist reports outlined in Condition 1 shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Certifying Authority. A list of all of the recommendations and how they have been actioned shall be provided to Council.

**Reason:** To ensure a suitable level of residential and public amenity.

### ***Garbage Chutes***

37. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. **Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.** Details are to be provided on the plans and documentation accompanying the Construction Certificate application to the satisfaction of the Certifying Authority.

**Reason:** To ensure waste conveyance equipment is appropriately designed and managed.

**Note: Amended as per DA/61/2018/A**

***Provide Waste Storage Rooms on Premises***

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

**Reason:** To ensure provision of adequate waste storage arrangements.

**Note:** Amended as per DA/61/2018/A

***Storage of Bins Between Collection Periods***

- 38A. ***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.

**Note:** Added as per DA/61/2018/A

***Waste Room Positive Covenant/Restriction***

- 38B. ***A right of access and easement for Council to facilitate waste and recycling removal, using terms available from Council, must be registered on the land title with NSW Land Registry Services pursuant to Section 88B of the Conveyancing Act 1919.***

***The easement must entitle Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon, including vehicles and other equipment, for the purposes of waste and recycling collection.***

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

**Reason:** To ensure appropriate access to waste storage room(s) for removal of waste.

**Note:** Added as per DA/61/2018/A

***Amenity of Waste Storage Areas***

- 38C. ***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.

**Note:** Added as per DA/61/2018/A

### ***Management of Waste Storage Facilities***

- 38D.** *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.*

*Note: Added as per DA/61/2018/A*

### ***Waste Management Plan - Demolition***

- 38E.** *An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:*

- a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;*
- b) destination of each type of waste, including the name, address and contact number for each receiving facility.*

*The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site*

*Reason: To ensure waste is managed and disposed of properly.*

*Note: Added as per DA/61/2018/A*

### ***Road Surface to be Rated to Support Load Mass up to 25t***

- 38F.** *Prior to the issue of any Construction Certificate, the applicant is to provide evidence the ramp and any area the truck will travel will be constructed to support a load mass of up to 25t.*

*Reason: To ensure waste vehicles can safely access the ramp to provide waste collections.*

*Note: Amended as per DA/61/2018/A*

### ***Separation of Waste***

- 39.** Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public and are accessible by a private waste contractor for collection.

A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities as indicated in the Waste Management Plan. Prior to the issue of any Construction Certificate, a 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 subject 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 ensure appropriate waste storage facilities are provided for future occupants.

### ***Access and Services for People with Disabilities***

- 40.** Access and services for people with disabilities shall be provided to the 'affected part' of the building, in accordance with the requirements of the Access to Premises Standard 2010, and the National Construction Code 2013. Detailed plans, documentation and specification must accompany each application for a Construction

Certification to the satisfaction of the Certifying Authority.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

#### ***Location of Plant***

41. Prior to the issue of a Construction certificate, the Certifying Authority must be satisfied that all plant and equipment (including but not limited to air condition equipment) is located within the basement or screened on the roof, except as explicitly shown otherwise on the approved drawings.

**Note:** Architectural plans identifying the location of all plant and equipment must be provided to the Certifying Authority.

**Reason:** To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

#### ***Outdoor Lighting***

42. All outdoor lighting and lighting of publicly accessible spaces must comply with the relevant provisions of AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting, and with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting, and designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill.

A detailed lighting plan demonstrating compliance with these requirements be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

**Reason:** To protect the amenity of the surrounding neighbourhood from the emission of light and to provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

#### ***Location of Mains Services***

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

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

#### ***Reflectivity***

44. External materials must be pre-colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details demonstrating compliance must be submitted to, and approved by, Council's City Architect prior to issue of any Construction Certificate.

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

#### ***External walls and cladding flammability***

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

Principal Certifying Authority must:

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

**Reason:** To ensure building materials are sufficiently non-combustible.

### ***Obscure Glazing***

46. All window openings servicing a bathroom and/or WC within each dwelling must have either frosted or obscure glazing. Details are to be provided on the plans and documentation accompanying the Construction Certificate application to the satisfaction of the Certifying Authority.

**Reason:** To ensure privacy to adjoining sites is adequately maintained.

### ***Unit to Unit Acoustic Amenity***

47. The internal layout in all residential units described on the approved drawings as type A02 on Levels 2 – 18 (inclusive) shall be flipped east/west such that the room uses match those on adjacent units. Details shall be submitted to the satisfaction of the certifying authority prior to the issue of the relevant Construction Certificate.

**Reason:** To improve acoustic amenity in keeping with the requirements of the Apartment Design Guide.

### ***BASIX – Additional Information***

48. The BASIX certification, and associated NatHERS documentation, shall be updated as follows:

- The NatHERS certificate number shall be inputted into the BASIX certificate;
- The assessor shall re-certify the approved drawings; and
- The stamped drawings shall be updated to include the required thermal performance schedule.

Details demonstrating compliance shall be submitted to the satisfaction of Council's Manager DTSU prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure the proposal meets the requirements of the SEPP.

### ***Safety & Security***

49. The building design shall be amended as follows:

- The lower ground floor vehicle shutter locations shall be revised so as to ensure there are no concealed trap points within the site.
- The upper ground floor lift core shall be secured in such a way as to ensure there will be no concealed trap points or hiding places.
- The stairway between the upper ground floor and first floor communal terrace shall be secured in such a way as to only allow access for residents and to remove any concealed trap points.

Details demonstrating compliance shall be submitted to the satisfaction of Council's Manager DTSU prior to the issue of the relevant Construction Certificate.

**Reason:** To improve the safety and security of the building, its occupants, and the public.

### ***Alignment Drawings***

50. Prior to the issue of any construction certificate, the applicant is to submit, to the satisfaction of Council's Manager DTSU, revised alignment drawings demonstrating that the cross-fall in any public domain area will be between 1.0% and 2.5%.  
**Reason:** To ensure the safety and comfort of pedestrians.

### ***Drawing Modifications***

51. Notwithstanding Condition 1, the following drawing modifications shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate:
- a) The landings on the switch back ramp leading from the basement to the Rawson Street entry must provide a clear circulation width no less than 1540mm as shown in AS1428.1 Fig 25(C).
  - b) Ensure step-free access to lift lobby apron at all basement levels
  - c) Details of the amenities block at Beecroft Road ground level shall be provided.
  - d) **Ensure the entries to the retail outlets are to provide compliant step free low level thresholds with any variation in heights taken up within the retail spaces without distorting the footpath**

**Reason:** To improve safety and accessibility for residents.

**Note:** *Condition amended by DA/61/2018/A*

## Engineering

### ***Retaining walls***

52. 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 a Construction Certificate for assessment and approval by the certifying authority.

**Reason:** To minimise impact on adjoining properties.

### ***Sydney Water Tap In***

53. The approved plans must be submitted to the Sydney Water Tap in<sup>TM</sup> 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<sup>TM</sup> online self-service replaces our Quick Check Agents as of 30 November 2015.*

The Tap in<sup>TM</sup> 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-building-developing/building/sydney-water-tap-in/index.htm>

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

### ***Dial Before You Dig Service***

54. 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.

### **On Site Detention**

55. 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 any work 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 or Fourth Edition), the relevant Australian Standards and the National Construction Code.
- a. "Stormwater Management Plan", Drawing No 1-6, Issue 4, dated 10/02/23, prepared by Wilson Consulting Engineers.**
- (b) A Site Storage Requirement of **250m<sup>3</sup>/ha**, and a Permissible Site Discharge of **PSD 210 L/sec/ha** (when using 3rd edition of UPRCT's handbook)
- (c) ***Orifice shall be adjusted to account of the flow from the stormwater filters.***
- (d) ***Provisions shall be made to ensure emergency overflows from the OSD shall not enter any habitable floor space or the basement under any circumstances.***
- (e) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (f) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

***(Condition amended under DA/61/2018/A)***

### ***Stormwater Disposal***

56. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.  
**Reason:** To ensure satisfactory stormwater disposal.

### ***Collection and discharge of water from car wash bay***

57. All washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.  
**Reason:** To ensure satisfactory storm water disposal.

### ***Water treatment for stormwater***

58. ***3 X SPEL FILTER - SF-30-EMC FULL HEIGHT water quality treatment devices must be installed to manage surface runoff water to RAWSON STREET to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority. Substitutes will not be permitted.***  
**Reason:** To ensure appropriate water quality treatment measures are in place.

***(Condition amended under DA/61/2018/A)***

### ***Proposed inlet pit***

59. The proposed kerb inlet pit must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.  
**Reason:** To ensure appropriate drainage.

### ***Foundations adjacent to existing drainage pipes***

60. Foundations adjacent to any existing drainage pipes, must be constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements". Details must accompany an application for a Construction Certificate.  
**Reason:** To ensure structural stability of the stormwater pipe.

### ***Construction of OSD tank/filtration structure***

61. The underground OSD storage tank structures shall be constructed as designed and certified by a Qualified Structural Engineer, taking into account of the structural loads including dead load and live load from the above and surrounding areas/structures including the buoyancy forces, which exert load on the tank structures. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate and comply with Australian Standard: AS3600-2009-concrete structures and AS3700-2001-Masonry structures.

The principal certifying authority shall ensure that upon completion of the works a practicing certified Engineer has duly certified the construction works.

**Reason:** To ensure that the structural stability of the underground tank structure.

### ***Basement carpark and subsurface drainage***

62. 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.

**Reason:** To ensure satisfactory storm water disposal.

### ***Underground electricity supply***

63. Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.

**Reason:** To enable future upgrading of electricity services.

### ***Shoring for adjoining Council property***

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

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

### ***Construction of a heavy duty vehicular crossing***

65. 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.

### ***Exhaust fumes***

66. 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 a Construction Certificate.

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

***Security roller shutters for basement car parking***

67. Where a security roller shutter or boom gate prevents access to visitor car parking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure visitor car parking is accessible.

***Impact on Existing Utility Installations***

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

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

***Support for Council Roads, footpath, drainage reserve***

69. 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.

***Driveway Grades***

70. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

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

## Public Domain

### ***Public Domain Construction Drawings***

71. Prior to the issue of the Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted and approved by Council's DTSU Manager. The drawings shall address the following issues and areas:
- All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback;
  - Any publicly accessible areas;
  - Any works in carriageway, and
  - Onsite landscape work.

Grading of the pedestrian footway:

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

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

- The latest City of Parramatta Public Domain Guidelines (PDG);
- The approved Public Domain Alignment Drawings;
- The approved Public Domain Drawings, based on approved alignment drawings; and
- All the conditions listed in this consent.

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

### ***Public Domain Requirements***

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

#### Footpath

The standard '**Granite flagstone**', as per the PDG, **600x300x50mm, 400x300x50mm 'Sesame Grey', 'Austral Black' or 'Adelaide Black', with exfoliated/bush hammer finish** shall be applied to the entire public domain areas in Beecroft Road and Rawson Street for the full length of the development site. This includes the public footway and any setback between the building/podium line and property boundary.

The footpath paving set out and details must comply with Council's design standard (DS45).

Pavement pattern within the site must offer direct visual link to the 24/7 publicly accessible link by continuing the public domain paving across the site. This pattern can integrate with alternative pavement pattern across the remainder of the site.

Direction of pavement should be perpendicular first to the kerb and second to the building as per the PDG. Pavement at the pedestrian lane should be perpendicular to Hunts Lane kerb. Also, at the intersection of pavements Council's standard details for merging of pavement is required as per the PDG.

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).

#### Kerb Ramps

Kerb ramps must be designed and located in accordance with Council's design standards (DS45), using **'Granite flagstone', as per the PDG, 600x300x50mm, 400x300x50mm 'Sesame Grey', 'Austral Black' or 'Adelaide Black', with exfoliated/bush hammer finish**

Ramps are to be aimed to the ramp on the opposite side of the road.

#### Vehicle Crossing

Council's standard vehicle crossing is to be provided at vehicle entry from the lane to the north. Refer Council's design standard (DS45), using **'Granite flagstone', as per the PDG, 400x300x50mm, 200x300x50mm, 'Sesame Grey', 'Austral Black' or 'Adelaide Black', with exfoliated/bush hammer finish**

#### Tactile Indicators (TGSIs)

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

TGSI's must comply as follows.

- TGSI's are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) but, do not protrude into the public domain and interfere with the clear path of travel
- TGSI's are not required on a landing where handrails continue through the landing.

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

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be limited to, change in pavement colour, textures and or other visual aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant for consideration and inclusion in the Public Domain Construction Drawings prior to issuing of CC approval.

#### Sealant

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

#### 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.

#### 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.

#### Cycle racks

Public bike racks supplied and equally distributed (clusters of max 4-off racks) to the furniture zone of Rawson Street as per the PDG. Location outside of this zone to be agreed by Council's DTSU Manager prior to issue of Construction Certificate.

Cycle racks are to be located so that bicycles do not encroach onto the clear path of travel.

#### Lighting

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

#### Graded Walkways

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

If ramps are required, steeper than 1:20, they must comply as follows:

- Level landings at top and base
- Non-slip surfaces in wet and dry conditions
- Compliant handrails on each side with at least 1000mm between handrails
- A lower rail with maximum clearance of 65mm below.
- Any ramping, including handrail and tactile, must not extend beyond the future street wall and subsequent clear path of travel along Rawson Street and Beecroft Road.

#### Multi-media conduit

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

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 DTSU Manager prior to the issue of the relevant Construction Certificate.

**Reason:** To comply with the Public Domain Guidelines.

#### ***Awning***

73. The awning hereby approved is to extend the full length of the building frontage and be of adequate depth to provide seamless protection at the boundary with the awning of properties either side of the site.

**Reason:** To ensure awning provides adequate and seamless protection and comfort.

#### ***Street Tree Specifications***

74. Notwithstanding the approved public domain drawings (yet to be provided and approved), the required street tree species, quantities and supply stocks are:

| Street Name | Botanical Name | Common Name | Pot Size | Quantity | Average Spacing |
|-------------|----------------|-------------|----------|----------|-----------------|
|-------------|----------------|-------------|----------|----------|-----------------|

|               |  |              |        |   |
|---------------|--|--------------|--------|---|
| Beecroft Road | <i>Lophostemon confertus</i>             | Brush Box    | 200 lt | As shown on the approved drawings (or as agreed by Council's DTSU Manager) except relocate the one tree closest to bottom of pedestrian ramp away from ramp to provide generous landing at ramp bottom, possible new location is between architect's grids #2 and #3, while considering proposed awning above and above point regarding clear path of travel. |
| Rawson Street | <i>Lagerstroemia indica</i><br>'Natchez' | Crepe Myrtle | 200 lt |   |

**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 Council with the Occupation Certificate.

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

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standard for Beecroft Road **CoP Street tree planting in StrataVault with 1500x1500mm Grate** and for Rawson Street **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.

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

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.



***Sydney Metro – Approved Documents***

75. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
- (a) Report on Numerical Modelling and Impact Assessment Proposed High- Rise Development 48-54 Beecroft Road and 52-54 Rawson Street, Epping Revision 0 prepared by Douglas Partners dated 12 February 2019
  - (b) Report on Geotechnical Investigation, Proposed Residential Development 48 to 54 Beecroft Road and 52 to 54 Rawson St Epping Revision 0 prepared by Douglas Partners dated 6 July 2018.
  - (c) Engineering Report for the proposed Epping Tower located at 48-54 Beecroft Road prepared by Bornhorst + Ward Consulting Engineers dated July 2019.
  - (d) Shoring Early Works Sheet 1 — SK-S0151 Revision G prepared by Bornhorst + Ward Consulting Engineers dated 12 July 2019.
  - (e) Shoring Early Works Sheet 2 — SK-S0152 Revision E prepared by Bornhorst + Ward Consulting Engineers dated 12 June 2019.
  - (f) Shoring Early Works Sheet 3 — SK-S0153 Revision A prepared by Bornhorst + Ward Consulting Engineers dated 12 June 2019.
  - (g) Shoring Early Works Sheet 4 — SK-S0154 Revision A prepared by Bornhorst + Ward Consulting Engineers dated 12 June 2019.
  - (h) Shoring Early Works Sheet 5— SK-S0155 Revision A prepared by Bornhorst + Ward Consulting Engineers dated 12 June 2019.
  - (i) Side walls shear reactions calculations prepared by Bornhorst + Ward Consulting Engineers dated 5 August 2019.
  - (j) Survey Plan Version H — Plan showing railway property location Lots 1&2 in DP541808, Lots 3 & 4 in DP541960, Lot 1 DP592094, Lot A DP325036 and Lot 2 DP592094: 52-54 Rawson and 48-54 Beecroft Rd Epping — prepared by RHCO Richard Hogan and Co Surveying and Development Consultants.
  - (k) Memo — Response to Sydney Metro re modelling consistency with final shoring design prepared by Douglas Partners dated 31 July 2019.
  - (l) Memo — Response to Sydney Metro re bedding planes 48-52 Beecroft Road and 52-54 Rawson St Epping prepared by Douglas Partners dated 25 March 2019.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro – Certifier Requirements***

76. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Certifier confirming which documents (including the versions of those documents) apply to the development and the Certifier has confirmed that the construction drawings and specifications comply with those documents.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro – Final Documentation***

77. The Certifier must not issue a Construction Certificate for the development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following items:

- (a) A Final Excavation Staging Plan.
- (b) Final construction drawings for the Construction Certificate.
- (c) Monitoring plan addressing the following:
  - (i) The location of monitoring equipment
  - (ii) a hold point shall be added for the review of survey results and proposed action levels by the Civil Maintenance Engineer prior to commencement of works; and
  - (iii) nomination of a competent track person.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro - Rail Corridor***

78. All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro Northwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro Northwest rail corridor or rail operations, that part of the development must have a minimum design life of 120 years.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro - Survey***

79. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro - Noise & Vibration Legislation***

80. The development must:
- (a) comply with State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Technical Guidelines (available from [www.sydneymetro.infa](http://www.sydneymetro.infa));
  - (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
  - (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro - Noise & Vibration Report***

81. The Applicant must:
- (a) prepare a noise and vibration (acoustic) assessment report which confirms compliance with each of the matters outlined in condition 1.4; and

(b) incorporate as part of the development all the measures recommended in the noise and vibration (acoustic) assessment report.

A copy of the noise and vibration (acoustic) assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro - Electrolysis***

82. Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro – Encroachment***

83. No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro – Rock Anchors***

84. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, earthing or lightning protection rods are to be installed in the rail corridor, Sydney Metro property or easements, unless the Applicant has obtained prior written consent from Sydney Metro. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro – Construction Methodology***

85. Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:

(a) Machinery to be used during excavation/construction.

(b) Demolition, excavation and construction methodology and staging.

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental

***Sydney Metro - Risk Assessment/Management Plan***

86. If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.  
**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro – Tunnel Monitoring Plan***

87. If required by Sydney Metro, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.  
**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro - Craneage***

88. Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.  
**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro - Hydrologic Assessment Report***

89. Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.  
**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro – Drainage 1***

90. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.  
**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro – Documentation to Council***

91. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.  
**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### **Traffic**

#### ***Parking spaces to be provided***

92. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. **A total of 153 parking spaces are to be provided and be allocated as follows:**
- 96 spaces for the residential units including 14 spaces as accessible parking;**
  - 18 residential visitor parking including 1 space as accessible parking and 3 spaces for electric vehicles;**
  - 35 spaces for retail including 2 spaces as accessible parking;**
  - 4 spaces for car share**

**Note that one of the residential spaces are to be allocated to residential visitors to comply with the DCP requirements. Details are to be illustrated on plans submitted with the construction certificate application.**

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

**Note: Amended as per DA/61/2018/A**

#### ***Bicycle parking***

93. **134 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.

**Note: Amended as per DA/61/2018/A**

#### ***Parking amendments***

94. The bicycle parking and motorcycle parking spaces adjacent to the Cold Water Pump room on the lower ground floor plan shall be relocated within the basement. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the relevant construction certificate.

**Reason:** To provide compliant manoeuvring space for adjacent parking spaces.

#### ***Construction Traffic Management Plan***

95. A Construction Traffic Management Plan shall be prepared and submitted to the satisfaction of the Sydney Coordination Authority (Transport for NSW) and Council's Service Manager Traffic and Transport prior to the issue of any Construction Certificate. The following matters must be specifically addressed in the Plan:
- Construction Management Plan for the Site**
    - A plan view of the entire site and frontage roadways indicating:**
    - Access arrangements to and from the site.**
    - Proposed number of trucks during the phases of development**
    - Hours of proposed truck movements to and from the site.**

5. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and demolition related vehicles in the frontage roadways.
  6. Turning areas within the site for demolition and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
  7. The locations of proposed Work Zones in the egress frontage roadways.
  8. Location of any proposed crane standing areas.
  9. A dedicated unloading and loading point within the site for all demolition vehicles, plant and deliveries.
  10. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
  11. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- B. Traffic Control Plan(s) for the site:
1. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RTA '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.
  2. Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- C. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.
- D. The plan must address the following:
1. 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.
  2. Minimising construction related traffic movements during school peak periods.
  3. The CTMP is to include a requirement that there be 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. It is likely that the CTMP will include restrictions on the hours of the day that truck movements, use of the kerb side lane and traffic control can occur (beyond that normally imposed on construction activity).

**Reason:** To manage construction impacts.

### ***Car Parking Condition***

96. Prior to the issue of the construction certificate, 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.

**Reason:** To ensure appropriate vehicular manoeuvring is provided.

### ***Accessible Car parking***

97. At least **17** accessible car parking spaces must be provided as part of the total car parking requirements (at least **14** residential, **1 residential visitor** and **2** retail). These spaces, and access to these spaces, must comply with AS2890.6: 'Parking facilities', 'Off-street parking for people with disabilities', AS1428.1: 'Design for access and mobility', 'General requirements for access - New building work' 2001 and 2009, and AS1428.4: 'Design for access and mobility', 'Tactile ground surface indicators for orientation of people with vision impairment', 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009. Details are to accompany each application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

**Note:** *Amended as per DA/61/2018/A*

### ***Motorcycle Parking***

- 97A. **13** 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 construction certificate.

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

**Note:** *Amended as per DA/61/2018/A*

### ***Pedestrian Sightlines***

- 97B. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

**Note:** *Amended as per DA/61/2018/A*

### ***Convex Mirrors***

- 97C. Convex mirror(s), as nominated in the Traffic Impact Assessment report by Street Level Strategies dated 31 January 2022, are to be installed at the basement car park and along access ramps, with their height and location 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 construction certificate.

**Reason:** To ensure safety of drivers and pedestrians.

**Note:** *Amended as per DA/61/2018/A*

### ***Pavement Markings***

- 97D. Pavement markings of all EV spaces are to be provided in accordance with Table 6.1 of the Austroads 'Standardised Signage and Pavement Symbols for Low and Zero Emission Vehicles' research report (AP-R667-22) for electric-powered vehicles. Any EV infrastructure installed should not impact the dimensions of any parking spaces. Details are to be illustrated on plans submitted with the construction certification application.

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

**Note: Amended as per DA/61/2018/A**

***Visitor Parking***

98. Each basement visitor car parking space is to be signposted. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant construction certificate.

**Reason:** To comply with Australian Standards.

***Security***

99. The resident occupant parking areas of the basement shall be separated from the commercial and visitor parking sections by a secure shutter. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant construction certificate.

**Reason:** To improve security for residential occupants.

Other

***Tree Pot Conversion***

100. The tree pots outlined on the approved landscape drawing reference L-106 shall be replaced by permanent planters of a size certified by a qualified landscape arborist as being appropriate to house the trees proposed for those pots on the drawings. Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant construction certificate.

**Reason:** To ensure plants cannot be removed after occupation.

***Planting Upon Structure***

101. The following information shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the relevant Construction Certificate:

- (a) Construction details showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens are to be provided by a suitably qualified structural engineer.
- (b) A specification for the soil volume, soil depth and soil area must meet the prescribed standards in "Apartment Design Guide – tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015) to be provided by a suitably qualified Landscape Architect/Designer for all proposed tree plantings with an expected mature height of five (5) metres or greater.
- (c) A specification ('Fit-for-purpose' performance description) for soil type must be provided by a suitably qualified Landscape Architect/Designer.
- (d) Tree planting densities shall not exceed the prescribed soil volume and area required for plant type and certification must be provided by a suitably qualified Landscape Architect/Designer.

**Reason:** To ensure the creation of functional gardens.

***Planting Beds along Street Frontage***

102. All the plants in the planter boxes along the building frontages shall be no less than 200mm (or 45L for shrubs) pot sized. All the planter boxes shall have no less than 600mm deep soil level with free draining soil mixes, in accordance with AS 4419:1998 – Soils for landscaping and garden use, and incorporated with drainage layers and pipes connecting to nearest stormwater pit.

All planting in communal open space shall be planted as a minimum, as per 4P

Planting on Structure of the ADG

An automatic irrigation system shall be set up for the planting bed. The public domain



construction documentation must include the full performance specifications for the installation and operation.

**Reason:** To ensure high quality building interface to public domain and minimise potential impacts.

#### ***Planter Irrigation***

103. 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.

#### ***Noise Impact on Residential Building***

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

- **Residential**

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

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

#### ***Submit Detailed Concept Development, Including Artwork***

105. A Detailed Public Art Plan prepared by a suitably qualified and experienced public art consultant, in accordance with the City of Parramatta's 'Interim Public Art Guidelines for Developers', shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

The Public Art Plan is to include contextual and historical themes, and design details of each public art work, including concept drawings, scale and context, materials and finishes, timeline showing staging of the artwork, and an estimated budget, indicated on the approved plans.

**Reason:** To achieve public art that is consistent with Council's guidelines.

#### ***Energy Provider Requirements for Substations***

106. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for the relevant Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

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

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

**Reason:** To ensure adequate electricity supply to the development and to ensure

appropriate streetscape amenity.

***Design of Fit-out to Comply with Food Safety Standard***

107. Detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate.

The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards:
  - Standard 3.2.2 Food Safety Practices and General Requirements
  - Standard 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- (d) No approval is granted for any remote storage area.
- (e) The business being registered with NSW Food Authority.
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

**Note:** Copies of AS 4764 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

**Reason:** To ensure design of the premises meets relevant public health standards.

***RMS – Sight distances***

108. Sight distances from the proposed vehicular crossings are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic. Details demonstrating compliance are to be issued to the satisfaction of the Principal Certifying Authority prior to issue of the relevant Construction Certificate.

**Reason:** To satisfy the requirements of NSW Roads and Maritime Services.

***Acoustic Vents – Further Detail***

109. Further details of the acoustic vents outlined on Drawing No. A-DA-2973 Rev 3 by Woods Bagot dated 11/02/19, demonstrating that they will provide the required ventilation and acoustic insulation requirements to all required units, is to be provided to the satisfaction of Council's Manager DTSU prior to the issue of the relevant construction certificates.

**Reason:** To ensure amenity of future occupants.

**Prior to Work Commencing**

Planning

***Appointment of PCA***

110. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

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

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

**Reason:** To comply with legislative requirements.

#### ***Enclosure of the Site***

111. 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.

#### ***Site Sign***

112. 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;

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

This condition does not apply where works are being carried.

**Reason:** Statutory requirement.

#### ***Toilet Facilities on Site***

113. Prior to work commencing, adequate toilet facilities are to be provided on the work site.
- Reason:** To ensure adequate toilet facilities are provided.

#### ***Public Liability Insurance***

114. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
  - (b) Below; or
  - (c) On

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

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

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

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

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

#### ***Footings and Walls Near Boundaries***

115. 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.

#### ***Survey Report***

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

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

### **Engineering**

#### ***Road Opening Permits***

117. 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.

#### ***Dilapidation Survey & Report for Private Properties***

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

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

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

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

**Reason:** Management of records.

### **Construction Phase Soil and Water management Plan**

119. Prior to the commencement of construction, a construction phase soil and water management plan must be prepared to the satisfaction of the Principal Certifying Authority. This plan must address, but is not limited to, the applicants proposed management strategies for the following issues:

*a) Stormwater management*

All stormwater incident on the construction site must be collected and appropriately disposed of in a manner that does not increase the flood risk for the catchment area or degrade the quality of water being disposed to council stormwater infrastructure.

*b) Construction material pollution protection*

During construction, any stockpiled materials and/or construction waste stored onsite is to be isolated from stormwater flow to Council stormwater systems and natural waterways, in order that it not become a pollutant. This is to be achieved with provision of continuous perimeter bunding around waste storage areas, constructed to be of sufficient height and durability to withstand site-specific stormwater conditions and construction activity for the life-cycle of the construction project.

*c) Erosion and sediment control measures*

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to include, but not be limited to:

- i) Vehicle Wheel wash, cattle grid, wheel shaker or other appropriate device to remove sediment from vehicle wheels.
- ii) A sediment trapping fence, made of a geotechnical textile specifically designed for such a purpose and installed and maintained to manufacturer's specifications, placed below the disturbed area of the construction site along contours.
- iii) Vegetation is to be maintained on the development site as much as possible, and shall not be cleared from neighboring sites.
- iv) Vehicle access shall be restricted to one designated point, and vehicle driveways are to be adequately covered at all times with blue metal or the like.

All devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

*d) Environmental due diligence*

In order to remain compliant with the POEO Act (1997), environmental due diligence must be demonstrated to have been exercised throughout the construction process. To this end, an external, regular environmental management and monitoring system must be proposed, to ensure the integrity of pollution control measures.

*e) De-watering of the excavation cavity*

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. For water accumulated within an excavation to be approved for drainage into Council Stormwater systems, the following discharge water quality standards must be met at all times throughout the construction phase of the development:

- i) pH 6.5-8.5;
- ii) Total Suspended Solids (TSS) 50 mg/l;
- iii) Oil and Grease 'Not visible'.
- iv) If site identified as containing contaminated or acid-sulphate soils, all trace contaminants must be removed from the groundwater prior to disposal.

This may be achieved through the use of a 'WETSEP' system or equivalent, to hold and treat water prior to discharge.

Full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance must be presented in the final plan.

**Reason:** Environmental protection.

***Geotechnical Report***

120. 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.

### ***Erosion and Sediment Control measures***

121. 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.

### ***Site Maintenance***

122. 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.

### ***Shoring and Adequacy of Adjoining Property***

123. 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.

### ***Special Permits***

124. 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.

***Driveway Crossing Application***

125. 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 Council's 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.

***Existing Damage to Public Infrastructure***

126. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Council of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters, drainage pits, pipes etc. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works. Failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs

**Reason:** To ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development.

## Other

### **Asbestos Hazard Management Strategy**

127. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

### **Hazardous Material Survey**

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

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

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

### **Signage – Contamination**

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

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

### **Signage - Asbestos**

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

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

### **Prior to the Commencement of Construction in Public Domain**

131. The certifying authority is to confirm the ground floor slab levels, including finishes, finish flush with existing public domain as per the approved Public Domain Alignment Drawings  
**Reason:** To ensure the public domain is constructed in accordance with Council standards.

***RMS – Road Occupancy Licence***

132. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Beecroft Road during construction activities.  
**Reason:** To satisfy the requirements of NSW Roads and Maritime Services.

***RMS – Stormwater Drainage***

133. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Email Suppiah.Thillai@rms.nsw.gov.au.

**Reason:** To satisfy the requirements of NSW Roads and Maritime Services.

***RMS - Excavation***

134. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.  
Telephone 8849 2114

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

**Reason:** To satisfy the requirements of NSW Roads and Maritime Services.

## **During Work**

### **Planning**

#### ***Copy of Development Consent***

135. A copy of this development consent, together with the stamped plans, reference documents and associated specifications, is to be held onsite 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.

#### ***Materials on Footpath***

136. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs, or vehicles associated with the construction, excavation, or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park, or reserve without the prior approval being issued by Council under section 138 of the *Roads Act 1993*.

**Reason:** To ensure pedestrian access.

#### ***Materials on Drainage Line***

137. 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.

#### ***Hours of Work and Noise***

138. 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 hours of 7:00am and 5:00pm on Monday to Friday inclusive, and 8:00am to 5:00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7:00am and 5:00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

**Reason:** To protect the amenity of the area.

#### ***Complaints Register***

139. 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:
- i) The date and time of the complaint;
  - ii) The means by which the complaint was made;
  - iii) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
  - iv) Nature of the complaints;
  - v) Any action(s) taken by the applicant in relation to the complainant, including any follow up contact with the complainant; and
  - vi) 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 to ensure complaints are dealt with appropriately.

## Engineering

### ***Erosion & Sediment Control Measures***

140. 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.

### ***Damage to Public Infrastructure***

141. 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.

### ***Construction of a Standard Kerb Ramp***

142. Standard Kerb Ramps are to be constructed at intersections 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.

### ***Car Parking & Driveways***

143. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

**Reason:** To ensure appropriate car parking.

### ***Vehicle Egress Signs***

144. 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.

### ***Nomination of Engineering Works Supervisor***

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

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

### ***Handled and Disposed of by Licensed Facility***

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

**Reason:** To ensure appropriate disposal of asbestos materials.

### ***Waste Data Maintained***

147. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.  
**Reason:** To confirm waste minimisation objectives are met.

### ***Public Domain Works Inspections***

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

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

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Completion of unit (granite) paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer; and
- Completion of paving sealant application and tactile indicator installation as per Council's specification.
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery; The contractor shall provide Council Officer the NATSPEC document to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

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

As each basement level is constructed provide survey data demonstrating level change is not required at the building/public domain interface as per the approved updated Alignment Drawings.

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

### ***De-Watering of Excavated Sites***

149. 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:

- i) The pollution of waters,
- ii) Nuisance to neighbouring properties, or
- iii) Damage/potential damage to neighbouring land and/or property.

A De-Watering Plan is required to be included and submitted to the Principal Certifying Authority for review prior to issue of a Construction Certificate.

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

### Sydney Metro

#### ***Sydney Metro - Supervision***

150. Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

#### ***Sydney Metro - Monitoring***

151. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
  - (b) acts as the authorised representative of the Applicant; and
  - (c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

#### ***Sydney Metro – Consultation***

152. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

#### ***Sydney Metro - Communication***

153. Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro corridor protection team which can be contacted via email at [SydneyMetroCorridorProtection@transport.nsw.gov.au](mailto:SydneyMetroCorridorProtection@transport.nsw.gov.au)

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

#### ***Sydney Metro - Contamination***

154. Prior to the issue of a Construction Certificate, the Applicant shall provide a

Contamination Assessment Report to Sydney Metro for review. Any contamination identified which is migrating (or at risk of migration) from the development site into the rail corridor shall be remediated by the Applicant to the satisfaction of Sydney Metro prior to the construction of the project and a Validation Report provided to Sydney Metro for endorsement following any remediation works. The Certifier must not issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro – Drainage 2***

155. The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro – Drainage 3***

156. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro - Ponding***

157. The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro - Rainwater***

158. Rainwater from the roof of the development must not be projected and/or fall into the rail corridor and must be piped down the face of the building which faces the rail corridor.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

### ***Sydney Metro - Notice***

159. If required by Sydney Metro the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:

- (a) site investigations;
- (b) foundation, pile and anchor set out;
- (c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
- (d) foundation, pile and anchor excavation;
- (e) other excavation;
- (f) surveying of foundation, pile and anchor excavation and surveying of as built excavations;
- (g) other concreting; or



- (h) any other event that Sydney Metro has notified to the Applicant in writing so that Sydney Metro may inspect the carrying out or completion of those works on the development site.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro – Inspections prior to and during work***

160. If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

Traffic

***Occupation of any part of footpath/road***

161. 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.

***Oversize vehicles using local roads***

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

**Reason:** To ensure maintenance of Council's assets.

Other

***Contamination – Additional Information***

163. 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.

***Imported fill***

164. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

**Reason:** To ensure imported fill is of an acceptable standard.

***Discharge of Contaminated Groundwater***

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

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

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

***Remediation***

166. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

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

***Requirement for removal of underground storage tanks***

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

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

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

***Removal of underground storage tanks***

168. Underground tanks shall be decommissioned and removed in accordance with:
- (a) Australian Institute of Petroleum (AIP) Code of Practice for the Removal and Disposal of Underground Petroleum Storage Tanks (ref. AIP CP22).
  - (b) Australian Standard AS 1940: 2004 AS 1940:2004 The Storage and Handling of Flammable and Combustible Liquids.
  - (c) Work Cover NSW Code of Practice for the Storage and Handling of Dangerous Goods
  - (d) NSW Department of Environment and Climate Change: Environmental Guidelines: Assessment, Classification and Management of Liquid and Non Liquid Wastes

**Reason:** To ensure the safe removal of underground storage tanks.

***Asbestos-records disposal & licensed waste facility***

169. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA

licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

**Reason:** To ensure appropriate disposal of asbestos materials.

***Disposal of Material at Licensed Landfill***

170. 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.

***Dust Control***

171. 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 the City of Parramatta Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the *Protection of the Environment Operations Act 1997*.

**Reason:** To protect the amenity of the area.

***Electrical Infrastructure Access***

172. Access to the existing electrical infrastructure adjacent and on the site must be maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

**Reason:** To ensure that supply electricity is available to the community in the protection of services.

***Demolition***

173. Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001 'The demolition of structures'. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead and underground cables etc.

**Reason:** To comply with the requirements of Endeavour Energy.

***RMS – Works Zones***

174. Construction works zone will not be permitted on Beecroft Road.

**Reason:** To satisfy the requirements of NSW Roads and Maritime Services.

**Prior to the issue of an Occupation Certificate / Subdivision Certificate**

Planning

***Occupation Certificate***

175. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

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

### ***Record of inspections carried out***

176. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:
- (a) The development application and Construction Certificate number as registered;
  - (b) The address of the property at which the inspection was carried out;
  - (c) The type of inspection;
  - (d) The date on which it was carried out;
  - (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
  - (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

**Reason:** To comply with stator requirements.

### ***Street Number when site readily visible location***

177. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

**Reason:** To ensure a visible house number is provided.

### ***BASIX Compliance***

178. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 741782M\_07, will be complied with prior to occupation

**Reason:** To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

**Note:** Amended by DA/61/2018/A

### ***Provision of Endeavour Energy services***

179. 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.

### ***The Release of Bond(s)***

180. 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 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.

### ***SEPP 65 verification statement OC stage***

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

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

**Reason:** To comply with the requirements of SEPP 65.

### ***Adaptable Dwellings***

182. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification which demonstrates that the required adaptable dwellings have been provided and achieve a class C design in accordance with the requirements of AS 4299 -1995.

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

### ***Liveable Housing***

183. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification which demonstrates that the required Liveable Housing Guidelines Silver Level dwellings have been provided.

**Reason:** To ensure that the development provides accessible dwelling options for future occupants.

### ***Public Access***

184. Prior to the issue of an Occupation Certificate, the applicant shall establish a public right of way on title over all external areas at the lower ground and ground floor levels (including, but not limited to, the front setbacks and the through-site link) for unrestricted public access in perpetuity.

**Reason:** To ensure that public benefits are provided in keeping with the applicant's offer.

### ***Certification – Fire Safety***

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

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

### ***Schedule of Street Numbering***

186. Prior to the issue of an Occupation Certificate, the developer must provide Council with a schedule of individual unit/street numbers as displayed within the development for identification purposes. The numbering sequence must be in accordance with the street numbering approval letter issued by Council.

**Reason:** To ensure developments are appropriately numbered.

### ***Waste Storage Rooms***

187. 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 appropriate waste storage facilities are provided for future occupants.

### ***Broadband Access***

188. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements have been made with the National Broadband Network (NBN) Company where relevant, and implemented at no cost to Council for the provision of broadband access to the development.

**Note:** For more information contact NBN Co. Development Liaison Team:

Call: 1800 881 816

Email: [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au)

Web: [www.nbnco.com.au/NewDevelopments](http://www.nbnco.com.au/NewDevelopments).

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

### ***Provision of Telephone Services***

189. The submission of documentary evidence from the telecommunications provider authorised under the *Telecommunications Act 1997* confirming arrangements have been made for the provision of telephone services prior to the issue of a Subdivision Certificate.

**Reason:** To ensure appropriate telephone services are provided.

### ***Strata Subdivision Certificate***

190. A separate application must be made to Council to obtain approval of the strata plan under section 37 of the Strata Schemes (Freehold Development) Act 1973. The linen plan must not be issued until a final occupation certificate has been issued.

**Reason:** To comply with the *Strata Schemes (Freehold Development) Act 1973*.

### ***Green Travel Plan***

191. Prior to issue of any occupation certificate the applicant is to submit a revised Green Travel Plan, to the satisfaction of Council's Manager DTSU, which includes the following additional initiatives:

- Car pooling information boards and groups

**Reason:** To minimise private vehicle ownership and use.

### ***Drawing Modifications – Residential***

192. Prior to the issue of the final Occupation Certificate the applicant is to submit, to the satisfaction of Council's Manager DTSU, a signage and lighting strategy for the Rawson Street residential entry demonstrating that it will be safe and legible.

**Reason:** To improve safety and accessibility for residents.

### ***Wayfinding Signage***

193. Prior to the issue of the final Occupation Certificate the applicant is to submit, to the satisfaction of Council's Manager DTSU, a wayfinding signage strategy for the lane and implement the agreed wayfinding signage on site.

**Reason:** To ensure the through site link is legible to the public.

### ***Wayfinding Signage***

194. Prior to the issue of the final Occupation Certificate the applicant is to submit, to the satisfaction of Council's Manager DTSU, a wayfinding signage strategy for the lane and implement the agreed wayfinding signage on site.

**Reason:** To ensure the through site link is legible to the public.

### ***Wayfinding Signage***

195. Prior to the issue of the final Occupation Certificate or Subdivision Certificate, the applicant is to ensure that adjacent basement storage cages are not allocated to the same strata unit.  
**Reason:** To ensure that storage cages are not converted to parking spaces in the future.

## **Engineering**

### ***Reinstatement of laybacks***

196. 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 an Occupation Certificate. All costs must be borne by the applicant.  
**Reason:** To provide satisfactory drainage.

### ***Lot consolidation***

197. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.  
**Reason:** To comply with the Conveyancing Act 1919.

### ***Section 73 Certificate***

198. 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](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

If you require any further information, please contact Lulu Huang of Growth Planning and Development on [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

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

### ***Work-as-Executed Plan***

199. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted
- 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.
  - 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 using the pyramid volume and prismatic volume calculation method.
- d. OSD WAE Survey certification form and WAE dimensions form (Form B10 and attachment B. Refer to UPRCT Handbook).
- e. Certificate of Hydraulic Compliance (Form B11) from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- f. Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- g. Structural Engineer’s Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall etc.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and another set of the documents shall be submitted to Council.

**Reason:** To ensure works comply with approved plans and adequate information are available for Council to update the Council’s Record.

#### ***OSD Positive Covenant/Restriction***

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

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

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

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

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

#### ***Positive Covenant for Water Treatment Devices***

201. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the Water Quality improvement facilities installed on the lot. The positive covenant and Restriction on the use of land shall be created only upon completion of the system and certification by a qualified practicing engineer to the satisfaction of the Principal Certifying Authority.

**Note:** The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.

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



### ***Street Numbering***

202. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.  
**Note:** Notification of all relevant authorities of the approved street numbers must be carried out by Council.

**Reason:** To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

### ***Driveway Crossover***

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

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

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

**Note 1:** This development consent is for works wholly within the property.

Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

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

**Reason:** Pedestrian and Vehicle safety.

### ***Construction of a standard kerb ramp***

204. Proof of completion of the Kerb Ramp must be submitted to the satisfaction of the Council prior to the issue of an Occupation Certificate.

**Reason:** To provide adequate access.

### ***Post-construction dilapidation report***

205. 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, infrastructure and roads. The report is to be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and

- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.
- (d) Forward a copy of the dilapidation report with the PCA's comparison and assessment review report to Council.

**Reason:** To establish the condition of adjoining properties prior building work and ensure any damage as a result of the construction works have been rectified.

***All Works/Methods/Procedures/Control Measures***

206. Prior to the issue of an Occupation Certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and the City of Parramatta, stating that all works/methods/procedures/control measures/recommendations approved by Council in the specialist reports listed in Condition 1 have been implemented.

**Reason:** To demonstrate compliance with submitted reports.

Sydney Metro

***Sydney Metro - Noise & Vibration Certification***

207. Prior to the issue of an Occupation Certificate, a noise and vibration (acoustic) assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:

- (a) State Environmental Planning Policy (Infrastructure) 2007;
- (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
- (c) any other noise and vibration requirements imposed by this consent. The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. The report must also detail any works and corrective measures that were required to be undertaken to comply with this condition.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro – Documentation 1***

208. Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro – Documentation 2***

209. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue

of an Occupation Certificate.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

***Sydney Metro – Inspections prior to Occupation Certificate***

210. If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

Traffic

***Exclusion from Parking Permits***

211. Prior to issue of an Occupation Certificate or Subdivision Certificate, a Positive Covenant and Restriction on the use of land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner of each residential lot with disqualification from participation in any existing or future City of Parramatta Council on-street resident parking permit scheme. The authority to release must be the City of Parramatta Council.

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

**Note:** The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW.

**Reason:** To reduce parking demand.

***Car Share***

212. The Applicant shall provide written evidence to Council's DTSU Manager, prior to release of the final Occupation Certificate, demonstrating that at least four (4) car share spaces have been offered to all car share providers operating in Greater Sydney together with the outcome of the offers or a letter of commitment to the service.

**Reason:** To comply with Council's parking requirements.

***Car Share Spaces Protected***

213. Prior to the issue of an Occupation Certificate, a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to provide and maintain at least four (4) car share parking spaces on the lot and provide public access to these spaces. The authority to release must be the City of Parramatta Council.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the car share space(s) within the lot.

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

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

#### ***Car Share as Common Property***

214. Prior to issue of any Subdivision Certificate, the Certifying Authority is to ensure that the car share spaces are included within common property on the site. These spaces are not to be sold for use as, leased for use as, or used as, residential occupant spaces.

**Reason:** To ensure the ongoing availability of these facilities.

#### ***Green Travel Plan Fulfilment***

215. Prior to issue of the final residential Occupation Certification the Principal Certifying Authority is to be satisfied that the facilities provided on site are in accordance with the recommendations of the Green Travel Plan revision 4 prepared by TTM and dated 31/07/19 (and the later revisions required by this consent).

**Reason:** To ensure implementation of the Green Travel Plan.

#### **Other**

##### ***Certification – Artwork***

216. Final documentation including details of fabrication and installation of the public art work, including a maintenance schedule, must be submitted and approved by Council and the art work completed in full and installed to the satisfaction of Council prior to the issue of the final Occupation Certificate.

**Reason:** To comply with Development control requirements.

##### ***Commencement of commercial waste collection services***

217. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the commercial units shall be submitted to the satisfaction of the PCA.

**Reason:** To ensure a waste collection service is commenced at the time of occupation of the development.

##### ***Public Domain Works-as-Executed***

218. Prior to **any issue** of the Occupation Certificate (including a Preliminary OC), the public domain construction works must be completed to Council's satisfaction and a **final approval** shall be obtained from Council's Assets & Environment Manager.

Council will issue the **final approval** for the finished public domain works that complied with the approved public domain documentations and 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 approval is obtained.

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 OC.

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. A Landscape

maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council that specifies at 26 (or 52) weeks after Council's final approval how and who's to maintain the public domain works.

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

#### ***Tree Planting Above 25L Container Size***

219. All trees supplied above a 25L container size must be grown and planted in accordance with Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No.2. Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

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

#### ***Landscape Certification***

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

**Reason:** To ensure restoration of environmental amenity.

#### ***Provision of Endeavour Energy Services***

221. 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.

#### ***Notification of food business– Council***

222. Prior to an Occupation Certificate being issued, Council must be notified that the premises is to be used for the preparation or manufacture of food for sale so that the premises can be registered on Council's food premises licensing database.

**Reason:** Compliance with the requirements of the Food Act.

#### ***Certify mechanical ventilation installation***

223. Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS 1668 (Parts 1 & 2) is to be provided to the certifying authority prior to occupation of the premises.

**Reason:** To comply with the Building Code of Australia and the relevant Australian Standard.

#### ***Certify fitout complies with food safety standards***

224. Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.  
**Reason:** To ensure construction and fit-out of the premises meets relevant public health standards.

***House sewer and plumbing work***

225. All house sewer and plumbing work shall conform to the requirements of AS 3500: 2003, National Plumbing Code as well as the NSW Code of Practice for the Plumbing and Drainage 3rd edition, 2006. In this regard, a licensed plumber is to submit a Certificate of Compliance to the principal certifying authority certifying that all plumbing and drainage works have been carried out in accordance with prescribed standards prior to the occupation certificate.

**Reason:** To ensure compliance of relevant standards

Waste

***Recycling separation***

- 225A. 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.

***Note:*** Added as per DA/61/2018/A

***Waste Inspection***

- 225B. Prior to the issue of any Occupation Certificate, communal waste facilities and associated vehicle access on the site shall be inspected and approved by Council's Waste Service Team. Written confirmation of the waste facility approval from Council shall be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.**

***Reason:*** To ensure the appropriate waste collection facilities are provided.

***Note:*** Amended as per DA/61/2018/A

***Waste By Law***

- 225C. Prior to the issue of any Occupation Certificate, a draft strata by-law with the insertion of waste specific by-laws is to be provided to Council's Waste Service Team. The waste specific by-laws can be provided by Council's Waste Service Team.**

***Reason:*** To ensure that appropriate waste collection facilities are adequately managed by the authorised representatives and occupants of the building and to ensure no waste activities generated on site is placed on public land.

***Note:*** Amended as per DA/61/2018/A

***Lock Box***

- 225D. Prior to the issue of any Occupation Certificate, a waste lockbox is to be purchased from Council and installed in an agreed location between Council and the applicant. The location can be determined during onsite inspection by Council's Waste Service Team.**

***Reason:*** To ensure appropriate access for waste collection.

***Note:*** Amended as per DA/61/2018/A

Operational Conditions - The Use of the Site

***Air-conditioning Noise Emission***

226. 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.

Any air conditioners must not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

- i) Before 8:00am and after 10:00pm on any Saturday, Sunday or public holiday; or
- ii) Before 7:00am and after 10:00pm on any other day.

Emit a sound pressure level when measured at a boundary of any other residential property, at a time other than those specified in (a) and (b) above which exceeds the background (LA90, 15 minute) by more than 5dB(A).

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

**Reason:** To minimise noise impact of air conditioning equipment and protect amenity

### ***Noise from mechanical equipment***

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

**Reason:** To protect the amenity of the area.

### ***Use is not to cause offensive noise or vibration***

228. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A).  
The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

**Reason:** To prevent loss of amenity to the area.

### ***Graffiti Management***

229. 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.

### ***Garbage Collection***

230. All garbage collection must occur on site (i.e. off-street).

**Reason:** To minimise impact on the road network.

### ***Signage Consent***

231. No advertisement or signage shall be erected on, or in conjunction with the development without prior consent. No digital displays are to be installed behind the shop display or otherwise.

**Reason:** To comply with legislative controls.

### ***Shopfront Appearance***

232. Roller shutters are not to be placed over any external door or window of the premises.

**Reason:** To provide an appropriate streetscape appearance.

### ***Maintenance of Public Domain Works***

233. A two-year (104 weeks) maintenance period, from the date of issue of the final Occupation Certificate, is required to be carried out by the applicant for all the works constructed in the public domain.

A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council, prior to the issue of the final Occupation Certificate, that specifies after Council's final approval who and how to maintain the public domain works during the 104 weeks.

**Reason:** To ensure the required public domain improvements are maintained.

234. ***Retail Operation***

The hours of operation of the lower ground and ground floor retail premises are restricted to 7:00am to 10:00pm daily, unless approved otherwise under a separate application.

**Reason:** To minimise the impact of the use on adjoining properties.

### ***Maintenance of Waste Storage Areas***

235. 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.

### ***Waste Storage***

236. 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.

### ***Putrescible Waste***

237. 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.

### ***General requirements for liquid and solid waste***

238. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

**Reason:** To prevent pollution of the environment.

### ***Green Travel Plan - Review***

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

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



### ***Green Travel Plan – Strata Management Plan***

240. The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the residential units in perpetuity.

**Reason:** To ensure implementation of the Green Travel Plan.

### ***Green Travel Plan - Ongoing Use***

241. The facilities provided and the uses on site are to be operated at all times in accordance with the recommendation of the Green Travel Plan revision 4 prepared by TTM and dated 31/07/19 (and the later revisions required by this consent).

The Green Travel Plan, required by these conditions, shall be displayed throughout the residential and commercial areas of the site at all times.

**Reason:** To ensure implementation of the Green Travel Plan.

### ***Car Share***

242. If one or more car share provider accepts the applicant's offer of car share space(s), those car share space(s) shall be provided to the preferred operator on the site for as long as the car share operator would like to occupy the space or as otherwise agreed by Council's DTSU Manager.

**Reason:** To comply with Council's parking requirements.

### ***Roller Shutter Door***

- 242A. If a roller shutter door is to be provided at the driveway entry and exit from the laneway off Rawson Street, it 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.

**Note:** Added as per DA/61/2018/A

### ***Food premises***

243. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2010 and the Australia New Zealand Food Authority Food Standards Code.

**Reason:** To ensure operation of the premises complies with the relevant legislation and standards.

### ***Use is not to cause air impurities***

244. The operation of the premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.

**Reason:** To prevent loss of amenity to the area.

### ***RMS – Vehicle Movements***

245. All vehicles are to enter and exit the site in a forward direction.

**Reason:** To satisfy the requirements of NSW Roads and Maritime Services.

### ***RMS – Vehicle Stoppage***

246. All vehicles are to wholly contained on site before being required to stop.

**Reason:** To satisfy the requirements of NSW Roads and Maritime Services.

***Sydney Metro – Inspection during use***

247. At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the development by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the development to be observed and rectified at the Applicant's cost.

**Reason:** To comply with the requirements of Sydney Metro and State Environmental Planning Policy (Infrastructure) 2007.

## APPENDIX 1 – DESIGN EXCELLENCE ADVISORY PANEL COMMENTS

1. The Panel had no concerns with regard to the incorporation of Lot 100 Road in the development site. The inclusion of the 'missing piece' allows for a more complete development of the site. Traffic planning and pedestrian safety around the entry to the parking area need to be checked and approved by councils traffic engineers.
2. On further examination following the meeting, the Panel notes the limited footpath space in the lane including the area adjacent to the proposed stairs and waste room on the northwest corner of the proposed development. The opportunity to provide a small setback or align the stairs and waste room with the substation should be considered to allow for safe pedestrian access.
3. The Panel queried the footprint of the development relative to the approved design and request that drawings show the approved footprint of the tower in dashed line on all plans, sections and elevations and that all setback dimensions are also shown.
4. The Panel commends the applicant for the improved through site links from Beecroft Road to Rawson Street providing more direct pathways through the middle and on the south side of the development. The applicant confirmed that the through links are intended to remain open at all times as an extension of the public footpaths.
5. Access from Rawson Street at the North-West corner of the development to the upper ground floor level for disabled people is circuitous via the entrance on the south side of the building. The Panel suggest a disabled access compliant lift (not stair lift) should be provided adjacent to the stairs or in close proximity linking the two levels.
6. Access to the residential lift lobby on the ground floor level is convoluted and the lobby somewhat hidden. The Panel queried if there were any ways to open it up and make it more visible, to provide bump spaces and seating and generally to improve the visibility, safety and ease of access for residents. Some readjustment of the retail on the ground floor level may be required to achieve this outcome.
7. Similarly, the lobby on the lower ground floor is partly hidden down the side of the building and could benefit from greater exposure and visibility from Rawson Street to make it safer and to provide more presence and activation to the street.
8. All street trees and public domain finishes should continue to be co-ordinated with Council. Existing recent precedent in the area was cited as benchmark by the proponent.
9. The Panel queried the location and design of the common open space on the podium and rooftop levels with regard to sun and wind impacts.
10. With regard to the podium level, the overall environmental conditions were queried. Would the communal open space get any sun? The applicant to incorporate measures to address the environmental conditions such as providing shade tolerant plants, wind protection using plants and screens, maximising sun access to areas where there is least overshadowing from surrounding buildings.
11. In relation to the roof level, the Panel queried the amount of wind protection provided. The proponents advised that the common open space is designed to function as a series of small gathering spaces. The applicant to consider the outcome of any wind studies and to confirm the results of the study and any design implications. Heights and wind protection should be investigated and checked against the wind study and any changes required to the original DA will need to be clarified. A structure that goes up higher (than the approved edge), may offer some protection and would need to be clearly drawn and confirmed. Similarly for sitting areas wrapped around by planters.

12. The Panel note that some drawings shown for discussion at the meeting were c.2019 from the original approval. All relevant drawings need to be updated to correspond with the latest design of the development.
13. With regard to the proposed modifications to the tower the Panel made the following comments;
- a. Sun access and cross ventilation for south facing and middle units would not achieve compliance under the ADG and may need adjusting or non-compliance noted where previously approved.
  - b. Air conditioning units on balconies are not generally supported by the Panel unless well concealed and do not hinder the use of the balconies. The Panel queried how they would work and whether they would be visible from the public domain as they are not shown on the elevations. The A/C needs to be well integrated and not in prominent locations such as the corners of the building. Grouping of the A/C equipment in discreet locations is recommended.
  - c. Bedrooms with doors directly off living areas create privacy issues and should be avoided.
  - d. Units that are split with bedrooms on opposite sides of living areas and with bathrooms that need to be accessed via living rooms should be avoided. It is preferable to group bedrooms and bathrooms as private sleeping areas to achieve good amenity for apartment layouts.
  - e. Shading on exposed windows queried. It is unclear how the windows are to be shaded and protected from direct sun impacts. Provide details of proposed glazing and shading as part of the DA submission
14. The Panel queried the materials and finishes for the development. No details were provided as part of the proposed amendments. The Panel received copies of the original approved materials board after the meeting. Off form concrete finishes, metal expressions and glazing + meshing was noted by the proponents as some of the materiality at play. The Panel has no objection to the proposed materials and finishes subject to the attention to details raised above such as A/C equipment and potential impacts on the facades