

## APPENDIX 1 – DRAFT CONDITIONS OF CONSENT (DA/937/2022)

Pursuant to clause 88 of the Environmental Planning and Assessment Regulation 2021, this Notice of Determination relates to a Stage 1 'concept' development application and a subsequent 'detailed' development application (Stage 2) or applications are required for any work on site.

### General Matters

#### **Approved Plans and Supporting Documentation**

1. The future detailed Development Application(s) related to this concept approval must not be inconsistent with the following concept drawings endorsed with Council's stamp, except where amended by other conditions of this consent and/or any plan annotations and subsequent separate development applications as part of future detailed Development Applications:

#### Architectural Concept Envelope Drawings (by Curzon + Partners)

Drawing No.	Revision	Title	Date
DA102	F	Proposed Envelope – Podium	10/11/23
DA103	E	Proposed Envelope - Tower	10/11/23
DA104	F	Proposed Envelope – Sections	10/11/23
DA105	D	Proposed Envelope – North Elevation	06/11/23
DA106	D	Proposed Envelope – South Elevation	06/11/23
DA107	E	Proposed Envelope – East Elevation	10/11/23
DA108	E	Proposed Envelope – AXO Diagrams	10/11/23
DA109	E	Proposed Envelope – AXO Diagrams	10/11/23
DA110	E	Proposed Envelope – AXO Diagrams	10/11/23

**Reason:** To ensure future detailed applications are consistent with the approved concept.

#### **Use**

2. While the use of the site is not approved as part of this application, the approved envelopes relate to commercial uses only. Any future proposal for non-commercial uses on the site, including but not limited to serviced apartments and build-to-rent residential accommodation, may require additional setbacks.

**Reason:** To clarify the approval's scope.

#### **Matters Not Approved**

3. Notwithstanding the drawings hereby approved, the following items are not approved and do not form part of this Stage 1 development consent:
  - a) Any basement levels. Notwithstanding, up to a two storey basement proposed at detailed design stage would not be considered inconsistent with this consent;
  - b) Any demolition, tree removal, excavation and/or building works;
  - c) Removal of any archaeological relics or Aboriginal objects;
  - d) Any lot consolidation or subdivision;
  - e) Ground finished floor level (RL);

- f) The specific vehicular access/crossover location(s);
- g) The layout and number of retail units and commercial spaces;
- h) The number of car parking spaces, bicycle spaces, car share and loading/servicing spaces/zones;
- i) The precise quantum of gross floor area;
- j) Overall building height;
- k) Filling of the existing ground level adjacent the Warder's cottage; and
- l) Any design excellence 'bonuses'.

**Reason:** To clarify the approval's scope.

#### **Concept Envelopes**

4. The Concept Plan approved envelopes do not guarantee that a future building form will be approved in that form. The future Stage 2 detailed Development Application must provide for a building form that complies with the conditions of this consent and addresses building separation, articulation, public accessibility, wind comfort, activation, heritage impacts, amongst other matters, and if not provide reasonable alternative planning solutions to compliance.

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

#### **Compliance with Concept**

5. All subsequent development applications and the issue of any associated Construction Certificates must not be inconsistent with the conditions of this Concept approval.

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

#### **Subterranean Heritage / Archaeology**

6. Notwithstanding the concept envelope drawings hereby approved, the approval does not give any implied or actual consent for harm, disturbance, relocation or removal of subterranean archaeological relics or Aboriginal objects. Any harm, disturbance, relocation or removal of such items will be subject to assessment at the future detailed design stage.

**Reason:** To ensure heritage and archaeology impacts are appropriately assessed.

#### **Curved Facades**

7. Notwithstanding the concept envelope drawings hereby approved, concave façade elements are not considered to be appropriate on the subject site.

**Reason:** To ensure appropriate urban design and minimize concentration of solar radiation at ground level.

#### **Wind Impacts - Tree**

8. The future detailed development application must include a wind report that includes, among the other requirements of such reports outlined in the DCP, an assessment of the impact of any wind down wash on the fig tree on site. The wind impact must be such that it would not have an unacceptable negative health impact on the tree.

**Commented [AM1]:** The applicant considers that this condition should be deleted for the following reasons, "The condition prescribes undue restriction on the proposal and the future design excellence process. The removal of the curved element was not raised by the City of Parramatta Council, nor was it raised in any other Agency's request for additional information during the DA assessment period. The solar reflectivity and design considerations are to be addressed in the future design and development phases".

**Reason:** To ensure tree impacts are appropriately assessed.

**Vehicular Access**

9. Vehicular access to the site shall be from Barrack Lane only.

**Reason:** To ensure sufficient activation of the George Street frontage, reduce heritage impacts and generally ensure the design excellence of the building.

## Advisory Notes

See below list of advisory notes to assist with preparation of the design competition and Stage 2 development application. Please note that this is not intended to be an exhaustive list.

### *Design Competition*

- A. **Design** – The following design elements should be considered at design excellence competition and detailed development application stage:
- Through site links to 85 George Street not appropriate unless agreement in principle with owners of that space to landscape the area.
  - Tenancies all must have street access.
  - Plant in podium not appropriate.
  - Podium should be primarily masonry.
  - Activated edge on Barrack Lane encouraged.
  - Retention of existing street tree supported, recommend consideration of providing additional street tree.
- B. **ESD** – The sustainability targets outlined in the ESD Report submitted with the application are not compliant with Council's controls. The relevant sustainability requirements are outlined in Section 6.8 of the Parramatta DCP.
- C. **Driveway** – A detailed design of the proposed driveway(s) must be provided prior to a design competition or detailed development application. More detail is required of driveway location/design considering the following:
- Provision of driveway crest to FPL (and associated impact on drive structure length and ground floor).
  - Accommodation of the upcoming upgrade to Barrack Lane (levels)
  - Accommodation of swept paths for largest vehicles both from George Street into lane and lane into site.
  - Consolidation of basement and loading dock entry.
  - Location of Convict Drain
  - Sightlines in envelope
  - Minimisation of width

### *Stage 2 Development Application*

- D. **Substation** – Endeavour Energy are concerned generally with the placement of substations at basement level. It is recommended that the substation be located at first floor level or above for flood safety and to maximise ground floor activation. It is recommended that discussions are undertaken with Endeavour Energy early in the process to avoid delays.
- E. **Geotechnical Report** – A Geotechnical Report will be required with any future development application to demonstrate that the proposed works will not have an unacceptable impact on the adjoining heritage items, archaeological relics, neighboring properties or Council infrastructure.
- F. **Acid Sulphate Soils Report** – An Acid Sulphate Soils report will be required with any future development application that includes excavation more than 2m below the natural ground surface.
- G. **Water NSW** – Please confer with Water NSW to determine whether their approval is required to support the proposed development. If so, it is recommended that the application be lodged as Integrated Development.
- H. **Waterproofing 'Tanking' of Basement** – Council does not support draining of groundwater intercepted by basements into Council's stormwater system. As such it must be demonstrated that the basement will either be waterproof or that the site can treat and use all groundwater.
- I. **European Archaeology** – An Historical Archaeological Research Design (HARD) should be prepared to guide preliminary test excavation at the subject site, to be undertaken prior to the Stage 2 DA submission. This should then be submitted to Heritage NSW along with the response to Excavation Director Criteria from the nominated Excavation Director, to seek a Section 140 permit for test excavation at the site. Please note that if test trenches are nominated within 1 Barrack Lane, a Section 60 approval would also be required. Further recommendations for the management of archaeological relics should be provided in an addendum report following the completion of test excavation, with these recommendations to inform detailed design.
- J. **Aboriginal Archaeology** – Unless otherwise agreed with Heritage NSW, an Aboriginal Heritage Impact Permits will be required to establish the presence, nature, extent and significance of Aboriginal cultural heritage on the subject site prior to the Stage 2 DA submission. The results of the test excavation must be presented in an Archaeological Report and Aboriginal Cultural Heritage Assessment Report (ACHAR).
- K. **Contamination** – A Phase 2 Site Investigation and Remediation Action Plan will be required for the detailed development application.

L. **Street Trees –**

- The podium is likely to impact the TPZ of the existing street tree. Detailed root mapping will be required at detailed DA stage to confirm it can be retained.
- As per the Parramatta Public Domain Guidelines, the applicant is to explore provision of additional street trees in the George Street footway.

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