



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

<b>Panel reference</b>	PPSSCC-63
<b>DA number</b>	DA/739/2019
<b>LGA</b>	City of Parramatta
<b>Proposed development</b>	Mixed use development comprising 583 residential apartments across five buildings, a commercial building (office suites), ground level retail, subdivision to enable dedication of future public roads, and associated parking, landscaping and public domain works
<b>Property</b>	Lot 101 DP 123910 5 Uhrig Road, LIDCOMBE NSW 2141
<b>Applicant</b>	Uhrig Road Developments Pty Ltd
<b>Owner</b>	JQZ Ten Pty Ltd
<b>Date of DA lodgement</b>	18 December 2019
<b>Submissions</b>	Two (2)
<b>Regionally significant development criteria (Schedule 7 of SEPP (SRD) 2011)</b>	General development that has a capital investment value of more than \$30 million (cl.2)
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2000</li> <li>• SEPP (State and Regional Development) 2011</li> <li>• SEPP (Infrastructure) 2007</li> <li>• SEPP No. 55 – Remediation of Land</li> <li>• SEPP No. 65 – Design Quality of Residential Apartment Development</li> <li>• SEPP (Building Sustainability Index: BASIX) 2004</li> <li>• SREP (Sydney Harbour Catchment) 2005</li> <li>• Auburn Local Environmental Plan 2010</li> <li>• Carter Street Precinct Development Control Plan 2016</li> <li>• Auburn Development Control Plan 2010</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 – Architectural drawings Attachment 2 – Landscape drawings Attachment 3 – Design Excellence Advisory Panel comments Attachment 4 – Clause 4.6 exception written request
<b>Planning proposal</b>	Exhibited draft 2020 master plan prepared by Department of Planning, Industry and Environment
<b>Recommendation</b>	Approval subject to conditions
<b>Report prepared by</b>	Andrew Golden, Senior Development Assessment Officer
<b>Report date</b>	1 December 2020

**Summary of s4.15 matters**

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

**Legislative clauses requiring consent authority satisfaction**

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

<b>Clause 4.6 Exceptions to development standards</b>	
If a written request for a contravention to a development standard (clause 4.6) has been received, has it been attached to the assessment report?	<b>Yes</b>
<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions (s7.24 of the EPAA)?	<b>No</b>
<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment?	<b>Yes</b>

## 1. Executive summary

The report considers a proposal to construct a mixed use development comprising 583 residential apartments across five buildings, a commercial building (office suites), ground level retail, subdivision to enable dedication of future public roads, and associated parking, landscaping and public domain works

Following assessment of the application against the relevant statutory planning framework, and consideration of matters raised in referrals, it is deemed that the proposal is satisfactory.

The site constraints include potential provision of stage 2 of Parramatta Light Rail requiring widening of Uhrig Road. However, it is considered that sufficient evidence has been provided that this can be managed appropriately, with a provision for road widening incorporated into the scheme.

While some non-compliances with the Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016) are proposed, the development is considered acceptable given the development's quality design and appearance, and overall built form and aesthetics.

The amenity impacts on adjoining and nearby properties are considered reasonable based on the site's location in a steadily-progressing priority precinct.

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration relevant State and local planning controls. On balance, the proposal has responded satisfactorily to the objectives and controls of the relevant statutory planning framework.

This report recommends that the Panel:

- Approve an exception to the building height control in Auburn Local Environmental Plan 2010 (ALEP 2010) of up to 52.25m (224%), via clause 4.6 of ALEP 2010; and
- Approve the application, subject to the recommended conditions.

## 2. Key Issues

Auburn Local Environmental Plan 2010 (ALEP 2010):

- Building height – encroachments above current statutory maximum heights of buildings (designed in accordance with exhibited amendments).

Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016):

- Building height – encroachments above current statutory maximum heights of buildings (designed in accordance with exhibited amendments).
- Building footprint – tower footprints exceed maximum 900sqm footprint.
- Setbacks – encroachments into required setbacks and no additional setbacks above podiums where required in some instances.

### **3. Carter Street priority precinct**

#### **3.1 Background and context**

The Carter Street Priority Precinct comprises 52 hectares of land, as shown in figure 1, bounded by Sydney Olympic Park, the M4 Motorway, Haslams Creek and land immediately adjacent to Birnie Avenue. The precinct has historically been used for light industry and warehousing with associated offices. In 2015, the NSW Government rezoned the precinct for high density residential development, a new village centre and a primary school.

The precinct generally north of Carter Street is undergoing an urban renewal process and steady progression towards a strategic centre that delivers a mix of housing, employment and retail services with access to public transport, open space and the entertainment, recreational and cultural precinct of Sydney Olympic Park.

The southern side of Carter Street is characterised by a variety of industrial uses and warehouse developments. Those land uses are expected to remain in place for the long term.



**Figure 1 – Carter Street Priority Precinct, subject site marked with red dot**

#### **3.2 Strategic review by Department of Planning, Industry and Environment (DPIE)**

In mid-2017, (now called) DPIE commenced a review of the planning controls for the Carter Street Precinct, in conjunction with its consideration of the Sydney Olympic Park Master Plan 2030.

The purpose of that review was to ensure the controls accommodated changes to the design of a proposed off ramp from the M4 Motorway and Parramatta Light Rail (stage 2) stop and terminus whilst still ensuring housing, employment and retail services within the Carter Street precinct.

The outcome was a revised Master Plan used to inform amendments to Auburn Local Environmental Plan 2010 (ALEP 2010) and Carter Street Precinct Development Control Plan

2016 (CSPDCP 2016).

Public exhibition of the draft documents concluded on 26 October 2018, and the draft was submitted for approval in early 2019.

In January 2019, DPIE undertook a targeted consultation process with landowners and Council to present various 'post exhibition changes' to the exhibited draft controls, and indicated that the draft instrument would be gazetted prior to the State election in March 2019, however that did not happen.

A revised draft Master Plan and amendments to ALEP 2010 was placed on exhibition from 31 August 2020 until 28 September 2020.

The exhibited package shows the following for the subject site:

- No changes to land use zone (B2 – Local Centre);
- Changes to maximum height of buildings from 72m (west) and 42m (east) to 96m (south) and 78m (north);
- Changes to maximum floor space ratio from 3.5:1 (west) and 2.5:1 (east) to 2.8:1 (entire site).

The package also introduces an incentive clause whereby an additional uplift in height (to 109m (south) and 90m (north)) and FSR (to 3.17:1) can be supported if specific carparking rates are met (with the intent to minimise the provision of car parking). The uplift is not pursued in this current application.

It is important to note that the development has been designed in accordance with the revised draft 2020 Master Plan.

#### **4. Site description, location and context**

##### **4.1 Site**

The subject site is Lot 101 DP 1239610, known as 5 Uhrig Road, Lidcombe, as shown in figure 2.

The subject site is a regular shaped allotment, with a total approximate area of 19,364sqm. The site is located on the north-western side of Uhrig Road, with an approximate frontage of 108m to Uhrig Road.

The site generally falls to the west, with a change in level of approximately 1-2m to adjoining Sydney Olympic Park.

Land to the northern side of Carter Street is undergoing an urban renewal process and steady progression towards a strategic centre that delivers a mix of housing, employment and retail services with access to public transport, open space and the entertainment, recreational and cultural precinct of Sydney Olympic Park.

The southern side of Carter Street is characterised by a variety of industrial uses and warehouse developments.

The subject site is zoned B2 – Local Centre, with two maximum building heights: 72m (west) and 42m (east). It has a floor space ratio of 3.5:1 (west) and 2.5:1 (east) pursuant to Auburn Local Environmental Plan 2010 (ALEP 2010).



This development represents the second and final stage of the redevelopment of the applicant's land holdings in the Precinct.

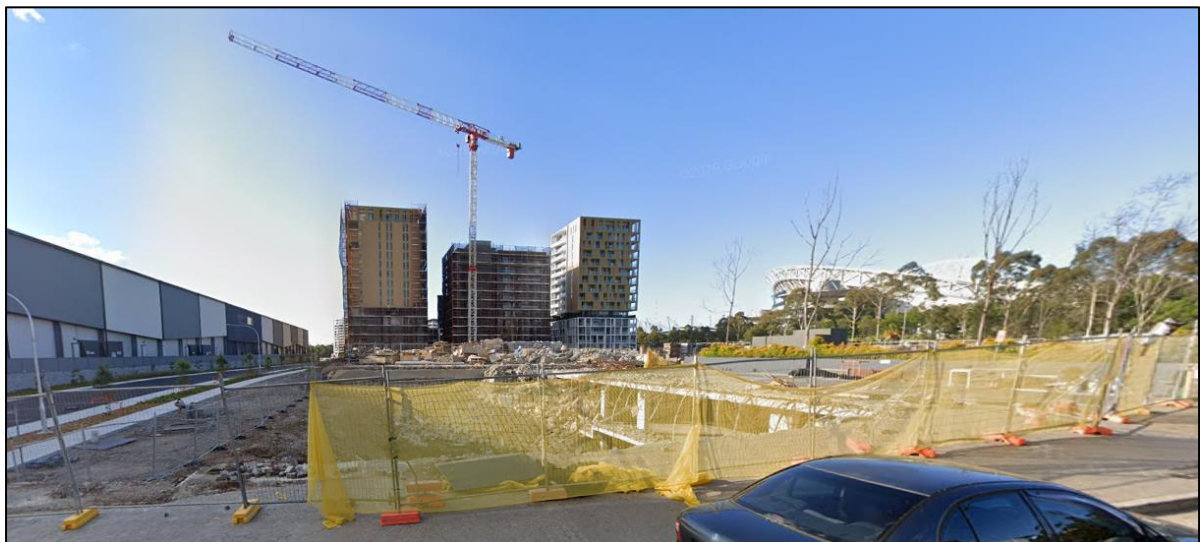


**Figure 2** – locality (subject site outlined in red), 5 Uhrig Road

## **4.2 Site improvements and constraints**

The subject site is currently vacant, having been previously used for warehouses and offices. There is no significant vegetation on the site.

The site is not a heritage item or within a heritage conservation area, nor is it located within the vicinity of either. It is affected by acid sulfate soils but is not flood liable land.



**Figure 3** – street view from Uhrig Road looking north towards site

## **4.3 Relevant Carter Street Priority Precinct applications**

### **4.3.1 DA/1269/2016 – Stage 1**

DA/1269/2016 was approved on 15 December 2017 and consented to the following development at Lot 11 DP 1217641, 5 Uhrig Road, Lidcombe.

*Demolition of existing structures; Construction of four residential flat buildings on the northern part of the site containing 561 residential apartments above 3 basement levels including all associated site works, engineering works, private landscaping and public domain works including a new pocket park and new roads; Subdivision of the site into 2 development lots and 5 allotments for roads; dedication of Lots 102, 103, 104 and 106 for public roads.*

The subdivision into two development lots created Lot 100 (the lot developed under DA/1269/2016) and Lot 101 (the site subject of this application).

DA/1269/2016 has had numerous modification applications approved, as below:

Modification	Determination	Proposed
DA/1269/2016/A	Approved 10 September 2018	Enable subdivision to be completed in two stages; for onsite landscape plans and final public domain plans to be endorsed over two stages, and to allow for an updated waste management plan
DA/1269/2016/B	Approved 19 November 2018	Remove conflict between conditions
DA/1269/2016/C	Approved 13 May 2019	Various external design changes, plus amendment to condition 44
DA/1269/2016/D	Approved 14 November 2019	Allow for the creation of an additional allotment for a future public park and to manage staging of the approved subdivision

## 5. The proposal

The proposal includes the following:

- A total of 583 residential apartments across the following:
  - Tower 1 – 29 storey mixed use tower with four storey podium, 251 apartments and ground level retail (8 tenancies and gym);
  - Tower 2 – 22 storey residential flat building with five storey podium, 166 apartments;
  - Tower 3 – 19 storey mixed use tower with six storey podium, 133 apartments and ground level retail (3 tenancies);
  - Tower 4 – 5 storey residential flat building (20 apartments); and
  - Tower 5 – 4 storey residential flat building (13 apartments).
- 7 storey commercial building with street level retail, including:
  - 36 strata office suites; and
  - 8 retail tenancies.
- A four-level basement (three levels of vehicular basement and one level for services/bicycle mezzanine basement) with a total of 818 car parking spaces, including:
  - 643 residential spaces (including 65 accessible);
  - 117 visitor spaces (including 6 accessible);
  - 58 commercial spaces (including 4 accessible); and
  - 659 bicycle spaces.
- Site landscaping works including common open spaces and roof terraces;
- Public domain works including construction of new roads (extension of road no. 10 – Paddock Street – to Uhrig Road, and shareway – Frog Lane), installation of infrastructure services, pedestrian footpaths, street trees; and
- Subdivision of the site to enable dedication of future public roads.



Of the 583 apartments, apartment mix is proposed as below.

- 131 x 1 bedroom (23%);
- 393 x 2 bedroom (67%);
- 59 x 3 bedroom (10%).



**Figure 4** – photomontage of view from Uhrig Road towards proposed development



**Figure 5** – photomontage of view from Stockyard Boulevard towards proposed development



**Figure 6** – photomontage of view from Edwin Flack Avenue towards proposed development

## 6. Public notification and any submissions

The application required a 14 day advertising period, which originally occurred between 15 January 2020 and 30 January 2020. The application was readvertised following amended plans between 8 September 2020 and 22 September 2020.

Two submissions were received during the first period; no submissions were received during the second period.

## 7. Referrals

Any matters arising from internal or external referrals not dealt with by conditions?	No
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## 8. Environmental Planning and Assessment Act 1979

Does Section 1.7 (significant effect on threatened species) apply?	No
Does Section 4.10 (designated development) apply?	No
Does Section 4.46 (integrated development) apply	No
Are submission requirements within the regulation satisfied?	Yes

## 9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	None – detailed assessment is provided at Attachment A.
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## 10. Auburn Local Environmental Plan 2010 (ALEP 2010)



The table below presents a summary assessment against the terms of ALEP 2010. A detailed evaluation is provided at Attachment A.

Provision	Comment
Land use zone	<ul style="list-style-type: none"> <li>B2 – Local Centre</li> </ul>
Definition	<ul style="list-style-type: none"> <li>Mixed use development</li> <li>Residential apartments (residential accommodation)</li> <li>Commercial premises (office premises, retail premises)</li> </ul>
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"> <li>Permitted with consent in zone</li> <li>Consistent with zone objectives</li> </ul>
Part 3 Exempt and complying development	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
Part 4 Principal development standards	<ul style="list-style-type: none"> <li>Compliance with all standards, except maximum heights of building of 72m and 42m.</li> <li>Proposed heights are 18m, 20.88m, 30.67m, 61.66m, 72.15m and 94.25m; are consistent with exhibited amendments to ALEP 2010 under revised 2020 master plan.</li> <li>Clause 4.6 request submitted – the variations are supported.</li> </ul>
Part 5 Miscellaneous provisions	<ul style="list-style-type: none"> <li>All relevant provisions satisfied</li> </ul>
Part 6 Additional local provisions	<ul style="list-style-type: none"> <li>All relevant provisions satisfied</li> </ul>

## 11. Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016)

The table below presents a summary assessment against the terms of CSPDCP 2016. A detailed evaluation is provided at Attachment A.

Provision	Comment
Part 2 Vision, principles, indicative structure	The proposal is considered generally consistent with the vision statement.
Part 3 Public domain	The proposal is considered satisfactory.
Part 4 Residential/ mixed use development	Some non-compliance with height, setbacks, and footprints of towers proposed, however considered satisfactory on merit.
Part 5 Employment uses	N/A – only applies to land zoned B6 under ALEP 2010
Part 6 Environmental management	The proposal is considered satisfactory.

## 12. Planning Agreements

The relevant matters are:

- Planning agreement between the Minister for Planning and various property owners of the Carter Street Priority Precinct.
- Designated state public infrastructure (Carter Street Priority Precinct) via clause 6.8 of ALEP 2010.

- Carter Street Precinct Development Contributions Plan 2016.

A detailed assessment is provided at section 5.1 of Attachment A.

### **13. Response to Sydney Central City Planning Panel (SCCPP) briefing minutes**

SCCPP was briefed on 1 April 2020. The following issues were raised.

<b>Issues raised</b>	<b>Comment</b>
Town centre location in Carter Street precinct. Noted that DPIE guidance is required to progress the application.	At the time of briefing, the controls for the precinct were uncertain. Since then, a revised draft 2020 Master Plan has been prepared and was exhibited between 31 August and 28 September 2020. The proposal has been designed in accordance with these exhibited standards and controls. As such, it is considered that the need for DPIE guidance is superseded by the fact the controls have been exhibited (thus giving them legislative weight).
Panel considers further work is required on the urban design and layout of the site to address street and public domain interface, surveillance opportunities and solar access.	The development has undergone significant revisions, which are considered to satisfactorily address the Panel's concerns in this regard. The proposal has been reviewed by Council's DEAP, urban design team, CPTED officer and sustainability consultant. All of whom support the proposal.
Cranking of buildings should be reviewed, with ground level podiums ideally providing street interface. Where cranking or setbacks are intended to create 'pocket parks' it must be ensured that these are in locations where solar access is optimal throughout the day, and the design of the spaces are well detailed to facilitate public use.	The cranking in the form of tower 1 is retained in the design of the development. The cranking creates a 'retail forecourt' at the north of tower 1 and the space is appropriately designed. The design receives appropriate solar access, and it has been reviewed by DEAP, and Council's urban design team and CPTED officer. All of whom now support the space.
The townhouse building typology should be revisited, noting that this typology is unusual for a town centre location, and as currently designed it does not create an ideal street interface, and the internal courtyards appear to have poor amenity and limited solar access. A different, street perimeter typology could potentially provide greater solar access opportunities, as well as better public domain interface.	The townhouse building typology has been removed from the application and replaced with two low-scale residential flat buildings which are more typical of the town centre location. The two low-scale residential flat buildings are considered appropriate and well-designed, and provide for a positive public domain interface and streetscape appearance.

### **14. Summary and 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 controls of the applicable planning framework.

Accordingly, approval of the development application is recommended.

## **15. Recommendation**

**That** the Sydney Central City Planning Panel, as the consent authority

1. Is satisfied that the applicant's written clause 4.6 request to vary the height of building development standard has addressed the matters required to be addressed under clause 4.6(3) of Auburn Local Environmental Plan 2010, that sufficient environmental planning grounds exist and that the variation will be in the public interest as the development is consistent with the relevant objectives of the zone and development standard; and
2. Grant consent, subject to the conditions of consent under Attachment B, to development application no. DA/739/2019 for a mixed use development comprising 583 residential apartments across five buildings, a commercial building with ground level retail (36 office suites and retail tenancies), and associated parking, landscaping and public domain works at Lot 101 DP 123910, 5 Uhrig Road, LIDCOMBE.



## ATTACHMENT A – PLANNING ASSESSMENT

<b>Panel Reference</b>	PPSSCC-63
<b>DA Number</b>	DA/739/2019

### 1. Overview

#### 1.1 Section 4.15 of the EP&A Act 1979: Evaluation

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

Clause	Comment
4.15(1)(a)(i) any environmental planning instrument	Refer to section 2
4.15(1)(a)(ii) any proposed instrument	Refer to section 3
4.15(1)(a)(iii) any development control plan	Refer to section 4
4.15(1)(a)(iia) any planning agreement	Refer to section 5
4.15(1)(a)(iv) the regulations	Refer to section 6
4.15(1)(b) the likely impacts	Refer to section 7
4.15(1)(c) the suitability of the site	Refer to section 8
4.15(1)(d) any submissions	Refer to section 9
4.15(1)(e) the public interest	Refer to section 9

#### 1.2 Section 4.46 of the EP&A Act 1979: What is “integrated development”?

The application is not integrated development for the purposes of the EP&A Act 1979.

#### 1.3 Referrals

The following internal and external referrals were undertaken.

EXTERNAL	
Authority	Comment
Transport for NSW (including Roads and Maritimes Services, and Parramatta Light Rail)	No objections. Appropriate conditions of consent to be imposed, including manoeuvrability into, out of and within the site; encouraging active transport through bicycle parking; pedestrian safety; compliance with Australian Standards; and a Construction Traffic Management Plan. The development includes the preservation of the corridor for PLR along Uhrig Road.
Department of Planning, Industry and Environment (DPIE)	The applicant has obtained a satisfactory arrangements certificate.
Ausgrid	No objections. Appropriate conditions of consent to be imposed.
Sydney Olympic Park Authority (SOPA)	No objections. Appropriate conditions of consent to be imposed, including construction impacts on SOPA assets; noise from SOPA venues; protection of trees on SOPA land; and a Construction Traffic Management Plan.
Sydney Water	No objections. Appropriate conditions of consent to be imposed.
INTERNAL	
Unit	Comment
Landscape/ tree management	No objections, conditions to be imposed.

Internal catchment development engineer	No objections, conditions to be imposed. Further information located below at section 7.7.
Traffic	No objections, conditions to be imposed. Further information located below at section 7.6.
Waste – operational	No objections, conditions to be imposed. Further information located below at section 7.8.
Environmental health – waste	No objections, conditions to be imposed. Further information located below at section 7.8.
Environmental health – acoustic	No objections, conditions to be imposed, including a noise management plan, and use of site requirements.
Environmental health – contamination	No objections, conditions to be imposed. Further information located below at section 2.4.
Urban design (public domain)	No objections, conditions to be imposed.
Social outcomes	<p>Correspondence was received from Council's social outcomes team who raised initial concerns with dwelling mix (to support high density family living), accessibility, quality of communal open space, and inclusion of affordable housing and social enterprise/not-for-profit office space.</p> <p>The development provides 23% 1 bedroom (131), 67% 2 bedroom (393) and 10% 3 bedroom (59). However, there is variation in units provided, with a mix of single and double storey and penthouse apartments provided.</p> <p>Social outcomes' preferred mix is 10-20% 1 bedroom, 60-70% 2 bedroom and 10-20% bedroom. The development complies with the requirements for 2 and 3 bedrooms, delivering more closely aligned with the required minimums. There is a small deviation from their ideal 1 bedroom mix (23% instead of 20%), however overall it is considered that the proposal supports high density family living, and the dwelling diversity and mix is satisfactory.</p> <p>In addition, the relevant development control plan does not specify a required dwelling mix. As such, it is considered that the proposal is appropriate.</p> <p>There are no requirements mandating the development include affordable housing or subsidised office space.</p> <p>The layout of the communal open space is appropriate. The design of the ground level courtyard incorporates open lawns, lap pool and water play, lounge areas, poolside cabanas, BBQs and seating areas, and vegetated planter boxes and terraced edges. Rooftop areas incorporate BBQs and seating areas sun lounges and open lawns. Commercial building open space areas include BBQs and seating areas.</p> <p>In addition, given the provided facilities, and the site's proximity to a range of passive and active recreation uses within Sydney Olympic Park, it is considered that sufficient recreational space exists within the development and the immediate vicinity to ensure resident access to high quality open space. Further, the space is considered compliant with the ADG.</p>
Property	Raised concern with some encroachments over property boundaries. A condition of consent requiring the development to be

	within the property boundary, and that easements must be created for any awning overhanging public space, are to be imposed.
Environmental sustainability	Council's independent sustainability and reflectivity consultant has reviewed the application. Appropriate conditions of consent have been imposed to satisfy matters relating to revised BASIX and NatHERS certificates, detailed calculations and analysis for reflectivity impacts, opening windows for natural ventilation, solar access compliance, air conditioning heat rejection units in private open spaces, dual reticulation pipe system, electrical vehicle infrastructure, rainwater collection, solar photovoltaic generation and NABERS energy rating for office component.
Reflectivity	
CPTED	No objections, conditions to be imposed.
Universal access	The accessibility of the development as a whole (including adaptable residential units, public domain, car parking areas and retail tenancies) has been assessed and is considered satisfactory. Appropriate conditions to be imposed.
Wind	No objections, conditions to be imposed. Further information located below at section 7.4.
Quantity surveyor	The applicant originally stated a total cost of development of \$177,540,000.00. Council had this figure reviewed by an external quantity surveyor, who determined that a total of \$227,143,475.00 was more genuine. The applicant was advised of this in an additional information letter dated 2 June 2020. Following this, Council's independent QS and the applicant's QS jointly reached a revised figure of \$207,863,087.00 As such, the applicant paid the shortfall of DA fees. The revised total cost of development is now taken to be the genuine cost.

## 2. Environmental planning instruments

### 2.1 Overview

The instruments applicable to this application are:

- SEPP (State and Regional Development) 2011;
- SEPP (Infrastructure) 2007;
- SEPP No. 55 – Remediation of Land;
- SEPP No. 65 – Design Quality of Residential Apartment Development;
- SEPP (Building Sustainability Index: BASIX) 2004;
- SREP (Sydney Harbour Catchment) 2005;
- Auburn Local Environmental Plan 2010.

Compliance with these instruments is addressed below.

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

Pursuant to Schedule 7 of SEPP (SRD) 2011, the proposal is considered 'regionally significant development' as it has a capital investment value of more than \$30 million.

As such, Section 4.5 of the EP&A Act 1979 outlines that the regional planning panel (Sydney Central City Planning Panel in this case) is the consent authority.

### 2.3 State Environmental Planning Policy (Infrastructure) 2007



Pursuant to Schedule 3 of SEPP (Infrastructure) 2007, the proposal is considered 'traffic generating development' as it proposes a purpose with potential for 200 or more motor vehicles per hour.

As such, the proposal was referred to RMS, who did not raise any objection subject to the imposition of relevant conditions (see Section 1.3 above).

Cl.66C of SEPP (Infrastructure) 2007 is relevant for the determination of development applications adjacent to land in a pipeline corridor.

The pipeline corridor is located on the southern side of Carter Street (see figure 7), meaning the subject site is not adjacent to the corridor, being separated by Carter Street and associated road reserves. As such, cl.66C does not apply.



**Figure 7** – pipeline corridor (shown in blue) in relation to subject site (shown outlined in red)

Therefore, the application is considered compliant with SEPP (Infrastructure) 2007.

## **2.4 State Environmental Planning Policy No. 55 – Remediation of Land**

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

As such, a stage 2 detailed site investigation was submitted in support of the application: 'Phase 2 Environmental and Geotechnical Assessment', prepared by WSP Parsons Brinckerhoff and dated 26 August 2016 (project no. 2270146A, 'final version 1').

The report concludes that the potential risks from contamination to human health and the

environment to be low and as such, no remediation action plan (RAP) is required. It concludes that the site is suitable for the proposed redevelopment under a “high density residential (Residential-B)” land use setting.

The report was reviewed internally by Council’s environmental health – contamination section who agreed that the report is satisfactory in scope and detail and adequately addresses contamination concerns for the proposal, in accordance with SEPP 55.

The imposition of appropriate conditions of consent, to deal with relevant matters such as unexpected finds etc., form part of this recommendation.

Therefore, the application is considered compliant with SEPP 55.

## **2.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;**

SEPP 65 applies to the development as it proposes to convert Building B to residential apartments. SEPP 65 aims to improve the design quality of residential apartment development. This proposal has been assessed against the relevant matters for consideration, including:

- The nine design quality principles;
- Design Excellence Advisory Panel; and
- Apartment Design Guide (ADG).

### *2.5.1 Nine design quality principles*

Part 4 of SEPP 65 introduces nine design principles. These principles do not generate design solutions, but rather provide a guide to achieving good design and a means to evaluate the merits of proposed solutions.

As required, the application provides a design statement that responds to these principles, prepared by the project architect.

An assessment against the design principles is provided below.

<b>Principle</b>	<b>Comment</b>
Context and neighbourhood character	The locality is transforming to a high density mixed use precinct. The development is generally consistent with the desired future character prescribed by ALEP 2010 and CSPDCP 2016. The building will contribute to the quality and identity of the area, and provide residential accommodation and commercial uses.
Built form and scale	The form and scale of the development is acceptable given consistency with relevant draft planning instruments and controls, and response to desired future character of the precinct. The development provided is podium and tower forms that are appropriately articulated and designed.
Density	The proposed density is consistent with the desired precinct specific controls outlined in ALEP 2010 draft amendments. The controls were developed by the Department of Planning, Industry and Environment with regard to the context of the site in terms of infrastructure availability, accessibility of public transport and entertainment and community facilities, and environmental quality.
Sustainability	Energy and water efficiency targets under SEPP (BASIX) 2004 are achieved. The design is consistent with best practice design criteria for cross ventilation and solar access under the ADG. <ul style="list-style-type: none"> <li>• Natural ventilation</li> </ul>

	<ul style="list-style-type: none"> <li>• Solar access</li> <li>• Water efficiency</li> <li>• Energy efficiency</li> </ul>
Landscape	Communal open spaces, predominantly the landscaped courtyard and ground level areas, are appropriately designed and will positively contribute to the residential apartment development.
Amenity	Apartment amenity for residents is satisfactory when assessed against the best practice design guidelines identified in the ADG, which supports SEPP 65. The scheme includes communal facilities at podium level for use by residents.
Safety	Appropriate outcomes are achieved through the design generally and otherwise by conditions of consent as proposed.
Housing diversity and social interaction	The development provides 23% 1 bedroom (131), 67% 2 bedroom (393) and 10% 3 bedroom (59). However, there is variation in units provided, with a mix of single and double storey and penthouse apartments provided. It is considered that the proposal supports high density family living, and the dwelling diversity and mix is satisfactory. The required number of adaptable housing units is provided.
Aesthetics	The composition of building elements and materials is satisfactory, and the application has been supported by DEAP (see below).

### 2.5.2 Design Excellence Advisory Panel (DEAP)

City of Parramatta's Design Excellence Advisory Panel (DEAP) reviewed the application on two occasions.

#### 27 February 2020

The application was given an 'amber light' recommendation meaning once the application and design team have addressed the issues outlined, the next iteration shall be reviewed again by DEAP.

The following comments were provided, and how the applicant has addressed the comments is as below:

DEAP comment	Response
Basis of built form envelopes was from non-statutory draft revised masterplan and low level townhouse elements is to create spatial relief from more predominant tower block forms around perimeter.	The revised master plan has now been exhibited and has statutory weight. As such, the applicant has provided a clause 4.6 written request to vary the current ALEP 2010 standards, noting the development is consistent with the proposed exhibited standards. The low level townhouse elements have been removed from the development (as a permissibility issue in the zone was identified) and replaced with two low rise residential flat buildings (4 and 5 storeys). It is considered similar intent is achieved.
Noted the pedestrian link relocated to align with cranked form of Tower 1.	The cranked form of Tower 1 is retained in the development and is now supported.
Concern with how proposal relates at ground level and above with 4-8 Uhrig Road development across the street as both propose variations. The space between the two sites is important public space	This proposal and the proposal at 4-8 Uhrig Road both provide for the required land dedication for PLR corridor. The pedestrian link and public space reserved at 4-8 Uhrig Road provides a 'public plaza'. The pedestrian link in this development facilitates pedestrian movements to this plaza. The pedestrian link at 4-8 Uhrig Road is along the southern boundary (adjoining 11A and 13 Carter Street)



and getting a quality place-based relationship is critical.	and does not provide a through-site link. The through-site link in this application aligns with the edge of the public open space and, although cranks, provides continuous pedestrian connection. DEAP and Council's public domain team are now satisfied with the public domain provided for both proposals.
More accurate 3D CGI views required.	Revised perspectives provided.
Appreciated that the variance from an orthogonal built form perimeter through the cranked angle of Tower 1 had been maintained. This has the potential to open up the urban space created at the Uhrig Rd intersection and create an east facing pocket park; the quality of this space is reliant on substations being relocated.	The pocket open space (retail forecourt) to the north of Tower 1 has been maintained in the final design, and substations have been relocated. The design now incorporates seating elements, planter beds and feature trees.
Recommend reconfiguration of various residential entries to provide more direct street address.	The entry points have been revised as below: <ul style="list-style-type: none"> <li>• Tower 1 – address Paddock Street</li> <li>• Tower 2 – better address Paddock Street</li> <li>• Tower 3 – better address Stockyard Boulevard</li> </ul>
The link is closer to master plan but is now a minor site link and not the strong public domain element envisaged.	The link is 10m wide between Uhrig Road and Frog Lane, activated by tenancies at ground floor and includes canopies for weather protection. The link is 8m wide between Frog Lane and Ibis Street. The basement access has moved further north-west (towards new tower 5, away from tower 2 and link) to provide better connectivity and amenity. Substations have been relocated away from publicly accessible areas and are screened via louvered screen façade and canopy.
Amenities in communal courtyard to be co-located.	Amenities included adjacent to new enclosure for substation.
Entry to basement will present as a 'black hole' off road no. 9. Panel recommends a pergola with landscape treatment over and paving that reflect pedestrian interaction.	Entry has been repositioned further north-west (towards new tower 5 and away from tower 2 and link) and does not impact the through-site link.
Concern about lack of deep soil planting for mature trees in middle of the site (particularly shareway).	Various planter depths have been increased to 1-2m within pool and landscaped communal terrace areas and deep soil zones have been incorporated into private common open spaces and retail forecourt. 1m deep soil planting areas have been provided along the shareway to accommodate contiguous mature planting.
Concerns with the ramp 'dive down' presenting CPTED issues and protruding slab levels.	The ramp has been relocated from adjoining the pedestrian link and link has been widened to 8m in that location. Substations have been relocated and consolidated and CPTED issues have been addressed.
Solar gain impacts on extensive glass façades raised as ESD concern.	Vertical fin blades and the extension of the slab edge 250mm beyond the glazing line has been incorporated and have been deemed appropriate solar shading.

Following this, the amendments were incorporated, and the application was re-referred to DEAP for a desktop review.

### 1 September 2020

To ensure the same DEAP members reviewed the proposal for consistency, a desktop review was organised, with final comments provided on 1 September 2020.

The following comments were provided:

- The revision to include lower rise residential towers is supported.
- With further analysis of relationships between this site and 4-8 Uhrig Road, the applicant has adequately demonstrated there is a more resolved and cohesive interaction between built form and open space connections through the site and departures are supported by the Panel.
- The CGI imagery still gives misleading impressions of spatial quality of the civic place created between developments either side of Uhrig Road. The imagery of the Uhrig Road civic realm does not accurately depict the significant tree canopy implied by the landscape plans and should be accurately coordinated. Corrected views are deemed necessary.
- Panel acknowledges relocation of substations to position within the site and associated landscape treatment to pocket park (retail forecourt) will achieve a more usable and amenable end result).
- Reconfiguration and revision of residential lobbies to better address respective streets in an acceptable change.
- Panel notes substantial changes to the public through-site link and considers this to be a much better public domain outcome with clear pedestrian linkages from Uhrig Road and Ibis Street, and associated benefits from relocation and coordinated consolidation of the substations. The panel recommends that this public through-site link be open 24 hrs and the detailed design resolution be tested based on robust CPTED principles. Public amenity lighting will be an important element in the success of this important public realm connection.
- Reconfiguration of communal open space and pool area, and relocation of basement ramp are agreeable to the Panel.
- Increases and revisions made to address previous comments about concern for lack of deep soil planting are agreeable to the Panel.
- Panel supports reconfigured public space (retail forecourt) and clear and highly visible interface between ground floor retail on tower 1. The extent of deep soil and relocation of substation is commended.
- Panel supports reworking of public realm and building interface along Frog Lane. Panel commends the proponent in creating more contiguous soil volumes over structure in order to provide suitable root growth condition.
- With the revised unit configuration to include T4 and T5 (in place of townhouses) oriented to the north east, there is less activation along Ibis Street, and this is unfortunate. However, this layout does help minimise the impact of vehicular access, and benefits from the length of ramp required down to the basement being within the T5 building envelope. A suitable compromise might see there being access from Ibis Streets and Frog Lane to the T5 foyers, and while involving a dog-leg path, this could be resolved with landscape treatment and improve the quantum and layout of communal open space.

The application was given a 'green light' recommendation meaning the Panel supported the application in its current form and recommended that only minor changes are required, and the Panel does not need to review the application again.

The DEAP's full comments are included at Attachment 3.

### 2.5.3 Apartment Design Guide (ADG)

Parameter	Design criteria	Proposal/ comment	Compliance
Communal open space	25% site area, 50% direct sunlight for 2 hours between 9am and 3pm on 21 June	5,355sqm (excluding 481sqm through site link) or 46% of net developable area*. Required solar access achieved from 12pm.	Yes
Deep soil zone	7% site area with minimum dimension of 6m	813sqm or 7% of developable area*. Not fully compliant with 6m dimension. Some areas have 6m below ground dimensions, but 5m dimension at finished ground level. This is deemed satisfactory.	Yes – satisfactory on merit
Building separation	Over 25m (9+ storeys) = 24m between habitable rooms and balconies and 12m between non-habitable rooms.	Does not fully comply. Separations are follows: <ul style="list-style-type: none"> <li>• Towers 1 and 2 – 16.77m;</li> <li>• Towers 1 and commercial building – 12m (but commercial);</li> <li>• Towers 2 and 5 – 23.55m;</li> <li>• Towers 4 and 5 – 17.57m (but less than 9 storeys).</li> </ul> Proposal incorporates angling of windows so that visual privacy in direction of visibility is well in excess of 6m. The separation between towers 1 and 2 at level 4 (fifth storey) is less than 18m but has been mitigated by the addition of privacy screen to tower 1 to restrict overlooking. Similarly, within tower 1 at level 4 (fifth storey), there is a separation from the commercial building of 12m but mitigated by the addition of privacy screens to tower 1 to restrict overlooking. These screens have also been added to levels 2 and 3 in the corresponding location to ensure provide greater level of privacy from commercial building.	Satisfactory on merit
Parking	Compliance with Guide to Traffic Generating Developments	818 parking spaces proposed (see 7.6 for full details of parking)	Yes
Solar access	At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9am and 3pm on 21 June Maximum 15% receive no sunlight	70% (409) apartments receive at least 2 hours solar access; while 3% (19) apartments receive less than 15 minutes solar access	Yes
Cross ventilation	At least 60% of apartments are to be	60% (138 out of 230 in first nine storeys) are cross ventilated	Yes



	naturally cross ventilated in the first nine storeys		
Ceiling heights	Habitable – 2.7m; non-habitable – 2.4m	2.7m for habitable and minimum 2.4m for non-habitable	Yes
Apartment size	<ul style="list-style-type: none"> <li>• 1 bed – 50sqm</li> <li>• 2 bed – 70sqm</li> <li>• 3 bed – 90sqm</li> </ul>	<ul style="list-style-type: none"> <li>• 1 bed – 50-66sqm</li> <li>• 2 bed – 74-95sqm</li> <li>• 3 bed – 93-113sqm</li> </ul>	Yes
Room depths	Habitable – 2.5m x ceiling height; in open plan layouts maximum room depth is 8m from a window	Habitable rooms have satisfactory depths.	Yes
Layout	Master bedrooms – minimum 10sqm; other bedrooms – minimum 9sqm; Bedrooms – minimum dimension 3m; Living/dining room minimum widths – <ul style="list-style-type: none"> <li>• Studio and 1 bedroom – 3.6m</li> <li>• 2 and 3 bedroom – 4m</li> </ul>	Master bedroom sizes are larger than 10sqm; Other bedroom sizes are larger than 9sqm; minimum dimensions met. Living room widths are all appropriate.	Yes
POS and balconies	<ul style="list-style-type: none"> <li>• 1 bed – 8sqm, 2m min. depth</li> <li>• 2 bed – 10sqm, 2m min. depth</li> <li>• 3+ bed – 12sqm, 2.4m min. depth.</li> </ul>	All balconies are appropriately designed with regards to size and dimensions	Yes
Common circulation	<ul style="list-style-type: none"> <li>• Maximum 8 units off a circulation core;</li> <li>• Maximum 40 units sharing a single lift</li> </ul>	Tower 1 – <ul style="list-style-type: none"> <li>• Core 1 – 3 lifts; 33 levels; 218 apartments served; 9 apartments each typical level.</li> <li>• Core 2 – 2 lifts; 8 levels; 33 apartments served.</li> </ul> Tower 2 – <ul style="list-style-type: none"> <li>• Core 1 – 2 lifts; 26 levels; 165 apartments served; 8 apartments each typical level.</li> </ul> Tower 3 – <ul style="list-style-type: none"> <li>• Core 1 – 2 lifts; 21 levels; 133 apartments served; 8 apartments each typical level.</li> </ul> Tower 4 – <ul style="list-style-type: none"> <li>• Core 1 – 1 lift; 10 levels; 10 apartments served.</li> <li>• Core 2 – 1 lift; 10 level; 10 apartments served.</li> </ul> Tower 5 – <ul style="list-style-type: none"> <li>• Core 1 – 1 lift; 9 levels; 7 apartments served.</li> <li>• Core 2 – 1 lift; 9 levels; 7 apartments served.</li> </ul>	Satisfactory on merit

		A comprehensive elevator traffic analysis report, prepared by Schindler, and capacity for both towers, prepared by KONE Corporation, has been submitted in support of the application. The analysis concludes that the average wait time per passenger varies between 47.6 seconds – 57.9 seconds, and the average destination time per passenger is between 93.6 seconds and 119.0 seconds. This is considered acceptable.	
Universal design	<ul style="list-style-type: none"> <li>• Minimum liveable 20%</li> <li>• Minimum adaptable 10%</li> </ul>	117 (20%) are liveable; 61 (11%) are adaptable.	Yes
Storage	<ul style="list-style-type: none"> <li>• 1 bedroom – 6m3</li> <li>• 2 bedroom – 8m3</li> <li>• 3+ bedroom – 10m3.</li> </ul> 50% storage within unit	Appropriate levels of storage are provided through combination of in-apartment and parking area storage. A small number of apartments do not have 50% provided within the unit but meet minimum requirements through larger basement areas.	Yes

*\*Note: developable area excludes land for dedication for road widening and proposed roads/shareway = 11,525sqm*

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

NatHERS and BASIX assessments were undertaken by Northrop Consulting Engineers and submitted in support of the application.

The submitted NatHERS outlines a 6.0 rating for towers 1, 2 and 3, and a 6.4 rating for towers 4 and 5.

Two BASIX certificates (being certificate numbers 1050134M\_04 for towers 1, 2 and 3 and 105443M\_03 for towers 4 and 5, both dated 16 October 2020) achieve required pass scores.

Council's external sustainability consultant has reviewed all of these assessment and has noted that they are appropriate, with the exception that skylights were incorrectly modelled for the NatHERS assessment of towers 4 and 5 (described as clear single pane glass). Stamped plans have also not been received, but this can be addressed post-determination.

Notwithstanding the above, it is considered that the development can provide compliant NatHERS and BASIX design and thus appropriate conditions of consent have been imposed that requires revised certificates and stamped drawings prior to the issue of any construction certificate, and compliance with such commitments.

As such, the proposal is considered compliant with SEPP (BASIX) 2004.

## 2.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SREP (SHC) 2005 applies to the Parramatta local government area in its entirety. It aims to maintain Sydney Harbour for existing and future generations and establish balance between a working harbour, healthy and sustainable waterway environment, and recreational access by establishing principles and controls for the catchment as a whole.

The location and nature of the proposal means there are no specific controls, with the exception of the objective to improve water quality. That outcome will be achieved through the imposition of appropriate conditions to address the collection and discharge of water.

## 2.8 Auburn Local Environmental Plan 2010 (ALEP 2010)

The relevant requirements of ALEP 2010 have been considered in the assessment of the development application, as below.

Relevant clause	Proposal	Compliance
2.6 Subdivision	Consent for subdivision is sought.	Yes
2.7 Demolition	No demolition required.	N/A
Land use table B2 – Local Centre	The proposal is a 'mixed use development' incorporating residential apartments as 'residential flat building' and 'residential accommodation', and 'commercial premises'. All are permitted with consent in the B2 zone.	Yes
Zone objectives	<p>The proposal is considered to be consistent with the B2 objectives, namely:</p> <ul style="list-style-type: none"> <li>• To provide a range of retail, business, entertainment, and community uses that serve the needs of people who live in, work in and visit the local area.</li> <li>• To encourage employment opportunities in accessible locations.</li> <li>• To maximise public transport patronage and encourage walking and cycling.</li> <li>• To encourage high density residential development.</li> <li>• To encourage appropriate businesses that contribute to economic growth.</li> <li>• To achieve an accessible, attractive, and safe public domain.</li> </ul>	Yes
4.3 Height of buildings – 72m (west) and 42m (east)	<ul style="list-style-type: none"> <li>• Tower 1 – 94.25m;</li> <li>• Tower 2 – 72.15m;</li> <li>• Tower 3 – 61.66m;</li> <li>• Tower 4 – 20.88m</li> <li>• Tower 5 – 18m;</li> <li>• Commercial building – 30.67m.</li> </ul>	No – clause 4.6 supported
4.4 Floor space ratio – 3.5:1 (west) and 2.5:1 (east)	<p>The site has FSR controls of 3.5:1 and 2.5:1 (coordinated with HOB controls). This totals a maximum GFA of 54,412.84sqm.</p> <p>The development provides 54,412.84sqm of GFA and an FSR of 2.8:1.</p>	Yes
4.6 Exceptions to development standards	A clause 4.6 request has been submitted to support proposed variations to maximum building height, refer to 2.7.1 below for full discussion.	Yes
5.6 Architectural roof features	There are no architectural roof features that cause height exceedance.	N/A
6.1 Acid sulfate soils	<p>The site is identified as Class 5 and within 500m of land identified as Class 2.</p> <p>A geotechnical summary, prepared by WSP and dated 20 October 2017, explores the need for an Acid Sulfate Soil Management Plan (ASSMP) for the development, and concludes one is not necessary.</p>	Yes

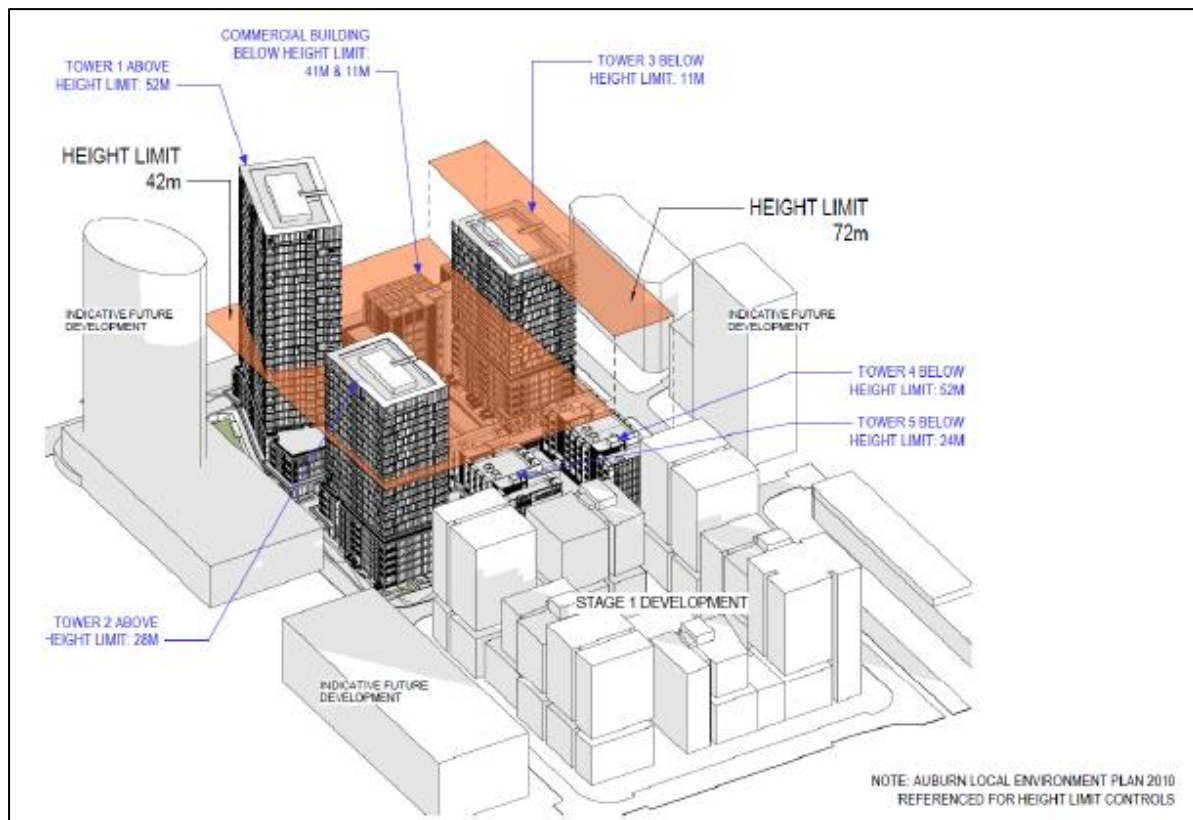
	<p>It outlines that based on a desktop assessment of the site's geology, soil, and acid sulfate soil risk maps; the site is considered to present very low likelihood of containing acid sulfate soils. The report outlines that these findings were confirmed by soil investigation work by WSP where borelogs indicated the soil was not acid sulfate soil to the depth of the shale beneath the site. The development includes excavation for basement. Based on soil borelogs, the majority of this excavation will be into the shale bedrock. With the exception of some perched water in the fill, no groundwater was detected above the shale bedroom. As such, it is unlikely that the excavation would require dewatering at a rate that would lead to significant dewatering of the surrounding leading to risk of potential acid sulfate soils developing offsite. As such, an ASSMP is deemed not necessary.</p>	
6.2 Earthworks	Earthworks proposed to create four basement levels, (approx. 10m).	Yes
6.3 Flood planning	The site is not flood liable land.	N/A
6.5 Essential services	All required services are available at the subject site. These services will be decommissioned/ diverted as necessary to enable construction, and then augmented as nominated by the relevant service provider to satisfy the increased demands generated by the proposal.	Yes
6.8 Arrangements for contributions to designated State public infrastructure (Carter Street Priority Precinct)	The applicant has obtained written certification that satisfactory arrangements have been made for contributions to designated State public infrastructure in the Carter Street precinct.	Yes

### 2.8.1 Evaluation of departure from ALEP 2010 maximum building height

#### Overview

The standard	Clause 4.3 of ALEP 2010, maximum height of buildings – 72m
Objectives of the standard	<p>(a) <i>to establish a maximum height of buildings to enable appropriate development density to be achieved, and</i></p> <p>(b) <i>to ensure that the height of buildings is compatible with the character of the locality.</i></p>
Extent of variation	The proposed encroachment in metres, and the percentage variation, is up to 52.25m (224%)





**Figure 8** – height plane study showing building elements above ALEP 2010 control

### Operational provisions

Cl.4.6, subcl.	Provision	Comment
(1) Objectives	<p>(a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i></p> <p>(b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances</i></p>	Noted.
(2) Operation of cl.4.6	The operation of clause 4.6 is not limited by clause 4.6(8) of ALEP 2010, or any other instrument.	Noted.
(3) Written request from applicant	<p>The applicant is to provide a written request seeking to justify contravention of the development standard. The request must demonstrate:</p> <p>(a) <i>that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i></p> <p>(b) <i>that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p>	Received – refer to Attachment 4.

### Matters for the consent authority to be satisfied

The matters that the consent authority is to be satisfied on are set out in clause 4.6(4) of ALEP 2010, as addressed below.

Cl.4.6(4)	Provision	Comment
(a)	<i>the consent authority is satisfied that:</i>	See comments below.

	<p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	
(b)	the concurrence of the Secretary has been obtained.	Concurrence of the Secretary assumed (Planning Circular PS 20-002, issued 5 May 2020).

### **Summary of the applicant's contentions**

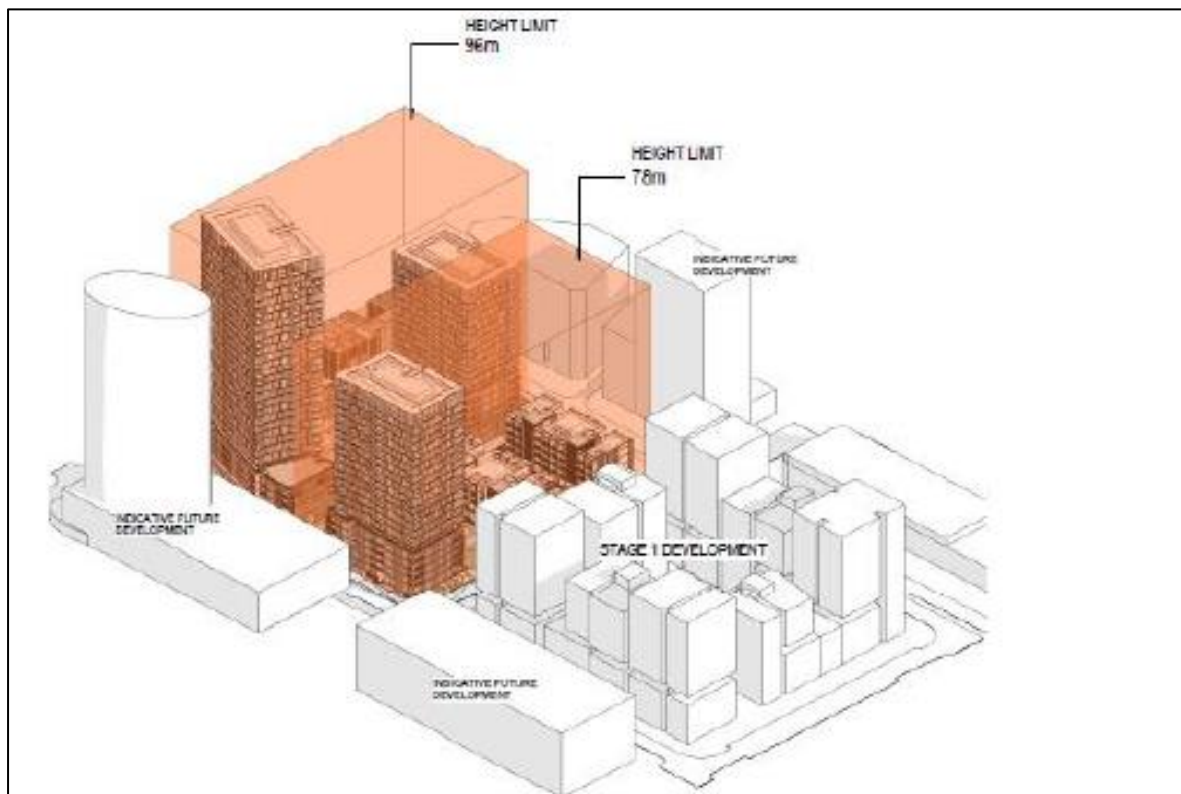
The applicant's contentions regarding environmental planning grounds to justify the non-compliance with the height development standard is summarised below (full clause 4.6 request is included at Attachment 4).

### **Evaluation**

The following heights are proposed, shown compared to current ALEP 2010 controls, and the exhibited draft amendments to ALEP 2010 (2020 master plan).

<b>Building</b>	<b>ALEP 2010 HOB</b>	<b>2020 master plan HOB</b>	<b>Proposed</b>	<b>Variation to ALEP 2010</b>	<b>Variation to 2020 master plan</b>
<b>Tower 1</b>	42m	96m	94.25m (RL107.05m)	52.25m (224%)	No variation
<b>Tower 2</b>	42m	78m	72.15m (RL82.65m)	30.15m (172%)	No variation
<b>Tower 3</b>	42m (east) and 72m (west)	96m	61.66m (RL70.45m)	19.66m (147%) (above 42m HOB only)	No variation
<b>Tower 4</b>	42m (east) and 72m (west)	78m	20.88m (RL30.35m)	No variation	No variation
<b>Tower 5</b>	42m (east) and 72m (west)	78m	18m (RL28.60m)	No variation	No variation
<b>Commercial building</b>	42m (east) and 72m (west)	96m	30.67m (RL0.05m)	No variation	No variation

If considering the exhibited 2020 master plan controls, no departures are proposed, as outlined in the following figure.



**Figure 9** – height plane study showing building elements against exhibited draft 2020 master plan heights

To assist the Panel with its consideration of the height variation, an assessment against the relevant case law established in the NSW Land and Environment Court (LEC) is provided below.

These cases establish tests that determine whether application of a development standard is unreasonable or unnecessary and whether there are environmental planning grounds.

*Requirement A – unreasonable and unnecessary (clause 4.6(3)(a) of ALEP 2010)*

In the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827, the Judgement identified five circumstances in which compliance with a development standard can be unreasonable or unnecessary, and stated that only one such way needed to be demonstrated. Those five ways are:

1. *The objectives of the development standard are achieved notwithstanding noncompliance with the standard.*
2. *The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
3. *The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
5. *The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant relies upon the first and third circumstance – that the objectives of the standard are achieved despite the requested departure, and that the underlying objective or purpose would be thwarted if compliance was required.

The first circumstance is further reviewed at Requirement C below.

The third circumstance requires demonstration that the underlying objective or purpose would be thwarted if compliance was required.

The proposal is entirely consistent with the exhibited 2020 master plan; thus, strict compliance with current ALEP 2010 controls would be contrary to the desired strategic direction for the precinct.

The proposal achieves the objectives of the B2 zone, primarily by providing a high density residential environment that is supported by a range of commercial uses (being the commercial building and various street level retail uses).

*Requirement B – environmental planning grounds (clause 4.6(3)(b) of ALEP 2010)*

In the case of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, the Judgement outlined that 'sufficient environmental planning grounds' for a clause 4.6 variation is more onerous than compliance with zone and standard objectives. The Judgement also established that the additional grounds had to be particular to the circumstances of the proposed development, and not merely grounds that would apply to any similar development.

In summary, the environmental planning grounds identified by the applicant to support the height variation, relative to a height compliant design are:

- Consistent with objectives of the height development standard and B2 zone;
- Aligns with the strategic intent for the precinct and is compatible and compliant with the exhibited revised 2020 master plan;
- Delivers an articulated and varied built form which achieves design excellence. High levels of resident amenity are provided and ADG satisfaction is demonstrated.
- If strict compliance was required with maximum building heights, GFA would be required to be redistributed at lower levels, which may compromise road corridors, internal shareway and through site pedestrian link. It may also create issues with building separations, visual and acoustic privacy, and residential amenity.

*Requirement (C) – Public Interest (clause 4.6(4)(a)(ii) of ALEP 2010)*

Public interest is determined with regard to objectives of the standard and the objectives of the zone. These matters are considered below:

The applicant relies upon the fact that the objectives of the development standard are achieved notwithstanding noncompliance with the standard.

Objectives of the height standard	
Provision	Comment
To establish a maximum height of buildings to enable appropriate development density to be achieved, and	LEP density control (FSR) is not breached. The design allows the allowable FSR to be achieved, but not exceeded. The proposal is consistent with the strategic intent for the site and precinct (the exhibited draft 2020 master plan).

To ensure that the height of buildings is compatible with the character of the locality.	The precinct is a discrete locality generally separated from other residential precincts by significant physical/ visual barriers such as the M4 Motorway and Haslams Creek. The proposal is consistent with the exhibited draft 2020 master plan and provides for a varied built form that achieves design excellence. The tower locations are compatible with the future character of the precinct.
Objectives of the zone	
Provision	Comment
To provide a range of retail, business, entertainment, and community uses that serve the needs of people who live in, work in and visit the local area.	Achieved – commercial uses in the form of a separate building and multiple street level retail tenancies are proposed to serve the community.
To encourage employment opportunities in accessible locations.	Achieved – commercial uses provide employment opportunities.
To maximise public transport patronage and encourage walking and cycling.	Achieved – located within walking catchment of existing railway station, and planned public transport upgrades, and supply of bicycle storage encourages active transport.
To encourage high density residential development.	Noted – the development provides high density residential development.
To encourage appropriate businesses that contribute to economic growth.	Achieved – commercial uses satisfy this.
To achieve an accessible, attractive and safe public domain.	Achieved – CPTED provisions are satisfied as well as universal accessibility.

### Conclusion

It is considered that the requested variations to the maximum height of building development standard can be supported given:

- It is not for the purpose of additional density;
- It is consistent with the intended strategic direction and future intent for the precinct by demonstrating consistency with the exhibited draft 2020 master plan;
- It is agreed that a poor planning outcome is unlikely to result;
- There are no adverse outcomes for the public domain;
- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

In reaching this conclusion regard has been had to the relevant LEC Judgements.

## 3. Draft Planning Instruments

### 3.1 Draft amendments to Auburn Local Environmental Plan 2010 (ALEP 2010)

In mid-2017, (now called) DPIE commenced a review of the planning controls for the Carter Street Precinct, in conjunction with its consideration of the Sydney Olympic Park Master Plan 2030.

The purpose of that review was to ensure the controls accommodated changes to the design of a proposed off ramp from the M4 Motorway and Parramatta Light Rail (stage 2) stop and terminus whilst still ensuring housing, employment and retail services within the Carter Street precinct. The amendments also proposed to insert a site-specific clause for the precinct requiring certain development to demonstrate design excellence.



The outcome was a revised Master Plan used to inform amendments to Auburn Local Environmental Plan 2010 (ALEP 2010) and Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016).

Public exhibition of the draft documents occurred between 7 September 2018 and 26 October 2018, and the draft was submitted for approval in early 2019.

In January 2019, DPIE undertook a targeted consultation process with landowners and Council to present various 'post exhibition changes' to the exhibited draft controls, and indicated that the draft instrument would be gazetted prior to the State election in March 2019, however that did not happen.

A revised draft Master Plan and amendments to ALEP 2010 was then prepared and placed on exhibition from 31 August 2020 until 28 September 2020.

The exhibited package shows the following for the subject site:

- No changes to land use zone (B2 – Local Centre);
- Changes to maximum height of buildings from 72m (west) and 42m (east) to 96m (south) and 78m (north);
- Changes to maximum floor space ratio from 3.5:1 (west) and 2.5:1 (east) to 2.8:1 (entire site).

The package also introduces an incentive clause whereby an additional uplift in height (to 109m (south) and 90m (north)) and FSR (to 3.17:1) can be supported if specific carparking rates are met (with the intent to minimise the provision of car parking). The uplift is not pursued in this current application.

It is important to note that the development has been designed in accordance with the revised draft 2020 Master Plan, particularly in regard to height.

The proposal exhibits design excellence in accordance with the amendments.

The amendments also include a new 'development framework' presumably to replace the existing CSPDCP 2016.

An assessment against relevant controls in the development framework is below.

<b>Part 2 – Vision</b>		<b>Complies</b>
2.1 Vision	The development is consistent with the vision of the precinct as a strategic centre with a mix of uses.	Yes
<b>Part 3 – Carter Street Precinct Master Plan</b>		
3.1 Development principles	<ul style="list-style-type: none"> <li>• The development contributes to a vibrant and activated village centre, and integrates pedestrian connections.</li> <li>• Built for, massing and heights respond to surrounding areas.</li> <li>• The proposal includes a diversity of dwelling sizes and provides diverse built form.</li> </ul>	Yes
3.2 Key precinct elements	<ul style="list-style-type: none"> <li>• The development is consistent with the table outlining key precinct elements, including high density residential, employment and retail/commercial land uses.</li> </ul>	Yes
<b>Part 4 – Structure plan</b>		<b>Complies</b>
4.1 Objectives	The development is consistent with the objectives of the structure plan.	Yes
4.2 Controls	<ul style="list-style-type: none"> <li>• The development provides a well-connected public street network.</li> </ul>	Yes

<b>Part 5 – Street network</b>		<b>Complies</b>
5.1 Objectives	<ul style="list-style-type: none"> <li>The development is consistent with the objectives of the street network.</li> </ul>	Yes
5.2 Controls	<ul style="list-style-type: none"> <li>The development proposes a street network in accordance with the relevant figures.</li> <li>The shareway is appropriately designed, and appropriate street trees and landscaping are proposed.</li> <li>The public domain works are satisfactory.</li> <li></li> </ul>	Yes
5.4 Uhrig Road	<ul style="list-style-type: none"> <li>The proposal includes provision for road widening for Parramatta Light Rail Stage 2 corridor protection.</li> </ul>	Yes
5.10 Laneways and shareways	<ul style="list-style-type: none"> <li>The shareway is appropriately design.</li> </ul>	Yes
<b>Part 6 – Public transport network</b>		<b>Complies</b>
6.1 Objectives	<ul style="list-style-type: none"> <li>The development is consistent with the objectives of the public transport network.</li> </ul>	Yes
6.3 Parramatta Light Rail	<ul style="list-style-type: none"> <li>The proposal includes provision for road widening for Parramatta Light Rail Stage 2 corridor protection.</li> </ul>	Yes
<b>Part 7 – Pedestrian and cycle network</b>		<b>Complies</b>
7.1 Objectives	<ul style="list-style-type: none"> <li>The development is consistent with the objectives of the pedestrian and cycle network.</li> </ul>	Yes
7.2 Controls	<ul style="list-style-type: none"> <li>Lockable bicycle racks and end-of-trip facilities are provided.</li> </ul>	Yes
7.3 Through site links	<ul style="list-style-type: none"> <li>The figure shows the subject site as a “key block for increased pedestrian permeability” and preferred for through site link.</li> <li>An appropriate through site link is provided.</li> </ul>	Yes
<b>Part 9 – Building setbacks</b>		<b>Complies</b>
9.1 Residential and mixed-use development	<ul style="list-style-type: none"> <li>The framework requires zero lot setback for all frontages except adjoining Ibis Street, which requires 5m minimum landscape setback.</li> <li>The development provides appropriate setbacks.</li> </ul>	Yes
9.2 Employment uses development	<ul style="list-style-type: none"> <li>The development proposes 0m setbacks for commercial uses.</li> </ul>	Yes
<b>Part 10 – Residential and mixed use development</b>		<b>Complies</b>
10.2 Building height and form	<ul style="list-style-type: none"> <li>The development proposes street wall heights in accordance with the relevant figure.</li> </ul>	Yes
10.3 Towers	<ul style="list-style-type: none"> <li>The development proposes appropriate towers, with footprints up to of approx. 962sqm for tower 1 and approximately 852sqm for towers 2 and 3.</li> <li>No towers exceed 45m length.</li> <li>The three towers (tower 4 and 5 excluded as low rise) are appropriately articulated and incorporate podiums.</li> </ul>	Yes
10.4 Public domain interface	<ul style="list-style-type: none"> <li>Buildings on street corners address both streets, and all apartments at street level are provided with direct access.</li> <li>The residential lobbies are generally at the same level as finished footpath level, and where floor level of apartments in tower 2 are higher than footpath, they are compliant with</li> </ul>	Yes

	<p>ADG.</p> <ul style="list-style-type: none"> <li>• Active retail uses are provided along Uhrig Road, and are designed to ensure appropriate pedestrian access and levels.</li> <li>• Awnings are proposed adjacent to all ground floor retail entries.</li> </ul>	
<p>10.5 Non-residential uses in village centre</p> <p>10.7 Active frontages</p>	<ul style="list-style-type: none"> <li>• Mixed use development is provided, but street frontages include retail and commercial tenancies and are appropriate activated.</li> <li>• Buildings that adjoin the village centre along Uhrig Road (i.e. towers 1, 3 and commercial building) provide activated street frontages. The block back from Uhrig Road (i.e. towers 2, 4 and 5) provide fully residential. This is considered appropriate.</li> <li>• “Secondary active frontages” are required for the portion of Stockyard Boulevard and Paddock Street north of Frog Lane. Towers 2, 4 and 5 (fully residential) are in this location, but provide appropriate levels of activity through residential lobbies and casual surveillance by overlooking.</li> </ul>	Yes
<p>10.8 Building design and façades</p>	<ul style="list-style-type: none"> <li>• Each street façade is provided with recesses and breaks to provide a scale and grain that reflects the mixed use nature of the buildings and entries.</li> <li>• All buildings are consistent in design and appearance, however, are not identical or mirror images of one another.</li> <li>• Corners of buildings are appropriately designed to address both frontages through appropriate architectural treatment.</li> </ul>	Yes
<p>10.9 Private and communal open space and landscaping</p>	<ul style="list-style-type: none"> <li>• Total common open space proposed is equal to 46% (approximately 5,355sqm, excluding 481sqm of through site link) of the net developable area/development block (Note: NDA excludes land for dedication for road widening and shareway). A minimum 30% is required by CSPDCP 2016, and 25% is required by ADG.</li> <li>• Common open space areas are located at ground level (central courtyard), retail forecourt adjoining Paddock Street, landscaped frontages, ground level areas between buildings of towers 4 and 5, level 5 of tower 1, and rooftops of towers 4 and 5.</li> <li>• The communal areas are appropriately designed with a range of facilities, including open lawns, lap pool and water play, lounge areas, poolside cabanas, BBQs and seating areas, sun lounges, vegetated planter boxes and terraced edges.</li> <li>• Common open space areas receive appropriate solar access and air flow.</li> <li>• CSPDCP 2016 does not specify a numerical minimum for deep soil zones. The development proposes 813sqm (7% of NDA) as deep soil.</li> <li>• A minimum 50% of communal open space is required to be softscaped; the development achieves compliance with this.</li> </ul>	Yes
<p>10.10 Vehicular access and car parking</p>	<ul style="list-style-type: none"> <li>• Proposed parking is provided across four basement levels and are successfully screened from the public domain.</li> <li>• Entry into the parking areas is from Ibis Street and is a clearly defined vehicular entrance, separate from pedestrian access points. Vehicular access point is integrated into the overall design, and does not detract aesthetically.</li> </ul>	Yes

	<ul style="list-style-type: none"> <li>• Single vehicular access point is provided to minimise conflict.</li> <li>• End of trip facilities are provided in the 'mezzanine' level of carpark.</li> <li>• A total of 818 parking spaces are proposed for the development.</li> <li>• See section 7.6 for full discussion of car parking and bicycle parking.</li> </ul>	
<b>Part 12 – Environmental management</b>		<b>Complies</b>
12.1 Sydney Olympic Park Events Impact	<ul style="list-style-type: none"> <li>• Relevant development approvals are required to note that residents are not able to complain in any forum to institute action against SOPA in relation to major events, and proximity to SOPA results in impacts of noise and lighting, restrictions etc associated with certain events.</li> <li>• The imposition of an appropriate condition of consent requiring an events covenant being registered on title is recommended.</li> </ul>	Yes
12.2 Acoustic assessment	<ul style="list-style-type: none"> <li>• An acoustic assessment, prepared by EMM, has been submitted in support of the application. The report has made recommendations for mitigation measures and has assessed noise intrusion in accordance with CSPDCP 2016.</li> <li>• The report has been assessed internally with no objections raised, subject to imposition of appropriate conditions of consent.</li> <li>• See section 7.4 for full discussion.</li> </ul>	Yes
12.3 Odour	<ul style="list-style-type: none"> <li>• The site is not located near current industrial lands.</li> </ul>	Yes
12.4 Safety and security	<ul style="list-style-type: none"> <li>• Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design, and structure of the built environment to reduce opportunities for crime and anti-social behaviour.</li> <li>• The proposal has been appropriately designed to limit the opportunity for anti-social behaviour and encourage safety and security.</li> <li>• See section 7.11 for full discussion of CPTED.</li> </ul>	Yes
12.5 Sustainability	<ul style="list-style-type: none"> <li>• NatHERS and BASIX assessments were undertaken and submitted in support of the application.</li> <li>• Appropriate conditions of consent have been imposed that requires revised certificates and stamped drawings prior to the issue of any construction certificate, and compliance with such commitments.</li> </ul>	Yes
12.6 Flooding	<ul style="list-style-type: none"> <li>• The site is not flood liable land.</li> </ul>	Yes
12.7 Stormwater (WSUD)	<ul style="list-style-type: none"> <li>• Two OSD tanks are provided within the development and is satisfactory in principle.</li> <li>• Rainwater capture and storage is proposed and is satisfactory in principle.</li> <li>• The WSUD system relies wholly on tanks containing proprietary end-of-pipe stormwater treatment devices, with no integration of WSUD into landscaping. As such, an appropriate condition of consent requiring this to be addressed to Council's satisfaction prior to the issue of a construction certificate is imposed.</li> </ul>	Yes
12.8 Wind mitigation	<ul style="list-style-type: none"> <li>• The development responds appropriately to wind mitigation.</li> <li>• See section 7.4 for full discussion of wind impacts.</li> </ul>	Yes

## 4. Development Control Plans

### 4.1 Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016)

An assessment of the proposal against the relevant controls in CSPDCP 2016 is provided below:

<b>Part 2 – Vision, principles and indicative structure</b>		<b>Complies</b>
2.1 Vision	The development is consistent with the vision of the precinct as a strategic centre with a mix of uses.	Yes
2.2 Development principles	The development is not inconsistent with the development principles.	Yes
2.3 Indicative structure plan	The development is not inconsistent with the indicative structure plan.	Yes
<b>Part 3 – Public domain</b>		<b>Complies</b>
3.1 Street network	A new 10m wide shareway (Frog Lane) is proposed which is consistent with the required street network. Crossovers for vehicular access do not conflict with pedestrian safety.	Yes
3.2 Pedestrian and cycle network	An on-road route is proposed along Uhrig Road. The development does preclude provision of this.	Yes
3.3 Public open space network	The proposed development includes land zoned RE1. The embellishment of the space will be subject to a future development application.	Yes
<b>Part 4 – Residential mixed use development</b>		<b>Complies</b>
4.1 Building height and form	<ul style="list-style-type: none"> <li>The development proposes five residential buildings as below: <ul style="list-style-type: none"> <li>○ Tower 1 – 29 storeys with a four storey podium;</li> <li>○ Tower 2 – 22 storeys with a five storey podium;</li> <li>○ Tower 3 – 19 storeys with a six storey podium;</li> <li>○ Tower 4 – 5 storeys;</li> <li>○ Tower 5 – 4 storeys;</li> <li>○ Commercial building – 7 storeys.</li> </ul> </li> <li>Heights are inconsistent with ALEP 2010, having been designed in accordance with exhibited draft 2020 master plan; the application is supported by a clause 4.6 request (held at Attachment 4).</li> <li>Tower building lengths are below 65m, and where greater than 30m, articulation is provided.</li> <li>Tower footprints are approx. 962sqm (tower 1) and 852sqm (towers 2 and 3). Despite numerical non-compliance, the development as a whole, including footprints, have been supported by DEAP as a result of the proposal's appropriate articulation, visually defined five podium, architectural recesses, and design.</li> <li>The towers will not unreasonably overshadow communal open space, public open space, or nearby developments.</li> <li>The podiums' designs differentiate the bulk of the podiums from the bulk of the towers. This reduces the perceived bulk of podium, giving satisfactory appearance and visual bulk from the street.</li> </ul>	Generally – but satisfactory on merit
4.2 Setbacks and public	<ul style="list-style-type: none"> <li>Significant articulation through use of balconies, recesses, and architectural features throughout all façades.</li> </ul>	Generally – but



domain interface	<p>Balconies vary in size, shape, and articulation to assist in satisfying this control. Materials and finishes help provide visual interest.</p> <ul style="list-style-type: none"> <li>• Setbacks required at the site are as below: <ul style="list-style-type: none"> <li>○ 0m setback for podium along Uhrig Road, Stockyard Boulevard and Paddock Street to Frog Lane, and Frog Lane;</li> <li>○ 3m setback above podium along Uhrig Road, and Stockyard Boulevard and Paddock Street to Frog Lane;</li> <li>○ 5m setback to block north of Frog Lane.</li> </ul> </li> <li>• The development proposes setbacks as below: <ul style="list-style-type: none"> <li>○ Tower 1 – 0m to Uhrig Road (when road widening is taken), varying along Paddock Street from 0m to create retail forecourt;</li> <li>○ Tower 2 – 2m to Paddock Street, 5m to Ibis Street, approx. 3.8m to Frog Lane;</li> <li>○ Tower 3 – 0m to Stockyard Boulevard, approx. 1.7m to Frog Lane;</li> <li>○ Tower 4 – 3m to Stockyard Boulevard, 5m to Ibis Street;</li> <li>○ Tower 5 – 5m to Ibis Street;</li> <li>○ Commercial building – 0m to Uhrig Road and Stockyard Boulevard.</li> </ul> </li> <li>• Additional setbacks above the podium along Uhrig Road, and Stockyard Boulevard and Paddock Street to Frog Lane are not provided for towers 1, 2 and 3. However, at the level above the podium, each tower has a level that is pulled in to provide the visual appearance of relief and define the podium structure (a 'recess level').</li> <li>• As such, some setback non-compliance exists across the development. However, as above, DEAP has supported the scheme as a whole.</li> <li>• The corner components have been appropriately designed with balconies providing articulation and recessing, assisting with perceived bulk of the buildings. Balconies provided on corners vary in size, configuration, and treatment to emphasise the corners. At ground level retail tenancies are provided.</li> <li>• One residential lobby is provided each for towers 1, 2 and 3, and two residential lobbies are provided each for towers 4 and 5. The commercial building has a separate lobby.</li> <li>• The retail tenancies are generally consistent with the levels of the footpath areas and pedestrian link. Slight variations exist; however, these spaces have been designed to be universally accessible.</li> <li>• A 3m deep canopy/awning is provided above retail tenancies and building entrances along the development's active frontages.</li> </ul>	satisfactory on merit
4.3 Building design and façades	<ul style="list-style-type: none"> <li>• Each street façade is provided with recesses and breaks to provide a scale and grain that reflects the mixed use nature of the buildings and entries.</li> </ul>	Yes
4.4 Private open space and landscaping	<ul style="list-style-type: none"> <li>• Total common open space proposed is equal to 46% (approximately 5,355sqm, excluding 481sqm of through site link) of the net developable area/development block (Note: NDA excludes land for dedication for road widening and shareway). A minimum 30% is required by CSPDCP 2016, and 25% is required by ADG.</li> </ul>	Yes

	<ul style="list-style-type: none"> <li>• Common open space areas are located at ground level (central courtyard), retail forecourt adjoining Paddock Street, landscaped frontages, ground level areas between buildings of towers 4 and 5, level 5 of tower 1, and rooftops of towers 4 and 5.</li> <li>• The communal areas are appropriately designed with a range of facilities, including open lawns, lap pool and water play, lounge areas, poolside cabanas, BBQs and seating areas, sun lounges, vegetated planter boxes and terraced edges.</li> <li>• Common open space areas receive appropriate solar access and air flow.</li> <li>• CSPDCP 2016 does not specify a numerical minimum for deep soil zones. The development proposes 813sqm (7% of NDA) as deep soil.</li> <li>• A minimum 50% of communal open space is required to be softscaped; the development achieves compliance with this.</li> </ul>	
4.5 Vehicular access and car parking	<ul style="list-style-type: none"> <li>• Proposed parking is provided across four basement levels and are successfully screened from the public domain.</li> <li>• Entry into the parking areas is from Ibis Street and is a clearly defined vehicular entrance, separate from pedestrian access points. Vehicular access point is integrated into the overall design, and does not detract aesthetically.</li> <li>• Single vehicular access point is provided to minimise conflict.</li> <li>• End of trip facilities are provided in the 'mezzanine' level of carpark.</li> <li>• A total of 818 parking spaces are proposed for the development.</li> <li>• See section 7.6 for full discussion of car parking and bicycle parking.</li> </ul>	Yes
4.6 Acoustic assessment	<ul style="list-style-type: none"> <li>• An acoustic assessment, prepared by EMM, has been submitted in support of the application. The report has made recommendations for mitigation measures and has assessed noise intrusion in accordance with CSPDCP 2016.</li> <li>• The report has been assessed internally with no objections raised, subject to imposition of appropriate conditions of consent.</li> <li>• See section 7.4 for full discussion.</li> </ul>	Yes
4.7 Safety and security	<ul style="list-style-type: none"> <li>• Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design, and structure of the built environment to reduce opportunities for crime and anti-social behaviour.</li> <li>• The proposal has been appropriately designed to limit the opportunity for anti-social behaviour and encourage safety and security.</li> <li>• See section 7.11 for full discussion of CPTED.</li> </ul>	Yes
4.8 Sydney Olympic Park event impacts	The imposition of an appropriate condition of consent requiring an events covenant being registered on title is recommended.	Yes
4.9	• CSPDCP 2016 reverts to adaptable housing controls in	Yes

Adaptable housing	ADCP 2010, which requires 59 adaptable dwellings in the proposal. • 61 adaptable dwellings are proposed.	
<b>Part 6 – Environmental management</b>		<b>Complies</b>
6.1 Sustainability	<ul style="list-style-type: none"> <li>NatHERS and BASIX assessments were undertaken and submitted in support of the application.</li> <li>Appropriate conditions of consent have been imposed that requires revised certificates and stamped drawings prior to the issue of any construction certificate, and compliance with such commitments.</li> </ul>	Yes
6.2 Flooding	The site is not flood liable land.	N/A
6.3 Stormwater (WSUD)	<ul style="list-style-type: none"> <li>Stormwater will be managed via on-site detention systems (tanks below Tower 4 communal open space and below Tower 3 communal open space) and is satisfactory in principle.</li> <li>Rainwater capture and storage is proposed and is satisfactory in principle.</li> <li>The WSUD system relies wholly on tanks containing proprietary end-of-pipe stormwater treatment devices, with no integration of WSUD into landscaping. As such, an appropriate condition of consent requiring this to be addressed to Council's satisfaction prior to the issue of a construction certificate is imposed.</li> </ul>	Yes

## 5. Planning agreements or contributions plans

### 5.1 Planning agreement

An agreement under section 93F of the EP&A Act 1979 was executed on 18 November 2015 between the Minister for Planning and various property owners within the Carter Street Priority Precinct. Two obligations rise from the VPA, as discussed below.

#### Payment of development contributions

The agreement requires payment to DPIE of a contribution amount for all allowable gross floor area (GFA), with those funds put towards the provision of designated State public infrastructure to satisfy the needs arising from the development of the Precinct.

This matter is addressed in clause 6.8 of ALEP 2010, which provides that consent must not be granted unless the Secretary has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development.

The applicant has obtained written certification that satisfactory arrangements have been made for contributions to designed State public infrastructure in the Carter Street precinct.

### 5.2 Carter Street Precinct Development Contributions Plan 2016

The agreement executed by the Minister for Planning for the Carter Street Priority Precinct specifically notes that it does **not** exclude the operation of section 7.12 (previously 94A of EP&A Act 1979).

The land therefore remains the subject of the Carter Street Precinct Development Contributions Plan 2016 (CP 2016), which operates for the purposes of section 7.12 of the EP&A Act 1979. It provides as follows:

- Clause 9 – the rate of contribution is 1% of the cost of development.
- Clause 13 – Plan applies to all applications for development under Part 4 of the Act.
- Clause 14 – no exemptions are relevant for this application.
- Clause 17 – cost of development calculated as per clause 25J of the EP&A Regulation.
- Clause 22 – payment to be made at time specified in the Notice of Determination.

The total cost of development is \$207,863,087.00. An appropriate condition requiring a 1% contribution is included in the recommendation.

## **6. The Regulations**

The recommendation of this report includes conditions to ensure compliance with the Regulation.

## **7. The likely impacts of the development**

The likely impacts of the development have been considered in this report, and the proposal is considered satisfactory.

### **7.1 Context and setting**

The NSW Land and Environment Court (LEC) planning principle on compatibility of proposal with surrounding development, established in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191, 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.*

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

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

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

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

- It provides a mix of land uses contemplated and permissible by the planning controls;
- Site planning locates built elements in suitable locations, avoiding negative amenity outcomes for adjoining areas;
- Scale, form, and presentation is generally consistent with applicable planning controls;
- Heights are inconsistent with ALEP 2010; however, the proposal has been designed to be consistent with the exhibited draft 2020 revised master plan and associated amendments to ALEP 2010, thus consistent with desired strategic direction for the precinct;
- Design and site planning resolves issues raised by the DEAP;
- Public domain treatment will be satisfactory;
- Operational characteristics of the site will not result in adverse impacts for adjacent

sites or the wider locality.

## **7.2 Site works**

### *Services*

All required services are available. These services will be decommissioned/diverted as necessary to enable construction, and then augmented as nominated by the relevant service provider to satisfy the increased demands generated by the proposal.

## **7.3 Site design and internal design**

### *Setbacks and built form*

CSPDCP 2016 requires an additional 3m setback for tower elements above the podium along Uhrig Road, and Stockyard Boulevard and Paddock Street to Frog Lane. Departures from this control are proposed for tower components.

A 7m setback is proposed along Uhrig Road which takes into consideration potential road widening (to accommodate possible Parramatta Light Rail stage 2 as identified in draft amendments to ALEP 2010).

The design incorporates articulation through use of balconies, recesses, and architectural features throughout the scheme and along all façades.

Each apartment includes a balcony that varies in size, shape, and articulation to assist in providing a varied and satisfactory appearance.

The development provides a built form outcome that is typical of mixed use development that incorporates residential accommodation, and is compatible with its setting in the Carter Street priority precinct.

Overall, 583 residential apartments, 3,713sqm of commercial space and 1,599sqm of retail space is provided.

Council's Design Excellence Advisory Panel has supported the built form of the scheme (refer to section 2.5.2 of this attachment).

### *Height, bulk, and scale*

The bulk and scale of the proposal is consistent with the outcomes expected by the draft precinct planning controls that have been exhibited, and consistent with the strategic direction of the precinct. This is considered satisfactory on merit.

The design has been the subject of review by DEAP, which is now satisfied that the built form outcome is appropriate and of high aesthetic quality.

The heights are in excess of current controls, but compliant with draft controls. The written request to vary the maximum height of buildings via clause 4.6 of ALEP 2010 is considered appropriate in this instance.

### *External materials, schedule of finishes*

The schedule of external materials and finishes has been the subject of review by relevant sections of Council and DEAP and is considered satisfactory.

### *Accessibility*



Council's universal design and access project officer as reviewed the application and is satisfied that the development achieves universal access.

The development provides 61 adaptable dwellings.

### *Landscaping*

Council's tree management and landscape officer is satisfied with the landscape treatment for the private elements of the proposal, including communal open space areas. The communal open spaces satisfy the ADG.

### *Reflectivity*

The application is supported by a glare and reflectivity report, prepared by SLR, and dated 28 September 2020. The report has identified areas that may be affected by glare, and that initial calculations show that with uninterrupted glazed façades, there will be some adverse glare for motorists on Edwin Flack Avenue and Uhrig Road, and some perceptible glare for pedestrians around the site facing towards the development.

SLR then provides numerous mitigation techniques that are to be incorporated into the design to assist with reducing adverse glare impacts. These include:

- Glazing with reflectivity coefficient of less than 10% on southeast, south, southwest, and west facing façades;
- Glazing with reflectivity coefficient of less than 15% on all other façades;
- Lower level balustrades to retain non-glazed design;
- Full height balcony walls and balustrades identified to retain mitigating features such as screens and fins;
- Proposed façade wing walls to be retained;
- Setbacks of glazing from external façade to be retained;
- Proposed awnings to be retained;
- Development to retain proposed orientation of glazing, with no glazing inclined by more than 20 degrees to the vertical to be added; and
- Proposed landscaping to be retained.

The report was reviewed by Council's external consultant who has raised some minor concerns with the report.

As a result, it is recommended that a condition be imposed that requires the applicant to submit detailed calculations and analysis (including assessment of key viewpoints and line of sight) to confirm solar reflections do not adversely impact approaching motorists and pedestrians. These details demonstrating compliance are to be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager prior to the issue of the relevant construction certificate.

## **7.4 Amenity considerations**

### *Acoustic privacy and noise intrusion from adjacent sources*

An acoustic assessment, prepared by EMM, has been submitted in support of the application. The report assesses the likely noise impact and makes recommendations to ensure internal noise levels are complied with.

As JQZ's Stage 1 is currently under construction, EMM have used background ambient noise results from 2016, as the 2020 measurements were dominated by construction noise and

neighbouring construction sites. This is considered appropriate.

The report identified that residents will be exposed to louder internal noise levels as a result of entertainment noise, which will “only occur temporarily and is particular to the area”. However, as a result, glazing recommendations must be adhered to. Glazing recommendations have also been provided for the commercial building to achieve maximum internal noise level (daytime only) of 45 dBA or satisfactory level of 40 dBA in accordance with AS2107.

The report outlines that the development is capable of complying with the relevant noise criteria in CSPDCP 2016. The development is seeking support to use the “maximum” internal noise criteria in CSPDCP 2016 (45 dBA in living and working areas, 40 dBA in sleeping areas). The report has been assessed internally by the relevant section of Council who agrees that this can be accepted in this instance as the entertainment noise is in fact temporary and expected of the area and that windows could remain open at all other times without compromising acoustic amenity.

The report specifically references CSPDCP 2016, and recommends mitigation measures as follows:

- Specific requirements for external walls and roof construction to have acoustic performance of no less than Rw 45;
- Specific glazing and ventilation requirements;
- Intertenant partition walls, floors/ceilings and entry doors must be constructed to BCA requirements;
- A construction noise and vibration management plan and community consultation;
- Adoption of general noise management practices;

The report has been assessed internally with no objections raised, subject to imposition of appropriate conditions of consent.

#### *Noise from adjacent Sydney Olympic Park stadium precinct*

This issue was the subject of particular concern by SCCPP in October 2017 when determining a separate development application on another site in Carter Street. SCCPP was concerned about any potential conflict arising from high density development in the Carter Street precinct and the Olympic Park precinct.

Compliance with CSPDCP 2016 maximum noise criteria is demonstrated and appropriate conditions have been imposed to ensure compliance with the submitted acoustic report.

In addition, the imposition of an appropriate condition of consent requiring an events covenant being registered on title is recommended.

#### *Wind*

An environmental wind tunnel study, prepared by SLR and dated 14 August 2020, has been submitted in support of the application.

Wind conditions in various locations across and adjacent to the subject site will increase as a result of the development.

The wind tunnel study adopts the Lawson Wind Acceptability Criteria for **comfort levels**. Under the Lawson model, the following wind speed thresholds (measured in Gust Equivalent Mean – GEM) are outlined:

Comfort level	GEM wind speed 5% annual exceedance	Description
C5	2.5m/sec	Dining
C4	4m/sec	Sitting (suitable for promenades, recreation areas with seating etc.)
C3	6m/sec	Standing (suitable for waiting for relatively short periods e.g. building entrances, bus stops, crossings etc.)
C2	8m/sec	Leisure walking (strolling, window shopping etc.)
C1	10m/sec	Business/purpose walking (e.g. pedestrian traffic)
CX	>10m/sec	Exceeds comfort criteria (i.e. winds whose force can be felt by the body and where walking starts to become inconvenient for certain pedestrians)

The wind tunnel study adopts the Melbourne Wind Acceptability Criteria for **safety levels**. Under the Melbourne model, the following wind speed thresholds are outlined:

- 24m/s – knockdown in isolated areas (safety criteria);
- 23m/s – knockdown in public access areas (safety criteria).

The wind tunnel study utilised a total of 44 sensors within and around the development site, and tested the locations against the Lawson model for comfort, and Melbourne model for safety.

The following conclusions are made:

- No areas have the potential to experience winds which exceed the CX comfort criterion;
- The higher C1 locations are the intersection of Paddock and Ibis streets, and along Frog Lane near the south-western corner of Tower 2.
- The C2 locations are primarily along the street frontages of Uhrig, Paddock, Stockyard, and Ibis, and along the Frog Lane shareway; and
- No locations exceed the 23m/sec safety criterion (Melbourne-model).

The wind study achieves the above by recommending various mitigation strategies, including landscaping/street trees, awnings, pergolas, and vertical screens.

The wind study was externally reviewed by a wind consultant engaged by Council. The review concludes that no locations around the development would fail the safety criterion, and the study has demonstrated that the development generally satisfies the target wind comfort criteria with mitigation strategies.

It is considered that the expected wind impacts are appropriate provided the mitigation methods are implemented. Appropriate conditions of consent are included in the recommendation to ensure compliance with the wind study and mitigation measures are implemented appropriately.

### *Overshadowing*

The proposal has been accompanied by diagrams demonstrating shadows cast within, and beyond, the development site at the winter solstice.

Due to the orientation of the site and the location of towers, the majority of shadows will fall over towards the southern property, Uhrig Road and the development on the opposite side of Uhrig Road.

Also due to the orientation of the site and location of towers, the shadows cast will not result in any major or unreasonable impacts on the residential apartments on the opposite side of Uhrig Road.

Although some overshadowing of the communal open space will result, it is considered that it will receive appropriate solar access.

Solar access diagrams indicate that 70% of residential apartments will receive a minimum 2 hours of sunlight between 9am and 3pm on 21 June to their private open spaces and living rooms, and 3% of residential apartments will receive less than 15 minutes of sunlight to these areas at the same time. This is compliant with the ADG.

## 7.5 Public domain

*Relationship with Uhrig Road, Paddock Street, Ibis Street, Stockyard Boulevard and Frog Lane*

A positive public domain relationship between the development and its street frontages will result as follows:

- Buildings have a satisfactory interface between ground floor levels and levels of adjoining public areas.
- All vehicular entry is limited to Ibis Street. Vehicular access does not interfere with general pedestrian access.
- Service areas are integrated into the building and do not dominate the streetscape or undermine the design of the development.
- Parking areas are located within basement levels, screened from public view.
- Overlooking from apartments and retail tenancies to all frontages provides passive and casual surveillance of the public realm and improves actual and perceived safety.
- Architectural design and treatment will achieve suitable streetscape presentation.
- Appropriate landscape treatments to frontages to contribute to the public domain.

## 7.6 Access, transport, and traffic

*Car parking supply – generally*

The development proposes a total of 818 parking spaces, representing:

- 643 spaces for residential apartments (including 58 accessible);
- 117 spaces for residential visitors (including 5 accessible);
- 58 spaces for commercial and retail (including 5 accessible).

This is generally compliant with the requirements of CSPDCP 2016.

*Car parking supply – residential apartments*

CSPDCP 2016 provides the following **maximum** parking rates for residential apartments:

Apartment	Maximum rate	No. proposed	Max. spaces	Provided
1 bedroom	1 space per dwelling	131	131	643
2 bedroom	1 space per dwelling	393	393	
3 bedroom	2 spaces per dwelling	59	118	
Visitors	0.2 spaces per dwelling	583	117	117
TOTAL			759	760

The development proposes 760 spaces for the residential component (643 for residents, 117 for visitors).

A condition of consent has been imposed to ensure that only 642 spaces are provided for

residential use (totalling 759 spaces with the 117 visitor spaces). The additional space is to be allocated to commercial/retail which is provided below the relevant maximum (see below).

#### *Car parking supply – commercial and retail*

CSPDCP 2016 requires a maximum 1 space per 80sqm for commercial premises and a maximum 1 space per 50sqm for the local retail tenancies.

There is 3,713sqm of commercial space and 1,599sqm retail space. These require 46 spaces and 32 spaces for commercial and retail respectively (total maximum of 78 spaces).

58 spaces are proposed for the commercial and retail component, less than the maximum, which is acceptable.

#### *Bicycle parking supply*

CSPDCP 2016 requires a minimum of 659 bicycle spaces (583 for residential, 49 for residential visitors, 19 for commercial staff, 4 for commercial visitors and 4 for retail).

The development proposes 659 bicycle spaces.

#### *Parking access and design*

The application has been reviewed by Council's traffic engineer who has outlined that the layout and dimensions of parking spaces and aisle widths are satisfactory. Parking spaces are 2.4m wide and are 5.4m long. Accessible spaces include a dedicated space and an adjoining shared space with bollard. Aisle widths are 5.8m.

At blind aisles, aisles are extended 1m beyond the last parking space and a minimum 300mm space is provided where the side of space adjoins a wall or column.

The above configurations are considered appropriate, subject to imposition of appropriate conditions, including requiring compliance with AS 2890.1.

#### *Service vehicle access*

Council's traffic engineer has reviewed the proposed arrangements for service vehicles into the site and confirm it to be satisfactory. Two loading bays are provided for vehicles up to a 12.5m long heavy rigid vehicle. Six service vehicle bays for vans are provided.

#### *Construction traffic*

A Construction and Pedestrian Traffic Management Plan is to be submitted prior to works commencing.

#### *Operational traffic*

The application is supported by a traffic report which includes a forecast for future traffic generation.

The report estimates that the development will generate 182 vehicles per hour (vph) inbound trips, and 274 vph outbound trips during the evening peak hour.

The report also indicates that an intersection capacity assessment has been conducted at the intersection of Uhrig Road with Stockyard Boulevard by using the SIDRA Intersection 8.0 modelling package to assess the traffic effects of the proposed development on the local road network.

Based on the results of the SIDRA modelling, the report concludes that the traffic generated by the subject proposed development (with consideration to cumulative traffic arising from the Carter Street precinct, especially JQZ's stage 1 development) would not result in any adverse impacts on the surrounding road network.

The traffic report and application as a whole has been assessed by the relevant section of Council who generally agrees with the findings of the report and holds no objection to the proposed development, subject to imposition of appropriate conditions of consent.

## **7.7 Water management**

### *Water quality during construction*

This matter is addressed by conditions in recommendation of this report.

### *On-site stormwater collection and disposal*

Two OSD tanks are provided within the development and is satisfactory in principle. Rainwater capture and storage is proposed and is satisfactory in principle.

The WSUD system relies wholly on tanks containing proprietary end-of-pipe stormwater treatment devices, with no integration of WSUD into landscaping.

Council's internal catchment development engineer has reviewed the proposal and has recommended the imposition of appropriate conditions of consent to ensure a suitable stormwater system is provided, including integration of WSUD measures.

As such, an appropriate condition of consent requiring this to be addressed to Council's satisfaction prior to the issue of a construction certificate is imposed. The imposition of such will ensure an appropriate stormwater concept for the site.

## **7.8 Waste management**

An operational waste management plan, prepared by Elephants Foot Recycling Solutions (dated 10 August 2020), was submitted in support of the application, and details the following three objectives:

- Promote responsible source separation;
- Ensure adequate waste provisions and robust procedures; and
- Compliance with all relevant codes, policies, and guidelines.

All waste facilities have been designed to be compliant with Council's Waste Management Guidelines for New Development Applications 2016, Australian Standards, and relevant statutory requirements.

Relevant sections of Council, including Waste Services and the Environmental Health sections, have reviewed the documentation, and have raised no objection to the proposed process.

Imposition of appropriate conditions of consent is recommended.

## **7.9 Construction management**

### *Construction management*



A construction management plan (CMP) prepared by JQZ Design, and dated 26 November 2019, was submitted in support of the application.

The CMP addresses the following matters:

- Loading/unloading working zones;
- Site entries;
- Site amenities and parking;
- Fencing and gates;
- Direction of traffic;
- Locations of tower cranes and man and material hoists;
- Sediment fences.

#### **7.10 Social and economic impacts**

No adverse impacts have been identified.

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

Crime Prevention Through Environmental Design (CPTED) is a recognised crime prevention strategy that focuses on the planning, design and structure of the built environment to reduce opportunities for crime and anti-social behaviour.

CPTED has four key principles:

1. Natural surveillance
2. Access control
3. Territorial re-enforcement
4. Space and activity management

Evaluation of the application against above principles indicates that due regard has been given to those considerations, as below.

<b>Principle</b>	<b>Comment</b>
Natural surveillance	<ul style="list-style-type: none"><li>• The pedestrian link provides appropriate sightlines.</li><li>• Retail tenancies provide activation.</li><li>• All frontages have balconies and windows overlooking the public domain, increasing supervision and surveillance. The apartments are residential in nature, indicating some permanency of residents and increase natural surveillance where SOP is very visitor-focussed.</li><li>• Commercial building adds an additional level of surveillance during working hours.</li><li>• Security and casual lighting are integrated into the development to ensure spaces are appropriately lit.</li></ul>
Access control	<ul style="list-style-type: none"><li>• Wayfinding within the development is eligible, and multiple lobbies are proposed.</li><li>• The public domain is limited to ground level with discernible access points for separate uses.</li><li>• Physical separation of spaces is included, and access is controlled via swipe card readers or similar.</li><li>• Design includes physical barriers to reduce unauthorised access.</li></ul>
Territorial reinforcement	<ul style="list-style-type: none"><li>• The proposal provides actual boundary markers (including entries and exit) and will provide a sense of guardianship and ownership through maintenance of spaces.</li><li>• There is a clear delineation between public and private spaces by physical separation, visual cues and similar.</li></ul>

	<ul style="list-style-type: none"> <li>• Internal spaces are controlled through use of signage, physical cues, physical separation, and landscape features.</li> <li>• Visual cues include display of security signage and CCTV cameras, motion sensor lighting, and placement of amenities in open public areas to promote activity away from private spaces.</li> </ul>
Space and activity management	<ul style="list-style-type: none"> <li>• Maintenance is supported by use of high-quality materials and limiting opportunities for vandalism and graffiti.</li> <li>• Procedures to ensure speedy removal of graffiti and rectification of vandalism.</li> </ul>

To ensure a suitable outcome is achieved, the recommendation requires the following CPTED measures to be included:

- Mailboxes inside private spaces fitted with access control, and fitted with non-master key locks or electronic access;
- Installation and maintenance of CCTV at entrance and exits points, communal areas and basements;
- Access control measures for parking areas;
- Secure apartment storage areas in basements;
- Internal and external lighting to Australian Standards;
- Way finding measures within the parking levels.

## 7.12 Pipelines and associated impacts

Upon preparation of draft amendments to CSPDCP 2010, the (then) Department of Planning and Environment (DPE) engaged Arriscar Pty Ltd to prepare a Land Use Safety Study (LUSS) to estimate the risks posed by existing pipelines.

The draft master plan and urban design report for the precinct provided the following figure, showing two pipeline corridor setback areas: Area 1 and Area 2.

Area 1 shows land where residential land uses are not suitable (shaded light blue). Area 2 shows where sensitive land uses (such as childcare centres) are not suitable (shown with diagonal hatching). The subject site (shown in orange) is outside of both areas, meaning the proposed land uses are suitable.

As such, the proposal is considered satisfactory having regard to the pipelines in the Carter Street precinct.



Two submissions were received during notification of the application (two in the first notification period; zero in the second notification period). The issues and Council response are provided below.

Summarised issue	Response
<i>Objection 1</i>	
<p>There are a lot of residential properties without proper transport. The buses are busy in peak hours (especially the 525 and 526 which link the residences to Strathfield station). This is already an issue; worried about the transportation and number of parking spaces in this area when further apartments are established.</p> <p>Direct trains from Olympic Park towards the city circle and Parramatta should be considered to reduce crowdedness in buses.</p> <p>The light rail should link up to this area from Parramatta ASAP.</p>	<p>The proposed development currently proposes a compliant number of car parking spaces. It is acknowledged that provision for the Parramatta Light Rail Stage 2 is secured by the development's land dedication along Uhrig Road.</p> <p>The NSW Government also has information online regarding a potential Metro Station at Sydney Olympic Park.</p> <p>Both of these projects are the responsibility of the State Government (Transport for NSW, Sydney Metro) and are being pursued currently. At present however, the subject site is located within walking distance to Sydney Olympic Park railway station and a number of bus stops.</p> <p>In addition, the precinct as a whole has strategic objectives to increase active transport, and a proposed on-road cycle route runs along Uhrig Road, and a proposed off-road cycle route runs along Stockyard Boulevard.</p>
<p>Due to the substantial increase in the number of residences, there are not enough parks around. Should either use the current open space for leisure activities with more greens and less apartments.</p>	<p>The revised Carter Street masterplan and associated zoning map shows spaces of RE1 – Public Recreation across the precinct: adjoining the proposed school site, towards the north of the precinct, in the town centre (across the road from this proposal) and on Flock Street. Some of these spaces are already provided (e.g. on Flock Street).</p> <p>The subject site is located in very close proximity to a variety of active and passive recreational opportunities in Sydney Olympic Park, and provides appropriate communal open space within the development for residents.</p>
<i>Objection 2</i>	
<p>As the owner of the site situated immediately to the east of the subject site, we note that the built form proposed involves a breach of the applicable height control for the site. The maximum building height proposed exceeds the height control specified in ALEP 2010 and instead responds to the proposed height limits set out in the draft amendment to Carter Street precinct masterplan, as publicly exhibited from 7 September 2018.</p>	<p>The development has been designed to be compliant with the revised draft master plan and amendments to ALEP 2010, which was exhibited from 31 August 2020 until 28 September 2020.</p> <p>A clause 4.6 written request to vary the current ALEP 2010 controls which is consistent with the revised amendments, has been submitted and supported.</p> <p>The amendments to ALEP 2010 have statutory weight pursuant to section 4.15(1)(a)(ii). As such, council considers the proposal consistent with the strategic direction and future intent for the precinct.</p>
<p>No objection in principle to the details of the application. However, in the interests of transparency, we believe that a consistent and logical approach to the</p>	

assessment of DAs should be applied to all sites. In this regard, should Council be minded to approve the departure to the height limit for 5 Uhrig Road, we believe that the same approach should be applied to our sites.	
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#### **10. Disclosure of Political Donations and Gifts**

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

## ATTACHMENT B – CONDITIONS OF CONSENT

### GENERAL MATTERS

#### Planning and general

- The development is to be carried out in accordance with the following **architectural plans** prepared by BVN, 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:

Drawing no. and revision	Title	Dated
AR-SX-A20 XX-03, rev: 4	Site setback controls	28 October 2020
AR-SX-A20 XX-05, rev: 10	Site plan	28 October 2020
AR-SX-A20 XX-06, rev: 2	Active frontage	28 October 2020
AR-SX-A20 XX-07, rev: 2	Building façade length and canopy projections	18 September 2020
AR-SX-A20 XX-10, rev: 5	Site elevations – north and south	18 September 2020
AR-SX-A20 XX-11, rev: 5	Site elevations – east and west	18 September 2020
AR-SX-B10-00-000, rev: 29	South – lower ground	28 October 2020
AR-SX-B10-00-00, rev: 32	South – upper ground	28 October 2020
AR-SX-B10-01-00, rev: 22	South – level 01	28 October 2020
AR-SX-B10-02-00, rev: 28	South – level 02	28 October 2020
AR-SX-B10-03-00, rev: 22	South – level 03	28 October 2020
AR-SX-B10-04-00, rev: 22	South – level 04	28 October 2020
AR-SX-B10-05-00, rev: 22	South – level 05	28 October 2020
AR-SX-B10-06-00, rev: 22	South – level 06	28 October 2020
AR-SX-B10-07-00, rev: 20	South – level 07	28 October 2020
AR-SX-B10-08-00, rev: 9	South – level 08	28 October 2020
AR-SX-B10-09-00, rev: 9	South – level 09	28 October 2020
AR-SX-B10-10-00, rev: 10	South – level 10	28 October 2020
AR-SX-B10-11-00, rev: 9	South – level 11	28 October 2020
AR-SX-B10-12-00, rev: 9	South – level 12	28 October 2020
AR-SX-B10-13-00, rev: 12	South – level 13	28 October 2020
AR-SX-B10-14-00, rev: 12	South – level 14	28 October 2020
AR-SX-B10-15-00, rev: 9	South – level 15	28 October 2020
AR-SX-B10-16-00, rev: 10	South – level 16	28 October 2020
AR-SX-B10-17-00, rev: 12	South – level 17	28 October 2020
AR-SX-B10-18-00, rev: 11	South – level 18	28 October 2020
AR-SX-B10-19-00, rev: 10	South – level 19	28 October 2020
AR-SX-B10-20-00, rev: 9	South – level 20	28 October 2020
AR-SX-B10-21-00, rev: 14	South – level 21	28 October 2020
AR-SX-B10-22-00, rev: 11	South – level 22	28 October 2020
AR-SX-B10-23-00, rev: 13	South – level 23	28 October 2020
AR-SX-B10-24-00, rev: 9	South – level 24	28 October 2020
AR-SX-B10-25-00, rev: 9	South – level 25	28 October 2020
AR-SX-B10-26-00, rev: 9	South – level 26	28 October 2020
AR-SX-B10-27-00, rev: 9	South – level 27	28 October 2020
AR-SX-B10-28-00, rev: 9	South – level 28	28 October 2020
AR-SX-B10-29-00, rev: 13	South – level 29	28 October 2020
AR-SX-B10-30-00, rev: 17	South – level roof	28 October 2020
AR-SX-B10-B0-00, rev: 11	South – level B0 mezzanine	18 September 2020



AR-SX-B10-B1-00, rev: 14	South – level B1	18 September 2020
AR-SX-B10-B2-01, rev: 12	South – level B2	18 September 2020
AR-SX-B10-B3-00, rev: 11	South – level B3	18 September 2020
AR-SX-B20-00-01, rev: 3	Tower 3 – ground plans	18 September 2020
AR-SX-B20-00-02, rev: 2	Tower 2 – ground plans	18 September 2020
AR-SX-B20-03-01, rev: 3	Tower 1 – typical podium plan (level 03)	18 September 2020
AR-SX-B20-03-02, rev: 4	Tower 2 – typical podium plan (level 03)	18 September 2020
AR-SX-B20-03-03, rev: 4	Tower 3 – typical podium plan (level 03)	18 September 2020
AR-SX-B20-05-01, rev: 3	Tower 1 – recess level plan (level 05)	18 September 2020
AR-SX-B20-05-02, rev: 3	Tower 2 and 3 – recess level plan (level 05)	18 September 2020
AR-SX-B20-10-01, rev: 3	Tower 1 – typical tower plan (level 10)	18 September 2020
AR-SX-B20-10-02, rev: 3	Tower 2 and 3 – typical tower plan (level 10)	18 September 2020
AR-SX-B20-21-01, rev: 3	Tower 2 and 3 – penthouse	18 September 2020
AR-SX-B20-29-01, rev: 3	Tower 01 – penthouse (level 29)	18 September 2020
AR-SX-B20-XX-01, rev: 5	T4 and T5 – typical plans	18 September 2020
AR-SX-B20-XX-02, rev: 6	Typical commercial plan	18 September 2020
AR-SX-C10 XX-05, rev: 8	East elevation	18 September 2020
AR-SX-C10 XX-06, rev: 8	South elevation	18 September 2020
AR-SX-C10 XX-07, rev: 8	West elevation	18 September 2020
AR-SX-C10 XX-08, rev: 9	North elevation	15 October 2020
AR-SX-C20-XX-20, rev: 8	Building elevation – T1 north and east	18 September 2020
AR-SX-C20-XX-21, rev: 8	Building elevation – T1 south and west	18 September 2020
AR-SX-C20-XX-22, rev: 8	Building elevation – T2 north east and south west	18 September 2020
AR-SX-C20-XX-23, rev: 8	Building elevation – T2 north west and south east	18 September 2020
AR-SX-C20-XX-24, rev: 8	Building elevation – T3 north east and south west	18 September 2020
AR-SX-C20-XX-25, rev: 8	Building elevation – T3 north west and south east	18 September 2020
AR-SX-C20-XX-26, rev: 10	Building elevation – T4 and T5	15 October 2020
AR-SX-C20-XX-27, rev: 8	Building elevation – commercial	18 September 2020
AR-SX-D10-XX-00, rev: 7	N-S site section 01	18 September 2020
AR-SX-D10-XX-01, rev: 8	N-S site section 02	18 September 2020
AR-SX-D10-XX-02, rev: 8	N-S site section 03	18 September 2020
AR-SX-D10-XX-03, rev: 9	N-S site section 04	18 September 2020
AR-SX-D10-XX-04, rev: 8	E-W site section 01	18 September 2020
AR-SX-D10-XX-05, rev: 9	E-W site section 02	18 September 2020
AR-SX-D10-XX-06, rev: 8	E-W site section 03	18 September 2020
AR-SX-D10-XX-07, rev: 4	N-S site section 03	18 September 2020
AR-SX-D10-XX-08, rev: 3	E-W site section 04	18 September 2020
AR-SX-E-XX-10, rev: 3	External wall system 1 – tower 1, 2 and 3	13 August 2020

AR-SX-E-XX-11, rev: 3	External wall system 1 – tower 1, 2 and 3	13 August 2020
AR-SX-E-XX-12, rev: 2	External wall system 1 – tower 1 façade	13 August 2020
AR-SX-E-XX-20, rev: 3	External wall system 2 – podiums	13 August 2020
AR-SX-E-XX-30, rev: 4	External wall system 3 – commercial building	28 September 2020
AR-SX-E-XX-40, rev: 4	External wall systems – T4 and T5	13 August 2020
AR-SX-E-XX-41, rev: 2	External wall systems – courtyard screen wall	13 August 2020
AR-SX-E-XX-42, rev: 2	External wall systems – T4 T5 entry vestibules	13 August 2020
AR-SX-E-XX-50, rev: 4	External wall systems – retail	13 August 2020
AR-SX-E-XX-51, rev: 1	External wall systems – thru site link/courtyard	13 August 2020
AR-SX-E-XX-60, rev: 2	External wall systems – façade materials	13 August 2020
AR-SX-T20-XX-01, rev: 5	ADG Part 2C – building height	18 September 2020
AR-SX-T20-XX-02, rev: 3	ADG Part 2C – level diagram	7 August 2020
AR-SX-T20-XX-06, rev: 3	ADG Part 2F and 3F – building and privacy separation	7 August 2020
AR-SX-T30-XX-10, rev: 4	ADG Part 3C – communal open space	7 August 2020
AR-SX-T30-XX-11, rev: 4	ADG Part 3E – deep soil zones	7 August 2020
AR-SX-T40-XX-31, rev: 4	ADG Part 4G – storage	18 September 2020
AR-SX-T40-XX-32, rev: 6	ADG Part 4K – apartment mix	7 August 2020
AR-SX-T40-XX-35, rev: 4	ADG Part 4L – ground floor apartments – tower 2	18 September 2020
AR-SX-T40-XX-36, rev: 4	ADG Part 4L – ground floor apartments – tower 2	18 September 2020
AR-SX-T40-XX-37, rev: 5	ADG Part 4L – ground floor apartments – tower 4, 5	18 September 2020
AR-SX-T40-XX-38, rev: 4	ADG Part 4L – ground floor apartments – tower 3	18 September 2020
AR-SX-U10 XX-02, rev: 8	Area plans – levels 00-03	18 September 2020
AR-SX-U10 XX-03, rev: 7	Area plans – levels 04-07	18 September 2020
AR-SX-U10 XX-04, rev: 6	Area plans – levels 08-11	18 September 2020
AR-SX-U10 XX-05, rev: 6	Area plans – levels 12-15	18 September 2020
AR-SX-U10 XX-06, rev: 6	Area plans – levels 16-19	18 September 2020
AR-SX-U10 XX-07, rev: 6	Area plans – levels 20-23	18 September 2020
AR-SX-U10 XX-08, rev: 6	Area plans – levels 24-27	18 September 2020
AR-SX-U10 XX-09, rev: 6	Area plans – levels 28-29	18 September 2020
AR-SX-U10 XX-10, rev: 11	Area schedule	18 September 2020

The development is to be carried out in accordance with the following **on-site landscape plans** prepared by Arcadia, 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:

Drawing no. and revision	Title	Dated
Sheet 000, rev: J	Cover sheet	28 October 2020
Sheet 100, rev: J	Landscape masterplan	28 October 2020

Sheet 102, rev: J	Landscape masterplan level 5	28 October 2020
Sheet 400, rev: J	Planting schedule	28 October 2020
Sheet 401, rev: J	Softworks plan	28 October 2020
Sheet 402, rev: J	Softworks plan	28 October 2020
Sheet 403, rev: J	Softworks plan	28 October 2020
Sheet 404, rev: J	Softworks plan	28 October 2020
Sheet 405, rev: J	Softworks plan	28 October 2020
Sheet 406, rev: J	Softworks plan	28 October 2020
Sheet 407, rev: J	Softworks plan level 5 towers 4 and 5	28 October 2020
Sheet 408, rev: J	Softworks plan level 5 tower 1	28 October 2020
Sheet 409, rev: J	Softworks plan level 4/5 commercial build	28 October 2020
Sheet 601, rev: J	Landscape details	28 October 2020
Sheet 602, rev: J	Landscape details	28 October 2020
Sheet 700, rev: J	Landscape specification	28 October 2020

The development is to be carried out in accordance with the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Document	Prepared by	Dated
Access Report (report no. AN19-213029)	Philip Chun Accessibility Pty Ltd	14 September 2019
Environmental Wind Tunnel Study (report no. 610.16968-R02, revision v3.0)	SLR Consulting Australia Pty Ltd	14 August 2020
Reflectivity Assessment (report no. 610.16968-R03, revision v4.0)	SLR Consulting Australia Pty Ltd,	28 September 2020
Acoustic Report (report no. J190232 RP1, version: 'Final')	EMM Consulting	11 August 2020
Operational Waste Management Plan (revision D)	Elephants Foot	10 August 2020
NatHERS certificates 0005303070 and 0005304540	Northrop Consulting Engineers	16 October 2020
BASIX certificates 1055443M_03 and 1050134M_04	Northrop Consulting Engineers	16 October 2020
Traffic Statement (ref. 20023101A-200811)	MLA Transport Planning	11 August 2020
Crime Prevention through Environmental Design Assessment (ref. SA7230, version 'Final')	Urbis	16 December 2019
Sustainability Report (ref. no. SY19109-SER04, revision 4)	Northrop Consulting Engineers	15 September 2020

The development is to be carried out in accordance with:

- The civil plans approved to satisfy conditions within this consent;
- The final public domain plans approved to satisfy conditions within this consent;
- The stormwater plans approved to satisfy conditions in this consent.

**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.

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.

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.

It is acknowledged the development may proceed in stages, and that separate construction certificates may be issued for separate components within each stage. All relevant terms and conditions are to be met for each stage/component

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

4. 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, unless approved in this consent.

**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.

5. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer.

**Reason:** To minimise costs to Council.

6. The 7m wide strip of land nominated "road widening" on approved plans is to be dedicated at no cost to the City of Parramatta Council to facilitate the implementation of Stage 2 of Parramatta light rail prior to the issue of any Occupation Certificate.

A separate application must be made for a subdivision certificate. This application shall not be made until the public domain works have been finalised to Council's satisfaction.

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

7. In accordance with the Land Use Safety Study (LUSS) prepared by Arriscar and dated 12 June 2018, an emergency plan shall be provided outlining emergency refuge and/or egress arrangements provided for the development in the event of an incident involving a pipeline.

**Reason:** to comply with requirements of pipeline operators and to ensure public safety.

8. To ensure the design quality of the development is retained, the approved schedule of external materials of construction shall not be altered without the prior approval of Council.

**Reason:** To ensure design quality is retained.

## Transport for NSW (TfNSW) including Roads and Maritime Services (RMS)

9. The development shall be undertaken to comply with the following requirements of TfNSW (RMS):
- (a) The layout of the proposed car parking areas associated with the subject development (including, driveways, swept paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.
  - (b) The developer shall be responsible for all public utility adjustment/relocation works, etc. necessitated by the approved work and as required by the various public utility authorities and/or their agents.
  - (c) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as maneuverability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
  - (d) A Construction Traffic Management Plan detailing construction vehicles routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a construction certificate.
  - (e) The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

**Reason:** to ensure compliance with requirements of TfNSW.

## Ausgrid

### 10. *Proximity to Existing Network Assets, Overhead Powerlines*

There are existing overhead electricity network assets in Uhrig Road, road no. 2 and within site boundary.

Safework NSW Document – Work near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, [www.ausgrid.com.au](http://www.ausgrid.com.au).

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

### 11. *Proximity to Existing Network Assets, Underground Cables*

There are existing underground electricity network assets in Uhrig Road, road no. 2 and within site boundary.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

## 12. *Proximity to Existing Network Assets, Substation*

There are existing electricity substation assets within the proposed development.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120.

Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

Sydney Olympic Park Authority (SOPA)

13. *Construction impacts on SOPA assets*

- (a) The proposed retaining wall along the boundary with the coach parking site/Edwin Flack Avenue should be constructed without any disruption to SOPA's assets, the retaining wall must be constructed wholly within the subject site.
- (b) The retaining wall should complement, and ideally match the wall which has been installed for adjoining phase one, per DA/1269/2016.
- (c) SOPA cannot accept any responsibility for the upkeep or maintenance of the retaining wall.
- (d) Given the proximity of excavation and construction works to SOPA's land, SOPA requests that a pre-construction dilapidation report be provided to SOPA detailing the current structural condition of any roads, public domain and/or infrastructure assets within the zone of influence.

14. *Protection of trees on SOPA land*

The applicant is required to obtain written approval from SOPA's Director – Environment and Planning to undertake any formative pruning or removal of any trees on SOPA land, prior to the issue of a Construction Certificate for the development.

SOPA must also be consulted if the scope of works changes to result in any new or additional impacts to trees on SOPA land, noting that any tree removal would require SOPA approval including agreement on any replacement planting.

15. *Construction and traffic management*

The revised Construction Traffic Management Plan, required by conditions of this consent, shall be developed in consultation with SOPA's Director, Environment and Planning prior to the issue of a construction certificate for the development.

The CTMP shall include an assessment of all proposed truck routes and traffic impacts and all management measures to be implemented during road closures due to events at Sydney Olympic Park.

Engineering

16. The basement walls, floor slab and joins must be fully tanked (waterproofed) and designed to withstand hydrostatic loading from adjacent groundwater. Council does not permit a 'drained' basement nor pumping out of such groundwater into the Council stormwater system.

Environmental health – waste

17. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

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

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



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

19. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

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

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

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

#### Environmental health – contamination

21. Hazardous or intractable wastes arising from the demolition or construction processes shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection of the Environment Operations Act 1997 (NSW) and
- (c) NSW EPA Waste Classification Guidelines.

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

22. 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.

23. Any new information which comes to light during 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, and to comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

24. 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.

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

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

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

26. If required, a covenant shall be registered on the title of the land and a copy of the title submitted to Council and the principal certifying authority prior to the issue of an occupation certificate, giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.

**Reason:** To ensure that the encapsulated cell is not breached and to prevent the future occurrence of a health hazard and the spread of contamination.

27. If required, a covenant shall be registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from of any contaminants or for any works required by the Environment Protection Authority.

**Reason:** To ensure that the encapsulated cell is not breached and to prevent the future occurrence of a health hazard and the spread of contamination.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **Fees and charges**

28. A monetary contribution comprising \$2,078,630.85 is payable to the City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Carter Street Precinct Development Contributions Plan 2016. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution required by this condition must be paid before the issue of an Occupation Certificate in respect of any building to which this consent relates. In that instance, an occupation certificate cannot be issued until Council have confirmed in writing that the contribution levy has been received in full.

Note however that payment of the contribution will be required prior to the issue of any Construction Certificate if no Construction Certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022 (or later if extended by the NSW Government), the monetary contribution must be paid before the issue of the any Construction Certificate after that date for any such building. The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

The Carter Street Precinct Development Contributions Plan 2016 can be viewed on Council's website at:

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

29. The Construction Certificate for each stage of the works 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.

30. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of any 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.

31. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of each 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.

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

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/739/2019;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Bond Type	Amount
Development site bond	\$25,750.00

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

33. 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 relevant Construction Certificate to the satisfaction of the Certifying Authority.

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

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

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

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

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

Substations are not permitted within the front setback of the site or within any street elevation of the building; unless existing or 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.

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

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

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

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

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

38. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

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

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

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

Details demonstrating compliance with these requirements must accompany the relevant 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.

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

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

41. The recommendations outlined in the following reports shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Principal Certifying Authority (except as amended elsewhere in this Notice):

- (a) Access Report, prepared by Philip Chun Accessibility Pty Ltd, report no. AN19-213029, 14 September 2019;
- (b) Environmental Wind Tunnel Study, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16968-R02, revision v3.0, dated 14 August 2020;
- (c) Reflectivity Assessment, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16968-R03, revision v4.0, dated 28 September 2020;
- (d) Acoustic Report, prepared by EMM Consulting, report no. J190232 RP1, version: 'Final', dated 11 August 2020;
- (e) Operational Waste Management Plan, prepared by Elephants Foot, revision D, dated 10 August 2020;
- (f) Sustainability Report, prepared by Northrop Consulting Engineers, ref. no. SY19109-SER04, revision 4, dated 15 September 2020;
- (g) The revised NatHERS and BASIX assessments submitted to satisfy conditions of this consent

**Reason:** To ensure a suitable level of amenity.

42. Prior to the issue of the relevant construction certificate, the following must be demonstrated to the satisfaction of Council's Group Manager Development and Traffic Services Unit (DTSU):
- (a) Details for species of trees/landscaping proposed for wind mitigation must be submitted and approved to ensure the trees/landscaping are appropriate and adequate to achieve the mitigation required by the approved Environmental Wind Tunnel Study, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16968-R02, revision v3.0, dated 14 August 2020.  
The information must be supported by an arboricultural assessment, prepared by a suitably qualified professional, and demonstrate that the selected species can survive under the expected wind levels, and assist in mitigating impacts.
  - (b) All recommendations outlined in Section 8 of the approved Environmental Wind Tunnel Study, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16968-R02, revision v3.0, dated 14 August 2020, are incorporated into the final design of the development, including (but not limited to) the proposed pergolas and covered areas above the seating areas south of the through site link in the communal open space/pool deck areas.

**Reason:** To ensure appropriate mitigation of wind impacts.

43. The developer must lodge a Feasibility application to Sydney Water, including a proposed water and wastewater servicing strategy through a Water Servicing Coordinator (WSC). For help, either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

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

44. The external walls of the building including attachments must comply with the relevant requirements of the *National Construction Code (NCC)*. Prior to the issue of the relevant Construction Certificate and Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:
- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
  - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

**Reason:** To ensure public safety.

45. The development must incorporate 61 adaptable dwellings. Plans submitted with the relevant construction certificate must illustrate that the required adaptable dwellings have been designed to achieve a class C design in accordance with the requirements of AS 4299-1995

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

Transport for NSW (TfNSW) including Roads and Maritime Services (RMS)

46. The development shall be undertaken to comply with the following requirements of TfNSW (RMS):

- (a) A Construction Traffic Management Plan detailing construction vehicles routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a construction certificate.

**Reason:** to ensure compliance with requirements of TfNSW.

#### Sustainability and reflectivity

- 47. Prior to the issue of relevant construction certificate, revised BASIX and NatHERS certificates and stamped drawings showing all relevant requirements shall be submitted to Council for approval by Council's Group Manager Development and Traffic Services Unit (DTSU). BASIX and NatHERS certificates and documentation is to be consistent with the requirements of BASIX Thermal Comfort Protocol 01 July 2017 (Revision No 1: 01 November 2017).

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

- 48. Prior to the issue of the relevant construction certificate, the following must be demonstrating to the satisfaction of Council:

- (a) The design of the building facade shall not result in reflected glare that causes discomfort or threatens safety of pedestrians, drivers or other building occupants.

The applicant is to submit detailed calculations and analysis, including assessment of key viewpoints and line of sight, to confirm solar reflections do not adversely impact approaching motorists or pedestrians. Details demonstrating compliance are to be submitted to and approved by Council's Group Manager Development and Traffic Services Unit (DTSU) prior to the issue of the relevant Construction Certificate.

Should specular type reflections be identified that exceed a reasonable disability glare and discomfort thresholds, then mitigation measures are to be introduced and detailed calculations provided to confirm adequacy of those measures.

**Reason:** To have a minimal impact on road users and users of the public domain.

- 49. Prior to the issue of relevant construction certificate, the following must be demonstrated to the satisfaction of Council:

- (a) All habitable rooms are provided with opening windows for natural ventilation. The opening windows are to have an Effective Open Area of not less than 5% of the floor area served. The calculation of Effective Open Area is to be in accordance with the method described in the Glossary of the Apartment Design Guide.
- (b) Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. When sun is required in the living room, studies and spaces separated from the living room by corridors, doorways, or similar are not to be counted.
- (c) Where air conditioning heat rejection unit are included on any balcony, wintergarden or private open space, permanent openings are provided of an area not less than 50% of the greater of external facade area.
- (d) Wintergardens without air conditioning heat rejection permanent openings are provided of an area not less than 15% of the greater of enclosed wintergarden floor area or external wintergarden facade area. 30-50% of the fixed opening are



to be provided in a zone within 500mm of the floor with the remainder being proving within 500mm of the soffit.

**Reason:** To comply with the requirements of the Apartment Design Guide (ADG).

50. Prior to the issue of any construction certificate for the ground floor or above, the following must be demonstrated to the satisfaction of the certifying authority:
- (a) A dual reticulation (dual pipe) system is to be installed throughout the development to support the immediate or future connection to a recycled water network. If a recycled water network is not currently available, the design of the dual reticulation system is to be such that a future change-over to an alternative water supply can be achieved without significant civil or building work, disruption or cost. To facilitate this, the dual reticulation system is to have:
    - i. One reticulation system servicing drinking water uses, connected to the drinking supply, and
    - ii. One reticulation system servicing all non-drinking water uses.
    - iii. The non-drinking water system is to be supplied with harvested rainwater, with drinking water backup, until such time as an alternative water supply connection is available
  - (b) Rainwater collection and reuse is to be installed and suitably sized to serve all non-drinking water uses through the dual reticulation system.
  - (c) The commercial office components of the development have been designed and will be constructed to operate at a minimum NABERS Energy for Offices 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 (OEH).
  - (d) Solar photovoltaic generation must be installed on the commercial office component to provide sufficient capacity to meet the demands for all artificial lighting loads associated with commercial office usage.

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

51. Prior to the issue of the relevant construction certificate, the following must be demonstrated to the satisfaction of the certifying authority:
- (a) All multi-unit residential car parking must provide an EV Ready Connection to each and every space allocated to residents
  - (b) Provide EV Distribution Board(s) in of sufficient size to allow connection of all EV Ready Connections.
  - (c) Locate EV Distribution board(s) so that no future EV Ready Connection will require a cable of more than 50m from the parking bay to connect.
  - (d) Each EV Ready Connection is served from a cable tray and a dedicated spare 32A circuit provided in an EV Distribution Board to enable easy future installation of cabling from an EV charger to the EV Distribution Board and a circuit breaker to feed the circuit.
  - (e) EV Distribution Boards are to be dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power at any one time during off-peak periods, to ensure impacts of maximum demand are minimised. To deliver this, the distribution board will be complete with an EV Load Management System and an active suitably sized connection to the main switchboard.
  - (f) EV Load Management System is to be capable of:
    - Reading real time current and energy from the electric vehicle chargers under management;

- Determining, based on known installation parameters and real time data, the appropriate behaviour of each EV charger to minimise building peak power demand whilst ensuring electric vehicles connected are full recharged;
- Scale to include additional chargers as they are added to the site over time.

**Reason:** To provide all necessary infrastructure for residents to install Electrical Vehicle charging without significant technical or financial barriers.

### Traffic and transport

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

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

53. 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 818 parking spaces is to be provided and be allocated as follows:
- 642 spaces for residential apartments, including 57 spaces as accessible parking;
  - 117 residential visitor spaces, including 5 spaces as accessible parking;
  - 59 spaces for retail and commercial uses, including 5 space as accessible parking.

Tandem car spaces are to be allocated to the same apartment. Details are to be illustrated on plans submitted with the relevant construction certificate.

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

54. 659 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 relevant construction certificate.

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

55. The applicant is to submit a separate application for the proposed line markings and signage along Frog Lane and Paddock Street to Council's Traffic and Transport Services for consideration by the Parramatta Traffic Committee under Delegated Authority and Council's approval.

The construction of the approved treatment is to be carried out by the applicant and all costs associated with the supply and construction of the traffic facility and appropriate signage are to be paid for by the applicant at no cost to Council and TfNSW.

**Reason:** To comply with Roads Act 1993.

56. The applicant is required to construct a continuous footpath where Frog Lane intersects with Paddock Street and Stockyard Boulevard. Detailed engineering design plans of the continuous footpath at the intersections of Frog Lane/Paddock Street and Frog Lane/Stockyard Boulevard are to be submitted to Council's Traffic and Transport

Manager for consideration by the Parramatta Traffic Committee and approval by Council.

The construction of the approved treatment is to be carried out by the applicant and all costs associated with the supply and construction of the traffic facility and appropriate signage are to be paid for by the applicant at no cost to Council.

**Reason:** To ensure maintenance of traffic flow and safety on the surrounding road network.

57. The applicant is to obtain approval from TfNSW through Council for the creation of Frog Lane as a shared zone, prior to the issue of the relevant construction certificate.

**Reason:** To comply with Roads Act 1993.

### Engineering

58. 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.

59. 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.

60. 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.

61. 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.

62. The basement stormwater pump-out system, must be designed and constructed to include the following:
- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) – 2 hour duration storm event, allowing for pump failure.
  - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
    - (i) The permissible site discharge (PSD) rate; or
    - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
  - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
  - (d) A 100mm freeboard to all parking spaces.
  - (e) Submission of full hydraulic details and pump manufacturers specifications.
  - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

63. 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 certifying authority prior to release of the construction certificate for any work on the site.
- (a) The quantitative stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following stormwater design and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Fourth Edition), the relevant Australian Standards and the National Construction Code.
    - (i) Stage 2 Civil infrastructure/stormwater management report, prepared by AT&L, ref: 16-365-02-02, issue 2, dated 17 August 2020;
    - (ii) Civil Works Package, prepared by AT&L, dwg no.s 16-365-C200 – 16-362-C285, issue C, dated 17 August 2020 (issue D for dwg no.s 16-365-C211, 16-365-C261, 16-365-C266, 16-365-C285 dated 28 October 2020; issue E for dwg no. 16-365-C212 dated 28 October 2020)
  - (b) The design must be amended so that adequate grate(s) are provided to enable the OSD tank storage areas to be readily inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank to enable safe working conditions within the tank. All Grates for the OSD Tanks shall be 900mmX900mm and other sizes will not be accepted by Council. Adequate access is provided to the storage basin for cleaning. At least 20% of the OSD tanks' surface area would be required to be grated at a maximum of 4m spacing generally so that the tanks can be readily inspected from the surface for silt and debris and the tanks are well ventilated and will not cause the accumulation of noxious gases and odours.
  - (c) The stormwater management system and WSUD design must be modified as required by this consent.

- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

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

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

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

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

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

66. Accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 – 'Parking facilities' – 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' – General requirements for access – New building work' 2001 and 2009 and AS1428.4 – 'Design for access and mobility' – 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment – Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

67. 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.

68. 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.

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

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

70. Prior to release of the relevant construction certificate, including for excavation, an updated detailed water sensitive urban design (WSUD) for the management of stormwater and rainwater in the landscape must be prepared and submitted for the approval of the Group Manager Development Traffic Services Unit (DTSU). This must address, to Council's satisfaction, the following requirements of the Carter Street Precinct Development Control Plan 2016 (CSPDCP 2016):

- Stormwater is to be retained on development sites by:
  - collecting and storing water from roofs and hard surfaces
  - maximising porous surfaces and deep soil zones
  - Draining paved surfaces to adjacent vegetation.
- Development is to comply with the stormwater management provisions of the Auburn Development Control Plan 2010.
- WSUD principles are to be integrated into the development through the design of the stormwater systems and landscaping scheme and in the orientation of the development rather than relying on 'end of pipe' treatment devices prior to discharge.
- Development is to be sited and designed to minimise disturbance of natural watercourses and overland flow paths.
- Impervious surfaces are to be minimised and soft landscaping with deep soil and tree planting extensively used to promote infiltration, evapotranspiration and reduced stormwater run-off.
- WSUD elements should be located and configured to maximise the impervious area that is treated

The WSUD must achieve target reductions, as set out in CSPDCP 2016, for the entire precinct:

- 90% gross pollutant load
- 85% total suspended solids (TSS)
- 65% average annual total phosphorus (TP)
- 45% average annual total nitrogen (TN)

The Applicant's Stormwater Engineer (AT&L) and Landscape Architect (Arcadia) must prepare a joint co-signed submission showing how they propose to implement the above requirements.

This to be in accordance with section 6.3 of CSPDCP 2016 and in particular the following:

- WSUD systems may include the following (or other) measures:
    - Vegetated and grassy swales
    - Vegetated filter and buffer strips,
    - Wetlands,
    - Sand and gravel filters (depending on indigenous soil suitability),
    - Bio-retention systems,
    - Permeable/Porous Pavements,
    - Infiltration Basins,
    - Rainwater Tanks,
    - Gross Pollutant Traps and Filters,
    - Passive watering systems for landscaped areas,
    - Additional deep soil areas,
    - Naturalised watercourses,
    - Rain gardens,
    - 'End of pipe' proprietary treatment devices (these must be used in conjunction with other landscape integrated measures to provide ancillary social, environmental and economic benefits).
    - These measures are typically employed in a 'treatment train' to maximise the range and efficiency of pollutants removed.
  - Where water sensitive urban design measures are required, the following documentation is required:
    - A WSUD strategy report, describing the treatment train including all measures used, justification for this selection and a summary of design ancillary benefits.
    - MUSIC software modelling (or equivalent) to demonstrate that the proposed WSUD strategy achieves the required pollution reduction targets. Both a written summary of the assumptions, configuration and results of the model, and a digital copy of the model file must be submitted.
    - The above documentation must be prepared by a qualified hydraulic or environmental engineer/environmental scientist in consultation with the project landscape and architectural professionals.
  - Council requires simple WSUD landscape designs that achieve water management objectives without unusual or complicated maintenance demands. The design must be accompanied with a management and maintenance plan for the WSUD biological and landscape facilities for both establishment phase (3-5 years) and the long term phase. It must be accompanied with a Management and Maintenance Plan for the WSUD proprietary treatment devices (such as GPT's, filters etc.).
71. Prior to release of relevant Construction Certificate, including for excavation, an updated detailed stormwater and OSD design must be prepared and submitted for the approval of the PCA. This must address the following requirements
- (a) As per the requirements of the City of Parramatta, the OSD system for the development must be designed in accordance to the Upper Parramatta River Catchment Trust handbook, Fourth Edition. Refer to Appendix D within this report for the UPRCT OSD Calculation sheets for the two OSD tanks.
  - (b) The below ground tanks must be amended to provide adequate maintenance access points and ventilation to ensure accessibility for easy maintenance and safe conditions for operators.
72. Achieving required water quality standards will require a stormwater and groundwater collection and treatment system. This may include construction of a holding pond at

the base of the excavation, then pumping of this water from the pond via a rising main to a 'WETSEP 60' type treatment plant (or equivalent) to treat all waste stormwater and groundwater prior to discharge. The Applicant shall provide and operate this, or any other appropriate system approved by the Principal Certifying Authority, to achieve Council's requirement for effective discharge water quality management from this site throughout the construction phase.

73. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property.

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

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

Prior to release of the first construction certificate, the Applicant must provide to the Principal Certifying Authority for approval full details of the construction phase stormwater and groundwater collection and discharge pollution control and quality management system, including full plant and equipment details, an operational and monitoring plan and evidence of ability to achieve the required performance.

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

#### Urban design – public domain

74. Prior to the issue of the relevant 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 Group Manager Development and Traffic Services Unit (DTSU). 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;
- 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 public domain landscape drawings;
- The approved public domain alignment drawings; and
- All the conditions listed in this consent.

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

- Heavy rigid vehicle crossing design continue to be refined, possible removal or shortening of the median, to mitigate any impact by the swept path on the public domain and or damage to the verge prior to construction certificate approval.
- The landscape to be fully coordinated to show the footway continue in a straight line adjacent to the site boundary over the vehicle crossing as per the civil drawings. The vehicle entry design should use Council's standard Heavy Vehicle crossing detail DS9 and DS10 as advised by Supervisor of Civil Assets.
- Public domain alignment drawings must be updated to reflect Council's Supervisor Civil Assets comments as follows if not done so already:
  - The frontage of Uhrig road:
    - The entire kerb and gutter to be reconstructed
  - On all footpaths there must be a minimum of 1.5m clear path of travel of any utility infrastructure
  - The longitudinal fall on all footpath must not exceed 10%
- Equitable accessible access and amenities associated with the retail areas must be clearly shown with an accessible access route plan with shortest distance to the nearest amenity with associated gradients.
- Clear intuitive path of travel along the through site link, especially when crossing Frog Lane which need TGSIs.
- All paths of travel through communal open space including the Oasis and pool areas must be accessible.
- All access into the pool/water play areas must be accessible.
- All seating and landscape features in all communal areas including BBQ areas and associated elements including seating tables etc., must provide accessible features.

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

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

Footpath

- The public domain footpath is to be Council's standard in situ concrete footpath as per Design Standard (DS3) Footpath with dimensions and grades noted above.
- A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am – 4:30pm).

Kerb ramps

Kerb ramps must be designed and located in accordance with Council's design standards (DS4 sheet 1-3) using in situ concrete. Ramps are to be aimed to the ramp on the opposite side of the road.

Vehicle crossing

Council's standard vehicle crossing is to be provided. Refer Council's design standard (DS9 sheet 1-3), using in situ concrete for vehicle crossing.

#### Pit lids and grates

- 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.
- Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

Details demonstrating compliance are to be submitted to Council's Group Manager Development and Traffic Services Unit (DTSU) for approval prior to the issuing of the Construction Certificate and again prior to the issuing of an occupation certificate.

#### Tactile Ground Surface Indicators (TGSIs)

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

TGSIs must comply as follows.

- TGSIs are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) including its amendment in 2010.
- TGSIs at the building entry, ramps and or steps must not project into the public domain.
- TGSIs 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 construction certificate approval.

#### Sealant

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

#### Slip Resistance

All stone and pebblecrete paving (concrete pavers) in the public domain shall have 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.

#### Street Furniture

Street furniture selection and detail shall be to Council's requirements where the furniture is located in publicly owned land. Street furniture in the public domain must comply with Council's Public Domain Guidelines.

#### Cycle racks

Public bike racks shall be supplied and equally distributed (clusters of maximum 4-off racks) to the furniture zone of Uhrig Road as per the PDG. Location outside of this zone

to be agreed by Council's Group Manager Development and Traffic Services Unit (DTSU prior to issue of Construction Certificate).

Cycle racks are to be located so that bicycles do not encroach onto the public footway.

#### 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

If required by Community Crime Prevention Officer, a conduit for Council's multi-media facilities shall be installed to the full length of the street frontages. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications, refer Community Crime Prevention Officer.

#### **The following is 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 TGS1 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 figure 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 figure 18 of AS1428.1

Preference is to achieve ramps which do not require handrails (i.e. 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 Group Manager Development and Traffic Services Unit (DTSU) prior to the issue of the relevant construction certificate.

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

Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

Details demonstrating compliance are to be submitted to the PCA prior to the issuing of a construction certificate and again prior to the issuing of an occupation certificate.

**Reason:** To comply with the Public Domain Guidelines and to improve accessibility.

76. Notwithstanding the approved drawings, the required street tree species, quantities and supply stocks are:

Street name	Botanical name	Common name	Pot size	Qty	Average spacing
Uhrig Road	<i>Zelkova serrata</i> 'Green elm'	Japanese Elm	200L	Min. 7	As shown on the approved drawings or as agreed by Council's Group Manager Development and Traffic Services Unit (DTSU).
Paddock Street	<i>Pistachia chinensis</i>	Chinese Pistacia	200L	Min. 10	
Ibis Street	<i>Caesaplinia ferrea</i>	Leopard Tree	200L	Provided as part of DA/1269/2016. Applicant to confirm trees already provided otherwise provide street tree species as specified.	
Stockyard Boulevard	<i>Eucalyptus tereticornis</i>	Forest Red Gum	To match street trees provided as part of DA/1269/2016. Applicant to confirm existing street tree species prior to installation.		
Frog Lane	As per approved DA plans.				

**Note:** large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.

All trees supplied must be grown in accordance with AS2303:2018 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2018. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

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

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in

accordance with Council's design standard with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

A structural pavement system is required around proposed street trees *in paved areas* in the footway and publicly accessible pedestrian areas to mitigate against soil compaction and to maximise aeration and porosity in the tree root zone. Suitable systems include suspended concrete slabs or structural cells such as strata cells. Tree grates may be required depending on the detailed design of the selected pavement structure system.

The base of all tree pits shall incorporate a drainage layer and pipe that connects to nearest stormwater pit and must be shown on the Public Domain Construction Drawings. The invert level of the storm water pit receiving the drainage water from the tree pits is also to be shown on the Public Domain Construction Drawings.

Documentary evidence of compliance with these requirements is to be confirmed in the Public Domain Construction Drawings and submitted to and approved by Council's Group Manager Development and Traffic Services Unit (DTSU) prior to the issue of the relevant Construction Certificate.

**Reason:** To minimise plant failure rate and ensure quality of stock utilised. To ensure high quality street trees are provided.

77. Notwithstanding the approved landscape drawings, final approval of plant species selection for the project will be provided according to the detailed design work and plant schedules prepared by the applicant for the public domain construction drawing submission.

Trees and all planted areas must be provided with the required soil volumes and depths as follows:

- Trees located in deep soil – in accordance with the Public Domain Guidelines (refer Table 5.1)
- Any planting on bedrock or podium slabs and any planters – in accordance with the Apartment Design Guide Section 4P Planting on Structure, and Table 5. Calculations demonstrating soil volume compliance are to be included in the Public Domain Construction Drawings. Soil depth calculations are to be based on a maximum depth of 1m excluding any drainage layers.
- Where tree and understorey planting is proposed on slab, under building, green wall or any other overhang fronting the public domain an automatic irrigation system is to be provided. Irrigation design information is to be provided in the Public Domain Construction Drawings.

**Reason:** To provide best conditions to achieve healthy, thriving, long-lived trees in the public domain and to minimise plant failure rate and ensure quality of stock utilised.

### Landscaping

78. Plans and documents submitted must include the following with an application for the relevant Construction Certificate:
- (a) Construction details are to be provided by a suitably qualified structural engineer showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens.
  - (b) All raised planting boxes/beds containing trees must be retained to a minimum height of 900mm.

- (c) Tree planting densities shall not exceed the prescribed soil volume and area required for plant type and any soil mounding must not exceed a maximum 1:8 grade which must be demonstrated on amended plans and certified by a suitably qualified Landscape Architect.
- (d) A specification ('fit-for-purpose' performance description) for soil type and a maintenance schedule specified by a suitably qualified Soil Scientist, to ensure sufficient nutrient and water availability is achieved.

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

79. The final landscape must be consistent with landscape plans approved by this consent (being sheets 100, 102, 400 – 409, 601, 602 and 700, revision J, prepared by Arcadia and dated 28 October and the landscape design report (revision I, prepared by Arcadia and dated October 2020), together with any additional criteria required by the development consent to the satisfaction of the Certifying Authority.

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

#### Environmental health – general

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

The means of disposal shall comply with:

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

Details are to be submitted with the construction certificate.

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

#### Environmental health – waste

81. Separate waste bins are to be provided on site for recyclable waste.

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

#### Property

82. Prior to the issue of a construction certificate, approval is to be obtained from the property owner for any anchors that may be proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

If the use of permanent or temporary rock anchors is required extending into the road reserve, then approval must be obtained from Council and/or the Roads and Maritime Services in accordance with section 138 of the Roads Act 1993 prior to the issue of a construction certificate. A fee is payable for this approval.

Note: if works impact a Council designated road, the consent holder is to contact Council's Property Services Officer to seek approval for rock anchors under section 138 of the Roads Act 1993.

**Reason:** To ensure the ongoing safety and protection of property.

83. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any requiring shoring, propping and anchoring devices adjoining Council property are to be prepared by a qualified structural or geotechnical engineer. These details must be provided to the satisfaction of the certifying authority prior to the issue of a construction certificate. 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.

### **PRIOR TO WORKS COMMENCING**

#### **Planning and general**

84. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate(s) 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(s) when inspections, certification and compliance certificates are required.

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

85. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

**Reason:** To ensure public safety.

86. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98A(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.

**Reason:** Statutory requirement.

87. 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.

88. 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, and will be consistent with boundary setbacks as shown on the approved plans. 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.

89. 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 prior to any excavation occurring.

**Reason:** To ensure Council's assets are not damaged.

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

- (a) An overall construction management program;
- (b) Construction traffic management;
- (c) Construction zones;
- (d) Pedestrian management;
- (e) Hoardings;
- (f) Dust management;



- (g) Hours of work;
- (h) Noise and vibration management measures;
- (i) Dilapidation reports;
- (j) Identification and disposal of hazardous materials/demolition materials;
- (k) Materials handling, waste management and recycling;
- (l) Disposal of excavated materials; and
- (m) Unexpected archaeological finds
- (n) Specific matters nominated within the consent notice.

All work must be undertaken in manner consistent with the terms of this Plan.

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

### Engineering

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

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
  - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
  - (iii) The locations of proposed Work Zones in the egress frontage roadways,
  - (iv) Location of any proposed crane standing areas,
  - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.  
 Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.
- (c) Traffic Control Plan(s) for the site:

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

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

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

92. 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.

93. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
  - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
  - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
  - (d) The impact on groundwater levels in relation to the basement structure.

- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.
- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.  
The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.  
The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:
  - (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
  - (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
  - (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
  - (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
  - (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
  - (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

**Reason:** To ensure the ongoing safety and protection of property.

94. 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.

95. 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.

96. 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.

97. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:
- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
  - (b) Storage of building materials and building waste containers (skips) on Council's property.
  - (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
  - (d) Kerbside restrictions – construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the

alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

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

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

98. 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 and transport

99. Prior to the commencement of any works on site, the applicant must submit a Construction and Pedestrian Traffic Management Plan (CPTMP) to the satisfaction of Council's Traffic and Transport Manager. The CPTMP shall be prepared by a suitably qualified and experienced traffic consultant. The following matters must be specifically addressed in the CPTMP:
- (a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
  - (c) The location of proposed Work Zones in the egress frontage roadways,
  - (d) Location of any proposed crane standing areas,
  - (e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (g) The provisions of an on-site parking area for employees, tradeperson 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) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified,
- (o) 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,
- (p) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable, and,
- (q) 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.

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

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

#### Environmental health – contamination

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

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

#### **DURING WORKS**

##### Planning and general

102. 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.

103. Dust control measures shall be implemented during all periods of earthworks, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

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

104. 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.

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

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

106. 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 and 5:00pm.
- No work is to be carried out on Sunday or Public Holidays.

Demolition works are restricted to:

- Monday to Friday inclusive: 7:00am and 5:00pm; and
- No work is to be carried out on Saturday, Sunday or Public Holidays.

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

107. 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.

108. 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.

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

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

### Engineering

110. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) – Stormwater Drainage and the Building Code of Australia (National Construction Code).

**Reason:** To ensure satisfactory stormwater disposal.

111. 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.

112. 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.

113. 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.

114. In the event that material is identified at the subject site as contaminated as defined in the Managing Land Contamination Planning Guidelines dated 1998 and prepared by the Department of Urban Affairs and Planning, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. Any soil investigation must be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites, the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007, and the provisions of the Contaminated Land Management Act 1997 and Regulation 2013.

**Reason:** To ensure that the provisions set out in Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land have been met and the use of the land poses no risk to the environment and human health.

#### Traffic and transport

115. 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 works.

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

116. 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.

#### Landscaping

117. Sixty-two (62) trees are to be removed as per Appendix C of the Preliminary Arboricultural Report, prepared by ArborSafe Australia Pty Ltd, and dated 14 December 2016.

**Reason:** To facilitate development.

118. 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.

119. 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 ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

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

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

#### Environmental health – waste

121. 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 are met.

122. Liquid and solid wastes generated on site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with the EPA's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

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

#### Environmental health – contamination

123. Any fill material 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. Records of each individual certification are to be kept on site and produced for inspection when requested.

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

124. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines and any other regulatory instrument as amended.

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

125. 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.

#### Environmental health – acoustic

126. Further detailed analysis and modelling is to be conducted during the construction certificate stage to ensure that the noise levels across all building floors at each façade are appropriately treated, in accordance with the conclusion of the Acoustic Report (report no. J190232 RP1, version 'Final'), prepared by EMM Consulting and dated 11 August 2020.

**Reason:** To ensure acoustic criteria can be met and to demonstrate compliance with the submitted reports.

#### Urban design – public domain

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

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

The required inspections include the followings:

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

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

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

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

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

## **PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE**

### **Planning and general**

128. A separate application must be made for a subdivision certificate. That certificate will not be issued until the relevant conditions below are satisfied and must be accompanied by a final occupation certificate.

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

129. Occupation or use of the building or part is not permitted until Occupation Certificate(s) have been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

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

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

- (a) Access Report, prepared by Philip Chun Accessibility Pty Ltd, report no. AN19-213029, 14 September 2019;
- (b) Environmental Wind Tunnel Study, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16968-R02, revision v3.0, dated 14 August 2020;
- (c) Reflectivity Assessment, prepared by SLR Consulting Australia Pty Ltd, report no. 610.16968-R03, revision v4.0, dated 28 September 2020;
- (d) Acoustic Report, prepared by EMM Consulting, report no. J190232 RP1, version: 'Final', dated 11 August 2020;
- (e) Operational Waste Management Plan, prepared by Elephants Foot, revision D, dated 10 August 2020;
- (f) Sustainability Report, prepared by Northrop Consulting Engineers, ref. no. SY19109-SER04, revision 4, dated 15 September 2020;
- (g) The revised NatHERS and BASIX assessments submitted to satisfy conditions of this consent.

**Reason:** To ensure a suitable level of amenity and demonstrate compliance with submitted reports.

131. Prior to the issue of the first Occupation Certificate (Interim or Final) or Subdivision Certificate, whichever occurs first, the developer must provide Council with a schedule of individual unit/street numbers as displayed within the development for identification purposes. The numbering sequence must be in accordance with the street numbering approval letter issued by Council.

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

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

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

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

133. Street number(s) for each building and retail tenancies (as appropriate) are to be placed on the site in a readily visible location from a public place prior to the issue of the relevant Occupation Certificate or Subdivision Certificate, whichever occurs first. The numbers are to have a minimum height of 75mm.

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

134. The developer must submit to the Principal Certifying Authority a letter from provider authorised under the Telecommunications Act 1997 confirming satisfactory

arrangements have been made for the provision of telephone and cable television services, prior to the release of the any Occupation Certificate or Subdivision Certificate, whichever occurs first.

**Reason:** To ensure provision of appropriately located telecommunication facilities.

135. 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 any Occupation Certificate or Subdivision Certificate, whichever occurs first.

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

136. The following conditions shall be complied with:

- (a) For safety, access to the swimming pool must be restricted by fencing or other measures as described by the Swimming Pools Act 1992, the Swimming Pool Regulation 2008, and Australian Standard AS1926 Parts 1 and 2 - 2007. The fencing or other measures must be completed prior to any water being placed in the pool.
- (b) Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that noise levels associated with spa/pool pumping units shall not exceed 5 dBA at the boundaries of the site.
- (c) To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must be placed where it is not visible from a public place.
- (d) To ensure the proper disposal of polluted waters and to avoid runoff nuisance for downstream properties, all drainage including any overland waters associated with the pool and spa must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.
- (e) For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
- (f) Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.
- (g) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",
- (h) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

**Reason:** To ensure compliance with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and the National Construction Code together with maintaining amenity.

137. Prior to the issue of any Occupation Certificate an intercom system must be provided in a convenient location adjacent to the visitor parking entry.

**Reason:** To ensure convenient access is available for visitors to the building.

138. 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.

Any 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.

139. 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 any 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 require rectification of all instances of damage.

A copy of this report is to be 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.

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

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

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

141. Prior to the issue of the relevant Occupation Certificate(s) the following measures shall be installed to address CPTED considerations:

- (a) Mailboxes must be located inside each apartment building and positioned so that mail can only be removed from inside a private space that is fitted with access control to prevent non-residents from accessing the area.
- (b) Each mailbox must be fitted with an individualised non-master key lock; alternatively, individual electronic access is provided.
- (c) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings (including car park entry and exit). The cameras must include the foyer area to the buildings. CCTV

cameras should also cover any communal areas, lifts, mailbox areas, footpaths, publically accessible spaces and the basement car parks. The CCTV system shall comply with Australian Standards AS 4806.2-2006. Recordings should be made twenty four (24) hours a day seven (7) days a week. The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed;

- (d) Security system to be provided in the basement to distinguish between the public and private parking areas to prevent unauthorised access to private basement parking and storage areas.
- (e) Any basement storage compartment provided to residents must be secure, with walls and door and fitted with an individual non-master key lock;
- (f) Wayfinding measures within parking levels;
- (g) Internal and external lighting to Australian Standards.

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

142. Separate consent, either via a development application or a Complying Development Certificate if appropriate, shall be obtained for any subdivision of the buildings.

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

143. Prior to the issue of any occupation certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority stating that:

- (a) 61 apartments are adaptable dwelling(s) which achieve a class C design in accordance with the requirements of AS 4299 -1995.
- (b) The completed development otherwise addresses the requirements of AS1428, the Building Code of Australia (BCA), DDA Access to Premises Standards (including DDA Access Code) to ensure consistency with the obligations of the Commonwealth Disability Discrimination Act (DDA).

**Reason:** To ensure legislative requirements are met.

144. The applicant shall provide an Instrument under the relevant sections of the Conveyancing Act 1919, to the satisfaction of council. The Instrument shall detail all Positive Covenants, Restrictions on the Use of the Land and Easements as necessary, and to address the following matters:

- (a) Show rights of way or easement for shareway and through site link (24 hour public access).
- (b) Show all rights of way or easements for all basement levels to allow for private and public vehicle access, including service vehicles.
- (c) Easements for all services.
- (d) Easement for any awning(s) or structures overhanging public domain.
- (e) Covenant to burden the residential component of the development and property substantially in the form of the event covenant used by Sydney Olympic Park Authority, and otherwise to the satisfaction of Council, in relation to disturbance, inconvenience, nuisance, disruption or economic loss arising in connection with the operation of Sydney Olympic Park.
- (f) All other matters as nominated in this consent.

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" to Council's satisfaction.



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 the Principal Certifying Authority prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever occurs first.

**Reason:** To ensure maintenance of facilities and access.

### Engineering

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

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

146. Works-As-Executed stormwater and landscape plans shall be submitted to Council's Group Manager Development and Traffic Services Unit (DSTU) prior to the issue of the occupation certificate, certifying that the stormwater management system including OSD and WSUD has been constructed and completed in accordance with the approved stormwater and landscape plans. The person issuing the occupation certificate shall ensure that the following documentation is completed and submitted:

- (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) Approved verses installed Drainage Design (OSD) Calculation Sheet.
- (g) Works as Executed details of the WSUD system and certification that it functions as intended.
- (h) The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development and Traffic Services Unit.

**Reason:** To ensure works comply with approved plans.

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

148. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water 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.

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

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

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

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

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

**Reason:** Pedestrian and vehicle safety.

150. 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.

151. A Water Management and Maintenance Operational Plan is required to be lodged with the Occupation Certificate application to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater and water management and WSUD system on the site. As a guide, the maintenance report is required to cover all aspects of on-site facilities associated with onsite detention, on-

site rainwater harvesting, bio-retention and water quality treatment, WSUD and the management of stormwater quality both by using the landscape and by using mechanical devices. The Water Management and Maintenance Operational Plan is to address the following requirements:

- (a) Aims and objectives (including water quality and filter media parameters);
- (b) A plan showing the location of the individual components of the system – both landscape and mechanical.
- (c) Manufacturer's data and product information sheets for any proprietary products
- (d) Location of inspection and monitoring points shown clearly on the plan
- (e) Description of inspection/maintenance techniques and the associated rectification procedures – both landscape and mechanical.
- (f) A schedule or timetable for the proposed regular inspection and monitoring of the system, (Council recommends a visual inspection at least 3 times per year between October and May the following year, with a maximum of 3 months between successive inspections). Inspection is to be made not less than 24 hours and not more than 72 hours after the cessation of rainfall if the total rainfall on any day exceeds 30mm.
- (g) Record keeping and reporting requirements.
- (h) Review and update requirements.

The Water Management and Operational Plan is required to be prepared by a suitably qualified and experienced professional to the satisfaction of Council. It may where appropriate use the maintenance checklists located 'Product Design Manual' or (in the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland).

The approved Water Management and Operational Plan must be implemented in perpetuity to the satisfaction of Council. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the rainwater capture, landscape systems and mechanical device treatment measure/s.

**Reason:** To ensure appropriate management and maintenance requirements are established.

#### Traffic and transport

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

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

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

**Reason:** To encourage green travel.

153. Five (5) car parking spaces are to be provided for car share parking space. Car share parking spaces shall be publicly accessible at all times, adequately lit and sign posted.

Written evidence shall be provided demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The PCA shall ascertain that agreement with a commercial operator is subscribed prior to issue of the construction certificate. Details are to be illustrated on plans submitted with the relevant occupation certificate.

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

#### Urban design – public domain

154. 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 occupation certificate.

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.

#### Landscaping

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

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

#### Waste

156. Prior to the issue of any Occupation Certificate, communal waste facilities and associated vehicle access on the site shall be inspected and approved by Council's

Waste Service Team. Written confirmation of the waste facility approval from Council shall be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

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

157. Prior to the issue of any Occupation Certificate, a waste lockbox is to be purchased from Council and installed in an agreed location between Council and the applicant. The location can be determined during onsite inspection by Council's Waste Service Team.

**Reason:** To ensure appropriate access for waste collection

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

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

159. Prior to the issue of any Occupation Certificate the applicant shall contact Council's Supervisor Waste Services to:

- (a) Confirm the appointment of Council to collect all domestic waste from the site
- (b) Arrange a site inspection to confirm the adequacy of access for Council's garbage collection vehicles.

**Reason:** To ensure appropriate arrangements for waste collection.

160. Prior to the issue of any Occupation Certificate the applicant shall provide documentation to demonstrate registration of the following easements:

- (a) An easement enabling required access by Council for the purpose of collecting domestic waste. The terms of the easement shall be approved by Council's Supervisor Waste Services prior to registration of that easement. In this regard the easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the property by reason of the operation of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner of the land shall indemnify the Council, its agents and persons.

**Reason:** To ensure appropriate access for waste collection.

#### Environmental health – waste

161. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site's commercial uses shall be submitted to the satisfaction of the PCA.

**Reason:** To ensure a waste collection service is commenced at the time of occupation of the development.

#### **THE USE OF THE SITE**

##### Planning and general

162. The specific commercial/retail tenancies must be the subject of further development approval for such use or occupation.

**Reason:** To ensure development consent is obtained prior to that use commencing.

163. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

**Reason:** To ensure compliance with Sydney Water's requirements and protect the environment.

164. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

**Reason:** To minimise noise impact of mechanical equipment.

165. No advertisement/signage shall be erected on or in conjunction with the development without prior consent.

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

166. No A-frame signs or sandwich boards are permitted.

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

167. No materials, goods or vehicles associated with the use of the premises are to be stored or displayed on or within the street reserve or other public area.

**Reason:** To ensure the integrity of Council's assets is protected and to ensure unobstructed pedestrian movement in the vicinity of the proposal.

168. The swimming pool and gymnasium facilities are not to be operated for general commercial purposes and access shall be restricted to residents and guests only.

The swimming pool pump must not be operated between the hours of 8pm and 7am Monday to Friday, and 8pm to 8am Saturdays, Sundays and Public Holidays.

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

169. The owner/manager of the site is responsible for the removal of all graffiti from buildings, structures, fencing etc. within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.

#### Traffic and transport

170. If a roller shutter door is to be provided at the driveway entry and exit on Ibis Street, it is to be operated via remote control or swipe card. If an intercom or swipe card infrastructure is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3(b) of AS 2890.1 - 2004.

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

171. One year from the issue of the Occupation Certificate, and every year for 2 years thereafter, a review of the effectiveness of the Green Travel Plan shall be submitted to Council's Group Manager Development and Traffic Services Unit (DTSU). The reviews shall include surveys of modal share and vehicle trip generation for the various land

uses within the development during peak and off-peak periods. The review shall also include recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.

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

#### Landscaping

172. All landscape works shall be maintained for a minimum period of fifty-two (52) weeks following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

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

#### Environmental health – waste

173. 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.

174. 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.

175. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow.

Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

**Reason:** To ensure waste is adequately stored within the premises

#### Environmental health – acoustic

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

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning and Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

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

177. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To reduce noise levels.

178. 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.

179. Air conditioners must not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - ii. before 7.00am and after 10.00pm on any other day.
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

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