



## Report to Sydney Central City Planning Panel

<b>SCCPP reference</b>	PPSSCC-56
<b>DA No.</b>	DA/694/2019
<b>Date lodged</b>	6 November 2019. Additional information received <ul style="list-style-type: none"><li>• 26 February 2020</li><li>• 8 May 2020</li><li>• 20 August 2020</li></ul>
<b>Proposal</b>	Construction of a 15 storey mixed use development comprising ground floor retail tenancies, 2 floors of commercial offices and a 239 room hotel with associated facilities
<b>Address</b>	37 – 39 Smith Street, Parramatta
<b>Property description</b>	SP 18880
<b>Applicant</b>	Pro-Invest Australian Opportunity (ST) Pty Ltd
<b>Owner</b>	Strata Plan 18880
<b>Submissions</b>	None
<b>Regional Development criteria</b>	Capital investment value of more than \$30 million. (Schedule 4A of the Environmental Planning and Assessment Act)
<b>List of all relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations</li><li>• State Environmental Planning Policy No. 55</li><li>• State Environmental Planning Policy (Harbour Catchment) 2005</li><li>• State Environmental Planning Policy (State + Regional Development) 2011</li><li>• Parramatta Local Environmental Plan 2011</li><li>• Parramatta Development Control Plan 2011</li><li>• Draft CBD PP and Draft LEP Harmonisation PP</li></ul>
<b>Attachments</b>	<ul style="list-style-type: none"><li>• Attachment 1- Selected architectural plans</li></ul>
<b>Recommendation</b>	Approval
<b>Report by</b>	Brad Roeleven, Executive Planner

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

## 1. Executive summary

This report considers a proposal to construct a 15 storey mixed use commercial building with the primary use being a 239 room hotel.

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

- Achieving all vehicle access via Andrew Nash Lane given TfNSW position on preventing vehicle movements via the strategic bus corridor in Smith Street
- Achieving a satisfactory design for the through site link
- Avoiding lot isolation or limiting redevelopment potential for adjoining sites
- Satisfying the qualitative 'design excellence' provisions of PLEP 2011
- Ensuring a suitable relationship with nearby local heritage items
- Managing flood constraints (1 in 100 year and Probable Maximum Flood)

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

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

### 2.1 Context

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

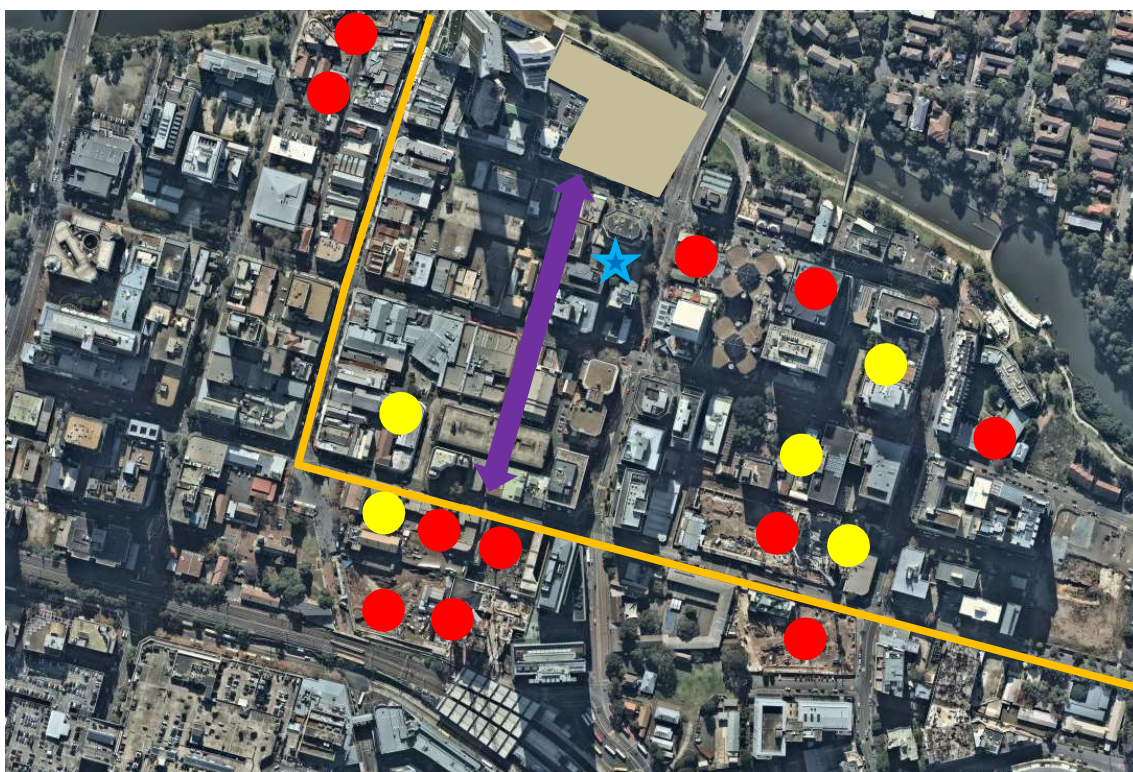


Figure 1: Site context within CBD and extent of major developments

#### Key

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

### 2.2 Description, location and existing development

The site is SP 18880. Total site area is approximately 1,385m<sup>2</sup>. The allotment is of an irregular shape, with a primary frontage of 28.8m to Smith Street and a secondary frontage to Andrew Nash Lane of about 19m. The site is vacant, with the previous 3 storey commercial buildings and surface car parking demolished via the consent granted to DA 395/2019. All existing vehicle access is via the lane only. A bus stop and multiple mature street trees are situated at the Smith Street frontage.



Figure 2: Locality plan

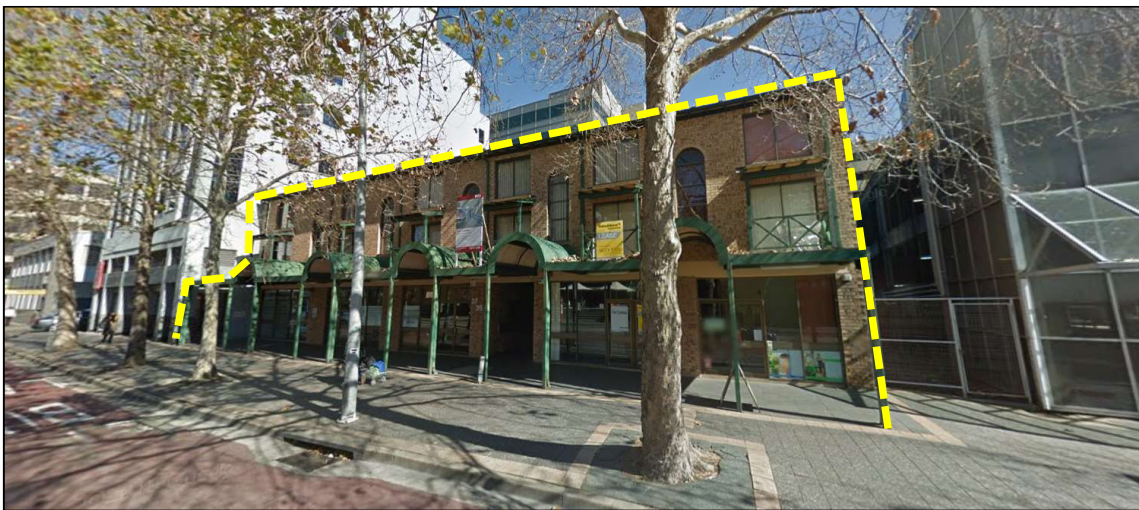


Figure 3: Site frontage to Smith Street- buildings since demolished via DA 395/2019



Figure 4: Andrew Nash Lane looking north from George Street

### 3. The proposal

Construction of a fifteen (15) storey mixed use building comprised of the following elements:

Ground floor	<ul style="list-style-type: none"> <li>• Two retail tenancies (total 224m2)</li> <li>• Through site link between Smith Street and Andrew Nash Lane</li> <li>• Lobby and lift core</li> <li>• Vehicle access and parking (stacker system for 60 cars)</li> <li>• BOH and serving areas</li> </ul>
Levels 1 and 2	<ul style="list-style-type: none"> <li>• Commercial tenancies (total 1619m2)</li> </ul>
Level 3	<ul style="list-style-type: none"> <li>• Hotel reception, dining, bar and meeting rooms</li> </ul>
Levels 4 - 15	<ul style="list-style-type: none"> <li>• 239 hotel rooms and associated facilities</li> </ul>



Figure 5: Smith Street facade



Figure 6: Andrew Nash Lane vehicle + pedestrian entry



Figure 7: Smith Street entry to through site link



Figure 8: Laneway entry to through site link

## 4. Related applications or Planning Proposals

Table 1: Related applications

PL/5/2019	Pre-Lodgement application for this same project.
DA/395/2019	Approved 17 December 2019 for early works including demolition, slab removal, contamination remediation, archaeological works and decommissioning of substation.
Planning Proposals	<p><i>Draft Consolidated Parramatta Local Environmental Plan</i></p> <ul style="list-style-type: none"> <li>Public exhibition period 31 August 2020 until 12 October 2020</li> <li>No changes to controls for this site</li> </ul> <p><i>Draft Parramatta CBD Planning Proposal</i></p> <ul style="list-style-type: none"> <li>Public exhibition period 21 September 2020 until 2 November 2020</li> <li>Proposal is not inconsistent with draft controls</li> </ul>

## 5. Public notification

The application as lodged was advertised from 20 November 2019 until 11 December 2019. The amended plans received in April 2020 were also advertised, from 20 May 2020 until 18 June 2020. No submissions were received.

## 6. Referrals

Table 2: Status of referrals

INTERNAL REFERRALS	
Landscape	No objections – conditions provided
Development Engineer	No objections – conditions provided
Traffic Engineer	No objections – conditions provided
Heritage	No objections – conditions provided
Environmental Health - Waste	No objections – conditions provided
Environmental Health - Contamination	No objections – conditions provided
Urban Design - Public Domain	No objections – conditions provided
Urban Design - Accessibility	No objections – conditions provided
Crime Prevention	No objections – conditions provided
ESD (Independent consultant)	No objections – conditions provided
Reflectivity (Independent consultant)	No objections – conditions provided
Wind (Independent consultant)	No objections – conditions provided

AGENCY REFERRALS	
Transport for NSW	No objections – conditions provided
Endeavour Energy	No objections – conditions provided
Sydney Water	No response received

## 7. Environmental Planning and Assessment Act 1979

Table 3: Related provisions of the EPA Act

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

## 8. Consideration of SEPPs

Table 4: Summary consideration of SEPPs

Key issues arising from evaluation against SEPPs	No issues of concern identified - see comments in section 2 of <b>Attachment A</b> .
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## 9. Parramatta Local Environmental Plan 2011

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

Table 5: Summary consideration of PLEP 2011

	<i>Comment or non-compliances</i>
Zone	<ul style="list-style-type: none"> <li>B3 Commercial Core</li> </ul>
Definition	<ul style="list-style-type: none"> <li>Commercial premises</li> <li>Tourist and visitor accommodation</li> </ul>
Part 2 - Permissibility and zone objectives	<ul style="list-style-type: none"> <li>Permissible in the zone</li> <li>Consistent with zone objectives</li> </ul>
Part 3 - Exempt and complying development	Not applicable
Part 4 - Principle development standards	Defers to Part 7 for height and FSR controls
Part 5 - Miscellaneous provisions	Relevant provisions satisfied
Part 6 - Additional local provisions	Relevant provisions satisfied
Part 7 - Additional provisions – City Centre	Relevant provisions satisfied

## 10. Parramatta Development Control Plan

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

## 11. Planning Agreements and Contributions Plans

The relevant Contributions Plan is *Parramatta CBD 7.12 Development Contributions Plan (Amendment No. 5)*. Compliance is achieved by means of a condition of consent requiring

payment of a levy equal to 3% of the cost of a development.

There is no Planning Agreement to consider.

## 12. Response to SCCPP briefing minutes

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

Table 6: Response to SCCPP briefing comments

<i>Issue</i>	<i>Comment</i>
Access and movement through the site for both pedestrians and vehicles, noting that Council requires a pedestrian through-site link.	Arrangements for vehicle and pedestrian access to and through the site is satisfactory – see further comments at section 7.8 of <b>Attachment A</b> .
The proposed building in relation to block studies that have been undertaken by Council to ensure that development on adjoining sites is not prejudiced.	The proposal does not prejudice the development potential of adjacent sites – see further comments at section 7.6 of <b>Attachment A</b> .

## Conclusion

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

## RECOMMENDATION

- A. That pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979* the Sydney Central City Planning Panel grant consent to Development Application DA/694/2019 at Nos. 37-39 Smith Street Parramatta, being SP 18880, subject to the conditions in **Attachment B**.



## ATTACHMENT A - PLANNING ASSESSMENT

<b>SCCPP reference</b>	PPSSCC-56
<b>DA No.</b>	DA/694/2019

### 1. Environmental Planning and Assessment Act 1979

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

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

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

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

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

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

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

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

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

Table 7- Matters for consideration

<b>Provision</b>	<b>Comment</b>
Section 4.15(1)(a)(i) - Planning instruments	Refer to section 2 below
Section 4.15(1)(a)(ii) - Draft planning instruments	Refer to section 3 below
Section 4.15(1)(a)(iii) - Development control plans	Refer to section 4 below
Section 4.15(1)(a)(iiia) - Planning agreements	Refer to section 5 below

Section 4.15(1)(a)(iv) - The Regulations	Refer to section 6 below
Section 4.15(1)(b) - Likely impacts	Refer to section 7 below
Section 4.15(1)(c) - Site suitability	Refer to section 8 below
Section 4.15(1)(d) - Submissions	Refer section 8 below
Section 4.15(1)(e) - The public interest	Refer to section 9

## **2. Environmental planning instruments**

### **2.1 Overview**

The instruments applicable to this application comprise:

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

Compliance is addressed below.

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

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

The issue was addressed and resolved via related DA 395/2019 for the early works component of this project. This report includes a condition requiring that all remediation works required under that DA are completed prior to commencement of any works associated with this application.

Given that, the requirements of clause 7 of the Policy are satisfied.

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

This Policy applies to all of the City of Parramatta local government area. It aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing principles and controls for the whole catchment.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of conditions to address the collection and discharge of stormwater, both during construction and upon completion.

## 2.4 State Environmental Planning Policy (State and Regional Development) 2011

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

## 2.5 Parramatta Local Environmental Plan 2011

### Zoning and permissibility

The site is zoned “B3 Commercial” under this Plan. The proposal meets the definition of ‘commercial premises’ and ‘tourist and visitor accommodation’ which are permissible with consent in that zone.

### Zone objectives

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the B3 zone are to:

- *Provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *Encourage appropriate employment opportunities in accessible locations.*
- *Maximise public transport patronage and encourage walking and cycling.*
- *Strengthen the role of the Parramatta City Centre as the regional business, retail and cultural centre, and as a primary retail centre in the Greater Metropolitan Region.*
- *Create opportunities to improve the public domain and pedestrian links throughout the Parramatta City Centre.*
- *Provide for the retention and creation of view corridors.*
- *Protect and enhance the unique qualities and character of special areas and heritage values within the Parramatta City Centre.*
- *Protect and encourage accessible city blocks by providing active street frontages, and a network of pedestrian-friendly streets, lanes and arcades.*

To the extent they are applicable, the proposal is consistent with those objectives.

### Remaining provisions

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

Table 8: PLEP 2011 compliance table

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
Clause 4.3 Building height	The mapped control is 120m. The proposed height is 54.9m	Yes
Clause 4.4 Floor space ratio	The mapped control is 10:1 however this control is superseded by clause 7.2 – see below	N/A
Clause 5.10 Heritage	<ul style="list-style-type: none"><li>• Not a listed heritage item, nor within a conservation area, however there are heritage item nearby.</li></ul>	Yes

	<ul style="list-style-type: none"> <li>Based on the outcomes of this assessment the application is consistent with the objectives of this clause [clause 5.10(1)]</li> <li>A HIS is provided which assesses the potential impacts of this proposal on those nearby item, consistent with clause 5.10(5).</li> <li>The issue of archaeological relics was addressed via related DA 395/2019 [clause 5.10(7)]</li> <li>To address clause 5.10(8) the application was notified to local Aboriginal communities. No submissions received.</li> </ul> <p>Based on the outcomes of this assessment, as discussed at section 7.7 below, this application is consistent with the objectives of this clause [clause 5.10(1)].</p>	
Clause 6.1 Acid sulphate soils	<ul style="list-style-type: none"> <li>The site comprises "Class 4" acid sulphate soils (ASS)</li> <li>The scope of works does not trigger the need for consent under this clause and therefore an ASS Management Plan is not required</li> </ul>	NA
Clause 6.2 Earthworks	<ul style="list-style-type: none"> <li>Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council's Development Engineer, who is satisfied the works can be managed without impact.</li> <li>Site works will not prejudice the future development of any adjoining land, or the amenity of that land – see further assessment at section 7.2</li> <li>Issues relating to soil quality addressed via considerations of SEPP 55 above</li> <li>Potential for relics addressed at section 7.7 below.</li> </ul>	Yes
Clause 6.3 Flood Planning	Council's Development Engineer is satisfied the design properly responds to flood constraints. Refer to section 7.9 below.	Yes
Clause 7.2 Floor space ratio	The controls in this clause nominate various formulas to calculate FSR, as determined by the area of the site. That formula results in an FSR of 8.36:1. The proposal has an FSR of 7.21:1	Yes
Clause 7.3 Car parking	The controls in this clause are a 'maximum' and would allow for 75 spaces. A total of 60 spaces are proposed.	Yes
Clause 7.10 Design Excellence	<ul style="list-style-type: none"> <li>The scheme/site does not trigger the need for a design competition. [clause 7.10(5)]</li> <li>Based on outcomes of assessment from various technical specialists and council's Design Excellence Advisory Panel, the proposal satisfactory when tested against the design excellence criteria [clause 7.10(4)].</li> </ul>	Yes

### 3. Draft Environmental planning instruments

#### 3.1 Planning Proposal – Draft Consolidated Parramatta Local Environmental Plan

The Draft Consolidated Parramatta Local Environmental Plan applies to the whole of the city of Parramatta local government area (LGA). This Plan has been publically exhibited, and is therefore a matter for consideration for the purposes of section 4.15 of the Act.

The primary focus of the new LEP is to consolidate the five LEPs which apply across the LGA as a consequence of the council amalgamation process in 2016. However, the draft LEP also seeks to harmonise controls for to ensure consistency across the LGA, though it does not major changes to zoning or increases to density controls.

This draft LEP does not alter the current LEP controls applying to this site.

#### 3.2 Parramatta CBD Planning Proposal

This site is subject to the Parramatta CBD Planning Proposal. As the Planning Proposal has received a Gateway determination and is currently being publically exhibited, it is a formal matter for consideration for the purposes of section 4.15 of the Act.

The primary focus of the Planning Proposal is to strengthen the economic function of the Parramatta CBD and increase its capacity for new housing, employment, business, recreation and cultural opportunities. The amended planning controls will allow for the delivery of an extra 50,000 jobs and 14,000 homes in the CBD over the next 40 years.

In terms of the subject site, key provisions of the Draft PP are:

- No change to zoning /permissibility of proposed uses
- Height control: part sun access plane / part 211m
- FSR control: 10:1
- No land reservation acquisition overlay
- Maximum parking supply rate calculations would be satisfied by this scheme
- Requirement for an active street frontage is achieved

The proposal is otherwise not inconsistent with the draft controls.

### 4. Development control plans

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

Table 9: PDCP 2011 compliance table

Part 2 – Site planning		Complies
2.4.2 Water management	<ul style="list-style-type: none"><li>• Flooding risk (1% ARI and PMF) satisfactorily managed by passive and active design measures.</li><li>• Waterways protected through control of stormwater and water quality during and post construction</li></ul>	Yes

2.4.3 Soil management	<ul style="list-style-type: none"> <li>Sedimentation to be addressed by conditions</li> </ul>	Yes
2.4.4 Land Contamination	<ul style="list-style-type: none"> <li>Defer to SEPP 55 assessment above</li> </ul>	Yes
2.4.5 Air Quality	<ul style="list-style-type: none"> <li>Standard conditions will be imposed to manage construction</li> </ul>	Yes
2.4.8 Public Domain	Design and treatment of public domain upgrade works satisfactory as confirmed by Urban Design (Public Domain) and Civil Assets team. Conditions provided.	Yes
Part 3 – Development principles		Complies
3.2 Building elements	Defer to LEP and DCP controls for city centre	N/A
3.3 Environmental amenity	<ul style="list-style-type: none"> <li>Onsite landscape treatment satisfactory</li> <li>Visual and acoustic privacy satisfactory. No residential buildings in proximity to site.</li> <li>ESD measures are satisfactory</li> <li>Arrangements for stormwater disposal are satisfactory</li> </ul>	Yes
3.4. Social amenity	<ul style="list-style-type: none"> <li>Public art strategy provided is satisfactory.</li> <li>Equitable access and facilities ensured via compliance with BCA, DDA and relevant standards. Addressed by conditions.</li> <li>Assessment against CPTED considerations is satisfactory.</li> </ul>	Yes
3.5 Heritage	Refer to section 7.7 below.	Yes
3.6 Movement & circulation	<ul style="list-style-type: none"> <li>Parking supply is satisfactory</li> <li>Geometry of service areas is satisfactory - refer to section 7.8 below.</li> </ul>	Yes
Part 4.3.3 – Strategic Precincts - Parramatta City Centre		Complies
4.3.3.1 Building form	<ul style="list-style-type: none"> <li>Site has at least one frontage &gt;20m</li> <li>On building alignment to street boundary achieved.</li> <li>Street wall heights and tower setbacks generally consistent with DCP.</li> <li>Building separation satisfactory, despite minor variations to DCP setbacks, which are satisfactory on merit.</li> <li>Building depth and bulk satisfactory on merit, noting no specific controls for B3 zone.</li> <li>Wind impacts appropriately mitigated by way of building design – see further comments at section 7.5 below.</li> <li>Façade composition and schedule of external materials satisfactory via DEAP process – see section 7.4 below</li> </ul>	Yes

4.3.3.2 Mixed use buildings	<ul style="list-style-type: none"> <li>• Retail uses provided at ground level</li> <li>• Ceiling heights comply</li> <li>• Active facades provided at all ground floor frontages</li> <li>• Service facilities located within building or otherwise arranged to minimise disruption to public domain</li> </ul>	Yes
4.3.3.3 Public domain and pedestrian amenity	<ul style="list-style-type: none"> <li>• Through site link provided</li> <li>• Active frontages to street, arcade and rear lane</li> <li>• Awning not required to Smith Street frontage</li> <li>• Public art provided</li> </ul>	Yes
4.3.3.5 Access and parking	<p><i>Location of Vehicle access</i></p> <ul style="list-style-type: none"> <li>• Only one access point provided, as required</li> <li>• Design of vehicle access satisfies nominated criteria</li> </ul> <p><i>Pedestrian access and mobility</i></p> <ul style="list-style-type: none"> <li>• Pedestrian entry points clearly defined and highly visible within street frontages</li> <li>• Entry points provide barrier free access to the ground floor</li> <li>• Compliance with AS/BCA/DDA to be achieved by conditions</li> </ul> <p><i>Vehicle driveways and manoeuvring</i></p> <ul style="list-style-type: none"> <li>• Design of onsite manoeuvring areas satisfactory per advice from Traffic Engineer</li> </ul> <p><i>Onsite parking</i></p> <ul style="list-style-type: none"> <li>• Defer to LEP assessment above</li> </ul> <p><i>Above ground car parking</i> Not applicable</p>	Yes
4.3.3.6 Environmental Management	<p><i>Landscape design</i></p> <ul style="list-style-type: none"> <li>• On site landscaping treatment satisfactory</li> <li>• Public domain treatment satisfactory</li> </ul> <p><i>Energy and Water Efficient Design</i> See further comments at section 7.4 below.</p>	Yes

## 5. Planning Agreements or Contributions Plans

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

## 6. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

**Table 10: EPA Regulations**

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

## 7. Likely impacts

### 7.1 Context and setting

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

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

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

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

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

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

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

### 7.2 Site works

Only nominal site works are required as the scheme does not include a basement.

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

### **7.3 Natural and technological hazards**

The only hazard identified relates to flooding – see further comments at section 7.9 below.

### **7.4 Site design and internal design**

#### Site planning

The proposal has appropriately responded to the following considerations:

- Site configuration, street frontages and interface with the public domain including activation of the rear laneway
- The need to incorporate an accessible, activated through site link, in an appropriate location
- The need to respond to the flood planning level
- Limited opportunities for the location of vehicle access noting TfNSW requirement that there be no access to Smith Street.

#### Built form and external finishes

These issues were the subject of specific review by Council's Design Excellence Advisory Panel, and are satisfactory.

#### Sustainability

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

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

Council's independent ESD consultant has reviewed the application and is satisfied that those minimum requirements are exceeded via the inclusion of the following measures:

- The building has been designed and will be constructed to operate at a minimum NABERS Energy for Hotels rating of 4.5 stars
- The building has been designed and will be constructed to operate at a minimum NABERS Energy for Offices rating of 5.5 stars
- A dual reticulation (dual pipe) system is to be installed for future connection to a recycled water main.
- Rainwater collection and reuse to serve non-drinking water uses.
- Water efficient fixtures and fittings must be used throughout
- LED lighting to be throughout the building.
- A 5-star Green Star Design & As Built rating (v1.3 or later) to be achieved for the whole building

Included at Attachment B are conditions to ensure those ESD measures are realised.

### Accessibility

The application is supported by a technical report which concludes the proposal is able to achieve compliance with the requirements of the NCC-BCA subject to resolution of nominated design matters. Council's Universal Design Project Officer has reviewed the proposal and has also identified minor matters to resolved.

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

### Landscaping

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

### Compliance with the Building Code of Australia

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

## **7.5 Public domain**

### Built form relationship to public domain

A positive public domain outcome will result given:

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

### Wind impacts

The application is supported by Pedestrian Wind Environment Study, based upon a wind tunnel testing. The report concludes:

- That wind conditions for trafficable outdoor locations within and around the development will be suitable for their intended uses; but
- The terrace on level 3 will experience strong winds which will exceed the relevant criteria for comfort therefore requiring either of the following mitigation measures:

- Option 1: Planter boxes along the northern and southern edges supporting landscaping growing to a height of 2m; OR
- Option 2: A 1.5m high impermeable balustrade along the northern edge

In independent peer review of that report has confirmed that it is satisfactory, but notes a reliance upon landscaping is not appropriate as it may not be maintained in perpetuity. This report therefore recommends that both options be implemented – refer Attachment B.

### Reflectivity

The application is supported by a Solar Light Reflectivity Study which considers the potential glare impacts from the facades of the building, particularly for regarding impacts for motorists on Smith Street. Council's controls do not provide specific provisions for these matters, but this issue is identified within the qualitative criteria to evaluate design excellence nominated in PLEP 2011.

Noting the specialised nature of assessing this matter Council engaged an independent consultant to peer review that report. That peer review concluded that while the study did not provided a robust assessment of glare risk, it is nevertheless apparent that facade treatments are generally good and, combined with the location of the buildings, such that the risk of glare would appear low. Therefore whilst a more comprehensive assessment remains necessary, in this instance it is not determinative or likely to fundamentally affect façade detailing, and is therefore addressed by condition – refer to Attachment B.

### Public Art

Parramatta DCP 2011 makes provision public art and the application as lodged was supported a public art strategy, which proposed 3 installations within the original ground plane design. As noted at section 7.8, that ground plane has since undergone significant redesign, triggering the need for re-consideration of the approach to the provision of public art.

A revised public art plan is therefore necessary, but not determinative. An appropriate condition is therefore provided at Attachment B.

## **7.6 Relationship to adjacent sites**

### Operational noise

All land uses immediately adjoining the site are of a commercial nature. The nearest sensitive noise receivers are:

- A day care centre at 100 George Street (corner of Smith Street) opposite the site.
- A low rise residential building at 68 Phillip Street, about from the site.

The application is supported by an acoustic report which considers potential noise impacts associated with this land use. That report concludes this proposal will comply with site specific noise emission criteria subject to adopting the nominated recommendations.

Council's Environmental Health Officer has assessed that report and concurs with its

conclusions and recommendations. Appropriate conditions are provided at Attachment B.

#### Redevelopment potential of adjacent sites

This issue relates to whether this application might prejudice the redevelopment of adjoining sites noting the current subdivision pattern and the location of this site within its street block. This has been considered relative to both existing context and likely future context, as follows:

##### *Existing context*

The application is supported by preliminary plans providing potential future building envelopes for existing adjacent allotments to the north (91 Phillip Street) and south (33-35 Smith Street) of the site.

Those envelopes are based on key existing LEP controls, but do rely on minor variations to DCP setback controls. These envelopes have been reviewed with Council's City Architect Office and are considered sufficient to demonstrate the capacity of those sites to be re-developed should this application proceed.

##### *Future context*

The future context is determined by both draft CBD PP, which in essence promotes greater development in the city centre, and likely new DCP controls. It is the Draft DCP controls which are of greater interest in this regard.

Council's City Transformation team has been undertaking progressive studies of the four street blocks which the Civic Link will traverse, in order to establish the fine grain controls required to support the conversion of Horwood Place into this future pedestrian boulevard (refer to Figure 1 at page 3 above). To date, that process has led to new DCP controls for two of those four street blocks. For the block which includes this site (i.e. Phillip, Smith, George and Church Streets) the Block Study process complete however those outcomes have not yet been converted into publicly exhibited draft DCP controls. Nevertheless, the Block Study has been considered for the purposes of this assessment, and it:

- Confirms the importance of the pedestrian link through the subject site; and
- Indicates that, even allow for this building, adjoining and surrounding land would have capacity to be re-developed in a manner which reflects the intended CBD PP controls and likely future DCP provisions.

## **7.7 Heritage**

The site is in proximity to multiple local heritage items – refer Figure 9 below, and therefore as required by the LEP, the application is supported by a Heritage Impact Statement (HIS).



Figure 9: Heritage items in proximity to the site. Subject site is yellow. Sites marked with a Star are state heritage items

Evaluation of relevant heritage considerations is provided below:

#### Relationship with adjoining heritage items

The HIS concludes this proposal will have a neutral heritage impact for the following reasons:

- Principal streetscape views to all heritage items in the vicinity will be entirely retained and there is no physical or visual connection between the site and other identified heritage items, which will retain their respective streetscape settings.
- Heritage items located in the wider setting are too distance to be affected
- The closest heritage items to the site will not be additionally overshadowed by the works given the degree to which existing buildings overshadow those items. Overshadowing of those heritage items is ultimately inevitable however given the planning controls for the CBD.
- The proposed materiality (brick base) will addressing the street and provide a pedestrian and street scale. The proposed materiality of the tower above comprises a neutral and lightweight materiality. The proposed materiality is compatible to the immediate and wider setting of heritage items.

Council's Heritage Advisor has reviewed the HIS and concurs with its conclusions.

#### Aboriginal archaeology

This matter was resolved in conjunction with related DA 395/2019 for the 'early works' component of this project. In summary:

- The site is identified as being of high sensitivity under Council's Aboriginal Heritage Sensitivity Database.
- The site is not an Aboriginal Place, however 9 sites are recorded within the immediate vicinity.
- It is expected that subsurface archaeological deposits which include stone artefacts will be located across the study area.

The applicant has subsequently received an Aboriginal Heritage Impact Permit (AHIP number: C0005241) for harm with testing under Section 90 of the *National Parks and Wildlife Act 1974* but not the removal of any relics.

Included in Attachment B are conditions relating to compliance with DA 395/2019.

#### Historic archaeology

This matter was resolved in conjunction with related DA 395/2019 for the 'early works' component of this project. In summary:

- The site is within Archaeological Management Unit 2876, as identified under the Parramatta Historical Landscape Management Study (PHALMS).
- There are two, and possibly 3, phases of historic occupation of the site commencing from after 1792

In its response on this DA, Heritage NSW advised:

- The potential archaeology on this site is likely to be very rare in the context of the city, the state and the nation;
- The Heritage Council has a long standing policy whereby substantially intact archaeology should be retained insitu wherever possible.

The applicant has since secured the section 140 permit, which allows for archaeological testing, but not the removal of any relics.

Included in Attachment B are conditions relating to compliance with DA 395/2019.

### **7.8 Access, transport and traffic**

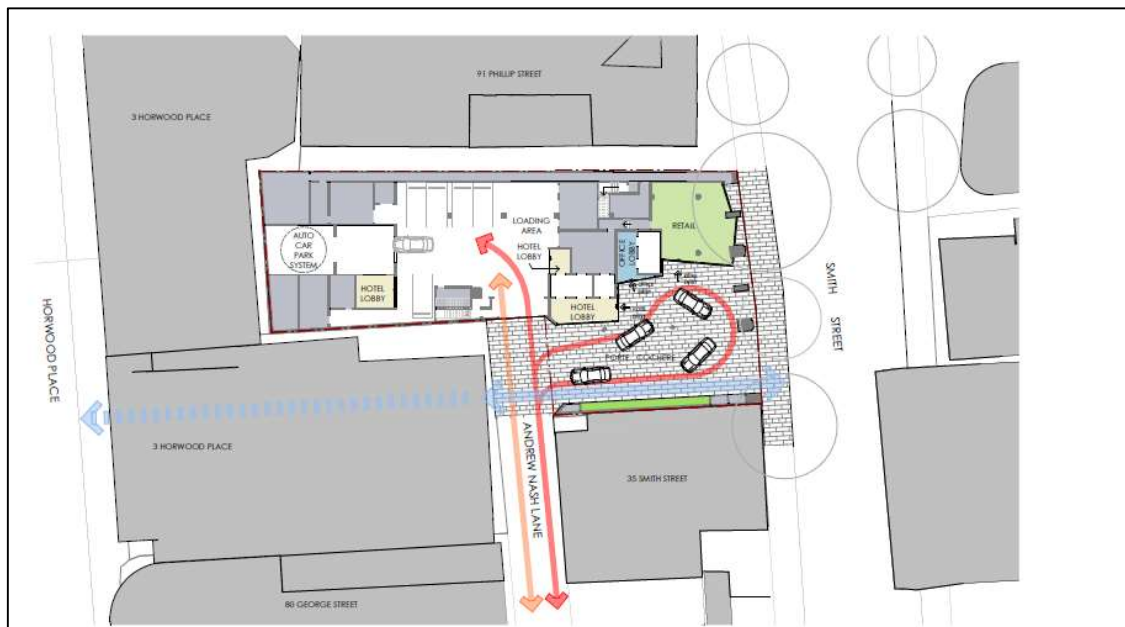
#### Vehicle access

As a consequence of the kerbside lane adjacent the site being a dedicated 24 hr strategic bus corridor, TfNSW has advised that it would not permit any vehicle movements to/from the site via Smith Street. All access is accordingly via Andrew Nash Lane.

#### Vehicle movements within the site

At preDA stage the scheme proposed one way movement for vehicle over the site, with entry via Andrew Nash Lane and exit onto Smith Street, However, as noted above, TfNSW will would not permit any vehicle movements at Smith Street

The DA as lodged subsequently proposed a porte cochere arrangement allowing for vehicles to set down/collect guests (refer Figure 10 below) - with onsite guest parking located inside the building utilising a car stack system.

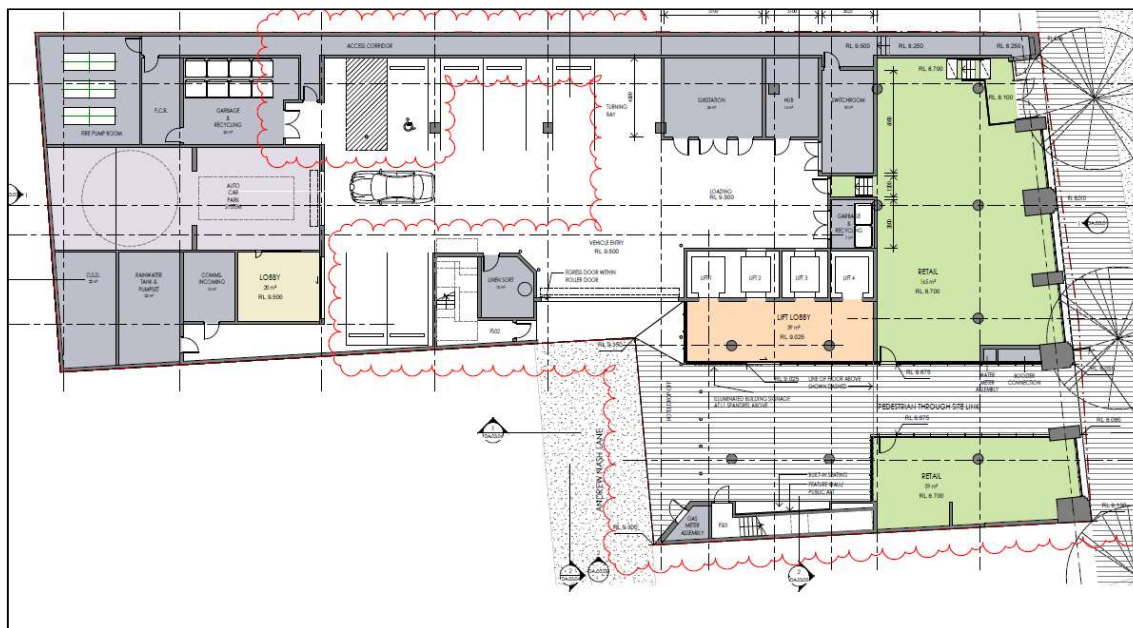


**Figure 10: Ground plane arrangement as lodged showing porte cochere**

The port cochere was not supported by either Council's Design Excellence Advisory Panel (DEAP) or Council's Urban Design and City Transformation teams (UD) team as it conflicted with the DCP requirement to provide a pedestrian link on this site, which is required to connect Smith Street with Horwood Place, the latter which is to be converted into Council's Civic Link - a primary pedestrian spine linking Parramatta Square with the Parramatta River.

Following an iterative review process with DEAP and UD the applicant further revised the ground floor plane by deleting the port cochere in favour of a pedestrian only link between Smith Street and Andrew Nash Lane. All guest drop off is now located within the building.

DEAP, UD and council's Traffic Engineer are all supportive of this revised arrangement.



**Figure 11: Revised ground plane. Porte cochere replaced with pedestrian link. All vehicle movements now occur within building**

### Traffic impacts

The application is supported by a Transport Impact Assessment report which considers the consequences for the operations of the local road network associated with traffic generated by this proposal. Council's Traffic Engineer confirms that report has demonstrated that relevant intersections within the local road network will operate with a satisfactory level of service.

### Parking

As noted at table 8 above, the proposal complies with LEP by providing a maximum of 60 spaces, comprising an automated mechanical parking system plus six (6) waiting bays, all within the building. Council's Traffic Engineer is satisfied in terms of both the parking supply, and the proposed parking system. The proposed parking supply is also consistent with maximum supply if the rates within the draft CBD PP are applied.

### Service vehicles

Strict application of council's DCP 20011 indicates that 5 loading bays would be needed for a building of this type. However, noting site constraints, a single loading bay for a small rigid vehicle (6.4m) is proposed. Both Council's Traffic Engineer and TfNSW are satisfied with that arrangement subject to the implementation of a Loading Dock Management Plan. Appropriate conditions are provided at Attachment B.

### Construction traffic and PLR

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

## **7.9 Water management**

### Flood impacts

Council's Development Engineer advises:

- The site is affected by the 1% AEP flood event (1 in 100 year flood event) but the extent is negligible. The ground floor is set at the required Flood Planning Level of RL 8.7m AHD;
- The site, like much of the CBD, is also subject to mainstream flooding from the Parramatta River for the Probable Maximum Flood (PMF) event being RL 11.9m
- The site is not impacted by overland flow of stormwater.

Issues of "Shelter in Place" and the preparation of an Flood Emergency Response Plan are included in the conditions at Appendix B.

### Water quality during construction

This matter is addressed by conditions.

## Stormwater

Stormwater will be captured and directed to an OSD tank prior to controlled discharge to council's stormwater system in Andrew Nash Lane.

### **7.10 Waste management**

#### Construction phase

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

#### Operational phase

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

### **7.11 Construction Management**

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

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

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

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

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

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

- Internal and external lighting to Australian Standards;

- Installation of CCTV to the basement entry;
- Access control measures

These matters are addressed by conditions at Attachment B.

### **7.13 Social and economic impacts**

No adverse impacts have been identified.

## **8. Site suitability**

### **8.1 Does the proposal fit the locality**

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

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

### **8.2 Public submissions**

Public notification was completed in accordance with the requirements of Council’s Development Control Plan. No submission were received.

## **9. Public interest**

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



## ATTACHMENT B - CONDITIONS OF CONSENT

<b>SWCCP reference</b>	PPSSCC-56
<b>DA No.</b>	DA/694/2019

### **GENERAL MATTERS**

#### *PLANNING*

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

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

#### **Architectural plans – KANN FINCH**

<b>Drawing &amp; Revision</b>	<b>Title</b>	<b>Date</b>
DA.02.02 Rev P	GROUND FLOOR PLAN	18.8.20
DA.02.03 Rev N	LEVEL 1 FLOOR PLAN	18.8.20
DA.02.04 Rev M	LEVEL 2 FLOOR PLAN	18.8.20
DA.02.05 Rev L	LEVEL 3 FLOOR PLAN	18.8.20
DA.02.06 Rev K	LEVEL 4 FLOOR PLAN	18.8.20
DA.02.07 Rev K	LEVEL 5 - 14 FLOOR PLAN	18.8.20
DA.02.08 Rev L	LEVEL 15 PLANT FLOOR PLAN	18.8.20
DA.02.09 Rev J	ROOF PLAN	18.8.20
DA.02.10 Rev K	G.F.A. AREA PLANS/ SCHEDULE	18.8.20
DA.03.01 Rev K	EAST & NORTH ELEVATION	18.8.20
DA.03.02 Rev K	WEST & SOUTH ELEVATION	18.8.20
DA.03.03 Rev J	SECTION 01 & 02	18.8.20
DA.03.04 Rev K	SECTION 03 & 04	18.8.20
DA.05.03 Rev E	STREET VIEWS 1	18.8.20
DA.05.04 Rev F	STREET VIEWS 2	18.8.20
DA.05.06 Rev F	SMITH STREET PODIUM VIEW	18.8.20
DA.05.07 Rev C	PORTE CORCHERE SECTION	18.8.20
DA.07.01 Rev D	TYPICAL FACADE DETAILS 1	18.8.20
DA.07.02 Rev D	TYPICAL FACADE DETAILS 2	18.8.20
DA.07.03 Rev C	TYPICAL FACADE DETAILS 3	18.8.20
DA.08.01 Rev C	MATERIALS BOARD	31.5.20

**Landscape plans – SITE IMAGE**

Drawing & Revision	Title	Date
L-101 Rev E	LANDSCAPE PLAN GROUND FLOOR	19.8.20
L-102 Rev F	LANDSCAPE PLAN LEVEL 3	19.8.20
L-500 Rev F	LANDSCAPE SPECIFICATION, PLANT SCHEDULES & PLANT IMAGES	19.8.20
L-501 Rev F	LANDSCAPE DETAILS	19.8.20

**Alignment plans – STANTEC**

Drawing & Revision	Title	Date
CI-400-01 Rev D	SMITH STREET ALIGNMENT	24.9.20
CI-400-02 Rev D	ANDREW NASH LANE ALIGNMENT LEVELS	24.9.20
CI-400-03 Rev B	THROUGH SITE LINK INVERT LONG SECTION	24.9.20
CI-450-01 Rev D	SMITH STREET CROSS SECTIONS	24.9.20
CI-450-02 Rev D	ANDREW NASH LANE CROSS SECTIONS	24.9.20

**Stormwater concept plans – WOOD AND GRIEVE ENGINEERS**

Drawing & Revision	Title	Date
CI-070-01 Rev A	EROSION AND SEDIMENT CONTROL PLAN	2.5.19
CI-076-01 Rev A	EROSION AND SEDIMENT CONTROL DETAILS	2.5.19
CI-520-01 Rev B	STORMWATER DRAINAGE PLAN	28.5.19
CI-526-01 Rev B	STORMWATER DRAINAGE DETAILS	2.5.19
CI-526-02 Rev B	ON-SITE DETENTION TANK DETAILS	28.5.19

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

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

**Building work in compliance with BCA**

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

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

**Construction Certificate**

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

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

**Physical commencement required**

4. Physical commencement must occur in accordance with the requirements of Section 95(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the deferred commencement consent. Should physical commencement not occur by in that time, the consent will lapse.

**Reason:** To provide certainty to the community as to when physical commencement must occur.

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

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

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

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

**Utility adjustment/relocation works**

6. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.

**Reason:** To ensure the applicant bears all reasonable costs for the development.

**Separate approval required**

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

- a) Any Advertising signage
- b) Occupation of any of the commercial or retail tenancies. In this regard all operational conditions in this Notice relate to the hotel use only.

Separate approval, either a Complying Development Certificate or a Development Application as appropriate, is required for such works.

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

**Relationship with DA 395/2019**

8. No works shall commence, nor shall any Construction Certificate be issued, until all relevant conditions for the completion of works approved under DA 395/2019 have been satisfied, and evidence of such provided to the Principal Certifying Authority.

**ENGINEERING****Flood Planning Level**

9. The adopted Flood Planning Level for this development shall be RL 8.7m AHD which includes 0.5m freeboard. All habitable rooms / floors shall have a minimum finished floor level of RL 8.7m AHD.

**HEALTH****Trade Waste Agreement**

10. 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.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE****DESIGN AMENDMENTS**

11. Prior to the issue of the relevant Construction Certificate, the plans at condition1 are to

be amended as follows, at the recommendation of Council's Design Excellence Advisory Panel:

- a) The canopy over the Smith Street entry lacks detail in the view from Smith Street. The Design is to be revised by creating a recessed edge with a steel section or another detail that could relate to the corbelled brickwork adjacent;
- b) The views from Andrew Nash Lane show the timber (or timber-look) ceiling battens ending against the glass and mullions of the curtain wall at the hotel entry. Further consideration is required to resolving this internal corner detail.

#### *TRANSPORT FOR NSW*

12. Prior to the issue of any construction certificate, the applicant shall prepare a detailed Freight and Servicing Management Plan in consultation with the Sydney Coordination Office within TfNSW. The applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination for endorsement. The Plan needs to specify, but not be limited to, the following:
  - Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay; and
  - Details of loading and servicing facilities within the subject site or within other sites in its immediate vicinity which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business.

#### *ENDEAVOUR ENERGY*

13. Prior to the release of any Construction Certificate obtain documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation.

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

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

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

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

15. Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm) by Accredited

Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

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

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

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

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

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

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

## *SUSTAINABILITY*

17. Prior to the issue of any Construction Certificate, the following must be demonstrating to the satisfaction of the Principal Certifying Authority /council:
- a) The building has been designed and will constructed to operate at a minimum NABERS Energy for Hotels rating of 5 stars without accounting for any Green Power used in the building and a corresponding Commitment Agreement be entered into with NSW Office of Environment and Heritage.
  - b) The building has been designed and will constructed to operate at a minimum NABERS Energy for Offices rating of 5.5 stars without accounting for any Green Power used in the building and a corresponding Commitment Agreement be entered into with NSW Office of Environment and Heritage.
  - c) A dual reticulation (dual pipe) system is to be installed, with the dual reticulation system being of sufficient size to supply all non-drinking water uses of the building and suitable for future connection to a recycled water main.
  - d) Rainwater collection and reuse is to be installed and suitably sized to serve non-drinking water uses through the dual reticulation system.
  - e) Water efficient fixtures and fittings must be used throughout, including guestrooms. Minimum WELS rating of 4 star for toilets, 6 star for urinals, 6 Star for tapware and 3 star (less than 7.5 l/min) for showers are required.
  - f) LED lighting must be provided throughout the building.

## *REFLECTIVITY*

### **Reflectivity– Smith Street**

18. To ensure the development exhibits design excellence as required by clause 7.10(4) of Parramatta Local Environmental Plan 2011, the following matters are to be

completed to the satisfaction of Council's Group Manager, Development and Traffic Services prior to the issue of any Construction Certificate:

- a) The outstanding concern remains the failure to adequately consider the risk of glare for motorists travelling on Smith Street. Potential glare risks are not assessed but dismissed through a misapplication of the Hassall method. Therefore the following is required:

A more comprehensive analysis to confirm any risk of glare to motorists travelling on Smith Street. The analysis shall include the calculation of viewing luminance for each of a series representative views points/view aspects, and shall not exclude calculation of veiling luminance for reflections outside the zone of sensitive vision or solar elevations above 10°.

Should that report identify the need for design amendments to resolve this matter then Council will confirm whether or not those amendments trigger the need for an application to modify this consent.

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

**Reason:** The method employed in the report provided to support the DA did not adequately consider the risk of glare from solar reflectivity.

#### **External materials**

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

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

#### **LEVIES, BONDS AND FEES**

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

20. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

**Reason:** To ensure that the levy is paid.

##### **Parramatta CBD Development Contributions**

21. A monetary contribution comprising \$1,679,469.00 is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta CBD Development Contribution Plan 2007 (Amendment No. 5)*.

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

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

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

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

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

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

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

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

22. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

#### **Infrastructure & Restoration Administration fee**

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

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

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

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

#### **Security Bonds**

24. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

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

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

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

Bonds shall be provided as follows:

<b>Bond Type</b>	<b>Amount</b>
Development Site Bonds	\$25,750.00

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

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

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

## **PLANNING**

### **No external service ducts**

25. 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.

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

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

If a substation is required of the energy provider, it must be located internally within a building as shown on the approved plans.

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

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

### **Outdoor lighting**

27. All outdoor lighting must comply with the relevant provisions of AS/NZS 158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

In terms of the building façade, lighting shall be limited to the street wall/podium and the public domain only, and not the tower.

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

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

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

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

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

### **Noise Management Plan**

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

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

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

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

### **Compliance with specialist reports**

30. Prior to the issue of the relevant construction certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority stating that all recommendations/works/methods/procedures/control measures in the following reports have been implemented:

- a) Acoustic report No. 19077, dated June 2019, prepared by Wilkinson Murray Pty Ltd.
- b) Implementation of both options 1 and 2 from the recommendations within the Pedestrian Wind Environment Study by Windtech. (Ref: WE698-03F02(REV0)-WE REPORT dated 14 July 2020)

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

## **ENGINEERING**

### **Probable Maximum Flood**

31. The adopted Probable Maximum Flood level for this development shall be RL 11.9m AHD. All construction at or below this level must be of flood compatible materials and construction methods. Prior to release of the relevant Construction Certificate, and again prior to release of the Occupation Certificate, the structure shall be certified by a qualified structural engineer, experienced in flooding, that the building will be capable of withstanding the forces of flooding to a level of RL 11.9m AHD, including hydrodynamic and hydrostatic forces, scour, flotation and debris impacts.

### **Shelter in place**

32. A 'shelter in place' refuge facility shall be provided at or above the adopted PMF level of RL 11.9m AHD and must be maintained in perpetuity. This flood refuge facility shall be accessible by stairs from all levels, must be of sufficient size to accommodate occupants and visitors to the building and must be equipped with appropriate provisions, facilities and services for people to remain in safety and reasonable comfort there for the duration of severe floods and for some time afterwards. Such facilities must include permanent fresh drinking water supply, bathrooms and toilets, flashlights, radio, food and essential provisions and furnishings. The design and equipping of this facility should be planned in consultation with the SES. Details of this facility, its equipment and provisions shall be submitted as part of the Flood Emergency Response Plan for approval by Council's Group Manager DTSU prior to release of any Construction Certificate.
33. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.
- Reason:** To ensure satisfactory stormwater disposal.

### **Sydney Water Quick check**

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

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

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

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

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

35. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.
- Reason:** To ensure Council's assets are not damaged.

### **On Site Detention**

36. 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 Stormwater Report and Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
- (i) **Stormwater Report** dated 28 May 2019, prepared by Wood and Grieve Engineers

- (b) The Site Reference Discharge (Lower Storage), SRDL of 40 l/s/ha, Site Storage Requirement (Lower Storage) SSRL of 300 m<sup>3</sup>/ha, Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 455 m<sup>3</sup>/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 tank.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

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

37. Water quality treatment devices must be installed to manage surface runoff water to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must be generally in accordance with the Stormwater Report by Wood and Grieve dated 28 May 2019 and 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.

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

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

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

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

39. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

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

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

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

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

### **Support for Council property**

41. 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.

### **Retaining walls**

42. 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.

## **TRAFFIC**

### **Carpark design**

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

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

### **Bicycle parking**

44. 10 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

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

### **Parking spaces**

45. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. A total of 65 parking spaces is to be provided and be allocated as follows:

- a) 60 spaces within an automated mechanical parking system;
- b) Six (6) waiting bays including one (1) accessible parking space.

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

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

### Motorcycle parking

46. Two (2) 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.

### Loading Dock Management Plan

47. Prior to the issue of the relevant construction certificate, the applicant shall submit a Loading Dock Management Plan, as nominated in the Transport Assessment report by Ason Group dated 17 June 2019, to the satisfaction of Council's Traffic and Transport Manager. The Plan must address the following matters:

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

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

### WORKS WITHIN ANDREW NASH LANE

48. Notwithstanding the alignment plans in condition 1, the works within Andrew Nash Lane must be to the satisfaction of Council's Manager Civil Infrastructure. No Construction Certificate for those works shall be issued until such time as Council has provided a set of stamped plans approving these works.

The plans to be submitted to Council for the purpose of this condition must:

- a) Be consistent with the approved plans, except as modified by this Notice;
- b) Satisfy the following standards:

#### Design Standards

<b>DS1</b>	KERBS AND LAYBACKS
<b>DS2</b>	ROOFWATER OUTLET
<b>DS3</b>	FOOTPATH
<b>DS4</b>	KERB RAMP
<b>DS5</b>	DISH DRAIN CROSSING DETAIL
<b>DS6</b>	TYPICAL CYCLEWAY / SHARED PATHWAY (CONTINUOUS AND ALTERNATE POURS)
<b>DS7</b>	STANDARD PASSENGER CAR CLEARANCE PROFILE
<b>DS8</b>	STANDARD VEHICULAR CROSSING
<b>DS9</b>	HEAVY DUTY VEHICULAR CROSSING
<b>DS10</b>	VEHICULAR CROSSING PROFILES
<b>DS11</b>	SIGN POST SUPPORT (IN TURFED FOOTPATH AREA)
<b>DS11A</b>	SIGN POST SUPPORT (CBD IN PAVERS)
<b>DS11B</b>	SIGN POST SUPPORT (IN CONCRETE FOOTPATH AREA)
<b>DS12</b>	STANDARD CORNER ROUNDING AT PROPERTY BOUNDARY
<b>DS33</b>	SUB SOIL DRAINAGE DETAILS
<b>DS42</b>	TURFING DETAIL

#### Road pavements design standards

- Specification 0042 (published by NATSPEC); and
- Austroads' Guide to Pavement Technology Part 2: Pavement Structural Design

#### Construction Standards

- If design traffic is less than 10<sup>5</sup> ESA – AUS SPEC specifications (published by NATSPEC)
  - 1141 – Flexible Pavements
  - 1143 – Sprayed bituminous surfacing
  - 1144 – Asphaltic concrete (Roadways)
  - Other AUS SPEC specifications for the work not covered by above specifications
  
- If design traffic is equal or higher than 10<sup>5</sup> ESA – RMS Specifications
  - 3051 – Granular Base And Subbase Materials For Surfaced Road Pavements
  - R71 – Unbound and modified pavement course
  - R73 – Construction of plant mixed heavily bound pavement course
  - R83 – Concrete pavement base
  - R106 – Sprayed bituminous surfacing (with cutback bitumen)
  - R107 – Sprayed bituminous surfacing (with polymer modified bitumen)
  - R111 – Sprayed bituminous surfacing (with bitumen emulsion)
  - R116 – Heavy duty dense graded asphalt
  - Other relevant RMS specifications for material and roadworks not covered by above specifications

Note that Council updates its design standards from time to time. Copies of the standards can be obtained by contacting Council's Manager, Civil Infrastructure. Fees and charges may apply.

- c). Satisfy the following standards for stormwater systems:

Design Standards

<b>DS20</b>	TYPICAL CROSS SECTION LANEWAYS
<b>DS21</b>	STANDARD KERB INLET PIT (ON GRADE)
<b>DS22</b>	REAR ACCESS PIT
<b>DS23</b>	STANDARD SURCHARGE PIT
<b>DS24 SHT1</b>	GRATED SAG PIT USING PRECAST LINTEL
<b>DS24 SHT2</b>	GRATED SAG PIT USING PRECAST LINTEL WITH 900mm OPENING
<b>DS26 SHT1</b>	STANDARD JUNCTION PIT
<b>DS26 SHT2</b>	HEAVY DUTY JUNCTION PIT
<b>DS25 SHEET 1</b>	SURFACE INLET PIT FOR FOOTPATHS
<b>DS37 SHEET 1</b>	INSTALLATION OF PIPELINES AND RESTORATION OF TRENCHES

Note that Council updates its design standards from time to time. Copies of the standards can be obtained by contacting Council's Manager, Civil Infrastructure. Fees and charges may apply.

- d) Include a heavy duty vehicular crossing at the entry to the parking area in accordance with Council's Standard Drawing numbers DS9 and DS10. 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.

- e) The plans provided to satisfy this condition must also:
- (i) Demonstrate that regarding of Andrew Nash Lane will not have adverse impacts on access to adjoining properties. If this cannot be demonstrated then regrading of the entire width of the lane will be necessary.
  - (ii) Include pavement design and details of proposed pavement. Note that Council will cannot accept direct interface between pavers and asphalt if only a portion of laneway is intended to be finished with pavers.
  - (iii) Demonstrate that all stormwater is diverted to the new OSD system, prior to discharging to an existing stormwater pit in Andrew Nash Lane.
- h) Include a Pavement Design report. That report must include the proposed pavement structure, discussion of each element of the pavement design system shown in Figure 2.1 of Austroads' Pavement Design Guide (project reliability, construction and maintenance considerations, environment, subgrade evaluation, pavement materials and design traffic), all background data (e.g. traffic surveys and studies, geotechnical investigation, field and laboratory testing etc.), assumptions and calculations in the design process and nominated construction specifications.

**Reason:** To ensure that works are designed and constructed to Council standards.

#### ACCESSIBILITY

49. Prior the issue of the relevant Construction Certificate the PCA shall ensure the building is designed to satisfy the requirements of the following:
- National Construction Code (BCA) Volume one 2019
  - Australian Standard AS1428.1-2009, Design for access and mobility Part 1, General Requirements for access – New Building work.
  - Australian Standard AS1428.4.1-2009, Design for access and mobility Part 4.1 Means to assist the orientation of people with vision impairment-Tactile ground surface indicators
  - Australian Standard AS/NZS 2890.6 2009 Part 6; Off street parking for people with Disabilities

In this regard note:

- (a) For level 3:
- The reception desk/ Bar must provide accessible features suitable for persons with a disability to carry out transactions
  - Ensure the features provided throughout the common areas provides accessible and inclusive options, including furniture and serveries.
  - Ensure all doors leading to the terraces provide low level sills to enable access for persons with mobility impairment.
- (b) For level 4:
- Access to the accessible unit is through an airlock that doesn't have the required 1450mm clear area from the hallway entry open door leaf to the room entry door as required in AS1428.1 figure 34.
- (c) For levels 5 -14:

- The 10 adaptable units are all the same. The units should provide a mixture of left and right hand transfers onto the pan in the adaptable bathrooms. This will reduce the risk of action under the DDA. (Switch the position of the pan and shower in 5 rooms)

## *URBAN DESIGN – PUBLIC DOMAIN*

### **Public Domain Construction Drawings**

50. Notwithstanding the alignment plans at condition 1, prior to the issue of the Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not limited to, the following areas:

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

Grading of the pedestrian footway:

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

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

- The latest City of Parramatta Public Domain Guidelines (PDG);
- The approved drawings at condition 1; and
- All the conditions listed in this consent.

The Public Domain Construction Drawings must be prepared to reflect the following changes prior to CC approval provided:

- A design option be provided for Council's review demonstrating level changes are taken up within the building, avoid localised landings in the link, before considering a design with landings in the link.
- If landings are required, that door mechanism be considered that ensure minimal landing width, and
- If the 12.5% ramp is required, alternative details be explored that maximise the visual pronouncement of the ramps existence, but minimises the physical impacts of the 12.5% grade ie sudden change in grade using either one ramp in one location and or multiple shorter occurrences across the link
- That the DA recognise that building entry locations and ground floor levels may need to change to better work in with the grades across the link.

- Upgrading of the public domain pavement as per the latest Parramatta Public Domain Guidelines for the full length of the Smith Street frontage.

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

### ***Footway Specifications***

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

#### Footpath

Smith Street public domain - The standard 'City Centre Paving' concrete paver, as per the PDG, Pebblecrete, product PPX:544:35D, 300x300x60mm, with honed finish shall be applied to the entire public domain areas in to the full length of the development site. This includes the public footway and any setback between the building/podium line and property boundary.

For unit paving, the footpath paving set out and details must comply with Council's design standard (DS40, sheet 1-3).

Publicly accessible pedestrian link - Adelaide Black granite pavers, as per the PDG, with **exfoliated finish** shall be applied to the entire publicly accessible areas in pedestrian link to the full length and width of the link.

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

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

#### Kerb Ramps

Not used

#### Vehicle Crossing

Vehicle crossing and kerb condition for Andrew Nash Lane as per Public Domain Alignment plans submitted prior to CC approval and as directed by Supervisor Civil Assets.

#### Pit Lids

All Pit lids in paved areas of the public domain should be level with the paving around and aligned with the paving pattern. Joints should be coordinated where possible. Where allowed by the service providers, the pit lids should be infilled with the surrounding paving material.

#### Tactile Indicators (TGSI)

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

TGSI's must comply as follows.

- TGSI's are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) including its amendment in 2010.
- TGSI's are not required on a landing where handrails continue through the landing.

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

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be

limited to, change in pavement colour, textures and or other visual aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant for consideration and inclusion in the Public Domain Construction Drawings prior to issuing of CC approval.

#### Sealant

Sealant is to be applied to all paved surfaces in the public domain and pedestrian link in accordance with Council requirements as directed by the as directed by Supervisor Civil Assets.

#### Slip Resistance

All stone and pebblecrete paving (concrete pavers) shall have **non-slip surfaces** that comply with a P5 rating as per AS4586:2013 or as directed by Supervisor Civil Assets. For the pebblecrete paving (concrete pavers) apply 2 coats of solvent based single pack acrylic coating with Size 36/46 Aluminium Oxide grit, and one top coat with the same product. Top coat may not have the grit included. Independent slip resistance test results to P5 Classification (Wet Pendulum Test) of completed works should be submitted.

#### Street Furniture

Not required in the public domain

#### Cycle racks

Not required in the public domain

#### Lighting

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

#### Multi-media conduit

A conduit for Council's multi-media facilities shall be installed to the full length of the street frontages as directed by Council's Community Crime Prevention Officer's advice. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications provided by Council's Community Crime Prevention Officer's

Applied to Publically Accessible Private Space

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

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

#### Steps

Steps in public open space must comply with the following requirements:

- Equal height risers of 150-165mm, and equal width treads of 275-300mm.
- Level landing areas at the top and base of steps.
- The first riser at least 900mm from the property boundary
- Opaque risers
- Compliant contrast nosing strips for full stair width
- Non-slip surfaces in wet conditions

### Handrails

Handrails must comply as follows:

- Handrails installed on each side of the stair.
- Landing area designed to sufficiently accommodate the required TGSi and handrail projection, which must be outside pedestrian path of travel and circulation spaces.
- Design of handrail according to AS1428.1:2009.
- Diameter of handrail 30-50mm.
- Clearance behind the handrail at least 50mm.
- Must have no obstruction for 2700 as shown in fig 29 of AS1428.1

### Ramps

Ramps must comply as follows:

- Level landings at top and base
- Non-slip surfaces in wet conditions
- Compliant handrails on each side with at least 1000mm between handrails
- A lower rail with maximum clearance of 65mm below.
- A kerb or kerb rail at a height between 65mm and 75mm or greater than 150mm as per fig 18 of AS1428.1

Preference is to achieve ramps which do not require handrails (ie make them flatter than 1:20).

Documentary evidence of compliance with these requirements is to be confirmed in the **Public Domain Construction Drawings** to be submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

**Reason:** To comply with the Public Domain Guidelines and Council construction details.

## *LANDSCAPE*

### **Planter Box Details**

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

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

## *HEALTH – FOOD PREMISES*

### **Design of fit-out to comply with food safety stand**

53. Detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the principal certifying authority (PCA) prior to the issue of the construction certificate.

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

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards
  - Standard 3.2.2 Food Safety Practices and General Requirements
  - Standard 3.2.3 Food Premises and Equipment

- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- (d) No approval is granted for any remote storage area.
- (e) The business being registered with City of Parramatta (retail) or NSW Food Authority (wholesale/retail meat/manufacturer).
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

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

**Note:** Copies of AS4764-2004 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

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

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

#### *HERITAGE NSW*

54. Prior to the issue of any Construction Certificate, the Principal Certifying Authority must be provided with written advice from Heritage NSW that all processes associated with section 140 Application Number 2020/S140/012 dated 26 August 2020 have been satisfied and that it has no objection to works commencing on site.

Reason: To ensure the heritage values of the site are protected.

#### **PRIOR TO WORKS COMMENCING**

#### *TRANSPORT FOR NSW*

55. The applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the City of Parramatta, Sydney Coordination Office (SCO) and Parramatta Light Rail within TfNSW. The CPTMP needs to include, but not be limited to, the following:
- Location of all proposed work zones;
  - Haulage routes;
  - Location of the cranes;
  - Construction vehicle access arrangements noting that Construction vehicle access shall not be provided via Smith Street unless otherwise agreed with the Sydney Coordination Office within TfNSW and City of Parramatta;
  - Proposed construction hours;
  - Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements;
  - Construction program highlighting details of peak construction activities and proposed construction 'Staging';
  - Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
  - Cumulative construction impacts of projects in the Parramatta CBD. Should any impacts be identified, the duration of the impacts; and
  - Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the draft CPTMP.

The applicant shall submit the final copy of the CPTMP for the endorsement of the Sydney Coordination Office within TfNSW prior to the commencement of any works on the site; noting that early works including demolition are subject to a separate development application (DA/395/2019)

## **PLANNING**

### **Appointment of PCA**

56. 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.

### **Site Sign**

57. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

**Reason:** Statutory requirement.

### **Erection of hoardings**

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

No demolition or works can commence until approval for the hoarding has been obtained. and the hoarding installed to the satisfaction of Council.

**Reason:** To ensure public safety.

### **Public liability insurance**

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

- (a) Above;

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

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

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

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

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

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

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

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

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

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

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

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

61. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary. This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

### **Air Space Encroachment**

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

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

### **Public Art**

63. Prior to the issue of any Construction Certificate for works at level 5 or above, the applicant shall submit to Council's Group Manager DTSU a Public Arts Plan which:
- (a) Is consistent with Council's "Interim Public Art Guidelines for Developers";
  - (b) Confirms that the budget for the public art works shall not be less than 0.5% of the cost of works of the development as nominated on the Development Application form.
  - (c) Includes a maintenance schedule for the works, the ongoing implemented of which shall be at the cost of the relevant body corporate/Owners Corporation

All public art installations/elements within the plan approved to satisfy this condition must then be completed prior to the issue of any Occupation Certificate.

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

## **ENGINEERING**

### **Construction Environmental Management Plan**

64. The site works must be subject to a construction environmental management plan (CEMP) prepared by suitably qualified professionals to address all environmental impacts of the works, including flooding, drainage, water pollution, contamination, management of groundwater, dust, noise, vibrations, structural impacts, geotechnical stability and stress management, landslip and impacts on adjoining properties, public infrastructure and services. The detailed/final CEMP must be submitted for approval by the PCA prior to any works commencing on site.

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

65. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council at [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

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

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

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

**Reason:** Management of records.

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

66. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

**Reason:** To ensure soil and water management controls are in place before site works commence.

### **Site Maintenance**

67. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

**Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.

### **Shoring and adequacy of adjoining property**

68. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

**Note:** If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

**Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

### **Driveway Crossing Application**

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

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

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

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

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

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

## **TRAFFIC**

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

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

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways. Note: No access shall be permitted off Smith Street,
- b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
- c) The location of proposed Work Zones in the egress frontage roadways,
- d) Location of any proposed crane standing areas,
- e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- g) The provisions of an on-site parking area for employees, trade person and construction vehicles as far as possible,
- h) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors,
- i) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,
- j) Proposed construction hours,
- k) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
- l) Construction program that references peak construction activities and proposed construction 'Staging',
- m) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
- n) Cumulative construction impacts of projects in the Parramatta CBD. Should any impacts be identified, the duration of the impacts,
- o) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified,
- p) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video

footage of the frontage of the site on a weekly basis so that Council can enforce this requirement,

- q) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable, and,
- r) A schedule of site inductions on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations,

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

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

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

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

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

### Special Permits

71. 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) Any works within the road reserve.
- b) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- c) Storage of building materials and building waste containers (skips) on Council's property.
- d) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored.

Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.

e) Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

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

**Reason:** Proper management of public land.

### **Road Opening Permits**

72. 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.

### ***WORKS WITHIN PUBLIC DOMAIN INCLUDING ANDREW NASH LANE***

#### **Schedule of Council inspections**

73. Prior to the commencement of any works in the Public Domain the consent holder must arrange for a schedule of inspections to be carried out by Council's Civil Infrastructure Unit. The required Council inspections include (but are not necessarily limited to) the following where applicable and apply to all **Council** and **privately certified** projects.

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Completion of unit (granite) paving and furniture (seatings) installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer; and

- Completion of paving sealant application and tactile indicator installation as per Council's specification.
- Installation of street trees including required sub-drainage layer installed as specified. Trees shall be installed within 24hrs of delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 to prove the quality of the tree stock.
- Construction of the stormwater pipe prior to backfilling of trench
- Construction of formwork to any drainage pits(s) prior to placement of concrete.
- Construction of any formwork to concrete pavement, footpath, driveway, kerb & gutter etc. and prior to placement of concrete.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

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

**Note:** Inspections for all public domain and/or stormwater works must be booked at **least 24 hours** in advance by calling Council's Civil Infrastructure Unit on 9806 8250

**Reason:** To ensure compliance.

74. Details of the proposed reinforced concrete pipe-work shall be submitted for Council's City Works Unit approval prior to commencement of any work.

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

## **DURING WORKS**

### *PLANNING*

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

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

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

#### **Dust Control**

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

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

#### **Materials on footpath**

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

**Reason:** To ensure pedestrian access.

### Hours of work and noise

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

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

Demolition works are restricted to:

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

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

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

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

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

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

### Complaints register

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

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

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

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

## **Noise**

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

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

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

## **Importation of clean fill**

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

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

## **Survey report of building works**

82. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary. This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment.

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

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

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

## **ENGINEERING**

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

83. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

**Reason:** To ensure no adverse impacts on neighbouring properties.

### **Damage to public infrastructure**

84. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

**Reason:** To protect public safety.

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

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

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

## TRAFFIC

### Road Occupancy Permit

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

**Reason:** To ensure proper management of Council assets.

### National Heavy Vehicle Regulator approval

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

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

## PUBLIC DOMAIN

88. The following tree is approved to be removed:

Tree No.	Species	Common Name	Location
6	<i>Lophostemon confertus</i>	Brushbox	Andrew Nash Lane – refer to arborist report by Creative Planning Solutions (30 May 20189 Rev A Job No. D168)

All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

**Reason:** To facilitate development and ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

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

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

90. For the works within the public domain/road reserve, each **HOLD POINT** defined by Specifications must be witnessed and released by the Principal Certifying Authority before the construction work can continue to the next stage.

The developer must submit test results required by each Specification prior to handover to Council to show that the constructed road pavements comply with specification requirements, especially in terms of material properties, levels, layer thicknesses and density ratios.

**Reason:** To ensure that works are constructed to Council standards.

### Rectification of defects – Public domain works

91. Any defects raised by Council officers during the above construction and defects period inspections will be notified in writing. Defects may include incorrect location of elements, unsatisfactory construction techniques or finishes, or any other non-

compliances with the approved plans and specifications or the public domain guidelines.

All defects raised by Council's officer during the construction period or defects liability period need to be rectified prior to and signed off at the final defects inspection by Council's officer in order to achieve Occupation Certification. This applies to both Council and privately certified projects.

**Reason:** To ensure any defects are rectified.

## **LANDSCAPE**

### **No removal of trees on public property**

92. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.

**Reason:** Protection of existing environmental infrastructure and community assets.

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

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

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

## **WASTE**

### **Asbestos-records of disposal**

94. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

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

### **Waste data**

95. 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.

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

96. 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.

## **CONTAMINATION**

### **Imported fill**

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

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

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

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

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

98. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

**Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health

#### **Contaminated waste to licensed EPA landfill**

99. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

**Reason:** To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

#### *TRANSPORT FOR NSW*

100. The applicant shall prepare a Travel Plan in consultation with the Sydney Coordination Office in TfNSW and submit for Council's consideration and approval prior to the issue of an Occupation Certificate. The Travel Plan is required to:

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

#### *PLANNING*

#### **Occupation Certificate**

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

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

### **Compliance with specialist reports**

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

- a) Acoustic report No. 19077, dated June 2019, prepared by Wilkinson Murray Pty Ltd.
- b) Implementation of both options 1 and 2 from the recommendations within the Pedestrian Wind Environment Study by Windtech. (Ref: WE698-03F02(REV0)-WE REPORT dated 14 July 2020)

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

### **Critical stage inspections**

103. 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.

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

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

105. The building as approved must not exceed a maximum height of RL63.5 AHD as shown on the approved plans. A survey report confirming compliance is to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of any Occupation Certificate. A copy of the report is to be provided to Council for their records.

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

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

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

- (a) The through site link, parking/loading areas, lobbies and shopfronts are to be illuminated after daylight hours to a level that allows clear lines of sight from the street frontage and spaces immediately surrounding the building as well as in a manner compatible with the safe operation of CCTV;
- (b) Vehicular access to the car parking areas is to be restricted via a physical barrier such as a roller shutter door;
- (c) A security alarm is to be linked to all openings to be activated in the event of forced entry;

- (d) A CCTV surveillance system shall be installed to appropriately monitor maintain surveillance and monitor all entrance and exit points to the shareway, car park and building, lobby spaces to all lift cores, entry doors to all fire stairs.

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

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

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

- (e) Way finding signage is to be readily identifiable at pedestrian access points to the development;
- (f) Vehicular access, the car parking areas and the pedestrian pathways are to be illuminated by lighting after daylight hours;
- (g) All painted surfaces on the external parts of the building are to be treated with a graffiti resistant coating. Management is to be responsible for the maintenance of the building and the surrounding private and publicly accessible spaces and removal of any graffiti will be required immediately when identified.
- (h) The vegetation within the porte-cochère is to be maintained to ensure that vegetation does not obstruct sight lines from the adjoining public roadway;  
**Reason:** To assist in minimising the incidence of crime and contribute to perceptions of increased public safety, both on and within proximity to the site

#### **Street Numbering**

- 108. An application for street numbering must be lodged with Council for approval, and the approved street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

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

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

- 109. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.

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

#### **Provision of telephone services**

- 110. The submission of documentary evidence from the telecommunications provider authorised under the Telecommunications Act 1997 confirming arrangements have been made for the provision of telephone services prior to the issue of an Occupation Certificate.

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

#### **Release of Bonds**

- 111. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

**Note:** Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

**Reason:** To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

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

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

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

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

#### **Floodlighting/light spillage diagram**

113. A light spillage diagram is required to be prepared by a suitably qualified lighting engineer and submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. This diagram is to demonstrate light spillage generated by the system complies with the requirements of Australian Standard AS4284 - Control of Obtrusive Effects of Outdoor Lighting. Light spillage mitigating measures shall be maintained, at all times.

**Reason:** To prevent light spillage onto adjoining properties.

#### **Hotel Plan of Management**

114. Prior to the issue of an Occupation Certificate, the applicant shall develop a Hotel Management Plan which includes the following:

- How amenity impacts on adjoining/nearby residents will be minimised;
- How complaints will be logged and resolved;
- Details of how guest arrival by private vehicle will be minimised (i.e. How public transport will be promoted to guests);

Details demonstrating compliance shall be submitted to the satisfaction of the Certifying Authority. A copy of the plan shall be submitted to Council.

**Reason:** To ensure that residents have access to communal facilities.

#### **Liquor License**

115. Prior to the supply and storage of any alcohol on the site, a Liquor Licence is to be obtained in accordance with the Liquor Act 2007. A copy of this approval is to be forwarded to Council for their records

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

#### **ENGINEERING**

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

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

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (f) Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer

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

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

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

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

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

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

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

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

#### **Section 73 Certificate**

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

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

#### **Street Numbering**

119. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate.

**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.

#### **Effective evacuation report**

120. An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A

copy of the report shall be attached to the Occupation Certificate when forwarded to Council.

**Reason:** To make property owners/residents aware of the procedure in the case of flood.

### **Driveway Crossover**

121. 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 Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

**Reason:** Pedestrian and Vehicle safety.

### **Reinstatement of laybacks**

122. 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.

### **Probable Maximum Flood**

123. The adopted Probable Maximum Flood level for this development shall be RL 11.9m AHD. All construction at or below this level must be of flood compatible materials and construction methods. Prior to release of the Occupation Certificate, the structure shall be certified by a qualified structural engineer, experienced in flooding, that the building will be capable of withstanding the forces of flooding to a level of RL 11.9m AHD, including hydrodynamic and hydrostatic forces, scour, flotation and debris impacts.

### **Flood Emergency Response Plan**

124. Prior to the issue of any Occupation Certificate a Flood Emergency Response Plan shall be prepared by a suitably qualified Flood Consultant, submitted for approval by Council's Group Manager DTSU and implemented in perpetuity. This must be generally in accordance with the Flood Study by Molino Stewart dated 26 August 2020 and must address evacuation and/or shelter in place of occupants and operation of flood warning and flood mitigation systems (such as flood alarms, flood doors and flood gates).

## *PUBLIC DOMAIN*

125. 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 Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

**Reason:** Pedestrian and Vehicle safety.

126. No Occupation Certificate shall be issued until Council has confirmed in writing that the works in Andrew Nash Lane have been satisfactorily completed.

## *CONTAMINATION*

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

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

## *URBAN DESIGN – PUBLIC DOMAIN*

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

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

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

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

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

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

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

## *LANDSCAPE*

### **Landscape certification**

129. A qualified Landscape Architect must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

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

## *SUSTAINABILITY*

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

## *WASTE*

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

131. Prior to issue of any Occupation Certificate, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all-waste contracts and receipts shall be kept on site and made available to Council officers on request. Evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.

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

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

### **Waste Storage Rooms**

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

**Reason:** To ensure appropriate waste storage facilities are provided for future Occupants

## HEALTH

### Notification of food business – Council

133. Prior to an Occupation Certificate being issued, Council must be notified that the premises is to be used for the preparation or manufacture of food for sale so that the premises can be registered on Council's food premises licensing database.

**Reason:** Compliance with the requirements of the Food Act.

### Certify fitout complies with food safety standards

134. Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

**Reason:** To ensure construction and fit-out of the premises meets relevant public health standards.

### Certify mechanical ventilation installation

135. Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS/NZS 1668.2.2012 is to be provided to the certifying authority prior to occupation of the premises.

**Reason:** To comply with the Building Code of Australia and the relevant Australian Standard.

## THE USE OF THE SITE

### PLANNING

#### Separate approval required

136. Separate consent shall be sought for:

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

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

#### Public access

137. The through site link is to be open to the public 24 hours a day, 7 days a week. An easement allow for public access is to be registered on the title of the site prior to the issue of any Occupation Certificate. The terms of the easement must be to the satisfaction of Council's Group Manager, Development and Traffic Services.

#### Noise emissions – Licenced Premises

138. Noise emissions from the licensed premises shall comply with the following:

- (a) The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

- (b) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am. Where this condition is inconsistent with the requirements imposed by the Liquor and Gaming NSW, the more stringent condition shall prevail.

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

#### **Patron noise control**

139. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the venue.

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

#### **Neighbourhood Amenity near Licensed Premises**

140. Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

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

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

141. 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.

#### **Noise to street**

142. There are to be no external speakers at the premises.

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

#### **Use of Premises**

143. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy;
- (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

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

#### **Food premises**

144. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

**Reason:** To ensure operation of the premises complies with the relevant legislation and standards

**Remove putrescible waste at sufficient frequency**

145. 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.

**Management of waste storage facilities**

146. All waste storage areas are to be maintained in a clean and tidy condition at all times.

**Reason:** To ensure the ongoing management of waste storage areas.

**Waste bins**

147. 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.

**Food Safety Supervisor**

148. The food business must appoint at least one Food Safety Supervisor per premises (or per business for mobile caterers) within 30 days of commencement of operation to the NSW Food Authority and Council. The food business must keep a copy of a current Food Safety Supervisor certificate on the premises and produce it for inspection on request by a Council authorised officer.

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

**TRAFFIC**

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

**Loading & unloading**

150. All loading and unloading must:

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

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

**Review of Green Travel Plan**

151. One year from the issue of the Occupation Certificate, and every year for 2 years thereafter, the applicant shall submit to the satisfaction of Council's Manager Development & Traffic Services a review report on the effectiveness of the Green Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include any recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.

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

**LANDSCAPE**

**Landscape maintenance**

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

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