

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC- 554
DA Number	176/2020/A PAN-432480
LGA	City of Parramatta Council
Proposed Development	<p>Section 4.55(2) modification to DA/716/2020 for approved lot consolidation, demolition and construction of a 26-storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above. The application is Nominated Integrated development under the provisions of the Water Management Act 2000. The application is to be determined by the Sydney Central City Planning Panel.</p> <p>The modification seeks to construct an additional basement level, reduce the overall number of floors from 26 to 25 and to amend the internal layout on each floor to accommodate the revised structural grid, building core and services requirements. The modification application is Nominated Integrated development under the provisions of the Water Management Act 2000. The modification application is to be determined by the Sydney Central City Planning Panel.</p>
Street Address	42 East Street, GRANVILLE
Property Description	Lot 1 DP 996285
Applicant Owner	Mave Grand Pty Ltd Mave Grand Pty Ltd
Date of Lodgement	24 May 2024
Number of Submissions	2 unique submissions
Recommendation	Approval
Regional Development Criteria	<p>Pursuant to <i>Clause 275(2) of the EP&A Regulation 2021 and Instructions on Functions Exercisable by Council on Behalf of Sydney District or Regional Panels – Applications to Modify Development Consents</i> (published on the NSW Planning Portal on 30 June 2020), the subject modification application:</p> <ul style="list-style-type: none"> <i>proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the Panel.</i>
List of All Relevant s4.15 Matters	<ul style="list-style-type: none"> Environmental Planning and Assessment (EP&A) Act 1979 EP&A Regulations 2021 State Environmental Planning Policy (Resilience and Hazards) 2021

	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • Parramatta Local Environmental Plan 2023 (LEP 2023) • Parramatta Development Control Plan 2023 (DCP 2023)
Attachments	<ul style="list-style-type: none"> • Attachment A – Assessment Report • Attachment B – Modified Conditions of Consent
Clause 4.6 Requests	• N/A
Report Prepared By	Denise Fernandez, Senior Development Assessment Officer
Report Date	29 October 2024

Summary of S4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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

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

EXECUTIVE SUMMARY

1. Summary

This report considers a Section 4.55 (2) modification application to an approved lot consolidation, demolition and construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above.

The modifications include the construction of an additional basement level, the reduction of the overall number of floors from 26 to 25, and to amend the internal layout on each floor to accommodate the revised structural grid, building core and services requirements. The modifications also include changes to several conditions of consent because of the changes to the development.

An assessment has been undertaken against the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979 and it is considered that the development proposal, as modified, is substantially the same development as originally approved.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Modify the development consent (DA/716/2020/A), subject to the recommended conditions.

2. Key Issues

- Modifications to conditions imposed by the Panel.

The subject modification application includes changes to the conditions imposed by the Panel at the determination of the original application. These conditions being Condition 78 and Condition 163. Upon review of the modified conditions, it is considered that the changes to these conditions improve and provide consistency of residential acoustic standards.

- Design excellence

The original and therefore the current Section 4.55(2) modification application are subject to Design Excellence pursuant to the provisions of PLEP 2023. In this instance, Council's Design Excellence Advisory Panel reviewed the changes and upon review raised no significant objections subject to minor changes. The development as modified therefore maintains design excellence.

- Contributions

The original application had incorrectly applied the wrong Contributions Plan. The current modification application corrects the development contributions by applying the correct contribution plan and correcting the relevant condition (Condition 22) to reflect the correct contribution amount.

3. Background and Site Context

3.1 Site location and description

The subject site is known as 38 – 42 East Street, Granville NSW 2142 and comprises of 3 allotments (Lot 1 DP 1009146, Lot 1 DP 195784 and Lot 1 DP 996285).

The site is located on the southern side of East Street and has a frontage to East Street with a total area of 1577m².

The site adjoins the railway corridor to the rear and adjoins railway land to the north-west. The site immediately to the south-east and directly opposite the site are a multi-storey mixed-use development. Heritage items are also located opposite the site at 19 and 21 - 23 East Street. The site is also approximately 170m from Duck Creek to the south-east of the site.

The site is located 130 metres from Granville Transport Interchange and Granville Town Centre. The western railway line is located to the south of the site and the M4 Motorway is located to the north of the site. The site is located in close proximity to the Parramatta City Centre. Several key arterial road networks are also in close proximity to the site. These include Parramatta Road and the M4 Motorway connecting to Western Sydney and the Sydney CBD; Woodville Road, connecting South Western Sydney to Parramatta; and James Ruse Drive, connecting North Western Sydney to Parramatta.

The wider locality has a mix of commercial, industrial and residential land uses of varying ages and architectural styles.

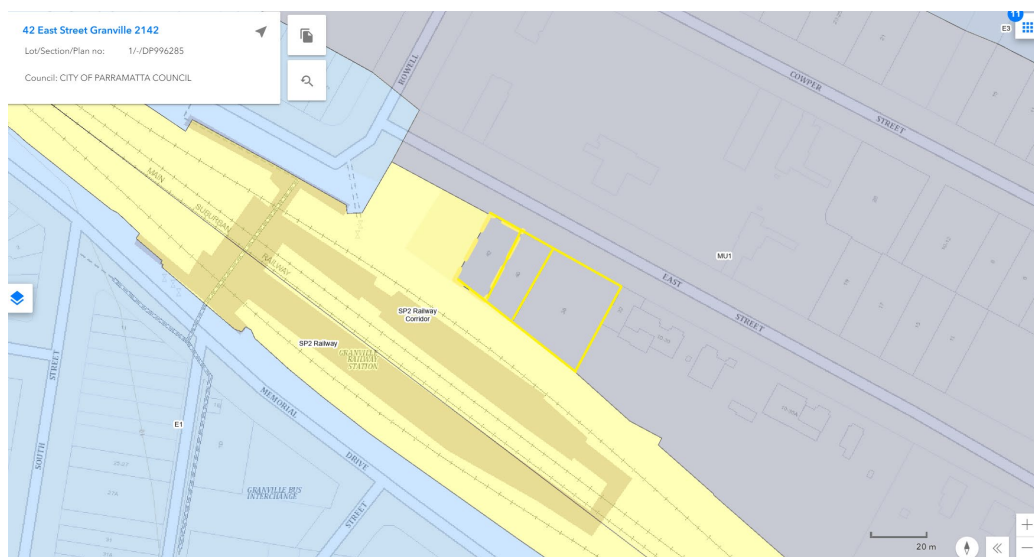


Figure 1: Land Zoning Map (Source: NSW Planning Portal)



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

The subject site is currently vacant with structures demolished circa May 2024 pursuant to the conditions of consent of DA/716/2020. The site was inspected on 29 May 2024.



Figure 3. Current site conditions. (Site Inspection)

3.2 Related Applications

19 July 2022	DA/716/2020 approved the Section 8.3 review of determination for lot consolidation, demolition and construction of a 26-storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above. The application was determined by the Sydney Central City Planning Panel.
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4. The Proposal

Consent is sought to modify the approved development as follows:

Basement

- Provision of a basement level to accommodate bicycle storage, resident storage and building services.
- Access to the basement is by lift and stairs only – no vehicular access.

Ground Floor

- Lift core has been positioned further east.
- Residential lobby and associated façade recess has been repositioned to align with lift core.
- Retail space frontages have been re-proportioned resulting in a reconfiguration in the retail areas.
- Fire services tanks and pump room are co-located towards the southeast.
- On site detention tank is located south of the core. A second OSD tank is proposed underneath the vehicular entry to the west. The proposed positioning avoids adverse impacts of suspended structure supporting OSD tank that was previously located in the northwest corners of levels 2 and 3.
- The residential garbage room has been repositioned with garbage chute from residential floors directly discharging into this room.
- The bulky waste room relocated to southwest of lift core under driveway ramp adjacent to retail bins room. Improved access to bulky waste room.
- Landscape design has been amended with seating introduced to better integrate the private outside space with the pocket park. Allows for public art zone within the pocket park consistent with requirements of condition 107 of the development consent.
- Tower stair egress previously proposed at southeast corner deleted.
- Floor to floor height increased to 5.5 metres (previously 5 metres) to accommodate structure and services requirements.

Levels 01 – 03

- Overall parking layouts amended to accommodate the revised structural grid, building core and services requirements.
- Columns align with tower structure.

- Number of parking spaces reduced to 69 (previously 76) inclusive of 18 accessible parking spaces.
- Car wash bay incorporated at southwest corner of level 1.
- Tower stair egress previously proposed at southeast corner deleted.
- OSD tank previously at northwest corner of levels 2 and 3 relocated to ground floor.

Level 04

- Overall layout amended to accommodate the revised structural grid, building core and services requirements.
- Apartment mix has been revised with two-bedroom apartment previously located at southwest corner replaced with 1 x one bedroom and 1 x studio apartment.
- Layouts of two-bedroom apartments 401, 402 and 403 on north façade amended.
- Layout of communal room at southeast corner amended to be consistent with requirements of condition 104 of the development consent.
- Corridor walls have been straightened to allow greater visual connection between glazed walls at east and west.
- Air conditioning condensers for each apartment concealed within façade in cupboards accessed from balconies. The condenser platform previously proposed on the south façade has been deleted due to problems relating to hot air exhausted from condensers being recirculated on the upper levels leading to degradation in performance of the air conditioning system.
- Landscape design has been amended with the introduction of shade structures.
- Tower stair egress previously proposed at southeast corner deleted.
- South facing wintergarden has been replaced with terrace.
- Floor to floor height increased to 3.15 metres (previously 3.1 metres) to accommodate structure and services requirements and to achieve SEPP 65 living spaces ceiling height guidelines.

Levels 05 – 14

- Overall layout amended to accommodate the revised structural grid, building core and services requirements.
- Apartment mix has been revised with half of the two storey one bedroom apartments (upper and lower) previously located on south facade replaced with a studio apartment on each level.
- Layouts of two-bedroom apartments x02, x03 and x04 on north façade amended.
- Layout of apartment x01 amended to be consistent with requirements of condition 105 of the development consent.
- Building footprint reduced at eastern portion of south façade with realignment of south façade to apartments x01.
- Corridor walls have been straightened to allow greater visual connection between glazed walls at east and west.
- Air conditioning condensers for each apartment concealed within façade in cupboards accessed from balconies. The condenser platform previously

proposed on the south façade has been deleted due to problems relating to hot air exhausted from condensers being recirculated on the upper levels leading to degradation in performance of the air conditioning system.

- Wintergardens have been replaced with balconies.
- Floor to floor heights increased to 3.15 metres (previously 3.1 metres) to accommodate structure and services requirements and to achieve SEPP 65 living spaces ceiling height guidelines.
- Two low rise floors deleted. From 12 floors to 10 floors.

Levels 15 – 22

- Overall layout amended to accommodate the revised structural grid, building core and services requirements.
- Layouts of all apartments have been amended.
- Layout of apartment x01 is consistent with requirements of condition 105 of the development consent.
- Building footprint reduced at eastern portion of south façade with realignment of south façade to apartments x01.
- Corridor walls have been straightened to allow greater visual connection between glazed walls at east and west.
- Air conditioning condensers for each apartment concealed within façade in cupboards accessed from balconies. The condenser platform previously proposed on the south façade has been deleted due to problems relating to hot air exhausted from condensers being recirculated on the upper levels leading to degradation in performance of the air conditioning system.
- Wintergardens have been replaced with balconies.
- Floor to floor heights of levels 15 to 21 increased to 3.15 metres and level 22 to 3.4 metres (previously 3.1 metres) to accommodate structure and services requirements and to achieve SEPP 65 living spaces ceiling height guidelines.
- One high rise floor added. From 7 floors to 8 floors.

Level 23

- As a result of the increased floor to floor heights, the proposed S4.55 modification includes the deletion of Level 23.
- Layouts of apartments 2302 and 2303 have been amended.
- Apartment 2301 added. This area was previously approved for resident's bicycle storage which has now been relocated to basement.
- Building footprint reduced at eastern portion of southeast façade with realignment of south façade to apartment 2301.
- Corridor walls have been straightened to allow greater light penetration from glazed wall at east.
- Air conditioning condensers for each apartment concealed within façade in cupboards accessed from balconies. The condenser platform previously proposed on the south façade has been deleted due to problems relating to hot air exhausted from condensers being recirculated on the upper levels leading to degradation in performance of the air conditioning system.
- Wintergarden has been replaced with balcony.
- Floor to floor height increased to 3.3 metres (previously 3.1 metres) to accommodate structure and services requirements and to achieve SEPP 65 living spaces ceiling height guidelines.

- Landscape design has been amended with landscaped seating feature centrally positioned under open to the sky portion of the roof terrace. Fixed roof terrace.

Apartment Mix

Changes to the apartment mix as follows:

- Studio: 11 apartments (10%)
- 1 bed: 11 apartments (10%)
- 2 bed: 76 apartments (70%)
- 3 bed: 10 apartments (10%)

Conditions

The proposal also seeks to modify the following conditions:

- Condition 1 – to reflect the approved amended plans and documentation
- Condition 22 – to re-calculate the developer contributions as a result of the modifications.
- Condition 46 – to amend the wording to ensure that confirmation of satisfaction of the conditions is received from Sydney Trains prior to issue of the construction certificate.
- Condition 49 – structure of the condition is to be amended / corrected.
- Condition 76 – to amend the wording to refer to review of future changes by either DEAP or the Design Jury
- Condition 78 – to ensure consistency with the relevant acoustic standards.
- Condition 115 – to amend the number of car parking spaces required due to the modifications.
- Condition 163 - to ensure consistency with the relevant acoustic standards.

Notwithstanding the abovementioned changes, the modifications do not in this instance modify the approved FSR and setbacks of the approved development.

The overall height of the development is reduced from 82.66m to 82.16m because of the changes.

4.1 Application History

24 May 2024	DA/716/2020/A is lodged
4 June 2024 to 3 July 2024	Advertising period.
24 July 2024	Request for additional information
9 August 2024	Additional information received.
28 October 2024	Amended QS report submitted (enabling developer contributions to be calculated)

Have the works been completed? No

Has the consent lapsed? As noted, demolition works commenced circa May 2024.

Notwithstanding, the consent is to lapse on 19 July 2027.

5. Permissibility

Parramatta Local Environmental Plan 2023

The site is zoned MU1 Mixed Use Zone.

The proposed development is a mixed-use development which comprises of the following uses and is defined as:

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include farm gate premises, highway service centres, service stations, industrial retail outlets or restricted premises.

Note—

Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Note—

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

The above uses are permissible with consent within the MU1 Mixed Use zoning applying to the land. It is noted that there are no changes to the uses as approved under the parent application.

6. Public Notification

Notification Period: 4 June 2024 to 3 July 2024

Submissions received: 2 submissions.

Issues raised in submissions: Overlooking, solar access, traffic, illegal parking, insufficient on-site parking, pedestrian safety during construction works and pollutants during construction works.

These submissions are discussed in further detail in **Attachment A**.

7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions. A detailed assessment is provided at Attachment A .	Yes
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8. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) 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

Key issues arising from evaluation against SEPPs	Yes - A detailed assessment is provided at Attachment A .
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10. Parramatta Local Environmental Plan 2023

LEP Section	Comment or Non-Compliances
Part 1 – Preliminary	<ul style="list-style-type: none"> Consistent
Part 2 – Permitted or Prohibited Development	<ul style="list-style-type: none"> Permissible in the zone Consistent with zone objectives
Part 3 – Exempt & Complying Development	<ul style="list-style-type: none"> Not Applicable
Part 4 – Principal Development Standards	<ul style="list-style-type: none"> Compliant
Part 5 – Miscellaneous Provisions	<ul style="list-style-type: none"> Provisions satisfied
Part 6 – Additional Local Provisions	<ul style="list-style-type: none"> Compliant

11. Parramatta Development Control Plan 2023

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

DCP Section	Comment or Non-Compliances
Part 2 – Design in Context	<ul style="list-style-type: none"> Consistent
Part 3 – Residential Development	<ul style="list-style-type: none"> Consistent
Part 4 – Non – Residential Development	<ul style="list-style-type: none"> Consistent
Part 5 – Environmental Management	<ul style="list-style-type: none"> Consistent
Part 7 – Heritage and Archaeology	<ul style="list-style-type: none"> Consistent

Part 8 – Centres, Precincts, Special Character Areas and Site Specific Sites	<ul style="list-style-type: none"> • Consistent
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12. Conclusion

On balance the amended development has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The application is recommended for approval for the reasons contained within Attachment A.

13. Recommendation

That the Sydney Central City Planning Panel approve the modifications application DA/716/20220/A for reasons contained within the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

SCCPP Reference:	PPSSCC- 554
DA No:	DA/716/2020/A PAN-432480
Address:	42 East Street. Granville 2142

1. Overview

This Attachment assesses the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

1.1 Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 3 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Not applicable
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 4 below
Section 4.15 (1)(a)(iia) - Planning agreements	Refer to Section 5 below
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 6 below
Section 4.15 (1)(a)(v) - <i>Repealed</i>	Not applicable
Section 4.15 (1)(b) - Likely impacts	Refer to Sections 3, 4 and 7 below
Section 4.15 (1)(c) - Site suitability	Refer to Section 8 below
Section 4.15 (1)(d) - Submissions	Refer to Section 9 below
Section 4.15 (1)(e) - The public interest	Refer to Section 10 below

1.2 Referrals

The following external and internal referrals were undertaken:

External Referrals	
WaterNSW	The amended proposal was referred to WaterNSW pursuant to Section 90(2) of the Water Management Act 2000 due to the provision of a basement. In response, WaterNSW raised no objections to the modifications and noted that no further investigation is required by WaterNSW.
Endeavour Energy	The application was referred to Endeavour Energy. Upon review of the amended proposal, Sydney Water raised no objections to the modifications.
Sydney Water	The application was referred to Sydney Water. Upon review of the amended proposal, Sydney Water raised no objections to the modifications.
TfNSW (Transport)	The application was referred to TfNSW as the site is located within proximity to Parramatta Road. TfNSW raised no objections to the proposed modifications.

Sydney Trains	The application was referred to Sydney Trains as the development site adjoins a rail corridor. Upon review of the proposal, Sydney Trains raised no objections to the modifications.
Internal Referrals	
ESD Consultant (Flux)	No objections subject to amended conditions of consent.
Landscape Officer	No objections, subject to amended conditions of consent.
Engineering	No objections, subject to amended conditions of consent.
Traffic Engineer	No objections, subject to amended conditions of consent.
Universal Access Officer	No objections.
Public Art Officer	No objections.
Social Outcomes	No objections.
Environmental Health (Acoustic)	No objections, subject to amended conditions of consent.
Environmental Health (General)	No objections.
Environmental Health (Waste)	No objections, subject to amended conditions of consent.
Design Excellence Team	No objections, subject to amended conditions of consent.
DEAP	See Comments Below.

Panel Comments

1. The Applicant outlined that the modifications are to address technical issues, in particular to reduce the reliance on transfer beams. The changes included the following :
 - eliminated the transfer structure
 - improved the construction
 - relocated the cores and stairs
 - modified the layouts of some apartments.
 - improved the efficiency of floors and reduced the height of the building by one floor
 - replanned the southeast corner of the tower so that the corner is orthogonal

The Applicant also outlined other changes that the applicant considered were improvements. The proposed development:

- introduced a basement which now contains the facilities that were previously located on level 45
- organised the retail so as to have a longer face to Parramatta Road with a plan form that is suitable for a café
- minor changes to the landscape and public domain to better integrate with the adjacent public park

While the Panel generally supported the proposed changes, it had a number of concerns that appear relatively simple to address :

2. The entry space is now markedly narrower and now features a large column in front of the entry doors. The proposed column location – very close to the glazing – is unfortunate as it does not relate to the entry space and creates a narrow passage to the entry doors. It is the Panel's view that moving the glazing of the eastern retail premises further east would improve the space as it would increase the size of the space, centralize the column and allow passage around it.
3. The replanned southeast corner of the tower - which formerly aligned with the southern boundary - is now orthogonal. This results in tighter units above and an eastern elevation with quite different proportions. It was explained to the Panel that it is not possible to relocate the column due to the driveway underneath; returning the volume to its previous geometry would result in a free- standing column in apartments above, which is less than ideal.
4. The location of the northeast apartments' entrance door opposite the lifts was queried at the meeting; not only is this considered poor practice, it compromises the dwelling's internal circulation and results in an extremely small kitchen. Although the Panel understands that this outcome is the result of structural sheer wall requirements, the Architect is encouraged to amend the scheme to create an entry similar to the northwest apartments, which would allow for a door to the east of the lifts and a larger kitchen.
5. It was pointed out to the Panel that the amount of deep soil was reduced in the revised proposal, but this was due to amended deep soil calculations that removed areas of non-compliant width. The Panel was advised that the deep soil provisions are still within ADG guidelines.
6. The pocket park improves the former design, uses native species and opens up the pocket park to the adjacent development. The Panel notes that an artwork is to be commissioned for the park. Instead of the artwork being just a static object in space, consideration should be given to more imaginative ways public art can be functional, directly engaging and integrated into its setting. Further liaison with Council's public art team is encouraged.
7. The communal spaces are generally supported, however more opportunity to increase planting is recommended, especially alongside the western railway elevation.
8. Increased perimeter planting is also recommended on the Level 4 communal open space to mitigate the impact of the adjacent railway facilities.
9. The Panel supports Urban Property Group's objective not to change the composition, materiality and expression of the building.

Panel Recommendation

The Panel broadly supports the proposal. Minor improvements to the design are recommended to respond to the issues noted above.

Planning Comment

The application was amended in accordance with Panel's abovementioned comments. These changes were reviewed by Council's Design Excellence Team to ensure consistency. Upon review, Council's Design Excellence Team raised no further objections to the amended application.

2. Environmental Planning & Assessment Act 1979 (EPA Act)

2.1 Integrated Development

The application has been lodged as Nominated Integrated Development under the provisions of Section 38 of the EP&A Act and Section 90(2) of the Water Management Act 2000. Upon review of the amended development, **Water NSW** noted that they raised no objections to the modifications and that no further investigations were required by the Agency.

2.2 Assessment Under Section 4.55

SECTION 4.55(2)	Yes
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The consent, as modified, would result in a development that is substantially the same as the original development. See further assessment below.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	WaterNSW was given notice of the modification due to the provision of basement storage under the modification application. Upon review of the changes, WaterNSW raised no objections to the modifications.
(c) it has notified the application in accordance with - (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The modifications were notified in accordance with the relevant development control plan.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	Two submissions were received during the notification period. The issues raised in the submissions are addressed elsewhere in this report.
In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	An assessment against the relevant matters contained within s4.15 are addressed further in this report.
ASSESSMENT OF WHETHER THE PROPOSAL IS SUBSTANTIALLY THE SAME	
<p>In considering whether the development is substantially the same, the applicant bears the onus of satisfying the consent authority that the modified development is substantially the same as the original development (<i>Vacik Pty Ltd v Penrith City Council</i>, unreported, 24 February 1992). In this judgement, Stein J states that it is not appropriate to simply say that the nature of the development, in this case the use of the site as a residential flat building, as amended would be the same use and therefore substantially the same development. Stein J goes on to say that it is necessary to consider whether the proposed modified development would be essentially or materially or having the same essence as that which had been originally approved. These comments are reiterated in Trinvass Pty Ltd v The Council of the City of Sydney [2018] NSWLEC 77.</p> <p>Bignold J in his decision in <i>Moto Projects No 2 Pty Limited v North Sydney Council</i> [1999] 106 LGERA 298, states that:</p> <p><i>“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (currently) approved development.</i></p> <p><i>The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).”</i></p>	

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

Quantitative Assessment

The amended development proposes internal and external changes. The changes to the approved development do not in this instance modify setbacks and FSR. The overall height is reduced by 500mm and is not expected to result in undue amenity impacts. The internal changes to the apartment mix maintains consistency with the ADGs and relevant controls pursuant to PDCP 2023. Further, the revised on-site parking is compliant with the parking rates set by the controls for the Granville area.

Qualitative Assessment

The internal and external changes to the approved development are not expected to result in significant changes to compliances with the SEPP (Housing) 2021, ADG's, PLEP 2023 or PDCP 2023 and therefore the objectives of the controls and provisions herein remain satisfactory. The modifications also do not in this instance result in adverse impacts to the built form or to the amenity of adjoining neighbours. It is also noted that Council's internal specialists reviewed the proposed changes to the landscape design, engineering and urban design and raised no objections to the amended proposal subject to amended conditions.

Conclusion

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

3. Environmental Planning Instruments

3.1 SEPP (PLANNING SYSTEMS) 2021

Clause 2.19 Declaration of regionally significant development

The Sydney Central City Planning Panel upon determination of the original application imposed Conditions 78 and 163. These conditions are as follows:

78. Residential Apartment Noise Attenuation

A qualified acoustical engineering with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to minimise the noise intrusion from any internal or external noise source and when constructed achieve a 5 star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0. Details of compliance are to be submitted with the relevant plans for a Construction Certificate.
Reason: To comply with best practice standards for residential acoustic amenity.

163. Acoustic Attenuation

An AAAC 5 Star Certificate must be submitted by a qualified member to the Association of Australasian Acoustical Consultants (AAAC) demonstrating that the construction of the internal party walls ensures that all sound between apartments, sound producing plant equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: To comply with best practice standards for residential acoustic amenity.

The subject S4.55(2) application proposes amendments to the abovementioned conditions. According to the *Instructions on functions exercisable by Council on Behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents* as it relates to *Clause 275 of the EP&A Regulations 2021*, the Sydney Central City Planning Panel is the determining authority for this application.

Justification of changes to conditions imposed by the Panel

With regards to the reason for the changes to the abovementioned conditions imposed by Panel, the applicant provides the following:

Condition 78

“Condition 78 is proposed to be modified to remove the AAAC star rating system, which generally should not compete with other codes or standards.

The acoustic report notes the following:

Based on the details included within the acoustic assessment undertaken and submitted as part of the DA application of the project use of the AAAC Star rating system is not required.

The proposed changes to Condition 78 of the consent would include requirements which are consistent with those included in the Day Desing Pty Ltd reports and included as part of the reference reports and nominated in Condition 174 of the DA/716/2020.

The proposed alteration to Condition 78 included in this proposed modification would result in acoustic requirements which are consistent with other items included in the conditions of consent, including Conditions 44 and 174 detailed above”

Condition 163

“...the proposed change to the acoustic requirements included in Condition 163 of the DA/716/2020 will result in acoustic separation (including an increased separation to hard floor finishes above minimum BCA requirements) which are acoustically acceptable and protect the peaceful enjoyment of a residential dwelling. The project

will also be required to comply with all minimum performance requirements of the NCC/BCA.”

It is noted that Council's Environmental Health Officer (Acoustic) reviewed the Acoustic Report submitted with the application and with respect to Conditions 78 and 163. Upon review, they raised no objections to the submitted Acoustic Report or the changes to the conditions 78 and 163.

3.2 SEPP (RESILLIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDIATION OF LAND

The provisions of Chapter 4 were considered in the assessment of the original application. This proposal does not change the assessment. A copy of the original assessment is in Attachment C of this report.

3.3 SEPP (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 6 WATER CATCHMENTS

The provisions of Chapter 6 were considered in the assessment of the original application. This proposal does not change the assessment. A copy of the original assessment is in Attachment C of this report.

3.4 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2 INFRASTRUCTURE

The modifications were referred to Transport for NSW (as rail authority) in response to the provisions under Section 2.99(4) of the SEPP. Upon review, TfNSW raised no objections to the modifications.

3.5 SEPP (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2 VEGETATION IN NON-RURAL AREAS

The provisions of Chapter 2 were considered in the assessment of the original application. This proposal does not change the assessment. There has been no additional tree removal proposed.

3.6 SEPP (SUSTAINABLE BUILDINGS) 2022

The proposed modifications were submitted with an amended BASIX Certificate which was reviewed by Council's ESD specialist. Upon review, no objections were raised by Council's specialist subject to amended conditions of consent.

3.7 SEPP (HOUSING) 2021

The proposal has made changes to the original development. An assessment has been carried out below as it relates to the modifications.

**STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 –
CHAPTER 4**

CLAUSE

Cl. 142 Aims of the Chapter	Notwithstanding the changes to the approved development, the built form achieves the aims of Chapter 4 of the SEPP as it continues to achieve good urban design in terms of building aesthetics, streetscape and public spaces whilst maximising amenity and resident safety and security.
Cl. 146 Referral to Design Review Panel for modification applications.	<p>It is noted that the original application was reviewed and awarded with design excellence by a Design Jury. The modifications however were reviewed by the Design Excellence Advisory Panel (DEAP).</p> <p>Upon review of the modifications, DEAP recommended minor variations. Upon submission of the amended plans the changes were further reviewed by Council's Urban Design Excellence Team who raised further issues with the modified design. However, these issues were considered minor and is to be addressed via a condition to be incorporated in the modified consent.</p>
Cl. 147 Determination of modification applications for residential apartment development.	The considerations pursuant to this clause is addressed throughout this report.
Cl. 148 Non-discretionary development standards for residential apartment development	The development as modified maintains compliance with car parking, apartment size and ceiling heights pursuant to the ADGs.
Cl. 149 ADG prevails over development controls plans	See below for ADG compliance.

SCHEDULE 9 DESIGN PRINCIPLES FOR RESIDENTIAL DEVELOPMENT

Context and Neighbourhood character	The design of the modified development continues to respond to the qualities and identity of the area with respect to its relationship to adjoining sites, streetscape, and neighbourhood.
Built form and scale	The proposed modifications do not in this instance significantly change the approved built form and / or scale. The modified development was reviewed by DEAP and Council's Urban Design Excellence Team who overall did not object to the modified development.
Density	The proposed modifications do not impact the approved density and remains consistent with the previously approved floor space yield and number of units.
Sustainability	Council's ESD expert reviewed the amended development and raised concerns with regards to the sustainable design of the building. The applicant provided amended plans to address these issues. Council's ESD expert raised further issues from the review of amended plans but are minor and will be addressed via conditions of consent.
Landscape	The landscaping for the modified development was reviewed by Council's Landscape Officer who raised no objections to the modifications. The modification to the landscaping reflects the changes to the development as well as supporting the provision of public art and a pocket park.
Amenity	The modified proposal maintains satisfactory amenity, within the development and external to the site.
Safety	The modified proposal maintains safety throughout the development for occupiers and users of the building.
Housing diversity and social interaction	The apartment mix is considered acceptable and provides a variety apartment configuration to suit the needs of the community.
Aesthetics	The modified built form is appropriate with regards to the composition of building elements, textures, materials, and colours, reflecting the use, internal design, and structure of the building.

APARTMENT DESIGN GUIDE

SUBJECTS & CONTROLS	ORIGINAL	MODIFICATION	COMPLIANCE
3D Communal and public open space			
Communal open space has a minimum area equal to 25% (374.03m ²) of the site	384m ² (25.6%)	Proposed – 401m ² (26.8%) located on Level 4 and Level 23.	Yes
Developments achieve a min. of 50% direct sunlight to the principal useable part of the COS for a min. 2 hours between 9am and 3pm, mid-winter.	More than 50% direct sunlight achieved for both areas of COS.	Min. 50% of direct sunlight to both the COS for a min. 2 hours between 9am and 3pm, midwinter.	Yes

3E Deep Soil Zones				
7% (104.7m ²) deep soil encouraged given the size of the site and context with 6m dimensions.		202m ² . (14%). Not all areas calculated provide a min. dimension of 3m. However, it was considered acceptable.	Proposed – 142m ² (9.4%)	Yes
3F Visual Privacy/Building Separation				
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:		<u>Up to 4 Storeys (podium level)</u> Nil setback (western boundary) 3m (eastern boundary) <u>5-8 Storeys</u> 9m-12m (eastern boundary) 9m (western boundary) <u>Over 9 Storeys</u> 9m-12m (eastern boundary) 9m (western boundary) Notwithstanding the non-compliance, it was considered acceptable on merit.	No changes to the approved setbacks.	Yes
Building Height	Habitable rooms and balconies	Non-habitable rooms		
up to 12m (4 storeys)	6m	3m		
Up to 25m (5-8 storeys)	9m	4.5m		
Over 25m (9+ storeys)	12m	6m		
3J Bicycle and Car Parking				
Parking Requirements – PDCP 2023 Part 8. Section 8.5.4 – 38 -42 East Street, Granville). Max. provisions apply Studio – 0.3 spaces (Max. 3.3) 1 Bdr – 0.5 spaces (Max. 5.5) 2 Bdr – 0.9 spaces (Max. 68.4) 3 bdr -1.2 spaces (Max. 12) Visitors – 0.1 spaces (Max. 10.8) Total Required = Max. 89.2 (83) and 11 visitor spaces/		76 car parking spaces.	Proposed - 69 spaces (66 residential spaces, including 18 accessible spaces).	Yes, noting the control requires a maximum provision of car parking
Minimum bicycle spaces: 0.5 spaces per dwelling (54 spaces)		54 bicycle spaces	Proposed – 54 spaces	No change from the original approval.
4A Solar and daylight access				
Living rooms and private open space of at least 70% of apartments in a building receive a min. 2 hours of direct sunlight between 9am and 3pm on 21 June A max. of 15% of apartments in the building receive no sunlight between 9am and 3pm at mid-winter		84% of units comply	Proposed – 81% of units comply	Yes

4B Natural Ventilation																		
Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	70% of all units are cross ventilated.	Proposed – 83% of units comply.	Yes															
4C Ceiling Heights																		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><th colspan="2">Minimum Ceiling Height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>If located in mixed use areas</td><td>3.3m ground & first floor</td></tr></table> These minimums do not preclude higher ceilings if desired.	Minimum Ceiling Height		Habitable rooms	2.7m	Non-habitable	2.4m	If located in mixed use areas	3.3m ground & first floor	3.1m floor to floor with slab thickness no greater than 300mm are provided throughout the development.	Proposed: Ground – 5.5m Upper Levels – 3.3m	Yes							
Minimum Ceiling Height																		
Habitable rooms	2.7m																	
Non-habitable	2.4m																	
If located in mixed use areas	3.3m ground & first floor																	
4D Apartment size and layout																		
Minimum unit sizes: Studio – 35m ² 1 bed – 50m ² 2 bed – 70m ² 3 bed – 90m ² Additional bathrooms increase the minimum internal area by 5m ² each	Studio – None 1 bedroom - 50m ² (min.) 2 bedroom - 70m ² (min.) 3 bedroom - 90m ² (min.)	Proposed – Studio – 35m ² 1 bedroom - 50m ² (min.) 2 bedroom - 70m ² (min.) 3 bedroom - 90m ² (min.)	Yes															
Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.	The living/dining areas within the development are of adequate size.	The living/dining areas within the development are of adequate size.	Yes															
4E Private open space and balconies																		
All apartments are to have primary balconies as follows: <table><tr><th>Dwelling type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4 m²</td><td>-</td></tr><tr><td>1 Bedroom</td><td>8 m²</td><td>2m</td></tr><tr><td>2 Bedroom</td><td>10 m²</td><td>2m</td></tr><tr><td>3 Bedroom</td><td>12 m²</td><td>2.4m</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Dwelling type	Minimum Area	Minimum Depth	Studio	4 m ²	-	1 Bedroom	8 m ²	2m	2 Bedroom	10 m ²	2m	3 Bedroom	12 m ²	2.4m	Approved development complied.	Complies	Yes
Dwelling type	Minimum Area	Minimum Depth																
Studio	4 m ²	-																
1 Bedroom	8 m ²	2m																
2 Bedroom	10 m ²	2m																
3 Bedroom	12 m ²	2.4m																
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15 m2 and a minimum depth of 3m.	Complied.	Complies.	Yes															
4F Common circulation and spaces																		
Max. number of apartments off a circulation core on a single level is 8.	5 units are provided off a lift core. The building is more than 10 storeys.	Proposed - 6 units are provided off a single circulation core. 3 lifts are provided.	Yes															

	Three lifts are provided for 108 apartments.												
4G Storage													
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is required: <table><tr><th>Apartment type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4 m³</td></tr><tr><td>1 bedroom</td><td>6 m³</td></tr><tr><td>2 bedroom</td><td>8 m³</td></tr><tr><td>3 bedroom</td><td>10 m³</td></tr></table>	Apartment type	Storage size volume	Studio	4 m ³	1 bedroom	6 m ³	2 bedroom	8 m ³	3 bedroom	10 m ³	Adequate storage areas are provided.	Proposed – Additional storage areas located within basement level.	Yes
Apartment type	Storage size volume												
Studio	4 m ³												
1 bedroom	6 m ³												
2 bedroom	8 m ³												
3 bedroom	10 m ³												
At least 50% of the required storage is to be located within the apartment.	All storage located within the rooms.	Proposed – storage areas located within units and within new basemen level.	Yes										

3.8 PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

The relevant requirements and objectives of this LEP as it relates to the subject modification application have been considered in the following assessment table.

All other provisions are as per the original assessment as it has not been impacted by the proposed changes to the development.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023		
Standards and Provisions	Original	Modification
Cl. 4.3 Height of buildings	No Maximum = 82m Proposed = 82.66m (0.8% variation) Clause 4.6 assessed and on merit considered acceptable.	Proposed – Max. 82.16m Acceptable as the modifications reduce the overall height of the development.
Cl. 4.4 Floor space ratio	Yes Maximum = 6:1 (GFA 8,976.6m ²) Proposed = 6:1 (GFA 8,968m ²)	Proposed – Max. 6:1 Despite modifications to the development, it does not increase the maximum FSR approved under the parent application.
Cl. 5.10 Heritage conservation	The subject site is not within a heritage conservation area.	No change to assessment under the parent application.
Cl. 6.13 Design excellence	Original application was deemed to have achieved design excellence.	The modified development is subject to design excellence. See comments from Council's DEAP.

4. Development Control Plans

DEVELOPMENT CONTROL PLAN – PARRAMATTA DCP 2023	
Part 2 – DESIGN IN CONTEXT	
Design in Context	Notwithstanding the modifications, the development continues to respond to its context and contribute to the overall character of the area.
Context Analysis	An amended streetscape analysis was submitted with the application to illustrate the modifications when viewed from the street. The amendments when reviewed are considered reasonable, particularly the changes to the elevations and streetscape presentation.
Preliminary Building Envelope	As noted throughout this report, the setbacks and FSR as approved under the parent application does not change under this modification application. The overall height is reduced from the approved development and is acceptable in this regard.
Building Form and Massing	The amended development continues to respond to the topography and the shape of the site. The modifications maintain proportionate built form and massing with the form and massing of existing buildings and built form patterns in the street.
Streetscape & Building Address	The external change to the approved development continues to encourage a contemporary design which integrate with the appearance of the streetscape whilst maintaining a strong building address.
Fences	No fences were approved under the parent application.
Open Space and Landscape	The modifications maintain the pocket park and a compliant landscaped area pursuant to the ADGs. Council's Landscape Officer reviewed the changes to the development and raised no objections subject to amended conditions.
Views and Vistas	The development, despite amendments, reinforces view corridors and area corridors within the site.
Public Domain	No changes are proposed to the approved public domain. The ground floor plane and the changes to this area continue to respond to the public domain.
Accessibility and Connectivity	No through-site links are located within the site.
Access for People with Disability	The modifications were reviewed by Council's Universal Access Officer who raised no objections to the modified proposal subject to amended conditions of consent.
Amenities in Buildings Available to the public	No public amenities were approved as part of the parent application.

Culture and Public Art	Landscape design has been amended with seating introduced to better integrate the private outside space with the pocket park. This modification also allows for a public art zone within the pocket park consistent with the approved conditions of consent.
Safety and Security	The modifications retain the ground floor retail spaces to provide street activation and continue to provide casual surveillance of the public spaces.
Signage	No signage was approved as part of the parent application.
Part 3 – Residential Development	
Part 3.1 – Housing Diversity and Choice	
Dwelling Mix and Accessible / Adaptable Housing	<p>The original approval provided the following unit mix:</p> <ul style="list-style-type: none"> ○ 19 x 1 bedroom ○ 80 x 2 bedroom ○ 9 x 3 bedroom ○ Total: 108 units <p>The amended development provides the following changes to the unit mix:</p> <ul style="list-style-type: none"> ○ Studio: 11 apartments (10%) ○ 1 bed: 11 apartments (10%) ○ 2 bed: 76 apartments (70%) ○ 3 bed: 10 apartments (10%) ○ Total: 108 units <p>Whilst there are no changes to the number of units provided, the unit mix has incorporated studio apartments which introduces another unit option to service the various needs of the community.</p> <p>The amended development also proposes 18 adaptable units which continues to comply with this control.</p>
Part 3.2 – General Residential Controls	
Solar Access / Cross Ventilation	See ADG compliance.
Visual and Acoustic Privacy	No changes are proposed to the setbacks and building separation that would otherwise result in additional or adverse amenity impacts within or external to the site.
Part 3.5 – Apartment Buildings	
Part 3.5.2 – Key Development Standards for Shop top Housing and Mixed-Use Development	
Building Height	The modifications delete Level 24 which was used for storage under the original approval. The height of the building was then rationalised throughout the built form by increasing floor to floor heights from 3.1m to 3.3m. The

	<p>overall height of the development is therefore reduced from 82.66m to 82.16m.</p> <p>The changes are acceptable and maintains good urban design outcomes. DEAP nor Council's Urban Design Team raised no objections to the modified height or its impacts on the overall urban design.</p>
Street Setback	No changes are proposed to the street setbacks approved under the parent application.
Parking Design and Vehicular Access	The modifications reconfigure the parking layout. The changes were reviewed by Council's Traffic Engineer who raised no objections subject to amended conditions of consent.
Part 4 – General Non-Residential Controls	
Consideration of adjoining uses	Despite the changes to the approved development, the retail component remain separated from the residential uses above with regards to entries, lobbies and location within the development. The changes to the development continues to ensure that impacts of the retail uses on the residential components above is acceptable through optimal design, compliance with the ADGs, relevant DCP controls and via conditions of consent.
Noise amenity	<p>The amended development does not in this instance unreasonably diminish the amenity of the residential uses from noise intrusion from the retail uses on the ground floor. An Acoustic Report was submitted with the amended application and reviewed by Council's Environmental Health Officer who raised no objections to the changes. Further, conditions of consent continue to regulate acoustic impacts on the residential uses.</p>
Business and Commercial Development	<p>It is noted that the development as amended is generally consistent with the building envelope approved under the original application.</p> <p>Parking: The reduction in parking spaces is discussed under the ADGs. The development is subject to maximum car parking provisions and in this regard, the development as modified with regards to car parking is satisfactory.</p> <p>Safety and Security: The site and building layout maintain entrances and activities that are easily identifiable by prospective users. Further, the development has been designed to clearly delineate between public and private spaces.</p> <p>Building Design: The ground floor retail component has been designed to involve the minimal use of solid walls,</p>

	with frontages divided into discrete sections to maintain a fine grain, human-scale appearance.
Part 5 – Environmental Management	
Water Management	The changes to the OSD were reviewed by Council's Development Engineer who raised no objections subject to amended conditions of consent.
Environmental Performance	The modifications were reviewed by Council's ESD expert who raised minor issues with the proposal but is to be addressed via conditions to be incorporated in the modified consent.
Part 7 – Heritage and Archaeology	
The site is within proximity to heritage items. However, the modifications do not in this instance result in adverse impacts to the heritage values of these heritage items.	
Part 8: Centres, Precincts, Special Character Areas, and Specific Sites	
Part 8.5.4 – 38 – 42 East Street, Granville	
Desired Character	Future The modifications continue to provide a mixture of uses that support the role of the Granville Town Centre. The built form also achieves Design Excellence.
Built Form and Massing	The amended built form and massing as modified is discussed throughout this report.
Podium, Ground Level and Public Domain	Despite the changes to the ground floor retail area, the transition to the public domain is consistent with the originally approved development. The pocket park is provided with satisfactory landscaping to allow for seating and public art. There is a separation between the residential lobby and retail entries.
Communal Space	Open The communal open space areas are maintained pursuant to the original approval.
Traffic	Whilst the modifications reduce the number of on-site parking spaces, the site is subject to maximum provisions. Accordingly, the reduced number of on-site parking spaces is acceptable.
Substations	A substation is located within the development.
Flooding	The modified development continues to minimise risk to human life from overland flooding.
Wintergarden Balconies	Under the modifications, the winter garden element is proposed to be removed and these areas converted to balconies. The conversion from wintergarden to balconies does not in this instance impact on GFA.

5. Planning Agreements

The proposed development is not subject to a planning agreement entered into under section 7.4.

6. Environmental Planning and Assessment Regulation 2021

This application satisfies relevant clauses of the Regulation as follows:

Clause 27 BASIX Development	An amended BASIX Certificate was lodged with the application and is deemed satisfactory.
Clause 29 Residential Apartment Development	The nominated documentation is provided being: <ul style="list-style-type: none">○ A design verification statement; An explanation of the design in terms of the principles contained within SEPP (Housing) 2021.
Clause 61 Additional matters for consideration	All building work will be carried out in accordance with the provisions of the Building Code of Australia. This matter could be conditioned.

7. Likely Impacts

As outlined in this report, the applicant has demonstrated that the impact of the modified proposal is acceptable.

8. Site Suitability

Notwithstanding the modifications to the original development, the mixed-use development continues to be satisfactory when assessed against the relevant controls and provisions applicable to the site, as noted throughout this report. As such, the application as amended has satisfactorily demonstrated that the modified development remains suitable for the site.

9. Submissions

In accordance with the Parramatta Council's Consolidated Notification Requirements Appendix 1, the application was notified on one (1) occasion between 4 June 2024 and 3 July 2024. As a result of the notification period, two (2) submissions were received. The issues raised in the submissions received are addressed below.

Issue	Comment
Overlooking	Whilst there are internal layout changes, the building separation as approved under the original application has not changed. Accordingly, the modifications are not expected to result in greater overlooking impacts to adjoining sites.
Solar Access	Similarly, the building envelopes approved under the parent application remains generally unchanged and therefore is unlikely to result in any greater solar access impacts on adjoining sites.
Traffic	The modifications seek to reduce the overall parking spaces provided for the development. As such, there is to be a slight reduction in the amount of traffic generated by the modified development. The modifications were reviewed by

	Council's Traffic Engineers and no further objections were raised because of the changes to the number of parking spaces provided or the changes to the traffic generation from the development.
Illegal Parking	Any incidences of illegally parked vehicles should be reported to the relevant sections of Council or NSW Police.
Insufficient on-site parking	The site is subject to maximum parking provisions pursuant to the relevant controls applicable to the site. Accordingly, despite the reduction in the number of on-site parking spaces, the development maintains compliance.
Pedestrian Safety during Construction works	The relevant conditions applying to the safe management of the site during the construction stage are to remain unchanged within the modified consent.
Protection from pollutants during construction works.	The relevant conditions regarding the control of pollutants during the construction stage remain unchanged within the modified consent.

Amended Plans Yes

Summary of amendments - Submission of revised plans to address concerns raised by DEAP and other internal and external specialists.

In accordance with the requirements contained within Appendix 1 of Council's Notification Requirements the application did not require re-notification as the amended application is substantially the same development and does not result in a greater environmental impact.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

Conciliation Conference – Not Required

The application received less than 10 unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

10. Public interest

As outlined in this report, the amendment to the original development is satisfactory and is therefore in the public interest.

11. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant

or any organisation / persons that have made submissions in respect to the proposed development.

12. Development Contributions and Bonds

During the assessment of the subject modification application and re-calculation of the development contributions (due to the increase in the cost of works because of the modifications), it was noted that the incorrect contributions plan was applied to the development at the time of the original approval.

At the time of the original approval, the contributions were calculated pursuant to Section 7.11 City of Parramatta (Outside CBD) Development Contributions Plan 2021. However, as the original application was lodged on 15 October 2020, the applicable contributions plan is the former City of Parramatta Section 94A Contributions Development Contributions Plan (Amendment No.5). This Section 94A (now Section 7.12) plan calculates the development contributions fee at 1.0% of the estimated cost of works exceeding \$200,000.

Accordingly, a QS Report for the development (inclusive of the modifications) was submitted to Council to ensure that the correct contributions plan is applied and the correct contribution fee calculated.

Condition 22 has been amended to reflect the correct contributions amount.

13. Summary and Conclusion

After consideration of the development against Section 8.2-8.5 and Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. The proposal is recommended for approval subject to conditions for the following reasons:

1. The modified development satisfactorily addresses the provisions under Section 4.55 (2) of the EP&A Act and the modifications result in substantially the same development as that originally approved.
2. The modified development continues to be permissible within the MU1 Mixed Use zone. The modified development also satisfies the requirements of all the applicable planning controls.
3. The modified development continues compatible with the emerging and planned future character of the area.
4. For the reasons above, approval of the modification application is in the public interest.

14. Recommendation

- A. **That** the Sydney Central City Planning Panel, as the consent authority, **modify** development consent DA/716/2020 for lot consolidation, demolition and construction of a 26-storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above to include the construction of an additional basement

level, reduction to the overall number of floors from 26 to 25 and to amend the internal layout on each floor to accommodate the revised structural grid, building core and services requirements on land at 42 East Street, GRANVILLE for the following reasons:

- a. The modified development is permissible in the MU1 Mixed Use zone pursuant to the Parramatta Local Environmental 2023 and satisfies the requirements of all applicable planning standards controls.
- b. The modified development will protect the natural environment.
- c. The modified development will not adversely impact on the visual character of the area.
- d. For the reasons given above, approval of the modified application is in the public interest.

- B. That Sydney Central City Planning Panel, as the consent authority, modify development consent to DA/716/2020 for a period of five (5) years from the date on the **original** Notice of Determination.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.

ATTACHMENT B – DRAFT MODIFIED CONDITIONS OF CONSENT

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Plans prepared by Krikis Taylor Architects (Project No. 0620)

<u>Drawing No.</u>	<u>Issue</u>	<u>Plan Title</u>	<u>Date</u>
A100	23	Title Sheet and Location Plan	23/04/2024
A101	20	Site Plan	09/08/2021
A102	20	Site Analysis	09/08/2021
A103	20	Demolition Plan	12/11/2021
A110	24	Basement Plan	16/05/2024
A200	25	Ground Floor Plan	06/08/2024
A201	25	Level 1 Plan	06/08/2024
A201-1	24	Level 2 Plan	16/05/2024
A202	24	Level 3 Plan	16/05/2024
A203	25	Level 4 Plan	30/07/2024
A205	26	Level 5-14 Plan	07/08/2024
A206	26	Level 15 – 22 Plan	07/08/2024
A207	25	Level 23 Plan	07/08/2024
A208	24	Level 24 Plant Room Plan	16/05/2024
A209	24	Roof Plan	16/05/2024
A210	25	Pre and Post Adaptable Unit	30/07/2024
A300	24	North East Elevation	16/05/2024
A301	24	North West Elevation	16/05/2024
A302	24	South West Elevation	16/05/2024
A303	24	South East Elevation	16/05/2024
A304	25	Sections	01/08/2024
A400	21	Detail Podium South East Elevation	13/05/2022
A401	22	Detail Podium Part North East Elevation	13/05/2022
A402	22	Detail Podium Part North East Elevation	13/05/2022
A403	21	Detail Podium Part South West Elevation	13/05/2022
A404	21	Detail Podium Part South West Elevation	13/05/2022
A405	22	Podium Façade Sections	13/05/2022
A406	20	Podium Façade Sections	09/08/2021
A407	20	Tower Façade Sections	09/08/2021
A408	20	Tower Façade Sections	09/08/2021
A409	20	Tower Façade Sections	09/08/2021
A410	21	Tower Façade Sections	13/05/2022
A411	22	Podium Façade Sections	13/05/2022
A412	21	Tower Façade Sections	13/05/2022
A500	21	Public Art Zone	13/05/2022
A510	20	Schedule of Finishes	09/08/2021
A511	20	Materials Board	09/08/2021

A600	21	Shadow Diagrams – Mid Winter	13/05/2022
A601	21	Shadow Diagrams – Mid Winter	13/05/2022
A602	21	Shadow Diagrams – Mid Winter	13/05/2022
A603	21	Shadow Diagrams – Mid Winter	13/05/2022
A604	20	Façade Shading Diagrams – Mid Summer	09/08/2021
A700	20	Photomontage – View from North	09/08/2021
A701	20	Photomontage – View from East Street	09/08/2021
A800	23	Area Calculations Landscaped Area	23/04/2024
A801	23	Area Calculations Deep Soil & Communal Open Space	23/04/2024
A810	23	Area Calculations GFA Sheet 1	23/04/2024
A811	23	Area Calculations GFA Sheet 2	23/04/2024
A820	23	Cross Ventilation Diagrams	23/04/2024
A821	23	Solar Access Diagrams	23/04/2024
A830	21	Window Schedule 1	16/02/2022
A831	21	Window Schedule 2	16/02/2022
A832	21	Window Schedule 3	16/02/2022

Landscape Plans prepared by Arcadia Landscape Architects

Drawing Number	Revision	Title	Date
L-400	B	Planting Schedule	23/04/2024
L-401	B	Softworks – Ground Floor	23/04/2024
L-402	B	Softworks – Level 4	23/04/2024
L-403	B	Softworks – Level 23	23/04/2024
L-600	B	Landscape Typical Details	23/04/2024
L-700	B	Landscape Specification Notes	23/04/2024
Project No. 24-1012		Landscape Concept Design	August 2024

Civil Engineer/Stormwater Plans prepared by Goldfish & Bay. Project No. 24001

Drawing Number	Revision	Title	Date
CV000	P4	Cover Sheet Plan	24/04/2024
CV001	P4	Legend of Symbols	24/04/2024
CV100	P4	Basement Stormwater Layout	24/04/2024
CV101	P5	Ground Floor Stormwater Layout	06/08/2024
CV102	P2	Level 1 Stormwater Layout	24/04/2024
CV103	P2	Level 2 Stormwater Layout	24/04/2024
CV104	P2	Level 3 Stormwater Layout	24/04/2024
CV105	P2	Level 4 Stormwater Layout	24/04/2024
CV106	P2	Level 5 Stormwater Layout	24/04/2024
CV107	P2	Level 6 Stormwater Layout	24/04/2024
CV108	P2	Level 7 Stormwater Layout	24/04/2024
CV109	P2	Level 8 Stormwater Layout	24/04/2024
CV110	P2	Level 9 Stormwater Layout	24/04/2024
CV111	P2	Level 10 Stormwater Layout	24/04/2024

CV112	P2	Level 11 Stormwater Layout	24/04/2024
CV113	P2	Level 12 Stormwater Layout	24/04/2024
CV114	P2	Level 13 Stormwater Layout	24/04/2024
CV115	P2	Level 14 Stormwater Layout	24/04/2024
CV116	P2	Level 15 Stormwater Layout	24/04/2024
CV117	P2	Level 16 Stormwater Layout	24/04/2024
CV118	P2	Level 17 Stormwater Layout	24/04/2024
CV119	P2	Level 18 Stormwater Layout	24/04/2024
CV120	P2	Level 19 Stormwater Layout	24/04/2024
CV121	P2	Level 20 Stormwater Layout	24/04/2024
CV122	P2	Level 21 Stormwater Layout	24/04/2024
CV123	P2	Level 22 Stormwater Layout	24/04/2024
CV124	P2	Level 23 Stormwater Layout	24/04/2024
CV125	P2	Level 24 Stormwater Layout	24/04/2024
CV126	P2	Roof Stormwater Layout	24/04/2024
CV600	P6	OSD 1 Sections and Details	06/08/2024
CV601	P6	OSD 2 Sections and Details	06/08/2024
CV602	P5	OSD Catchment Plan	24/04/2024
CV603	P5	Wind Driven Catchment Plan Calculations	24/04/2024
CV604	P4	Music Modelling	24/04/2024
CV605	P4	Standard Sections	24/04/2024
CV606	P4	Erosion and Sediment Control Plan	24/04/2024

Specialist Reports

Reference Number	Revision	Title	Prepared By	Date
SS20-4432	-	Public Art Plan – Proposed Revised Location	Site Image	22/05/2022
SK220523-0620-50	-	South West Podium Façade Elevation	Krikis Taylor Architects	undated
SK220523-0620-51	-	South West Podium Façade View 1	Krikis Taylor Architects	undated
SK220523-0620-52	-	South West Podium Façade View 2	Krikis Taylor Architects	undated
SK220519-0620-10	-	South East Corner Apartment	Krikis Taylor Architects	undated
SK220519-0620-20	-	Level 4 Communal Room	Krikis Taylor Architects	undated
-	-	Letter: Change of Turf to Paving in Pocket Park	IScape Landscape Architecture	23/05/2022
20220103-L01	-	Flood Statement	SCG	16/05/2022
E25015.G03	-	Geotechnical Investigation	EiAustralia	19/04/2021

E25015.G20_Rev3	Rev 3	Geotechnical Letter on Groundwater	EiAustralia	20/04/2024
73992	-	Geotechnical Report	Douglas Partners	September 2014
E25015.E06	1	Remediation Action Plan	EiAustralia	28/09/2021
SS20-4432	C	Public Art Strategy	Site Image	13/08/2021
S0712	F	Operational Waste Management Plan	Elephants Foot Recycling Solutions	24/04/2024
20-085-4	-	Updated Site Access, Parking and Internal Circulation Assessment	Stanbury Traffic Planning	September 2021
240077	R0	Acoustic Report	PWNA	22/04/2024
P223_520	N/A	BCA Statement	Design Confidence	24/04/2024
S4.55 – 24019	Issue C	Accessibility Compliance Report	Access Link Consulting	24/04/2024
BASIX Certificate No.1130475M_06	N/A	BASIX Certificate	SLR Consulting	30/04/2024
-	Rev A	Construction WMP	Elephants Foot Consulting	06/08/2024
-	Version 1.0	Rail Interface Report	MacroPlan	03/05/2024
Ref 23540	N/A	Traffic and Parking Assessment Report	Varga Traffic and Planning	02/05/2024

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Amended as per DA/716/2020/A

- Minimum ground floor levels of all habitable rooms shall be not less than RL 7.50m AHD generally as shown on amended architectural drawings by krikis taylor architects p/l Dated 13/05/2022 including Ground Floor Plan. Certification to Council's satisfaction by a Registered Surveyor is required prior to release of the Occupation Certificate that this requirement has been satisfied.

Reason: Flood protection

3. 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 Environment Protection Authority (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.

4. 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.

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

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

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

A Water Access License shall be obtained for approval to extract groundwater from the appropriate authority (Water NSW if not a State Significant Development or NSW Department of Industry – Water if it is State Significant Development or development by (or for) a Government agency).

Reason: To comply with water access governance requirements.

Amended as per DA/716/2020/A

6. 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.

7. The following recommendations in Section 12 of the Preliminary Site Investigation prepared by Douglas Partners (DP), Project No. 73992.01, dated 14 October 2014 be adopted:

- Targeted soil sampling for areas of the site which are to remain and are not part of the basement excavation (i.e. landscaped garden areas), to ensure the material is suitable for the intended site use. In particular, it would be prudent to include testing of soil for herbicides (due to the adjacent historic railway corridor), as well as assessment against appropriate ecological investigation and screening levels.

- Installation of two additional groundwater wells in central areas of the site, as well as additional testing of the two existing wells. Given the proposed basement excavation, the potential need for de-watering, and the proximity of Duck Creek, testing should include as a minimum metals, hardness, electrical conductivity, redox, cation exchange capacity (CEC) and dissolved oxygen (DO). These additional wells and testing would allow for the contamination potential of groundwater at the site to be better evaluated and subsequent requirements for management during de-watering (if needed).
- Additional testing of soil for waste classification to supplement the data herein and confirm the preliminary *in situ* waste classification. Furthermore, given that the existing building will be demolished and removed from the site as part of the development, the following associated works are recommended:
 - A pre-demolition hazardous building materials survey to identify the location and nature of hazardous building materials.
 - Removal and disposal of the identified hazardous materials by an appropriately licensed and qualified contractor, at an appropriately licensed disposal facility.
 - Validation / clearance of the site area by a qualified occupational hygienist upon completion of demolition and removal of the buildings, confirming that there are no residual asbestos containing materials or other hazardous materials remaining on the site.

Reason: To comply with the approved Preliminary Site Investigation recommendations.

8. The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health. Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

Reason: To control offensive emissions and ensure the protection of the local environment.

9. The operation of the premises is to be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

Reason: To ensure that stormwater drains are not polluted.

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

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

11. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard DR AS/NZS 4282:2018 The Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of the surrounding neighbourhood from the emission of light.

12. The waste handling, storage and collection systems for residential and commercial wastes are to be completely separate and self-contained, and designed in accordance with the City of Parramatta Waste Management Guidelines for New Developments. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

Reason: To ensure waste is adequately separated and managed in mixed use developments.

13. All waste storage areas/rooms are to comply with the City of Parramatta Waste Management Guidelines for New Developments. No waste materials are to be stored outside the building or any approved waste storage area at any time.

Reason: To ensure waste is adequately separated and managed in mixed use developments.

14. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the NSW EPA's *Better Practice Guide for Resource Recovery in Residential Developments* (2019). Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

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

15. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) including:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located 1.5m above floor level to avoid damage and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements

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

Qty	Name	Common Name	Minimum Pot Size	Name of Street Frontage
6	<i>Lophostemon confertus</i>	Brush Box	200L	East Street

Note: All approved street tree plantings shall be planted a minimum of 3m from any driveway and 12m from an intersection.

Reason: To ensure restoration of environmental amenity.

17. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation

accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

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

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

19. Approval is granted for the demolition of as shown on the approved plans, subject to compliance with the following: -

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

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

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.

- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.

- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.

- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under “Prior to Works Commencing” in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council’s domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council’s current schedule of fees and charges for inspection by Parramatta Council of the demolition

site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

20. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$123,885.00 as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

Note: The Long Service Levy is to be paid directly to the **Long Service Corporation** at www.longservice.nsw.gov.au. For more information, please contact the Levy support team on 13 14 41.

Reason: To ensure that the long service levy is paid.

21. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Bond Type	Amount
Nature Strip and Roadway: <i>Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$25,750.00

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

Note: 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/716/2020;
- (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.

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

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

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

22. **A monetary contribution comprising \$456,511.23 is payable to City of Parramatta Council in accordance with Section 7.12 (formerly known as Section 94A) of the Environmental Planning and Assessment Act 1979 and the City of Parramatta Council Section 94A Development Contributions Plan (Amendment No. 5). Payment must be made by direct bank transfer or credit/debit card only. Payment can be made by contacting Council's Customer Contact Centre on 1300 617 058.**

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 from the date of this consent 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). Therefore, please visit 'Live Contributions Fees' Register on the Council's [Development Contributions](#) webpage to confirm the amount payable prior to making payment.

The City of Parramatta Council Section 94A Development Contributions Plan (Amendment No. 5) can be viewed on Council's website at:

www.cityofparramatta.nsw.gov.au/business-developmentplanning/development-contributions

Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development

Amended per DA/716/2020/A

Dewatering

23. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
24. An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the

activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.

25. An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.
26. The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.
27. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
28. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and
 - b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
 - c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
29. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
30. The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.
31. Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

32. Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
33. All required monitoring and reporting arrangements are to be designed to demonstrate the activity meets due diligence with respect to the Water Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.
34. At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.
35. At the time of application for an Occupation Certificate, the developer must be able to demonstrate to the consent authority that any unexpected groundwater pumping (resulting from poor construction methods, materials or inadequate waterproofing) has been authorised by a water access licence purchased for the relevant groundwater source from which water is being taken and must be able to demonstrate no impact on neighbouring sites or the integrity of the aquifer
36. The Department of Planning, Industry and Environment-Water has determined that an authorisation to account for the temporary and transient impacts on groundwater systems associated with the proposed development for up to twelve months is required (to be issued by WaterNSW).
37. All monitoring data collected for the development and all monitoring and management reports are to be provided in electronic format (including summarised, tabulated and raw corrected data) to the Department of Planning, Industry and Environment-Water.

Reason: To comply with Water NSW requirements.

38. Reporting Requirements

A specialist Site Hydrogeology Report prepared and certified by a qualified, experienced and practising hydrogeologist must be provided with the authorisation application that includes, but is not limited to, the following:

- a) Pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description:

- i. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterisation.
 - ii. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist.
 - iii. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one kilometre radius of the subject site.
 - iv. the above site information must not date more than six months prior to the date of lodgement of the development application to account for climate trends and maintain the currency of groundwater data.
- b) excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy:
 - i. predicted impacts (extent, magnitude and duration) that are developed through numerical groundwater modelling.
 - ii. corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts.
 - iii. construction techniques and approaches that will be used to prevent any ongoing groundwater pumping at the same time as not causing any obstruction to natural groundwater behaviour.
 - iv. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping).
 - v. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponent's responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground).
- c) Post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review:
 - i. collation of monitoring records.
 - ii. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed.
 - iii. magnitude and extent of potential long-term effects from the completed structure.
 - iv. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority.
- d) occupational phase (after building completion) in the form of an annual groundwater monitoring plan:
 - i. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps.

- ii. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements.

Reason: To comply with Water NSW requirements.

Sydney Trains Requirements

- 39. Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative.
- 40. Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works.
- 41. Prior to the issue of a Construction Certificate, the Applicant shall undertake a Dial Before You Dig search to establish the existence and location of any rail services. Persons performing the Dial Before You Dig search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
- 42. If required by Sydney Trains, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. 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 will be required within 10 days following the undertaking of the inspection, unless otherwise notified by Sydney Trains.
- 43. If required by Sydney Trains, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 44. The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

45. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
46. **The Applicant shall provide a final Geotechnical Engineering Assessment Report, construction methodology with construction details pertaining to structural supports and shorting during excavation to Sydney Trains for review and endorsement prior to the issuing of the relevant construction certificate.**

The reports and drawing documentation shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The documentation shall include the potential impact of demolition and excavation, and demolition-and excavation-induced vibration on rail facilities, and loading imposed on Sydney Rains Facilities by the development.

The Principal Certifying Authority is not to issue the Construction Certificate for these relevant works until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**Reason: To ensure Sydney Trains requirements are met.
Amended per DA/716/2020/A**

47. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows, and other external features (e.g., roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of Sydney Trains (e.g., awning windows, louvres, enclosed balconies, window restrictors etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

48. A risk analysis, which shall determine the required level of derailment protection (if any), shall be carried out in consultation with Sydney Trains. This risk analysis will determine the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100 that needs to be complied with. The risk assessment is to be prepared in accordance with the Sydney Trains Safety Management System. The Principal Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from Sydney Trains that the risk analysis has been prepared and the Principal Certifying Authority has also confirmed that the measures recommended in this risk analysis have been indicated on the Construction Drawings.
- 49.a) The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.**
Reason: To ensure that Sydney Trains requirements are met
Amended as per DA/716/2020/A
- 49.b) If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.**
Reason: To ensure that Sydney Trains requirements are met
Amended as per DA/716/2020/A
50. No metal ladders, tapes, and plant, machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
51. Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
52. During all stages of the development the Applicant must take extreme care to prevent any form of pollution (including dust) entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.

53. Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
54. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.
55. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.
56. The Applicant is to ensure that the development incorporates appropriate anti-graffiti measures, to the satisfaction of Sydney Trains.
57. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.
58. Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
59. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
60. Prior to the issuing of any Occupation Certificate the Applicant must provide to Sydney Trains for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Principal Certifying Authority is not to issue any Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.
61. The Applicant/Developer shall not at any stage block the any corridor access gate and should make provision for easy and ongoing 24/7 access by rail vehicles, plant, and equipment to support maintenance and emergency activities.

62. No scaffolding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. 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. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
63. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for public liability insurance cover. If insurance cover is deemed necessary, this insurance must be for a sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure, and must be maintained for the duration specified by Sydney Trains. The Applicant is to contact Sydney Trains External Interface Management team to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains' written advice to the Applicant on the level of insurance required.
64. If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains External Interface Management team to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
65. The Applicant/Developer may need power outages (shutting of power to Sydney Trains/TAHE's facilities) to be able to undertake the proposed development. If required, prior to the issue of a Construction Certificate, the Applicant/Developer shall enter into an Agreement with Sydney Trains, enabling this work to be planned and to proceed in a safe and controlled manner. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains that this condition has been satisfied.
66. No work is permitted within the rail corridor or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
67. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into TAHE (Transport Asset Holding Entity) property or

easements, unless agreed to by TAHE (Transport Asset Holding Entity). The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

68. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, must be permitted to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the requirements of this consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
69. Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
70. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.
71. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
72. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
73. Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface and they can be contacted via email on West_Interface@transport.nsw.gov.au.
Reason: To comply with Sydney Trains General Terms of Approval.
74. The curved glass on the podium and tower facades are a critical component of the Design Excellence of the scheme and must be retained.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

75. The architectural firm(s) responsible for the design competition winning scheme is not to be changed without prior notice and approval of Council's Group Manager, Development and Traffic Services.

Reason: To ensure the development maintains the approved design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

- 75a.) All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

Amended per DA/716/2020/A

- 75b.) The approved (amended) development is to be comply with the requirements of Endeavour Energy pursuant to the *Standards Conditions for Development Applications and Planning Proposals, Version 9 August 2023 prepared by Sustainability and Environment Endeavour Energy*.

Reason: To ensure compliance with the requirements of Endeavour Energy are met.

Amended per DA/716/2020/A

- 75c.) The recommendations outlined in the acoustic report prepared by Pulse White Noise Acoustics; Acoustic Assessment and submission for alterations to the Conditions of Consent, including the Development Application Notice of Determination DA/716/2020; report 240077-34-42 East Street Granville-Section 4.55- R0 dated: April 22, 2024 shall be incorporated into the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure a suitable level of residential amenity

Amended per DA/716/2020/A

- 75d.) The approved (amended) development is to be comply with the requirements of Sydney Water pursuant to Attachment 1- Recommended Development Conditions prepared by Sydney Water (Ref 216155) dated 19 June 2024.

Reason: To ensure compliance with the requirements of Endeavour Energy are met.

Amended per DA/716/2020/A

- 75e.) The approved (amended) development is to be comply with the requirements of WaterNSW and that if groundwater is encountered during the development and requires removal, WaterNSW should be contacted immediately and apply for a dewatering water supply work approval. Failure to do so may result in NRAR taking compliance action under the Water Management Act 2000.

Reason: To ensure compliance with the requirements of WaterNSW are met.
Amended per DA/716/2020/A

76. There are to be no design changes to the design competition winning scheme unless they have been endorsed by Council's Design Competition Panel (Design Excellence Jury) or the Design Excellence Advisory Panel (DEAP).
Reason: To ensure the development maintains the approved design excellence as required by clause 7.10 of PLEP 2011/2023.
Amended per DA/716/2020/A

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

- 76a.) **Prior to the issue of a Construction Certificate, plans are to be amended to:**

- aa.) illustrate that the width of the steps from East Street has been extended to align with the retail. The two columns that are out of alignment with one another in front of the entry should be centred.
- ab.) The entre to the north-east apartments directly opposite the lifts is to be shifted to create an entry like the North-west units.
- ac.) illustrate the location of the water tank.

Reason: To comply with the comments by DEAP, Council's Urban Design Team and ESD Specialist.
Amended as per DA/716/2020/A

- 76b.) **Prior to the issue of a Construction Certificate, an Erosion and Sedimentation Plan is to be provided to the certifying authority that details the location of silt fences, protection of existing stormwater drains and other prevention measures that are proposed to ensure that soil remains on the site during the construction phase.**

Reason: To comply with the comments from Council's Waste Team
Amended as per DA/716/2020/A

77. **Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above Ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 and EP1.4 of the BCA.

Reason: To ensure all essential services are appropriately screened.

78. **Residential Apartment Internal Noise levels**

Internal Noise levels in sole occupancy units of all residential dwellings are not to exceed the following:

- 1. **Bedrooms and sleeping areas - 35 dB(A) LAeq 9hr (10pm to 7am)**

2. **Habitable Rooms other than Sleeping areas - 40 dB(A) LAeq 15hr (7am to 10pm)**
3. **All requirements and recommendations of the Acoustic Assessment including the Acoustic, Vibration & Noise Pty Ltd report dated 7/5/2020. 9. Internal noise levels are required to be deseing such that compliance with the following is achieved:**
 - a. **All requirements of the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".**
 - b. **The State Environmental Planning Policy - (Infrastructure) 2007**
 - c. **Australian Standards AS 2107:2016 'Acoustics - Recommended Design Sound levels and Reverberation Times'.**
 - d. **All requirements and recommendations included within the Acoustic, Vibration & Noise Pty Ltd report and dated May 7 2020.**
4. **A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined above have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.**

Reason: To comply with best practice standards for residential acoustic amenity.

Amended as per DA/716/2020/A

79. The construction certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a qualified and experienced stormwater drainage consultant. The final plan shall be in accordance with the abovementioned stormwater plan and shall comply with City of Parramatta Stormwater Disposal Policy, the Basix requirements and with AS 3500. The plans shall in particular include the following;
 - Appropriate measures shall be implemented to ensure the OSD tanks can be accessed and maintained in accordance with AS3500

Reason: To ensure satisfactory stormwater disposal.

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

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

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

Reason: To minimise impact on adjoining properties.

81. 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.

82. 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.

83. **Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.**

(a) **The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Concept Stormwater Drainage Plans approved by this consent and with Council's Development Control Plan, 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.**

- (i) ***Civil Services Plan, Project No. 24001, prepared by Goldfish & Bay.***

Drawing No.	Revision No.	Date
CV000	P4	24 April 2024
CV001	P4	24 April 2024
CV100	P4	24 April 2024
CV101	P5	6 August 2024
CV102	P2	24 April 2024
CV103	P2	24 April 2024
CV104	P2	24 April 2024
CV105	P2	24 April 2024
CV106	P2	24 April 2024
CV107	P2	24 April 2024

CV108	P2	24 April 2024
CV109	P2	24 April 2024
CV110	P2	24 April 2024
CV111	P2	24 April 2024
CV112	P2	24 April 2024
CV113	P2	24 April 2024
CV114	P2	24 April 2024
CV115	P2	24 April 2024
CV116	P2	24 April 2024
CV117	P2	24 April 2024
CV118	P2	24 April 2024
CV119	P2	24 April 2024
CV120	P2	24 April 2024
CV121	P2	24 April 2024
CV122	P2	24 April 2024
CV123	P2	24 April 2024
CV124	P2	24 April 2024
CV125	P2	24 April 2024
CV126	P2	24 April 2024
CV600	P6	6 August 2024
CV601	P6	6 August 2024
CV602	P5	24 April 2024
CV603	P5	24 April 2024
CV604	P4	24 April 2024
CV605	P4	24 April 2024
CV606	P4	24 April 2024

- (b) A Site Storage Requirement of 470m³/ha and a Permissible Site Discharge of 80L/s/ha (when using 3rd edition of UPRCT's handbook)
OR
The Site Reference Discharge (Lower Storage), SRDL of 40L/s/ha, Site Storage Requirement (Lower Storage) SSRL of 300m³/ha, Site Reference Discharge (Upper Storage), SRDU of 150L/s/ha, Site Storage Requirement (Total) SSRT of 455m³/ha (when using the Extended/Flood detention method - 4th edition of UPRCT's handbook).
- (c) 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 tanks.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structures.
- (e) Amended orifice calculations to account for the filter cartridge flows bypassing the OSD control.
- OSD Tank 1 – 31.5mm (based on PSD of 3.42L/s with filter cartridge flow of 1.38L/s),
 - OSD Tank 2 – 55.0mm (based on PSD of 18.1L/s with filter cartridge flow of 5.40L/s),

- (f) Remove additional orifice on the emergency overflow pipe in OSD Tank 1 Section B on Drawing No. CV600.
- (g) Lower HED weir of OSD tank 2 below the nominated top water level with sufficient capacity in the weir for 1% AEP flows to be directed into OSD storage.
- (h) The internal piped drainage system is design for the 1% AEP storm event and directed to the relevant OSD tank in accordance with the OSD catchment plan.
- (i) Amended OSD calculations with head depths matching the plans and sections.

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

Amended as per DA/716/2020/A

- 84. Water quality treatment devices must be installed to manage surface runoff water to East Street to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

- 85. 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.

- 86. 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.

- 87. 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.

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

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

89. Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that:

The piped drainage system including roof gutters and downpipes have been designed to an Average Recurrence Interval of not less than 100 years.

Note: Where the City of Parramatta Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- i. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- ii. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

Reason: To ensure the roof drainage system is designed for the 1% AEP storm event.

90. 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 with 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 locations near the site;
- b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- c) Mitigation measures to control noise 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.

91. An open service area measuring at least 7.6 metres x 3.0 metres is to be provided for use by residents for car cleaning and washing activities. This area is to be suitably located, paved, graded and drained. All waste water from the car wash bay shall be discharged to sewer under a Trade Waste Agreement from Sydney Water. This may require the installation of a pre-treatment device. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site. The means of disposal shall comply with:

- *EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste) and Managing Urban Stormwater: Treatment Techniques.*

Details are to be submitted with the construction certificate.

Reason: To designate a car washing area within the development and to ensure waste water is properly managed.

92. Plans and documents submitted must include the following with an application for a Construction Certificate:
- (a) Construction details are to be provided in coordination with a suitably qualified structural engineer showing soil substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens.
 - (b) All raised planting boxes/beds containing trees must be retained to a minimum height of 800mm.
 - (c) Soil volume, soil depth and soil area for all trees within planters on both ground level on podium roof must meet the prescribed soil standards in "Part 4 Apartment Design Guide – tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015).

Specifically this concerns the 3no. *Cupaniopsis anacardioides* (Tuckeroo) trees located both at ground level and Level 4. Adjust planter sizes, or slab-set downs to ensure soil volumes meet the mature size and growth of all trees. (Refer to the extract table below for details)

Table 5 Minimum soil standards for plant types and sizes

Plant type	Definition	Soil volume	Soil depth	Soil area
Large trees	12-18m high, up to 16m crown spread at maturity	150m ³	1,200mm	10m x 10m or equivalent
Medium trees	8-12m high, up to 8m crown spread at maturity	35m ³	1,000mm	6m x 6m or equivalent
Small trees	6-8m high, up to 4m crown spread at maturity	9m ³	800mm	3.5m x 3.5m or equivalent
Shrubs			500-600mm	
Ground cover			300-450mm	
Turf			200mm	

Note: The above has been calculated assuming fortnightly irrigation. Any sub-surface drainage requirements are in addition to the above minimum soil depths

- (d) Tree planting densities shall not exceed the prescribed soil volume and area required for plant type.
- (e) Any soil mounding must not exceed a maximum 1:8 grade which must be demonstrated on amended plans and certified by a suitably qualified Landscape Architect.
- (f) Planting details must be provided for all site specific and typical planting arrangement, including; trees on-slab, planting on-slab, tree pits in ground.
- (g) A specification ('Fit-for-purpose' performance description) for soil type and a maintenance schedule specified by a suitably qualified Soil Scientist, to ensure sufficient nutrient and water availability is achieved.

Reason: To ensure the creation of functional gardens.

93. The final Landscape Plan must be consistent with plans numbered 133.21(20)/302 to 305, rev A dated 16.08.21, prepared by iScale together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) Replace 35no. of the groundcover VH - *Viola hederacea* (Native Violet) located at ground level with a small to medium-sized native shrub, to be provided in a minimum 200mm containers. Suitable species include (but are not limited to) the following:
 - *Grevillea rosmarinifolia* 'Crimson Villea' (*Grevillea*)
 - *Callistemon viminalis* 'Green John' (Bottlebrush)
 - *Correa reflexa* (Native Fuchsia)
 - *Agonis flexuosa* 'Nana' (Willow Peppermint)
 - *Acmena 'Allyn Magic'* (Dwarf Lilly Pilly)
- (b) Replace 2no. AA – *Asplenium australasicum* 'Imp' (Dwarf Birds Nest Fern), 2no. PDd – *Phormium 'Dark Delight'* (NZ Flax) 3no. *Philodendron 'Xanadu'* (Dwarf Philodendron) located within the pots on Level 24 with a larger, drought / sun-loving alternative. Suitable species include (but are not limited to) the following:
 - *Crassula ovata* (Jade Plant)
 - *Kalanchoe hildebrandtii* (Silver Spoons)
 - *Agave attenuata* (Foxtail)
 - *Doryanthes excelsa* (Gymea Lily)
 - *Dracaena triasciata* (Mother-in-Law's Tongue)
- (c) Provide soil volume quantity labels to all planters and planting beds containing trees to ensure proposed soil volumes meet the prescribed soil standards in 'Apartment Design Guide Part 4P Planting on Structures'.

- (d) Increase tree container size of 2no. *Cupaniopsis anacardioides* (Tuckeroo) located at ground level to a minimum 100 litre.
- (e) Increase tree container size of all trees on Level 4 to a minimum 75 litre.
- (f) Delete the 'tree stake' from the planting schedule list for level 4. Trees planted on-slab within a planter or roof garden to be secured using an underground anchoring guying system to secure the tree and rootball in place. Details to be reviewed and approved by a suitably qualified Structural Engineer.
- (g) Consider replacing the small proposed lawn on Level 4 with a synthetic turf alternative for practical, maintenance reasons.
- (h) Provide irrigation specification and plans and landscape maintenance specification to ensure all planters and planting beds are adequately watered and maintained appropriately.

Reason: To ensure restoration of environmental amenity.

94. All landscape works shall be maintained for a minimum period of one (1) year following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

Reason: To ensure restoration of environmental amenity.

95. 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.

96. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

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

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

Reason: To comply with the requirements of SEPP 65.

98. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

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

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

99. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

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

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

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

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

101. The development must incorporate 11 adaptable dwellings. Plans submitted with the Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

102. Prior to the issue of a construction certificate for works above ground level the applicant will submit to and have approved by Council's Group Manager Development and Traffic Services the public art concept. The public concept will be assessed against the following inclusions:

- Artist description – vision and intention of the work, its response to the site and surrounds, cultural reference points etc.

- Public art concepts – created by an artist, original, promotes dialogue, adds vitality, shows design collaboration, proposes materials, identifies scale, indicates preliminary engineering or fixing methodologies
- Site integration - plans citing location, perspective rendering showing the streetscape view elevations
- Notarised artist contract - inclusive of the amount payable to the artist as listed in the cost plan, and include evidence of intellectual property and moral rights agreements, defects liability and warranty, deaccessioning protocols
- Preliminary cost plan – is the budget listed in the approved Public Art Plan and applied to the current estimation of the artwork cost and eligible expenditure as part of the contribution.
- Final program – includes the timeline for the evolution of the approved public art design through Application for Detailed Design and Documentation, fabrication, installation and Notification of Public Art Completion.

Reason: To comply with Council's Public Art requirements.

103. Prior to the issue of the relevant Construction Certificate, the following must be demonstrated to the satisfaction of the Council. BASIX certification is to be amended and resubmitted with compliant NatHERS certificates that are demonstrated to reflect the design, including:

- proper description of openable sashes with fall restrictors.
- proper allowance for the sheltering impacts on wind exposure from adjacent buildings

Reason: To ensure the thermal performance requirements of the BASIX SEPP are achieved.

104. Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of Council's Development and Traffic Services Unit which amend Unit 401 to an internal communal room. The amended plans are to reflect the amendments shown on Drawing No. SK220519-0620-20.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

105. Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of Council's Development and Traffic Services Unit that provides a revised layout for the southern-eastern apartments and incorporate the amendments shown on Drawing No. SK220519-0620-10.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

106. Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of Council's Development and Traffic Services Unit which amend the southern elevation of the development to incorporate the amendments shown on Drawing Nos. SK220523-0620-50, SK220523-0620-51 & SK220523-0620-52.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

107. Prior to the issue of a Construction Certificate, an amended Public Art Plan is to be prepared and submitted to the satisfaction of Council's Development and Traffic Services Unit. The Public Art Plan prepared by Site Image shall be amended to reflect the revised location of the public art within the Pocket Park as shown on Drawing No. SS20-4432 Dated 19.5.22.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

108. Prior to the issue of a Construction Certificate, an amended landscape plan is to be prepared and submitted to the satisfaction of Council's Development and Traffic Services Unit. The amended landscape plan is to reflect the concept design that forms part of the letter prepared by Iscape Pty Ltd dated 23 May 2022.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

109. Prior to the issue of any Construction Certificate evidence must be provided to the satisfaction of Council's Group Manager, Development and Traffic Services that the architectural firm(s) responsible for the design competition winning scheme have been commissioned, and will have direct and ongoing involvement in the design documentation and construction stages of the project, including signing off any required certifications for the Development Application, Modification Applications, Construction Certificate and Occupation Certificate stages.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

110. Prior to the issue of the relevant Construction Certificate(s), evidence must be provided to the satisfaction of Council's Group Manager, Development and Traffic Services that Council's Design Competition Panel (Design Excellence Jury) has confirmed that the architectural drawings, landscape drawings and samples of all external materials, in particular the external glazing and façade detailing, are consistent with the design competition winning scheme.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

111. Prior to the issue of the relevant Construction Certificate, documented details (photos, videos) and an accompanying report of the 1:1 manufactured visual mock-up (VMU) of key junctions of the external glazed facade (minimum 3m x 3m dimensions) must be submitted to, and approved by, Council, Design Excellence Jury and Environmentally Sustainable Development consultant.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

112. Prior to the release of the relevant construction certificate the applicant shall submit for the approval of the Council's Development and Traffic Services Unit,

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 excellence quality of the development is retained.

113. The PCA shall ascertain that any new element in the podium 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, AS 2890.2 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.

114. **A minimum 55 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.**

Reason: To comply with Council's parking requirements.

Amended as per DA/716/2020/A

115. **Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 66 parking spaces is to be provided and be allocated as follows:**

- a) 63 parking spaces for residential units including 9 spaces as accessible parking;**
- b) Eight (8) parking spaces for residential visitors**
- c) Two (2) parking space for retail tenancies.**
- d) One (1) car share space;**

The three (3) accessible parking spaces located on the south-east corner of levels 1, 2, and 3 are not to be provided due to non-compliance with AS 2890.1:2004 as a 1m blind aisle extension has not been provided. The six (6) accesible parking spaces located on the north-west corner of levels 1, 2, and 3 are to be converted to standard parking spaces as a 1m accessible pathway from the shared area to the parking aisle cannot be provided in accordance with section 2.5 of AS 2890.6:2022.

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

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

Amended as per DA/716/2020/A

116. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the

site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

117. **Three (3) 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 Council's parking requirements.

Amended as per DA/716/2020/A

- 117a.) **A minimum of one (1) car parking space is to be allocated for car share parking space. The 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.

Amended as per DA/716/2020/A

118. **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.

- 118a.) **Separate waste bins are to be provided on site for recyclable waste.**

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

Amended as per DA/716/2020/A

- 118b.) **The final Landscape Plan must be consistent with plans prepared by Arcadia Landscape Architecture issue B dated 23.04.2024 together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:**

- (a) **Add an additional groundcover species to the rear, southern boundary shade plant mix for additional diversity. Suitable species include (but are not limited to) the following:**

- *Dichondra repens* (Kidney Weed)
- *Mentha australis* (Native Mint)

- (b) **Ensure all trees in planter have sufficient soil volume to sustain and ensure trees will thrive into maturity. Any isolated planters are to be**

linked with modular cells below the paving, such as strata vault cells, to ensure the soil volumes are achieved.

- (c) Provide soil volume quantity labels to all planters and planting beds containing trees to ensure proposed soil volumes meet the prescribed soil standards in 'Apartment Design Guide Part 4P Planting on Structures'.
- (d) Delete the 'tree stake' detail from the on-slab tree planting detail and replace with an underground anchoring guying system to secure the tree and rootball in place for long-term.
- (e) Trees should be self-supporting from the nursery. Delete the tree stake from the typical tree detail unless trees are to be planted into a wind-prone area.
- (f) Provide landscape maintenance specification to ensure all planters and planting beds are adequately watered and maintained appropriately.
- (g) Plant code Aa is missing from the planting schedule and is to be added.

Reason: To ensure restoration of environmental amenity.

Amended as per DA/716/2020/A

118c.) Plans and documents submitted must include the following changes with an application for a Construction Certificate:

- Construction details are to be provided by a suitably qualified Structural Engineer showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens.
- All raised planting boxes/beds containing trees must be retained to a minimum height of 800mm.
- Any soil mounding must not exceed a maximum 1:8 grade which must be demonstrated on amended plans and certified by a suitably qualified Landscape Architect.
- Soil volume, depth and soil area must meet the following prescribed standards in the Apartment Design Guide (ADG) – Part 4, 4P *Planting on Structures - Tools for improving the design of residential apartment development* (NSW Department of Planning and Environment, 2015):
 - Typical tree planting on structure detail to show overall 800-1200mm soil depth. (Soil Volume to be reflective of proposed tree species size)
 - Typical shrub planting on structure detail to show minimum 500-600mm soil depth,
- A landscape maintenance schedule is required to ensure all landscape areas are well maintained for a sufficient period of time (minimum 1 year)
- A soil specification ('Fit-for-purpose' performance description) for imported soil types to ensure sufficient nutrient and water availability is achieved.
- An Irrigation plan and specification must be provided by a suitably qualified Hydraulic Engineer.

Reason: To ensure the creation of functional gardens.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

119. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

Reason: To ensure adequate toilet facilities are provided.

DC0001 Construction and Traffic Management Plan

120. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (c) Traffic Control Plan(s) for the site:
 - (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
 - (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - (iii) Minimising construction related traffic movements during school peak periods.

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

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

121. 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.

122. 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) 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 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.

123. 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.

124. 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.

125. 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.

126. 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.

127. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

Reason: Proper management of public land.

128. 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.

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

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

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

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

- (a) **expected volumes and types of waste to be generated during the demolition and construction stages of the development;**
- (b) **destination of each type of waste, including the name, address and contact number for each receiving facility.**
- (c) **Details of how this waste will be re-used on site, recycled and/or disposed of off site;**
- (d) **Details of how waste will be managed on site during construction (e.g. staff training, part of sub-contractor agreement, etc);**

You are also required to indicate the location of the waste storage area/s during construction on the plans.

To address this issue, please complete Council's standard Waste Management Plan that can be downloaded from the Council's website (www.parracity.nsw.gov.au).

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

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

Amended as per DA/716/2020/A

131. 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.

132. 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.

133. 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.

134. 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.

135. 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.

- 135a.) 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.

Amended as per DA/716/2020/A

- 135b.) An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the: (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development; (b) destination of each type of waste, including the name, address and contact number for each receiving facility. The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.**

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

Amended as per DA/716/2020/A

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

136. Stormwater must be connected to the kerb inlet pit within the property frontage of 38 East Street Granville.

- Reason:** To ensure satisfactory storm water disposal.
137. 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.
138. 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.
139. 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.
140. 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.
141. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.
- Reason:** To ensure appropriate disposal of asbestos materials.
142. 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.
143. 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.
144. 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.

145. 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.

146. 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.

147. 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.

148. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

Reason: To ensure appropriate landscaping.

149. All trees supplied above a 25L container size must be grown in accordance with AS2303:2015 (Tree stock for landscape use).

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

150. Trees to be removed are:

Tree No.	Species	Common Name	Location
1	<i>Callistemon viminalis</i>	Weeping Bottlebrush	42 East Street

Reason: To facilitate development.

151. 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 unless in a wind-prone area. 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.

152. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and undertaken in accordance with the Code of Practice for Amenity Tree Industry 1998.

Reason: To ensure tree works are carried out safely.

153. 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.

154. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.

Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

155. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- **7am to 5pm on Monday to Friday**
- **8am to 5pm on Saturday**

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

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 surrounding area.

156. 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 complaint; 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.

157. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

158. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier: -

- (a) All footings/ foundations
- (b) At other stages of construction – any marks that are required by the principal certifier

Reason: To ensure buildings are sited and positioned in the approved location.

159. 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.

160. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

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

Reason: To ensure proper management of Council assets.

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

Reason: To ensure maintenance of Council's assets.

- 162a.) 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 Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

Amended as per DA/716/2020/A

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

163. Residential Apartment Noise Attenuation

The design and construction of the project is required to be undertaken such that the following minimum requirements are achieved:

1. All requirement of the National Construction Code and Building Code of Australia requirements.
2. All floors separating sole occupancy units shall have a weighted standardised impact sound pressure level $L'_{nT,w}$ not more than 55dB when measured in-situ in accordance with AS ISO 140.7-2006 "Field measurements of impact sound insulation of floors" and rated to AS ISO 717.2-2004 "Rating of sound insulation in buildings and of building elements. Part 2: Impact sound insulation". This clause shall not apply to the floor of a kitchen, bathroom, toilet or laundry in a residential sole occupancy unit.
3. A statement from an appropriately qualified acoustical consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that the acoustic mitigation measures outlined above have been satisfied, must be submitted to the Certifying Authority for approval prior to the issue of any Occupation Certificate.

Reason: To comply with best practice standards for residential acoustic amenity.

Amended as per DA/716/2020/A

164. 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.

165. Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented <INSERT COUNCIL REQUIREMENTS>
 - (i) *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.*
 - (ii) *The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.*
 - (iii) *The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table*
 - (iv) *OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).*
 - (v) *Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).*
 - (vi) *Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer*

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

Reason: To confirm the location of works once constructed that will become council assets

166. 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 and Water sensitive Urban Design 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 NSW Land Registry Services 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.

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

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

167. 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 then the “e-developer” icon or telephone 13 20 92.

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

168. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

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

169. The subdivision certificate will not be issued until a final Occupation Certificate has been submitted to Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

170. A separate application must be made for a subdivision certificate. The application is to be accompanied by a final Occupation Certificate.

Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

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

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

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

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

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

Reason: Pedestrian and Vehicle safety.

172. 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.

173. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that:

- a. Signage consistent with Appendix N of the UPRCT OSD Handbook (4th edition) is provided to each OSD tank including:
 - i. Confined spaces sign,
 - ii. OSD (identification) sign,
- b. No water is ponding in the tank beyond the reduced sump at the orifice plate.

Reason: To ensure the OSD tanks are constructed in accordance with the requirements of AS3500 and the UPRCT OSD Handbook.

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

Pulse White Noise Acoustics; Acoustic Assessment and submission for alterations to the Conditions of Consent, including the Development Application Notice of Determination DA/716/2020; report 240077-34-42 East Street Granville-Section 4.55- R0 dated: April 22, 2024.

Reason: To demonstrate compliance with submitted reports.

Amended as per DA/716/2020/A

175. Adequate ventilation to the waste storage room shall be provided in accordance with the requirements of the Building Code of Australia. Certification that the system functions in accordance with Australian Standard AS 1668 is to be provided to the certifying authority prior to occupation of the premises.

Reason: To ensure compliance with BCA requirements.

176. 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.

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

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

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

Reason: To ensure a visible house number is provided.

179. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate as amended and approved under the conditions within this development consent, will be complied with prior to occupation

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

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

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

Reason: To comply with the requirements of SEPP 65.

181. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

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

182. Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- (a) after comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

Reason: To identify damage to adjoining properties resulting from building work on the development site

183. Prior to Occupation Certificate issue the applicant will submit to and have approved by Council's Group Manager Development and Traffic Services a Public Art Completion report which includes:

- Photographic documentation (10 high resolution images) of complete and installed public art
- Attribution plaque including name of artist, short artist statement, title of the public art and key dates
- Design documentation including fabrication and engineering specifications
- Artist Verification Statement by the approved artist
- Public art maintenance manual - the ongoing implementation of which will be at the cost of the relevant body corporate or as outlined in the building management statement (if applicable).

Reason: To comply with Council's Public Art requirements.

184. Prior to the issue of the first Occupation Certificate and any subsequent relevant Occupations Certificates, evidence must be provided completed to the satisfaction of Council's Group Manager, Development and Traffic Services that Council's Design Competition Panel (Design Excellence Jury) has confirmed that the architectural drawings, landscape drawings and samples of all external materials, in particular the external glazing and façade detailing, are consistent with the design competition winning scheme and that the development has been completed in accordance with approved plans.

Reason: To ensure the development exhibits design excellence as required by clause 7.10 of Parramatta Local Environmental Plan 2011.

- 184a.) Washing of vehicles shall be conducted in a vehicle wash bay, which is roofed and bounded to exclude rainwater. The vehicle wash bay shall be installed in accordance with Sydney Water's requirements. A trade wastewater agreement shall be obtained from Sydney Water before operation of the wash bay commences and a copy of the permit submitted to Council's Environment and Health Unit prior to the issuing of the occupation certificate. The vehicle wash bay shall be regularly cleaned and maintained.**

Reason: To ensure proper disposal of waste water.

Amended as per DA/716/2020/A

- 184b.) Prior to the issue of any Occupation Certificate, communal waste facilities and associated vehicle access on the site shall be inspected and approved by Council's Waste Service Team. Written confirmation of the waste facility approval from Council shall be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.**

Reason: To ensure that appropriate waste collection facilities are provided.

Amended as per DA/716/2020/A

- 184c.) Prior to the issue of any Occupation Certificate, a draft strata by-law with the insertion of waste specific by-laws is to be provided to Council's Waste Service Team. The waste specific by-laws can be provided by Council's Waste Service Team.**

Reason: To ensure that appropriate waste collection facilities are adequately managed by the authorised representatives and occupants of the building and to ensure no waste activities generated on site is placed on public land.

Amended as per DA/716/2020/A

- 184d.) Prior to the issue of any construction certificate, the applicant must ensure the bulk items storage area is made into its own separate area with independent access.**

Reason: this is to ensure that the bins and bulk waste items do not inhabit the same space and cause issues with blockage. i.e. the bins blocked access to the bulk waste and vice versa.

Amended as per DA/716/2020/A

PART F – OCCUPATION AND ONGOING USE

185. The use of the premises not giving rise to:
- (a) transmission of unacceptable vibration to any place of different occupancy,
 - (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq, 15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.
- Reason:** To prevent loss of amenity to the area.
186. No live music or entertainment shall be provided within the premises.
- Reason:** To protect the amenity of the surround neighbourhood.
187. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
- Reason:** To reduce noise levels.
188. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- Reason:** To protect the amenity of the area.
189. There are to be no external speakers at the premises.
- Reason:** To prevent loss of amenity to the area.
190. The air conditioner/s must not:
- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7.00am and after 10.00pm on any other day.
 - b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).
- The source noise level must be measured as a LAeq 15 minute.
- Reason:** To prevent loss of amenity to the area.
191. All waste storage areas are to be maintained in a clean and tidy condition at all times.
- Reason:** To ensure the ongoing management of waste storage areas.
192. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.
- Reason:** To ensure waste is adequately stored within the premises.
193. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.
- Reason:** To ensure compliance with Sydney Water's requirements and protect the environment.

194. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.
Reason: To minimise noise impact of mechanical equipment.
195. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.
Reason: To ensure the removal of graffiti.
196. **All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.**
Reason: To ensure provision of adequate waste disposal arrangements
Amended as per DA/716/2020/A
197. **A trade waste agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'. Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.**
Reason: To ensure proper disposal of waste water.
Amended as per DA/716/2020/A

**ATTACHMENT C – SECTION 4.15 ASSESSMENT OF ORIGINAL
DEVELOPMENT**



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-298
DA Number	DA/716/2020
LGA	City of Parramatta Council
Proposed Development	Section 8.3 review of determination for DA/716/2020 for lot consolidation, demolition and construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above. The application is Nominated Integrated development under the provisions of the Water Management Act 2000. The application is to be determined by the Sydney Central City Planning Panel.
Street Address	38-42 East Street, Granville NSW 2142
Applicant/Owner	Toplace Pty Ltd/ G Station Pty Ltd
Date of DA lodgement	28 October 2021
Number of Submissions	One submission
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	General Development Over \$30 Million Cost of Construction proposed = \$35,395,865
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy (Resilience and Hazards) 2021.• State Environmental Planning Policy (Biodiversity and Conservation) 2021.• State Environmental Planning Policy (Affordable Rental Housing) 2009.• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.• State Environmental Planning Policy (Transport and Infrastructure).• State Environmental Planning Policy (Planning Systems) 2021.• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.• Parramatta Local Environmental Plan 2011.
Report prepared by	Sohini Sen, Senior Development Assessment Officer
Report date	22 June 2022

Summary of s4.15 matters

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

Yes

Legislative clauses requiring consent authority satisfaction

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

e.g. Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions? **Not**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Applicable**

Conditions

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

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

1. Executive Summary

This report considers a Section 8.3 review of determination for DA/716/2020 for lot consolidation, demolition and construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above, landscaping and ancillary public domain works.

An assessment has been undertaken against the provisions of Section 8.2-8.5 of the Environmental Planning and Assessment Act 1979 and it is considered that the development proposal, as submitted under this review application and as amended during the course of assessment adequately addresses the reasons for refusal of the original application.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Grant development consent for development proposal subject of this application, subject to the recommended conditions.

2. Key Issues

- Variation to LEP building height standard.

SYDNEY CENTRAL CITY PLANNING PANEL BRIEFING

The application was presented to the Sydney Central City Planning Panel at a briefing meeting on 24 March 2022. A response to the issues raised by the panel is provided below.

Key Issues Discussed

- *Amended and additional information addressing the original Panel's reasons for refusal accompanies the application. In particular, amended survey information and amended plans with reduced height and FSR.*
Comment: Noted.
- *The revised design proposes an Architectural Roof Feature, which exceeds the maximum LEP building height. The Panel notes that a written cl. 4.6 request to vary the maximum height of buildings has not been submitted. The Panel suggests that Council advise the Applicant to consider its options in this regard.*
Comment: The applicant has submitted a Clause 4.6 variation statement to address the non-compliant building height. An assessment of the variation is provided within the LEP table further in this report.
- *Sydney Trains have provided concurrence but a referral to Water NSW remains outstanding.*
Comment: Water NSW have provided comments on the review application and have provided their concurrence.
- *There are variations to the site specific DCP requirements for numbers of car parking spaces and rear setbacks. Council considers the variations to the rear setbacks as minor. Council's Engineering section are satisfied that the proposed shortfall in car spaces (29) is justified given proximity to Granville railway station and other forms of public transport.*
Comment: Noted. Car parking is addressed within the referrals section and DCP compliance table within this report.

Matters to be finalised

- *Council's Design Excellence Jury will consider the revised design at a meeting to be held in the coming weeks.*
Comment: The Design Excellence Jury have provided their endorsement of the amended proposal and confirm that design excellence has been maintained.
- *The Applicant is to submit further information regarding flooding.*
Comment: The applicant has provided additional flooding information which has been reviewed by Council's Catchment and Development Engineer and is supported.
- *Council's ESD consultant is yet to provide comments.*
Comment: Council's ESD consultant has provided their comments and has recommended conditions of consent.
- *Water NSW to provide a response.*
Comment: Water NSW have provided comments on the review application and have provided their concurrence.
- *The Panel requires the assessment report to provide an analysis comparing the previously refused design and the revised design in a clear, concise, and accurate manner.*
Comment: A detailed assessment of the proposal under this review application is provided within this report. A section detailing how the review application has responded to the reasons for refusal of the original application is provided in the assessment under Section 8 of this report.

3. The Site and Surrounds

The subject site is known as 38 – 42 East Street, Granville NSW 2142 and comprises 3 allotments (Lot 1 DP 1009146, Lot 1 DP 195784 and Lot 1 DP 996285). The subject site is located on the southern side of East Street, approximately 45m east from the intersection of East Street and Bridge Street, Granville. The total site area is 1,496.1m². The site has a 51.075m frontage to East Street.

The land currently accommodates a mixture of one and two storey residential buildings. The site adjoins the railway corridor to the rear and adjoins railway land to the north-west. The site immediately to the south-east and directly opposite the site are a multi-storey mixed use development. Heritage items are also located opposite the site at 19 and 21 - 23 East Street. The site is also approximately 170m from Duck Creek to the south-east of the site.

The wider locality has a mix of commercial, industrial and residential land uses of varying ages and architectural styles.

The site is located 130 metres from Granville Transport Interchange and Granville Town Centre. The western railway line is located to the south of the site and the M4 Motorway is located to the north of the site. The site is located in close proximity to the Parramatta City Centre. Several key arterial road networks are also in close proximity to the site. These include Parramatta Road and the M4 Motorway connecting to Western Sydney and the Sydney CBD; Woodville Road, connecting south-western Sydney to Parramatta; and James Ruse Drive, connecting North-western Sydney to Parramatta.

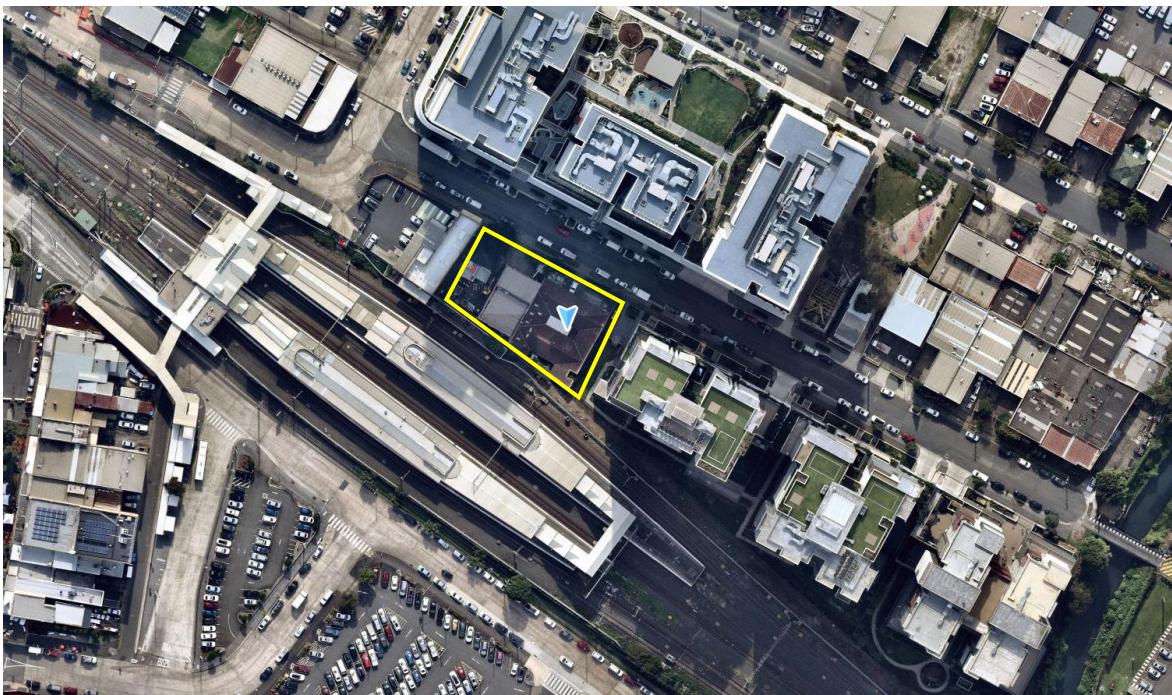


Figure 1: Aerial map with subject site outlined in yellow (Nearmap)



Figure 2: Zoning Map (Parramatta Local Environmental Plan 2011)

4. Development History

Planning Proposal

A Planning Proposal was lodged with Council on April 2017 (RZ/8/2017) and sought the following changes to the site controls contained within PLEP 2011:

- Increasing the maximum height of buildings on the site from 52m to 82m.
- Increasing the site's Floor Space Ratio from 3.5:1 to 6:1.
- Including a site specific provision that excludes enclosed balconies on the building façade facing the railway line from the Gross Floor Space calculation used for determining the Floor Space Ratio of a proposed building on the site.
- Requiring an appropriate design competition.

The site was deemed suitable for the planning proposal subject to achieving design excellence. It is noted that no additional FSR or Height bonus is applicable for achieving design excellence under the amendments.

The Planning Proposal was considered and endorsed by Council on 26 November 2018. The amendment to the Parramatta Local Environmental Plan 2011 was gazetted on 8 November 2019. The amendments to the LEP included:

- Increasing the maximum height of buildings from 52m to 82m.
- Exempting the site from the operation of the floor space ratio (FSR) sliding scale to enable the maximum mapped FSR of 6:1.
- Including a site-specific provision that excludes enclosed balconies (wintergardens) on the building façade facing the railway line from the gross floor area (GFA) calculation used for determining the FSR of a proposed building on the site.
- Requirement of a design excellence competition.

The intention of the Planning Proposal is to apply the recommendations of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) to address the current 'mismatch' of the existing height and FSR controls permitted in the B4 Mixed Use zone in Granville that do not allow the maximum FSR to be achieved within the height limit by increasing the

maximum Height of Building control. The proposed increase of height is consistent with the recommended height controls under the PRCUTS, meeting the recommended 80m height limit with a 2m variation, which is considered minor and still in keeping with the objectives of the PRCUTS.

The Parramatta Development Control Plan 2011 was also amended to include site specific controls to guide the detailed development of the land in accordance with the Planning Proposal to deliver appropriate building and urban design outcomes. Guidance on the following building and design elements include:

- Desired future character.
- Built form and massing.
- Design controls (podium, ground level and public domain, communal open space, substations, wintergarden balconies).
- Car parking.
- Flooding.

Architectural Design Competition

A design competition (DC/8/2018) was undertaken via an invitational architectural design competition.

Krikis Tayler Architects were the winners of the competition, and the proposal was awarded design excellence subject to a number of design amendments. It is noted that the proposal does not benefit from any FSR or height bonuses. The development features of this winning entry included:

- The resolution of the ground floor and should retain the single vehicular entrance located on the north-west corner of the site, maximised East Street frontage, Pocket Park concept design and outdoor dining opportunities.
- Above ground parking.
- Podium expression.
- Extensive use of curved glass on the podium tower facades.
- Pocket Park design and relocation of the existing padmount substation.
- Well resolved apartment layouts.
- Design of the tower form into 2 distinct components.

The Jury recommended that the following aspects be further explored during design development:

- *Building Height - The top of building height is above the maximum 92m. Prior to the lodgement of a DA, this non-compliance should be discussed with Council's Development Assessment Officers. The Jury supports the architectural roof feature provided no additional FSR is approved.*
- *Communal Open Space - The provision of a range of indoor and outdoor communal open spaces on level 4 (podium rooftop) and level 25 (tower rooftop) provide a high level of amenity to residents and their visitors. The design development of these spaces should ensure:*
 - *Visual/acoustic privacy impacts to apartments are minimised, and*
 - *Wind downdraft impacts are addressed.*
- *South-Eastern Apartments - The layouts of all south-eastern corner apartments should be reconsidered to improve the location of kitchens, dining and living areas.*

Central island kitchens are not considered an optimal configuration. The Jury would recommend further design development is undertaken to improve these layouts.

- *Solar shading / Sunhoods - Consider increasing the depth and colour/reflectivity of the tower façade sunhoods to assist in betterer articulating/animating the facades while also maximising solar shading.*
- *Southern Facade - Further consideration and design development of the southern podium elevation is required. This is a highly visible component of the building (along the railway corridor), and there is the potential for a public art component which may relate the sites history both Indigenous and European to be integrated into the developed design.*
- *Flood Transition - It is acknowledged that step free thresholds are established at suitable levels to facilitate access for those with disabilities and to protect from overland flooding. It is recommended that the design team consult with Council's flood engineer and public domain officers to ensure that the proposal is consistent with Council's vision for development along East Street.*
- *Environmentally Sustainable Design - The Jury recommend that the design team addresses the comments and improvement opportunities identified by Council's Independent ESD advisor.*

It is noted that the Design Jury recommended that the amendments be returned to the Jury for review prior to the lodgement of the Development Application. Council's records do not indicate that this process was undertaken prior to the lodgement of the current application. Notwithstanding this review application has been referred to the Design Jury who have endorsed the current design and confirm that design excellence has been maintained.

These additional design amendments have been considered and incorporated into the development scheme lodged under this Development Application. A detailed discussion of these recommendations is provided further in this report.

5. The Proposal

The subject Development Application seeks development consent for lot consolidation, demolition and construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above, landscaping and ancillary public domain works.

The proposed development includes the following components:

- Lot consolidation of Lot 1 DP 996285, Lot 1 DP 1009146 and Lot 1 DP 195784;
- Demolition of existing structures including part of rear deck which is currently on Sydney Trains owned land;
- Construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor. Tenancy 1 is to have a floor area of 224m² and Tenancy 2 will have a floor area of 29m².
- 3 levels of podium car parking comprising of 76 car spaces.
- 108 residential units in the tower above. The unit mix are as follows:
 - 19 x 1 bedroom
 - 80 x 2 bedroom
 - 9 x 3 bedroom



Figure 3: 3D perspective of proposed development as viewed from East Street (Krikis Tayler Architects)

The development has a total gross floor area of 8,968m² and includes 253m² commercial floor area. The proposed building height is 82.66m.

The key differences between the development scheme subject of this Development Application and the scheme that was awarded design excellence during the design competition phase include:

- Increase in parking from 61 spaces to 76 spaces.
- Decrease in amount of commercial ground floor area from 274m² to 253m².
- Reduced building height.
- Internal reconfiguration of south-eastern apartments.

Amended plans were received during the course of assessment of this application with the following changes:

Amended architectural plans were submitted with the following changes:

- Additional window schedule details.
- Additional façade sections.
- Additional sketch drawings to respond to Design Excellence Jury requirements to be incorporated into the recommended conditions of consent.

Other amended documentation submitted includes:

- Revised site survey plan.
- Flood statement.
- Clause 4.6 variation statement.
- Revised NatHERS Certificates.
- Revised BASIX Certificate.
- Geotechnical report.

The amended plans and documentation are the subject of this assessment and have been awarded design excellence by the design jury.

6. Referrals

The following internal and external referrals were undertaken:

Design Excellence Jury	<p>Supported, subject to conditions of consent.</p> <p><u>Ground Floor</u> The jury confirm that the DA drawings retain the key aspects of the winning design competition scheme specifically: Single vehicular entry at the north-western corner of the site Active uses including two retail tenancies activating East Street and outdoor dining opportunities</p> <p><u>Pocket Park</u> The jury felt that the resolution of Pocket Park was inferior to the winning design competition concept as it removed the grass component. The applicant explained that the change from the small area of grass to a paved area was based on the advice of the landscape consultant that grass in this location on an existing slab is unlikely to be viable. Further as the area is likely to be a thoroughfare to the retail/outdoor dining it will degraded quickly. Following the meeting the applicant provided further written advice from the Landscape Consultant addressing this issue and an updated design solution.</p> <p>The applicant also provided an amended concept for the design and location of the Public Art within the Pocket Park. The jury agrees that this is a preferred location and recommends that the DA drawings be amended to reflect the revised configuration and design.</p> <p><u>Parking</u> The jury acknowledge that no additional basement parking is proposed.</p> <p><u>Podium Expression</u> The jury continue to support the resolution of the podium and subject to a re-design of the southern façade (that will be addressed below), this key element has been retained in the DA drawings.</p> <p><u>Curved Glass</u> This was a key element in the winning design competition scheme and the jury acknowledge that this has been carried through in the DA drawings. The jury recommend Council impose a condition on the DA consent to ensure the retention of the curved glass.</p> <p><u>Apartment Layouts</u></p>
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	<p>The jury notes that this layout has been carried through in the DA drawings. The submitted sketch plan of the south-eastern corner apartment satisfactorily addresses the jury's comments regarding apartment layout. This is to be reinforced via a condition of consent.</p> <p><u>Tower Form</u></p> <p>The Jury support the tower form, which is split into two distinct components, separated by an east-west corridor providing district views, natural light and air. The provision of a south side core incorporating 3 lifts, efficient scissor fire-stair configuration and air conditioner condenser platforms should be retained.</p> <p><u>Building Height</u></p> <p>The jury is supportive of the height of the building, acknowledging that the final DA scheme is one storey less than the winning design competition entry.</p> <p><u>Communal Open Space</u></p> <p>The jury considers that the configuration of COS is inferior compared to the winning design competition entry. The DA drawings propose external COS on level 4 and internal and external COS on level 25. The jury felt that the COS on level 4 should also include an internal room.</p> <p>The applicant has prepared a sketch plan (SK 220519-0620-20) that converts unit 401 into a Communal Room that opens onto the communal terrace. The jury recommends that a condition of consent be included requiring the plans to be amended to reflect the additional COS.</p> <p><u>South-eastern Apartments</u></p> <p>The jury did not consider the revised layout was an acceptable solution. The jury supported the relocation of the balcony but felt the entry to the units proximity to the kitchen was inferior.</p> <p>The applicant has prepared a sketch plan (SK 220519-0620-10) that proposes an alternate layout to the southern units. The jury supports the revised layout and recommends that a condition of consent be included requiring the plans to be amended to reflect this new layout.</p> <p><u>Solar Shading</u></p> <p>The jury accept the applicant's assessment that the depth of the sunhoods is appropriate to ensure weather protection in summer and solar penetration in winter. The jury acknowledges the change in the finish of the sills, and this has improved the articulation of the tower façade.</p> <p><u>Southern Façade</u></p> <p>The jury felt that the design of the southern façade that formed part of the winning Design Competition scheme was a superior design outcome and the location of the public art on this façade weakened its expression to the railway line. The jury recommend that the public art be relocated and the design of the southern elevation revert back to the design competition entry.</p>
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	<p>The applicant provided a revised sketch plans (SK220523-0620-50, SK220523-0620-51 & SK220523-0620-52) for the southern elevation.</p> <p>The applicant advised that <i>'The design development leading to the DA was the adoption of a significantly ventilated carpark to improve the ESD. This concept was incorporated into the public art, so with the shifting of the public art, the architects were keen to retain the natural ventilation. The revised concept retains the solidity brought by the masonry but with the introduction of banded louvers for carpark ventilation. The longer bands of louvres in the darker masonry walls are set vertically with panels oriented in different directions to change the appearance depending on the viewing angle to give a sense of motion and add interest to train passengers'</i>.</p> <p>The jury supports the revised concept design and recommends the DA drawings be amended to reflect the sketch plan via a condition of consent.</p> <p>The applicant's public art consultant Site Image provided a revised concept for the location of public art within Pocket Park. The jury supports this amendment and recommends the Public Art Plan be updated to reflect this via a condition of consent.</p> <p><u>Flood Transition</u> The jury recommends the applicant liaise with Council's Public Domain Section to ensure an appropriate transition from East Street to Pocket Park. Council's Senior Catchment and Development Engineer has reviewed the plans and raises no objections.</p> <p><u>Environmentally Sustainable Design (ESD)</u> The jury acknowledge the advice of Council's planner that these issues have now been resolved and Council's Independent ESD advisor supports the DA.</p> <p>The Jury consider that the design is consistent with the original Design Excellence Competition winning scheme, prepared by Krikis Tayler Architects.</p> <p>The Jury agree that the design exhibits Design Excellence and meets Design Excellence objectives of the Parramatta LEP 2011.</p>
ESD Consultant	Supported, subject to conditions of consent.
Accessibility Officer	<p>A comprehensive Access Report by Accessibility Solutions (NSW) Pty Ltd (D08288833) has been provided identifying several issues that will be required to be addressed at the construction certificate (CC) stage of the project. These additional comments are not limited to or replace those mentioned within the access report and does not relinquish the applicant from its obligation to provide a fully compliant detailed universally accessible design.</p> <p>There doesn't appear to be a direct path of travel to the pocket packet park from within the development.</p> <p>Access is required to the communal areas, rooms, retail and open spaces via compliant paths of travel.</p>

	<p>Low level thresholds are required to provide access to all the outdoor areas including the retail tenancies.</p> <p>The communal spaces, rooms and pocket park will require suitable accessible, inclusive features/furniture.</p> <p>Note: AS1428.2 provides guidance on accessible furniture including, reach ranges and varying heights of tables and seats with back and arm rests etc.</p> <p><u>Planning Comment:</u> The above items are addressed via recommended conditions of consent.</p>
Catchment and Development Engineer	<p>Supported, subject to conditions.</p> <p>The Applicant engaged flood consultants SGC who have advised of ground floor flood planning level from overland flow (1% AEP plus 500mm freeboard) as 7.5m AHD.</p> <p>The architectural plans have been amended to raise the building so that the ground floor of habitable rooms is RL 7.50m AHD. The site is above the PMF from Duck Creek and so there is no requirement for evacuation or shelter in place.</p> <p>The proposed development is draining to the street. There is a split OSD tank. 1 in the 4th level of the building and extends down to the ground level (approximately 5m deep) and the second is within the driveway. Both OSD drain in accordance with Council's drainage policy and have been designed to be in compliance with UPRCT 3rd edition.</p> <p>Furthermore, the OSD systems have been increased in size to cater for wind driven rain as a direct relation to the height of the building in accordance with AS3600. Additional non-standard condition have been implemented to ensure appropriate safety measures are in place to service and maintain such a deep OSD tank.</p> <p>The applicant has also implemented WSUD measures by way of a propriety products that will be connected to the OSD system with a high flow bypass chamber. A review of the WSUD system indicated that the applicant's development site meets the required targets set in Council's DCP as well as the sites PSD by way of accommodating for the 3 months storm for the WSUD system and adjustment of the orifice plate.</p>
Heritage Advisor	No objections raised.
Tree and Landscape Officer	<p>Supported, subject to conditions of consent.</p> <p>The revised landscape plans have been adjusted to meet some of the outstanding items listed in the assessment report. The main items affecting the landscape were around the % deep soil zone, this I believe has been addressed. Some minor changes to the landscape design have occurred predominantly to the north-western side which have been reviewed in this assessment. The revised landscape plans for the ground level, podium level 4 and level 24 have been reviewed and are adequate. Some minor changes are required which are listed below. They will be conditioned accordingly:</p>

	<p>a) No details have been provided for the typical planting arrangements to show proposed soil depths and soil volumes.</p> <p>b) The small round planter indicating a <i>Cupaniopsis anacardioides</i> (Tuckeroo) tree to be joined up with the periphery edge planting to enable the adequate soil volume required to support the mature growth of this tree be achieved (as per the Apartment Design Guidelines 4P Planting on Structures).</p> <p>c) Some plant species are to change at ground level and on the roof level 24.</p> <p>d) Larger trees are required on the roof level 4 and underground guying is required as opposed to above ground staking due to the increase in wind loading at greater heights.</p> <p>e) The proposed small lawn on level 4 should be changed to synthetic turf for maintenance reasons.</p> <p>f) Just as a note to the Architect, the CGI showing the external façade on the Architectural plan A701 shows trailing plants spilling over the edge of the level 4 roof terrace. This is incorrect and not reflected in the planting plans. Hedge species are shown here instead.</p> <p>There is only one large Bottlebrush tree in excellent condition located in the front garden of 42 East St. This tree is approved to be removed to facilitate the development.</p>
<p>Traffic and Transport Engineer</p>	<p>Supported, subject to conditions.</p> <p><u>Car Parking</u></p> <p><i>RMS Guide to Traffic Generating Developments</i> <i>High density residential flat buildings (Metropolitan Sub-Regional Centres)</i></p> <ul style="list-style-type: none"> • 0.6×19 (one-bedroom unit) = 11.4 • 0.9×80 (two-bedroom units) = 72 • 1.4×9 (three-bedroom unit) = 12.6 • Total = 96 • Visitor: $1 \times (108 \text{ units} \div 5) = 21.6$ (22) <p>Total residential parking = 118 spaces (applicable based on ADG Objective 3J-1)</p> <p>Retail: <i>Parramatta DCP 2011 – Granville Town Centre</i></p> <ul style="list-style-type: none"> • Minimum 1 space per 60m² GFA = $1 \times (253\text{m}^2 \text{ of retail area} \div 60) = 4.2$ (5) • Maximum 1 space per 30m² GFA = $1 \times (253\text{m}^2 \text{ of retail area} \div 30) = 8.4$ (8) <p>Total retail parking = minimum 5 and maximum 8 spaces Total = minimum 123 and maximum 126 spaces</p> <p>76 parking spaces are provided, as shown on the submitted plans (the use of parking spaces has not been shown on the plans).</p> <p>The Apartment Design Guide (ADG)-Objective 3J-1 states: <i>"For development on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan area; the minimum</i></p>

	<p><i>car parking requirement for residents and visitors set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less.”</i></p> <p>It is noted that the site is within 800 metres from the Granville railway station. As a result, the above objective of the ADG can be applied to this development.</p> <p>The proposed development has car parking shortfall of 47 spaces. However, the proposed development is located within the immediate vicinity of bus services along Bridge Street in addition to Granville Railway Station. It is accordingly expected that a proportion of the future residents within the subject development will utilise the surrounding public transport infrastructure to access destinations throughout the Sydney metropolitan area.</p> <p>Maximum parking rates are also applied to some of the uses within the Granville Town Centre (refer to Table 3.6.2.4 of the Parramatta DCP 2011). For this reason, it is considered that lower parking provision will help to mitigate traffic and parking implications of the proposed development on the surrounding road network. As a result, the provision of 76 car parking spaces is considered adequate for the proposed development.</p> <p>It is noted that this parking provision is in line with the proposed parking rates based on the <i>Paramatta Road Corridor Urban Transformation Strategy</i> (not approved yet) which considers maximum parking rates for Granville Town Centre.</p> <p><u>Bicycle Parking</u> Residential Flat Buildings: 1 bicycle space per 2 dwellings = $1 \times (108 \text{ units} \div 2) = 54$</p> <p>Retail Tenancies: 1 bicycle space per 200m² of floor space = $1 \times (253\text{m}^2 \text{ of retail area} \div 200) = 1.3 \text{ (2)}$ Total = 56 bicycle spaces</p> <p>54 bicycle parking spaces for residential units are provide, as shown on the Level 24 Floor Plan (Drawing No. A207 – Issue 20) and 6 bicycle parking spaces are provided for visitors, as shown on the Ground Floor Plan (Drawing No. A200 – Issue 20).</p> <p><u>Loading</u> 1 loading bay per 400m² GFA of retail areas = $1 \times (253\text{m}^2 \text{ of retail area} \div 400) = 0.64 \text{ (1)}$ Total = 1 loading bay</p> <p>One (1) truck turntable is provided, as shown on the Ground Floor Plan (Drawing No. A200 – Issue 20).</p> <p>The dimensions of the parking spaces and aisle width, as shown on the submitted DA plans = 2.4m wide x 5.4m long and 5.8m aisle width At blind aisle, the aisle is extended 1m beyond the last parking space on each row of the parking spaces and minimum 300mm space is provided where the side boundary of a space is a wall or a column, as shown on the submitted plans.</p>
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	<p>The dimensions and configuration of the disabled parking space = dedicated space plus shared space (2.4m wide x 5.4m long with a bollard installed on the shared space).</p> <p>Column locations, as shown on the submitted plans, meet the requirements of AS2890.</p> <p>Swept path plans for vehicle access from the access driveway through to parking spaces and the loading bay have been submitted with the Site Access, Parking & Internal Circulation Assessment report.</p> <p>A 6.0m two-way entry and exit driveway to the podium carpark and the loading dock from East Street, as shown on the Ground Floor Plan (Drawing No. A200 – Issue 20). 5.5m two-way internal ramps are provided between podium levels.</p> <p>Ground Floor Plan (Drawing No. A200 – Issue 20) shows that roller shutter door will be provided at the access driveway to the podium parking areas and the loading dock. However, the location of the roller shutter door may result in queuing back across the footpath. It is recommended that the proposed roller shutter door be located where adequate queuing length between the vehicular control point and the property boundary is provided in accordance with 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. This requirement can be conditioned.</p> <p><u>Traffic Generation</u></p> <p>The submitted Site Access, Parking & Internal Circulation Assessment report estimates that the proposed development results in a traffic generating capability of 36 weekday commuter peak hour vehicle trips.</p> <p>The report also states that the estimated traffic generation is significant comparable to the previously assessed and approved traffic generating capacity (under DA/738/2014) for the site of 35 weekday commuter peak hour vehicle trips.</p> <p>The report, finally, concludes that the traffic generating capacity of the subject development is comparable or less than that previously assessed and approved and, therefore, is not anticipated to result in any noticeable impact on the overall operational performance of the surrounding road network.</p>
Environmental Health Officer (Waste)	Supported, subject to conditions of consent.
Environmental Health Officer (Acoustic)	Supported, subject to conditions of consent.
Environmental Health Officer (Contamination)	Supported, subject to conditions of consent.
Social Outcomes	Supported, subject to conditions of consent.

Public Art Officer	Supported, subject to conditions of consent.
Endeavour Energy	Supported, subject to conditions of consent.
Transport for NSW (formerly RMS)	The original application was referred to RMS and conditions of consent were recommended. These are included within the draft conditions of consent.
Water NSW	Supported, subject to general terms of approval.
Sydney Trains	Supported, subject to general terms of approval.

7. Assessment under Environmental Planning and Assessment Act 1979

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

Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 8.
Section 4.15 (1)(a)(ii) - Draft environmental planning instruments	Refer to section 9.
Section 4.15 (1)(a)(iii) – Development control plans	Refer to section 10.
Section 4.15 (1)(a)(iiia) - Planning agreement	Refer to section 11.
Section 4.15 (1)(a)(iv) - The Regulations	Refer to section 12.
Section 4.15 (1)(b) – The likely impacts of the development	Refer to section 13.
Section 4.15 (1)(c) – The suitability of the site for development	Refer to section 14.
Section 4.15 (1)(d) – Any submissions	Refer to section 15.
Section 4.15 (1)(e) – The public interest	Refer to section 16.

8. Environmental Planning Instruments

Overview

The instruments applicable to this application comprise:

- Environmental Planning and Assessment Act 1979.
- Water Management Act 2000.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Transport and Infrastructure).
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

8.2 Determinations and decisions subject to review

1. *The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division:*
 - a. *the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),*
 - b. *the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),*
 - c. *The decision of a council to reject and not determine an application for development consent.*
2. *However, a determination or decision in connection with an application relating to the following is not subject to review under this Division:*
 - a. *a complying development certificate,*
 - b. *designated development*
 - c. *Crown development (referred to in Division 4.6).*
3. *A determination or decision reviewed under this Division is not subject to further review under this Division.*

Planning Comment: The review application relates to a determination by the Sydney Central City Planning Panel, therefore is subject to Division 8.2 of the Environmental Planning and Assessment Act 1979.

The application was determined by the Parramatta Local Planning Panel on 22 July 2021. The application is not a Complying Development Certificate or designated development, nor is the application an application of the Crown.

8.3 Application for and conduct of review

1. *An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.*
2. *A determination or decision cannot be reviewed under this Division:*
 - a. *After the period within which any appeal may be made to the Court has expired if no appeal was made, or*
 - b. *After the Court has disposed of an appeal against the determination or decision.*

Planners Comment:

The subject determination review application was lodged on 28 October 2021. The COVID-19 Legislation Amendment (Emergency Measures – Attorney General) Act 2020 extended the timeframe for the review of a determination to 12 months, for applications determined within the prescribed period. DA/716/2020 was refused on 22 July 2021, which was within the prescribed period.

Accordingly, the assessment of the Review application is to be determined by 22 July 2022. An assessment of the application against the relevant planning instruments and controls forms the basis of this review.

3. *In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development*

consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.

Planners Comment:

The applicant has made some amendments to the proposed development subject of the original application that was refused. A comparison of the original application and proposed amendments made under this review application are provided below.

Key differences between the original proposal and the review proposal

An evaluation of the proposal submitted under this review application against the original development application is provided below.

Original Development Application	Review Application	Comment
Building Height = 86.01m	Building Height = 82.66m	The building height has been reduced closer to the maximum height standard. It is noted that the proposal still exceeds the maximum building height, and a variation is sought under Clause 4.6 of LEP 2011.
Gross Floor Area = 10,277m ²	Gross Floor Area = 8,968m ²	<p>The Gross Floor Area (GFA) has been reduced through the reduction in the number of apartments and some retail area.</p> <p>It is noted that the original assessment report identified an inadequate survey plan and resulting incorrect site area calculations.</p> <p>A correct survey plan and revised site area calculations were submitted with this review application. The Gross Floor Area complies with the maximum FSR for the site.</p>
Retail Floor Area = 257m ²	Retail Floor Area = 253m ²	The retail floor area is slightly reduced.
Number of storeys = 26	Number of storeys = 26	No change.
Car parking = 86 spaces over three podium levels	Car parking = 76 spaces over three podium levels	The number of car parking spaces has been reduced.
114 residential units: - 22 x 1 bedroom, 83 x 2 bedroom and 9 x 3 bedroom	108 residential units: - 19 x 1 bedroom, 80 x 2 bedroom and 9 x 3 bedroom	The number of 1 bedroom and 2 bedroom apartments have been reduced.

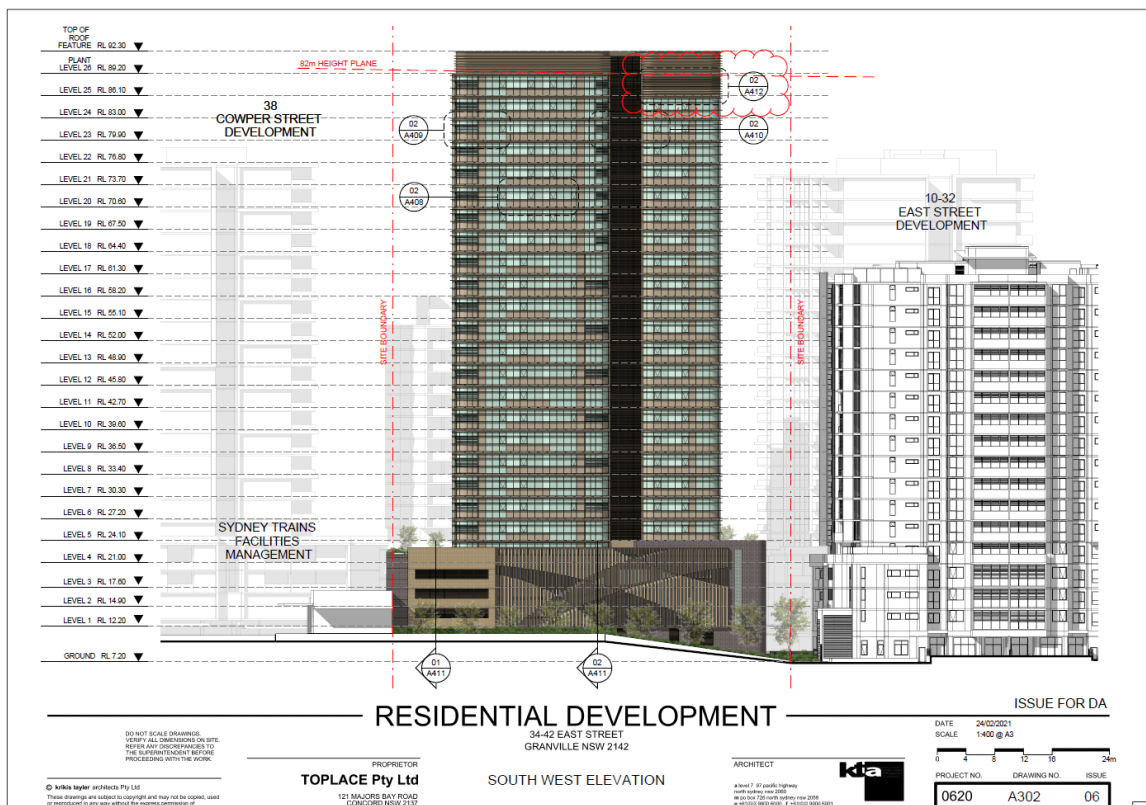


Figure 3. South-west Elevation of development under original application.

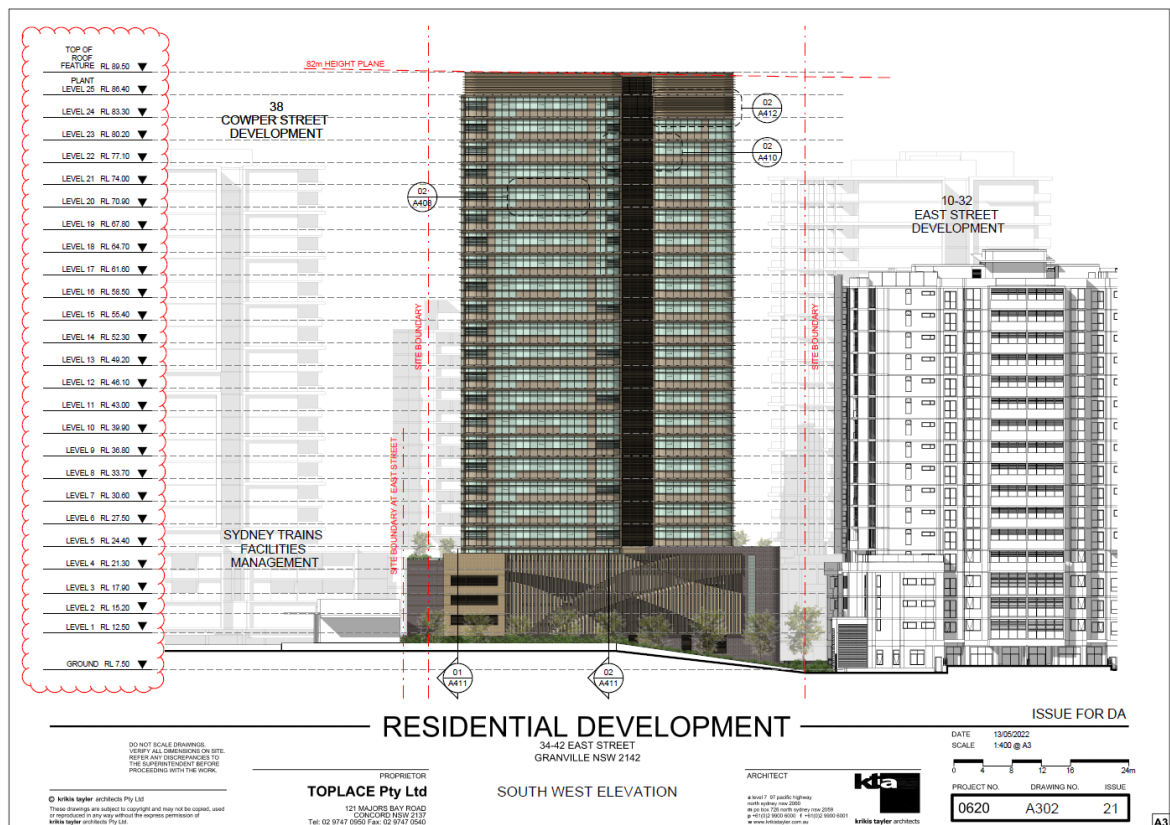


Figure 4. South-west Elevation of development under subject review application.

The proposal as amended is substantially the same development; being demolition, tree removal and construction of a 26 storey mixed use development.

4. *The review of a determination or decision made by a delegate of a council is to be conducted:*
 - a. *by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or*
 - b. *By another delegate of the council who is not subordinate to the delegate who made the determination or decision.*
5. *The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.*

Planners Comment: The subject review application is to be determined by the Sydney Central City Planning Panel.

8.4 Outcome of review

After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.

Planners Comment: The proposed subject of this review application addresses the reasons for refusal under the original application as follows:

The proposed development does not exhibit a satisfactory proposal, in that insufficient information remains outstanding resulting in the inability of the BASIX Certificate to be assessed and endorsed pursuant to the BASIX SEPP.	<p>The review application was accompanied with a BASIX certificate and associated BASIX documentation.</p> <p>Council's ESD consultant has reviewed the submitted documentation and raises no objections to the proposal subject to recommended conditions of consent.</p>
The proposed development does not exhibit a satisfactory proposal, in that it did not provide documentation to confirm that the development will not introduce electro-magnetic interference to the railway signalling and telecommunications systems pursuant to Clause 85 of the SEPP (Infrastructure).	<p>The review application was accompanied with supplementary engineering plans, geotechnical report, site survey plans, and section details.</p> <p>Sydney Trains has reviewed the submitted documentation and raises no objections to the proposal subject to recommended conditions of consent.</p>
The proposed development does not exhibit a satisfactory proposal, in that it did not provide that details of pile loads and whether piles will be under tension pursuant to Clause 86 of the SEPP (Infrastructure) and therefore Sydney Trains could not issue concurrence.	<p>The review application was accompanied with supplementary engineering plans, geotechnical report, site survey plans, and section details.</p> <p>Sydney Trains has reviewed the submitted documentation and raises no objections to the proposal subject to recommended conditions of consent.</p>
<p>The proposed development does not exhibit a satisfactory proposal in that it did not provide information to allow the proper assessment of the following principles contained within SEPP 65 – Design Quality of Residential Apartment Development:</p> <ol style="list-style-type: none"> i. Principle 1 - Context and neighbourhood ii. Principle 2 - Built form and scale iii. Principle 3 - Density 	<p>The review application was accompanied by a satisfactory survey plan, architectural plans and supporting documentation.</p> <p>An assessment of the proposal under this review application has been undertaken and the development is consistent with the provisions of SEPP 65.</p>

iv. Principle 4 - Sustainability v. Principle 5 - Landscape vi. Principle 6 - Amenity vii. Principal 8 - Housing Diversity and Social Interaction viii. Principle 9 - Aesthetics	Refer to assessment under SEPP 65 further in this report.
<p>The proposed development does not exhibit a satisfactory proposal, in that it that it did not provide information to allow the proper assessment of the following controls contained within the Apartment Design Guide:</p> <p>i. 3D Communal and public open space ii. 3E Deep soil zones iii. 3J Bicycle and car parking iv. 4A Solar and daylight access v. 4K Apartment Mix vi. 4N Roof design vii. 4U Energy efficiency</p>	<p>The review application was accompanied by a satisfactory survey plan, architectural plans and supporting documentation.</p> <p>An assessment of the proposal under this review application has been undertaken and the development is consistent with the provisions of the Apartment Design Guide (ADG).</p> <p>Refer to ADG compliance table further in this report.</p>
<p>The proposed development does not exhibit a satisfactory proposal and does not have the endorsement of the Design Excellence Jury and that it has achieved design excellence.</p>	<p>The documentation submitted under this review application was referred to the Design Excellence Jury.</p> <p>The jury endorses the proposed design and confirms that design excellence is maintained.</p>
<p>The proposed development does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within Parramatta LEP 2011:</p> <p>i) Clause 2.3 - the development is inconsistent with the zone objectives of the B4 Mixed Use zone ii) Clause 4.3 Height of Buildings iii) Clause 4.4 Floor Space Ratio iv) Clause 4.5 Calculation of floor space ratio and site area v) Clause 4.6 Exceptions to development standards vi) Clause 5.6 Architectural roof features vii) Clause 6.1 Acid Sulfate Soils viii) Clause 6.12 Design Excellence</p>	<p>The review application was accompanied by a satisfactory survey plan, architectural plans and supporting documentation.</p> <p>An assessment of the proposal under this review application has been undertaken against the provisions of the Parramatta LEP 2011. The proposal is consistent with the LEP provisions.</p> <p>Refer to LEP compliance table further in this report.</p>
<p>The proposed development does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Development Control Plan 2011:</p> <p>i. Section 3.1.1 Height ii. Section 3.2.1 Building Form and Massing</p>	<p>The review application was accompanied by a satisfactory survey plan, architectural plans and supporting documentation.</p> <p>An assessment of the proposal under this review application has been undertaken against the provisions of the Parramatta Development Control Plan 2011 (DCP 2011).</p>

<ul style="list-style-type: none"> iii. Section 3.2.3 Roof Design iv. Section 3.3.1 Landscaping v. Section 3.3.5 Solar Access and Ventilation vi. Section 3.3.6 Water Sensitive Urban Design vii. Section 3.6.2 Parking and Vehicular Access viii. Part 4 – Special Precincts – 4.1.6 – Granville Town Centre <ul style="list-style-type: none"> a) Landscaping and Deep Soil ix. Section 4.3.7 Granville Precinct <ul style="list-style-type: none"> a.) Desired Future Character b.) Maximum building heights c.) Setbacks d.) Traffic 	<p>The proposal is consistent with the DCP provisions. Refer to DCP compliance table further in this report.</p>
<p>The applicant has failed to submit sufficient details to Council. The following documents were insufficient:</p> <ul style="list-style-type: none"> i. Current / Correct Survey Plan ii. Architectural Plans (as amended to comply with FSR and height) iii. Clause 4.6 for Height variation iv. Acid Sulphate Management Plan v. Documentation to satisfy Sydney Trains requirements vi. OSD Calculations and OSD Plans as requested by Council's Development Engineer. <p>Accordingly, the proposal fails to satisfy Section 4.15(b),(c) & (e) of the Environmental Planning and Assessment Act, 1979.</p>	<p>The review application is accompanied with revised plans and documentation and addresses the insufficient documents as follows:</p> <ul style="list-style-type: none"> • A current and correct survey plan has been submitted. • Revised architectural plans have been submitted which have been amended to comply with the FSR and reduce the building height. • A Clause 4.6 variation statement has been submitted. • A Geotechnical Report was submitted with the review application that concluded that based on the laboratory test results, the soils within the maximum sampling depth of 9m did not provide positive indications of Actual Acid Sulphate Soils or Potential Acid Sulphate Soils and that an Acid Sulphate Soils Management Plan is not required for this site. • Additional documentation was submitted with this application and satisfies Sydney Trains requirements. • OSD calculations and plans have been submitted to the satisfaction of Council's Development Engineer.
<p>The proposal fails to satisfy the relevant considerations under Section 4.15(1)(c) Environmental Planning and Assessment Act 1979 for built environment, suitability of the site, and the public interest.</p>	<p>An assessment of the proposal under this review application has been undertaken and it is considered that the proposal satisfies the relevant considerations under Section 4.15(1)(c) of the Environmental</p>

	Planning and Assessment Act 1979 with regard to built environment, suitability of the site and the public interest.
The proposal fails to satisfy the relevant considerations under Section 4.15(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts generated by the development due to non-compliances with the applicable planning controls is not beneficial for the local community and as such, is not in the wider public interest	An assessment of the proposal under this review application has been undertaken and it is considered that the proposal is generally compliant with the relevant planning controls, will have a benefit to the local community and is in the wider public interest.

The documentation and plans submitted with this application satisfactorily address the reasons for refusal under the original application. As such, a recommendation for approval subject to conditions is made.

WATER MANAGEMENT ACT 2000

The proposed development is integrated development under Section 4.46 of this Act. The groundwater table will be intercepted as a result of the proposed pile excavation. The original application was referred to Water NSW and general terms of approval have been obtained. The review application was referred back to Water NSW and no further conditions or changes to the previous conditions are recommended.

Section 91 of the Water Management Act 2000 is applicable as the development involves a controlled activity approval as a result of the proposed piles. The application was referred to the Water NSW and general terms of approval have been provided.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land

Chapter 4 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

The site is not identified in Council's records as being contaminated. The site appears to have been largely residential premises until the 1950s where the site was used for various commercial / industrial land uses. Since then, the site has been used for activities such as mechanical repairs, car wash, warehouse and storage facilities.

No areas of the site or directly neighbouring properties are listed on 'Contaminated Land Record of Notices' or 'List of NSW contaminated sites notified to the EPA'.

A Preliminary Site Investigation (PSI) was submitted with the original application and notes that the key areas of concern for this site relate to potential impact of soil and groundwater from the previous commercial / industrial land use, the adjacent railway corridor, and the presence of fill (which may contain former building demolition rubble). A Remediation Action Plan was submitted with this review application.

However, as no basement works are proposed, further investigations to soil and groundwater would not be required in this instance.

As demolition of the existing structures are proposed, the following associated works were recommended:

- A pre demolition hazardous building material survey to identify the location and nature of hazardous building materials
- Removal and disposal of the identified hazardous materials by an appropriately qualified and licensed contractor at an appropriately licensed disposal facility.
- Validation / clearance of the site area by a qualified occupational hygienist upon completion of demolition and removal of the buildings confirming that there are no residual asbestos containing materials and other hazardous materials remaining on the site.

Council's Environmental Health Officer has reviewed the application and raises no objections subject to recommended conditions of consent.

Therefore, in accordance with Chapter 4 of this policy, the land is suitable for the proposed development being a mixed use development, which includes a residential component.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Chapter 2 seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Chapter 10 seeks to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained, and to provide a set of clear planning principles for land within the Sydney Harbour Catchment

Clause	Comment
Chapter 2 – Vegetation in non-rural areas - Part 2.3 Council permits for clearing of vegetation in non-rural areas	
Clause 2.6 – Clearing that requires permit or approval	The proposed development involves removal of one tree from the site identified as a Weeping Bottlebrush tree. Council's Tree and Landscape Officer has reviewed the application and raise no objections to the removal of the vegetation from the site subject to conditions.
Chapter 10 – Sydney Harbour Catchment – Part 10.2 Planning Principles	
Clause 10.10 – Sydney Harbour Catchment	The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of this clause are not applicable to the proposed development. The proposal is consistent with this clause.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX 2004

The application is accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. A BASIX certificate was submitted with this application. Conditions are recommended to ensure BASIX commitments are fulfilled during the construction of the development.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Clause	Comment
Clause 2.48 Development likely to affect an electricity transmission or distribution network	<p>The application is subject to Clause 2.48 of the SEPP as the development proposes works within the vicinity of electricity infrastructure. A padmount substation is currently located within the site and is proposed to be removed to accommodate a pocket park along the north-east corner. Provisions of a new substation to service the development will be accommodated within the built form.</p> <p>Endeavour Energy has reviewed this proposal and raised no objections subject to conditions of consent.</p>
Clause 2.97 Development adjacent to rail corridors	<p>The application is subject to Clause 2.97 as the site adjoins the railway corridor to the south. The proposal was referred to Sydney Trains for review and concurrence has been provided.</p> <p>The proposal satisfies the requirements of this clause.</p>
Clause 2.98 Excavation in, above, below or adjacent to rail corridors	<p>The application is subject to Clause 2.98 where ground penetration is required. Whilst the proposal does not accommodate a basement, it does require deep piles. The proposal was referred to Sydney Trains for review and concurrence has been provided.</p> <p>The proposal satisfies the requirements of this clause.</p>
Clause 2.99 Impact of rail noise or vibration on non-rail development	<p>The application is subject to Clause 2.99 as the proposal involves residential accommodation. An Acoustic Report was submitted reviewing the proposal in accordance with the LAeq levels specified under Clause 2.99 (3) of the SEPP.</p> <p>The Acoustic Report recommends noise attenuating measures to protect and achieve the acoustic levels appropriate for a residential development.</p> <p>Council's Health Officer reviewed the application and the Acoustic Report and raised no objections to the proposal subject to conditions of consent.</p>
Clause 2.118 Development with frontage to a classified road	<p>The application is not subject to Clause 2.118 of the SEPP as the site does not have frontage to a classified road.</p>
Clause 2.119 Impact of road noise or vibration on non-road development	<p>The application is not subject to Clause 2.119 of the SEPP as the average daily traffic volume of East Street is less than 20,000 vehicles.</p>
Clause 2.121 Traffic-generating development	<p>The application is not subject to Clause 2.121 of this Policy (Traffic Generating Development) as less than 300 dwellings are proposed. Notwithstanding, the original application was referred to Roads and Maritime Services (RMS), who did not raise any objection to the proposed development subject to recommended conditions of consent.</p> <p>The application was therefore not referred as part of this review application as the intensity of the development is less than the original development.</p>

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

As this proposal has a Capital Investment Value of more than \$30 million, Schedule 6 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT)

SEPP 65 applies to the development as the proposal is for a new building, is more than 3 storeys in height and will have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

Design Quality Principles

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

Requirement	Comment
Principle 1: Context and Neighbourhood Character	The design of the proposal responds to the site context, particularly with regards to the desired future character of the area comprising of mixed use development. The built form generally responds to the height and FSR controls applicable for the site. The proposal is appropriate given the site context as it provides active street frontages along East Street and additional housing in close proximity to a major centre and transport interchange.
Principle 2: Built Form and Scale	The built form is appropriate for the site and is generally consistent with the building envelope and footprint controls prescribed by the Parramatta LEP 2011 and Parramatta DCP 2011. The proposal is consistent with the Apartment Design Guide requirements in terms of building alignments, proportions, type and manipulation of building elements. The proposal has been designed with respect to neighbouring buildings and is positioned within the site to minimise impacts arising from the close proximity to neighbouring developments.
Principle 3: Density	The proposal results in a density appropriate for the site and its context in terms of floor space yield, number of apartments and potential number of residents. The proposed density of the development is sustainable and responds to the availability of infrastructure, public transport, community facilities and environmental quality.
Principle 4: Sustainability	A BASIX Certificate has been submitted with the application and the required design measures are incorporated into the design of the building. Additional BASIX requirements will be addressed at the Construction Certificate stage of the development.
Principle 5: Landscape	The proposed landscaping on the site is located on primarily on the ground and podium levels and provides amenity for the communal open spaces and retail spaces on these levels. The landscaping is consistent with the landscape character of the locality.
Principle 6: Amenity	The proposed development is satisfactory with regards to amenity and has been designed to optimise internal amenity through orientation, visual and acoustic privacy, solar access, natural ventilation, apartment layout, storage areas and service areas.
Principle 7: Safety	The proposal satisfactorily addresses safety and provides opportunities for passive surveillance to the street frontage and communal areas of the site through the use of balconies addressing the street frontage and glazed openings. The car park area has

Requirement	Comment
	been designed for secure access to ensure that the area remains accessible to only the building occupants and their visitors.
Principal 8: Housing Diversity and Social Interaction	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different demographics, living needs and budgets in close proximity to public transport. The development provides housing which suits the existing and future social mix and provide for the desired future community.
Principle 9: Aesthetics	The built form is appropriate with regard to the composition of building elements, textures, materials and colours which reflect the use, internal design and structure of the building. The building responds aesthetically to the environment and context, and appropriately contributes to the desired future character of the area.

Architectural Design Excellence Jury

An Architectural Design Excellence Competition was held for this site and the development proposal subject of this application was referred to the Design Excellence Jury for their review. As such, the application was not required to be referred to City of Parramatta's Design Excellence Review Panel. Refer to Referrals section of this report for comments provided by the Design Excellence Jury in relation to this proposal.

Apartment Design Guide

The ADG is a publication by the State Government which further expands on the design quality principles by providing some detailed practical guidance for the design of residential flat buildings.

The proposal has been assessed against the 32 topic area provisions within Parts 3 & 4 of the ADG and the relevant provisions of note are as follows:

Clause	Design Criteria	Comments	Comply
Part 3 – Siting the Development			
3A Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis has been submitted.	Yes.
3B Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street. Where the street frontage is to the east or west, the rear buildings should be orientated to the north. Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west.	Pedestrian entry is provided off East Street. The street frontage along East Street is oriented north-east. The building is oriented to the street frontage. East Street is oriented to the north-east. There is one building proposed on the site.	Yes. Yes. Yes.

3C Public Domain interface	<p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>The proposal provides a transition between the private and public domain interface. Apartments are located above the ground level and provide passive surveillance to the ground level.</p> <p>Public domain plans have been submitted and the public domain is retained and enhanced.</p>	<p>Yes.</p> <p>Yes.</p>												
3D Communal and public open space	<p>Communal open space (COS) has a minimum area equal to 25% of the site, with minimum 3m dimensions.</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm mid-winter.</p> <p>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ul style="list-style-type: none">• seating for individuals or groups• barbecue areas• play equipment or play areas• swimming pools, gyms, tennis courts or common rooms	<p>Required: 374.03m² Proposed: 384m² (26%)</p> <p>The submitted shadow diagrams indicate that the proposed communal open space, which is north facing, achieves minimum of 50% direct sunlight to the usable part of the communal open space for a minimum of 2 hours between 9am and 3pm mid-winter.</p> <p>Outdoor seating areas and communal areas are provided on the podium level.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>												
3E Deep soil zones	<p>Deep soil zones are to meet the following minimum requirements:</p> <table><thead><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr></thead><tbody><tr><td>Less than 650m²</td><td>-</td><td></td></tr><tr><td>650m² – 1,500m²</td><td>3m</td><td>7%</td></tr><tr><td>Greater than 1,500m²</td><td>6m</td><td></td></tr></tbody></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-		650m ² – 1,500m ²	3m	7%	Greater than 1,500m ²	6m		<p>Proposed: 202m² (14%) not considering minimum 3m dimensions.</p> <p>Deep soil areas are provided at the ground and podium level. While the proposal is non-compliant when considering the minimum dimensions for deep soil, the deep soil area provision is acceptable given that a number of smaller areas are provided on the podium level which are capable of mature tree planting.</p>	<p>NO but acceptable.</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)													
Less than 650m ²	-														
650m ² – 1,500m ²	3m	7%													
Greater than 1,500m ²	6m														

	<div>Greater than 1,500m² with significant existing tree cover</div> <div>6m</div> <div>Required: 104.7m²</div>														
3F Visual Privacy	<div>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</div> <table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<div>The site contains one street frontage and adjoins a railway corridor. As such, the northern and southern boundaries are sufficiently separated from buildings to the north and south.</div> <div>Up to 4 Storeys (podium level) Nil setback (western boundary) 3m (eastern boundary)</div> <div>5-8 Storeys 9m-12m (eastern boundary) 9m (western boundary)</div> <div>Over 9 Storeys 9m-12m (eastern boundary) 9m (western boundary)</div>	NO – refer to discussion below.
Building Height	Habitable rooms and balconies	Non-habitable rooms													
up to 12m (4 storeys)	6m	3m													
up to 25m (5-8 storeys)	9m	4.5m													
over 25m (9+ storeys)	12m	6m													
Non-compliance discussion – Building separation It is noted that the building separation for the south-eastern part of the development on levels over nine storeys) do not meet the minimum building separation requirements under the ADG. A variation can be considered in this instance as the site is effectively an isolated site and there are minimal windows along the elevation of the adjoining residential flat building. The site adjoins Sydney Trains owned land to the west. As such, it is considered that no significant adverse privacy impacts result from the non-compliance.															
3G Pedestrian access and entries	<div>Building entries and pedestrian access connects to and addressed the public domain.</div> <div>Access, entries and pathways are accessible and easy to identify.</div>	<div>Pedestrian entries are located off East Street.</div> <div>Pedestrian access through the site is satisfactory. Entries achieve equitable access to all parts of the development.</div>	<div>Yes.</div> <div>Yes.</div>												
3H Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Vehicular access from East Street is provided. Separate pedestrian access is provided.	Yes.												
3J Bicycle and car parking	<div>For development in the following locations:</div> <div>- on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area: or</div> <div>- on land zoned, and sites within</div>	Based on RMS guidelines, the required number of parking spaces is 118 spaces.	No, but considered acceptable.												

	<p>400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.</p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	<p>76 car parking spaces are provided which is a shortfall of 47 spaces.</p> <p>Maximum parking rates are also applied to some of the uses within the Granville Town Centre (refer to DCP compliance table). For this reason, it is considered that lower parking provision will help to mitigate traffic and parking implications of the proposed development on the surrounding road network.</p> <p>Council's Traffic and Transport Engineer has reviewed the proposal and raises no objection to the parking shortfall and 76 car parking spaces is considered adequate for the proposed development.</p>	
Part 4 - Amenity			
4A Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	84% of units comply – see Principle 4 – sustainability above.	Yes.
4B Natural ventilation	<p>Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>70% of all apartments are cross ventilated.</p> <p>The balconies of the apartments at 10 storeys or greater allow adequate natural ventilation and cannot be enclosed with the exception of a number of apartments located on the south-western portion of the development that contain winter gardens that can be fully enclosed. A condition of consent is included requiring adequate permanent openings in these areas to allow for ventilation.</p> <p>No cross over or cross through apartments exceed 18m in depth.</p>	<p>Yes.</p> <p>Able to comply.</p> <p>Yes.</p>

4C Ceiling heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><th colspan="3">Minimum Ceiling Height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td><td></td></tr><tr><td>Non-habitable</td><td>2.4m</td><td></td></tr><tr><td></td><td>2.7m</td><td>main living area</td></tr><tr><td>For 2 storey apartments</td><td>2.4m</td><td>second floor where it does not exceed 50% of the apartment area.</td></tr><tr><td>Attic spaces</td><td>1.8m</td><td>at edge of room with a 30 degree minimum ceiling slope.</td></tr><tr><td>Located in mixed use areas</td><td>3.3m</td><td>for ground and first floor to promote future flexibility of use.</td></tr></table>			Minimum Ceiling Height			Habitable rooms	2.7m		Non-habitable	2.4m			2.7m	main living area	For 2 storey apartments	2.4m	second floor where it does not exceed 50% of the apartment area.	Attic spaces	1.8m	at edge of room with a 30 degree minimum ceiling slope.	Located in mixed use areas	3.3m	for ground and first floor to promote future flexibility of use.	3.1m floor to floor with slab thickness no greater than 300m are provided throughout the development.	Yes.
Minimum Ceiling Height																										
Habitable rooms	2.7m																									
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Located in mixed use areas	3.3m	for ground and first floor to promote future flexibility of use.																								
4D Apartment Size and Layout	Studio 35m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 90m ²		Studio N/A 1 bedroom 50m ² (min.) 2 bedroom 70m ² (min.) 3 bedroom 90m ² (min.)	Yes.																						
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.		Complies.	Yes.																						
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)		Complies.	Yes.																						
	Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 2.7 = 6.75m		Refer to below as units have open plan layouts.	N/A.																						
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		Complies.	Yes.																						
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).		Complies.	Yes.																						
	Bedrooms have a minimum dimension of 3m.		Complies.	Yes.																						
	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.		Complies.	Yes.																						
4E – Private open space	Primary balconies as follows <table><tr><th>Dwelling type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td></td><td></td><td></td></tr></table>		Dwelling type	Minimum Area	Minimum Depth				The proposal complies.	Yes.																
Dwelling type	Minimum Area	Minimum Depth																								

and balconies	Studio	4 m ²	-	The proposal complies.	Yes.
	1 Bedroom	8 m ²	2m		
	2 Bedroom	10 m ²	2m		
	3 Bedroom	12 m ²	2.4m		
	The minimum balcony depth to be counted as contributing to the balcony area is 1m.				
For apartments at ground level <i>or on a podium or similar structure</i> , a private open space is provided instead of a balcony. It must have a minimum area of 15 m ² and a minimum depth of 3m.					
4F – Common circulation and spaces	Max. apartments off a circulation core on a single level is eight.			5 units are provided off a lift core within proposed Tower B	Yes.
	10 storeys and over, max apartments sharing a single lift is 40.			The building is more than 10 storeys. Three lifts are provided for 108 apartments.	Yes.
4G - Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided			Adequate storage areas are provided.	Yes.
Apartment type		Storage size volume	At least 50% of the required storage is to be located within the apartment.		
Studio		4 m ²			
1 bedroom		6 m ²			
2 bedroom		8 m ²			
3 bedroom		10 m ²			
4H Acoustic Privacy	Various objectives.			The proposal complies with the various objectives.	Yes.
4J Noise and Pollution	Various objectives.			The proposal complies with the various objectives. A podium is proposed which will assist in shielding noise to apartments above.	Yes.
Part 4 - Configuration					
4K Apartment Mix	Various objectives.			The proposal provides: 19 x 1-bed units (18% mix), 80 x 2-bed units (74% mix) and 9 x 3-bed unit (8% mix) which is consistent with the objectives.	Yes.
4L Ground floor apartments	Various objectives.			No ground floor apartments are proposed.	N/A.
4M Facades	Various objectives.			The proposal complies with the various objectives.	Yes.

4N Roof design	Various objectives.	The proposed roof design complies with the various objectives.	Yes.
4O Landscape design	Various objectives.	The proposal complies with the various objectives.	Yes.
4P Planting on structures	Various objectives.	Planting is proposed within the and podium level. Minimum soil depths are shown and meet the objectives of this section of the ADG.	Yes.
4Q Universal design	Various objectives.	The proposal complies and provides 10% of apartments as adaptable apartments and at least 20% of apartments incorporating the Liveable Housing Guideline's silver level universal design features.	Yes.
4R Adaptive reuse	Various objectives.	The proposal complies with the various objectives.	Yes.
4S Mixed Use	Various objectives.	The proposal complies with the various objectives.	Yes.
4T Awnings and signage	Various controls under SEPP 64 apply.	Building signage is shown on the submitted elevation detail drawings however no signage is formally included as part of the scope of works. Awnings are proposed along the East Street frontage.	Yes.
Part 4 - Performance			
4U Energy efficiency	Various objectives.	The proposal complies with the various objectives subject to the recommendations and conditions provided by Council's ESD consultant.	Yes.
4V Water management and conservation	Various objectives.	The proposal meets the objectives.	Yes.
4W Waste Management	Various objectives.	Refer to DCP compliance table further in this report.	No design criteria under SEPP 65.
4X Building Maintenance	Various objectives.	The proposal complies with the various objectives.	Yes.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

Development Standard	Compliance
Clause 2.3 Zone objectives and land use table	<p>The site is zoned B4 Mixed Use. The proposed development is defined as a mixed use development and is permissible with development consent within the B4 zone. The proposal meets the objectives of the B4 Mixed Use zone as the development:</p> <ul style="list-style-type: none"> • Provides a mixture of compatible land uses; • Integrates suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling; • Contributes to an active, vibrant and sustainable neighbourhood; • Creates opportunities to improve the public domain and pedestrian links; • Supports the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality; and • Protects and enhances the unique qualities and character of special areas within the Parramatta City Centre.
Clause 2.7 Demolition requires development consent	Yes. Consent is sought for the demolition of the existing buildings on the site.
Clause 4.3 Height of Buildings Allowable = 82m Proposed = 82.66m	NO. Refer to Clause 4.6 discussion after this table.
Clause 4.4 Floor Space Ratio <u>Allowable:</u> 6:1 (8,976.6m ²) <u>Proposed:</u> 6:1 (8,968m ²)	Yes.
Clause 4.5 Calculation of floor space ratio and site area	The Floor Space Ratio and Site Area has been calculated in accordance with this clause.
Clause 4.6 Exceptions to development standards	Yes. A Clause 4.6 variation statement was submitted with this review application.
Clause 5.1A Development on land intended to be acquired for public purposes	N/A. The site is not identified on this map.
Clause 5.6 Architectural roof features	N/A. The applicant has indicated that an architectural roof feature is proposed however the panel indicated during the briefing meeting that the portion of the roof exceeding the maximum building height cannot be considered as an architectural roof feature. As such, the provisions of this clause have not been considered and the non-compliant building height is addressed via the provisions of Clause 4.6 of this LEP.
Clause 5.7 Development below mean high water mark	N/A. The proposal is not for the development of land that is covered by tidal waters.
Clause 5.10 Heritage Conservation	Yes. The site does not contain a heritage item and is not located within a heritage conservation area.

Aboriginal Places of Heritage significance	Yes. The site is identified as Low Aboriginal Heritage Sensitivity.
Clause 5.11 Bush fire hazard reduction	N/A. The site is not identified as bushfire prone land.
Clause 6.1 Acid Sulphate Soils	Yes. The site is classified as containing Class 4 and 5 Acid Sulphate Soils. While a basement is not proposed, the development requires deep piles which require works below 2m. A geotechnical report was submitted with the application and concludes that the soils within the maximum sampling depth of 9m did not provide positive indications of Actual Acid Sulphate Soils or Potential Acid Sulphate Soils and that an Acid Sulphate Soils Management Plan is not required for this site.
Clause 6.2 Earthworks	Yes. Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory.
Clause 6.3 Flood planning	Yes. The site is not identified by council as being flood prone however is impacted by overland flooding. Council's Catchment and Development Engineer has reviewed this application and raises no objections to the proposed development. The development satisfies the objectives of this clause.
Clause 6.4 Biodiversity protection	N/A. The site is not identified on this map.
Clause 6.5 Water protection	N/A. The site is not identified on this map.
Clause 6.6 Development on landslide risk land	N/A. The site is not identified on this map.
Clause 6.7 Affected by a Foreshore Building Line	N/A. The site is not located in the foreshore area.
Clause 6.12 Design Excellence	Clause 6.12 is applicable to this development as it involves the erection of a new building which will have a height over 55m and has a capital investment value of over \$100 million. The building design is a winner of a competitive design process. An assessment of the relevant matters for consideration under this clause are provided below.
<p>Clause 6.13 Design Excellence generally</p> <p>(1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Parramatta.</p> <p><u>Comment:</u> The proposed development meets the objectives of this clause. The design was the winning entry of an architectural design competition. While some amendments to the design have been made between the design competition and Development Application stage, the key elements of the building that were commended by the design jury have been retained. The design jury has reviewed the architectural plans subject of this assessment and consider that the building design exhibits design excellence.</p> <p>(2) <i>This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as "A" on the Design Excellence Map.</i></p> <p><u>Comment:</u> Noted.</p>	

(3) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

Comment:

A high standard of architectural design, materials and detailing that are appropriate for the building type and location will be achieved. The design provides for a high level of solar access and cross ventilation to apartments and a high level of solar access to the commercial floor area, which is desirable for a high-density development within the Granville Town Centre. The location and design of communal shared spaces foster interaction between building occupants.

The materials are of high quality and are practicable for the scale and type of development in terms of construction methods. The materials and finishes used create articulation of the building facade. The façade treatment used across the car park levels allows light to penetrate through which are appropriate for the proposed above ground parking levels.

(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,

Comment:

The proposed development has been designed to enhance the public domain. The ground floor provides an activated street frontage along East Street by providing retail uses at the ground level and a pocket park with outdoor seating. The proposed vehicular access is located off East Street away from the pedestrian entry and pocket park. The proposed substation is located adjacent to the vehicular access driveway. The landscaping provided at the ground level softens the streetscape appearance and provides a transition between the private and public domain. Overall, the form and external appearance of the building is attractive and blank walls are minimised.

(c) whether the proposed development detrimentally impacts on view corridors,

Comment: The proposed development is not considered to detrimentally impact on view corridors.

(d) how the proposed development addresses the following matters—

- (i) the suitability of the land for development,
- (ii) the existing and proposed uses and use mix,
- (iii) any heritage and archaeological issues and streetscape constraints or opportunities,
- (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- (v) the bulk, massing and modulation of buildings,
- (vi) street frontage heights,
- (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
- (viii) the achievement of the principles of ecologically sustainable development,
- (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
- (x) the impact on, and any proposed improvements to, the public domain,

- (xi) the impact on any special character area,
- (xii) achieving appropriate interfaces at ground level between the building and
- (xiii) the public domain, excellence and integration of landscape design.

Comment:

The site is zoned B4 Mixed Use, and the proposed development is suitable for the site being a mixed-use development. The site is not located in a particular special character area however is located within the Granville Town Centre. The proposed building envelope and built form is appropriate for a mixed-use tower development with podium. The site is located within a precinct undergoing transition with existing mixed-use buildings and retail development, and benefits from its location close to public transport, recreational facilities and the existing Granville Town Centre, making the site suitable for high-density mixed-use developments.

The proposed development responds appropriately to adjoining buildings by providing adequate setbacks to these buildings.

The proposed built form utilises a podium structure with a modulated tower form as well as high quality materials, which reduce the appearance of overall building bulk and mass and provide an appropriate building height at the street frontage.

The proposed development takes advantage of the orientation of the site and maximises solar access and privacy. Documentation submitted with the Development Application supports the proposal with regards to the impacts of noise, wind and reflectivity. Ecologically Sustainable Development measures are proposed throughout the development and are satisfactory subject to recommended conditions of consent.

The proposal includes retail tenancies at the ground level which provides an opportunity to create an active street frontage along East Street. Landscaping on this level softens the built form, is well integrated and provides a transition between the public and private domain. This transition is also enhanced by a lack of level changes between the street and the ground floor of the development. The proposed ground floor treatment is an improvement on the existing public domain transition of this site.

Clause 6.20 Development on land at 38-42 East Street, Granville

In calculating the gross floor area of proposed development on land to which this clause applies for the purpose of applying a floor space ratio, the consent authority may exclude, up to a maximum of 400 square metres across the proposed development, the floor area of enclosed balconies with a frontage on to the railway line.

The development provides 240m² of winter gardens (enclosed balconies) which was not included in the gross floor area for the site.

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

Objectives of Clause 4.6 of Parramatta LEP 2011

The objectives of this clause are as follows:

- *to provide an appropriate degree of flexibility in applying certain development standards to particular development; and*
- *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) states that:

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard”.

A written request under the provisions of Clause 4.6 of Parramatta LEP 2011 was lodged as the proposed development seeks a variation to the following development standards:

Clause 4.3 – Height of Buildings

The proposal does not comply with the maximum permissible building height of 82m stipulated within Clause 4.3 – Height of Buildings. The proposed maximum height of the structures is 82.66m and comprises the parapet and solar panels.

The development proposal exceeds the maximum permissible building height by 660mm which is a 0.8% variation to the development standard.

The applicant has submitted the following justification for the variation to the maximum building height permitted:

- The breach of the control is primarily due to two factors. Firstly, the slope of the land. The land falls approximately 1 metre from the west to the east. Given the frontage of the site, there is one central entry point with one bank of lifts to access the residential levels. The building platform therefore sits on a consistent level to ensure disabled access to all levels and to the communal open space at Level 4. This results in the minor variation of a maximum 330mm to the roof level. This is a better planning outcome than a change in level within the building.*
- Secondly, the detailed flood assessment was carried out and it resulted in a requirement to provide a freeboard of 500mm. This resulted in the need to raise the finished floor level by 300mm. This directly contributes to the breach of the parapet and solar panels.*
- The areas of the top of the building that are non-compliant do not result in any additional adverse shadow to adjoining properties and or the public domain beyond what would be expected by a compliant scheme. As the variation is limited to the parapet and solar panels there will be no unreasonable impact.*
- The parapet is an integral design element of the building that completes the top of the building with a continuation of the materials and form. Without the parapet the building will be incomplete.*
- There are no views or view corridors that will be affected by the non-compliant component of the roof.*
- The proposed development achieves the objectives the B4 Mixed Use zone.*
- The proposed development meets the objectives of the development standard notwithstanding the breach of the height control.*

Assessment of the exception under Clause 4.6:

In assessing the applicant's request to vary a development standard, the provisions of Clause 4.6 state that:

“(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained".*

In assessing an exception to vary a development standard, the following also needs to be considered:

Is the planning control a development standard?

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

What is the underlying object or purpose of the standard?

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

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

Strict compliance with the development standard requires a non-compliance with the required flood planning levels, or a level change within the building which would have reduced amenity for building occupants. As such, reduction in the overall building height would be inconsistent with the relevant provisions of the Parramatta LEP 2011 which includes encouraging a range of development including housing that will accommodate for the needs of existing and future residents.

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

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

Compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- A departure to the maximum height for the site in this location will have negligible impacts on residential or streetscape amenity.
- The departure to the standard does not hinder the development from achieving the objectives of the B4 Zoning of the site as it provides for the housing needs of the community in a high density residential arrangement.

- The development provides appropriate setbacks and landscaped areas to ensure adequate amenity to adjoining properties and future occupants and therefore maintains an appropriate streetscape amenity.
- Enforcing compliance with the development standard will restrict a development that would otherwise be appropriate on the site. The site is capable of being developed without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain general compliance with the majority of controls within the Parramatta Development Control Plan 2011.
- The non-compliant portion of the proposed development does not result in an increased adverse overshadowing impact or increased adverse amenity impacts to adjoining public spaces and properties more than a compliant development would, with adjoining properties able to achieve adequate solar access.
- The proposed bulk and scale is compatible with the existing and desired future character of the site and the non-compliant portion of the building does not comprise any habitable floor space.

Is the exception well founded?

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

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

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

The applicant's written request demonstrates that compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds to vary the development standard. In this respect the Clause 4.6 variation is well drafted.

The intent of the development standard is to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan; to minimise visual

impact, disruption of views, loss of privacy and loss of solar access to existing development; to require the height of future buildings to have regard to heritage sites and their settings; to ensure the preservation of historic views; to reinforce and respect the existing character and scale of low density residential areas; and to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

The proposed non-compliant building height does not defeat the underlying purpose of this clause as the visual impacts arising from the non-compliance are minimal given the lack of adverse privacy and solar access impacts to existing development.

In this case, the applicant written request is well drafted and adequate in addressing the matters required to be demonstrated by Clause 4.6(3) and the proposed variation is in the public interest as it is consistent with the objectives of the Height of Buildings Development Standard.

9. Draft Environmental planning instruments

Draft Parramatta Local Environmental Plan 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

LEP	Zoning	Height	FSR
LEP 2011	B4	82m	6:1
Draft LEP 2020	B4	82m	6:1

Whilst the draft LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the Environmental Planning & Assessment Act, the LEP is neither imminent or certain and therefore limited weight has been placed on it.

Notwithstanding, the proposed development is consistent with the objectives of the Draft LEP.

10. Development Control Plans

Parramatta Development Control Plan 2011

The relevant matters to be considered under Parramatta Development Control Plan 2011 for the proposed development are outlined below.

Development Control	Compliance
Part 2 – Site Planning	
2.4.1 Views and Vistas	Yes. There are no significant views to or from the site identified within the DCP.
2.4.2 Water Management	
2.4.2.1 Flooding	Yes. The site is not flood prone however is impact by overland flooding. Council's Catchment and Development Engineer has reviewed the application and raises no objections to the proposed development.
2.4.2.2 Protection of Waterways	Yes. The proposal complies.
2.4.2.3 Protection of Groundwater	Yes. The proposal complies.
2.3.3 Soil Management	

2.4.3.1 Sedimentation	Yes. An Erosion and Sediment Control Plan was submitted with the Development Application and conditions of consent ensuring minimisation of soil erosion are recommended.
2.4.3.2 Acid Sulphate Soils.	Yes. Refer to LEP table.
2.4.3.3 Salinity	Yes. The proposal complies.
2.4.4 Land Contamination	Yes. Refer to body of report.
2.4.5 Air Quality	Yes. The proposal complies. Relevant conditions for air quality are recommended to ensure no adverse air quality impacts are generated from the development during demolition, construction and ongoing use.
2.4.6 Development on Sloping Land	Yes. The proposal complies and the design of the development responds to the site topography.
2.4.7 Biodiversity	Yes. The proposal complies.
2.4.8 Public Domain	Yes. The proposal satisfactorily addresses the public domain.
Part 3 – Development Principles	
3.1 Preliminary Building Envelope	
3.1.1 Height	Refer to LEP table.
<i>3.1.3 Preliminary Building Envelope Tables</i>	
Minimum Site Frontage Control	Refer to Part 4 of this table.
Front Setback Control	Refer to Part 4 of this table.
Side Setback Control: Assessed on merit	Refer to Part 4 of this table.
Rear Setback Control: Assessed on merit	Refer to Part 4 of this table.
Deep Soil and Landscaped Area: Assessed on merit	Refer to ADG table earlier in report. The level of landscaping proposed is considered satisfactory.
3.2 Building Elements	
3.2.1 Building Form and Massing Buildings are to be of a height that responds to the topography and the shape of the site. The proportion and massing of buildings is to relate favourably to the form, proportions and massing of existing and proposed buildings patterns in the street. Building height and mass should not result in unreasonable loss of amenity to adjacent properties, open space or the public domain. The form and massing of buildings is to provide a transition between adjoining land use zones and building types. For all mixed use developments, potential management arrangements, including ownership/lease patterns are to be considered at the design stage to ensure proper functioning of various components of the building.	Yes. The proposed building height responds to the site topography. Refer to Part 4 of this table for the applicable building form and massing controls. Yes. The proposal complies.
3.2.2 Building Facades and Articulation	Refer to Part 4 of this table for the applicable building façade controls.
3.2.3 Roof Design	Yes. The proposed roof design is compatible with the prevailing roof form in the street.
3.2.4 Energy Efficient Design	Yes. The proposal complies subject to recommended conditions of consent.
3.2.5 Streetscape	Refer to Part 4 of this table for the applicable streetscape and public domain controls.

3.3 Environmental Amenity	
3.3.1 Landscaping	Yes. The proposed landscaping is suitable for the type of development proposed and context of the site within the Granville Town Centre.
3.3.3 Visual Privacy	Yes. The proposal does not result in adverse overlooking impacts to adjoining properties.
3.3.4 Acoustic Privacy	Yes. An acoustic report was submitted with the Development Application. Council's Environmental Health Officer has reviewed the proposal and raises no objections to the proposed acoustic measures recommended within the acoustic report and recommended conditions of consent.
3.3.5 Solar Access and Ventilation	Yes. The proposed development complies with the solar access requirements under the ADG. The proposal results in overshadowing to a number of properties however the submitted shadow diagrams indicate that adjoining properties are able to receive the minimum 3 hours of solar access required under the DCP.
3.3.6 Water Sensitive Urban Design	Yes. The proposed development complies with the DCP controls relating to stormwater management. Refer to referral comments provided by Council's Development Engineer.
3.3.7 Waste Management	Yes. The submitted Waste Management Plan details the types, volumes and methods of waste disposal for the development during the demolition and construction phase. Council's Environmental Health Officer has reviewed the proposal and raises no objections with the proposed waste management measures subject to recommended conditions of consent.
3.5 Heritage	Yes. The site does not contain any heritage items, is not located within a heritage conservation area and is not in the vicinity of any heritage items or heritage conservation areas.
3.6 Movement and Circulation	
3.6.2 Parking and Vehicular Access	Yes. Refer to applicable parking rates further in this table.
3.6.3 Movement and Circulation	Yes. Information has been submitted to demonstrate that the proposed movement and circulation within the basement car park meets Australian Standards and the objectives and controls for this section of the DCP (refer to traffic referral comments in this report).
3.7 Residential Subdivision	
3.7.2 Site Consolidation and Development on Isolated Sites Development for the purpose of residential flat buildings, multi dwelling housing in the form of town houses, villas or the like is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the Parramatta LEP 2011 and this DCP.	Yes. The development does not result in an isolated site as the adjoining property has already been built as a multi storey mixed use building.
Part 4 – Special Precincts – 4.1.6 – Granville Town Centre	
The site is located within the Granville Town Centre identified within the DCP.	
<i>Desired Future Character</i>	

The Granville town centre precinct will continue to be a vibrant place with a variety of activities within and surrounding the centre. This will be achieved through a mix of uses, building heights and densities to support the role and function of Granville. Throughout the precinct new development is to retain and enhance the heritage character of the precinct. Specific characteristics for parts of the town centre are detailed below.

Parramatta Road Corridor: Parramatta Road is to accommodate non-residential development including business and office uses, light industries and specialised 'retail' developments that require large floor plates. New development is to be set back from the roadway to improve pedestrian amenity.

Mixed use development: to be located between the railway line and Cowper Street with increased height limits and floor space ratios permitted on larger sites. The amalgamation of lots will be required to achieve the maximum building heights and floor space ratios prescribed in the Parramatta LEP 2011. Where the required site amalgamation does not occur, reduced building heights and floor space ratios apply (refer to the Parramatta LEP 2011). The prescribed maximum floor space ratios may not be wholly achievable on all sites due to urban design considerations or site configuration. Residential development will be located away from Parramatta Road to minimise adverse amenity impacts. The interface between development along Parramatta Road and residential development to the rear will be carefully designed to ensure that privacy and visual amenity are managed and protected.

Comment: The proposal is consistent with the desired future character of the Granville Town Centre, noting that specific design controls are applicable to the site.

Setbacks	Refer to site specific setbacks applicable for the development further in this table.
<u>Site Frontage</u> Required: minimum 30m for site area between 950m ² and 2100m ² Proposed: 51.075m	Complies.
<u>Land Amalgamation</u> The preferred pattern of land amalgamation is to be side by side to maximise lineal street frontage and to encourage east west built form for good solar access, as shown in Figure 4.1.6.5.	Yes. The proposal includes the amalgamation of a number of allotments consistent with the Planning Proposal on the site.
<u>Landscaping and Deep Soil</u> In the B4 Mixed Use zone between Parramatta Road and railway line, a minimum of 30% of the site is to be a deep soil zone, and not less than 40% of the site is to be landscaped. The required deep soil areas are to be predominantly located at the rear of the site to provide a landscape corridor and visual screening between buildings. Where a front building setback is required as shown in Figure 4.1.6.3 (with the exception of Parramatta Road), the front setback area is to be landscaped. Provision of street trees is required in this area.	Acceptable on merit. Deep soil for the site has been provided in accordance with the ADG and has been located predominantly on the proposed ground level. While this is inconsistent with this particular DCP control, the proposed landscaping is consistent with the winning design excellence proposal and site specific requirements. Landscaping is provided at the ground level along the building setbacks and adjoining public domain areas.
<u>Development between Parramatta Road and Railway Line</u> Residential and commercial apartments are to be designed to enable casual surveillance of public spaces. For development greater than 15 metres in height, buildings with large floor plates, must be expressed as separate building elements.	The proposal complies. The proposal has been designed to provide articulation across its building facades and is considered appropriate.

<p>For development greater than 15 metres in height the horizontal dimension of any building façade must not exceed 35 metres.</p> <p>For development greater than 15 metres in height the maximum floor plate area of a non-residential buildings is 480m², with a maximum depth of 25 metres.</p> <p>Use light wells and courtyards to improve internal building amenity and cross ventilation.</p> <p>The roof forms of all buildings are to add interest to the skyline.</p>	<p>The proposed building does not comply with this control. Refer to site specific controls further in this table.</p> <p>Refer to site specific controls further in this table.</p> <p>The proposal complies.</p> <p>The proposal complies.</p>
4.3.7 Granville Precinct	
4.3.7.2 38-42 East Street, Granville – Site Specific DCP	
<p>Desired Future Character</p> <p>Future development at 38-42 East Street shall be designed to respond to the high density mixed use character developing in the precinct in its transition from light industrial uses as envisioned by the Parramatta Road Corridor Urban Transformation Strategy.</p> <p>Adjacent development is characterised by a podium and tower building typology with 4 storey street walls and residential towers above.</p> <p>The proposed mix of land uses includes retail/commercial uses at the ground floor with residential apartments above.</p> <p>Future development should establish active edges at ground level to enhance activity, movement and safety in the streetscape while providing opportunities for boutique retail, café and commercial floor space.</p> <p>A tall, slender tower form is encouraged within a podium of above ground parking to buffer the adjacent rail corridor</p>	<p>The proposal meets the desired future character for this site. A four storey podium with tower above is proposed and the development includes a mix of retail uses on the ground floor with residential apartments above.</p>
<p>Objectives</p> <p>To provide a mix of uses that support the role of the Granville Town Centre.</p> <p>To encourage high quality built form outcomes and achieves Design Excellence.</p> <p>To create an attractive and safe activated urban environment within East Street and the adjacent pocket park / future pedestrian link over the railway.</p> <p>To deliver housing growth directly adjacent to Granville Rail Station</p>	<p>Yes. The proposed development is consistent with the objectives for this site.</p>

Built Form and Massing																		
Maximum building heights																		
Maximum height of 82m (tower) and 15m for the podium.																		
Building setbacks		No, but acceptable. There are non-compliant setbacks for the rear setback. A variation can be considered in this instance for the following reasons: <ul style="list-style-type: none">The rear setback is limited to the podium level and is consistent with the design excellence competition winning scheme.The non-compliant portion of the building comprises car parking and building services and is unlikely to be impacted by adjoining use which is SP2 zoned land.																
Setback	Required		Proposed															
Front	4m (podium) 7m (tower)		4m (podium) 7m (tower)															
North-west	Nil (podium) 9m (tower)		Nil (podium) 9m (tower)															
Rear	3m		1.85m (podium) 3m (tower)															
South-east	3m (podium) 9m (tower)	3m (podium) 9m (tower)																
Podium, Ground Level and Public Domain																		
Retail shopfronts should provide step-free transition between indoor and outdoor space.		The proposal complies.																
Provide adequate space on the East Street and pocket park frontage for outdoor dining.		The proposal complies. Adequate outdoor dining space is provided.																
Awnings facing East Street are not to restrict tree growth.		The proposal complies.																
Separate the commercial and residential lobbies.		The proposal complies.																
Provide minimum articulation depth of 600mm to carpark facades.		The proposal complies.																
Ensure there are no direct sightlines from pedestrians to vehicles within carpark and to consider lighting and night views from streets into carpark areas		The proposal complies.																
Communal Open Space																		
Provide communal open space on the podium accessible off the lift core on the western edge.		Communal open space is provided on the podium level accessible via a lift core.																
Accommodate an undercover communal facility within the tower footprint adjacent to the open to the sky communal open space.		An open to the sky communal open space is provided on the podium as well as Level 25.																
Traffic and Transport																		
Car parking is to be provided at the following rates in accordance with the Parramatta Road Corridor Urban Transformation Strategy:		The proposal complies.																
<table><tr><th>Residential Use</th><th>Maximum spaces per dwelling</th></tr><tr><td>Studio</td><td>0.3 spaces</td></tr><tr><td>1 bedroom</td><td>0.5 spaces</td></tr><tr><td>2 bedroom</td><td>0.9 spaces</td></tr><tr><td>3 or more bedroom</td><td>1.2 spaces</td></tr><tr><td>Visitors</td><td>0.1 spaces</td></tr><tr><td>Motorcycles</td><td>1 space per 25 car spaces</td></tr><tr><td>Bicycles</td><td>0.5 spaces per dwelling in secure enclosure</td></tr></table>		Residential Use	Maximum spaces per dwelling	Studio	0.3 spaces	1 bedroom	0.5 spaces	2 bedroom	0.9 spaces	3 or more bedroom	1.2 spaces	Visitors	0.1 spaces	Motorcycles	1 space per 25 car spaces	Bicycles	0.5 spaces per dwelling in secure enclosure	Based on the parking controls within this section of the DCP, 107 car parking spaces, 5 motorcycle spaces and 55 bicycle spaces are required to be provided.
Residential Use	Maximum spaces per dwelling																	
Studio	0.3 spaces																	
1 bedroom	0.5 spaces																	
2 bedroom	0.9 spaces																	
3 or more bedroom	1.2 spaces																	
Visitors	0.1 spaces																	
Motorcycles	1 space per 25 car spaces																	
Bicycles	0.5 spaces per dwelling in secure enclosure																	
		76 car parking spaces, 54 bicycle spaces and 4 motorcycle spaces are proposed. It is noted that the rates provided are maximum parking rates.																

Commercial / Retail Use	Maximum generation	
Commercial	1 space / 100m ² GFA	
Retail	1 space / 70m ² GFA	
Bicycles	1 space per 200m ² GFA accessible to visitors	

<p>Provide at least 1 car share space.</p> <p>Buildings should be designed with car parking at podium levels (see 'Podium, Ground Level and Public Domain').</p> <p>Vehicular access to the site shall be via a single two way driveway with crest height in accordance with flood planning requirements.</p> <p>Loading space shall be provided on East Street subject to consultation with Council</p>	<p>A car share space has not been nominated but can be provided for the development.</p> <p>The proposal complies.</p> <p>The proposal complies.</p> <p>The proposal complies.</p>
Substations	
<p>Substations are to be provided within buildings, not within the street, open spaces or setbacks, and are to be designed to ensure protection of residents from Electro Magnetic Radiation (EMR) emissions.</p> <p>Development Application shall include consultation with Endeavour Energy to relocate existing padmount substation.</p>	<p>Yes. The proposal complies.</p>
Flooding	
<p>Development Application for the site shall be accompanied by a detailed flood impact study.</p> <p>A 'flood planning / shelter in place' strategy shall be provided with any Development Application.</p> <p>Habitable uses and vehicular parking shall be provided at a height above relevant flood planning levels.</p>	<p>Yes. The proposal complies.</p>
Wintergarden Balconies	
<p>Wintergardens areas able to be excluded from GFA shall be those fronting the railway corridor and limited to the minimum balcony areas as noted in the Apartment Design Guide (ADG) or dwelling types: 8m² for 1 bedroom apartments, 10m² for 2 bedroom units, and 12m² for 3 bedroom units.</p> <p>The maximum wintergarden areas to be excluded from GFA is capped at 400m². Any wintergarden area exceeding 400m² will be included in the GFA calculations.</p>	<p>Yes. 240m² of wintergarden areas are proposed for the development and have been excluded from GFA calculations.</p>

11. Planning Agreements

The proposal is not subject of a planning agreement entered into under Section 7.4, or any other draft planning agreement that a developer has offered to enter into under Section 7.4.

12. The Regulations

Conditions have been recommended to ensure the following provisions of the Regulation will be satisfied:

- Clause 98 - Building works are to satisfy the Building Code of Australia.

13. The likely impacts of the development

Context and setting

The Land and Environment Court planning principle on “compatibility with context” as 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?

Response

This proposal will not result in unacceptable adverse physical impacts as:

- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls.
- The proposal will not generate noise or diminish views that would be detrimental to adjacent and surrounding sites.
- The proposal will not adversely impact upon the amenity of existing residents within the locality.

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

Response

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

- The scale, form and presentation of the building is consistent with planning controls, and the design and site planning is acceptable as independently assessed by Council’s Design Excellence Jury; and
- The built form does not result in any significant adverse impacts for adjacent sites.

14. Site suitability

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

- It is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- The site attributes are conducive noting natural constraints/hazards; ecological and amenity impacts are able to be properly managed.

15. Submissions

The application was notified and advertised in accordance with Council’s consolidated notification procedures for a 28 day period between 9 November and 7 December 2021.

During this time, one unique submission was received. The issues raised within the submissions are addressed below.

Issue	Response
Adverse impact on quality of life of existing residents as a result of population density	The proposal is compliant with the relevant planning controls and the proposed density is consistent with that envisioned for the site.
Adverse impact on property owners as a result of rental returns	This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment 1979.

Amended Plans Yes.

Summary of amendments

Amended architectural plans were submitted with the following changes:

- Additional window schedule details.
- Additional façade sections.
- Additional sketch drawings to respond to Design Excellence Jury requirements to be incorporated into the recommended conditions of consent.

Other amended documentation submitted includes:

- Revised site survey plan.
- Flood statement.
- Clause 4.6 variation statement.
- Revised NatHERS Certificates.
- Revised BASIX Certificate.
- Geotechnical report.

In accordance with Council's notification procedures entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

Conciliation Conference – Not Required

The application received less than 10 unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

16. Public interest

Subject to resolution of the issues as addressed by the recommendation of this report, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

17. Parramatta S94A Contributions Plan (Outside CBD) (Amendment No. 5)

The development is subject to development contributions. The Quantity Surveyor report submitted with the application (dated 10 September 2021) did not detail any exemptions. Accordingly, the Section 7.12 contributions will be calculated on the value of \$32,178,059.10 (as per Clause 25J of the EP&A Regulation 2000).

A relevant condition of consent pertaining to the payment of Section 7.12 contributions prior to the issue of a Construction Certificate is included within draft conditions of consent.

Summary and conclusion

After consideration of the development against Section 8.2-8.5 and Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. The proposal is recommended for approval subject to conditions for the following reasons:

1. The development as amended, satisfactorily addresses the previous reasons for refusal.
2. The development is permissible in the B4 zone and satisfies the requirements of all the applicable planning controls with one exception being non-compliance with Clause 4.3 – Building Height of the Parramatta Local Environmental Plan 2011.
3. A written request to vary the building height has been received. The variation sought is minor and will not have any significant adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be in the public interest because it is consistent with the objectives of the building height control and the objectives for development within the B4 zone in which the development is proposed to be carried out.
4. The development will be compatible with the emerging and planned future character of the area.
5. For the reasons above, approval of the application is in the public interest.

Recommendation

- a) **That** the Sydney Central City Planning Panel support a variation to Clause 4.3 – Building Height of the Parramatta Local Environmental Plan for the following reasons:
1. A written request to vary the building height has been received and is well drafted.
 2. The applicant has provided sufficient environmental planning grounds to warrant departure of the building height control in the circumstances of this case.
- b) **That** the Sydney Central City Planning Panel as the consent authority grant consent to Development Application No. DA/716/2020 for lot consolidation, demolition and construction of a 26 storey mixed-use development comprising 2 retail tenancies on the ground floor, 3 levels of podium car parking comprising 76 car spaces and 108 residential units above, at 38-42 East Street, Granville NSW 2142 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1. The reasons for the conditions imposed on this application are as follows:

- i. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning Instruments.
- ii. To ensure that local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
- iii. To ensure that the development does not hinder the proper and orderly development of the subject land and its surrounds.
- iv. To ensure that the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 are maintained.

c) That submitters are advised of the decision.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.