



## Report to Sydney Central City Planning Panel

<b>SCCPP reference</b>	PPSSCC-42
<b>DA No.</b>	DA/638/2019
<b>Date lodged</b>	6 November 2019. Additional information received <ul style="list-style-type: none"><li>• 30 April 2020</li><li>• 5 May 2020</li></ul>
<b>Proposal</b>	Thirteen storey commercial building with ground floor retail premises, basement carparking and associated landscaping. The proposal is Nominated Integrated Development under the Water Management Act 2000 and requires concurrence from Transport for NSW under the ISEPP
<b>Address</b>	85-97 Macquarie Street, Parramatta
<b>Property description</b>	Lots 1-5 DP264408 and Lots 7-8 DP702736
<b>Applicant</b>	MGC Developments Pty Ltd
<b>Owner</b>	41 George Street Pty Ltd
<b>Submissions</b>	One
<b>Regional Development criteria</b>	Capital investment value of more than \$30 million. (Schedule 4A of the Environmental Planning and Assessment Act)
<b>List of all relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations</li><li>• State Environmental Planning Policy No. 55</li><li>• State Environmental Planning Policy (Harbour Catchment) 2005</li><li>• State Environmental Planning Policy (Infrastructure) 2007</li><li>• State Environmental Planning Policy (State + Regional Development) 2011</li><li>• Parramatta Local Environmental Plan 2011</li><li>• Parramatta Development Control Plan 2011</li></ul>
<b>Attachments</b>	<ul style="list-style-type: none"><li>• Attachment 1- Selected architectural plans</li><li>• Attachment 2- Design Excellence Jury report</li><li>• Attachment 3- Concurrence from TfNSW</li></ul>
<b>Recommendation</b>	Approval
<b>Report by</b>	Brad Roeleven, Executive Planner

<b>Summary of s4.15 matters</b>	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report ?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>	
Are relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised in the Executive Summary of the assessment report ?	Yes
<b>Clause 4.6 Exceptions to development standards</b>	
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	N/A
<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No
<b>Voluntary Planning Agreement</b>	
Does the DA propose a voluntary planning agreement (S93F)?	No
<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment ?	Yes

## 1. Executive summary

This report considers a proposal to construct a 13 storey commercial building set over 4 basement parking levels. The proposal is the outcome of a design excellence process completed to satisfy clause 7.10 of Parramatta Local Environmental Plan 2011.

Key issues identified, and resolved, during the assessment of this proposal are:

- Achieving vehicle access which is acceptable to TfNSW having regard to the operational requirements of Parramatta Light Rail
- Receiving concurrence from TfNSW for basement excavation as the site immediately adjoins the Parramatta Light Rail corridor
- Receiving General Terms of approval from NSW Office of Water (De-watering)
- Satisfying the 'design excellence' provisions of PLEP 2011
- Potential for archaeology of State significance
- Potential impacts upon adjacent and nearby local heritage items
- Flood constraints (1 in 100 year and Probable Maximum Flood)
- Potential for site contamination

Assessment against the relevant planning framework, and consideration by Council's technical departments, and relevant external agencies, confirms the application is satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979, as set out at **Attachment A** of this report. Consequently, this report recommends that the Panel approve the application, subject to the conditions at **Attachment B** of this report.

## 2. Context, description and location, existing development

### 2.1 Context

The site is centrally located within the Parramatta central business district (CBD). Surrounding development is predominately office and retail uses, but also includes key landmarks and public spaces such as Centenary Square, Parramatta Town Hall, and St Johns' Cathedral. Evolution of the town centre as Sydney's dual CBD is evident through the significant extent of private and government investment.

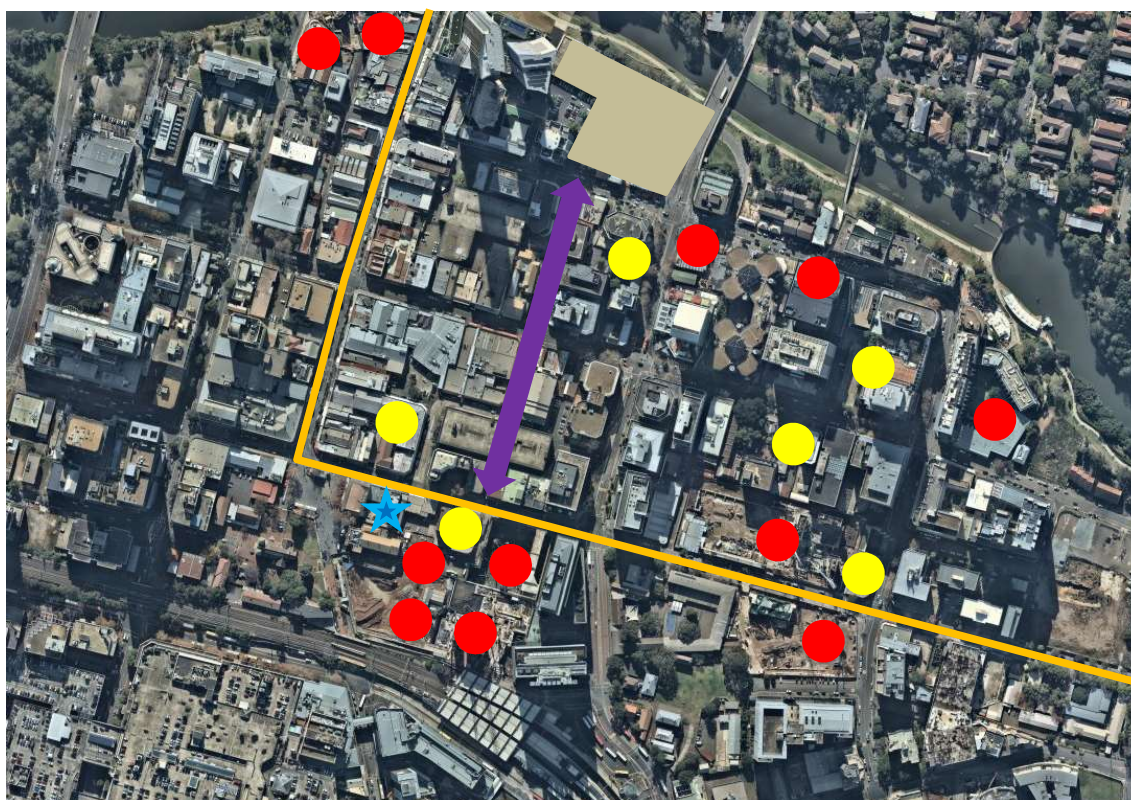


Figure 1: Site context within CBD and extent of major developments

Key	
Blue	Site
Orange	Route of Parramatta Light Rail
Purple	Location of Civic Link
Red	Major buildings either completed or under construction
Yellow	Major buildings either approved or DA under assessment
Tan	Site of Museum of Applied Arts and

### 2.2 Description, location and existing development

This regular shaped allotment, with a total area of 1,201m<sup>2</sup>, is located on the southern side



of Macquarie Street, just east of the intersection with Church Street and almost opposite Horwood Place . It has a street frontage of 37.46m and an average depth of 31.2m.

The site formerly supported a series of single storey and low rise buildings comprising retail and commercial uses. Those structures have recently been demolished via DA 611/2019, being early works associated with this project. There are no existing basement levels. All vehicle access is via Macquarie Street. The site is essentially level.



Figure 2: Locality plan

The adjoining Murrays' Building, Parramatta Town Hall and nearby Leigh Memorial Uniting Church are heritage items of local significance under Parramatta LEP 2011.

The site is at the northern edge of the Parramatta Square street block. Parramatta Square is a three-hectare urban renewal precinct located at the core of the Parramatta CBD. Parramatta Square is being transformed into a central hub with a substantial new civic space and up to 360,000sqm of mixed-use floor space, supporting social, cultural and economic activity and aligning with strategic aspirations for the Parramatta CBD. Parramatta Square directly connects to Parramatta Railway Station, and will also benefit from the planned Light Rail and Metro stations.

### 3. The proposal

This proposal comprises the following primary elements:

- Excavation to accommodate 4 basement car parking levels providing 26 car spaces, 54 bicycle and 4 motorcycle spaces accessed via driveway along the eastern site boundary;

- Construction of a 13 storey commercial building with ground floor retail premises;
- Through site links from Macquarie Street to Parramatta Square comprising an internal arcade at the western boundary and a shared lane at the eastern boundary; and
- Associated public domain, public art, landscaping and drainage works.

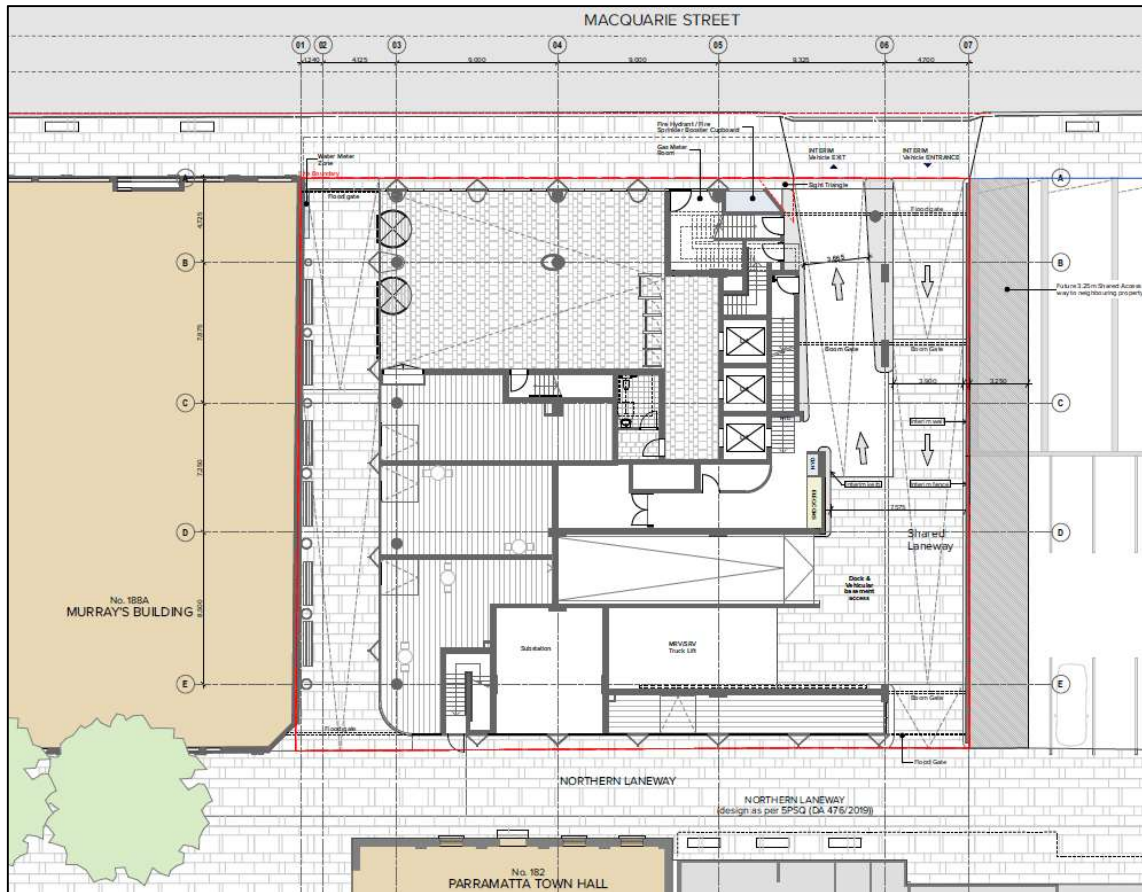


Figure 3: Ground floor plan



Figure 4: View east from Centenary Square, with the Murrays Building in the foreground, and Town Hall at the right





Figure 5: View south from Macquarie Street, with the Leigh church at the left and the Murrays Building at the right



Figure 6: Western elevation (Murrays Building omitted) showing relationship with the adjoining Town Hall and the outline of the recently approved 6 storey rear addition to the Town Hall for a new community facility (5 + 7 Parramatta Square)

#### 4. Related applications or Planning Proposals

Table 1: Related applications

PL/94/2019	Pre-DA meeting for this scheme held in August 2019.
DA 611/2019 and 611/2019/A	Approved to permit demolition of existing buildings and excavation only for the purpose of archaeological testing
Planning Proposals	<ul style="list-style-type: none"> <li>No site specific PP</li> <li>The site however is captured by Council's CDB PP, which has not yet been to public exhibition.</li> </ul>

## 5. Design Excellence

This application relies upon the 'design excellence' provisions within PLEP 2011 which provide that a bonus FSR or height, of up to 25% can be achieved provided the scheme is the subject of a design competition process and also demonstrates, on balance, that it satisfies nominated qualitative design criteria [per clauses 7.10(4), (5) and (8)].

This project is the subject of Design Competition DC/11/2018 conducted in accordance with council's policy. The competition itself was held on 28 February 2019, when the Jury considered the three entries. At that time the Jury concluded, unanimously, that none of the schemes achieved Design Excellence, but also agreed the entry by Turner Studio had the potential to do so.

The scheme subsequently underwent refinement through an iterative review process with the Jury, and by June 2019 the Jury had concluded that, whilst the Turner Studio scheme is accepted as the winning design:

- A number of matters needed to be further explored prior to lodgment of the formal DA.
- Those matters must be finally resolved in order for the DA scheme to exhibit 'design excellence'.

At preDA stage the only fundamental issue not resolved to the satisfaction of the Jury was whether the 'interim' shareway would provide vehicle access to and from the site which also accommodated the operating requirements of Parramatta Light Rail (PLR) to the satisfaction of Transport for NSW (TfNSW).

This matter has since been resolved through the DA process. A more detailed discussion is provided at sections 2.4 and 6.8 in Attachment A.

The revised DA plans, received on 30 April 2020, have been evaluated by the Design Jury, whose full comments are provided at Attachment 2. However in summary the Jury:

- Confirm it is supportive of the design as submitted, and consider it to exhibit Design Excellence.
- Recommend that Council's standard Design Excellence conditions of consent are applied to the development approval.

The scheme is therefore considered to have satisfied the relevant provisions of clause 7.10 of PLEP 2010.

## 6. Public notification

The application as lodged was advertised from 20 November 2019 until 11 December 2019. The amended plans received in April 2020 were also advertised, from 20 May 2020 until 18 June 2020.

In each instance, one submission was received, being from the owner of adjoining 188 Church Street Parramatta (the Murrays Building). In response to that second notification the submission advises of '*...substantial concerns .....that DA 638/2019 fails to appropriately*

*address some of our previously raised concerns and will significantly prejudice and impact our ability to develop above (our) existing heritage listed building ....in the future.”*

The submission is addressed in more detail at section 7.2 of Attachment A. However, in summary the issues of concern are not sufficient to warrant either refusal of this application, or design amendments to mitigate those concerns.

## 7. Referrals

**Table 2: Status of referrals**

<b>INTERNAL REFERRALS</b>	
Landscape	No objections – conditions provided
Development Engineer	No objections – conditions provided
Traffic Engineer	No objections – conditions provided
Heritage	No objections
Environmental Health - Waste	No objections – conditions provided
Environmental Health - Contamination	No objections – conditions provided
Environmental Health - Vibration + Noise	No objections – conditions provided
Urban Design - Public Domain	No objections – conditions provided
Urban Design - Accessibility	Minor issues raised- resolved by conditions
Crime Prevention	No objections – conditions provided
ESD (Independent consultant)	No objections – conditions provided
Reflectivity (Independent consultant)	No objections – conditions provided
Wind (Independent consultant)	No objections
Quantity Surveyor	Confirms that applicant's cost of works is accurate
City Experience – Public Art	No objections
<b>AGENCY REFERRALS</b>	
Water NSW	General Terms of approval provided
Transport for NSW	Clause 86 of ISEPP - Concurrence provided Clauses 101 and 104 of ISEPP - conditions provided
Heritage Council	No objections – conditions provided
Endeavour Energy	No objections – conditions provided
Sydney Water	No objections – conditions provided

## 8. Environmental Planning and Assessment Act 1979

**Table 3: Related provisions of the EPA Act**

Does Section 1.7 (Biodiversity Conservation Act/Fisheries Management Act) apply ?	No
Does Section 4.10 (Designated Development) apply ?	No
Does Section 4.46 (Integrated Development) apply ?	Yes
Are submission requirements within the Regulations satisfied?	Yes



## 9. Consideration of SEPPs

Table 4: Summary consideration of SEPPs

Key issues arising from evaluation against SEPPs	See comments in section 2 of Attachment A.
--------------------------------------------------	--------------------------------------------

## 10. Parramatta Local Environmental Plan 2011

The following table presents a summary assessment against the terms of this LEP. A detailed evaluation is provided at section 2.6 in Attachment A.

Table 5: Summary consideration of PLEP 2011

	<i>Comment or non-compliances</i>
Zone	<ul style="list-style-type: none"><li>• B4 Mixed use</li></ul>
Definition	<ul style="list-style-type: none"><li>• Commercial premises</li></ul>
Part 2 - Permissibility and zone objectives	<ul style="list-style-type: none"><li>• Permissible in the zone</li><li>• Consistent with zone objectives</li></ul>
Part 3 - Exempt and complying development	Not applicable
Part 4 - Principle development standards	Defers to Part 7 for height and FSR controls
Part 5 - Miscellaneous provisions	Relevant provisions satisfied
Part 6 - Additional local provisions	Relevant provisions satisfied
Part 7 - Additional provisions – City Centre	Relevant provisions satisfied

## 11. Parramatta Development Control Plan

The proposal is generally consistent with the provisions of the DCP. A detailed evaluation is provided at section 3 of Attachment A.

## 12. Planning Agreements and Contributions Plans

The relevant Contributions Plan is *Parramatta CBD 7.12 Development Contributions Plan (Amendment No. 5)*. Compliance is achieved by means of a condition of consent requiring payment of a levy equal to 3% of the cost of a development.

There is no Planning Agreement to consider.

## 13. Response to SCCPP briefing minutes

A briefing was provided to the Panel at its meeting on 1 April 2020. The matters noted which relate to assessment considerations have been addressed, as demonstrated in the table below:

**Table 6: Response to SCCPP briefing comments**

<i>Issue</i>	<i>Comment</i>
A design competition has been undertaken and plans for the building are advanced, however the key emerging issue is access to the site, taking in to account the PLR which will traverse Macquarie Street and result in single lane, one-way traffic only.	Resolved – refer to section 5 above, and section 6.8 in Attachment A
The issue of a traffic light for site access, as requested by the Applicant, was discussed, and the Panel agreed that the Applicant is highly unlikely to achieve a traffic light in this location, indicating that they need to revisit their access plans.	Resolved – refer to section 6.8 in Attachment A
The Panel discussed the issue of the height of the building in relation to solar access, but was satisfied that this has been effectively addressed.	Resolved – refer to section 2.6 in Attachment A

## Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and provisions of the applicable planning framework. Accordingly, approval of the development application is recommended.

## RECOMMENDATION

- A. That pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979* the Sydney Central City Planning Panel grant consent to Development Application DA/638/2019 at Lots 1-5 DP264408 and Lots 7-8 DP702736, 85-97 Macquarie Street, Parramatta, subject to the conditions in Attachment B.
- B. That those persons who made a submission be notified of the Panel's decision.



## **ATTACHMENT A - PLANNING ASSESSMENT**

<b>SCCPP reference</b>	PPSSCC-42
<b>DA No.</b>	DA/638/2019

### **1. Environmental Planning and Assessment Act 1979**

The relevant sections of the Environmental Planning and Assessment Act 1979 which require consideration are addressed below:

#### **1.1 Section 1.7: Biodiversity Conservation Act 2016/Fisheries Management Act 1994**

The application is not captured by the Biodiversity Conservation Act 2016 as the scope of works is not likely to significantly affect threatened species given:

- The current condition of the site, and its location in an established CBD area
- No biodiversity offsets scheme applies; and
- The site is not in a declared area of outstanding biodiversity value.

The application is not captured by the Fisheries Management Act 1994.

#### **1.2 Section 2.15: Function of Sydney District and Regional Planning Panels**

The Panel is the consent authority as the proposal has a CIV of more than \$30 million.

#### **1.3 Section 4.15(1): Evaluation**

This Attachment provides an assessment of the relevant matters for consideration under this section of the Act, as noted in the table below:

**Table 7- Matters for consideration**

<b>Provision</b>	<b>Comment</b>
Section 4.15(1)(a)(i) - Planning instruments	Refer to section 2 below
Section 4.15(1)(a)(ii) - Draft planning instruments	Not applicable
Section 4.15(1)(a)(iii) - Development control plans	Refer to section 3 below
Section 4.15(1)(a)(iiia) - Planning agreements	Refer to section 4 below

Section 4.15(1)(a)(iv) - The Regulations	Refer to section 5 below
Section 4.15(1)(b) - Likely impacts	Refer to section 6 below
Section 4.15(1)(c) - Site suitability	Refer to section 7.1 below
Section 4.15(1)(d) - Submissions	Refer section 7.2 below
Section 4.15(1)(e) - The public interest	Refer to section 8

#### **1.4 Section 4.46: Integrated Development**

Water Management Act 2000 (Nominated Integrated Development)

Excavation for the basement will intercept the groundwater table and consequently an activity approval under section 91(3) of this Act is required. WaterNSW has provided General Terms of Approval which is addressed in the conditions at Attachment B.

## **2. Environmental planning instruments**

### **2.1 Overview**

The instruments applicable to this application comprise:

- SEPP No. 55 (Remediation)
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011
- SEPP (Sydney Harbour Catchment) 2005
- Parramatta Local Environmental Plan 2011

Compliance is addressed below.

### **2.2 State Environmental Planning Policy No. 55 – Remediation of land**

Clause 7 of SEPP 55 requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

This application is supported by a Preliminary Environmental Site Assessment, which notes:

- Land Title records and historic aerial photos indicate the site has been used for predominantly commercial/retail uses since the 1930s.
- The site is not the subject of any Notices issued by the NSW EPA
- The likelihood of contamination sources is low to medium, and the proposed bulk earth works would assist in managing any contamination present.
- The site is suitable for the proposed use subject to:
  - Excavated material being classified under relevant EPA guidelines prior to disposal
  - Any material imported to the site being confirmed as suitable for the intend land use;



- All excavation works to be conducted under an 'unexpected finds protocol' which requires works to cease if hazardous materials are suspected or found.

That report was reviewed by Council's Environmental Health Unit, who raised no objection subject to the imposition of appropriate conditions, which are included at Attachment B.

Given the above it is concluded that the requirements of clause 7 of the Policy are satisfied.

### **2.3 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005**

This Policy applies to all of the City of Parramatta local government area. It 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 principles and controls for the whole catchment.

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 will be achieved through the imposition of conditions to address the collection and discharge of stormwater, both during construction and upon completion.

### **2.4 State Environmental Planning Policy (Infrastructure) 2011**

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. Part 3 of the Policy (Development controls) is applicable as follows:

#### *Division 15 – Railways*

The site immediately adjoins the route of the Parramatta Light Rail, and consequently the following provision apply:

- Clause 85 – Development adjacent to rail corridors

This clause requires a consent authority to take into consideration the comments of the rail authority where a development would:

- likely have an adverse effect on rail safety, or
- involve the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- involve the use of a crane in air space above any rail corridor, or
- be located within 5 metres of an exposed overhead electricity power line that is used for the railways or rail infrastructure facilities.

- Clause 86 – Excavation in, above or below rail corridors

The clause requires the rail authority to grant its concurrence for excavation more than 2m deep where those works would be within 25m of the rail corridor.

The application was therefore referred to Transport for NSW (TfNSW) who:

- Raised no objections relative to clause 85; and
- Granted its concurrence, subject to conditions, as required by clause 86.

### *Division 17 – Roads*

This section of Macquarie Street is a classified road due to it being categorised as a ‘transitway’ for the Parramatta Light Rail. The following provisions therefore apply:

- Clause 85 – Development with a frontage to classified roads

This clause requires a consent authority must be satisfied that:

- Access is achieved other than via the classified road where possible;
- The safety, efficiency and operation of the classified road is not adversely affected by the design of the access, the activities of the proposal and the type/volume of traffic attending the site; and
- The development is not sensitive to noise or vehicle emissions

- Clause 104 – Traffic generating development

This clause requires a consent authority must not determine a development application of a type nominated in Schedule 3 of this policy unless:

- The RMS (now TfNSW) has been advised and its comments taken into consideration;
- The accessibility of the site has been evaluated with regard to the efficiency of movement to and from the site, the extent of multi-purpose trips, potential to minimise travel by car and to maximise movement of freight;
- Any potential traffic safety, road congestion or parking implications.

The matters for consideration under clauses 101 and 104 were evaluated by both TfNSW and Council’s Traffic Engineer. No issues of concern were identified, though further discussion on relevant matters is provided at section 6.8 below. The CBD location of the site and its proximity to existing and future public transport option (PLR and Metro West) ensures the site is readily accessible without reliance on private transport.

The conditions nominated by TfNSW and Council’s Traffic Engineer are included at Attachment B.

## **2.5 State Environmental Planning Policy (State and Regional Development) 2011**

This application is captured by Part 4 of this Policy which provides that the Panel is the consent authority for this application.

## **2.6 Parramatta Local Environmental Plan 2011**

### Zoning and permissibility

The site is zoned “B4 Mixed use” under this Plan. The proposal meets the definition of

‘commercial premises’ which is permissible with consent in that zone.

### Zone objectives

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the B4 zone are to:

- *Provide a mixture of compatible land uses.*
- *Integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *Encourage development that contributes to an active, vibrant and sustainable neighbourhood.*
- *Create opportunities to improve the public domain and pedestrian links.*
- *Support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.*
- *Protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.*

The proposal is consistent with those objectives.

### Remaining provisions

Consideration of the remaining provisions of the Plan relevant to this application are addressed in the following table:

Table 8: PLEP 2011 compliance table

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
Clause 4.3 Building height	The maximum building height is 56.7m.  There is no mapped height control for this site. Instead, the Sun Access Plane controls apply via clause 7.4– see below.	N/A
Clause 4.4 Floor space ratio	The mapped control is 8:1, however this control is superseded by clause 7.4 – see below	N/A
Clause 5.10 Heritage	<ul style="list-style-type: none"><li>• Not a listed heritage item, nor within a conservation area.</li><li>• Numerous heritage items are in the immediate locality. The application is supported by a HIS. [clause 5.10(5)].</li><li>• Not a listed archaeological site [Clause 5.10(7)]</li><li>• Not a place of aboriginal significance [Clause 5.10(8)]</li></ul> See further assessment at section 6.7.	Yes
Clause 6.1 Acid sulphate soils	<ul style="list-style-type: none"><li>• The site comprises “Class 4” acid sulphate soils (ASS)</li><li>• Consent is required as the proposal involves works more than 2m below ground level</li><li>• The application is supported by ASS Management Plan as required by subclause (3)</li></ul>	Yes

Clause 6.2 Earthworks	<ul style="list-style-type: none"> <li>• Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council's Development Engineer, who is satisfied the works can be managed without impact.</li> <li>• Site works will not prejudice the future development of any adjoining land, or the amenity of that land – see further assessment at section 6.7.</li> <li>• Issues relating to soil quality addressed via considerations of SEPP 55 above</li> <li>• Potential for relics addressed at section 6.7 below.</li> </ul>	Yes
Clause 6.3 Flood Planning	Council's Development Engineer is satisfied the design properly responds to flood constraints. Refer to section 6.9 below.	Yes
Clause 7.2 Floor space ratio	The controls in this clause nominate various formulas to calculate of FSR, as determined by the area of the site. That formula results in an FSR is 6.44:1. However the application also relies upon clause 7.10 (Design Excellence) which increases FSR to 8.05:1 if a bonus 25% (or 1.61:1) is awarded via clause 7.10 (Design Excellence). The scheme as an FSR of 8.05:1	N/A
Clause 7.3 Car parking	The controls in this cause are a maximum and would require 99 spaces. However in April 2017 Council adopted significantly reduced parking supply rates for the city centre, to be applied to Planning Proposal and architectural design competitions. Those revised rates require a maximum of 24 spaces, which the scheme provides.	Yes
Clause 7.4 Sun access	This clause aims to protect solar access to key areas of the public domain, by prohibiting development that would result in additional overshadowing of a protected area of Parramatta Square between 12noon and 2pm. Modelling provided by the applicant, and reviewed by Council, confirms the proposal complies with this requirement.	Yes
Clause 7.10 Design Excellence	<ul style="list-style-type: none"> <li>• Need for a design competition is triggered by virtue of building height exceeding 55m [clause 7.10(5)]</li> <li>• Matters for consideration were evaluated via Design Jury review [clause 7.10(4)]</li> <li>• The proposal relies upon a FSR bonus of up to 25% as a result achieving design excellence [clause 7.10(8)]. For further information on the design competition process refer to section 5 of the Executive summary, above.</li> </ul> <p>The base FSR of 6.44:1 increases to 8.05:1 if a bonus 25% (or 1.61:1) is awarded via clause 7.10 (Design Excellence). The proposal has an FSR of 8.05:1 which satisfies that maximum.</p>	Yes



### 3. Development control plans

An assessment against the relevant controls in the Parramatta Development Control Plan 2011 is provided below:

**Table 9: PDCP 2011 compliance table**

Part 2 – Site planning		Complies
2.4.1 Views and vistas	Satisfactory - see comments at section 6.7	Yes
2.4.2 Water management	<ul style="list-style-type: none"> <li>Flooding risk (1% ARI and PMF) satisfactorily managed by passive and active design measures.</li> <li>Waterways protected through control of stormwater and water quality during and post construction</li> <li>Protection of ground water addressed by GTAs issues for de-watering.</li> </ul>	Yes
2.4.3. Soil management	<ul style="list-style-type: none"> <li>Sedimentation to be addressed by conditions</li> <li>ASS addressed by management plan – refer to LEP above.</li> </ul>	Yes
2.4.4 Land Contamination	<ul style="list-style-type: none"> <li>Defer to SEPP 55 assessment above</li> </ul>	Yes
2.4.5 Air Quality	<ul style="list-style-type: none"> <li>Standard conditions will be imposed to manage construction</li> </ul>	Yes
2.4.8 Public Domain	Design and treatment of public domain upgrade works satisfactory as confirmed by Urban Design (Public Domain) and Civil Assets team. Conditions provided.	Yes
Part 3 – Development principles		Complies
3.1 Building envelope	Envelope controls determined by Design competition brief, and the LEP and DCP provisions for City Centre.	N/A
3.2 Building elements	Defer to LEP and DCP controls for city centre	N/A
3.3 Environmental amenity	<ul style="list-style-type: none"> <li>Onsite landscape treatment satisfactory</li> <li>Visual and acoustic privacy satisfactory. No residential buildings in proximity to site.</li> <li>ESD addressed via Design Excellence process</li> <li>Arrangements for stormwater disposal are satisfactory</li> </ul>	Yes
3.4. Social amenity	<ul style="list-style-type: none"> <li>Public art strategy provided is satisfactory.</li> <li>Equitable access and facilities ensured via compliance with BCA, DDA and relevant standards. Addressed by conditions.</li> <li>Assessment against CPTED considerations is satisfactory. Addressed by conditions</li> </ul>	Yes

3.5 Heritage	Refer to section 6.7 below.	Yes
3.6 Movement & circulation	<ul style="list-style-type: none"> <li>• Parking supply is satisfactory</li> <li>• Geometry of basement parking and service areas is satisfactory - refer to section 6.8 below.</li> </ul>	Yes
Part 4.3.3 – Strategic Precincts - Parramatta City Centre		Complies
4.3.3.1 Building form	<ul style="list-style-type: none"> <li>• Site has at least one frontage &gt;20m</li> <li>• On building alignment to street boundary achieved.</li> <li>• Street wall heights and tower setbacks consistent with reference scheme for architectural design competition</li> <li>• Building separation satisfactory as a determined by design excellence process. No DCP side/rear setbacks for Parramatta Square.</li> <li>• Building depth and bulk satisfactory on merit, noting no specific controls for B4 zone.</li> <li>• Wind impacts appropriately mitigated by way of building design – see further comments at section 6.5 below.</li> <li>• Façade composition and schedule of external materials satisfactory via design excellence process</li> <li>• Building height and form maintains solar access to protected area of Parramatta Square as required by clause 7.4 the LEP.</li> </ul>	Yes
4.3.3.2 Mixed use buildings	<ul style="list-style-type: none"> <li>• Retail uses provided at ground level</li> <li>• Ceiling heights comply</li> <li>• Active facades provided at all ground floor frontages</li> <li>• Service facilities located in basement or otherwise arranged to minimise disruption to public domain</li> </ul>	Yes
4.3.3.3 Public domain and pedestrian amenity	<ul style="list-style-type: none"> <li>• Through site links provided at west and east edges of the site</li> <li>• Active frontages to street, arcade and rear lane</li> <li>• Awning provided to Macquarie Street frontage</li> </ul>	Yes
4.3.3.4 Views and Corridors	<ul style="list-style-type: none"> <li>• Relevant view corridor along Church Street not impacted</li> </ul>	Yes
4.3.3.5 Access and parking	<p><i>Location of Vehicle access</i></p> <ul style="list-style-type: none"> <li>• Only one access point provided, as required</li> <li>• Design of vehicle access satisfies nominated criteria</li> </ul> <p><i>Pedestrian access and mobility</i></p> <ul style="list-style-type: none"> <li>• Pedestrian entry points clearly defined and highly visible within street frontages</li> <li>• Entry points provide barrier free access to the ground floor</li> <li>• Compliance with AS/BCA/DDA to be achieved by conditions</li> </ul> <p><i>Vehicle driveways and manoeuvring</i></p> <ul style="list-style-type: none"> <li>• Design of onsite manoeuvring areas satisfactory per advice from Traffic Engineer</li> </ul> <p><i>Onsite parking</i></p> <ul style="list-style-type: none"> <li>• Defer to LEP assessment above</li> </ul>	Yes

	<i>Above ground car parking</i> Not applicable	
4.3.3.6 Environmental Management	<p><i>Landscape design</i></p> <ul style="list-style-type: none"> <li>On site landscaping treatment satisfactory via design excellence process and as confirmed by Landscape and Tree Officer.</li> <li>Public domain treatment satisfactory as confirmed by Urban Design (public domain) team</li> </ul> <p><i>Energy and Water Efficient Design</i></p> <p>See further comments at section 6.4 below.</p>	Yes
Part 4.3.3.7b – City Centre Special Areas- Parramatta Square		Complies
Site objectives	<ul style="list-style-type: none"> <li>This site is not required to contribute to nominated areas of public open space</li> <li>Design controls for elevations facing Main Square, Eastern Square and Station Square do not apply to this site</li> <li>No overshadowing of the protected area of Main Square public open space as prescribed in PLEP</li> <li>No requirement for pedestrian through site links on this site</li> <li>Colonnade design controls not relevant to this scheme</li> </ul>	Yes
Building form	<ul style="list-style-type: none"> <li>This site is not required to contribute to the central area of public open space</li> <li>The building is built to the street and public domain alignment as required</li> <li>The building responds to the heights of heritage buildings by reflecting predominant datums through design detailing of the façade as established by the design competition</li> <li>The tower is set at the street boundary to assist in mitigating overshadowing of public space to the south as allowed</li> <li>No overshadowing of the protected area of the of Main Square public open space as previously noted</li> <li>The development implements satisfactory heritage conservation principles, ESD principles, CPTED and accessibility principles as established by the architectural design competition, or noted elsewhere within this report</li> </ul>	Yes
Sustainability	Project specific sustainability objectives, more stringent than those in this DCP, were established through the architectural design competition to ensure the scheme satisfies the 'design excellence' provisions of the PLEP – refer to section 6.4 below	Yes
Access parking and servicing	<ul style="list-style-type: none"> <li>Arrangements for vehicle access, including for service vehicles, is satisfactory - refer to section 6.8</li> <li>Parking supply is in accordance with Council's policy requirements for architectural design competitions.</li> </ul>	Yes
Heritage	The proposal provides a satisfactory response to the adjoining and nearby heritage items as established by the architectural design competition and the commentary provided at section 6.7	Yes

Public Art	Satisfactory – addressed at section 6.5	Yes
Utilities	<ul style="list-style-type: none"> <li>All relevant utility service providers have been consulted. No objections raised. Appropriate conditions are included in the recommendation at Attachment B.</li> <li>The substation is suitably located, and incorporated into the design of the building</li> </ul>	Yes

#### 4. Planning Agreements or Contributions Plans

Included at Attachment B is a condition requiring payment of a contribution in accordance with the Parramatta City Centre S94A Development Contribution Plan [Section 7.12 contributions]

#### 5. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 10: EPA Regulations

Clause 92	Matters for consideration are not applicable.
Clause 98	Building work to be carried out in accordance with the Building Code of Australia.
Schedule 1	The nominated documentation is provided

#### 6. Likely impacts

##### 6.1 Context and setting

The Land and Environment Court planning principle established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

*Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites ?*

This proposal will not result in any adverse physical impacts as follows:

- Site works and alterations to the ground profile are acceptable;
- Appropriate arrangements will be made for the collection and disposal of stormwater;
- Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network;
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- The proposal will not generate noise, cast shadows or diminish views that would be detrimental to adjacent and surrounding sites, or key areas of the public domain.

*Is the proposal's appearance in harmony with the buildings around it and the character of the street?*



This proposal will have a satisfactory relationship with its context for the following reasons:

- It provides for a land use contemplated by the planning controls;
- Site planning locates built elements in suitable locations to achieve a satisfactory relationship with the public domain, and avoid negative amenity outcomes for adjacent sites and areas of public open space;
- The scale of the building is consistent with planning controls,
- Design and site planning has been an iterative process in conjunction with the Design Competition Jury to ensure the 'design excellence' provisions of PLEP are achieved;
- The public domain treatment will be satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.

## **6.2 Site works**

### Excavation

Bulk earth works across the entire site, to a depth of about 11.5m, are required to accommodate the basement levels. The conditions at Attachment B include requirements to ensure these works are properly managed, including structural support for adjoining buildings and monitoring of private and public assets for damage. Consideration of excavation impacts on adjacent heritage items is provided at section 6.7 below.

Existing utility services will be decommissioned/diverted as necessary to enable construction, and will be augmented as nominated by those service providers to satisfy the demands generated by this proposal.

## **6.3 Natural and technological hazards**

The only hazard identified relates to flooding – see further comments at section 6.9 below.

## **6.4 Site design and internal design**

### Site planning

The proposal has appropriately responded to the following constraints:

- Site configuration, street frontages and interface with the public domain including the activation the future rear laneway and the provision of through site links
- Flood planning level
- Limited opportunities for the location of vehicle access

### Built form and external finishes

These issues were the subject of specific review by both the Design Competition Jury and the City Architect, and are satisfactory.

The conditions at Attachment B include requirements to ensure that the design excellence qualities of the development are not diluted once the project moves into the construction stage,

including retention of the project architect for the construction stage, ongoing 'hold points' to enable the Design Excellence Jury to monitor plans and external materials prior to the issue of any relevant Construction Certificate, and again at Occupation Certificate.

### Sustainability

Parramatta DCP 2011 nominates the following sustainability outcomes for commercial buildings:

- Achieve a minimum 5-star Green Star Design and as Built rating; and
- Achieve a minimum 4.5-star base building and tenancy NABERS Energy Rating, where applicable

However consistent with obligations associated with the 'design excellence' provisions of the PLEP, the design competition imposed more stringent ESD objectives for this project, particularly around:

- Integration of solar power and future proofing in the design to allow future connection capacity to battery storage, vehicle charging, district thermal and recycled water networks
- Integration of Water Sensitive Urban Design with building architectural and landscape design and functions.
- Achieve a level of 3rd party building certification that demonstrates best practice ecological sustainability.
- Reflected heat and glare from building facades

Council's independent ESD consultant was engaged at various stages of the design competition process to evaluate the preferred scheme relative to that criteria. That evaluation has continued through the assessment of this DA. In summary the ESD consultant is satisfied that all ESD measures requested have been included in the project, including the following key elements:

- The building to operate at a minimum NABERS Energy for Offices rating of 5.5 stars without accounting for any Green Power used in the building and a corresponding Commitment Agreement be entered into with NSW Office of Environment and Heritage.
- A dual reticulation (dual pipe) system is to be installed for future connection to a recycled water main.
- Rainwater collection and reuse
- Water efficient fixtures and fittings must be used throughout
- 95% of all timber is used to be certified under the Forest Stewardship Council certification system.
- The building to achieve a 5 star Green Star Design and As-built rating (v1.2 or later).

Included at Attachment B is a condition to ensure those ESD measures are realised.

### Accessibility

The application is supported by a technical report which concludes the proposal is able to

achieve compliance with the requirements of the NCC-BCA subject to resolution of nominated design matters. Council's Universal Design Project Officer has reviewed the proposal and has also identified minor matters to resolved.

None of the issues identified are fundamental and can reasonably be addressed at the time of the relevant Construction Certificate. Appropriate conditions are provided at Attachment B.

#### Landscaping

Council's Tree Management and Landscape Officer is satisfied with the landscape treatment for the on-site elements of the scheme, and has provided conditions for inclusion in any approval.

#### Compliance with the Building Code of Australia

Any consent granted to the application would include conditions requiring compliance with the National Construction Code/ Building Code of Australia.

### **6.5 Public domain**

#### Built form relationship to public domain

A positive public domain outcome will result given:

- A suitable interface is achieved between the ground floor level and adjoining footpaths;
- The building addresses the street frontage and future rear lane;
- Vehicle access is consolidated to a single edge of the site;
- Service areas and substations are integrated into the design and do not visually dominate the streetscape or pedestrian areas;
- The building provides for a direct visual connection to streets ensuring a high degree of passive surveillance of public spaces around the site;
- The architectural treatment achieves a suitable streetscape presentation; and
- An appropriate public domain treatment will be provided at all edges of the site.

The design locates an electrical substation on the ground level at the rear of the site (refer Figure 3 above). The Design Jury requires the substation to be retained in that location.

Access to the substation can therefore only be via a future laneway located within the adjoining Town Hall / 5 Parramatta Square project, currently under construction. An easement over that laneway is needed to formalise access for Endeavour Energy. Despite requests, the applicant has not provided evidence to demonstrate that Council, as owner of that adjacent land, is agreeable to an easement. Conditions are included at Attachment B requiring:

- Evidence that the adjoining land owner agrees to the creation of an easement over the northern laneway prior to the issue of any Construction Certificate, and;
- Evidence of registration of that easement prior to the issue of any Occupation Certificate.

It is noted that laneway will also provide service access for the substation within the approved 5 Parramatta Square building.

### Wind impacts

The application is supported by Pedestrian Wind Study report, based upon a wind tunnel test combined with historical meteorological wind records for the area. The report concludes, in summary that:

- The wind environment around the existing site and its surroundings are predominantly suitable for the intended pedestrian activity.
- The introduction of the proposed development would not substantially change the local wind environment, and conditions continue to be suitable for the intended pedestrian usage at each location. No locations in the existing or proposed configurations were found to be uncomfortable.
- Wind conditions on the roof terrace were found to be acceptable for pedestrian sitting and standing with lower wind speeds.
- There were no measured areas in either the existing or proposed configurations that exceed the criterion for pedestrian safety.
- No specific mitigation measures are required.

Council appointed an external consultant (CPP) to peer review that report. CPP has confirmed that the assessment and conclusions in the report are satisfactory.

### Reflectivity

The application is supported by a Solar Reflection Screening Analysis report which considers the potential for reflected heat and glare impacts from the facades of the building. Council's controls presently do not provide specific provisions for these matters, but this issue is identified within the qualitative criteria to evaluate design excellence nominated in PLEP 2011.

Noting the specialised technical nature of assessing these matters Council engaged an independent consultant (CPP) to peer review that report. CPP conclude that the applicant has, generally, properly assessed these matters (in the absence of specific council controls) but notes the need:

- For further testing to confirm the shading design (vertical fins) on the north façade to demonstrate the effectiveness of those fins to prevent glare impacts to oncoming traffic as claimed; and
- To demonstrate the specification for the final glazing units satisfy the glare and reflectivity performance requirements established by the Solar Reflection Screening Analysis report, and the ESD obligations nominated within the endorsed Design Excellence Competition Brief dated 14 January 2019.

Appropriate conditions are provided at Attachment B.

### Public Art

Parramatta DCP 2011 makes provision public art generally, whilst the project specific architectural design competition nominated the need for a satisfactory public art component to address the qualitative design excellence criteria within PLEP 2011. The application is therefore supported by a public art strategy and associated plan, which

- Establishes a set of Aboriginal design principles around the use of Darug Art; and
- Reflects an Indigenous strategy by:
  - Aligning the planting selections for the landscaped gardens and terraces to reflect the 6 Dharwal seasons
  - Creating a mural within the western arcade which reflects local Darug design
  - Installing a hanging art sculpture within the western arcade.

The themes for the public art strategy and nominated installations are supported by both the Design Competition Jury and Council's Cultural Projects & Public Art officer.

## **6.6 Relationship to adjacent sites**

### Operational noise

The acoustic report supporting the application has identified the following operational noise sources:

- Mechanical services plant;
- People talking in the outdoor areas;
- Cars entering and leaving the carpark;
- Carpark roller door.

The report concludes that the noise emission from the development complies with relevant noise criteria at the following nearest potentially affected receptor locations:

- Receptor 1: adjoining commercial premises at eastern and western site boundaries
- Receptor 2: outside Parramatta Town Hall, directly across the northern laneway
- Receptor 3: outside the nearest residences, about 240 metres south of the site

Given those conclusions, the report also notes that noise emission will also be acceptable at all other nearby properties.

The report provides recommendations for various aspects of the development, including the final section of mechanical a plant which is to be located either within the basement levels or at the roof top level (level 12).

The acoustic report has been reviewed and accepted by Council's Environmental Health Officer. Conditions to implement the recommendations of the acoustic report are included at Attachment B.

## **6.7 Heritage**

The site adjoins, and is also in proximity to, multiple local heritage items – refer Figure 7 below. As required by the LEP, the application is supported by a Heritage Impact Statement (HIS).

That report provides an evaluation of the impacts of the proposal, and has been prepared in accordance with the NSW Heritage Division publications, Statements of Heritage Impact, 2002 and Assessing Heritage Significance, 2001. It is also guided by the philosophy and processes



included in The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013 (Burra Charter). That methodology is satisfactory.

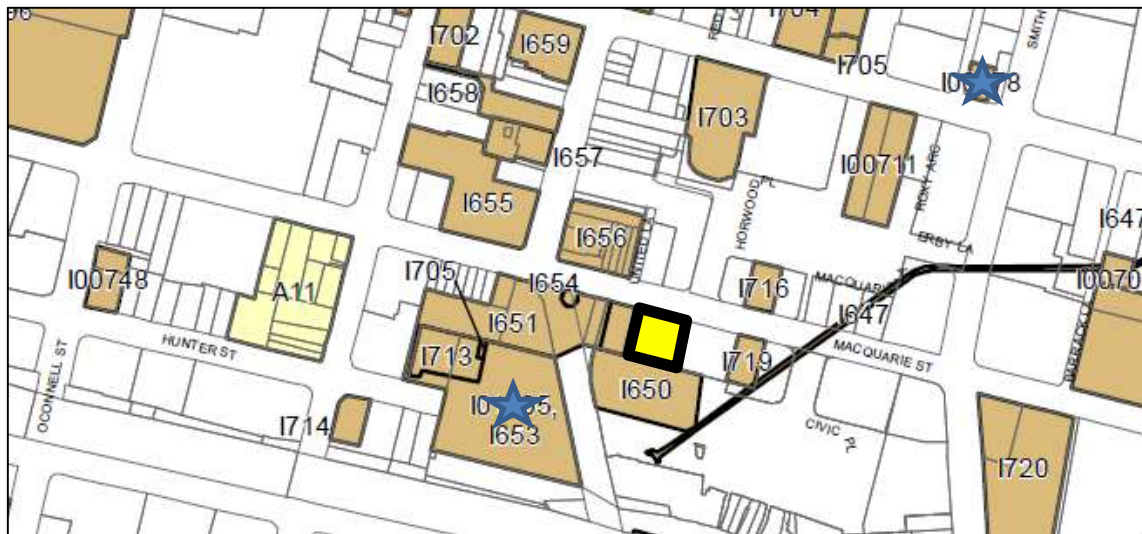


Figure 7: Heritage items in proximity to the site. Subject site is yellow. Sites marked with a Star are state heritage items

Evaluation of relevant heritage considerations is provided below:

#### Aboriginal archaeology

Council has identified the site as having potential state archaeological significance, and exceptional research potential. The application is therefore supported by a comprehensive Aboriginal Archaeological Assessment (AAA) which, in summary, provides the following conclusion:

*“The evidence indicates that Aboriginal people were occupying the Parramatta Square area and cooking meat, gathering resources, camping and making tools. It is considered highly likely that the present study area would form a part of that larger landscape.*

*As it is considered likely that evidence of contact archaeology in form of worked glass objects will be located within the study area, it will be necessary to apply for an AHIP to undertake test excavations. If during those test excavations, Aboriginal objects are uncovered, it will be necessary to apply for an AHIP for harm and depending on the results of the test excavation, it may be necessary to undertake salvage excavations. Prior to applying for an AHIP, it will be necessary to undertake consultation with the Aboriginal community in accordance with OEH's Aboriginal cultural heritage consultation requirements for proponents 2010. An Aboriginal Cultural Heritage Assessment Report (ACHAR) will need to be prepared which details the results of the consultation.”*

Consultation with the Department of Environment and Planning has confirmed that

- An AHIP for test excavation is required in order to identify the presence of Aboriginal objects and to determine their nature, extent and significance, particularly as contact archaeology may be present at the site.
- Dependent on the results of the test excavation, a subsequent AHIP for harm may be

- necessary
- Approvals for test excavation must be in place prior to the commencement of any ground disturbance.

Appropriate conditions are included at Attachment B.

### Historic archaeology

The Parramatta Historical Archaeology Landscape Management Study (PHALMS) subdivides Parramatta into Archaeological Management Units (AMUs). Each unit has been assigned a broad level of archaeological potential and significance. PHALMS included a preliminary assessment of research potential for each AMU. This site is within AMU 2869, which comprises the street block bounded by Macquarie, Church, Darcy and Smith Streets. The Statement of Significance for this AMU noted:

*This AMU has high archaeological research potential. This area contains a number of important public buildings and has been a significant public space since the early nineteenth century, identified as the site of the annual feast for Aborigines from 1816-30, the Market Place by 1823 and the Town Hall since 1880. The physical archaeological evidence within this area may include built landforms, structural features, open deposits and scatters, ecological samples, individual artefacts and possibly intact subfloor deposits which have potential to yield information relating to major historic themes including Aboriginal post-contact, Agriculture, Commerce, Cultural Sites, Events, Government and Administration, Housing, Land Tenure, Persons and Townships. Archaeological evidence at this site is likely to be disturbed in part but substantially intact in other areas. This AMU is of State significance.*

The application is supported by a comprehensive Archaeological Assessment (AA) which, in summary, provides the following results:

- The study area is situated within original town Allotment 24 (85-97 Macquarie Street) and part of Allotment 25 (97 Macquarie Street).
- Historical maps suggest the earliest buildings on Lot 24 were erected by 1831, and replaced in c1900. The early use of that site was residential, and later commercial from about 1893.
- Lot 25 was the site of the Wesleyan Methodist Church Sunday School / Jubilee Hall from c.1873-1956, though the majority of that building sat outside the study area.
- Allotment 24 has some potential to contain archaeology associated with the c.1830 cottage and c.1900 terrace, but the main site of those two buildings was impacted by a four storey building constructed in 2002. It is likely that any archaeology was substantially removed at that time.
- Allotment 25 has the potential to contain some archaeology associated with the Sunday School.
- Due to the extent of disturbance, the archaeology at the site is expected to be of local significance for historic, social and archaeological values.
- The site is expected to contain relics protected under the Heritage Act 1977.



Figure 8: Extract from Archaeological Assessment showing levels of predicted archaeological potential

Noting the potential for the site to support archaeology, the matter was referred to Heritage NSW who advised:

- The AMU is considered to be of State significance and is identified as of high archaeological research potential and the physical archaeological evidence may yield information relating to major historic themes
- The Archaeological Assessment recommends a program of archaeological testing in areas identified as having archaeological potential. If substantial intact remains were discovered then open area salvage should be carried out. However if State significant archaeology may be harmed then those relics should be avoided/protected during works.
- The Heritage Impact Statement cites the recommendations supplied in the Archaeological Assessment, however does not consider the site in terms of local or state significance against the Heritage Council criteria.

Heritage NSW also nominated conditions for inclusion in any consent, which require:

- No excavation or ground disturbance works should occur on site until a s.140 permit has been approved by the Heritage Council of NSW. Excavation and ground disturbance will be coordinated with Aboriginal archaeology and the *National Parks and Wildlife Act 1974* approval process, where this potential is identified as likely.
- The Applicant is to prepare an Interpretation Strategy for the site which incorporates the results of the archaeological investigations undertaken on the site.
- Works must cease and the Heritage Council of NSW notified of any unexpected deposits or relics are discovered.

The recommendations of Heritage NSW are included in the conditions at Attachment B.

### Relationship with adjoining heritage items

As shown at Figure 2 in the summary report, the site immediately adjoins the Parramatta Town Hall and Murrays Building, whilst the Leigh Memorial Uniting Church is in proximity. All three buildings are items of local heritage significance per PLEP 2011.

Council's Heritage Advisor has reviewed the application and raises no concerns relative to the built form relationship of the proposal to any heritage item, particularly noting the fact that the application has been through a 'design excellence' process. It is also noted that the proposal is compliant with current LEP controls for height and density, and will be consistent with the desired future character of the CBD envisaged by Council's Planning Proposal for the city centre (not yet publicly exhibited) which itself has been informed by various heritage studies.

The primary concerns is the extent to which excavation and construction associated with this project might affect the structural integrity of those adjacent and nearby heritage items. The application is therefore supported by:

- A joint statement, prepared by the applicant's heritage advisor, geotechnical engineer and structural engineer, which considers the potential for impacts from dewatering and the use of temporary rock anchors. That report concludes that the proposed shoring system will ensure neighbouring building are remain structural stable; and
- A joint statement prepared by the applicant's heritage advisor and structural engineer which considers the potential impacts of vibration from excavation and construction. That statement concludes that the general mitigation measures nominated in the supporting Noise and Vibration Management Plan, need supplementing to ensure the adequate management of those adjacent heritage buildings. Those additional measures are included within that joint statement.

Conditions are included at Attachment B to implement the mitigation measures nominated those supporting technical reports.

### View corridors

Figure 4.3.3.4 of Parramatta DCP 201 identifies views and view corridors which contribute to wayfinding and the character and amenity of a city, enhancing the sense of place and identity. The location of the site is such that the proposed building will not impinge upon Historic View Corridor # 3, being the view of St Johns Church and Square looking south along Church Street, from the intersection with Macquarie Street.

### Old Government House and Domain

Old Government House and Government Domain' (OGHGD) within Parramatta Park, are together included on the National Heritage List. A large part of the National Heritage listed property is also inscribed on UNESCO's World Heritage List as part of the Australian Convict Sites serial listing. 'Parramatta Park & Old Government House' are also listed on the State Heritage Register under the provisions of the Heritage Act 1977. That listing covers the whole of Parramatta Park including the Parramatta Golf Club on the southern side of the railway.

Although OGHGD lie some 400m west of the site, the HIS has, rightly, examined potential impacts as a result of this proposal, noting that it is within the 'Sensitive Area' as defined for the protection of the World Heritage Buffer of the "Old Government House and Domain" within the Technical Report for Parramatta Park (Planisphere 2012)

The HIS has evaluated potential impacts on OGHGD and concludes:

*it will have no impact on the identified views within the sensitive areas of the World Heritage buffer of the 'Old Government House and Domain' (OGH). The new developments that are currently under construction or assessment and are located between the subject site and the OGH higher than the proposed new building. As such, the views to and from the OGH towards the Parramatta CBD will not be affected.*

It is agreed that the low rise nature this building relative to both the existing and future context of the CBD, will not diminish the visual catchment of view lines associated with OGHGD.

## **6.8 Access, transport and traffic**

### Vehicle access within Macquarie Street and Parramatta Light Rail

The PLR route includes all of Macquarie Street, east of Church Street. Macquarie Street between Church and Smith Streets will be impacted as follows:

- No general traffic lanes in either direction east of the intersection with Horwood Place
- One east bound traffic lane between Church Street and Horwood Place
- PLR tracks will be located adjacent to the southern edge of Macquarie Street.

Prior to finalising the Brief for the architectural design competition Council consulted with PLR to establish its requirements for managing traffic movements to and from this site over PLR infrastructure. The advice received was:

- Traffic signals are required in Macquarie Street at the intersection with Horwood Place; and
- The driveway access for this site should be consolidated with any re-development of adjoining 99 -119A to the east, so that both would benefit from the traffic signals.

The preferred competition scheme, and the DA scheme as lodged, anticipated a consolidated driveway with adjoining 99 -119A Macquarie Street, but nominated as its interim arrangement a signalised one-way driveway access within the site. That arrangement was not satisfactory to Council because:

- During the construction of the PLR, Macquarie Street will become one lane, one-way eastbound. Any queuing on Macquarie Street, as a result of vehicles waiting to turn right into the site, would stop traffic flow on Macquarie Street completely.
- During the operation of the PLR, Macquarie Street will be one lane one-way eastbound and there will not be any space to provide a waiting lane/bay for right turn movements

into the interim driveway. Again, any vehicles waiting to turn right into the site will stop traffic flow on Macquarie Street completely.

Further, through the DA referral process, TfNSW instead advised:

- It would not support any signals on Macquarie Street as such will result in traffic delays and queueing, creating opportunities for increased crashes in a high pedestrian area;
- The one-way driveway as proposed is not supported as it may result in vehicle queues on Macquarie Street. Any queueing on Macquarie Street will not be permitted due to pedestrian and driver safety
- Parking supply is to be capped to current numbers (about 50% of what is proposed) because traffic and safety along the PLR alignment has been modelled based on matching existing car parking levels. However they then also say that any significant increase in parking levels for sites will require significant traffic and safety analysis noting cumulative impacts if all car parking levels are increased along the PLR alignment.
- Driveway locations are to remain in existing locations, and consolidated where possible.

The application has therefore been amended to provide a revised ground floor design which incorporates a two way section at Macquarie Street, and a one way driveway deeper inside the site. It is anticipated that arrangement will, in time be replaced by a full two way access shared with adjoining 99 -119A Macquarie Street in the future.

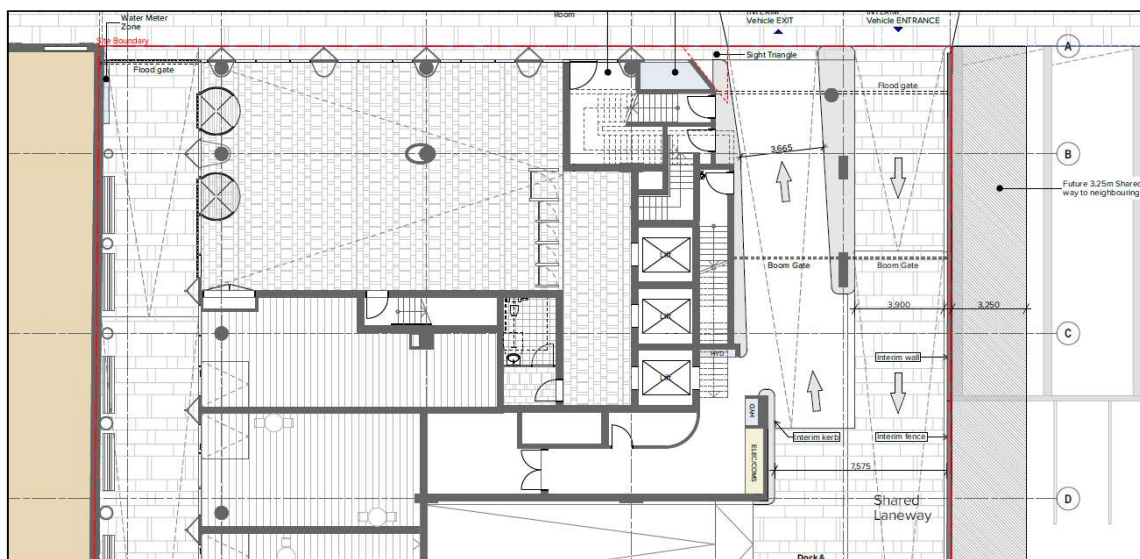


Figure 9: Revised access driveway at Macquarie Street

TfNSW (both PLR and RMS) has agreed to this design solution and:

- Do not require any mechanism in Macquarie Street to control vehicle movements over the PLR tracks
- Do not object to the supply of onsite car parking.

#### Vehicle movements within the site

The constrained dimensions of the site result in sections of the surface driveway, vehicle ramps between basement levels and limited sections of circulation aisles within the basement being



designed only to allow for one way traffic movements. The orderly and safe movement of vehicles within the site will therefore be managed by a combination of:

- Light signals to control the movement of vehicles up and down each ramp, with priority to entry at the AM peak, and exit at the PM peak
- In addition to signals, electronic signage, on site, at the entry from Macquarie Street indicating the number of available parking spaces and the number of vehicles queued to exit the site
- Waiting bays at the top of each ramp
- Convex mirrors along the ramps

Council's Traffic Engineer raised no objection to this system of onsite traffic management, and has also confirmed that the geometry and design of parking areas within the basement is satisfactory.

However, the driveway is also to function as shareway and Council's Public Domain team does not support the use of boom gates to manage traffic movements across the site, as they would privatise that space and discourage pedestrians. To resolve that, but still ensure the proper management of traffic it is proposed that:

- The boom gates at the southern site boundary be replaced with bollards
- The boom gates positioned centrally along the driveway be deleted, with vehicle movements into the instead managed by:
  - the electronic signage system noted above; and
  - roller doors to the basement and truck lift secured via the installation of roller doors, which are to be operated by remote control/number plate recognition or other means

These design amendments are addressed by conditions at Attachment B.

#### Access for service vehicles

Service vehicles will also access the site from Macquarie Street, and for the most part, will be separated from general traffic, excepting the short section of one way driveway where the electronic signage system, noted above, will control movements.

Service vehicles will otherwise be separated from general traffic. A truck lift, capable of taking a MRV 8.8m long, will provide access to basement Level 2, where a turntable will allow manoeuvring to access the loading bay. Vehicles will then use the same method to exit the site. This system again is a reflection of the constrained dimensions of the site.

Council's Traffic Engineer has no objection to this arrangement subject to endorsement of a Loading Dock Management Plan. TfNSW has similarly provided a condition requiring its approval of a Car Park and Loading Dock Management Plan. Appropriate conditions are included at Attachment B.

#### Traffic impacts

The application is supported by a Transport Impact Assessment report which considers

consequences for the operations of the local road network associated with traffic generated by this proposal.

Council's Traffic Engineer confirms that report has demonstrated that relevant intersections within the local road network will operate with a satisfactory level of service even with the introduction.

#### Construction works within Macquarie Street

As noted, this part of Macquarie Street is now a "classified road" by virtue of it being a transitway for the purposes of PLR, however Council remains the 'roads authority' under the Roads Act 1993.

Section 138 of the Road Act provides that where Council is the roads authority, it cannot give consent for works in a classified road without the concurrence of TfNSW. Therefore even minor works like laybacks and crossovers triggers a concurrence requirement.

However concurrence is not required at DA stage. Instead, this matter is addressed by means of condition requiring a separate application to be lodged with Council for approval for works within the road reserve. Prior to granting any such approval, Council would need at that time to receive concurrence from TfNSW. Advice has been received from TfNSW confirming it is prepared to grant such concurrence the works within the road reserve.

#### Future access

Council is aware the proponent is seeking to secure agreement with the owners of adjoining 99-119A Macquarie Street to share a consolidated two way access from Macquarie Street which will benefit each site. At this stage however that outcome has not been secured, hence the access arrangements as noted above.

Should both property owners reach agreement then it would be necessary for a separate development application to be secured to implement that shared arrangement, including the required revisions to this building. An appropriate advice is included at Attachment B.

## **6.9 Water management**

#### Flood impacts

Council's Development Engineer advises:

- The site is subject to flooding from overland flow from the wider catchment to the south, for which the 1% AEP flood event (1 in 100 year flood event) is predicted to be the appropriate planning level. The ground floor is set at the required Flood Planning Level of RL 10.9m AHD, and passive flood protection of the basement car park is also satisfactory.
- The site, like much of the CBD, is also subject to mainstream flooding from the Parramatta River for the Probable Maximum Flood (PMF) event. The PMF level was advised as RL 12 m AHD in a Flood Information advice from Council dated 16 July 2019. Active flood exclusion to protect the basement up to the PMF level is required,

- and is addressed by flood gates and other associated measures such as flood doors which are already nominated in the architectural plans. These exclude floods from the entire ground floor. Additionally, flood-free escape stairs from the lowest basement level up to the first floor and higher is available for occupants.
- The application is supported by a 'Flood Risk Management Plan' which is satisfactory. Notwithstanding, the Engineer has recommended conditions which require:
    - Installation of operational flood warning system connected to Council's flood warning system; and
    - Preparation of a flood emergency response plan that must address a system of evacuation where appropriate, and where not a shelter in place refuge within the development above the PMF.

### Groundwater

As noted, de-watering of ground water during construction will be required and WaterNSW has issued its GTAs for that relative to the requirements of the Water Management Act 2000.

However permanent dewatering, post construction, is not appropriate for various reasons including:

- It is not environmentally sustainable, particularly given potential cumulative impacts;
- It creates an ongoing cost on the building owners; and
- It places an unnecessary burden on Council's stormwater drainage infrastructure

Accordingly this report recommends that the basement structure is of a tanked (waterproof) construction.

### Water quality during construction

This matter is addressed by conditions.

### Stormwater

The applicant has submitted details for the stormwater system, which includes On Site Detention of stand Water Sensitive Urban Design which is satisfactory subject to details being approved by the PCA.

The stormwater must be connected underground to a pipeline in Macquarie Street rather discharged to the gutter as proposed. This may require construction of a pipeline along the gutter line in Macquarie Street or across the street. It will be affected by Light Rail considerations.

## **6.10 Waste management**

### Construction phase

Council's Environmental Health Officer has provided various conditions to manage waste management during the construction stage – refer to Attachment B.

### Operational phase

The application is supported by a Waste Management Plan addressing arrangements for the storage and collection of general waste/recyclables and trade waste. The development will be serviced by private contractors. Appropriate conditions are included at Attachment B.

#### **6.11 Construction Management**

To minimise nuisance during the construction period a construction management plan, addressing the following matters, will be required:

- Dilapidation reports;
- Demolition and removal of hazardous materials;
- Sediment and erosion control and water quality during construction;
- Hours of works;
- Construction noise and vibration;
- Material delivery and storage;
- Safety fencing;
- Traffic and pedestrian safety;
- Dust control; and
- Tree protection.

A Construction Traffic Management Plan (CTMP) will also be required, to ensure co-ordination with the construction of PLR stage 1, given the potential for timing of these two projects to overlap. The CTMP will require endorsement by both Council and TfNSW. This matter is addressed by condition at Attachment B.

#### **6.12 Safety, security and crime prevention**

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard has been given to those considerations.

To ensure a suitable outcome is achieved, the recommendation includes conditions which require the following:

- Internal and external lighting to Australian Standards;
- Installation of CCTV to the basement entry;
- Access control measures
- Way finding measures within the parking levels

These matters are addressed by conditions at Attachment B.

## 6.13 Social and economic impacts

No adverse impacts have been identified.

## 7. Site suitability

### 7.1 Does the proposal fit the locality

Subject to the conditions provided within the recommendation to this report the site is suitable for this development given:

- The proposal is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- Site attributes are conducive, constraints/hazards can be properly and reasonably mitigated.

### 7.2 Public submissions

One submission was received from the owners of the adjoining Murrays Building (188 Church Street) advising of concerns which relate to two primary issues. Those matters are summarised and addressed below:

#### Issue 1 – Lack of 3m setback off common boundary

##### *Item 1 – Legal access*

*The applicant has no legal rights to access airspace over 188 Church Street for the purposes construction, cleaning or maintenance. The applicant must demonstrate it is capable of carrying out construction and accessing all parts of the development from within its own boundaries.*

Response:

The lack of legal access over this adjoining site is acknowledged, and the applicant will need to respect that circumstance. Such would not be an uncommon situation within a CBD setting.

##### *Item 2 – Falling objects*

*The lack of setback creates an unnecessary risk for 188 Church Street from falling objects both during construction and once occupied.*

Response:

Avoidance of damage to adjacent sites during construction will be an obligation for the applicant to address, but again is not an uncommon constraint in a CBD setting. The design includes small balconies at the western facade (levels 4 – 11). The risk of falling objects from these balconies is considered minimal given their size, and noting they are ancillary to a commercial building unlikely to be used for social purposes, particularly as the building benefits from more substantial roof terraces which have greater amenity.

### *Item 3 – Impacts on future development*

*The proposal would prejudice future re-development opportunities for 188 Church Street which benefits from an FSR control of 8:1. Its local heritage listing would not preclude the possibility of a respectful addition above the present building, for which there are various precedents.*

Response:

The re-development potential of 188 Church Street would be determined by multiple factors including:

- Its local heritage listing and the ability to successfully integrate a low rise tower form above the current 3 storey building
- The ability to achieve viable floor plates given the width of the allotment (20m) the area of the site (635m<sup>2</sup>) and the need for any floorplate to step back from the southern site boundary as height increases, as required by the Sun Access Plane provisions within the LEP in the same way that this proposal does.
- The need to accommodate a suitable lift core to service all levels of any tower

Those circumstances would likely see any re-development scheme for 188 Church Street seeking concessions on side boundary setbacks.

### *Item 4 – Design competition brief*

*The applicant should not rely upon a design competition brief to avoid addressing and complying with applicable legal, planning, design and operational considerations. The scheme cannot achieve 'design excellence' if it relies on upon prejudicing future development at 188 Church Street. Similarly, achieving commercially feasible floorplates is not an appropriate basis to prejudice an adjoining site.*

Response:

The submission has not demonstrated the extent to which 188 Church Street would be prejudiced by this building. That proposition appears to be based upon an assumption that the 'building the round' format of this application, by virtue the exposure of its western elevation to Centenary Square, would weigh against any future scheme for the Murrays Building site.

However should an appropriately considered re-development scheme for 188 Church Street be advanced at some point in the future, which would then screen this proposal from the west, then that is outcome the applicant for this site would need to accept.

### *Item 5 – Revised design of western façade*

*The intent to see this proposal "in the round" is recognised however occupant amenity and façade access must be managed by the applicant from within its own boundaries. If commercial realities require development up to the common boundary, then the only acceptable outcome is for maintenance free, fire rated wall boundary wall similar to the eastern façade of this scheme.*

Response:

These are matters for the proponent to consider prior to proceeding should the application be approved. As noted however, the management of such matters within a CBD would not be uncommon.

#### *Item 6 – BCA compliance*

*To comply with the BCA the applicant must prove legal property rights or commercial arrangements for air space over 188 Church Street to demonstrate compliance with fire separation, and access to air and light. In the absence of legal property rights or commercial arrangements, the shared boundary must be constructed in compliance with the BCA – either as a fire rated party wall or setback 3m from the boundary if it is glazed.*

Response:

In relation to the issue of the protection of openings within proximity to allotment boundaries, the application is supported by submission from its BCA consultant which states:

*“We have been approached to provide an opinion on the proposed mixed-use development located..... with regards to the capability of the building design to achieve compliance with the protection of opening provisions contained within BCA Clauses C3.2 & C3.4.*

*Our assessment is based on architectural drawings prepared by Turner Architects, dated 16/04/2020 and is limited to the assessment of the external openings throughout the development.*

*Based on our assessment we advise that the building is capable of achieving compliance with the Deemed To Satisfy provisions of the BCA via protection of the openings with wall wetting drenchers and fixed or self-closing glazing in accordance with BCA Specification C3.4.*

*Where a Deemed-To-Satisfy solution is not proposed the design could involve performance based engineering subject to further design development at the pre-Construction Certificate phase.”*

It is accepted that strict adherence to a 3m boundary setback is not the only method of managing fire separation between buildings.

#### Issue 2 – Impacts during construction

##### *Item 6 – Noise and vibration*

*Further details are required for the management of noise and vibration during construction, particularly to demonstrate there will be no adverse or irreversible impacts the structure and architecture of the heritage listed building at 188 Church Street. Any consent must include requirements for a dilapidation report prior to, and at the completion of construction.*



Response:

Consideration of vibration and construction related impacts has been satisfactorily addressed, as discussed at section 6.7. Any consent will include requirements for dilapidation reports and monitoring of noise and vibration levels.

*Item 7 – Through site link green wall*

*Must demonstrate the proposed free standing structures in the link will not have adverse or irreversible impacts upon the boundary wall or footings or waterproofing of the building at 188 Church Street.*

Response:

The landscape treatment includes green wall panels between structural columns along the western arcade. A condition is included at Attachment B addressing this matter.

## **8. Public interest**

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



## **ATTACHMENT B - CONDITIONS OF CONSENT**

<b>SWCCP reference</b>	PPSSCC-42
<b>DA No.</b>	DA/638/2019

### **GENERAL MATTERS**

#### *PLANNING*

##### **Approved plans and supporting documentation**

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

##### **Architectural plans –Turner Studio**

<b>Drawing &amp; Revision</b>	<b>Title</b>	<b>Date</b>
DA-001-001 Rev C	Cover Page	16.4.20
DA-010-001 Rev C	Site plan/ Site analysis	16.4.20
DA-010-004 Rev A	Ground level (alternative with interim layout)	23.4.20
DA-110-004 Rev C	Basement 04	16.4.20
DA-110-005 Rev C	Basement 03	16.4.20
DA-110-006 Rev C	Basement 02	16.4.20
DA-110-007 Rev C	Basement 01	16.4.20
DA-110-010 Rev C	Level 01	16.4.20
DA-110-020 Rev C	Level 02	16.4.20
DA-110-030 Rev C	Level 03	16.4.20
DA-110-040 Rev C	Level 04	16.4.20
DA-110-050 Rev C	Level 05	16.4.20
DA-110-060 Rev C	Level 06	16.4.20
DA-110-070 Rev C	Level 07	16.4.20
DA-110-080 Rev C	Level 08	16.4.20
DA-110-090 Rev C	Level 09	16.4.20
DA-110-100 Rev C	Level 10	16.4.20
DA-110-110 Rev C	Level 11	16.4.20
DA-110-120 Rev C	Level 12	16.4.20
DA-210-001 Rev C	North elevation context	16.4.20
DA-210-002 Rev C	West elevation context	16.4.20
DA-210-003 Rev C	South elevation context	16.4.20
DA-210-004 Rev A	Murrays building context	16.4.20

DA-220-001 Rev C	North elevation	16.4.20
DA-220-002 Rev C	West elevation	16.4.20
DA-220-003 Rev C	South elevation	16.4.20
DA-220-004 Rev C	East elevation	16.4.20
DA-310-101 Rev C	Section AA	16.4.20
DA-310-102 Rev C	Section BB	16.4.20
DA-320-001 Rev B	Awing details	28.10.19
DA-320-002 Rev B	Plant room, terracotta blades and curtain wall detail	28.10.19
DA-320-003 Rev B	Façade sections, arcade, balcony and terrace detail	28.10.19
DA-330-001 Rev C	Ramp section detail – vehicular ramp section	16.4.20
DA-330-103 Rev A	Ramp section detail – shared laneway ramp and building lobby section	16.4.20
DA-330-104 Rev A	Ramp section detail – Pedestrian arcade section and retail shopfronts	16.4.20
DA-770-001 Rev C	GFA diagrams	16.4.20
DA-770-002 Rev C	GFA diagrams	16.4.20
DA 820-001 Rev A	Shared car space diagram	16.4.20
DA890-001 Rev B	External material and finishes board	28.10.19
DA-910-01 Rev B	Perspective 01	28.10.19
DA-910-02 Rev B	Perspective 02	28.10.19

#### **Landscape plans – Turf Design Studio**

<b>Drawing &amp; Revision</b>	<b>Title</b>	<b>Date</b>
L-DA-10	The arcade	1.4.20
L-DA-11	Green wall	1.4.20
L-DA-12	Green wall typical details	1.4.20
L-DA-13	Balcony planters	1.4.20
L-DA-14	Roof top terraces	1.4.20
L-DA-16	Roof top terraces	1.4.20
L-DA-17	Roof top terraces – Section A	1.4.20
L-DA-18	Roof top terraces – Section B	1.4.20
L-DA-19	Roof top terraces – Typical planter detail	1.4.20
L-DA-20	Roof top terraces – planting palette	1.4.20
L-DA-21	Roof top terraces – planting plan	1.4.20

#### **Stormwater concept plans – Australian Consulting Engineers**

<b>Drawing &amp; Revision</b>	<b>Title</b>	<b>Date</b>
101- Rev C	STORMWATER CONCEPT PLAN BASEMENT LEVEL 4 SHEET 1 OF 2	6.9.19
102- Rev B	STORMWATER CONCEPT PLAN BASEMENT LEVEL 4 SHEET 2 OF 2	6.9.19
103- Rev C	STORMWATER CONCEPT PLAN BASEMENT LEVEL 3	6.9.19
104- Rev C	STORMWATER CONCEPT PLAN BASEMENT LEVEL 2	6.9.19
105- Rev C	STORMWATER CONCEPT PLAN BASEMENT LEVEL 1	6.9.19

106- Rev B	STORMWATER CONCEPT PLAN GROUND LEVEL	12.8.19
106- Rev C	STORMWATER CONCEPT PLAN LEVEL 1	12.8.19
108-Rev D	ON-SITE DETENTION DETAILS AND CALCULATION SHEET	5.9.19
109-Rev B	CATCHMENT PLAN AND WSUD DETAILS SHEET	4.7.19
110-Rev B	SEDIMENT & EROSION CONTROL PLAN & DETAILS	6.9.19
111-Rev A	MISCELLANEOUS DETAILS SHEET	7.6.19
12- Rev A	TEMPORARY SITE DRAINAGE PLAN	5.9.19

**Note:** In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

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

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

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

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

#### **Construction Certificate**

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

**Reason:** To ensure compliance with legislative requirements.

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

4. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Macquarie Street boundary.

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

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

#### **Utility adjustment/relocation works**

5. 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.

#### **Separate approval required**

6. Notwithstanding the approved drawings, no approval is granted for the following:

- a) The installation of any rocks anchors.
- b) Advertising signage
- c) Occupation of any of the commercial or retail tenancies

A separate development application is required for such works.

**Reason:** To ensure the development is in accordance with the terms of the application.

*TRANSPORT FOR NSW – LIGHT RAIL*

7. The applicant must comply with all the operator of Parramatta Light Rail policies, rules and procedures when working in and about the Parramatta Light Rail corridor;
8. The applicant must comply with the requirements of T HR CI 12080 ST External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
9. Activities of the applicant must not affect and/or restrict Parramatta Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), and the Parramatta Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Parramatta Light Rail Operator;
10. The applicant must apply to the Parramatta Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Parramatta Light Rail Operator. Parramatta Light Rail Operator and TfNSW may grant or refuse a request for network shutdown at its discretion;
11. The applicant shall provide safe and unimpeded access for Parramatta Light Rail patrons traversing to and from the Parramatta Light Rail stops at all times;
12. The relocation of any TfNSW services or infrastructure must only be undertaken with prior consent from TfNSW and to TfNSW Requirements and Standards. The works must be designed and undertaken by Authorised Engineering Organisations (AEO) at the applicant's cost;
13. All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW;
14. TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought; and
15. All TfNSW and Parramatta Light Rail Operator's costs associated with review of plans, designs and legal must be borne by the applicant.

*TRANSPORT FOR NSW – LIGHT RAIL*

16. TfNSW advises that the site will be required to undertake significant relocation works to utilities located on Macquarie Street. As such, 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. Works shall be at no cost to TfNSW.

## HERITAGE COUNCIL OF NSW

17. The applicant must prepare an Interpretation Strategy for the site in two parts. The Final Interpretation Strategy should help the public understand the history and significance of the site and must include final information on the display and housing of artefacts and incorporate key results from the archaeological program. A draft version of the Interpretation Strategy shall be submitted to the Heritage Council of NSW or its delegate for approval within six (6) months of the completion of the archaeological program. The finalised version of the Interpretation Strategy must be submitted to the Heritage Council of NSW for approval within six (6) months of the completion of the final excavation report for the site.

## ENGINEERING

18. **Flood Risk Mitigation**
  - a) The minimum finished floor levels of all habitable rooms/floors shall be RL 10.9m AHD. Habitable rooms and storage of valuable items below this level are not permitted, with the exception of storage of motor vehicles and bicycles in the basement car park.
  - b) Full compliance with the 'Flood Risk Management Plan' by Australian Consulting Engineers Issue A 19 September 2019 except where conditions of this consent make a specific alternative requirement.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### TRANSPORT FOR NSW – LIGHT RAIL

19. Prior to the issue of any construction certificate involving works of penetration of ground to a depth of at least 2m below ground level (existing) on land in, above or adjacent to (within 25m measured horizontally) the relevant rail corridor, the applicant shall consult with TfNSW regarding the relevant documentation to be submitted to TfNSW and obtain written endorsement from TfNSW for the relevant construction stage. A summary report for the relevant construction stage shall also be provided to TfNSW to demonstrate that the submitted documentation has satisfied the relevant conditions.

The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until receiving written confirmation from TfNSW that the relevant conditions have been complied with.

20. Prior to issue of the first construction certificate, the applicant shall provide the following to TfNSW for review and endorsement:
  - (i) Final geotechnical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor easement and substratum, and include consideration for a Finite Element analysis and any potential dewatering;
  - (ii) Final construction methodology, including any staging of the works, with construction details pertaining to structural support during excavation or ground penetration;
  - (iii) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or

- ground penetration works. All measurements are to be verified by a Registered Surveyor;
- (iv) Details of the vibration and movement monitoring system that will be in place before excavation commences; and
  - (v) Detailed survey plan.
21. Prior to the issue of the relevant Construction Certificate, the applicant shall liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSW's written endorsement.
22. Prior to the issue of the relevant Construction Certificate, the applicant shall undertake services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have an impact on rail services and signalling. In the event rail services are identified within the subject development site or within close proximity to the development site, the applicant must discuss with TfNSW as to whether these services could be affected by the works proposed or if they are to be relocated or incorporated within the site.
23. Prior to the issue of the relevant Construction Certificate, the applicant shall provide an engineering drawing which illustrates the delineation of the Parramatta Light Rail Corridor located adjacent to the subject development site in relation to the work site.
24. Prior to the issue of the relevant Construction Certificate, a pre-construction work Dilapidation Report of the Parramatta Light Rail and its assets shall be prepared by qualified engineers. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Parramatta Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed.
25. Prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to the PCA demonstrating how the proposed development will comply with the Department of Planning's document titled "Development near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.
26. Prior to the issue of the relevant Construction Certificate, the applicant is to engage an Electrolysis Consultant 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 report to control that risk. A copy of the report is to be provided to the PCA with the application for the relevant Construction Certificate.
27. Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare and reflectivity to the satisfaction of TfNSW and the Parramatta Light Rail Operator.
28. Prior to the issue of the relevant Construction Certificate, a detailed regime is to be prepared for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.
29. Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. This insurance



shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

#### *TRANSPORT FOR NSW – ROADS*

30. The redundant driveway on the Macquarie Street boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter, new driveway and associated works on Macquarie Street shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au).

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

31. Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, if required by TfNSW, an agreement between the applicant, and Parramatta Light Rail Contractor(s) must be agreed and executed by the parties. Such agreement should be endorsed by TfNSW prior to execution. These agreements may deal with matters including, but not limited to, the following:

- Operational requirements;
- Access requirements;
- Parramatta Light Rail Contractors and Operator policies, rules and procedures compliance requirements;
- Indemnities and releases;
- Security of costs;
- Insurance requirements and conditions;
- Recovery of costs incurred by TfNSW, Parramatta Light Rail Contractor(s) and Operator in relation to the development (e.g. review of designs and reports, legal, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc.) risk assessments and configuration change processes;
- TfNSW, Parramatta Light Rail Contractor(s) and Operator reviews of the applicant's proposed engineering design and construction works methodology;
- A forward work program that includes key development milestones;
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Parramatta Light Rail corridor;
- Arrangements for shutdowns and any impacts in terms of restricting Parramatta Light Rail operations; and
- Parramatta Light Rail site access approval and permit to work.

Please contact [da.plr@transport.nsw.gov.au](mailto:da.plr@transport.nsw.gov.au) for further information.

32. Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, if required by TfNSW, a Safety Interface Agreement between the applicant, and Parramatta Light Rail Operator must be agreed and executed by the parties in order for the Parramatta Light Rail Operator to discharge its duties under Rail Safety National Law. Such agreement should be endorsed by TfNSW prior to execution. This agreements may deal with matters including, but not limited to, the following:

- Pre and post construction dilapidation reports;
- The need for track possessions;
- Review of the machinery to be used during excavation/ground penetration / construction works;
- The need for track monitoring;
- Design and installation of lights, signs and reflective material;
- Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
- Endorsement of plans regarding proposed craneage and other aerial operations;
- Light Rail Operator's rules and procedures;
- Authorised access requirements to the corridor;
- Cost recovery; and
- Alteration of rail assets such as the track, signalling systems and associated hoarding demarcation system, if undertaken by the applicant.

Please contact [da.plr@transport.nsw.gov.au](mailto:da.plr@transport.nsw.gov.au) for further information.

33. Prior to the issue of any construction certificate, updated vehicle swept paths shall be provided to TfNSW regarding ingress and egress movements to ensure minimal impacts to the Parramatta Light Rail. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
34. Prior to the issue of any construction certificate, the applicant shall prepare a Car Park and Loading Dock Management Plan (CPLDMP) in consultation with TfNSW. The applicant shall submit a copy of the CPLDMP to TfNSW for endorsement via [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au).

The CPLDMP should specify, but not be limited to, the following:

- Details of the development's car and loading/service vehicle parking system (including traffic signals, boom gate, loading/service vehicle lift and vehicle presence detector);
- Details of the development's freight and servicing profile, including the forecast loading/service vehicle traffic volumes by vehicle size, frequency, time of day and duration of stay;
- Details of loading/service vehicle bays within the site which adequately accommodate the forecast loading/service vehicle traffic volumes of the development (including long dwell time loading/service vehicles) so as to not rely on the kerbside restrictions to conduct the development's business, including any necessary additional loading/service vehicle facilities through a reallocation of car parking spaces from private vehicle use to loading/service vehicle use;

- Details of any alternative arrangements to accommodate the development's freight and servicing profile, including implementation of supply chain consolidation and/or off-site consolidation;
- How the regular operation of the car and loading/service vehicle parking system will minimise the potential impacts of queuing along Macquarie Street;
- How any incidents or malfunction of the car and loading/service vehicle parking system (including turntable, traffic signals, boom gate, loading/service vehicle lift, vehicle presence detector) will minimise the potential impacts of queuing along Macquarie Street;
- Details of alternate car parking locations and loading zones to redirect vehicles due to extensive queuing at the access to site and how this would be managed;
- Management of internal incidents at the Macquarie Street/Horwood Place/development site driveway intersection or within the site car park;
- Details of how vehicles accessing and exiting the site on Macquarie Street will be managed including any signage or warning mechanism;
- Details of how vehicles accessing and exiting the loading/service vehicle lift will be managed including any signage or warning mechanism;
- Details of how vehicles accessing and exiting the site and pedestrian movements along Macquarie Street as well as vehicles and pedestrians within the laneway within the site will be managed;
- Measures to ensure deliveries are minimised during the AM and PM peak periods to minimise impacts to light operation during the peak such as an electronic booking system; and
- Loading bay management details including controls of duration of vehicle stay.

The CPLDMP (and any updates to the plan), shall be implemented and adhered to at all times by the applicant following the issue of the Occupation Certificate.

35. Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:
- (i) Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. The CPTMP shall ensure that the construction of the development does not adversely impact the following phases of the Parramatta Light Rail Project:
    - Construction;
    - Testing;
    - Commissioning; and
    - Regular service operation.
  - (ii) The CPTMP should specify matters including, but not limited to, the following:
    - A description of the development;
    - Location of any proposed work zone(s);
    - Details of crane arrangements including location of any crane(s) and crane movement plan;
    - Haulage routes;
    - Proposed construction hours;
    - Predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
    - Construction vehicle access arrangements;
    - Construction program and construction methodology, including any construction staging;

- A detailed plan of any proposed hoarding and/or scaffolding;
- Measures to avoid construction worker vehicle movements within the CBD;
- Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and TfNSW, Parramatta Light Rail, Contractor(s) and Operator.
- Identify any potential impacts to general traffic, cyclists, pedestrians, bus services and any light rail within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP;
- Identify the cumulative construction activities of the development and other projects within or around the development site, including the Parramatta Light Rail Project and private development. Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP; and
- Provide the builder's direct contact number to TfNSW and small businesses adjoining or impacted by the construction work to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

- (iii) Submit a copy of the final plan to TfNSW for endorsement via [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au);

The applicant shall update the CPTMP to reflect the different phases of the Parramatta Light Rail Project when required by TfNSW. The applicant shall submit a copy of the final updated plan to TfNSW for endorsement within two weeks of being notified by TfNSW to update the plan.

#### *ENDEAVOUR ENERGY*

- 36 Prior to the release of any Construction Certificate provide evidence to the Principal Certifying Authority, and a copy to Council, that owner of adjoining lot 14 DP1255419 agrees to the creation of an easement to allow Endeavour Energy access to the substation.
37. Prior to the release of any Construction Certificate obtain documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation.

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations'

38. 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.

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

39. Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- The disconnection and removal of an underground service cable or overhead service line,
- Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

40. 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.

#### *WATER NSW*

41. The development shall be completed in accordance with the attached General Terms of Approval (GTA) issued by Water NSW dated 15 June 2020 (Ref: IDAS1125500).

No Construction Certificate shall be issued until such time as all conditions of those GTAs has been satisfied, with a copy of the required Authorisation being submitted to Council.

The development shall otherwise be undertaken in accordance with those GTAs, the Authorisation and the terms of this Notice.

**Reason:** To comply with legislative requirements

#### *DESIGN EXCELLENCE*

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

- (a) The architectural design team comprising Turner Studio is to have direct involvement in the design documentation, contract documentation and construction stages of the project (including signing off any required certifications

at DA, s4.55 Modification Applications, Construction Certificate and Occupation Certificate stages).

- (b) The design architect's team is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of any design issues throughout the life of the project.
- (c) Evidence of the design architect's team commission is to be provided to the Council prior to release of any Construction Certificate.
- (d) Council's Design Competition Panel (Design Excellence Jury) is to review and provide comment on the architectural drawings, landscape drawings and samples of all external materials, in particular the external glazing and façade detailing prior to the issue of the relevant Construction Certificate and any Occupation Certificate.
- (e) The design architect's team of the project is not to be changed without prior notice and approval of the Design Excellence Jury.

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

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

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

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

**Reason:** To fulfil the Design Excellence criteria of Parramatta LEP 2011

44. Prior to the release of the relevant construction certificate the applicant shall submit for the approval of the City Architect, key cross sections, partial plans and partial elevations through external walls, balconies, pergolas and other key external details. Drawings are to be fully annotated at a scale of 1:50 (or if necessary 1:20) showing details, materials, finishes and colours, so that the details and materiality of the external facades are clearly documented. Revised 3D photomontages should also be submitted. The development shall be completed in accordance with the plans approved to satisfy this condition.

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

## **SUSTAINABILITY**

45. Prior to the issue of any Construction Certificate, the following must be demonstrating to the satisfaction of the Principal Certifying Authority /council:

- a) The building has been designed and will constructed to operate at a minimum NABERS Energy for Offices rating of 5.5 stars without accounting for any Green Power used in the building and a corresponding Commitment Agreement be entered into with NSW Office of Environment and Heritage.
- b) A dual reticulation (dual pipe) system is to be installed, with the dual reticulation system being of sufficient size to supply all non-drinking water uses of the building and suitable for future connection to a recycled water main.
- c) Rainwater collection and reuse is to be installed and suitably sized to serve all non-drinking water uses through the dual reticulation system.
- d) Water efficient fixtures and fittings must be used throughout. Minimum WELS rating of 4 star for toilets, 6 Star for tapware and 3 star (less than 7.5 l/min) for showers are required.

- e) 95% of all timber is used on the project is to be FSC Certified under the Forest Stewardship Council certification system.
- f) Limit the use of PVC with minimum replacement of 60% (by cost) compared to standard practice.
- g) LED lighting to be provided throughout.
- h) The building will achieve a 5 star Green Star Design and As-built rating (v1.2 or later). Evidence is to be provided by a Design Review certified rating from the Green Building Council of Australia prior to issue of the relevant Construction Certificate.

**Reason:** To ensure design excellence and environmentally sustainable development outcomes are achieved.

#### **Reflectivity of external finishes**

46. To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011, the following matters are to be completed to the satisfaction of Council's Group Manager, Development and Traffic Services prior to the issue of any Construction Certificate for any works above ground floor level:

- a) Submit a report which has tested the effectiveness of the vertical fin elements and shading devices on the northern façade of the building to determine whether they are sufficient to mitigate the disability glare that has been identified in the report by RWDI (Reference: Project #1901510, dated 27 September 2019).

Should that report identify the need for design amendments to resolve this matter then:

- Those amendments must be confirmed as acceptable by the Design Competition Jury; and
  - Council will confirm whether or not those amendments trigger the need for an application to modify this consent.
- b) The report required by (a) above must:
  - Consider the bi-directional travel of light rail vehicles along Macquarie Street that will occur upon completion of Stage 1 of the Parramatta Light Rail project.
  - Provide justification the veiling luminance is lower than the Hassall 500 cd/m<sup>2</sup> for any identified glare event.
- c) Concurrently with the report required by (a) above, submit an updated Solar Reflectivity report to demonstrate nominate the specification for the final glazing units selected for the development and demonstrate that it is satisfactory with regard to:
  - meeting the glare and reflectivity performance requirements established by the report at (a) above; and
  - meeting the ESD obligations nominated within the endorsed Design Excellence Competition Brief dated 14 January 2019

The development is to be completed in accordance with any documents approved to satisfy this condition.

**Reason:** To ensure that the incentive benefits afforded by clause 7.10 of the LEP are achieved within a development of the highest standard of architectural, urban and landscape design.

## LEVIES, BONDS AND FEES

### Long Service Levy

47. 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.

### Parramatta CBD Development Contributions

48. A monetary contribution comprising \$1,456,696.50 is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta CBD Development Contribution Plan 2007 (Amendment No. 5)*.

Payment must be made by EFTPOS, bank cheque or credit card only.

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

At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician (Australian Bureau of Statistics, ABS – [www.abs.gov.au](http://www.abs.gov.au)).

*Parramatta CBD Development Contribution Plan 2007 (Amendment No. 5)* can be viewed on Council's website at:

[www.cityofparramatta.nsw.gov.au/business-developmentplanning/development-contributions](http://www.cityofparramatta.nsw.gov.au/business-developmentplanning/development-contributions)

**NOTE:** Timing for compliance with this condition may be altered by the “*Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020*”. Where that is the case the PCA must ensure that all obligations associated with that Direction are satisfied.

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

### Environmental Enforcement Service Charge

49. 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.

### Infrastructure & Restoration Administration fee

50. 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 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.

### Security Bonds

51. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged



with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee. Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA 638/2019;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Bond Type	Amount
Development Site Bonds	\$25,750.00

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

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

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

## PLANNING

### Location of plant

52. All plant and equipment (including but not limited to air conditioning equipment) is only to be located within the basement or designated rooftop locations. Details demonstrating compliance are to be submitted with the Construction Certificate application.

**Reason:** Minimise impact on surrounding properties, improve visual appearance and amenity for locality.

### No external service ducts

53. 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.

### External materials

54. External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

**Reason:** To have a minimal impact on the neighbouring property.

#### **Energy Provider requirements for Substations**

55. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for the first 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 as shown on the approved plans.

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

#### **Outdoor lighting**

56. All outdoor lighting must comply with the relevant provisions of AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Certifying Authority.

**Reason:** To provide high quality external lighting for security without adverse effects on public amenity from excessive illumination levels.

#### **Disabled access for commercial developments**

57. 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 the application for a Construction Certificate 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.

#### **Cycle shower facilities**

58. End of trip facilities including showers must be provided within the development and made accessible without charge to cyclists who work in the building. Details must be provided with the plans and specifications accompanying the application for a Construction Certificate.

**Reason:** To promote and provide facilities for alternative forms of transport.

#### **Noise Management Plan**

59. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise

sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases..

- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- (c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- (e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

**Reason:** To maintain appropriate amenity to nearby occupants.

#### **Compliance with specialist reports**

60. 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 stating that all recommendations/works/methods/procedures/control measures in the following reports have been implemented:

- (a) Road Traffic Noise Assessment and Environmental Noise Impact Assessment, prepared by DK Acoustics Pty Ltd. (Ref: 190510, dated 25 September 2019)
- (b) Acid Sulfate Soil Assessment by EI Australia (Ref: E24348.E14\_Rev 1, dated 1 November 2019)

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

#### **ENGINEERING**

##### **Tanked construction of the basement.**

61. Tanked (waterproof) construction of the basement is required. This includes permanent and adequate transfer of groundwater from the up side to the down side of the building to avoid the damming effect caused if groundwater accumulates on one side. Any form of permeable construction - such as a porous secant pile wall - is not acceptable. The basement walls and floor slab must be designed for hydrostatic loading.

Council will not accept permanent discharge of pumped or drained groundwater from the site into Council's drainage system. Such discharge may only be permitted temporarily during construction provided it does not cause pollution or nuisance and subject to an approved dewatering plan including water treatment.

Full details of the tanking of the basement shall be provided to and approved by the PCA with the relevant Construction Certificate.

##### **Probable Maximum Flood**

62. Floodwaters up to the level of the Probable Maximum Flood (PMF) must be excluded from all basement levels by means of flood gates, flood doors and other measures generally as shown in the approved architectural drawings. The PMF level is to be taken as not less than RL 11.7m AHD. All details to be included on plans approved with the relevant Construction Certificate.

### **Stormwater Disposal**

63. 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.

### **Sydney Water Quick check**

64. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

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

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

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

### **Dial Before you Dig Service**

65. 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.

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

66. 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.

### **Design to withstand flooding**

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

**Reason:** To ensure the structure can withstand flooding impacts.

### **On Site Detention**

68. Full engineering construction details of the stormwater system, including OSD structures, WSUD systems, 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 detailed 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 and for WSUD Council's DCP 2011.

(i) Stormwater Concept Plans' by Australian Consulting Engineers Issues D C B and A dated 05 09 2019.

(b) 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.

(c) 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 and water quality.

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

69. 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**

70. 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.

### **Impact on Existing Utility Installations**

71. 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 property**

72. 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.

### **Proposed inlet pit**

73. 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.

## **TRAFFIC**

### **Basement carpark**

74. The PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

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

### **Bicycle parking**

75. 54 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

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

### **Parking spaces**

76. 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 24 parking spaces is to be provided and be allocated as follows:

- a) 23 spaces for the commercial units including one (1) space as accessible parking;
- b) One (1) car share space.

Details are to be illustrated on plans submitted with the construction certificate.

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

### **Motorcycle parking**

77. Four (4) 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.

### **Car park entrance control point**

78. The control point at the car park entrance is to be located where adequate queuing length between the vehicular control point and the property boundary is provided in accordance to Clause 3.4 of AS 2890.1-2004 to allow free influx of traffic which will not adversely affect traffic or pedestrian flows in the frontage road. Details are to be submitted to Council to the satisfaction of Council's Traffic and Transport Manager prior to the issue of the relevant construction certificate.

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

### **Onsite traffic management - ground level**

79. The plans approved with relevant construction certificate are to detail the following:

- i) All boom gates are to be deleted.
- ii) Bollards are to be installed in the shareway at the southern site boundary, common with rear lane
- iii) All vehicle movements to be managed electronic light/signal system.
- iv) Roller shutter doors to the basement, and truck lift, must be secured via the installation of roller doors, which are to be operated by remote control/number plate recognition or other means.
- v) Delete the raised island between vehicle lanes at the Macquarie Street entrance. The island shall instead be defined by using a different paving material or tone that clearly contrasts with the pavement of the two driveways (therefore the 'island' would be flush with the driveways) for approval by CoP's Traffic and Urban Design officers.
- vi) Replace the (large) singular vehicular crossing at Macquarie Street with two separate cross overs. The width of each crossover should be equal to the width of the associated traffic lane (i.e. entry or exit lane). In addition, swept path plans for the largest vehicle accessing the driveway (i.e. the largest truck type that will use the driveway) should be checked to ensure that the singular crossover can accommodate the turn path of the largest vehicle.

**Reason:** To ensure safe traffic movement at parking areas.

### **Onsite traffic management- basement levels**

80. The plans approved with relevant construction certificate are to detail the following:

- i) Waiting bays and traffic signal system are to be installed and implemented on all basement levels to regulate traffic flow and safety along the ramp to the basements.
- ii) Convex mirrors are to be installed along the internal 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.

**Reason:** To ensure safe traffic movement at parking areas.

### **Car share space**

81. One (1) car parking space is to be allocated for car share parking space. Car share parking space shall be publicly accessible at all times, adequately lit and sign posted. Written evidence shall be provided with the development application demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The PCA shall ascertain that agreement with a commercial operator is subscribed prior to issue of the construction certificate. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To comply with Council's Development Control Plan.

### Loading Dock Management Plan

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

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

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

### ACCESSIBILITY

83. Prior the issue of the relevant Construction Certificate the PCA shall ensure the building is designed to satisfy the requirements of the following:

- National Construction Code (BCA) Volume one 2019
- Australian Standard AS1428.1-2009, Design for access and mobility Part 1, General Requirements for access – New Building work.
- Australian Standard AS1428.2 - 1992, Design for access and mobility Part 2, Enhanced and additional requirements- Buildings and facilities.
- Australian Standard AS1428.4.1-2009, Design for access and mobility Part 4.1 Means to assist the orientation of people with vision impairment-Tactile ground surface indicators
- Australian Standard AS/NZS 2890.6 2009 Part 6; Off street parking for people with Disabilities

In this regard it is noted:

Basement 01	<ul style="list-style-type: none"><li>• The doors leading to the accessible WC don't appear to provide sufficient area within the air lock. Note: Accessible WCs don't require airlocks as this may inhibit access for some people with a disability</li><li>• The accessible WC cannot be located within the Female airlock. <i>an accessible unisex sanitary facility must be located so that it can be entered without crossing an area reserved for one sex only; BCA F2.4.(f)</i></li></ul>
Ground Floor	<ul style="list-style-type: none"><li>• No access is provided into retail 03. Access must be provided as required within the BCA</li><li>• The doors leading to the accessible WC don't appear to provide sufficient area within the air lock. Note: Accessible WCs don't require airlocks as this may inhibit access for some people with a disability</li></ul>
Level 1	<ul style="list-style-type: none"><li>• The accessible WC does not have the required inside latch door circulation areas An unobstructed area of 530mmx 1450mm is required at the inside latch side of the entry door.</li></ul>
Level 2-11	<ul style="list-style-type: none"><li>• The pans within the accessible WC should be relocated so as to provide an equal number of right and left hand transfer onto the pan. (There are 7 left / 3 Right) should be 5 and 5. The relocation of the pan will provide a greater choice for accessibility in compliance with the BCA Section F2.4 (g)</li></ul>



**Public Domain Construction Drawings**

84. 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 to and approved by Council's Development and Traffic Services Unit (DTSU) Manager.

The drawings shall address, but not limited to, the following areas:

- All the frontages of the development site between the gutter and building line, including footpath, drainage, front setback, pedestrian link and rear lane;
- Any publicly accessible areas;
- Any works in carriageway, and
- Onsite landscape work.

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour lines 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 entry/access requirements will not be accepted.

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

- Public Domain Guidelines, City of Parramatta, July 2017
- D06938732 – SDR Package 2500 Urban Design and Architecture – Parramatta Light Rail
- The approved - D07396532 - Amended architectural plans, D07396536 - Public domain and civil engineering plans and D07396536 - Public Domain Works Civil Engineering Plans
- All the conditions listed in this consent.

The Public Domain Construction Drawings must be prepared to reflect the following changes:

- Macquarie Street interface paving and grading must be co-ordinated with Parramatta Light Rail and notated accordingly.
- Northern laneway interface paving and grading must be co-ordinated with PS5 and notated accordingly. Proposed relative levels correlate with those of Parramatta Square Building 5 except in one instance (at the intersection of the shared way and northern laneway) where a slight raise in levels will ensure cross falls across the pedestrian lane are preserved. Amend to RL11.10 (currently RL 11.00).
- Both interim and final states for the shared laneway must be documented and co-ordinated for approval in the construction certificate submission for approval of CoP's Traffic and Urban Design officers.
- Both vehicle lanes of the shared laneway should be a continuation of the Macquarie Street granite pavement.
- Remove island between vehicle lanes at Macquarie Street entrance and kerbs edging the Shared laneway as vehicles will be travelling at low speeds within the space and the presence of kerbs suggest the laneway is a vehicle zone when in fact it is shared. Shared ways are typically free of standard road design elements

in favour of flush, uncluttered design. The island can be defined by using a different paving material or tone that clearly contrasts with the pavement of the two driveways (therefore the 'island' would be flush with the driveways) for approval by CoP's Traffic and Urban Design officers.

- Replace the (large) singular vehicular crossing at Macquarie Street with two separate cross overs for efficiency of future make good works. The width of each crossover should be equal to the width of the associated traffic lane (i.e. entry or exit lane). In addition, swept path plans for the largest vehicle accessing the driveway (i.e. the largest truck type that will use the driveway) should be checked to ensure that the singular crossover can accommodate the turn path of the largest vehicle.
- Warning TGSIs in accordance with AS1428 located at the footpath on Macquarie Street (at vehicle crossovers).
- Boom gates are not supported by the Urban Design team as they privatise the space and restrict pedestrian movement. Vehicles are prohibited from exiting onto the northern laneway so the boom gate is unnecessary, replace with bollards. Remove boom gates at Macquarie Street entrance and replace with signals.
- Civil engineering package has documented a final state Shared Laneway – with a driveway width of 6.25m. Reduce this crossing width to 5.5-6m maximum.
- Outdoor dining approval for the Northern laneway requires a separate application to the City of Parramatta Council.

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

### **Footway Specifications**

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

#### Footpath

Adelaide Black granite pavers, as per the Parramatta Light Rail (Macquarie Street) and 5 Parramatta Square (Northern Laneway) details, with **exfoliated finish** shall be applied to the public domain areas to the full length of the development site. This includes the public footway and any setback between the building/podium line and property boundary.

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

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

#### Vehicle Crossing

Civil engineering package (D07396536) has documented a final state Shared Laneway driveway width of 6.25m. Reduce this crossing width to 5.5-6m maximum as Council's standard vehicle crossing is to be provided. Refer Council's design standard (DS40 sheet 1-3).

#### Pit lids and grates

A schedule of proposed pit lid and grate finishes is to be submitted with the Public Domain Construction Drawings set. Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

Details demonstrating compliance are to be submitted to Council DTSU Manager for approval prior to the issuing of a Construction Certificate and again prior to the issuing of an Occupation Certificate.

**Reason:** To improve accessibility.

#### 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) including its amendment in 2010.
- 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.

#### Slip Resistance

All stone and pebblecrete paving (concrete pavers) shall have **non-slip surfaces** that comply with a P5 rating as per AS4586:2013. Independent slip resistance test results to P5 Classification (Wet Pendulum Test) of completed works should be submitted.

#### 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.

#### 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.

#### 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.

#### Non-slip surface – for non-council Standard Pavements

The applicant shall provide test results (after applying paving sealant) to prove applicable pavement material and finishes used in the publicly accessible areas and any plaza areas are **non-slip surfaces** that comply with a P4 rating as per AS4586:2013. Independent slip resistance test results to P5 Classification (Wet Pendulum Test) of completed works should be submitted.

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

## LANDSCAPE

### Planter Box Details

86. Construction details showing substrate depth, drainage, waterproofing etc., for ground floor and roof top planter boxes are to be provided with an application for a Construction Certificate.

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

### Landscaping Plan

87. The final Landscape Plan must be consistent with the Landscape DA Report revision F (drawings: L-DA-10 to L-DA-21), dated 01.04.2020, prepared by Turf together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) A green wall planting plan and schedule indicating planting locations, species type (botanic/ common name) mature dimensions, plant numbers and the size of the containers at planting.
- (b) A maintenance specification covering all aspects of the different outdoor planting areas, including such aspects as; access restrictions, maintaining the climbers to the rooftop terraces, green wall system planting replacement and working from height.
- (c) An irrigation plan(s) and specification covering all aspects of the different planting requirements, including the green wall system, balcony planters and rooftop terrace planting, to ensure adequate watering requirements are met for each specific planting type and location.

**Reason:** To ensure that appropriate landscaping is implemented.

## **PRIOR TO WORKS COMMENCING**

### *TRANSPORT FOR NSW – ROADS*

88. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

89. A Road Occupancy Licence (ROL) should be obtained from TfNSW for any works that may impact on traffic flows on Macquarie Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

### *DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT*

90. Potential Aboriginal archaeology and 'objects' at the site must be managed in accordance with the National Parks and Wildlife Act 1974. In this regard an AHIP for excavation is required because it has been identified that contact archaeology may be present at the subject site. Dependent on the results of the test excavation, a subsequent AHIP for harm may be necessary.

Copies of relevant approvals from the Office of Environment and Heritage must be provided to the City of Parramatta, and the Principal Certifying authority, **prior to the commencement** of any ground disturbance at the site.

**Reason:** To comply with legislation

91. As the Archaeological Assessment has identified that the proposal is highly likely to impact upon archaeological relics, the applicant will therefore need obtain an approved s.140 application under the Heritage Act 1977 prior to any ground disturbing activities commencing. This application will need to clearly outline what mitigation measures are proposed to avoid harm to any significant deposits

## PLANNING

### Appointment of PCA

92. 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

93. 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

94. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing
- (a) Unauthorised entry of the work site is prohibited;
  - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
  - (c) The name, address and telephone number of the Principal Certifying Authority;
  - (d) The development consent approved construction hours;
  - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
  - (f) This condition does not apply where works are being carried out inside an existing building.

**Reason:** Statutory requirement.

### Erection of hoardings in the City Centre LEP area

95. A Hoarding Application to enclose public space is to be accompanied by the appropriate fee calculated according to Council's adopted fees and charges, together with details showing the location and type of hoarding proposed as required by Council's Hoarding Policy.

No demolition or works can commence until approval for the hoarding has been obtained.

**Reason:** To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

### **Public liability insurance**

96. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

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

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

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

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

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

### **Noise Management Plan – Construction Sites**

97. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Identify sensitive location near the site;
- (b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- (c) Mitigation measures to control noise and dust from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (d) Selection criteria for plant and equipment;
- (e) Community consultation;
- (f) Details of work schedules for all construction phases;
- (g) Selection of traffic routes to minimise residential noise intrusion;
- (h) Schedule of plant and equipment use and maintenance programs;
- (i) Noise monitoring techniques and method of reporting results;
- (j) The methodology to be employed for handling and investigating any complaints should they arise;
- (k) Site induction details for employees and contractors; and
- (l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

**Reason:** To maintain appropriate amenity to nearby occupants.

### **Footings and walls near boundaries**

98. 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.

#### **Air Space Encroachment**

99. No part of a tower crane is to extend, operate or otherwise encroach the airspace of any adjoining properties at any time, including outside construction work hours, unless an agreement to do so has been reached between the developer and any relevant property owner/s, including any Strata body. Such agreement must be in place prior to installation of any component of the tower crane.

**Reason:** To preserve the amenity of adjoining property and ensure consistency with the requirements of Council's Hoarding and Tower Crane Policy 233.

#### **Public Art**

100. Prior to any works commencing at ground level or above, the applicant shall submit to and have approved by Council's Group Manager DTSU an Arts Plan which:

- (a) Is consistent with the Public Art Plan "Darug Country" dated October 2019 and lodged with Council on 30 April 2020
- (b) Confirms that the budget for the public art works shall not be less than 0.5% of the cost of works of the development as nominated on the Development Application form.
- (c) Includes a maintenance schedule for the works, the ongoing implemented of which shall be at the cost of the relevant body corporate/Owners Corporation

**Reason:** To ensure the proposal provides a level of public art commensurate with the scale of works.

### **ENGINEERING**

#### **Construction Environmental Management Plan**

101. The site works must be subject to a construction environmental management plan (CEMP) prepared by suitably qualified professionals to address all environmental impacts of the works, including flooding, drainage, water pollution, contamination, management of groundwater, dust, noise, vibrations, structural impacts, geotechnical stability and stress management, landslip and impacts on adjoining properties, public infrastructure and services. A Draft Construction Environmental Management Plan by EIA dated 7 April 2020 has been submitted and is satisfactory. The detailed/final CEMP must be submitted for approval by the PCA prior to any works commencing on site.

#### **Geotechnical report**

102. 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.

#### **Reinforced concrete pipe work**

103. Details of the required reinforced concrete pipe-work within Macquarie Street shall be submitted for Council's City Works Unit approval prior to commencement of any work.

**Reason:** To ensure adequate stormwater infrastructure is provided.



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

104. 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**

105. 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**

106. 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.

### **Driveway Crossing Application**

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

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

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

**Note 1:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway

levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

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

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

## **TRAFFIC**

### **Construction and Pedestrian Traffic Management Plan (CPTMP)**

108. Prior to the commencement of any works on site, the applicant shall submit a Construction and Pedestrian Traffic Management Plan (CPTMP) to the satisfaction of Council's Traffic and Transport Manager and the Transport for NSW. The CPTMP shall be prepared by a suitably qualified and experienced traffic consultant. The following matters must be specifically addressed in the CPTMP:

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
- c) The location of proposed Work Zones in the egress frontage roadways,
- d) Location of any proposed crane standing areas,
- e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- g) The provisions of an on-site parking area for employees, trade person and construction vehicles as far as possible,
- h) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors,
- i) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,
- j) Proposed construction hours,
- k) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
- l) Construction program that references peak construction activities and proposed construction 'Staging',
- m) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
- n) Cumulative construction impacts of projects in the Parramatta CBD. Should any impacts be identified, the duration of the impacts,
- o) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified,
- p) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this requirement,
- q) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable, and,
- r) A schedule of site inductions on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.

The CPTMP is to include the provision of a sign on the hoarding that provides a phone number and email address for members of the local community to make enquires or complaints regarding traffic control for the site. The construction company for the site is to provide a representative for meetings that may occur once a month and may include representatives of the local community and Council staff to discuss traffic control at the site.

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Work Zone' restriction in the egress frontage roadways of the development site. Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Work Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

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

Approval shall be obtained from City of Parramatta Council for any temporary road closure or crane use from public property.

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

### Special Permits

109. 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. **Note that Council cannot issue any approval under section 138 of the Roads Act 1993 without the prior concurrence of Transport for NSW**

- a) Any works within the road reserve.
- b) 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.
- c) Storage of building materials and building waste containers (skips) on Council's property.
- d) 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.
- e) 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.

### **Road Opening Permits**

110. 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.

## **WASTE**

### **Asbestos – hazardous management strategy**

111. 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.

### **Asbestos – signage**

112. 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 Safework Authority hotline or their website [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au).

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

## **PROTECTION OF ADJACENT AND NEIGHBOURING SITES**

### **Dilapidation survey and report for private properties**

113. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council at [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)) 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.

In the event that 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 Principle 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.

#### **Mitigation of construction impacts**

114. In addition to any other conditions within this Notice, prior to the commencement of any excavation works on site, the project Heritage consultant shall provide written confirmation to the Principal Certifying Authority confirming that all reasonable measures/processes have been nominated to ensure the mitigation of construction impacts upon adjoining buildings, particularly heritage listed buildings.

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

#### **DURING WORKS**

##### *TRANSPORT FOR NSW – LIGHT RAIL*

115. All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
116. No rock anchors/bolts (temporary or permanent) are to be installed into TfNSW's property or easements and the light rail corridor without prior written consent;
117. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
118. Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from TfNSW and the Parramatta Light Rail Operator (or the delegated authority); and
119. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Parramatta Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

##### *TRANSPORT FOR NSW – ROADS*

120. All demolition and construction vehicles are to be contained wholly within the site and

vehicles must enter the site before stopping. No works zone will be permitted on Macquarie Street.

#### *HERITAGE COUNCIL OF NSW*

121. The applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the heritage Council of NSW must be notified as required by s146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

#### *PLANNING*

##### **Copy of development consent**

122. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

**Reason:** To ensure compliance with this consent.

##### **Dust Control**

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

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

##### **Materials on footpath**

124. 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.

##### **Hours of work and noise**

125. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the following hours:

- Monday to Friday inclusive: 7.00am and 5.00pm; and
- Saturday: 8.00am to 5.00pm.
- No work is to be carried out on Sunday or Public Holidays.

Demolition works are restricted to:

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

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

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

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

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

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

### **Complaints register**

126. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

**Reason:** To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

### **Noise**

127. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

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

### **Importation of clean fill**

128. Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

**Reason:** To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

### **Survey report of building works**

129. 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.

Survey certificates are to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificates are to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts, and must confirm that the following aspects are consistent with the approved plans **prior to any further work proceeding** on the building:

- a) The location of the building in relation to all boundaries
- b) The RL of each floor level of each building

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

#### **PROTECTION OF ADJACENT AND NEIGHBOURING SITES**

130. The applicant must implement vibration and groundwater monitoring, using appropriate methods and equipment to ensure vibration and ground movement at adjacent buildings and structures is maintained within acceptable levels. This monitoring must commence prior to the start of works and continue for the duration of the basement/foundation construction process. This monitoring must be carried out by an independent body, in accordance with the recommendations of a qualified geotechnical or structural engineer.

Sufficient evidence must be presented to the Principal Certifying Authority that all vibration and groundwater monitoring and protection measures have been put in place prior to the commencement of works.

In terms of vibration, the works shall, at a minimum, proceed in accordance with:

- i) The *Noise and Vibration Management Plan* prepared by White Noise Acoustics, dated 11 September 2019; and
- ii) All measures/recommendations within the statement from City Plan Heritage dated 10 October 2019 (ref: H-19053)

**Reason:** Protection of neighbouring buildings, structures and assets.

#### **ENGINEERING**

##### **Erosion & sediment control measures**

131. 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**

132. 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.

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

133. 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.

#### **TRAFFIC**



### **Road Occupancy Permit**

134. 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.

### **National Heavy Vehicle Regulator approval**

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

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

### **URBAN DESIGN – PUBLIC DOMAIN**

136. 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.
- 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.

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

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

## **LANDSCAPE**

### **Planting Requirements**

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

**Reason:** To ensure appropriate landscaping.

### **Trees with adequate root volume**

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

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

## **WASTE**

### **Asbestos—records of disposal**

139. 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.

### **Waste data**

140. A Waste Data file is to be maintained, recording building/demolition contractor's 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 under Parramatta Development Control Plan 2011 are met.

### **Hazardous/intractable waste**

141. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework 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; NSW EPA Waste Classification Guidelines.

**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.

### **General requirements for liquid and solid waste**

142. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.

**Reason:** To prevent pollution of the environment.

### **Polluted water - analysis before discharge**

143. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality. Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To prevent pollution of waterways.

### **De-watering of Excavated Sites**

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

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

## **CONTAMINATION**

### **Imported fill**

145. 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.

### **Notify about new contamination evidence**

146. 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

**Contaminated waste to licensed EPA landfill**

147. 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.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE*****TRANSPORT FOR NSW – LIGHT RAIL***

148. The final dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, the Parramatta Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Parramatta Light Rail Operator will be required unless otherwise notified by TfNSW. The final occupation certificate shall not be issued until written confirmation has been received from TfNSW confirming their satisfaction with the dilapidation survey and/or rectification of any damage; and

149. Prior to the issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW and the Parramatta Light Rail Operator.

***TRANSPORT FOR NSW – ROADS***

150. The applicant shall prepare a Travel Plan in consultation with TfNSW. This shall be submitted to Council for consideration and approval prior to the issue of an occupation certificate. The Travel Plan is required to:

- Identify strategies and mode share targets that encourage the use of public and active transport and reduce the proportion of single-occupant car journeys to the site;
- Include a Transport Access Guide that provides information to visitors and staff about the range of travel modes, access arrangements and supporting facilities that service the site; and
- Nominate the party/parties responsible for implementing the Travel Plan and its ongoing monitoring and review, including the delivery of actions and associated mode share targets.

The Travel Plan shall be submitted to [development.sco@transport.nsw.gov.au](mailto:development.sco@transport.nsw.gov.au).

***HERITAGE COUNCIL OF NSW***

151. Prior to the issue of an Occupation Certificate by Council and/or the Principal Certifying Authority, the applicant shall supply a copy of written correspondence from the Heritage Council of NSW or its delegate confirming that their requirements under the Heritage Act 1977 approval have been satisfied. Such includes confirmation that all elements of the endorsed Heritage Interpretation Implementation Plan have been completed/installed. Evidence of compliance with this condition shall be submitted to the Council for approval by Council's Group Manager DTSU prior to the issue of the Occupation Certificate.

**Reason:** To ensure heritage impacts are minimised and suitable historical records are created.

### *DESIGN EXCELLENCE*

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

**Reason:** To ensure the proposal achieves design excellence.

### *PLANNING*

#### **Occupation Certificate**

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

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

#### **Compliance with specialist reports**

154. Prior to the issue of an occupational certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following reports have been completed:

- (a) Road Traffic Noise Assessment and Environmental Noise Impact Assessment, prepared by DK Acoustics Pty Ltd. (Ref: 190510, dated 25 September 2019)
- (b) Acid Sulfate Soil Assessment by EI Australia (Ref: E24348.E14\_Rev 1, dated 1 November 2019)

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

155. 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 statutory requirements.

156. Prior to the issue of an 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.

157. Evidence of the registration of the easement over lot 14 DP1255419 to allow access to the substation by Endeavour Energy.

158. The building approved must not exceed a maximum height of RL66.85 AHD as shown on the approved plans. A survey report confirming compliance is to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of any Occupation Certificate. A copy of the report is to be provided to Council for their records.

159. All public artworks must be installed in accordance with the arts plan approved to satisfy conditions elsewhere in this Notice, and to the satisfaction of Council's Group Manager DTSU, prior to issue of the final Occupation Certificate.

**Reason:** To ensure the appropriate implementation of the approved public art plan.

160. Prior to the issue of any Occupation Certificate, provide certification to the to the Principal Certifying Authority of the completion of the following measures:

- (a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the shareway, car park and building, lobby spaces to all lift cores, entry doors to all fire stairs.

The system shall be designed and operated to enable recordings (24) hours a day seven (7) days a week. The time and date must automatically be recorded. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.

The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.

Signage warning of CCTV coverage shall be displayed in suitable locations.

- (b) The lift external walls of the lift cores should be painted a bright colour, or otherwise treated, to assist in way finding thought the basement.
- (c) Fire exit doors should be fitted with measures to restrict unauthorised access.
- (d) A 'swipe' card system or the like shall be used to control access to all service areas.

**Reason:** To assist in minimising the incidence of crime and contribute to perceptions of increased public safety, both on and within proximity to the site

### **Street Numbering**

161. An application for street numbering must be lodged with Council for approval, and the approved 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 street number is provided.

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

162. 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.

### **Provision of telephone services**

163. 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 an Occupation Certificate.

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

### **Release of Bonds**

164. 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.

### **Post Construction Private Property Dilapidation Report**

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

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

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

### **Car Share**

166. The Applicant shall provide written evidence to Council's DTSU Manager, prior to release of the final Occupation Certificate, demonstrating that at least 1 car share space has been offered to all car share providers operating in Sydney together with the outcome of the offers or a letter of commitment to the service.

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

## **ENGINEERING**

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

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

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

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

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

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

168. 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.

#### **Section 73 Certificate**

169. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

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

170. 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.

#### **Flood mitigation**

171. a) The building shall be fitted with an operational flood warning system connected to Council's flood warning system and the Bureau of Meteorology. The flood warning system is to be maintained in perpetuity.
- a) Operation, testing and regular maintenance of the flood warning system, including any flood sensors, alarms, flood gates, flood doors and other flood mitigation measures, are to be included in the Building Management Plan, which must be approved by the PCA prior to release of the Occupation Certificate.
- b) A flood emergency response plan must be prepared to the satisfaction of the PCA prior to the issue of the Occupation Certificate. This must address provision in perpetuity of a system of evacuation where appropriate and where not possible a shelter in place refuge within the development above the PMF level. The refuge facility must be of sufficient size for occupants and visitors and must be provided with a toilet, continuous water and power supplies, first aid facilities, provisions and other measures for people to remain in safety and sufficient comfort for the duration of severe storms and floods and until the surrounding streets are safe for



evacuation. Permanent maintenance of the refuge must be incorporated into the Building Management Plan and its purpose must be made clear to occupants and visitors through appropriate signage and the like. The refuge must be operational prior to Occupation.

- c) A vertical evacuation pathway/stairway must be provided and maintained from all basement levels to the flood refuge to enable 'shelter in place' to occur. The pathway / stairway must be protected from the incursion by floodwaters up to the PMF level using crests, steps, flood gates, flood doors and the like. The pathway / stairway must be properly signed and alarmed to direct people to the refuge and must be maintained in perpetuity as part of the Building Management Plan.

## CONTAMINATION

172. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to the satisfaction of Council's Group Manager DTSU and the Principal Certifying Authority on the completion of remediation works and prior to the issue of any Occupation Certificate.

**Reason:** To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines.

## TRAFFIC

### Green Travel Plan

173. Prior to the issue of the relevant Occupation Certificate(s), a Green Travel Plan is to be submitted to Council, supported by details of how that Plan will be implemented. The plan is to include:

- a) Targets to reduce single occupant car trips to the site for the journey to work and business travel based on an initial estimate of the number of trips to the site by mode,
- b) Measures to achieve the targets including a list of specific tools or actions,
- c) Monitoring Scheme including annual travel survey to estimate the change in travel behaviour to and from the site and a review of the measures based on the results of the travel survey.

It is recommended that the plan consider an Opal Card and information pack on public transport to be provided to the new tenants to encourage use of public transport. The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the commercial units in perpetuity.

**Reason:** To comply with Parramatta DCP 2011.

## URBAN DESIGN – PUBLIC DOMAIN

174. Prior to **any issue** of the Occupation Certificate (including a Preliminary OC), the works outlined in the approved Public Domain Construction Drawings must be completed to Council's satisfaction with a **final approval** obtained from Council's Assets & Environment Manager.

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

Council will issue the **final approval** for public domain works in accordance with the approved public domain documentation and to Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects

identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain (including dedicated reserve/park). A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying minimum 52 weeks' plant establishment to be provided by the applicant following handover of paving and furniture assets to Council. Council maintenance of plant material to commence following the above plant establishment period.

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

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

## *LANDSCAPE*

### **Landscape certification**

175. A qualified Landscape Architect 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.

## *SUSTAINABILITY*

176. Evidence shall be provided to the provided to the Principal Certifying Authority, from a suitably qualified person, that all sustainability measures required within this consent have been constructed/implemented/completed.

## *WASTE*

### **Commercial contract for waste collection**

177. Prior to issue of any Occupation Certificate, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all-waste contracts and receipts shall be kept on site and made available to Council officers on request.

All bins must be sorted on site and screen from public view. All bins must be collected on site.

**Reason:** To comply with the Requirements of the Protection of the Environment Operations Act 1997 and Regulations.

### **Waste Storage Rooms**

178. 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.

## **THE USE OF THE SITE**

### **TRANSPORT FOR NSW – ROADS**

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

### **PLANNING**

#### **Separate approval required**

180. Separate consent shall be sought for:

- a) Advertising signage
- b) Occupation of any of the commercial or retail tenancies, including any outdoor dining areas.

**Reason:** To ensure appropriate approvals are obtained.

#### **Sustainability**

181. The applicant will undertake a formal Green Star Design and As Built rating within 18 months of practical completion and submit the results to the City of Parramatta.

**Reason:** To ensure sustainable development outcomes are achieved.

#### **Security**

182. Roller shutter doors to the basement, and truck lift, must be kept in the closed position at all times, and shall only open for the purpose of allowing vehicle movements.

**Reason:** To ensure safe traffic movement at parking areas

#### **Noise from mechanical equipment**

183. 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 of Premises**

184. 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 at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

**Reason:** To prevent loss of amenity to the area.

#### **Loading & unloading**

185. All loading and unloading must:

- (a) take place within the designated loading areas on the subject property, or
- (b) take place within the approved loading dock to minimise disruption of public spaces, and
- (c) be carried out wholly within the site
- (d) Be carried out in accordance with approved Loading Dock Management Plan

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

### **TRAFFIC**

#### **Review of Green Travel Plan**

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

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

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

## **LANDSCAPE**

### **Landscape maintenance**

187. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

**Reason:** To ensure restoration of environmental amenity.

## **ADVICE**

- A. To implement a shared driveway access with adjoining 97-119A Macquarie Street it will be necessary to:
  - a. Lodge a fresh development application for works on that adjacent site, supported by full details of all proposed easements or Rights of Way; and
  - b. Seek approval to modify DA 638/2019 to implement changes to the approved building to accommodate the revised access arrangements