

Report to Sydney Central City Planning Panel

SWCCP reference	PPSSCC-94
DA No.	DA/179/2020
Date of receipt	14 April 2020
Proposal	Mixed use development
Street address	14-20 Parkes Street – Harris Park
Property Description	Lot 10 DP 128882, Lot 13 DP 1077402, Lot 14 DP 1077402 and Lot 2 DP 128524
Applicant	Pacific Planning Pty Ltd
Owner	Parkes 88 Pty Ltd
Submissions	3 unique submissions
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (at the time of lodgement), the development has a capital investment value of more than \$30 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • SEPP 55 (Remediation) • SEPP 65 (Design Quality of Residential Apartment Development) • SEPP (Building Sustainability Index: BASIX) 2004 • SEPP (Sydney Harbour Catchment) 2005 • SEPP (State and Regional Development) 2011 • SEPP (Infrastructure) 2007 • SEPP (Coastal Management) 2018 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	Refer to Condition 1 within Attachment B
Report prepared By	Kate Lafferty (Executive Planner – City Significant Development)
Report Date	1 December 2020

Summary of Sec 4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (Sec 7.24)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Not Applicable**

Conditions

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

1. Executive Summary

The proposal provides for the construction of a 39-storey mixed use development containing 5 basement car parking areas, ground floor commercial/retail tenancies and 294 apartments.

The proposed building was awarded design excellence as the winning entry in a design competition. The proposed building generally follows the form for the site envisaged by Parramatta LEP 2011 and Parramatta DCP 2011, is generally consistent with the requirements of the Apartment Design Guide and as such is considered to provide a high standard of accommodation for future occupants.

The primary site constraint on the land is flooding. However, it is considered that sufficient evidence has been provided to demonstrate that these risks can be managed appropriately.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the high-density character of the area and the built forms envisaged by the controls. It is considered that the proposed increase in traffic would not compromise the function of the local road network.

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

This report recommends that the Panel:

- Approve the application, subject to conditions of consent.

2. Key Issues

Design Excellence	The proposed development was the winning entry in a Design Competition. The Design Competition Jury unanimously agree that the design exhibits Design Excellence and meets the design excellence objectives of the Parramatta LEP 2011. The Jury have raised an issue with the proposed change in architect for the ongoing delivery of the project. This matter is discussed further in the report.
Flooding	The site is affected by flooding, with flash flooding from Clay Cliff Creek and overland flow flooding from the local catchment. The applicant has addressed flooding with a 6m wide setback from Clay Cliff Creek for floodwater conveyance, appropriate floor levels, shelter in place above the PMF, flood exclusion from the basements up to the PMF and sound engineering practice that together minimise flood risk.
Activation of Clay Cliff Creek	The site has been designed to create a foreshore area adjoining Clay Cliff Creek. This creek is a concrete lined channel owned by Sydney Water. The applicant has provided design measures and technical controls to provide for a safe and useable space along the creek area. Details of this have been discussed further within the report.

3. Site Context

3.1 The Site

The site is located on the north-eastern corner of Parkes Street and Wigram Street, Harris Park. The site is comprised of 4 allotments of land with the following characteristics:

Address	Property Description	Lot Size	Improvement
14 Parkes Street	Lot 10 DP 128882	386.5m ²	Contains a 5 storey commercial building
16 Parkes Street	Lot 13 DP 1077402	838.9 m ²	
18 Parkes Street	Lot 14 DP 1077402	970.5 m ²	Contains a 2 storey commercial building with basement car park
20 Parkes Street	Lot 2 DP 128524	681.8 m ²	Contains a 2 storey commercial building

The combined site has a frontage to Parkes Street of 60.255m, a frontage to Wigram Street of 28.63m (including a corner arc of 6.21m) and a site area of 2829.7m².



Locality Map (subject site outlined in red)



View east along Parkes Street to the subject site (Source: SEE – Pacific Planning - 2020)



View west along Parkes Street to the subject site (Source: SEE – Pacific Planning - 2020)



View of Clay Cliff Creek at the rear of the subject site (Source: SEE – Pacific Planning - 2020)

3.2 Surrounding Development

The subject site is surrounded by the following development:

- Clay Cliff Creek (concrete channel) at the rear with 111 Wigram Street (9 storey mixed use) located opposite to the north of the creek (DA/408/2010)
- New development adjoining to the east at 22 Parkes Street (17 storey mixed use development) (DA/442/2013)
- New 'Charlie Parker' site to the west across the road – 12A Parkes Street (22 storey mixed use development) (DA/1263/2016)
- 8 storey mixed use and 2-4 storey commercial to the south across the road in Parkes Street.

4. Background

The recent history of this site as of relevance to the application is outlined within the table below.

Planning Proposal RZ/9/2015	<p>Parramatta LEP 2011 (Amendment No. 46) took effect from 18 June 2020. The amendment relates to the subject site and includes the following changes to the Parramatta LEP 2011:</p> <ul style="list-style-type: none">- Increase in the FSR from 4:1 to 8:1- Increase in maximum height of 54m to 110m- Inclusion of a site-specific clause to achieve the following:<ul style="list-style-type: none">o Application of a maximum car parking rate in accordance with the CBD Strategic Transport Studyo A requirement that the development address floodplain risk management. <p>There are associated amendments to the Parramatta DCP 2011 which also took effect from 18 June 2020. These changes relate to Section 4.3.3 Parramatta City Centre and include specific flooding related objectives and measures to be incorporated into design.</p> <p>In addition, there is an associated Voluntary Planning Agreement (VPA) for the site providing for a monetary contribution to fund local community infrastructure. The VPA was executed on 16 June 2020.</p>
Design Competition DC/5/2016	<p>A design competition was held for the site with the design brief set against the proposed draft planning proposal controls at 10:1/122.5m. The Jury awarded the winning scheme to SJB on June 2016 and acknowledged the proposal exhibits design excellence.</p> <p>A letter awarding design excellence was not sent as it had to be demonstrated that the 8:1 scheme maintained design excellence (being the revised draft planning proposal controls).</p> <p>On 17 June 2020, the Jury was reconvened to review the Development Application (DA/179/2020). The Jury requested further design refinements be carried out and resubmitted for the Jury review and comment prior to the determination of this application.</p>

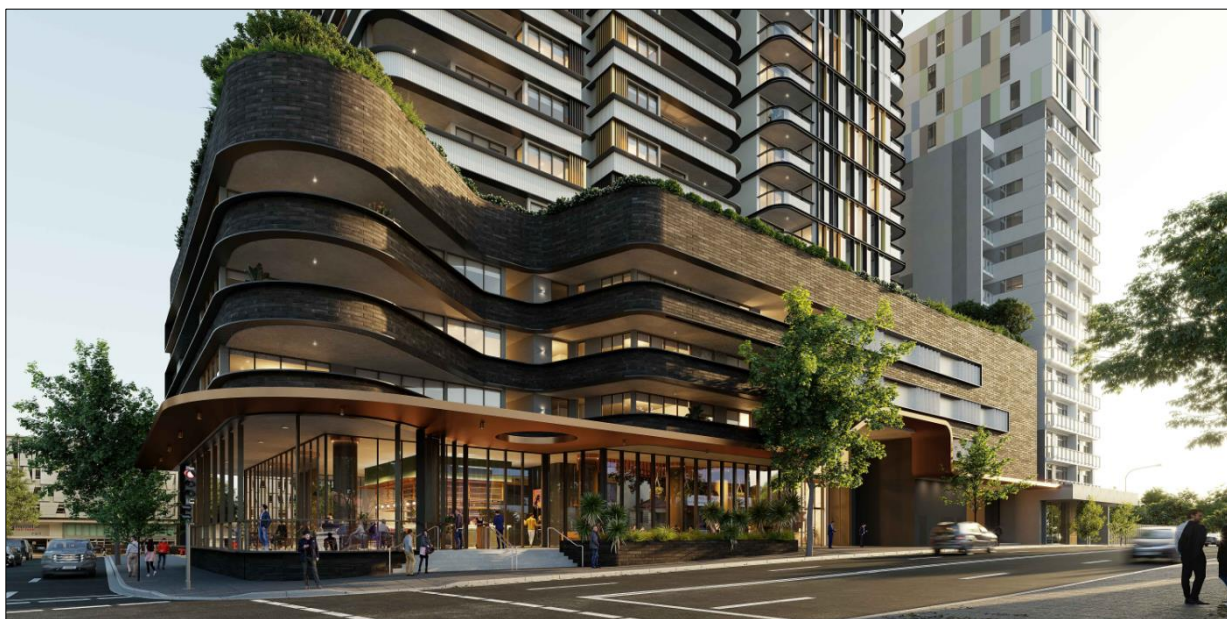
	<p>Upon submission and review of amended plans, the Jury unanimously agreed that the design exhibits design excellence, and that the current design is consistent with the original design excellence competition winning scheme, prepared SJB Architects.</p> <p>The Jury have raised an issue with the proposed change in architect for the ongoing delivery of the project. This matter is discussed further under Section 3.8 of this report.</p>
Pre-lodgement Application PL/55/2019	A pre-lodgement meeting was held on 19 June 2019. Threshold issues raised included creek setback, flooding, car parking, floor space confirmation and design jury requirements. All issues were addressed at the DA stage.
Development Application DA/324/2020	A development application for the demolition of existing structures and tree removal on the site was approved under delegated authority on 31 July 2020.

5. The Proposal

The proposal involves the following:

- Construction of a 39 storey mixed use building comprising the following:
 - A ground floor retail/commercial tenancy
 - Four level podium containing residential apartments, car and bicycle parking spaces, plant rooms, loading bays, and storage spaces
 - 38 levels of residential apartments
 - Communal open space on the podium rooftop and level 31 rooftop.
- A total of 294 residential dwellings comprising:
 - 28 x 1 bedroom apartments (9.5%)
 - 238 x 2 bedroom apartments (81%)
 - 28 x 3 bedroom apartments (9.5%).
- 380m² of retail/commercial floor space at ground level.
- 204 car parking spaces provided across 5 basement levels and 4 above ground levels.

Estimated Cost of Works = \$82,845,338



Photomontage – 14-20 Parkes Street – Harris Park (Parkes Street elevation)



Photomontage – 14-20 Parkes Street – Harris Park

6. Permissibility

The site has a B4 Mixed Use zoning applying to the land under the provisions of Parramatta LEP 2011. The proposed development is defined as a “mixed use development” and is permissible with consent.

Planning Objectives

The proposal is consistent with the objectives of the B4 Mixed Use zone for the following reasons:

- The proposal provides an appropriate mix of land uses.
- The proposal provides additional residential and commercial space in a highly accessible area.
- The proposal provides upgrades to the public domain.

7. Public Notification

The application was notified and advertised in accordance with Appendix 5 of DCP 2011 and legislative requirements for a 28 day period as follows:

20 May 2020 - 18 June 2020	Notification of the application when submitted
3 June 2020 - 2 July 2020	The notification period for this application was extended to enable additional residents to be notified (strata owners).
21 Oct 2020 - 18 Nov 2020	Notification of amended plans.

In response to the exhibition periods, 3 unique submissions were received. The issues raised within these submissions are discussed in further detail in **Attachment A**.

8. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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9. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply?	No
Does Section 4.10 (Designated Development) apply?	No
Does Section 4.46 (Integrated Development) apply?	Yes Section 90(2) of the Water Management Act 2000
Are submission requirements within the Regulations satisfied?	Yes

10. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	No - A detailed assessment is provided at Attachment A .
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11. Parramatta Local Environmental Plan 2011

The following table is a summary assessment against Parramatta LEP 2011. A detailed evaluation is provided at **Attachment A**.

LEP 2011 Section	Comment or Non-Compliances
Part 1 Preliminary	<ul style="list-style-type: none"> Consistent
Part 2 General provisions relating to development	<ul style="list-style-type: none"> Permissible in the zone Consistent with zone objectives
Part 3 Special provisions relating to development	<ul style="list-style-type: none"> Consistent All relevant provisions satisfied
Part 4 Protection of the natural environment and heritage items	<ul style="list-style-type: none"> All relevant provisions satisfied

12. Parramatta Development Control Plan 2011

The following table is a summary assessment against Parramatta DCP 2011. A detailed evaluation is provided at **Attachment A**.

DCP 2011 Section	Comment or Non-Compliances
Part 1 – Preliminary	Consistent
Part 2 – Background	Consistent
Part 3 – General Controls	Satisfactory
Part 4 – Detailed Design Guidelines	Satisfactory

13. SCCPP Briefing Minutes

The application was considered at a SCCPP Briefing Meeting held on 1 July 2020. Members of the panel in attendance were Abigail Goldberg (Chair), Gabrielle Morrish and David Ryan.

The key issues discussed at the Panel Briefing Meeting are as follows:


Detailed consideration to be given to the concerns of the design review panel and the Panel would also add that the applicant give additional consideration to:

- *The extent of activation and passive surveillance of the public domain around the site including Parkes St and the creek.*
- *The connection of the building to the creek open space area.*
- *The safety of the ground level outdoor space adjacent to the creek outside daylight hours.*
- *Quality of the Parkes St streetscape given the exposure of above ground car parking rather than apartments.*
- *Achievement of privacy and amenity for the apartments in the subject site and the adjacent eastern apartment given the reduced setback relationship.*

These matters are discussed further in detail below.

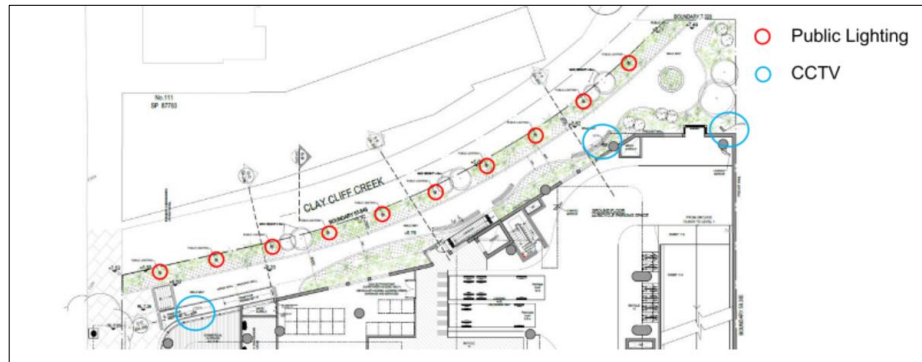
Matter to Consider	Comment
Concerns of the Design Review Panel	<p>The application was presented to the Design Competition Jury (the Jury) on 17 June 2020. Concerns were raised by the Jury regarding the continued involvement of SJB architects throughout the project, design development to improve the ground floor, revised layout of the northernmost apartments to engage the northern aspect, ensure ADG compliant apartment sizes, increase floor to floor heights to a minimum 3.1m, improve the Clay Creek interface, improve the treatment of the podium, commitment to curved glass balconies, to explore options to consolidate condenser units.</p> <p>The application was amended to address the concerns raised by the Jury. All concerns raised by the Jury have been adequately addressed within amended plans submitted to Council (with the exception of SJB's name being placed on the plans).</p> <p>The Jury unanimously agreed that the design exhibits Design Excellence, and meets Design Excellence objectives of the Parramatta LEP 2011. The Jury report was issued on 6 November 2020.</p> <p>The Jury have raised an issue with the proposed change in architect for the ongoing delivery of the project. This matter is discussed further under Section 3.8 of this report.</p>

<p>Activation and passive surveillance around the site</p>	<p>The application proposes ground floor retail/commercial along the Parkes Street and Wigram Street frontages. A number of amendments have been made to the design to improve activation and passive surveillance around the site. This includes:</p> <ul style="list-style-type: none"> • reducing the driveway width on the Parkes Street frontage • widening the residential entry on Parkes Street to create a more prominent entry point and create a sense of place to the primary frontage • extending the commercial/café space around the corner of Wigram Street to face Wigram Street and the creek walkway • introducing CCTV, walkway lighting and landscaping treatments along the creek • providing glass boxes on Levels 1 – 4 to create architectural variety, a sense of street presence and activation and promote informal passive surveillance of the creek walkway. The intent is, as people drive into the car parking areas the glass box lookouts will illuminate reinforcing presence within the building • relocating bicycle parking to encourage additional surveillance from when parking bicycles • adding louvres within the podium in multiple locations providing opportunities for further surveillance of the foreshore area. • the introduction of a balcony on Level 3 overlooking the creek area. <div data-bbox="454 936 1385 1395">  </div> <p style="text-align: center;">Activation of the ground level of Parkes Street and Wigram Street</p> <p>The existing development at 111 Wigram Street also assists in providing passive surveillance adjacent to the proposed foreshore area. The neighbouring development is an existing 7 storey building, with windows and balconies directly overlooking the future creek foreshore area including low level windows at ground level providing passive surveillance of the entry/exit point from Wigram Street.</p>
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	 <p style="text-align: center;">Adjoining property at 111 Wigram Street overlooking the creek</p>
<p>Connection of the building to the creek</p>	<p>Limited opportunities are available to provide for direct physical connections through the building to the rear foreshore area due to the height differences (mainly as a result of landform and the building levels required due to flood affectation of the site). Notwithstanding this, the amended plans have provided a stairway access from the building to the creek area. The stair access however impedes on the required 6m setback for flood conveyance and will need to be relocated. A condition requiring this has been included within the recommendation section of this report.</p> <p>It is also noted that the amended plans have provided a ground floor outdoor area which extends around to the front of the creek from Wigram Street to improve the relationship between the building and the creek.</p>
<p>Safety of the creek area</p>	<p>The planning panel raised issues regarding the safety of the creek open space after hours. In this regard, the application has been amended to increase natural surveillance of the creek area by providing a large balcony attached to the commercial tenancy on the ground floor which overlooks the creek, providing glass box viewing areas on Levels 1-4 overlooking the creek, various louvred areas within the podium, the provision of CCTV and timed lighting. The CPTED report submitted suggests a maintenance plan be implemented by the owners corporation for the upkeep and management of the foreshore area (which has been included as a recommended condition of consent).</p> <p>Whilst it would be preferable to restrict access to the foreshore after hours by providing gate access at the entrance from Wigram Street, this is not an acceptable outcome in terms of management (ensuring people are not in the walkway when the gates are locked) or flooding implications (gates and fencing provide for a debris collector and barriers to free flood flows). It is therefore considered that the area should remain open with wall mounted motion activated lighting that is designed to minimise light spill onto neighbouring properties. If the area is well lit continuously, then it may attract people to congregate at night which may impact on the amenity of nearby residents. Further details are to be submitted with detailed public domain construction drawings to the satisfaction of Council before the issue of a Construction Certificate.</p>



**Artists impression of the rear foreshore access area
(Source – CPTED Response and Analysis, Aland 2020)**



CCTV and lighting provided to improve surveillance and reinforce security

Parkes Street Streetscape

Concern was raised with regard to the streetscape appearance of the above ground car parking area within the podium levels on the Parkes Street frontage.

The design was considered and found acceptable by the Design Competition Jury. In this regard, the following is noted:

- The Jury consider that the design of the podium provides a strong sense of identity and address. During the original design competition, the Jury stated, *“The podium design, articulation and materiality provides human scale and empathy....the use of brickwork in the podium promotes some reflection of the area’s past”*.
- As part of the development application, the original design competition winning architect, SJB, have maintained an ongoing design certification role. SJB have confirmed that the entry details, podium arrangement and materials selection have been maintained since the original design competition.
- Approximately half of the Parkes Street podium is “sleeved” with residential apartments. The design and appearance of the carpark screening has been carefully integrated with the design of the sleeved apartments which read as consistent “horizontal banding” around the podium facades. The

	<p>use of high quality materials such as face brick, and perforated metal screens minimises the visual impact of podium parking.</p> <ul style="list-style-type: none"> • Due to the high volume of traffic along Parkes Street, the City Architect's team is of the view that if apartments located for the full extent of the Parkes Street podium, they would receive reduced amenity, when compared to being located in the tower. The apartments would be south-facing, receive poor solar access and be exposed to acoustic and visual impacts from vehicle movements along the adjoining roads. <p>Given the above, it is considered that the above ground parking will not have a detrimental impact on the streetscape.</p>
Privacy and Amenity	<p>Concern was raised with regard to the achievement of privacy and amenity for the apartments in the subject site and the adjacent eastern apartment given the reduced setback relationship.</p> <p>The proposed development has a minimum setback to the boundary of the eastern property (at 22 Parkes Street) of 9.8m. The building on the adjoining property to the east has setbacks ranging between zero to 5.4m. Given the proximity of the adjoining property to the boundary, it is difficult to achieve ADG compliant separation distances without excess setbacks being proposed on the subject site.</p> <p>The proposed development provides for ADG compliant setbacks to the east up to the 8th storey. Above this, they achieve a 9.8m setback (as opposed to the ADG required 12m setback from the boundary for 9+ storeys). A minimum separation distance of 13.7m is still achieved between habitable rooms.</p> <p>The adjoining building at 22 Parkes Street does not have any balconies facing the proposed development and is limited in the number of habitable rooms facing the proposal. In order to reduce the impact of visual privacy due to the separation distances, the application has incorporated opaque glass to windows facing the adjoining eastern property.</p> <p>The setback is considered acceptable and supported by the design competition jury as the tower element should appear as one slender form which is a typical built form within the city centre, rather than being stepped in height. Sufficient privacy is provided with a 13.7m to 15.4m separation and opaque glazing to the 9-16 storeys above.</p>

14. Conclusion

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

The application is recommended for approval subject to the imposition of appropriate conditions.

15. Recommendation

That the Sydney Central City Planning Panel approve the application DA/179/2020 subject to the conditions contained within **Attachment B** of the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

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

1. Overview

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

Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 3 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Refer to Section 4 below
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 5 below
Section 4.15 (1)(a)(iiia) - Planning agreements	Refer to Section 6 below
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 7 below
Section 4.15 (1)(a)(v) - Coastal zone management plan	Not applicable
Section 4.15 (1)(b) - Likely impacts	Refer to Sections 2-7 below
Section 4.15 (1)(c) - Site suitability	Refer to Section 9 below
Section 4.15 (1)(d) - Submissions	Refer to Section 10 below
Section 4.15 (1)(e) - The public interest	Refer to Section 11 below

Referrals

The following internal and external referrals were undertaken:

External Referrals	
Water NSW	The application is Integrated Development as a water supply work approval is required under Section 90(2) of the Water Management Act 2000. Water NSW raised no objections to the proposal and have issued their General Terms of Approval (GTAs).
Natural Resources Access Regulator	A controlled activity approval is not required under Section 91(2) of the Water Management Act 2000. The Natural Resources Access Regulator has provided correspondence that the proposal works are exempt under Schedule 4 (activities on waterfront land if the river is fully concrete lined and piped).
Endeavour Energy	Endeavour Energy have provided comments and recommendations with respect to the proposed development, which are included within the recommendation section of this report. Potential contamination from the indoor substation was raised however is deemed to be of low risk. Council's Environmental Health Officer has included this consideration in their assessment of the proposal. Endeavour Energy also requested that technical documentation be forwarded to the applicant. This documentation was forwarded to the applicant on 29 May 2020.
Sydney Water	Sydney Water submitted correspondence primarily containing advisory information for the applicant. This information covers water, wastewater servicing, building adjacent to stormwater assets. Sydney Water have raised no objection to the proposed stormwater discharge into Sydney Water's stormwater system. The stormwater connection

	is to be carried out as part of the Section 73 application for this development, according to Sydney Water requirements. Conditions regarding Sydney Water "Tap in" and Section 73 approvals are included within the recommendation section of this report.
TfNSW (Light Rail)	The application was referred to TfNSW as the site is located within the notification area for the nearby light rail works. The correspondence received raised no objections to the proposal and recommended the imposition of a condition requiring the submission of a Construction Traffic Management Plan, which has been included within the recommendation section of this report.
TfNSW (RMS)	The application was referred to TfNSW (RMS) as the proposed development is a traffic generating development under Schedule 3 of the SEPP (Infrastructure) 2007 as the proposal has >200 car parking spaces and has access to a road. TfNSW have advised that they raise no objection to the proposal and would provide concurrence under Section 138 of the Roads Act 1993. Appropriate conditions have been included within the recommendation section of this report.
Internal Referrals	
Design Competition Jury	<p>The application was referred to the Design Competition Jury. The majority of issues raised by the Jury have been addressed by the applicant. The Jury agree that the proposal exhibits design excellence.</p> <p>The Jury have raised an issue with the proposed change in architect for the ongoing delivery of the project. This matter is discussed further under Section 3.8 of this report.</p>
Urban Design Public Domain	The application has been reviewed by Council's Public Domain Team who raise no concerns with the proposed public domain works. Detailed public domain construction drawings will be required to be submitted and approved by Council prior to the issue of a construction certificate.
Civil Assets Public Domain	The application has been reviewed by Council's Civil Assets Team who raise no concerns with the proposed public domain works and alignment levels along the adjoining public streets.
Sustainability Officer	Council's sustainability consultant has reviewed the application in terms of ESD provisions and is satisfied with the proposed development. Recommended conditions regarding Basix, reflectivity, dual piping, rainwater collection, PV generation and electric vehicle charging have been included within the recommendation section of this report.
Wind Consultant	Council's independent wind consultant has reviewed the application and is satisfied with the proposed wind assessment and mitigation strategies for the development.
Development Engineer	Council's Development Catchment Engineer has reviewed the proposed development and raises no objections to the proposal. The application was found to be satisfactory in terms of drainage design, water sensitive urban design and flooding.
Traffic	Council's Traffic and Transportation Officer has reviewed the proposed development and raises no concerns on traffic or safety grounds. Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. Standard conditions including compliance with AS2890, the provision of a construction traffic management plan and green travel plan have been incorporated within the recommendation section of the report.

Landscape	Council's Tree Management & Landscape Officer has reviewed the application and supports the proposal subject to the imposition of standard conditions.
Natural Resources	Council's Natural Resources Officer has reviewed the application and supports the retention and protection of street trees and the embellishment of the Clay Cliff Creek foreshore area.
Waste Operations	Council's waste operators have reviewed the application and are satisfied with the proposed waste vehicle access and waste rooms within the site. Appropriate conditions are incorporated within the Recommendation section of this report to enable legal access through the site for waste collection activities.
Environmental Health (Waste)	Council's Environmental Health Officer has reviewed the application and advises that the applicant has submitted satisfactory waste management information for the development. The proposal satisfies the requirements of Council's controls and can be supported subject to standard conditions of consent.
Environmental Health (Contamination)	Council's Environmental Health Officer has reviewed the submitted contamination report and supports the application subject to the imposition of standard conditions.
Environmental Health (Acoustic)	Council's Environmental Health Officer has reviewed the submitted acoustic report and supports the application subject to the imposition of standard conditions.
Accessibility	Council's Accessibility Officer has reviewed the application and raises no significant concerns with the application. Conditions are included within the recommendation section of this report requiring compliance with matters concerning adaptable units (to comply with AS4299), door circulation and accessible design features in the communal open spaces areas.

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

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

2.1 Application of Part 7 of Biodiversity Conservation Act 2016 (Section 1.7)

The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

2.2 Function of Sydney District and Regional Planning Panels (Section 2.15)

The Sydney Central City Planning Panel is the consent authority for this application as the proposal has a Capital Investment Value of more than \$30 million (criteria at time the application was lodged).

2.3 Evaluation (Section 4.15)

This section specifies the matters that a consent authority must consider when determining a development application. Refer to table above in the *Overview* section.

2.4 Integrated Development (Section 4.46)

The application is Integrated Development as a water supply work approval is required under Section 90(2) of the Water Management Act 2000. Water NSW raised no objections to the proposal and have issued their General Terms of Approval (GTA).

3. Environmental Planning Instruments

Compliance with these instruments is addressed below.

3.1 State Environmental Planning Policy No. 55 – Remediation of land

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

Investigation Report

A preliminary site investigation prepared by EI Australia was submitted with the application which identifies the potential contamination sources as follows:

- Potential filling soils of unknown origin and quality placed at the site
- Weathering of exposed building structures including, painted surfaces and metallic objects and cement-fibre sheeting
- Long-term application of pesticides across the site
- Low-level leakage of petroleum hydrocarbons from vehicles in the car parking area
- Hazardous building materials within existing site structures
- Historical offsite land use as agricultural fields.

The report identifies the main contaminants of potential concern at the site were:

- Soil - heavy metals (HM), total recoverable hydrocarbons (TRH), the monocyclic aromatic hydrocarbon compounds benzene, toluene, ethyl-benzene and xylenes (BTEX), polycyclic aromatic hydrocarbons (PAH), organochlorine and organophosphorous pesticides (OCP/OPP), polychlorinated biphenyls (PCB), and asbestos.
- Groundwater - HM, TRH, BTEX, PAH, and PFAS.

Notwithstanding the above, the report states that the likelihood that any of these identified contamination sources/types were present on the site, and/or had an impact, is likely to be low. Hence, they represented minimal risk to existing and future site users. In addition, it is noted that the site will be bulk excavated under the proposed redevelopment (for basement construction), further alleviating any remaining concern with regards to site contamination.

Report Recommendations

A number of recommendations were also proposed including the following:

- EI recommend that a Detailed Site investigation is to be completed to characterise site soils and groundwater (including acid sulfate soils sampling) to provide baseline data for evaluation of any remedial and management requirements that may be necessary to allow the site to be made suitable for the proposed commercial development. Due to the site access constraints this should be done following the demolition of site structures.
- Groundwater sampling and laboratory testing to assess groundwater quality.

Suitability of the site

The report concludes that *“there was low potential for contamination to be present on-site. The site was regarded as suitable for the proposed use, subject to the implementation of recommendations in [the report]”*.

Council Assessment

Endeavour Energy submitted comments on the proposal, including the potential contamination from the existing indoor substation currently on the site. Any potential contamination from this infrastructure is likely to be minimal and can be dealt with as part of the unexpected finds protocol and detailed investigations to be carried out on the site.

Council's Environmental Health Officer has reviewed the application and supporting documentation and is satisfied with the information submitted with the application.

Appropriate conditions have been incorporated within the recommendation section of this report.

Accordingly, based upon the information provided, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

3.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles
- The Apartment Design Guide (ADG).

Design Quality Principles

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be consistent with the design principles for the reasons outlined below:

Design quality principle	Response
Context	The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use are compatible with the proposed redevelopment of the precinct.
Built form	The design achieves an appropriate built form for the site and the building's purpose in terms of building alignments, proportions, type and the manipulation of building elements.
Density	The proposal would result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density of the area.
Sustainability, resource, energy & water efficiency	The development provides opportunities in this regard, as reflected within the submitted Basix Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting. The provision of dual piping is included within the recommendation section of this report.
Landscape	The concept landscaping solutions depicted in the architectural plans are considered to be of high quality and appropriately respond to the proposed built environment.
Amenity	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an

	acceptable unit mix for housing choice and provides access and facilities for people with disabilities.
Safety & security	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. The building has been designed to be satisfactory in terms of perceived safety in the public domain.
Social dimensions/housing affordability	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements.
Aesthetics	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed buildings aesthetically respond to the environment and context, contributing to the desired future character of the area. The design has been reviewed and supported by the Design Competition Jury.

Apartment Design Guide (ADG)

The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The table below considers the proposal against key design criteria in the ADG:

Standard	Requirement	Proposal	Compliance
PART 3 – SITING THE DEVELOPMENT			
3B: Orientation	The positioning of the building on the corner block has responded to the urban form of the street, providing for an appropriate street interface to both the primary street and secondary street, whilst maintaining an acceptable level of residential amenity including solar access.		
3C: Public Domain Interface	The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to residential/commercial components of the design. Due to flooding issues the ground floor retail/commercial tenancy is not able to open to Parkes Street or Wigram Street at grade.		
3D: Communal & Public Open Space	Min 25% of the site area (707.5m ²)	Podium (Level 4) = 460m ² Tower (Level 32) = 280m ² Total = 740m ² = 26%	Yes (this does not include the landscaped foreshore area at the rear of the site)
	Min. 50% direct sunlight to main communal open space for min. 2hrs on June 21 st (242m ²)	Given the orientation of the common open space and the separation distances to adjoining properties, the communal open space would receive the required solar access. It is noted that parts of the areas are roofed for weather protection.	Yes
	The proposal includes: <ul style="list-style-type: none"> a large communal area on the level 4 podium with internal communal room, outdoor pool, bathroom facilities, shade structure and playground a smaller communal area on the Level 32 tower with open area landscaping and seating. Part of this area has a roof to provide for weather protection. A large foreshore area at the rear adjoining Clay Cliff Creek (which although will be publically accessible, may also be used by the future occupants of 		

Standard	Requirement	Proposal	Compliance												
	the site. These areas are considered to provide excellent amenity to the residents.														
3E: Deep Soil	Min. 7% with min. dimensions of 6m for sites of 1500m ² or greater (198m ²)	0m ²	No												
	While the proposal provides no deep soil planting in accordance with the ADG requirement, this is considered to be acceptable due to the inner city character of the area. In addition, the application proposes to upgrade the creek corridor with a minimum width of 6m with vegetative planting and public access which greatly enhances the amenity of the area along the creek. Within this 6m setback is a minimum 4.5m wide area that has access to deep soil provision.														
3F: Visual Privacy	<table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>12m</td><td>6m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>18m</td><td>9m</td></tr><tr><td>over 25m (9+ storeys)</td><td>24m</td><td>12m</td></tr></table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	12m	6m	up to 25m (5-8 storeys)	18m	9m	over 25m (9+ storeys)	24m	12m	<p><u>Within the development:</u></p> <ul style="list-style-type: none">Northern central units = 6m (no window to window)Southern central units = 4m (highlight windows)Balconies located central in Parkes Street = 4m <p><u>To adjoining properties:</u></p> <p>111 Wigram: 4 storeys = N/A 5-8 storeys = 13.7m (min)</p> <p>22 Parkes: 4 storeys = N/A 5-8 storeys = 14.4m (min) 9+ storeys = 13.7m (min)</p>	<p>In part – highlight windows and privacy screens provided.</p> <p>N/A No</p> <p>N/A No No</p>
Building Height	Habitable rooms and balconies	Non-habitable rooms													
up to 12m (4 storeys)	12m	6m													
up to 25m (5-8 storeys)	18m	9m													
over 25m (9+ storeys)	24m	12m													
	<p>The separation distances between the subject development and the neighbouring property to the north (111 Wigram Street) and to the east (22 Parkes Street) do not comply with the recommended ADG controls. This is largely due to the buildings on the adjoining buildings having non-compliant setbacks themselves.</p> <p>111 Wigram Street The separation distances between buildings range from 13.7m to 17m. The subject development complies with the minimum 9m setback on the property, however as the adjoining building is located almost at the boundary, the distances are not achieved for the levels above the 5th storey. The setbacks on the proposed building cannot be increased any further due to the orientation and width of the site. It is noted that Clay Cliff Creek and the proposed landscaped foreshore will separate the buildings, which provides for an improved buffer between the sites.</p> <p>22 Parkes Street The separation distances with the buildings have been discussed within Section 13 of the Executive Summary (SCCPP Briefing Minutes).</p>														
3G: Pedestrian Access and Entries	A residential pedestrian access foyer is provided to the main street frontage on Parkes Street. The entry lobby, which provides access to the entire development, is serviced by 6 lifts. It is considered that suitable pedestrian access will be accommodated on site and will be in the form of grade ramps and lifts. Separate entries have been provided for pedestrian and vehicles.														
3H: Vehicle Access	The proposal incorporates separate vehicular entry points on Parkes Street for the ground level loading bay and for basement access to the car parking areas. The vehicular entry points are separated from the pedestrian building entry point to improve pedestrian safety and comfort.														
3J: Bicycle and car parking	The site is within 800m of Parramatta train station. As such RMS rates apply or Council prescribed rates whichever is the lesser. In this regard,	see LEP compliance table	Yes												

Standard	Requirement	Proposal	Compliance
	<p><i>the LEP sets the rates for the site which are less than the RMS rates.</i></p> <p>Bicycle parking for residents should be secure and easy to access from common areas</p>	Sufficient bicycle parking is distributed throughout the development	Yes
PART 4 – DESIGNING THE BUILDING			
4A: Daylight / Solar Access	At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9.00am and 3.00pm on 21 June	<p>229 apartments (78%)</p> <p><u>Impacts on adjoining</u></p> <p>Overshadowing of neighbouring properties during the Winter Solstice is inevitable given the height of the proposed development and the dense urban form within the city centre.</p> <p>Properties directly to the south will be overshadowed during different times of the day however the properties are primarily commercial or low storey residential which would already be impacted by shadows cast by tall vegetation in the front yards. Properties further to the south will be affected by a faster moving shadow due to the tower height.</p> <p>The adjoining building to the east (22 Parkes Street) will lose much of the afternoon sun along its western elevation, however there are minimal windows to primary living spaces adjoining this area. Some solar access will be maintained during midday along this elevation. The rear of the building containing balconies and living areas will receive solar access between 9am-1pm.</p> <p>The overshadowing impacts are considered acceptable given the nature of the controls on the site and the dense urban environment.</p>	<p>Yes</p> <p>In part</p>
	A maximum of 15% of apartments are permitted to receive no direct sunlight between 9.00am and 3.00pm on 21 June	Approximately 21% of units have no solar access.	No

Standard	Requirement	Proposal	Compliance
	<p>The building exceeds the maximum of 15% of apartments with no direct sunlight requirement. This is due to the long southerly aspect of the site along the main Parkes Street frontage. It is also noted however that 78% of apartment living rooms and private spaces receive a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June, in excess of the 70% requirement.</p> <p>The design guidance of the ADG is noted in that not all sites may be able to achieve this design criteria, however the amenity of the development overall performs well despite the long southern aspect.</p>		
4B: Natural Ventilation	At least 60% of apartments are to be naturally cross ventilated.	60% of apartments (125) are cross ventilated. These units are either corner located or cross-through units.	Yes
	Apartment depth is not to exceed 18m	18m maximum	Yes
4C: Ceiling heights	Min. 2.7m habitable Min 2.4m non-habitable Min 3.3m for mixed use	Residential = 3.1m floor to floor Mixed use = 5m floor to floor on the ground floor for retail uses	Yes
4D: Apartment size & layout	Studio – 35m ² 1 bed – 50m ² 2 bed – 70m ² 3 bed – 90m ² <i>(note: minimum internal size increases by 5m² for additional bathrooms, 10m² for 4 + bedroom)</i>	Comply	Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room	Comply	Yes
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)	Comply	Yes
	Maximum depth (open plan) 8m from a window	Comply	Yes
	Master bedrooms – 10m ² Other bedrooms – 9m ² Bedroom dimensions – 3m ²	Comply	Yes
	Living rooms have a width of: <ul style="list-style-type: none"> 3.6m for studio/1bed 4m for 2 or 3 bed 	Comply	Yes
4E: Private open space & balconies	Studio – 4m ² 1bd – 8m ² / 2m 2bd - 10m ² /2m 3bd – 12m ² /2.4m	Comply	Yes
	Ground or podium apartments to have POS of 15m ² /3m	Apartments on the podium level all have large terraces/balconies (ranging from 18m ² -103m ²)	Yes

Standard	Requirement	Proposal	Compliance
4F: Common circulation & spaces	Max. apartments off circulation core on single level = 8-12	Podium = 3 apartments Tower L5-31 = 9 apartments L32-39 = 5 apartments	Yes
4G: Storage	1 bed – 6m ³ 2 bed – 8m ³ 3 bed – 10m ³	Internal storage is provided in apartments Each apartment has a storage cage within the basement	Yes Yes
4H: Acoustic Privacy	The proposal has generally been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible. Noisier areas such as kitchens and laundries are also located away from bedrooms when possible and bathrooms are located adjacent to lift cores/stairs to reduce noise impacts.		
4J: Noise and pollution	The application includes an acoustic report which recommends construction methods/materials/treatments to be used to meet the criteria for the site, given both internal and external noise sources. The recommendations cover façade glazing, building façade construction, separation between uses, mechanical noise and commercial delivery times. A condition is included requiring that the recommendations in the report be implemented.		
4K: Apartment Mix	<p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The development has the following bedroom mix:-</p> <ul style="list-style-type: none"> • 28 x 1 bedroom apartments (9.5%) • 238 x 2 bedroom apartments (81%) • 28 three bedroom apartments (9.5%). <p>These units vary in size, amenity, orientation and outlook to provide a mix for future home occupants. A variety of apartments are provided across all levels of the apartment building.</p>		
4M: Facades	The various uses in the podium are apparent from differing facade treatments. The proposal provides a clear and legible distinction between the podium building and the tower element. Due to the scale of the building the façade design is considered to be of particular importance. The applicant has provided detailed section drawings, which have been received positively by the Design Jury, which suggest the façade will be of a high quality.		
4N: Roof design	The proposed building is to have a flat roof which is considered to be appropriate given the overall design of the building. The parapet has been designed to assist with screening of the plant equipment on roof and lift over run. Feature lighting has also been introduced to reinforce the gold crown of the building. Rooftop plant and lift overrun are to suitably setback to ensure they are not visible from the street and have been designed as an extension of the parapet design to become an architectural roof feature. A podium top communal open space has been incorporated into the building, increasing the amenity for occupants.		
4O: Landscape Design	The application includes a landscape plan which demonstrates that the proposed building will be adequately landscaped given its high density form. The proposal includes new street planting, landscaped podium spaces and a landscaped foreshore which will provide ancillary open space for occupants. The proposed landscaping will also adequately provide habitat for local wildlife contributing to biodiversity.		
4P: Planting on structures	The drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting. Council's Tree Management and Landscape Officer has reviewed the proposal and supports the proposed landscaping on the site.		

Standard	Requirement	Proposal	Compliance
4Q: Universal Design	A benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features = 59 units	The access report states that compliance with this requirement is indicated within the architectural plans, however this has not been specifically shown.	Not indicated. A condition is to be imposed on the consent requiring this be achieved.
4S: Mixed Use	<p>The proposal provides for a ground floor retail interface which assists in separating the residential units from the noisier street level. The proposal provides separate entries for the retail and residential uses.</p> <p>The proposal is considered to provide an appropriate public domain interface for retail uses at ground level, by employing clearly delineated entrances, additional landscaping and varying materials. All service areas are located at the ground parking level.</p>		
4T: Awnings and Signage	Sun and rain protection is provided by a continuous awning around the ground floor. No signage is proposed.		
4U: Energy Efficiency	The BASIX Certificates demonstrates the development satisfies energy efficiency requirements. In addition, council's sustainability officer has reviewed the application and is supportive of the proposal subject to the imposition of conditions.		
4V: Water management	The BASIX Certificates demonstrates that the development achieves the pass mark for water conservation.		
4W: Waste management	Waste areas have been located in convenient ground floor locations which cannot be readily viewed from the public domain. Waste collection would occur within the loading dock. A construction and operational waste management plan has been prepared by a qualified waste consultant adhering to council's waste controls. All units are provided with sufficient areas to store waste/recyclables.		
4X: Building maintenance	The proposed materials are considered to be sufficiently robust to minimise maintenance requirements and costs.		

Design Review Panels

As the proposal was reviewed by a Design Competition Jury it is not considered necessary to have the proposal reviewed by Council's Design Excellence Advisory Panel.

3.3 State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Development likely to affect electricity transmission or distribution networks

There is an indoor substation presently located on the site. The application is therefore subject to Clause 45 of the SEPP as the development does propose works within the vicinity of electricity infrastructure that would trigger a written referral to the energy authority.

Endeavour Energy have provided comments and recommendations with respect to the proposed development, which are included within the recommendation section of this report.

Impact of road noise or vibration on non-road development

Clause 102 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship.

An acoustic report for the proposed development has been submitted that discusses the management of noise through the implementation of appropriate construction materials and

design matters. Conditions are contained within the recommendation section of this report which requires the incorporation of the construction measures to mitigate against noise.

Traffic-generating development

The proposed development is deemed to be traffic generating development under Schedule 3 of SEPP (Infrastructure) 2007 as the proposal has >200 car parking spaces and has access to a road. The application was referred to the TfNSW, who raise no concerns with the proposed development. Details of this correspondence is discussed within the 'referrals' section of the report.

3.4 State Environmental Planning Policy – Basix

The application for the residential development has been accompanied with a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificates have been satisfied in the design of the proposal.

3.5 State Environmental Planning Policy (State and Regional Development) 2011

The development has a capital investment value greater than \$30 million. This application is captured by Part 4 of this policy which provides that the Sydney Central City Planning Panel is the determining authority for this application.

3.6 State Environmental Planning Policy (Coastal Management) 2018

The site is not affected by the provisions of the Coastal Management SEPP.

3.7 State Environmental Planning Policy (Sydney Harbour Catchment) 2005

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


The subject site is not identified in the relevant map as *land within the 'Foreshores and Waterways Area'* or *'Wetland Protection zone'*, is not a *'Strategic Foreshore Site'* and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water.

3.8 Parramatta Local Environmental Plan 2011

The relevant objectives and requirements of the Parramatta Local Environmental Plan 2011 have been considered in the assessment of the development application and are contained within the following table.

Development standard	Proposal	Compliance
2.3 Zoning B4 – Mixed Use	The proposed use is defined as ' <i>mixed use development</i> ' (residential flat building, commercial premises) which are permissible with development consent in the zone.	Yes

Development standard	Proposal	Compliance
Zone Objectives	<p>The proposal is considered to be in keeping with the objectives of the B4 Mixed Use zone for the following reasons:</p> <ul style="list-style-type: none"> • The proposal provides an appropriate mix of land uses. • The proposal provides additional residential and commercial space in a highly accessible area. • The proposal provides upgrades to the public domain. 	Yes
4.3 Height of Buildings PP Height = 110m Design Comp Bonus +15% Control = 126.5m (max)	Height = max 126.5m (roof)	Yes
4.4 Floor Space Ratio PP FSR = 8:1 Design Comp Bonus +15% Control = 9.2:1	Site Area = 2829.7m ² Allowable FS = 26,033.24m ² Proposed FS = 25,976m ² Proposed FSR = 9.18:1	Yes
4.6 Exceptions to Development Standards	The proposal does not propose any variations to the development standards.	N/A
5.6 Architectural Roof Features	<p>The proposal contains parapets and a lift overrun which have been designed as architectural roof features. These features:</p> <ul style="list-style-type: none"> • comprise decorative elements on the uppermost portion of the building • are not an advertising structure • do not include floor space area and is not reasonably capable of modification to include floor space area • will cause minimal overshadowing. <p>The architectural roof feature exceeds the height by 3.7m (max) however may be granted under this clause of the LEP.</p>	Yes
5.10 Heritage conservation	<p>The site is not identified as a heritage item nor is it located within a heritage conservation area.</p> <p>The site is located within proximity to the following items:</p> <ul style="list-style-type: none"> • 113-115 Wigram Street – single storey attached Victorian cottages • 23-25 Hassall Street – single storey attached cottages 	Yes

Development standard	Proposal	Compliance
	 <p>Council's Heritage Advisor has advised that there is no direct impact on the significant fabric of the heritage items and as the site of the proposed development is to the south of heritage items, there will be no additional shadow cast on the heritage items. No objections were raised to the proposal on heritage grounds.</p> <p>The site is not an "Archaeological site" as identified in Schedule 5 of the LEP.</p> <p>The site is identified as being of low significance on Council's Aboriginal Heritage Sensitivity database.</p> <p>A Statement of Heritage Impact prepared by Cracknell & Lonergan (May 2020) was submitted with the application which concludes that due to the amount of development that has previously taken place on the subject site, including carpark excavation (14-16 Parkes Street) and disturbance during the concrete channel construction (Clay Cliff Creek), it is highly unlikely for the site to have presence of potential archaeological evidence of Aboriginal material culture.</p> <p>Notwithstanding the above, the report recommends procedures be in place during excavation in the event of any objects being discovered. Conditions requiring compliance with the report recommendations and due diligence are included within the Recommendation section of this report.</p>	
6.1 Acid Sulfate Soils Class 4	The application includes an acid sulphate soils management report which concludes that ASS and PASS may be potentially encountered on the site due to the level of excavation proposed. Methods of managing ASS are contained within the report. Testing is required post demolition to determine the extent of acid sulfate soils on the site and a detailed	Yes

Development standard	Proposal	Compliance
	management plan will be prepared. As such a condition is included in the recommendation of this report.	
6.2 Earthworks	The application includes a geotechnical report which concludes that additional testing is required post demolition and also provides recommendations on excavation methodology and monitoring. A condition is included within the recommendation requiring compliance with the report.	Yes
6.3 Flood Planning	The site is subject to a 1:100 year flood risk, both from overland flow and from Clay Cliff Creek. The proposed building floor levels and driveway crest have been designed to be appropriately above the assumed flood level. Conditions are included to ensure the building will adequately respond to the risk.	Yes
7.4 Sun Access	The proposal would not overshadow Jubilee Park, Parramatta Square or Lancer Barracks during the solar protection window (12pm – 2pm).	Yes
7.6 Air Space Operations	This clause requires the consent authority to not grant consent to a development that is a controlled activity within the meaning of Division 4 of Part 12 of the <i>Airports Act 1996</i> unless the applicant has obtained approval for the controlled activity. The Bankstown Airport OLS of RL156m AHD is not breached (proposal is RL136.7m) and therefore a controlled activity approval is not required.	Yes
7.10 Design Excellence	<p>The proposal is the winning entry in a design competition and has received the designation of 'design excellence'. The design as submitted has been reviewed by the original design jury and found to be acceptable. As such the proposal is eligible for height and floor space bonuses of 15%.</p> <p>The Jury have raised an issue with the proposed change in architect for the ongoing delivery of the project. This matter is discussed further below.</p> <p>ESD Initiatives</p> <p>It is noted that the proposal is to demonstrate the achievement of ecologically sustainable development. In this regard, the proposal has not adequately demonstrated this and it is considered appropriate and best practice to require the provision of dual water pipes, PV on the rooftop, rainwater tank collection and car charging capabilities. These matters have been included within the recommendation section of the report.</p>	Yes
<p>OUTSTANDING ISSUES OF THE DESIGN COMPETITION JURY</p> <p>It is noted that within the Jury Review (6 July 2020), the Jury requested certain matters to be addressed prior to providing final recommendations. One of the matters raised included the involvement of the winning scheme architecture firm and reads as follows:</p> <p>SJB</p> <ul style="list-style-type: none"> <i>The original project architects, SJB, have submitted an Architectural Design Statement that confirms that SJB are "of the view that the DA documentation is consistent with the design intent</i> 		

Development standard	Proposal	Compliance
<p><i>shown in the design competition winning scheme and that through recent development a significantly improved outcome has been achieved at the top of the building".</i></p> <ul style="list-style-type: none"> <i>The Jury would like both the proponent and Council to ensure that SJB is maintained at CC, DC and any future S4.55 stages to ensure that the highest standard of Design Excellence is maintained.</i> <i>The Jury request that SJB, and their nominated registered architect, is labelled clearly on all Architectural Drawings.</i> <i>The Jury request that the original Project Architects, SJB, are engaged by the proponent to assist in addressing the recommendations of the Jury listed below.</i> <p>Further information was submitted to address all Jury concerns. It was noted that the above concern was only partially satisfied and the following was included within the final Jury report (6 November 2020):</p> <p><i>"The Jury recommends that SJB, and their nominated registered architect, is labelled clearly on all Architectural Drawings to be stamped for approval."</i></p> <p>The Jury report included the above as part of the commentary, and it was not included in the final recommendations – which in effect states that the Jury agree the proposed development exhibits design excellence.</p> <p>Since the time of the release of the Jury report, the applicant and architectural firm of the winning scheme have advised Council officers that SJB will no longer have any future involvement in the project, and the plans will not be updated to include SJB labelling. This therefore does not comply with one of the recommendations made within the Jury report. Notwithstanding this, the following is noted:</p> <ul style="list-style-type: none"> - SJB have provided satisfactory evidence to the Jury that the project is consistent with the design intent of the design competition winning scheme - Council officers have no power to force SJB to include their details on the architectural plans nor to continue a commercial agreement with the applicant - SJB's letter of intent and commitment to design is included as approved documentation in Condition 1 of the recommended conditions of consent. - A condition of consent (as recommended by the Jury) includes the ability for the applicant to change the architect details with prior Council approval. <p>It is therefore considered that even though SJB and their nominated registered architect is not labelled on the architectural drawings, the design still exhibits design excellence (in accordance with the report final recommendations) and the architect may be changed in the future, as reflected by the recommended condition of consent (which anticipates the possibility of change).</p> <p>In addition, it is the role of the consent authority (the regional planning panel) to be satisfied that the building exhibits design excellence in order to grant consent to the 15% bonus under the provisions of Clause 7.10(8) of Parramatta LEP 2011.</p>		
7.14 Car Parking		
204 spaces (residential) Nil for commercial	205 residential spaces (including car share)	Yes
7.18 Development on land at 14–20 Parkes Street, Harris Park	This clause applies to the site and relates to the satisfaction of certain flood related matters including shelter in place, emergency access points and structural soundness. Council's Catchment Engineer has reviewed the application and is satisfied that the matters have been adequately addressed.	Yes

4. Draft Environmental Planning Instruments

4.1 Planning Proposal – Draft Consolidated City of Parramatta Local Environmental Plan

The site is subject to a planning proposal to create a consolidated City of Parramatta Local Environmental Plan. It is noted that the Planning Proposal has received a Gateway determination and is currently being publically exhibited, and therefore is a formal matter for consideration for the purposes of section 4.15 of the Act. The primary focus of the Planning Proposal is harmonisation (or consolidation) of the existing planning controls that apply across the City of Parramatta. It does not propose major changes to zoning or increases to density controls. However, in order to create a single LEP, some changes are proposed to the planning controls applying to certain parts of the LGA.

This draft LEP does not propose any changes to the controls for this site and as such, further consideration of this document is not necessary.

4.2 Parramatta CBD Planning Proposal

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

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

The primary controls under this draft EPI as of relevance to the proposed development are indicated below.

Draft Control	Existing/Proposed	Comment
Zoning (Mixed Use B4)	Zoning (Mixed Use B4)	No change to the proposed zoning
Height (110m) Incentive Height (122m)	Height (110m) + design comp bonus)	No change to the height No incentive height proposed
FSR (8:1) Incentive FSR (10:1)	FSR (8:1) + design comp bonus	No change to the FSR No incentive FSR proposed
Dual Water Systems (Clause 7.6B) <i>building to contain both potable water pipes and recycled water pipes for the purposes of all available internal and external water uses</i>	Not currently applicable. However is within the DCP 2011 (Section 4.3.3.6) and provided for in the Design Competition Brief.	A condition requiring dual reticulation is included within the recommendation section of this report.
Additional Local Provisions – Minimum Commercial – minimum 1:1 commercial required (Clause 7.6C(4))	Not currently applicable.	The proposed development only has 0.11:1 floor space allocated for commercial/retail use. Given the extensive design background associated with this development, it would be difficult to increase the amount of commercial floor space without substantially amending the design.
Special Provisions Area – Designated Area 13 (Clause 7.18 current LEP)	Clause 7.18 Current LEP (Development on land at 14–20 Parkes Street, Harris Park)	This has been considered in the current assessment. See LEP table above.

Active Frontages (Clause 7.6F)	Not currently applicable.	The ground floor of the building facing the street and any public spaces are used for the purposes of retail premises which complies with this requirement.
Floodplain Risk Management (Clause 7.6L)	Not currently applicable – however Clause 7.18 of the existing LEP provides for similar requirements.	The proposed development adequately addresses flooding matters.

The proposed development is generally consistent with the draft controls, with the exception of the provision of 1:1 commercial floor space. The proposed development is considered acceptable in the circumstances.

5. Development Control Plans

5.1 Parramatta Development Control Plan 2011

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

Development Control	Proposal	Compliance
2.4 Site Considerations		
2.4.1 Views and Vistas	The site is not identified as having significant views and vistas by Appendix 2 and is not located in the Harris Park Conservation Area.	Yes
2.4.2.1 Flooding	See assessment under report Section 3.8 above.	Yes
2.4.2.2 Protection of Waterways	Other than the flooding impacts and stormwater runoff, which are discussed elsewhere in this report, the proposal would not directly impact on the Parramatta River or any other waterway.	Yes
2.4.2.3 Protection of Groundwater	The application was referred to NSW Office of Water who have provided their General Terms of Approval.	Yes
2.4.3.1 Soil Management	The erosion and sediment control plan submitted with the application is considered to be satisfactory.	Yes
2.4.3.2 Acid Sulfate Soils	See assessment under report Section 3.8 above.	Yes
2.4.3.3 Salinity	The site is identified as being of moderate salinity potential. As such it is not considered that any special measures are necessary.	N/A
2.4.4 Land Contamination	See assessment under report Section 3.1 above.	Yes
2.4.5 Air Quality	The proposed development is unlikely to create an air quality issues of concern.	Yes
2.4.6 Development on Sloping Land	The floor levels are dictated by the required flood planning levels on the site. As such this clause it not considered to be applicable.	N/A
2.4.7 Biodiversity	The proposal does not require the removal of any trees and includes significant new foreshore and on-structure planting. As such the proposal is considered to result in a net increase in biodiversity on the site.	Yes
2.4.8 Public Domain	The proposal includes upgrades to the public domain including new pavement, new street trees, and a publicly accessible foreshore area. The proposed building provides an adequate address to the public domain with acceptable passive surveillance of the adjoining streets.	Yes

Development Control	Proposal	Compliance
3.1 Preliminary Building Envelope		
Not applicable. See Section 4.3.3 'Parramatta City Centre' below.		
3.2. Building Elements		
<ul style="list-style-type: none"> • Building Form and Massing • Building Façade and Articulation • Roof Design • Energy Efficient Design • Streetscape 	The building elements of this design are considered acceptable. See ADG assessment above.	Yes
3.3 Environmental Amenity		
3.3.1 Landscaping	<p>Tree Retention Four (4) x London Plane trees are located on Parkes Street and Wigram Street and are to be retained. It is noted that special care is to be taken with the protection of one of the trees on Wigram Street (Tree 4) due to basement encroachments into the tree protection zone.</p> <p>An arborist report has been submitted and reviewed by Council's Natural Resources Officer and Tree Management Officer and found to be acceptable. Appropriate conditions for protection and planting have been incorporated into the recommendation section of this report.</p> <p>Additional Landscaping Substantial planting is proposed along the creek corridor, including the planting of trees (Blueberry Ash), shrubs and groundcovers. Landscaping will also be provided within the development site within the outdoor communal open space areas.</p>	Yes
3.3.2 Private and Communal Open Space	See ADG assessment above.	Yes
3.3.3 Visual Privacy 3.3.4 Acoustic Amenity	<p>The application includes an acoustic report which recommends construction methods, materials and treatments to be used to meet the acceptable noise criteria for the site, given both internal and external noise sources. The location of the ground floor retail tenancy is unlikely to diminish the amenity of nearby residential uses from noise intrusion.</p> <p>For residential privacy see ADG assessment above.</p>	Yes
3.3.5 Solar Access and Cross Ventilation	See ADG assessment above.	Yes
3.3.6 Water Sensitive Urban Design Water Efficiency Stormwater Drainage Grey Water	<p>Water sensitive urban design measures are proposed in accordance with Council requirements and include stormwater filters to achieve the quality targets.</p> <p>OSD has not been required because the site is surrounded by floodwaters in severe storms and OSD would either not work or would worsen local flooding behaviour.</p> <p>The proposal includes dual reticulation system for water to allow for future connection to recycled water service for all non-potable uses.</p>	Yes

Development Control	Proposal	Compliance
3.3.7 Waste Management	See ADG assessment above.	Yes
3.4 Social Amenity		
3.4.1 Culture and Public Art	The proposal includes a draft public art plan which outlines how public art would be developed for the site. This is an on-going process which would be coordinated post-approval with Council's City Animation team. Appropriate conditions are included within the recommendation section of this report.	Yes
3.4.2 Access for People with Disabilities	The proposal includes an access report which outlines that access for people with disabilities is generally compliant with the relevant standards subject to more detail at the construction certificate stage. Notwithstanding the above, conditions are included requiring that the proposal comply with the relevant standards. A granting of consent under the EPAA would not alleviate the applicant from the requirement to comply with the provisions of the Disability Discrimination Act 1992.	Yes
3.4.3 Amenities in Building Available to the Public	Amenities are provided for the retail tenancy on the ground floor, but not for use by the general public. This is not considered necessary in this private development.	No
3.4.4 Safety and Security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour. Natural surveillance of the public domain would be significantly increased with the proposed level of occupancy. Discussions regarding the safety of the foreshore area has been discussed elsewhere within this report.	Yes
3.4.5 Housing Diversity and Choice <ul style="list-style-type: none"> • 3 bed = 10% - 20% • 2 bed = 60% - 75% • 1 bed = 10% - 20% • 10% adaptable units 	<ul style="list-style-type: none"> • 28 x 3 bedroom apartments (9.5%) • 238 x 2 bedroom apartments (81%) • 86 x 1 bedroom apartments (9.5%) • 30 x adaptable (10%) <p>There is only a minor variation to the controls which is considered acceptable.</p>	Partial, acceptable
3.5 Heritage		
3.5.1 General 3.5.2 Archaeology 3.5.3 Aboriginal Cultural Heritage	See assessment under report Section 3.8 above.	Yes
3.6 Movement and Circulation		
3.6.1 Sustainable Transport		
Car Share <i>1 car share if over 50 units</i> <i>1 car share if over 5,000sqm commercial</i> Total required = 1	1 car share space provided	Yes
Green Travel Plan <i>Required for development within 800m radial catchment of a railway station</i>	Not provided.	No, but acceptable subject to condition

Development Control	Proposal	Compliance
3.6.2 Parking and Vehicular Access		
Car Parking Control	See assessment under report Section 3.8 above.	N/A
Bicycle Parking <ul style="list-style-type: none"> Residential – 1 per 2 units (294 units) = 147 Commercial - 1 bicycle space per 200m² of floor space (265m²) = 1 Total required = 148 spaces	Total proposed = 105 spaces	No, however sufficient space is available within the car parking areas to increase the provision of bicycle spaces. See Condition.
4.3.3 Strategic Precinct - Parramatta City Centre		
Objectives	The proposal is considered to be consistent with the objectives of the strategic precinct for the following reasons: <ul style="list-style-type: none"> The proposal provides commercial floor space in an accessible location. The building has achieved design excellence. The proposal upgrades the public domain. The proposal would not have an unacceptable impact on heritage. 	Yes
4.3.3.1 Building Form		
Street Frontage (min) = 20m	Parkes Street = 60.255m Wigram Street = 28.63m	Yes
Building to street alignment & street setbacks <ul style="list-style-type: none"> Nil setback required to Parkes Street and Wigram Street Clay Cliff Creek – 4.5m edge easement 	Parkes Street = 1m-5.8m setback Wigram Street = 3.8m setback Clay Cliff Creek = 6m	No Yes Yes
Street frontage heights <ul style="list-style-type: none"> Nil setback - 4 storeys/14m With 6m setback above (to tower) 	4 storey podium (partial nil setback on both street frontages only) <u>Tower setback</u> Parkes Street = 6.7m – 6.9m Wigram Street = 6.4m	In part – acceptable Yes Yes
Side Setbacks Podium = Nil Towers = min 6m Rear Setbacks Podium = Nil (except 4.5m from Creek) Towers = min 12m	Side Setbacks Podium – 6m (N) and nil (E) Towers – min 6.6m (N) and 9.8 (E) Rear Setbacks No rear (corner block) It is noted that a 4.5m setback is required from the creek and the proposal complies with this with the exception of 4 x “light box” projections within the podium area, which is considered acceptable.	In part Yes N/A
Building depth and bulk <i>Residential building plate not to exceed 1000m²</i>	Residential floor plate = approx. 920m ²	Yes
There are minor variations to the DCP building form controls, however these have been considered by the Design Competition Jury and have been found acceptable. The design outcome does not adversely impact upon the streetscape amenity, or the amenity of neighbouring properties.		

Development Control	Proposal	Compliance
Wind Mitigation	<p>The application is supported by a wind report which details a wind tunnel model investigation of the wind impact of the proposed development on the surrounding streetscapes. The report has demonstrated that the pedestrian comfort wind conditions averaged across all wind directions for the future configuration achieve the target criterion. The report identified that the Level 4 and 32 terraces would not satisfy the target criteria and have demonstrated wind mitigation strategies to improve wind conditions at these locations to satisfy the target criteria.</p> <p>The wind report has been independently reviewed and found to be generally acceptable.</p>	Yes
Buildings Exteriors	<p>The Design Competition Jury consider the proposed materials pallet to be in keeping with design excellence principles.</p> <p>A reflectivity analysis has been provided which outlines maximum reflectivity coefficients for glazing to ensure that the proposal would not result in unacceptable glare in the public domain or in adjoining/nearby properties. A condition is included requiring compliance with these standards.</p>	Yes
Sun Access to Public Spaces	The proposal does not overshadow any of the protected areas.	Yes
4.3.3.2 Mixed Use Buildings		
Street Activation	Sufficient street activation has been provided on the site. The proposal provides a large retail tenancy at ground level wrapping around the Parkes Street and Wigram Street corner of the building. This tenancy also has a large outdoor terrace on the corner of Wigram Street and the rear creek area.	Yes
Entrances	The proposal provides activation to Parkes Street and Wigram Street through multiple entries.	Yes
Servicing	The servicing area entry has been co-located with the vehicle entry to minimize the driveway crossover in Parkes Street. The servicing area is located on the ground floor and has been separated internally from the car parking areas.	Yes
4.3.3.3 Public Domain and Pedestrian Amenity		
Through Site Links	The DCP does not identify the site as requiring a through site link.	N/A
Active Frontages Min 50% Primary Min 40% Secondary	<p>Primary (Parkes Street) – 45m/60.2m = 75%</p> <p>Secondary (Wigram Street) – 24.5m/28.6m = 86%</p>	Yes
Multiple Entrances	The proposal provides separate entrances to the retail and residential components of the building.	Yes
Awnings	The proposal includes a continuous awning around the street frontages.	Yes
Forecourts	The forecourt within Parkes Street will act as a natural extension of the residential lobby. The awning will cover most of the forecourt providing protection from sun, wind and rain.	Yes
4.3.3.4 Views and View Corridors		
Protect strategic views	No strategic views will be impacted by the proposed development.	Yes
4.3.3.5 Access and Parking		
Location of Vehicle	The proposal provides for a single vehicular access from	Yes

Development Control	Proposal	Compliance
Access	Parkes Street (for residential vehicles and for servicing). The access cannot be provided from the secondary street due to flooding considerations. The access has been considered by Council's traffic section and the TfNSW and deemed satisfactory.	
Design of Vehicle Access	The vehicular access is perpendicular to the street with roller doors well setback from the façade allowing incoming vehicles to fully cross the footway before coming to a stop, in keeping with the control.	Yes
Pedestrian Access and Mobility	Whilst stairs are not ideal to the development frontages, they are necessitated by the flooding risk on the site. Appropriate alternative step-free access is provided.	Yes
Vehicular Driveways and Maneuvering Areas	The vehicular access is minimised in width, well separated and demarcated from pedestrian entrances, and is dimensioned in keeping with the relevant Australian Standards.	Yes
On-site Parking	Parking has been provided in accordance with the LEP 2011 requirements. The parking space size and layout complies with the relevant standards.	Yes
<i>Accessible spaces: 1-2% (3-5)</i>	15% (30 spaces)	Yes
<i>Motorcycle spaces: 1 per 50 car parking spaces (5)</i>	6	Yes
4.3.3.6 Environmental Management		
Landscape Design	The proposal includes landscaping on 2 separate levels of the development – Level 4 and Level 32. The rear foreshore area is also to be landscaped as a publicly accessible walkway.	Yes
Planting on Structures	Council's Tree Management and Landscape Officer is satisfied that there are sufficient soil depths provided for planting on structures.	Yes
Green Roof	While the applicant has not specifically proposed a green roof, landscaped areas are provided which are considered to have a commensurate environmental benefit.	No, but acceptable.
Energy and Water Efficient Design Recycled Water	The applicant is targeting a 7 star NatHERS rating for the development and achieves target passes in water, thermal comfort and energy within the Basix Certificate. The following sustainability measures are also included as part of the ESD review carried out: <ul style="list-style-type: none"> • Water-efficient fittings, fixtures and appliances to minimise water demand • Dual reticulation system for water to allow for future connection to recycled water service for all non-potable uses • Rainwater collection and reuse • Solar PV generation on the rooftop • electric vehicle ready connection. Conditions are included securing these measures.	Yes, subject to condition.
4.3.3.8 Design Excellence		
	The applicant has followed the design excellence competition process outlined in the DCP and the Design Excellence Jury agree the proposed development exhibits design excellence. Conditions are included requiring further review of the application by the jury as the proposal proceeds through to detailed construction	Yes

Development Control	Proposal	Compliance
	drawings, construction and occupation. Conditions are also included ensuring design excellence outcomes are achieved.	
5 Other Provisions		
5.5 Signage	No signage proposed.	N/A

6. Planning Agreements

The proposed development is subject to a planning agreement entered into under Section 7.4 of the EPAA. This planning agreement is associated with the recent planning proposal for the uplift in floor space and height and provides for a monetary contribution to fund local community infrastructure. The VPA was executed on 16 June 2020.

A condition of consent requiring compliance with the planning agreement is included within the recommendation section of this report.

7. Environmental Planning and Assessment Regulation 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection are addressed as part of recommended conditions of consent.

8. Likely Impacts

The likely impacts of the development have been discussed within this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework. The impacts that arise are acceptable.

9. Site Suitability

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

10. Public Interest

10.1 Central City District Plan

This *Central City District Plan* is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level and is a bridge between regional and local planning.

The 10 directions of the plan comprise the following:

- Infrastructure supporting new developments
- Working together to grow a Greater Sydney
- Celebrating diversity and putting people at the heart of planning
- Giving people housing choices
- Designing places for people
- Developing a more accessible and walkable city
- Creating the conditions for a stronger economy

- Valuing green spaces and landscape
- Using resources wisely
- Adapting to a changing world.

This application is consistent with the directions and priorities of the Central City District Plan.

10.2 Public Submissions

The application was notified and advertised in accordance with Appendix 5 of DCP 2011 and legislative requirements for a 28 day period as follows:

20 May 2020 - 18 June 2020

3 June 2020 - 2 July 2020

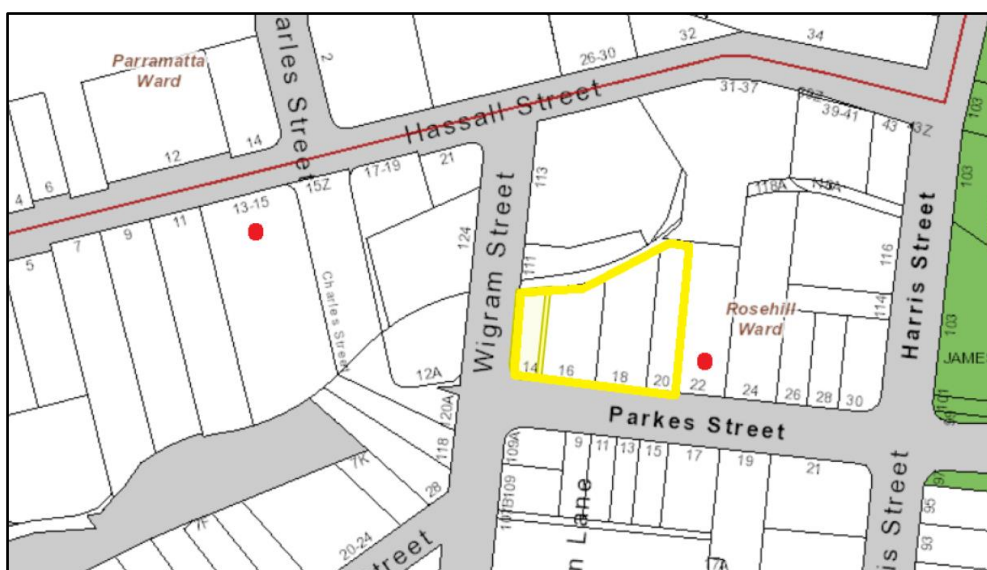
21 Oct 2020 - 18 Nov 2020

Notification of the application when submitted

The notification period for this application was extended to enable additional residents to be notified (strata owners). Notification of amended plans. Amendments included: increase to roof height of 2.9m to enable greater apartment floor to ceiling heights, the incorporation of an architectural roof feature, minor internal and external amendments and changes to the vehicular access on Parkes Street

In response to the exhibition periods, 3 unique submissions were received.

A map indicating the location of the submitters is provided below.



Map of Submitters

Yellow Highlight = Subject Site Red Circles = Objectors
(it is noted that the location of 1 x objector is unknown)

The issues raised within these submissions are discussed below.

Issues Raised	Comment
Objection to any additional retail in the area due to additional traffic, parking demands and noise. However no objection to coffee shops or offices.	Retail and commercial premises are permissible uses within the B4 Mixed Use zoning applying to the land. These types of uses are encouraged on the ground floor of city developments in order to activate the street and the public domain. The proposed development incorporates a ground floor

	retail/commercial tenancy which is earmarked as a restaurant on the plans. Separate consent will need to be obtained for the use of this tenancy.
The proposed development is “over community capacity” for the site – it is higher than the adjoining and will impact traffic and overshadowing.	The proposed development has recently been the subject of a planning proposal and design competition. The proposal complies with the LEP height, floor space and parking requirements and is considered an acceptable development within the existing and future envisaged character of the area.
The area suffers traffic congestion and this development will worsen the situation.	<p>The proposed development provides for a compliant number of car parking spaces under the provisions of LEP 2011.</p> <p>The submitted Traffic Report indicates that there is a traffic generation potential of approximately 90 vehicles per hour during peak periods for the proposed development. The report also states that there is a traffic generation potential of approximately 101 vehicles per hour during peak periods associated with the existing commercial premise on the site. The report concludes that the traffic generation from the proposed development will be reduced by 11 trips and, therefore, the proposed condition will be either better than or equal to the existing.</p> <p>The application has been considered by TfNSW and Council’s Traffic and Transportation officer who raise no concerns with the proposed development.</p> <p>Council’s Traffic and Transportation officer advises that based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds.</p>
Concern raised regarding the removal of street trees. There needs to be more green space and trees.	<p>The application proposes the retention of street trees within Parkes Street and Wigram Street.</p> <p>The application also proposes the provision of a foreshore walkway at the rear of the site adjoining Clay Cliff Creek. This area will be landscaped and accessible to the public.</p>

10.3 Conclusion

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta LEP 2011
- The proposal will contribute to the overall housing supply of the local government area
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

11. Disclosure of Political Donations and Gifts

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

12. Development Contributions Plan

The proposal requires the payment of S94A development contributions (3% levy) based upon the estimated cost of works. The total cost of works provided on the cost report is \$69,095,360 (for the purposes of Clause 25J of the EP&A Regulation 2000). The contributions payable will total **\$2,072,860.80**. This figure is subject to the consumer price index as per the relevant plan and will be imposed under the subject application.

13. 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.

The proposed development is appropriately located within a locality earmarked for high-density residential redevelopment, however some variations (as detailed within the report) in relation to Apartment Design Guide and the Parramatta DCP 2011 are sought.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

The application is recommended for approval subject to the imposition of appropriate conditions.

Reasons for Approval

Having regard to the assessment within this report, the proposal is considered to be suitable for approval for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta Local Environmental Plan 2011
- The proposal will contribute to the overall housing supply of the local government area
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.
- For the reasons given above, approval of the application is in the public interest.

14. Recommendation

That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/179/2020 for the demolition, excavation and the construction of a 39 storey mixed use development containing ground floor commercial/retail and 294 apartments on land at 14-20 Parkes Street, Harris Park for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained within **Attachment B**.

ATTACHMENT B - CONDITIONS OF CONSENT

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

APPROVAL SUBJECT TO CONDITIONS

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979:

That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/179/2020 for the construction of a 39-storey mixed use development containing ground floor commercial/retail and 294 apartments on land at 37-39 Hill Road, Wentworth Point for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

DRAFT CONDITIONS OF CONSENT (DA/179/2020)

GENERAL MATTERS

Approved Plans and Supporting Documentation

- The development must be carried out in accordance with the plans and documentation listed below, and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Architectural Drawings

Plan Title	Plan No.	Issue	Prepared By	Dated
Cover Page	AH31 - DA001	C	Aland	13.10.2020
Site Plan	AH31 – DA002	B	Aland	21.08.2020
Demolition Plan	AH31 – DA003	B	Aland	17.09.2020
CGI Podium	AH31 – DA004	B	Aland	18.09.2020
CGI Façade Roof	AH31 – DA005	C	Aland	13.10.2020
Basement 5	AH31 – DA100-A	B	Aland	10.09.2020
Basement 4	AH31 – DA100	B	Aland	10.09.2020
Basement 3	AH31 – DA101	B	Aland	17.09.2020
Basement 2	AH31 – DA102	B	Aland	11.09.2020
Basement 1	AH31 – DA103	B	Aland	15.09.2020
Ground Floor	AH31 – DA104	C	Aland	19.10.2020
Level 1	AH31 – DA105	B	Aland	16.09.2020
Level 2	AH31 – DA106	B	Aland	15.09.2020
Level 3	AH31 – DA107	B	Aland	15.09.2020
Level 4	AH31 – DA108	B	Aland	17.09.2020
Level 5 to 31	AH31 – DA109	B	Aland	17.09.2020
Level 32	AH31 – DA110	B	Aland	17.09.2020
Level 33 to 38	AH31 – DA111	B	Aland	17.09.2020
Roof Plan	AH31 – DA112	C	Aland	13.10.2020
Section A and B	AH31 – DA200	C	Aland	13.10.2020
Elevations	AH31 – DA201	C	Aland	16.10.2020
Elevations	AH31 – DA202	C	Aland	16.10.2020

Façade Detail	AH31 – DA203	B	Aland	17.09.2020
Façade Details	AH31 – DA203-A	B	Aland	18.09.2020
Adaptable Units	AH31 – DA204	B	Aland	17.09.2020

Design Excellence Commitment

Document Title	Plan No.	Issue	Prepared By	Dated
Design Letter	-	-	SJB	16.10.2020

Civil Drawings

Plan Title	Plan No.	Issue	Prepared By	Dated
Cover Sheet	20180051 Drawing SW100	C	SGC Consulting Engineers	13.03.2020
Basement 4 (Sheet 1 of 2)	20180051 Drawing SW201	C	SGC Consulting Engineers	13.03.2020
Basement 4 (Sheet 2 of 2)	20180051 Drawing SW202	C	SGC Consulting Engineers	13.03.2020
Ground Floor (Sheet 1 of 2)	20180051 Drawing SW203	C	SGC Consulting Engineers	13.03.2020
Ground Floor (Sheet 2 of 2)	20180051 Drawing SW204	C	SGC Consulting Engineers	13.03.2020
Roof Plan	20180051 Drawing SW205	C	SGC Consulting Engineers	13.03.2020
Details (Sheet 1 of 2)	20180051 Drawing SW301	C	SGC Consulting Engineers	13.03.2020
Details (Sheet 2 of 2)	20180051 Drawing SW301	C	SGC Consulting Engineers	13.03.2020
Erosion & Sediment Control Plan	20180051 Drawing SW401	C	SGC Consulting Engineers	13.03.2020
Music Catchment Plan	20180051 Drawing SW501	C	SGC Consulting Engineers	13.03.2020

Landscape Drawings

Plan Title	Plan No.	Issue	Prepared By	Dated
Ground Floor	1987.GD.01	E	Greenland Design	17.09.2020
Level 4	1987.GD.02	E	Greenland Design	17.09.2020
Level 32	1987.GD.03	E	Greenland Design	17.09.2020
Details and Specifications	1987.GD.04	E	Greenland Design	17.09.2020

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Waste Management Plan	SO100098	F	Elephants Foot	17.09.2020
Reflectivity Assessment	610.18621	2.1	SLR	15.09.2020
CPTED Response & Analysis	-	-	Aland	Aug 2020
Environmental Wind Tunnel Study	610.30047.00000	5.0	SLR	06.11.2020
Flood Study Report	20180051-R01	F	SGC	18.09.2020

Flood Emergency Response & Evacuation Plan	20180051-R02	E	SGC	18.09.2020
Acoustic Report	SYD2020-1014-R001	D	Acouras Consultancy	17.09.2020
Access & Adaptability Assessment Report	183/AMS01/01GS	C	Access Mobility Solutions	21.09.2020
Basix Certificate (as amended by Condition 67 of this consent)	994143M_03			18.09.2020
Arborist Report and Tree Management Plan	5547	-	Redgum Horticultural	13.03.2020
Acid Sulfate Soils Management Plan	E24140.E14	1	EI Australia	21.02.2020
Preliminary Site Investigation	E24140.E01	1	EI Australia	17.02.2020
Geotechnical Report	E24140.G01	1	EI Australia	14.02.2020
Statement of Heritage Impact (including Aboriginal Heritage Due Diligence, Interpretation/Public Art Strategy)		-	Cracknell & Loneragan Architects	Revision 01.05.2020
Traffic Management Report	18NL349-T10	-	Loka Consulting Engineers	08.04.2020

Note: In the event of any inconsistency between the architectural drawings, landscape drawings, civil drawings or photomontages, the architectural drawings shall prevail to the extent of the inconsistency.

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

Building Work in Compliance with BCA

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

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

Construction Certificate

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

Reason: To ensure compliance with legislative requirements.

Staging of Works

- 3A. 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.

Note: It is acknowledged that separate construction certificates may be issued for separate components within each stage.

Reason: To confirm the potential proposed separate stages of construction.

No Encroachment on Council and/or Adjoining Property

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.

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.

Compliance with Planning Agreement

5. The development is to comply with the terms and conditions specified within the agreed planning agreement executed on 16 June 2020.

Reason: To ensure the requirements of the agreed voluntary planning agreement are complied with during the development process.

WaterNSW General Terms of Approval

6. The development shall comply with the requirements of the General Terms of Approval in the Water NSW letter **Reference Number IDAS1128124** dated **07 October 2020**.

Reason: To comply with WaterNSW integrated requirements.

Public Utility Relocation

7. 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 ensure the applicant bears all reasonable costs for the development.

Design Excellence Preservation

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

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

Design Excellence Preservation

9. There are to be no design changes to the design competition winning scheme unless they have been endorsed by Council's Design Competition Panel (Design Excellence Jury).

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

Car Parking Allocation

10. The approved car parking spaces are to be allocated as follows in perpetuity:

- (a) Residential Occupant Maximum – **204** spaces (including at least **30** accessible space)
- (b) Car Share Minimum – **1** space
- (c) Car Wash Bay Space – **1** space.

Details demonstrated compliance are to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the relevant Construction Certificate and Occupation Certificate.

Reason: To ensure car parking is allocated to nominated uses within the development in accordance with the requirements of Parramatta Local Environmental Plan 2011.

Flood Design Requirements

11. The following flood related matters apply to the development:

- (a) The minimum finished floor level of all habitable rooms must be the Flood Planning Level which for this development is RL 8.9m AHD.
- (b) 'Sensitive Uses and Facilities' and 'Critical Uses and Facilities,' as defined in Table 2.4.2.1.1 of the Parramatta DCP 2011 Section 2.4.2. Water Management, are not permitted within the building.
- (c) The habitable floors of all residential uses within the building must be above the Probable Maximum Flood (PMF) which is RL 9.4m AHD as adopted by Council for this site.
- (d) Permanent and temporary commercial or retail floor space or uses are not permitted below the Flood Planning Level, which is RL 8.9m AHD.
- (e) To maintain local flood conveyance eastwards from Parkes St, Wigram Street and into the Clay Cliff Creek stormwater floodway, development on the site must have a ground level building footprint that is setback a minimum of 6 metres from the top of the southern outer edge of the Clay Cliff Creek stormwater channel, and a greater amount for the north west corner of the building adjoining Wigram Street (channel wall) in accordance with diagram

shown in the DCP for this site and generally in accordance with the amended architectural drawings by Aland labelled 'Amended Updated Floor Plans' Rev B dated 18.09.2020.

Note - the rear external stairs leading from the internal car parking area to the rear foreshore will need to be relocated to comply with the minimum 6m setback requirements.

- (f) Any cantilever building element (excluding any structural support columns or similar) must have a minimum 4 metre clearance above the ground surface level of the overland flow path throughout the site to enable a landscaped open space to be created. A minimum 4.5 metre setback between the channel bank and the building must be maintained above this clearance height.
- (g) The 6m and wider floodway setback area must be landscaped with a combination of 'soft' and 'hard' landscape treatments. Soft landscape includes provision of deep soil and deep rooted trees, smaller trees, shrubs and ground cover to Council's satisfaction. Some elements of the soft landscape may not withstand occasional severe flooding and maintenance must allow for this. Soft landscape is not considered an obstruction to the flood flowpath. 'Hard' landscape treatment is to include a paved pathway and furniture, seating, safety fencing to the concrete channel, accessible ramps, stairs and lighting. These hard landscape elements must be designed to generally withstand the forces of flowing floodwaters and cause minimum obstruction to the flood flow. Note there are additional design criteria for this area set out elsewhere in this Consent.
- (h) Wherever possible, critical services infrastructure that could be damaged by flooding such as electrical, lifts, sewer and water are to be placed above the PMF level, or, where that cannot reasonably be achieved, effectively floodproofed up to the PMF level which is RL 9.4m AHD.
- (i) All building occupants (residents, workers and visitors) must have access to a safe refuge facility or 'shelter in place') above the PMF level of RL 9.4m AHD where they can remain until the flood event has passed and any subsequent disruption after the flood has been rendered safe and serviceable. Given these would likely be catastrophic conditions, the time required for people to remain in the refuge is potentially up to 48 hours. While residents may choose to remain in their own apartments as a safe area of refuge, a communal safe area(s) of refuge for residents, workers and visitors must also be provided and be suitably sized and equipped.
- (j) The communal safe area of refuge must have:
 - emergency electricity supply, clean water, food, personal washing facilities, medical equipment including a first aid kit, a battery-powered radio and relevant communications equipment.
 - all designated safe areas of refuge must have fail-safe access from anywhere in the building including the basement (lift access is not allowed) that is protected from floodwaters up to the PMF (RL 9.4m AHD) by suitable flood doors, flood gates and the like.
- (k) A fail-safe access must be provided to an exit/entry point located above the Flood Planning Level which is RL 8.9m AHD that enables people to exit the building during a fire and/or a 1% AEP flood, and allows emergency service personnel to enter a building to attend to a medical emergency in these conditions.
- (l) To minimise the chance of a fire during a flood situation, the building must have a fire management system which meets the Australian Building Code Board (ABCB).
- (m) External fire doors must be located above the Flood Planning Level which is RL 8.9m AHD.

Reason: To comply with Council flooding requirements.

Protection of Street Trees

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

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

Section 7.12 Contributions

13. A monetary contribution comprising **\$2,072,860.80** is payable to City of Parramatta in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta City Centre S94A Development Contribution Plan (Amendment No. 4)*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution required by this condition must be paid before the issue of the first 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.

Parramatta Section 94A Development Contributions Plan (Amendment No. 4) can be viewed on Council's website at:

http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions

Reason: To comply with legislative requirements.

Long Service Levy

14. A Construction Certificate is not to be issued unless the Principal 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.

Environmental Enforcement Service Charge

15. 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.

Infrastructure & Restoration Administration Fee

16. An Infrastructure and Restoration Administration Fee 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.

Security Bonds

17. 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/179/2020**;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Bond Type	
Hoarding <i>(\$10,609.00 per street frontage)</i>	\$21,218.00
Development Site	\$25,750.00
TOTAL	\$46,968.00

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta 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.

Security Bond – Street Trees

18. A security bond of \$2,121.80 per street tree shall be deposited with Council to guarantee the protection of the adjacent public street trees during demolition/construction works in accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* and Council's adopted Fees and Charges. The bond is to be lodged with Council prior to the issue of a Construction Certificate, and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

No External Service Ducts

19. 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 Principal Certifying Authority.

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

Single Master TV antenna

20. A single master TV antenna must be installed on the 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 relevant Construction Certificate to the satisfaction of the Principal Certifying Authority. The connections are to be operational prior to the issue of any Occupation Certificate.

Reason: To protect the visual amenity of the area.

SEPP 65 Verification

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

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

Reason: To comply with the requirements of SEPP 65.

Adaptable Dwellings

22. At least **30** adaptable residential units shall be provided. Plans submitted with the relevant Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Note: Consideration is to be made that adaptable housing should be possible at relatively little extra initial cost. Later modification to adaptable housing will prove relatively easy to do at minimum inconvenience and minimum cost in accordance with AS4299 Principle (b)

Reason: To ensure the required adaptable dwellings are provided.

Liveable Housing

23. At least **59** of the residential units (of which 30 will be adaptable as per condition 22) shall be designed and fit-out to achieve the 'silver level' requirements as set out in the Liveable Housing Design Guidelines Details published by Liveable Housing Australia. Details shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure the required liveable dwellings are provided.

Accessibility

24. The following additional accessibility matters shall be addressed within the Construction Certificate to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate:

- (a) Provision for compliance with AS 1428.1 for door approaches AS4299 4.3.7
- (b) Garbage chutes are to provide suitable fixtures for person's with a disability to reach and operate.
- (c) All doors leading to outside areas are to provide low level sills
- (d) Features within the communal areas are to provide accessible and inclusive design, including, kitchen, BBQs, play equipment and seating/tables.

Reason: To provide for appropriate accessible areas.

Storage Provision

25. Prior to the issue of the relevant Construction Certificate, the basement storage areas will be allocated to the applicable units to the satisfaction of the Principal Certifying Authority. The allocation will be such that each unit has a minimum total secure storage volume (including the storage space within each unit) as follows:

- i) 1 bedroom units – 6m³
- ii) 2 bedroom units – 8m³
- iii) 3+ bedroom units – 10m³

Reason: To ensure each unit has sufficient on-site storage capacity.

Specialist Reports

26. The recommendations in the specialist reports outlined in Condition 1 of this consent shall be incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Principal Certifying Authority.

A list of all of the recommendations and how they have been actioned shall be provided to Council.

Reason: To ensure the development is implemented as proposed.

Obscure Glazing

27. All window openings servicing a bathroom and/or WC within each dwelling must have either frosted or obscure glazing. Details are to be provided on the plans and documentation accompanying the Construction Certificate application to the satisfaction of the Certifying Authority.

Reason: To ensure privacy to adjoining sites is adequately maintained.

Access and Services for People with Disabilities

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

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

Location of Mains Services

29. To reduce the extent of overhead cabling, all 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 relevant Construction Certificate application to the satisfaction of the Principal Certifying Authority.

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

External Walls and Cladding Flammability

30. 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 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 building materials are sufficiently non-combustible.

Submit Detailed Concept Development, Including Artwork

31. A Detailed Public Art Plan prepared by a suitably qualified and experienced public art consultant, developed in accordance with the City of Parramatta's 'Interim Public Art Guidelines for Developers' and the concept Public Art Strategy by **Cracknell & Lonergan Architects** dated **1 May 2020** shall be submitted to and approved by Council's Service Manager of City Animation, prior to the issue of the relevant Construction Certificate.

The Public Art Plan is to include contextual and historical themes, and design details of each public art work, including concept drawings, scale and context, materials and finishes, timeline showing staging of the artwork, and an estimated budget, indicated on the approved plans.

Reason: To achieve public art that is consistent with Council's guidelines.

Design Winner Ongoing Involvement

32. Prior to the issue of any Construction Certificate evidence must be provided to the satisfaction of Council's Group Manager, Development and Traffic Services that the architectural firm(s) responsible for the design competition winning scheme (or Registered Architect appointed as per Condition 8) have been commissioned, and will have direct and ongoing involvement in the design documentation and construction stages of the project, including signing off any required certifications for the Development Application, Modification Applications, Construction Certificate and Occupation Certificate stages.

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

Design Jury Review

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

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

Design Excellence Details

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

consultant.

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

Design Excellence Details

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

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

Energy Provider Requirements

36. Documentary evidence from Endeavour Energy is to be submitted to the satisfaction of the Principal Certifying Authority confirming that satisfactory arrangements have been made for the removal of the existing substation (including the release of easement) and the connection of electricity and the design requirements for the new substation, prior to the release of the Construction Certificate.

Note: As part of the application for connection of load to Endeavour Energy's Network Connections Branch the applicant will also need to make application for relocation / removal of the existing indoor substation. The applicant is encouraged to approach a Level 3 ASP to obtain preliminary details of the assets and discuss possible solutions to the requirements of the development. The applicant must provide as much detail as possible concerning the electrical assets they wish to relocate / remove. Endeavour Energy's Network Connections Branch will also make the applicant or their ASP aware of the requirements to seek the release of the existing easement over the site.

Reason: To comply with Endeavour Energy requirements.

Freight and Servicing Management Plan - TfNSW

37. Prior to the issue of any construction certificate, the applicant shall prepare a detailed Freight and Servicing Management Plan in consultation with the Sydney Coordination Office within TfNSW. The applicant shall submit a copy of the final plan to the Coordinator General, Transport Coordination within TfNSW for endorsement. The Plan needs to specify, but not be limited to, the following:

- Details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay for residential and retail uses;
- Details of loading and servicing facilities within the site which adequately accommodate the forecast freight and servicing traffic volumes of the of the residential and retail uses of the development (including long dwell time service vehicles) so as to not rely on the kerbside restrictions to conduct the development's business, including any necessary provision of greater loading bay capacity;
- Measures to ensure there is no queuing of freight and service vehicles including details of alternative parking locations to redirect vehicles if queuing occurs;
- Management of conflicts between freight and service vehicles entering and exiting the site simultaneously;
- Loading bay management details including controls of duration of delivery vehicle stay;
- Management details to ensure all long-term loading and servicing is accommodated within the loading dock;
- Procedures for tradesman access and parking;
- Details on how the loading area will be managed and used by all building tenants; and
- Details of a pre-booking system.

The Freight and Servicing Management Plan shall be implemented by the applicant following the issue of the Occupation Certificate.

Reason: To comply with TfNSW requirements.

Redesign of Refuge Areas

38. The refuge area on Level 1 that is to be permanently set aside for 'shelter in place' (flooding) is to be upgraded to provide suitable facilities for occupants for an appropriate length of time as the impacts of severe flooding and its aftermath are experienced across this locality and the city. The area is to be designed to incorporate the requirements contained within Section 4.3.3.7 of Parramatta DCP 2011. Details are to be submitted to the satisfaction of Council's Group Manager, Development and Traffic Services before the issue of a Construction Certificate.

Note: This will be in circumstances where evacuation is not available and access to the facility by emergency services may be difficult or not possible.

Reason: Ensuring safe refuge for building occupants during floods.

Flooding Design Details

39. Adequate documentary evidence must be submitted to Council's Group Manager DTSU for approval prior to the issue of a Construction Certificate incorporating the following matters within the building design:

- (a) an early flash-flood warning system, triggered by rainfall forecasting, must be provided to advise occupants and those in the adjacent public domain of imminent flash flooding. This may be done in collaboration with Council, the SES and The BoM. Details must be incorporated in the Flood Emergency Response Plan
- (b) the sealing of all doors, ventilation ducts or other openings up to a height/level of RL 9.4 m AHD, to prevent the ingress of overland flows into the basements
- (c) back-up power generator capable of supplying all the electrical needs of the refuge facility for 48 hours
- (d) installation of a sealed sewage tank under the basement carpark to temporarily hold sewage overflows for up to 48 hours in the event that the sewage system ceases to operate due to flooding in Clay Cliff Creek or the Parramatta River
- (e) installation of a potable water tank (or appropriate alternate supply and management system) for back-up water supply (for drinking) in the event that the water supply systems cease to operate for a period of up to 48 hours due to flooding in Clay Cliff Creek or the Parramatta River
- (f) water level sensor and logic controls included within the operation of all passenger lifts to ensure any lift does not descend into flood waters in the event of a major flood inundating the basement car park or ground floor of the building
- (g) flood gate for the basement carpark to provide flood immunity up the PMF level which is RL 9.4m AHD
- (h) a flood evacuation stairway from all basement levels directly without obstruction to the flood refuge on the first floor. Floodwaters shall be excluded from this stairway and the basement up to the PMF level which is RL 9.4m AHD, using flood doors or flood gates.
- (i) An unobstructed stairway between the ground floor and the first floor near to the flood refuge to enable people to escape floodwaters at ground level and to enable emergency access to the flood refuge, basement and building in general.

Reason: To comply with Council's flooding requirements.

Flood Protection Measures

40. Passive (non-mechanical) flood protection to the Flood Planning Level, which is RL 8.9m AHD, is required to be provided to all of the basement car park entries and openings from ground floor level (driveways, stairwells, lifts, service cores etc. and any other vertical openings) by provision of crests and continuous bunding. This must be shown on plans submitted to Council's Group Manager DTSU for approval prior to the release of the Construction Certificate.

All vehicular and pedestrian entry points and other openings to the basement level, including fire stairs that exit the building below the PMF level, are to be protected with automatic, fail-safe systems such as increased crest levels or self-actuated flood gates and/or flood doors up to the PMF level which is 9.4 m AHD.

Stairways and lifts within the building that connect the basement levels to the shelter in place refuge on the first floor above the PMF level must be protected from inundation by approved self-operating

flood barriers and/or flood doors up to the PMF level or as high as practicable, to prevent water from entering the basement levels.

Designs must include adequate ventilation of the basement carpark during severe floods up to the PMF event. For example, the inlet/outlet vents of ventilation shafts are to be located well above the PMF level.

Flood proof gates and doors and any other necessary measures such as protection of vents and openings, must be installed and maintained in fully operational condition in perpetuity as part of the Building Management Plan.

Reason: To comply with Council's flooding requirements.

Flood Design Compliance

41. Prior to the release of a Construction Certificate, certification from a qualified and experienced flood engineer must be submitted to the satisfaction of the Principal Certifying Authority to demonstrate that:

- (a) The minimum finished floor level for any residential rooms is set at the PMF level of RL 9.4m AHD.
- (b) All building and landscape construction below the PMF level of RL 9.4m AHD is designed to be inundated and to resist the forces of moving floodwaters, water-borne debris and flotation.
- (c) The finished floor levels of all habitable rooms / floors are at or above the Flood Planning Level which is RL 8.9m AHD.

Details must be shown on the plans submitted to the Principal Certifying Authority for approval prior to release of any Construction Certificate.

Reason: To comply with Council's flooding requirements.

Basement Tanking

42. 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.

Prior to finalising the Construction Drawings for submission, a Geotechnical Report shall be prepared specifically for the development site, by a suitably qualified Geotechnical Engineer. The Structural & Foundation designs and the excavation methods proposed for the development shall be assessed in accordance with the requirement for fully tanked construction and consequent recommendations made in the Geotechnical Report. In this regard, a Structural Certification from a suitably qualified structural engineer shall be submitted with the application for Construction Certificate, addressing that the final design drawings are adequate for tanked construction and otherwise prepared in accordance with the recommendations of the Geotechnical Report. A copy of the Geotechnical Report shall be submitted for approval by the Certifying Authority. The Geotechnical / Civil engineering report shall address (but is not limited to) the following:

- i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- i. The appropriate means of excavation/shoring and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- ii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- iii. The existing groundwater levels in relation to the basement structure, where influenced.
- iv. The drawdown effects on adjacent properties (including road reserve), if any, 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 the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without

a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.

- v. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as 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 at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting Geotechnical / Hydro Geological engineer with previous 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 property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall 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.
- i. 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.
- ii. 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.
- iii. 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.
- iv. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- v. 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 C of AS 2870 - 1996.

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

Stormwater Disposal

- 43. 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.

Water Treatment for Stormwater

- 44. Stormwater water quality treatment devices must be installed to manage surface runoff water to satisfy Section 3.3.6.1 of Parramatta Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.

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

Shoring Adjoining Council Property

- 45. 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.

De-watering of Excavation Sites

- 46. 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:

- i) The pollution of waters,
- ii) Nuisance to neighbouring properties, or
- iii) 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:

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

This may be achieved through the use of a 'WETSEP' system or equal, to hold and treat water prior to discharge.

Prior to release of the 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 protect against subsidence, erosion and water pollution during excavation.

Retaining Walls

47. 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 Principal Certifying Authority prior to commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for the relevant Construction Certificate for assessment and approval by the Principal Certifying Authority.

Reason: To minimise impact on adjoining properties.

Sydney Water Tap In

48. The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

Dial Before You Dig Service

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

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

Basement Carpark and Subsurface Drainage

50. The basement stormwater pump-out system, must be designed and constructed to include the following:

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

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

Reason: To ensure satisfactory storm water disposal.

Collection and Discharge of Dirty Water from Car Wash Bay

51. All washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

Construction of a Heavy Duty Vehicular Crossing

52. 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 Principal 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.

Exhaust Fumes

53. All mechanical exhaust ventilation from the car park is to be ventilated at roof level, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings' and any other relevant Australian Standards. Details showing compliance are to accompany the relevant application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.

Reason: To preserve community health and ensure compliance with acceptable standards.

Impact on Existing Utility Installations

54. Where work is likely to disturb or impact upon an existing utility installation, (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 the relevant application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.

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

Support for Council Roads, Footpath, Drainage Reserve

55. 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 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 must accompany the relevant 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.

Acid Sulfate Soils Management

56. A detailed acid sulfate soils management plan is to be prepared as per the recommendations contained within Section 5 of the Geotechnical Report prepared by EI Australia dated 14.02.2020. This report is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of any Construction Certificate.

Reason: To ensure acid sulfate soils are adequately managed on site.

Site Investigation & Site Audit Statement

57. Following demolition activities, 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. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

A site audit statement shall be issued at the completion of the investigation (and any remedial works required) by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme. A copy of the report is to be provided to Council before the issue of a Construction Certificate.

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

Construction Noise Management Plan

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

Separation of Waste

59. 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 as indicated in the Waste Management Plan.

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

Waste Storage Visibility

60. 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.

Garbage Chutes

61. The garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. Details are to be provided on the plans and documentation accompanying the relevant Construction Certificate application to the satisfaction of the Principal Certifying Authority.

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

Waste Storage Rooms

62. Storage rooms for waste and recyclables are to be provided within the development as indicated on the approved plans, and shall be constructed to comply with the following provisions:

- i) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- ii) The floor being graded and drained to an approved drainage outlet connected to the sewer, and having a smooth, even surface, coved at all intersections with walls;
- iii) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- iv) Cold water being provided in the room, with the outlet located in a position so that it cannot be damaged, and a hose fitted with a nozzle being connected to the outlet.
- v) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Details shall be indicated on the plans submitted with the relevant Construction Certificate application that demonstrate compliance with these requirements to the satisfaction of the Principal Certifying Authority.

Reason: To ensure provision of adequate waste storage arrangements.

Public Domain Construction Drawings

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

- All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback etc
- Any publicly accessible areas;
- Any works in carriageway,
- The rear foreshore area adjoining Clay Cliff Creek, 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 Alignment Drawings, and
- The approved Landscape Drawings submitted as part of the architectural set, and
- All the conditions listed in this consent.

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

- Proposed trees in the rear setback form part of the publicly accessible areas being developed along the Clay Cliff Creek, and thus should be 100L trees and not 45L as mentioned in the drawings
- Provision of appropriate motion activated wall mounted lighting in the rear foreshore area
- Consideration of removal/modification of the stairs at the rear to the foreshore area and replacement with a wider ramp to enable greater access.

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

Footway Specifications

64. 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 standard 'City Centre Paving' concrete paver, as per the PDG, **Pebblecrete, product PPX:544:35D, 300x300x60mm, with honed finish** shall be applied to the entire public domain areas in Parkes Street and Wigram Street, to the full length of the development site. This includes the public footway and any setback between the building/podium line and property boundary. For unit paving, the footpath paving set out and details must comply with Council's design standard (DS40, sheet 1-3). The Public Domain Construction Drawings must be prepared to reflect the Council standard details.

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 (DS40 sheet 1-3), using **Pebblecrete, product PPX:544:35D, 300x300x60mm, shot blast finish**.

Ramps are to be aimed to the ramp on the opposite side of the road as per AS 1428.1 and 1428.4.1

Vehicle Crossing

Council's standard vehicle crossing is to be provided. Refer Council's design standard (DS40 sheet 1-3), using **Pebblecrete, product PPX:544:35D, 150x150x60mm, honed finish 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.

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

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

Tactile Indicators (TGSIs)

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

TGSI's must comply as follows.

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

Clear Path of Travel (Shore-Lining)

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be limited to, change in pavement colour, textures and or other visual aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant for consideration and inclusion in the Public Domain Construction Drawings prior to issuing of CC approval.

Sealant

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

Slip Resistance

All stone and pebblecrete paving (concrete pavers) shall have **non-slip surfaces** that comply with a P5 rating as per AS4586:2013.

For the pebblecrete paving (concrete pavers) apply 2 coats of solvent based single pack acrylic coating with Size 36/46 Aluminium Oxide grit, and one top coat with the same product. Top coat may not have the grit included.

Independent slip resistance test results to P5 Classification (Wet Pendulum Test) of completed works should be submitted.

Street Furniture

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.

Park furniture must also be provided in the publically accessible at the rear of the site along Clay Cliff Creek to the satisfaction of Council Officers.

Cycle racks

Public bike racks shall be supplied and equally distributed (clusters of max 4-off racks) to the furniture zone of Parkes Street and Wigram Street as per the PDG. Location outside of this zone to be agreed by Council's DTSU Manager 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

A conduit for Council's multi-media facilities shall be installed to the full length of the street frontages on Parkes Street and Wigram Street. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications.

Applied to Publicly Accessible Private Space

Non-slip surface – for non-council Standard Pavements

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

Steps

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

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

Handrails

Handrails must comply as follows:

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

Ramps

Ramps must comply as follows:

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

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

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

Reason: To comply with the Public Domain Guidelines.

Street Tree Specifications

65. Notwithstanding the approved public domain alignment drawings, additional street trees at 8-10m c/c, species to match existing, pot size 100L, must be provided along Parkes Street in addition to the existing tree.

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 standards (available on request) 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 DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To ensure high quality street trees are provided.

Accessibility in Common Areas

66. 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 improve accessibility.

Revised Basix and NatHERs

67. Prior to the issue of any Construction Certificate, revised BASIX and NatHERs certificates and stamped drawings showing all relevant requirements shall be submitted to the Council for approval by Council's Group manager, Development and Traffic Services. BASIX and NatHERs certificates and documentation is to be consistent with the requirements of BASIX Thermal Comfort Protocol 01 July 2017 (Revision No 1: dated 01 November 2017).

Note: The submitted NatHERs certificate for Apartments 509 shows that it is over the cooling cap (34.5 on certificate, cooling cap: 29.5). The cooling load entered into BASIX (28.4) does not correspond to that shown on the certificate.

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

Reflectivity Requirements

68. Prior to the issue of any Construction Certificate, the following reflectivity requirements must be indicated on the plans and demonstrated to the satisfaction of the Certifying Authority:

- a) External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The visible light reflectivity 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.
- b) Façade glazing with a southerly orientation is to have a visible light reflectivity no greater than 10%
- c) The mitigation measures detail in the Reflectivity Assessment prepared by SLR Ref: 610.18621-R02 Version No: -v2.1 September 2020 are to be incorporated.

Details must accompany the Construction Certificate to the satisfaction of the Certifying Authority.

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

ESD Initiatives

69. Prior to the issue of any Construction Certificate, the following must be indicated on the plans and provided to the satisfaction of the Principal 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) Solar photovoltaic generation must be installed covering not less than 50% of the roof space that is not needed for other uses such as plant, green roof planting.

Reason: To improve the environmental sustainability of the building.

Electric Vehicle Charging

70. Prior to the issue of any Construction Certificate, the following must be indicated on the plans and demonstrated to the satisfaction of the Principal 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.

Car Park Design

71. Parking spaces and internal access ways are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6.

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

Details of compliance are to accompany the relevant Construction Certificate application to the satisfaction of the Principal Certifying Authority.

Reason: To ensure appropriate vehicular manoeuvring is provided.

Vehicle Swept Paths

- 71A. 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.

Bicycle Parking

72. 149 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate to the satisfaction of the Principal Certifying Authority.

Reason: To comply with Council's parking requirements.

Motorcycle Parking

73. Six (6) motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

Convex Mirrors

74. Convex mirrors, as shown on the floor plans, are to be installed within the car parking areas, with their height and location adjusted to allow drivers a full view of the driveway in order to see if another vehicle is coming through. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure the safety of drivers.

Access Restricted

75. Access to the site is to be restricted to a Left in – Left out arrangement only. A median island or similar is to be installed on Parkes Street to restrict right turn manoeuvring in and out of the development. Detailed engineering design plans of the preferred treatment is 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 median island and appropriate signage are to be paid for by the applicant at no cost to Council and TfNSW.

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

Roller Shutter Details

76. If a roller shutter door is to be provided at the driveway entry and exit from Parkes Street, it is to be opened at all times from 7am to 8pm seven days a week. The roller shutter door is to be operated via remote control for regular users. If an intercom 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 and to ensure free influx of traffic which will not adversely affect traffic or pedestrian flows in the frontage road.

Driveway Grades

77. 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 relevant application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.

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

Accessible Car Parking

78. 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 the BCA, AS2890.6: 'Parking facilities', 'Off-street parking for people with disabilities', 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 of compliance are to accompany the relevant Construction Certificate application to the satisfaction of the Principal Certifying Authority.

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

Acoustic Assessment

79. Prior to the issue of a Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on residential buildings from rail corridors and/or busy roads:

- (a) In any bedroom in the building: 35dB(A) between 10pm - 7am
- (b) Anywhere else in the building (other than a garage, hallway, kitchen or bathroom: 40dB(A) at any time.

Reason: Compliance with relevant noise amenity criteria in Infrastructure SEPP.

Planting Upon Structures

80. Plans and documents submitted must include the following with an application for a 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. All raised planting boxes/beds containing trees must be retained to a minimum height of 800mm.
- (b) Soil volume, soil depth and soil area must meet the prescribed standards in "Apartment Design Guide – tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015). 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/Designer.
- (c) 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.

Tree Protection Methodology Statement

81. A Methodology Statement, prepared by a suitably qualified arborist (Australian Qualification Framework Level 5 or above), must accompany the application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of the existing street trees located in front of the subject site (14-20 Parkes Street Harris Park) during construction and the expected future health of the trees. The statement is to be structured so that each of the following stages of construction are individually addressed, namely:

- (a) Excavation;
- (b) Canopy trunk and tree root protection;
- (c) Construction of any retaining wall;
- (d) Installation of services (i.e. bridging of roots);
- (e) Back filling; and
- (f) Any other stages that the project arborist deems necessary.

Reason: To ensure adequate protection of existing trees.

PRIOR TO WORK COMMENCING

Appointment of PCA

82. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

Enclosure of the Site

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

Reason: To ensure public safety.

Site Sign

84. 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;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

Reason: Statutory requirement.

Toilet Facilities On Site

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

Reason: To ensure adequate toilet facilities are provided.

Public Risk Insurance

86. 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.

Survey Report

87. 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 the floor level 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.

Construction and Pedestrian Traffic Management Plan (CPTMP)

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

- (a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- (b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
- (c) The location of proposed Work Zones in the egress frontage roadways,
- (d) Location of any proposed crane standing areas,
- (e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- (f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- (g) The provisions of an on-site parking area for employees, 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) Cumulative construction impacts of the Parramatta Light Rail (Stage 1) project in Westmead. Should any impacts be identified, the duration of the impacts,
- (o) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified,
- (p) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this requirement,
- (q) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable, and,
- (r) A schedule of site inductions on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.

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

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

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

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

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

Construction Environmental Management System and Plan

89. A Construction Environmental Management System and Plan (CEMP) shall be submitted to, and approved by, Council's Manager DTSU prior to work.

The CEMP must be prepared in accordance with ISO14001:2015 and the Department of Infrastructure, Planning and Natural Resources (2004) '*Guidelines for the Preparation of Environmental Management Plans*' and submitted to the relevant authorities at least 4 weeks prior to the commencement of construction.

This plan should cover demolition, soil and water management and site maintenance and any associated groundwater, flooding and overland stormwater flow management. It must address any possible pollution risks, and how they will be managed. It must incorporate updated erosion and sediment control plans/ stormwater plan showing how rainwater and groundwater captured within the site will be treated to satisfactory water quality standards, monitored and discharged. The plan and management system must be implemented throughout the work.

Reason: Environment protection.

Road Opening Permits

90. 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.

Dilapidation Survey & Report for Private Properties

91. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

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

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

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

Reason: Management of records.

Erosion and Sediment Control Measures

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

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

Site Maintenance

93. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - (d) the site is to be maintained clear of weeds; and
 - (e) all grassed areas are to be mowed on a monthly basis.

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

Shoring and Adequacy of Adjoining Property

94. 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.

Special Permits

95. 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.

Driveway Crossing Application

96. 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.

Pruning/works on tree(s)

97. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

Reason: To ensure the protection of the tree(s) to be retained.

DURING WORK

Copy of Development Consent

98. A copy of this development consent, together with the stamped plans, reference documents and associated specifications, is to be held onsite 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.

Due Diligence – Potential Archaeological and Aboriginal Objects

99. In the event where discovery of a potential archaeological object or Aboriginal object takes place during demolition works, any and all works shall stop immediately and the NSW OEH be notified. In such circumstances it may become necessary to apply for an AHIP and its approval granted, prior to works re-commencing on site in accordance with the Due Diligence Code of Practice.

Reason: To ensure the appropriate process is undertaken in the event a potential archaeological object or Aboriginal object is discovered during works.

Protection of Waterways

100. All works must be carried out so that:

- (i) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Clay Cliff Creek; and
- (ii) No materials are likely to be carried by natural forces to the bed, shore or waters of Clay Cliff Creek.

Any material that does enter Clay Cliff Creek must be removed immediately.

Reason: To ensure protection of waterways.

Materials on Footpath

101. 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.

Materials on Drainage Line

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

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

Hours of Work and Noise

103. All work, 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 hours of 7:00am and 5:00pm on Monday to Friday inclusive, and 8:00am to 5:00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Note: Council may allow extended work hours in limited circumstances and upon written application and approval being given by City of Parramatta Council at least 30 days in advance. Such circumstances where extended hours may be permitted include:

- (a) Delivery of cranes required to the site outside of normal business hours;
- (b) Site is not located in close proximity to residential use or sensitive land uses;
- (c) Internal fit out work.

Reason: To protect the amenity of the area.

Complaints Register

104. 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:
- i) The date and time of the complaint;
 - ii) The means by which the complaint was made;
 - iii) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
 - iv) Nature of the complaints;
 - v) Any action(s) taken by the applicant in relation to the complainant, including any follow up contact with the complainant; and
 - vi) 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 to ensure complaints are dealt with appropriately.

Erosion & Sediment Control Measures

105. 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.

Stormwater from Impervious Areas

106. 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.

Damage to Public Infrastructure

107. 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.

Car Parking & Driveways

108. 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.

Nomination of Engineering Works Supervisor

109. 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.

Geotechnical Consideration

110. The recommendations as outlined in the Geotechnical Report (E24140.G01_Rev1) prepared by EI Australia dated 14.02.2020 shall be implemented to the satisfaction of the Principal Certifying Authority.
Reason: To ensure the geotechnical compliance, ongoing safety and protection of property.

Remediation Contact Details

111. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.
Reason: To provide contact details for council inspectors and for the public to report any incidents.

Contamination – Additional Information

112. Any new information which comes to light during remediation, demolition, or construction works, which has the potential to alter previous conclusions about site contamination, shall be notified to the Council and the Principal Certifying Authority immediately.
Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

Remediation Works

113. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.
Reason: To comply with the statutory requirements of State Environmental Planning Policy 55.

Groundwater Analysis

114. Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

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

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

Contaminated Waste to licensed EPA Landfill

115. 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.

Waste Data Maintained

116. A Waste Data file is to be maintained, recording building/demolition contractors 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.

Dust Control

117. Dust control measures shall be implemented during all periods of earth works, demolition, excavation, and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with the City of Parramatta 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.

Noise/Vibration

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

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

Reason: To protect the amenity of the area.

Importation of Clean Fill

119. 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.

Public Domain Works Inspections

120. 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 hours 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.
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery; The contractor shall provide Council Officer the NATSPEC document to prove the quality of the tree stock.
- 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 complying with Council standards and requirements.

Public Area Works Supervision

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

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

Occupation of any part of Footpath/Road

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

Reason: To ensure proper management of Council assets.

Oversize Vehicles Using Local Roads

123. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

Road Occupancy Licence (TfNSW)

124. A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on the state road network during construction activities. A ROL can be obtained through: <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Reason: To comply with TfNSW requirements.

Construction Vehicles

125. All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

Reason: To comply with TfNSW requirements.

Tree Container Sizes

126. All trees planted as required by the approved landscape plan are to be a minimum 75 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

Reason: To ensure appropriate landscaping.

Planted Tree Root Volumes

127. All trees planted within the site must be of an adequate root volume and maturity so as to be self-supporting and not to require staking or mechanical support, unless in a wind-prone area. All shrubs must be of an adequate root volume and maturity. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

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

Material Storage and Trees

128. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

Reason: To ensure the protection of the tree(s) to be retained on the site.

No Attachments to Trees

129. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

Reason: To ensure the protection of the tree(s).

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Occupation Certificate

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

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

Record of Inspections Carried Out

131. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

- (a) The development application and Construction Certificate number as registered;
- (b) The address of the property at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the Principal Certifying Authority by whom the inspection was carried out; and
- (f) Whether or not the inspection was satisfactory in the opinion of the Principal Certifying Authority who carried it out.

Reason: To comply with stator requirements.

CPTED Measures

132. Prior to the issue of any Occupation Certificate for the residential component of the development, the following measures shall be installed to address CPTED considerations:

- (a) surveillance cameras and recorders are to be installed within the foreshore area as indicated on the approved plans and any subsequent public domain construction drawings, and in accordance with AS/NZS 62676:2020. 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 recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed. Recordings must be made available to Council staff or police upon request.
- (b) appropriate wall mounted down-lighting is to be installed as approved by Council in the public domain construction drawings
- (c) wayfinding measures within parking levels
- (d) internal and external lighting to Australian Standards
- (e) any other measures recommended within the CPTED report prepared by Aland dated August 2020.

Reason: To minimise the opportunity for crime and vandalism to occur.

Foreshore Management and Maintenance

133. A foreshore management and maintenance plan is to be prepared in accordance with the CPTED report prepared by Aland dated August 2020. This plan is to include, but not be limited to: measures for achieving effective space management including activity coordination, ensuring site cleanliness, use of vandal resistant materials, the rapid repair of vandalism, timely replacement of lighting and refurbishment of physical elements. The plan is to nominate the responsibility of implementation.

Reason: To ensure the appropriate space management of the foreshore area.

BASIX Compliance

134. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. **994143M_03 dated 18 September 2020**, will be complied with prior to occupation.

Note – this certificate will be revised as per the requirements of Condition 67 within this consent.

Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning

The Release of Bond(s)

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

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

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

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

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

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

Street Tree Bond Release

136. A written application to Council's Open Space & Natural Resource 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 that street trees have been adequately protected/replaced in accordance with the conditions of consent.

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

Note: Council's Open Space & Natural Resources Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

Public Access over Foreshore Area

137. Public access right of ways shall be provided for the full width of the foreshore walkway adjoining Clay Cliff Creek for the public benefit. The terms and conditions of the public access right of way shall be prepared to Council's satisfaction and include appropriate documentation regarding the management and maintenance of all publicly accessible areas.

The right of access and easement must be registered on the land title with NSW Land Registry Services pursuant to Section 88B of the Conveyancing Act 1919.

Council shall be the authority to modify, vary or release the above.

Details of the registration of this covenant/restriction is to be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate for the residential component of the building.

Reason: To enable adequate temporary access to the apartments and confirm the details of the application.

Loading Dock Management Plan – Operational Usage

138. A Loading Dock Management Plan is to be prepared for the usage and maintenance of the loading dock on site. The plan shall incorporate the provision for tenants to use the loading dock for removalist vehicles when moving to/from the development. The plan is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of any Occupation Certificate for the residential component of the building.

Reason: To ensure adequate loading is available for residents.

SEPP 65 Verification Statement OC Stage

139. 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.

Adaptable Dwellings

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

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

Liveable Housing

141. Confirmation that 20% of the units comply with the Liveable Housing Guidelines Silver Level design feature is to be prepared by a suitably qualified consultant and submitted to Council prior to the issue of an Occupation Certificate.

Reason: To ensure that the development provides accessible dwelling options for future occupants.

Certification – Fire Safety

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

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

Street Numbering

143. 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.

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.

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

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

Street Numbering Display

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

Reason: To assist wayfinding.

Broadband Access

145. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements have been made with the National Broadband Network (NBN) Company or alternative service provider where relevant, and implemented at no cost to Council for the provision of broadband access to the development.

Note: For more information contact NBN Co. Development Liaison Team:

Call: 1800 881 816

Email: newdevelopments@nbnco.com.au

Web: www.nbnco.com.au/NewDevelopments.

Reason: To ensure that appropriate provision has been made to accommodate broadband access to the development.

Provision of Telephone Services

146. The submission of documentary evidence from the telecommunications provider authorised under the *Telecommunications Act 1997* confirming arrangements have been made for the provision of telephone services prior to the issue of a Subdivision Certificate.

Reason: To ensure appropriate telephone services are provided.

Provision of Electricity Services

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

Reason: To ensure appropriate electricity services are provided.

Strata Subdivision Certificate

148. A separate application must be made to Council or the Principal Certifying Authority to obtain approval of the strata plan under the provisions of the Strata Schemes Development Act 2015. The linen plan must not be issued until a final occupation certificate has been issued.

Reason: To comply with the Strata Schemes Development Act 2015.

Certification – Artwork

149. Final documentation including details of fabrication and installation of the public art work, including a maintenance schedule, must be submitted and approved by Council and the art work completed in full and installed to the satisfaction of Council's City Animation Team prior to the issue of the final Occupation Certificate.

Reason: To comply with development control requirements.

Design Jury Review

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

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

Reinstatement of Laybacks

151. 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.

Lot Consolidation

152. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

Reason: To comply with the Conveyancing Act 1919.

Section 73 Certificate

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

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Application must be made through an authorised Water Servicing Coordinator. For help either visit 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.

Installation of Flood Warning System

154. An early flash-flood warning system, triggered by rainfall forecasting and real time monitoring, must be provided and maintained in perpetuity to advise occupants, and those in the adjacent public domain, of imminent flash flooding. This may be done in collaboration with Council, the SES and The BoM. This flood warning system must be in place and operational to the satisfaction of the PCA prior to release of the Occupation Certificate.

Reason: To comply with Council requirements.

Protection of Basements

155. To prevent flood waters from entering the basement car park, a driveway crest at or above the Flood Planning Level, which is RL 8.9m AHD, including associated bund walls must be provided. Above this, at or near the crest of the driveway, automatic flood barriers must be installed that exclude floodwaters up to the Probable Maximum Flood (PMF) level of RL 9.4m AHD. Other measures such as flood doors must also be provided at all openings to the basement to exclude flood waters up to the PMF level. A suitably qualified Flood Consultant must certify that this requirement has been achieved to the satisfaction of the PCA prior to release of the Occupation Certificate.

Reason: To comply with Council requirements.

Flood Emergency Response Plan

156. A detailed Flood Emergency Response Plan (FERP) generally in accordance with the amended FERP by SGC – (*Flood Emergency Response and Evacuation Plan* Issue E dated 18 September 2020) and consistent with the FERP for the CBD must be prepared and implemented to the satisfaction of the PCA, prior to release of the Occupation Certificate. The detailed FERP must include:

- both warning and evacuation measures for occupants in the building including the most appropriate 'safe areas' and 'safe evacuation routes';
- measures to prevent evacuation from the site by private vehicle;
- the most appropriate emergency response for flood and fire events that occur together;
- a building flood emergency response plan, similar to a building fire evacuation drill, and measures to ensure this is tested at least annually; and
- consultation undertaken with relevant state and local agencies in the preparation of the FERP.

In conjunction with the FERP, a Building Emergency Management Plan for the development must be prepared and implemented in perpetuity and must include all necessary measures to maintain, test and operate the flood protection devices including flood gates, doors and barriers, flood sensors, flood refuges, the flood warning system and the FERP. This FEMP must be in place and operational to the reasonable satisfaction of the PCA prior to release of the Occupation Certificate and must be maintained by the landowner/s in perpetuity.

Reason: To comply with Council requirements.

Flood Compatible Materials

157. All construction at or below the PMF level of RL 9.4m AHD must be of flood compatible materials and construction methods. Prior to release of the Construction Certificate, and again prior to release of the Occupation Certificate, the structure shall be certified by a qualified structural engineer, experienced in flooding, that the building will be capable of withstanding the forces of flooding to a level of RL 9.4 m AHD, including hydrodynamic and hydrostatic forces, scour, flotation and debris impacts.

Reason: To comply with Council requirements.

Works-As-Executed stormwater plans

158. Works-As-Executed stormwater plans and accompanying engineers' certifications must be prepared by a Registered Surveyor and suitably qualified Engineers and submitted to the Group Manager DTSU for approval and must address the following:

- a) The Work-As-Executed stormwater plans are prepared on copies of the approved drainage plans issued with the Construction certificate with variations marked in red ink.

- a) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels etc.
- b) The WAE plans show the as-built flood protection measures, stormwater system, rainwater harvesting and WSUD measures.
- c) The WAE Plans must be accompanied by a Certificate of Hydraulic Compliance from a qualified drainage/hydraulic engineer, certifying that the as-built stormwater collection, harvesting and filtration system and flood protection measures function to the standards outlined in the conditions of consent and Council's DCP 2011.
- d) The WAE Plans must be accompanied by a Certificate of structural adequacy from a qualified structural engineer for all building elements stating that they will be able to resist the forces of moving floodwaters, water-borne debris impact and flotation, up to the Probable Maximum Flood (PMF) level of RL 9.4m AHD.
- e) The WAE Plans must show approved versus installed stormwater harvesting and quality improvement measures supported by calculations/modelling to demonstrate as-built functionality.

On approval by Council's Group Manager DTSU, the above is to be submitted to the Principle Certifying Authority for approval prior to the issue of an Occupation Certificate.

Reason: To ensure works comply with approved plans and adequate information are available for Council to update the Council's Record.

Positive Covenant/Restriction on Use for Flood Measures

159. Prior to issue of an Occupation Certificate, the Applicant must create a Positive Covenant and Restriction on the Use of Land, prepared in accordance with Section 88E or 88B of the Conveyancing Act 1919 as appropriate, burdening the landowner/s with the requirement for the maintenance of all flood proofing and flood risk management measures. This includes, but is not limited to, the following:
- a) implementation, maintenance, operation and auditing of infrastructure items which are necessary for the safety of occupants during flood emergencies. This includes the back-up power facility, sewage tank, potable water tank, evacuation refuge area, supplies for the refuge area such as food, medical supplies etc.;
 - a) Implementation, maintenance, operation and auditing of the flood warning system and flood emergency response plan;
 - b) Regular maintenance and operational checks of the flood gates and flood doors;
 - c) Implementation, maintenance, operation and auditing of water level triggers for the lift operation system;
 - d) implementation, maintenance, operation and auditing of the flood warning system and the Flood Emergency Response Plan.

The terms of the instruments are to be to Council's satisfaction. The City of Parramatta Council shall be the Authority entitled to release, vary or modify such Instruments.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the City of Parramatta Council and Registered with the LPI prior to the issue of an Occupation Certificate.

Reason: To ensure maintenance of flood management facilities.

Positive Covenant for Water Treatment Devices

160. Prior to issue of an Occupation Certificate, the applicant must create a Positive Covenant and Restriction on the Use of Land, prepared in accordance with Section 88E or 88B of the Conveyancing Act 1919 as appropriate, burdening the landowner/s with the requirement to maintain the on-site stormwater management system and stormwater quality treatment facilities (WSUD).

The terms of the instruments are to be to Council's satisfaction. The City of Parramatta Council shall be the Authority entitled to release, vary or modify such Instruments.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the City of Parramatta Council and Registered with the LPI prior to the issue of an Occupation Certificate.

Reason: To ensure maintenance of stormwater management facilities.

Maintenance of Overland Flow Path

161. Prior to the issue of the Occupation Certificate, the applicant must create to Council's satisfaction, easements, restrictions and positive covenants for the purpose of securing and maintaining the overland flow path over the floodway adjacent to the Clay Cliff Creek channel over the area setback 6 metres from the top of the southern edge of Clay Cliff Creek concrete channel and a greater amount for the north west corner of the building adjoining Wigram Street (channel wall) in accordance with diagram shown in the DCP for this site and generally in accordance with the amended architectural drawings by Aland labelled 'Amended Updated Floor Plans' Rev B dated 18 09 2020.

The restrictions, covenants and easement/s are to be placed over the floodway and shall enable free access by the public within this zone at all times and shall prevent the placement of any structures, walls, fences, fill or other items (except trees and plants) which may impede the flow paths as well as maintaining the flow paths and fixtures such as paving, furniture, lighting and plantings in operational condition at all times.

The easements, restrictions and positive covenants must allow Council the right to drain such floodwaters across the site and must indemnify Council against any damages or harm thereby caused.

The proposed Instruments and Title documents must be submitted to Council's Group Manager Development & Traffic Services for approval prior to release of the Occupation Certificate.

The terms of the easement/s and instruments are to be to Council's satisfaction. The City of Parramatta Council shall be the Authority entitled to release, vary or modify such easement/s and instruments.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the City of Parramatta Council and Registered with the LPI prior to the issue of an Occupation Certificate.

Reason: To ensure maintenance of the overland flow path.

Post-Construction Dilapidation Report

162. 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, infrastructure and roads. The report is to be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.
 - (d) Forward a copy of the dilapidation report with the PCA's comparison and assessment review report to Council.

Reason: To establish the condition of adjoining properties prior building work and ensure any damage as a result of the construction works have been rectified.

All Works/Methods/Procedures/Control Measures

163. Prior to the issue of an Occupation Certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and the City of Parramatta, stating that all works/methods/procedures/control measures/recommendations approved by Council in the specialist reports listed in Condition 1 have been implemented.

Reason: To demonstrate compliance with submitted reports.

Waste Room Positive Covenant/Restriction

164. A right of access and easement for Council to facilitate waste and recycling removal, using terms available from Council, must be registered on the land title with NSW Land Registry Services pursuant to Section 88B of the Conveyancing Act 1919.

The easement must entitle Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon, including vehicles and other equipment, for the purposes of waste and recycling collection.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.

Note: The standard terms of easement can be found at Appendix A8.1 (Appendix B) of the Parramatta Development Control Plan 2011.

Reason: To ensure appropriate access to waste storage room(s) for removal of waste.

Final Waste Inspection

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

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

Lock Box for Waste Collection

166. A lock box is to be obtained from Council's Waste Services section prior to the issue of any Occupation Certificate. The lock box will provide Council universal access to all Council service areas of the residential units.

Reason: To ensure appropriate access to waste collection facilities are provided.

Public Domain Works-as-Executed

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

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

Council will issue the **final approval** for public domain works in accordance with the approved public domain documentation and to Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

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

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

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

Provision of Car Share Space

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

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

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

Green Travel Plan

169. Prior to the issue of the relevant Occupation Certificate(s), a Green Travel Plan 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 to encourage use of public transport.

The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the residential units in perpetuity.

Reason: To comply with Parramatta DCP 2011.

Council Reserve Tree Protection Certification

170. Prior to the issue of an Occupation Certificate, the project arborist is to submit a written report to the City of Parramatta Council documenting and certifying that all excavation works within the Tree Protection Zone (AS 4970:2009) of protected street trees were undertaken under the supervision of a qualified Arborist and in accordance with approved plans and consent conditions (including the arborist methodology statement).

Reason: To ensure protection of trees during excavation works.

Certification of Landscaping Works

171. 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.

OPERATIONAL CONDITIONS - THE USE OF THE SITE

Foreshore Management and Maintenance

172. The foreshore management and maintenance plan approved in Condition 133 of this consent is to be implemented in its entirety, unless otherwise agreed to by Council.

Reason: To ensure the appropriate space management of the foreshore area.

Servicing Hours

173. Commercial and retail deliveries/servicing shall not occur between the hours of 7:00pm and 7:00am daily unless otherwise approved by Council.

Reason: To protect the amenity of the area.

Graffiti Management

174. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

Signage Consent

175. No advertisement or signage shall be erected on, or in conjunction with the development without prior consent. No digital displays are to be installed behind the shop display or otherwise.

Reason: To comply with legislative controls.

Ground Level Appearance

176. Roller shutters are not to be placed over any external door or window of the premises.

Reason: To provide an appropriate streetscape appearance.

Goods Not to be Displayed Outside Premises

177. No goods are to be stored/displayed outside the walls of the building.
Reason: To ensure visual amenity.

Offensive Noise and Vibration

178. The use of the premises not giving rise to:
- (a) transmission of unacceptable vibration to any place of different occupancy,
 - (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.
- Reason:** To prevent loss of amenity to the area.

Noise from Mechanical Equipment

179. 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.

Air Conditioning Units

180. Any air conditioner/s must not:
- (1) 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):
 - (a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (b) before 7.00am and after 10.00pm on any other day.
 - (2) 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.

Putrescible Waste

181. 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.

Maintenance of Waste Storage Areas

182. All waste storage areas are to be maintained in a clean and tidy condition at all times.
Reason: To ensure the ongoing management of waste storage areas.

Waste Storage

183. 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.

Liquid and Solid Wastes

184. 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 Environment Protection Authority'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.

185. Deleted.

Green Travel Plan – Display

186. The Green Travel Plan, required by these conditions, shall be displayed at all times through the

communal residential and commercial areas of the building.

Reason: To discourage trips by private vehicle.

Monitoring of Green Travel Plan

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

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

Car Share

188. If a car share provider accepts the applicant's offer of 1 or more car share spaces, the car share space(s) shall be provided to the preferred operator on the site for as long as the car share operator would like to occupy the space or as otherwise agreed by Council's DTSU Manager.

Any car share space(s) are to be provided within the basement. The car share space(s) shall be accessible to the public at all times. A right of way shall be registered on the title to this effect.

Reason: To comply with Council's parking requirements.

Loading Dock Management

189. The loading dock shall be managed at all times in keeping with the requirements of the Loading Dock Management Plan required by this consent.

Reason: To ensure the efficient servicing of the site.

Maintenance of Site Works

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

Reason: To ensure restoration of environmental amenity.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act 1979* Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

(A) PLANNING AGREEMENT:

The development is subject to a planning agreement entered into under section 7.4 of the Environmental Planning and Assessment Act, 1979. The timing and provision of all deliverables under this planning agreement must be met in accordance with the requirements of that planning agreement. The Principal Certifying Authority shall be made aware of the requirements within the planning agreement before issuing any construction or occupation certificates for the stages of development.

(B) SYDNEY WATER ADVICE:

Water Servicing

- Potable water servicing should be available via a 150mm DICL watermain (laid in 1980) on Parkes Street.
- Amplifications or extensions to the potable water network may be required complying with the Water Services Association of Australia (WSAA) code - Sydney Water edition.

Wastewater Servicing

- Wastewater servicing should be available via a 300mm VC wastewater main (laid in 1908) within the property boundary.
- Amplifications or extensions to the wastewater network may be required complying with the Water Services Association of Australia (WSAA) code - Sydney Water edition.

Stormwater

Building Over or Adjacent to Stormwater Assets:

- Sydney Water's available records indicate that 3810mm x 1676mm major trunk stormwater drainage which is owned by Sydney Water is located along the northern boundary of the development site. This stormwater drainage is known as Clay Cliff Creek.
- As per the current policy and guidelines for building over and adjacent to stormwater assets, no new building or permanent structure is to be proposed over the stormwater channel pipe or within 1m from the outside wall of the stormwater asset or within Sydney Water easement whichever is larger. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes, elevated driveway, basement access or similar structures. This clearance requirement would apply for unlimited depth and height.
- Any proposal within this development site is required to comply with the above clearance requirements.

Planting Trees

- Planting trees adjacent to Sydney Water's stormwater channel should comply with "Diagram 5 - Planting Trees" as per the "Technical guidelines - Building over and adjacent to pipe assets" dated October 2015, which is available on Sydney Water website.

Stormwater Discharge

- No objection to the proposed stormwater discharge into Sydney Water's stormwater system. The stormwater connection is to be carried out as part of the Section 73 application for this development, according to Sydney Water requirements.

(C) CRANE USAGE:

- The construction of this development may require the use of cranes.
- Condition No. **95** references that approval may be required under Section 138 of the Roads Act 1993. This is regarding approval to store or place 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.

- In addition, the following approvals may also be required:
 - Approval under Section 68 – Part E(1) of Local Government Act 1993. This is regarding approval to swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
 - Owners consent from any land owners regarding approval to swing or hoist goods across or over any part of privately owned land. Any application for approval under Section 68 – Part E(1) that also requires the crane to swing or hoist goods across or over any part of privately owned land MUST be accompanied by consent from the owners of the impacted privately owned land.