

<b>SCCPP Reference:</b>	PPSSCC-94
<b>DA No:</b>	DA/179/2020
<b>Address:</b>	14-20 Parkes Street – Harris Park

#### CONDITION NEGOTIATION WITH THE APPLICANT

CONDITION	APPLICANT REQUEST	COUNCIL RESPONSE	ACTION/RECOMMENDATION
Various	Change “an” occupation certificate to “a” occupation certificate. No reason provided.	There is no need to change Council's standard wording.	Conditions remain the same.
Various	Change conditions to refer to relevant CC to enable staging of works.	<p>The PCA ordinarily distinguishes the relevant conditions for the relevant CCs in any case. Notwithstanding the above, the following condition would satisfy the request:</p> <p><i>Unless otherwise stated, all relevant terms and conditions are to be met for any Construction Certificate to be issued for those development components being approved as part of that Construction Certificate.</i></p> <p><i>Note: It is acknowledged that separate construction certificates may be issued for separate components within each stage.</i></p> <p><b>Reason:</b> To confirm the potential proposed separate stages of construction.</p>	Condition added to address the request. See Condition 3A.
Various	Minor spelling errors	No objection to the changes.	Conditions have been amended to reflect request.
<b>Condition 1</b> <i>Approved Plans and Supporting Documentation</i>	Amend to include SJB letter regarding design excellence and flood report.	No objection to the change.	Conditions have been amended to reflect request.
<b>Condition 8</b> <i>Design Excellence Preservation</i>	This condition is modified by Council officers after conditions were originally sent to the applicant. It has been modified to clarify that SJB are the architectural firm responsible for the design competition winning scheme.		
<b>Condition 10</b> <i>Car Parking Allocation</i>	Remove reference to the car share space in the allocated parking to be provided on site. No reason provided.	The car share space is required under the DCP and is proposed by the applicant and indicated on the original plans (appears to have been removed on the most recent plans submitted	Condition remains the same.

		without discussion). There is no reason to remove the reference or requirement for the provision of a car share space.	
<b>Condition 11</b> <i>Flood Design Requirements</i>	<p>Clarify ground level setback to creek required.</p> <p>Remove the requirement to for the rear external stairs to be relocated out of the 6m setback.</p> <p><i>"The stairs we feel are not a "structure" and can be contemplated as not impacting the floodway similar to other to be included landscaping items in the walkway.</i></p>	<p>Ground level setback is clarified.</p> <p>A 6m setback is required at ground level for overland flooding (DCP requirement). This element is considered to be a structure and was added during the latest amended plans for the site. The stairs will need to be relocated out of the floodway.</p>	<p>Condition amended to clarify.</p> <p>Condition otherwise remains the same.</p>
<b>Condition 13</b> <i>Section 7.12 Contributions</i>	<p>Request that the arts plan budget (for the required arts plan) be offset from the development contributions required.</p> <p><i>"Council's 7.12 plan contemplates that the provision of public art is a function of the contributions plan. Thus there is a direct nexus of the plan and the provision of the proposed art."</i></p>	<p>The implementation of artwork is specific to a development site and forms part of the application. This is standard for all major City Centre developments.</p> <p>The art plan budget is borne by the developer and is considered separately to the Parramatta CBD Development Contributions Plan 2007, which provides for more general CBD wide projects.</p>	Condition remains the same.
<b>Condition 17</b> <i>Security Bonds</i>	<p>Remove the wording "hoarding application" from one of the approvals required to pay the security bond. Remove the bond for the hoarding. No reason provided.</p>	<p>This is a standard condition. The construction of a hoarding is works which will require a bond to be paid to protect Council's assets.</p> <p>Should the applicant wish to transfer the hoarding bond from the demolition DA to the building DA, then this may be accommodated outside of this DA process and in due course.</p>	Condition remains the same.
<b>Condition 23</b> <i>Liveable Housing</i>	<p>Amend condition to acknowledge adaptable dwellings will be part of the liveable dwelling numbers.</p> <p><i>"We seek to clarify so it cannot be considered there will be a double up of Adaptable and Liveable."</i></p>	<p>No objection to the change.</p> <p>For clarification purposes only.</p>	Condition amended to reflect request.

<b>Condition 30</b> <i>External Walls and Cladding Flammability</i>	Provide option of demonstrating compliance prior to issue of CC <b>or</b> OC (rather than at both stages). No reason provided.	Compliance with the National Construction Code must be shown at both CC stage and OC stage to ensure building materials are sufficiently non-combustible.	Condition remains the same.
<b>Condition 31</b> <i>Submit Detailed Concept Development, Including Artwork</i>	Amend to allow the art works budget to be offset against developer contributions.  <i>"The guideline of council for public art is in draft form and could be considered to be in conflict with the contributions plan by seeking to apply the cost outside of the 7.12 plan."</i>	See reasoning in Condition 13 above.	Condition remains the same.
<b>Condition 32</b> <i>Design Winner Ongoing Involvement</i>	Include the ability to use an alternative architect to the architectural firm(s) responsible for the design competition winning scheme.	This change is acceptable and is enabled by Condition 8 which allows the architect to be changed with prior Council approval.	Condition amended to reflect request.
<b>Condition 36</b> <i>Energy Provider Requirements</i>	Allow for satisfaction before the "relevant" CC. No reason provided.	This is a concurrence condition from Endeavour Energy. Council is unable to modify. This request is generally covered through the addition of Condition 3A (as discussed above).	Condition remains the same.
<b>Condition 37</b> <i>Freight and Servicing Management Plan - TfNSW</i>	Allow for satisfaction before the "relevant" CC. No reason provided.	This is a concurrence condition from TfNSW. Council is unable to modify. This request is generally covered through the addition of Condition 3A (as discussed above).	Condition remains the same.
<b>Condition 39</b> <i>Flooding Design Details</i>	Various changes proposed. Changes include: <ul style="list-style-type: none"> <li>• Having back up power to the refuge facility only (rather than the development)</li> <li>• Holding capacity for sewerage tank to be 24hours not 48 hours</li> <li>• Having a back up potable water supply and management system rather than a tank</li> </ul> <p><i>"There is a significant design issue with the flood issues (condition 39) we are seeking further response back from the engineer. At this stage the ability to supply tanks etc. for 48 hours of use is a significant impact and we would like to understand the intent further and options to</i></p>	No additional reasons have been provided from the applicant or their flood engineer.  Council's Catchment Engineer has agreed to the following: <ul style="list-style-type: none"> <li>• Back up power can be limited to the refuge area only however this is to be provided for 72 hours. This site is subject to severe high hazard flooding and these conditions are required to make this development possible through risk management.</li> <li>• The temporary overflow sewerage tank (holding up to 48 hours) should remain. This is not onerous and 48 hours in these</li> </ul>	Condition amended to partially address applicant concerns.

	<i>achieve a safety standard whilst enabling buildability.”</i>	<p>circumstances is a reasonable period for emergency storage of sewage wastewater.</p> <ul style="list-style-type: none"> <li>The provision of a potable water and water supply is essential for occupants trapped in the building. This is part of the flood risk management suite of measures. Retain the requirement for a tank however enable the option for an alternative system.</li> </ul>	
<b>Condition 53</b> <i>Exhaust Fumes</i>	Request to add other relevant Australian Standards for the design of mechanical exhaust ventilation.	No objection is raised to the amendment.	Condition amended to reflect request.
<b>Condition 69</b> <i>ESD Initiatives</i>	<p>Request to remove the following requirements:</p> <ul style="list-style-type: none"> <li>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</li> <li>Rainwater collection and reuse is to be installed and suitably sized to serve all non-drinking water uses through the dual reticulation system.</li> </ul>	No reason has been provided for the request to remove the requirements. These requirements are applicable to all new major developments within the city centre.	Condition remains the same.
<b>INSERT NEW</b> <b>Condition 71A</b> <i>Vehicle Swept Paths</i>	<p>This condition is added by Council officers after conditions were originally sent to the applicant. This condition is a result of the further review by TfNSW of the amended plans and includes their additional recommendation.</p> <p><b>CONDITION 71A – VEHICLE SWEPT PATHS</b></p> <p>Prior to issue of the relevant construction certificate, vehicle swept paths shall be submitted to Council for approval by the Group Manager, Development and Traffic Services. The swept paths shall demonstrate satisfactory movements for vehicles entering and exiting the site taking into consideration medium rigid vehicle movements from the site and within the loading dock. Council should be satisfied that the basement and vehicular crossing design complies with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Reason: To ensure satisfactory vehicular access.</p> <p>The applicant will be provided a copy of this condition to review prior to determination of the application.</p>		
<b>Condition 132</b> <i>CPTED Measures</i>	Change the time CCTV recordings are kept from 30 days to 14 days. No reason provided.	AS/NZS 62676:2020 (Australian CCTV/VSS standards covering video surveillance system	Condition amended to refer to the Australia Standard.

		requirements, transmission protocols, camera performance, application guidelines and more) requires recordings to be kept for a minimum of 30 days. This is primarily to allow police sufficient time to gain access to any recordings post criminal activity being reported.	
<b>Condition 137</b> <i>Public Access over Foreshore Area</i>	Amend the condition for the easement for Council to indemnify the owner. No reason provided.	Council has no obligation to indemnify privately owned land.	Condition remains the same.
<b>Condition 145</b> <i>Broadband Access</i>	Amend to allow for NBN <b>or</b> alternative access provider	No objection is raised to the amendment.	Condition amended to reflect request.
<b>Condition 148</b> <i>Strata Subdivision Certificate</i>	Amend condition to refer to the Strata Schemes Management Act 2015.  Remove the last sentence 'the linen plan must not be issued until a final OC has been issued'. <i>This ties up our building works to the plan.</i>	The correct legislation to be referenced is the Strata Schemes Development Act 2015 (which provides for subdivision) rather than the Strata Schemes Management Act (which provides for the management of strata schemes).  The building works are to be completed before the development is strata subdivided.	Condition amended to reflect corrected legislation.
<b>Condition 150</b> <i>Design Jury Review</i>	Amend to change the timing of jury review. No reason provided.	The Design Competition Jury have requested that all works are reviewed at any occupation certificate.	Condition remains the same.
<b>Condition 161</b> <i>Maintenance of Overland Flow Path</i>	Amend to allow for structures within the overland flow path.  <i>"We have entered a note that enables a consideration of the overland flow path having certain structures if supported by the flood study to the satisfaction of council. It is noted the council did originally suggest certain structures inside this area."</i>	The intent of this modification is unknown and is not supported by Council's Catchment Engineer. It has been clear throughout the process that no structures are to be within the overland flow path.	Condition remains the same.
<b>Condition 169</b> <i>Provision of Car Share Space</i>	Deletion of condition requiring the provision of a car share space. No reason provided.	The car share space is required under the DCP and is proposed by the applicant and indicated on the original plans submitted. There is no reason to remove the reference.	Condition remains the same.
<b>Condition 185</b> <i>Maintenance of Public Domain Works</i>	Reduce maintenance period from 2 years to 1 year.	This condition may be deleted. The 2 year maintenance period only applies to certain aspects of the public domain as below.	Condition deleted.

	<i>Condition 167 proposes 52 weeks the amendment aligns with that time period.</i>	<i>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.</i>	Condition 167 has been amended to include the specified 2 year maintenance period.
<b>Condition 187</b> <i>Monitoring of Green Travel Plan</i>	Amend responsibility for preparation of the green travel plan from developer to the land owner.	No objection to the change.	Condition amended to reflect request.
<b>Condition 188</b> Car Share	Deletion of condition requiring the provision of a car share space and easement over the space. No reason provided.	The car share space is required under the DCP and is proposed by the applicant and indicated on the plans. There is no reason to remove the reference.	Condition remains the same.
<b>Condition 190</b> Maintenance of Site Works	Reduce maintenance period from 2 years to 1 year. No reason provided.	This is a standard requirement. Sufficient time needs to be provided for the establishment of landscaping. In this regard, depending when the plants are installed, the start of their first growing season could be a full six or more months away and would then need a full 12 months of maintenance including another full growing season to ensure that proper establishment of the plants has taken place.	Condition remains the same.

- THIS DOCUMENT WILL BE PROVIDED TO THE APPLICANT FOLLOWING REPORT SUBMISSION TO THE REGIONAL PLANNING PANEL.
- THE APPLICANT HAS BEEN ADVISED THAT ANY FURTHER DISCUSSIONS REGARDING THE PROPOSED CONDITIONS ARE TO BE DIRECTED TO THE SCCPP PANEL SECRETARIAT.

*Kate Lafferty*  
*Executive Planner – City Significant Development*  
*02 December 2020*