

ASSESSMENT REPORT – COMMERCIAL PREMISES
S79C – Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/140/2011
Assessment Officer:	Kate Lafferty
Property:	Cumberland Newspaper, 142 Macquarie Street, PARRAMATTA NSW 2150 LOT 11 DP 790287
Proposal:	Approval is sought for a staged development. Stage 1 comprises demolition, tree removal, subdivision and the construction of a 6 storey retail/commercial building to be partially used by the Cumberland Media Centre. Stage 2 seeks conceptual approval for the construction of a commercial/retail building with a floor area of 37,873m ² .
Cost of works:	\$51,900,000
Date of receipt:	18 March 2011
Applicant:	Nationwide News Pty Limited
Owner:	Nationwide News Pty Limited
Submissions received:	One submission received
Property owned by a Council employee or Councillor:	No
Council application:	No
Issues:	Archaeology (remnants to remain in-situ)
Recommendation:	Approval subject to conditions
Determination:	The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of development exceeds \$10 million.

Legislative Requirements

Zoning:	Mixed Use B4
Permissible under:	Parramatta City Centre LEP 2007
Relevant legislation/policies:	Parramatta City Centre Plan DCP 2007
Variations:	Street alignment, deep soil, building depth & bulk
Integrated development:	No
Crown development:	No
Designated development:	No

The site

Site Area:	12,499.8m ²
Easements/rights of way:	Easement for electricity on Site B – unaffected by this application (Stage 1)
Heritage item:	No
In the vicinity of a heritage item:	No
Site History:	<p>The site has been used by the Cumberland Media Centre since 1951 (southern portion) and 1955 northern portion) for the production of newspapers</p> <p>DA/19969/1992 dated 16-Nov-1992 approved an application to display signage</p> <p>BA/239/1995 dated 15-Mar-1995 approved an application for alterations to the building</p> <p>A pre-lodgement meeting was held on 29 September 2010 for the proposed staged development (PL/61/2010). No significant issues of concern were raised with the proposal.</p>

DA history

18 March 2011	DA lodged
22 March 2011	Additional information requested (further conceptual plans for Stage 2, materials & samples board, flood study)
30 March to 20 April 2011	DA notified
6 April 2011	SRDAC meeting at the RTA Additional information submitted
28 April 2011	JRPP Briefing Meeting
18 May 2011	Council officers meeting with NSW Heritage Office
2 June 2011	Applicant advised of issues arising from referral comments (engineering, catchment management & urban design)
29 June 2011	Applicant's partial response to issues
29 July 2011	Applicant advised of outstanding issues (engineering issues, raised podium level, concept usage for Site B)
11 August 2011	Applicant's response to outstanding issues received
2 September 2011	Applicant amended transfer beam design to address podium level issues
6 September 2011	Amended architectural submitted indicating the lowering of the podium level
8 September 2011	Amended stormwater sketch received
4 October 2011	Additional information received – alignment levels
7 October 2011	Additional information received – amended stormwater plans

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is bounded to the north by George Street, to the east by the Albion Hotel and Harris Street, to the south by Macquarie Street and to the west by Argus Lane.

The site is legally described as Lot 11 DP 790287, is relatively level and irregular in shape with a total area of 12,499.8m². The site contains a number of single and two storey buildings, car parking and loading areas. The site is used by the 'Cumberland Media Centre' in the production of newspapers. The site currently operates 24 hours a day.

Surrounding development comprises a mixture of residential, commercial, school and recreational uses. The site is located to the south of the Parramatta River. The Albion Hotel adjoins the site immediately to the east. This hotel is two storeys in height and has a car parking area to the rear. The property located opposite the site on the southern side of Macquarie Street is occupied by a school.



View of the subject site from George Street

THE PROPOSAL

Approval is sought for a staged development.

Stage 1 (Site A) involves the demolition of part of the existing buildings on the northern half of the site, facing George Street and the construction of a five (5) storey mixed retail and commercial building, provision of car parking and Torrens title subdivision of the property to provide two (2) allotments. The new Stage 1 building will primarily be used as the office headquarters of the Cumberland Media Centre (Levels 1 to 4). A retail component is proposed at ground floor level along the George Street interface and wrapping around the corner of Argus Lane. The building has a floor area of 11,980m² (excluding the above ground car parking area).

The proposed Cumberland Media Centre is to operate 24 hours a day (as it currently exists). There are no longer any industrial or warehousing activities carried out on the premises. The majority of staff would be on site between normal business operating hours, however journalists and production teams require 24 hour access for the preparation of the newspaper.

As the current buildings straddle both proposed sites, the remnant building on the southern portion of the site will be restored to a useable state and be contained wholly within proposed Site B. Any use of this building would require further separate development consent.

Stage 2 is a conceptual plan. It involves the demolition of the existing structures along the southern half of the site (fronting Macquarie Street) and the construction of a mixed commercial and retail building with associated car parking. Stage 2 concept plans have been prepared and accompany the application. The conceptual plan indicates a floor area of 37,873m² and a height of 54m.

The site area and floor space components of Stage 1 and Stage 2 are indicated in the table below.

	Site Area	Floor Space	FSR	Complies
Stage 1 (Site A)	5274m ²	11,980m ²	2.27:1	Yes
Stage 2 (Site B)	7226m ²	37,873m ²	5.24:1	No
Total	12500m ²	49,853m ²	3.9:1	Yes

As can be seen from the above table, the overall development complies with the maximum floor space ratio permitted on the entire site. The application seeks to transfer the underutilised floor space from Stage 1 to the Stage 2 component of the approval. The Stage 2 development will therefore exceed the maximum permissible floor space on the subdivided site.

The subdivision involves the creation of 2 separate lots, being the following:

- Site A (on the northern portion of the site) will have a frontage to George Street and Argus Lane. Site A will have a site area of 5274m².

- Site B (on the southern portion of the site) having a frontage to Harris Street, Macquarie Street and Argus Lane. Site B will have a site area of 7226m².



Diagram indicating proposed Site A (Stage 1) and Site B (Stage 2)

For the purposes of this application, Stage 1 has been fully assessed against all relevant plans and policies. As Stage 2 is conceptual only, assessment of this part of the application is based upon the requested floor space for the Stage 2 proposal. Conceptual plans have been submitted and are used solely to determine whether an acceptable building form could be achieved on the site. An assessment of the detailed design aspects of the conceptual building has not been carried out. The detailed design assessment will be subject to a separate application and approval, should consent be granted for this application.

The applicant was requested to submit additional conceptual plans for the Stage 2 redevelopment. The plans submitted indicate the use of the conceptual building on Site B as being partially residential. The applicant was advised that the application would be assessed as a retail/commercial development (as lodged with Council) and no conceptual approval for a residential use would be considered as part of this application.

The application proposes to subdivide the site as part of the Stage 1 works. Although the total proposed floor space complies with the maximum 4:1 floor space ratio permitted across the site, once subdivided, the proposed floor space on Site B will exceed the maximum permissible floor space ratio of 4:1 on that site. In this regard, any new development application with the proposed floor space of the conceptual plan will have a floor space ratio greater than that permissible on the site. The subdivision will therefore result in development on Site B having an FSR substantially in excess of Council's planning controls.

Clause 22B(6) of LEP 2007 permits Council to grant consent to a building with a FSR of up to 10% greater than that allowed, but only if the building is a result of a architectural design competition and has the concurrence of the Director-General. As the current application involves a conceptual design on Site B, an architectural competition and the concurrence of the Director-General has not been sought. Council therefore has no power to approve the additional floor space on Site B.

Should the site not be subdivided as part of the Stage 1 works, then no objection in principle is raised to the proposed staged development as the floor space ratio will comply with Council's planning controls across the site.

Note: In addition, the original concept plan indicated a building containing 13 storeys and a maximum height of 54m. The later submitted plans indicate a building containing 15 storeys with the rooftop plant room exceeding the 54m height limit. Approval cannot be granted to the conceptual height as the development would be subject to an architectural design competition under Clause 22B(4)(b) of Parramatta LEP 2007.

PERMISSIBILITY

The site is zoned Mixed Use B4 under the provisions of Parramatta LEP 2007. The proposed development is defined as follows:

Stage 1&2 "business premises", "retail premises" and "food and drink premises"

The definition of "business premises" states:

business premises means a building or place at which an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis.

The definition of "retail premises" states:

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

The definition of "food and drink premises" states:

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food or drink premises, milk bars and pubs.

The proposal satisfies the above definitions and the proposed land uses are permissible under the Mixed Use B4 zoning applying to the land.

The subdivision of the land is permissible with consent under Clause 15 of Parramatta LEP 2007.

EXTERNAL REFERRALS

Roads and Traffic Authority

The application was referred to the RTA for comment under Section 104 of the SEPP (Infrastructure) 2007 as the development involves the construction of a new commercial premises containing more than 10,000m² of floor space.

The application was considered at the Sydney Regional Development Advisory Committee (SRDAC) on 6 April 2011. Issues raised included the following:

- Increased splays required to Argus Lane vehicular entry
- Impact upon traffic lights at George Street
- Loading dock management plan to be submitted
- Net increase in parking on site will occur (due to retention of existing spaces) – this has not been addressed within the traffic report
- Copy of modelling to Argus Lane/Macquarie Street to be submitted
- Waste collection methods to be clarified

Additional information and a revised traffic study was prepared as a result of issues raised at the meeting. The revised Traffic Report was considered by the RTA who raise no objection to the proposed development subject to the imposition of conditions of consent.

INTERNAL REFERRALS

Heritage Advisor

The application was referred to Council's Heritage Advisor as the site is of archaeological significance. Council's Heritage Advisor reports as follows:

The NSW Heritage Council has reviewed the revised design, supported it, and requested that Parramatta City Council consider the request for variation of the FSR. In my opinion, the Heritage Council recommendation is reasonable and, from the heritage perspective, I have no objection to its potential acceptance.

I have no other comments or objections to the DA from the heritage perspective.

Planning Comment:

It should be noted that the application originally sought a Clause 24 variation to the permissible floor space ratio as the car parking was located above ground. However, the car parking above ground does not constitute floor space for the purpose of calculating the floor space ratio under the provisions of LEP 2007. A Clause 24 variation is therefore not required.

Traffic & Transport Investigations Engineer

The application was referred to Council's Traffic & Transport Investigations Engineer who supports the proposal on traffic and parking grounds provided that the following issues are addressed before the issue of the Construction Certificate:

- The proposed 2m wide footpath in Argus Lane outside the western boundary of the proposed development is to be a pedestrian right-of-way and is to be designed and constructed in accordance with Council's Public Domain Guidelines.
- The proposed combined entry/exit driveway accessing the car parking area is to be used as an entry driveway. The width of this driveway is to be reduced to 4m (with a splay of 2.5m) so that cars can enter into the site from the left lane. The direction of travel on the aisle is to be modified to reflect the changes.
- The entry driveway off George Street is to be widened between the property boundary and the power pole so that a 12.5m long HRV can enter the site without driving over the footpath.
- A revised plan showing the dimension of the proposed 6 car parking spaces (including aisle width), driveway off Argus Lane and internal access roadway, and the long section of the driveway for the existing development on the southern half of the site is to be submitted to Council before issuing of the Construction Certificate.

Planning Comment:

Concerns were also raised with minor design elements of the internal traffic circulation and parking spaces. The applicant submitted amended plans which were re-assessed by Council's Development Engineer. No concerns were raised with the amended plans.

Catchment Management Officer

The application was considered by Council's Catchment Management Officer who reports as follows:

The property is within the Lower Parramatta River sub-Catchment and is shown on Council's Flood map as being affected by the probable maximum flood (PMF). The flood levels at this site are as follows:

PMF.....9.72m AHD
 1 in 100 year ARI.....6.40m AHD
 1 in 20 year ARI.....6.04m AHD

Under the Lower Parramatta River Floodplain Risk Management Study and based on Council's Adopted Local Floodplain Risk Management Policy, this property is identified as being within a Low hazard flood area.

Under Council's Local Floodplain Risk Management Policy the following relevant requirements would apply:

1. *All habitable floor levels to be equal to or greater than the 100 year ARI flood level plus 500mm freeboard.*
2. *The impact of the development on flooding elsewhere to be considered having regard to three factors listed below:*
 - i. *loss of flood storage;*
 - ii. *changes in flood levels, flows and velocities caused by alterations to flood flows; and*

- iii. *the cumulative impact of multiple potential developments in the vicinity.*
3. *The applicant is to demonstrate the development is consistent with any relevant flood evacuation strategy or similar plan.*
4. *The minimum surface level of the carpark shall be as high as practical but no lower than the 100 year flood level.*
5. *Garages capable of accommodating more than three motor vehicles on land zones for urban purposes or enclosed car parking must be protected from inundation by floods equal to or greater than the 100 year ARI flood and ramp levels are to be above the 100 year ARI flood plus 500mm freeboard.*
6. *The enclosed car parking areas accommodating more than 3 vehicles with a floor below the 100 year ARI flood levels shall have adequate warning systems, signage, exits and evacuation routes.*

Planning Comment:

The following is noted in response to the above comments received from Catchment Management:

- the FFL of the ground floor is 800mm above the 1:100 year flood level (being 7.200AHD) which complies with Council requirements
- the existing ground levels vary across the site with the lowest level being 6.58, which is higher than the 1:100 year flood level so there is no loss of flood storage on the site
- an evacuation strategy may be submitted in accordance with Council policy before the issue of a Construction Certificate. This approach is supported by Council's Development Engineer. An appropriate condition has been incorporated within the Recommendation section of this report
- The car park level is at 7.000AHD which is above the 1:100 year flood level, which complies with Council requirements.

Environmental Health Officer

The application was referred to Council's Environmental Health Officer as the site is potentially contaminated. The Environmental Health Officer raises no objection to the proposal subject to the imposition of appropriate conditions.

Planning Comment:

The recommended conditions are incorporated within the Recommendation section of this report.

Tree Management & Landscape Officer

The application was referred to Council's Tree Management & Landscape Officer who reports as follows:

Impact on Site Trees

The proposed works will necessitate the removal of 7 trees. The subject trees range between 4 and 8m in height. None of the trees are considered significant enough to consider redesign of the proposed development to accommodate the trees.

Trees to be removed are:

Tree No	Name	Common Name	Location	Condition/ Height	Reason
1x	<i>Callistemon viminalis</i>	Weeping Bottlebrush	As shown in the Landscape Plan	Good/5m	Located within the building platform
1x	<i>Plumeria sp.</i>	Frangipani	As shown in the Landscape Plan	Good/4m	Located within the building platform
2x	<i>Agonis flexulosa</i>	Willow myrtle	As shown in the Landscape Plan	Good/5m	Located within the building platform
2x	<i>Eucalyptus scoparia</i>	Wallangarra White Gum	As shown in the Landscape Plan	Poor/7-8m	Located within the building platform

Impact on adjoining trees

Nil

Landscape

The proposed landscape plan is considered satisfactory and should be included within the stamped documentation.

Planning Comment:

The recommended standard conditions of consent are incorporated within the Recommendation section of this report.

Development Engineer

The application was referred to Council's Development Engineer who raises no concerns with the proposed stormwater plans and internal traffic and parking aspects of the proposal.

The applicant submitted amended plans which dropped the ground floor levels of the proposed development. Amended stormwater plans were reviewed by Council's Development Engineer who raises no significant concerns with the modifications.

Planning Comment:

The recommended conditions of consent are incorporated within the Recommendation section of this report.

Urban Design

The application was referred to Council's Urban Design Unit who raised the following issues:

Street alignment – George Street

Concern is raised that the building is not built to the edge of the boundary and will not align with the buildings either side.

Planning Comment:

The ground floor setback to George Street is approximately 1m. The curtain wall façade above is built to the boundary. It is considered that the variation on the

ground floor is acceptable as it is a minor variation and the bulk of the building complies with the street alignment requirements.

Podium Level

Concern is raised that the podium is raised a minimum of 1m above the footpath level which will adversely impact upon street activation and physically separate the buildings nearby.

Planning Comment:

The applicant has submitted amended plans which reduces the floor level to a maximum of 200mm above street level. This amended design better integrates with the streetscape appearance of the proposal and activation of both George Street and Argus Lane.

Laneway creation

Concern is raised that a laneway is to be provided through the site to provide a future envisaged link between Union Street through to Robin Thomas Reserve. This lane should have active uses on either side.

Planning Comment:

The Parramatta City Centre Lanes Strategy identifies an envisaged pedestrian link through the site from Argus Lane to Robin Thomas Reserve. The pedestrian link also proposes to dissect the existing car park at the Albion Hotel. The applicant has been advised that a right of way or dedication of land would be required to satisfy Council's Lanes Framework Plan. This pedestrian link could be provided on the boundary of Site B and subject to further investigation during the Stage 2 works. The conceptual plans for Stage 2 incorporate a potential walkway connection. It is unreasonable to expect active uses to be provided as part of Stage 1 to a laneway that does not exist and cannot be accessed. This is particularly relevant given the uncertainty of the Stage 2 redevelopment. Active uses could be provided as part of the Stage 2 development (as proposed within the concept plan) and the future laneway could provide increased natural surveillance of the carparking area of the Stage 1 works.

Argus Lane address

Concern is raised that the driveway and car parking dominates almost 2/3 of this street address. The raised platform presents an undesirable streetscape appearance and results in de-activation of the street. The Argus Lane elevation articulates the less important street address and highlights the vehicular access.

Planning Comment:

The development provides for 3 vehicular access points to the site. Access via George Street is limited to incoming trucks only, due to the higher traffic volume along George Street. The primary vehicular access points for cars entering and exiting, and for trucks exiting the site are via Argus Lane. This is the preferable option as the laneway is the secondary street and is used less by both vehicles and pedestrians. Notwithstanding this, the development proposes to increase the width of the footpath adjoining the site along Argus Lane and has dropped the ground floor to ground level (rather than the previously proposed raised podium) with a café and outdoor seating on the corner to assist in activating the laneway.

The proposed development is not built to the street edge along Argus Lane. The unusual design provides a curved step back towards the middle of the building frontage. It is considered that the above ground parking on the ground and mezzanine floors are adequately treated architecturally and do not result in an aesthetically unacceptable design. The increased setbacks allow for increased landscaping along the laneway instead of a hard edge and assist in opening the laneway to create an increased sense of space.

Location of café

Concern is raised that the staff lunch rooms/café is located on the corner when a greater view of the river may have been achieved for the users if located on the northern elevation.

Planning Comment:

The lunchroom/café is located on the north-eastern corner of the building to enable greater activation of the laneway. The location is considered acceptable.

Parking aboveground

Concern is raised that the parking has been provided above ground. It would be a better architectural result if provided in a basement.

Planning Comment:

The subject site contains archaeological remnants of early settler occupation. The NSW Heritage Office have recommended these remnants remain in-situ. As a result of the heritage requirements, an excavated basement car park cannot be provided on the site.

Master plan required

A master plan for the site should have been prepared to ensure a high quality outcome for the site.

Planning Comment:

There is no requirement under Council's controls to provide a master plan for the site.

Public Domain Comments

Specific public domain comments are provided elsewhere within this report.

Civil Assets

The application was referred to Council's Civil Assets Unit who considered the application. With respect to the Public Domain Plan, combined comments were provided with the Urban Design Unit. This issue is discussed elsewhere within the report. With respect to the Alignment Plan, Council's Civil Assets team have reviewed the levels provided at the boundary and top of kerb and advise the following:

"On inspection of the footpath at 142 Macquarie St Parramatta, we have found that between the boundary and the kerb line, the levels are to Council Standards, unless

there are changes in the new building level the footpath should not change and will be with in Council and DDA Standards."

In this regard, it is considered that alignment levels are likely to comply with Council requirements and a detailed alignment plan is to be submitted to Council's satisfaction before the issue of a Construction Certificate.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, owners and occupiers of surrounding properties were given notice of the application for a 21 day period between 30 March 2011 and 20 April 2011. In response, 1 submission was received. The comments raised within this submission are addressed below.

General

The submission notes that the scope and nature of the development is positive.

Laneway Treatment

Concern is raised that the provision of the driveway openings along Argus Lane would de-activate the laneway. This would impact upon the potential amenity of the laneway and increase traffic along the laneway.

Planning Comment:

The development provides for 3 vehicular access points to the site. Access via George Street is limited to incoming trucks only, due to the higher traffic volume along George Street. The primary vehicular access points for cars entering and exiting, and for trucks exiting the site are via Argus Lane. This is the preferable option as the laneway is the secondary street and is used less by both vehicles and pedestrians. Notwithstanding this, the development proposes to increase the footpath adjoining the site along Argus Lane and has dropped the ground floor to ground level (rather than the previously proposed raised podium) with a café and outdoor seating on the corner to assist in activating the laneway.

Roof Top Treatment

Concern is raised regarding the treatment of the rooftop, particularly with respect to the architectural treatment and screening of the plant and equipment. It is considered that this equipment would provide unsightly views from higher points.

Planning Comment:

The development proposes all plant and equipment to be enclosed on the rooftop. Amended perspectives were submitted indicating the rooftop plan which is considered acceptable.

The objector was contacted after additional information was submitted addressing the concerns raised. No further correspondence was received.

Amended Plans

Yes

Summary of amendments

The construction method of placing the transfer beams on the ground was reconsidered by the applicant and an alternative method was proposed. The transfer beams are now to be located on the 1st floor which enables the ground floor to be dropped in height from RL8.00 to RL7.200.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

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

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application. A report on the detailed contamination assessment prepared by Douglas Partners (Project 71682 dated July 2010) for Site A was submitted for Council consideration. The report concludes the following:

- Several USTs were formerly located to the south-west of and outside the Site A area. Numerous buildings have been demolished on the site in the past which also indicates the possibility of asbestos being present. No other indications of potentially contaminating activities were obtained from historical information.
- 22 soil samples analysed from the 10 test locations exhibited contaminant concentrations within the adopted assessment criteria for the site. Asbestos was not observed in the boreholes nor detected in the laboratory samples analysed, although the possibility of asbestos being present on the site should not be discounted. On the basis of the contamination assessment, the soils on the site are considered suitable for the proposed development.
- Groundwater samples were collected from two monitoring wells on the site and analysed for a range of potential contaminants. The samples contained concentrations of copper, lead and zinc above the 95% level of protection of freshwater species. However, the samples also exhibited considerable hardness and the metal concentrations are considered acceptable when the trigger values are adjusted for hardness. On the basis of the contamination assessment, the groundwater quality should not affect the suitability of the site for the proposed development, or pose a significant risk to the off-site environment.
- The filling on the site has been provisionally classified as General Solid Waste (non-putrescible) in accordance with current waste classification guidelines. Although the underlying materials could possibly be described as VENM if assessed during construction, mixing of the filling and soils during piling works is

inevitable and all material should therefore be disposed of at a landfill facility licensed to receive General Solid Waste (non-putrescible).

The report was reviewed by Council's Environmental Health Officer who raised no concerns with the proposed development, subject to the applicant providing documentation to Council from a Contaminated Site Auditor verifying that the Detailed Contamination Assessment has been prepared and implemented in accordance with guidelines for contaminated sites published by the NSW Environment Protection Authority.

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The proposal is subject to Clause 104 of the SEPP (Infrastructure) 2007 due to the traffic generating nature of the development. The development involves the construction of a new commercial premises containing more than 10,000m² floor space.

The application was considered at the Sydney Regional Development Advisory Committee (SRDAC) on 6 April 2011. Final RTA comments were received on 27 September raising no objection to the proposed development. Recommended conditions are to be imposed on any consent granted.

In addition to consultation with the RTA, the consent authority must take the following into consideration:

- the accessibility of the site concerned, including:
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- any potential traffic safety, road congestion or parking implications of the development.

Planning Comment:

The site is accessible by car and public transport. The site will be used as the headquarters for the Cumberland Media Centre and multi-purpose trips are not envisaged as part of this use. Adequate access and car parking has been provided to the site. The application has been reviewed by the RTA and Council's Traffic and Transportation Investigations Officer who raise no objections with the proposed development.

STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING & SIGNAGE

The application proposes the display of the following business identification signage:

1. A backlit flush wall sign in skeleton lettering measuring approximately 20m x 1.2m, reading "Cumberland Media Centre"

SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Clause 8 of SEPP64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Aims and Objectives

The proposed signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations is of high quality design and finish, and is therefore consistent with the aims and objectives of Clause 3 of SEPP64.

Assessment Criteria

The following table outlines the manner in which the proposed signage satisfies the assessment criteria of SEPP64.

Consideration	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is compatible with the existing and desired future character of the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for signage within the area.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is not within an environmentally sensitive area, heritage area, natural or other conservation area, open space area, waterways, rural landscape or residential area. The site is not in proximity to heritage items.
3 Views and vistas	
Does the proposal obscure or compromise important views?	The signage is located on the front façade of the building. No views will be compromised.
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage is located on the front façade of the building. The proposal does not affect the skyline or vistas.

Does the proposal respect the viewing rights of other advertisers?	The signage is located on the front façade of the building. The proposal does not affect the viewing rights of other advertisers.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is appropriately located on the front facade and does not dominate the building or streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal contributes to the visual interest of the building and streetscape without competing with the architectural merits of the building design.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	There is no other signage proposed on the building.
Does the proposal screen unsightliness?	There is no unsightliness to screen.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage is located completely within the front façade of the building.
Does the proposal require ongoing vegetation management?	Not applicable – no vegetation affected.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is compatible with the proposed building without competing with the architectural merits of the building design.
Does the proposal respect important features of the site or building, or both?	The proposal is compatible with the architectural features of the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Satisfactory. Promotes a modern and clean design.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposal does not incorporate any safety devices, platforms, or logos.
7 Illumination	
Would illumination result in unacceptable glare?	Illumination of the proposed signage is backlit and will not result in glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed signage would not affect safety for pedestrians, vehicles or aircraft
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illumination will not detract from the amenity of any residence
Can the intensity of the illumination	Unknown

be adjusted, if necessary?	
Is the illumination subject to a curfew?	The illumination will be permitted during the operating hours of the premises. The backlit lighting is not considered offensive or intrusive to any nearby properties.
8 Safety	
Would the proposal reduce the safety for any public road?	The safety for any public road will not be compromised
Would the proposal reduce the safety for pedestrians or bicyclists?	The safety for any pedestrian or bicyclist will not be compromised
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The safety for any pedestrians will not be compromised

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

Parramatta City Centre Local Environmental Plan 2007 was gazetted on 21 December 2007. The relevant sections as they relate to the proposed development are addressed as follows:

Aims and Objectives

The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land. The proposal provides a compatible land use, creates opportunities to improve the public domain and pedestrian links and supports the higher order Commercial Core Zone.

Height of Buildings

Clause 21 restricts the height of the building to a maximum height limit of 54m.

Stage 1 has a building height of 22m and 26m to the roof of the plant & equipment. Stage 2 has a conceptual height of 54m (or 15 storeys).

The height of Stage 1 and Stage 2 development complies with the LEP controls. It is further noted that the 15 storey nature of the conceptual plan for Stage 2 does trigger the requirement for a design excellence competition under Clause 22B(4)(b) of Parramatta LEP 2007. This will need to be undertaken when a DA is lodged for the building proposed in Stage 2.

Architectural Roof Features

Clause 21A allows architectural roof features to extend beyond the height limit prescribed by Clause 21. The architectural roof features in Stage 1 does not extend beyond the maximum height permissible. The rooftop plant and equipment does extend marginally above the 54m height limit.

Floor Space Ratio

Clause 22 restricts the floor space ratio on the site to a maximum of 4:1. The proposal has the following characteristics:

	Site Area	Floor Space	FSR	Complies
Stage 1 (Site A)	5274m ²	11,980m ²	2.27:1	Yes
Stage 2 (Site B)	7226m ²	37,873m ²	5.24:1	No
Total	12500m ²	49,853m ²	3.9:1	Yes

The application seeks to transfer the underutilised floor space from Stage 1 to the Stage 2 component of the approval. The Stage 2 development will therefore exceed the maximum permissible floor space on the subdivided site, however the overall floor space ratio for Stage 1 and Stage 2 combined complies with the maximum LEP controls.

As discussed earlier within this report, Clause 22B(6) of LEP 2007 permits Council to grant consent to a building with a FSR of up to 10% greater than that allowed, but only if the building is a result of a architectural design competition and has the concurrence of the Director-General. As the current application involves a conceptual design on Site B (which is to be a separate subdivided lot), an architectural competition and the concurrence of the Director-General has not been sought. Council therefore has no power to approve the additional floor space on Site B.

Should the site not be subdivided as part of the Stage 1 works, then no objection in principle is raised to the proposed staged development as the floor space ratio will comply with Council's planning controls across the site.

Note: In determining floor space under Clause 22, all required car parking (and access thereto) to meet the requirements of the consent authority for the development is excluded from the calculations of floor space (as specified in the definition of gross floor area within the Dictionary contained within Parramatta LEP 2007).

Consideration is to be given to the remnant buildings located on Site B and their potential usage pending any redevelopment of Site B. In this regard, the building will have a floor space of approximately 5700m² which will result in a floor space ratio of 0.78:1 (Site B) or 1.4:1 (entire site) which complies with the LEP floor space ratio requirement.

Minimum Building Street Frontage

Clause 22 requires a minimum street frontage of 20m to at least one street frontage. The subject site has the following street frontages:

George Street	79.855m
Argus Lane	124.75m
Macquarie Street	129.635m
Harris Street	28.165m

Stage 1 will address George Street and part of Argus Lane. Stage 2 will address Harris Street, Macquarie Street and part of Argus Lane. Both stages of development will therefore contain street frontages greater than 20m.

Design Excellence

Clause 22B requires the consent authority to consider whether the proposal exhibits design excellence. In this regard, it is considered that the proposed building is suitable for the site, is compatible with the envisaged development of the area and protects both European and Aboriginal archaeology. The development will not unreasonably detract from solar access or views and the design, massing, modulation and finish proposed are contextually appropriate with the surrounding area. The development enables a high level of pedestrian activity and provides for retail uses and improvement to visual interest in the streetscape and public domain.

Design excellence for Stage 2 development will be assessed under a separate development application. Should the development on Site B (Stage 2) exceed 54m or 13 storeys, the application will be subject to an architectural design competition under Clause 22B(4)(b) of Parramatta LEP 2007.

Car Parking

Clause 22C restricts the maximum car parking permissible for developments within the City Centre.

The car parking for Stage 1 (including the retail and commercial uses) has been assessed as requiring 143 car parking spaces (this includes calculating parking requirements based upon the floor space of the internal car parking areas). The application proposes the provision of 130 car parking spaces. This complies with the maximum provisions of LEP 2007. The car parking provided is considered satisfactory and although has a numerical deficiency in 13 spaces, the spaces are a result of the inclusion of the car parking area floor space (which does not actually generate the need for additional parking).

The car parking for Stage 2 has not been assessed as details of the proposed uses have not been provided) and does not form part of the concept approval. Notwithstanding this, Stage 2 has the ability to provide car parking in accordance with the LEP requirements. It is also noted that the conceptual plans indicate the provision of basement parking on the site.

Consideration has also been given to the remaining building located on Site B should it continue being used for commercial purposes pending the redevelopment of Stage 2. In this regard, the building has a floor space of approximately 5700m² and requires a maximum of 57 car spaces (based on a commercial use). The application proposes the provision of 46 car parking spaces which complies with the maximum requirements.

Building Separation

Clause 22D requires the site to have the following building separation:

	Required	Proposed
East (Albion Hotel)	6m	6m (min)
South (Site B)	6m	12m (min)

The building separation complies with this requirement.

Ecologically Sustainable Development

Clause 22E requires the consent authority have regard to the principles of ecologically sustainable development.

The design is proposed to create a natural light filled space with minimal structural intrusion. This enables all staff to have vistas to natural light and to increase the light penetration through all facades of the building as well as the central atrium. The exterior of the building addressing thermal control for the different orientations. The upper floors of the Northern Façade are treated with external aluminium shading louvers and is curved inward at the centre of the building to soften the linear geometry and to provide increased access to windows. Extensive sun shading is provided to combat the extreme sun from the south west side.

The proposal provides an adequate waste management plan and complies with Council's maximum parking provision to reduce the need for car dependency. The large open floor plate enables future adaptive re-use of the building.

Special Areas

Clause 22G requires the consent authority to have regard to the objectives of the identified Special Areas within the City Centre precinct.

The subject site is located within the City East Special Area. The proposed use is consistent with the objectives and is compatible with the character and significance of the area. This issue is discussed later in this report under the controls contained within DCP2007.

Outdoor Advertising and Signage

Clause 29A requires the consent authority to be satisfied of certain matters before granting consent to signage. In this regard, the proposed business identification signage on the George Street frontage reading "Cumberland Media Centre" is considered to be compatible with the desired amenity and visual character of the area, provides effective communication in a suitable location, and is of high quality design and finish.

Heritage Conservation

Archaeological Sites

Clause 35(6) requires the consent authority before granting consent to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

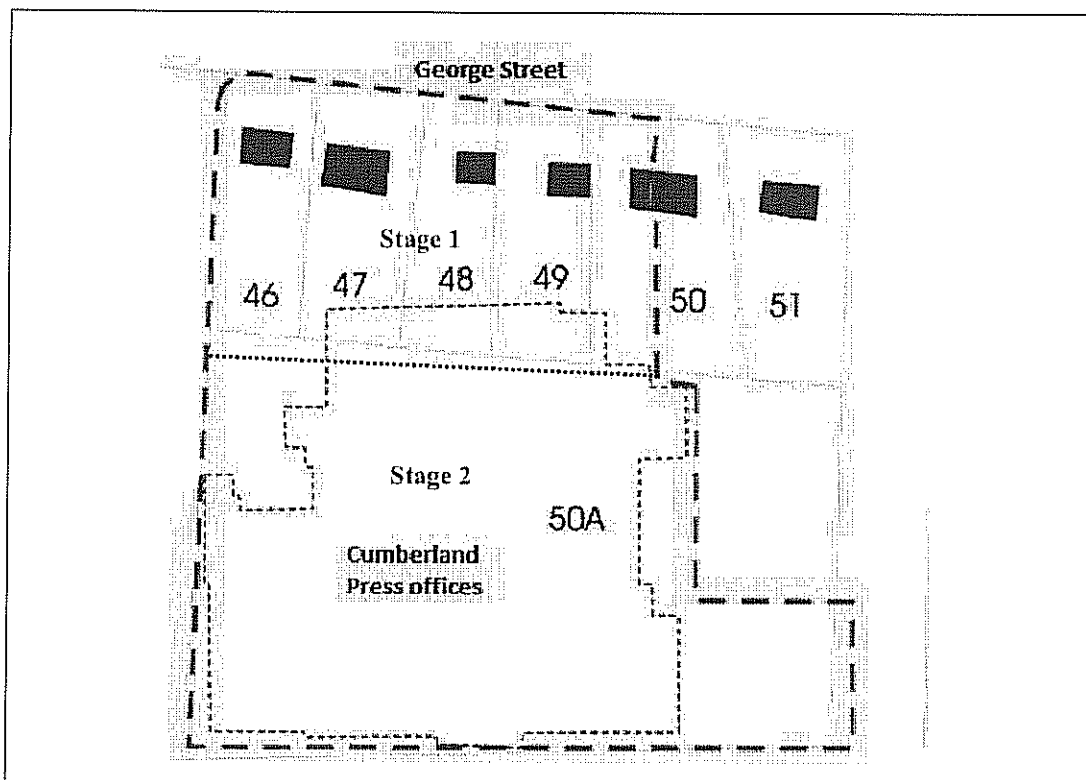
The site is an archaeological site identified in the Parramatta Historical Archaeology Landscape Management Study (PHALMS) 2001.

The Archaeological Assessment prepared by Casey & Lowe (July 2007) states the following:

As the second British settlement in Australia the archaeology of Parramatta has the potential to contribute to our understanding of the historical nature and development of Parramatta and New South Wales. The potential archaeological remains within the study area represent a range of stages in the development of Parramatta, from

the convict-period when it was occupied by free settlers and emancipated convicts, to its later free occupation and rebuilding in the second-half of the nineteenth century. Five and half houses were built within the study area between 1804 and 1822 and are therefore associated with the early development of Parramatta. The various residents of these early houses were a mix of free settlers and former convicts. Unlike many other archaeological sites along George Street there was no convict occupation, which therefore provides opportunities to examine a number of house sites not occupied by convicts prior to 1810. The rebuilding of the houses on George Street, the subdivision of Harris Street and the building of houses there and their later 1890s occupation by homeless men. Three overseas Chinese residents are known to have resided within the study area. The potential archaeological remains at this site are considered to be of State heritage significance.

Archaeological testing at this site occurred in April 2008. Archaeological remains of the State significant early 1800s structures were confirmed on Lot 46 and Lot 47 (north-western corner of the site). The structural remains in Lot 46 consisted of rubble sandstone footings for a probable brick building. See diagram below.



The NSW Heritage Office recommended that the State significant remnants of the structures be conserved in situ. This was deemed to be the most appropriate method of conservation and acts as a "time capsule" for the benefit of future generations.

The objective of the Heritage Council is to preserve remnants in-situ as many archaeological sites and their artefacts have been lost by excavation in the past. There has been no requirement from the Heritage Council to expose and display the archaeology.

The applicant has advised that there are significant issues with exposing the archaeology to ultra violet light which can cause damage to convict-period poorly-made and fired bricks, eventually leading to their destruction. Such issues involve growth of moss, condensation (too much wetting and drying etc). Other problems are that the complexity of the archaeology is such that it may not be amenable to display and easy interpretation. Excavation is to be kept to a minimum for services and essential structures only. These are located in specifically determined location where the destructive impact on archaeology is minimal if any at all.

The proposed development was originally designed to sit on piles and to ensure these piles did not impact upon the significant remnants. Further testing was undertaken in September 2010 under Section 140 of the Heritage Act 1977 to determine the exact locations of the proposed piles.

Discussions have been held between the NSW Heritage Office and Council officers. The NSW Heritage Office has been advised of the revised building platform and raise no further concerns at this stage. The NSW Heritage Office requested that any consent granted should require that the appropriate approvals under the Heritage Act 1977 (including an exception under Section 139(4) or permit under Section 140) be obtained for any likely impacts upon the archaeological significance of the site before the issue of the Construction Certificate.

Heritage in Stage 2

The applicant has advised that Site B does not have the same extent of archaeological importance as Site A as much of this has been impacted by large sewer pipes and building basements and footings built on sand, however some testing will be required before any future redevelopment of the site.

Places of Aboriginal Heritage Significance

Clause 35(6) requires the consent authority, before granting consent to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent.

The site is identified as having high sensitivity under the Aboriginal Pleistocene Study.

The Heritage Office assessment of the Aboriginal heritage under the Section 140 application states the following with respect to the aboriginal significance of the site:

The site is approximately 150 metres west of Clay Cliff Creek at the eastern end of the Parramatta CBD. Results from archaeological work at nearby sites along George Street, indicates that the Cumberland Press site is likely to be situated on the Parramatta sand sheet, an extremely important geomorphological feature. On nearby sites, the sand overlies a clay substrate which may derive from previous geomorphological event such as a paleo river channel and/or lagoon or backswamp.

The Parramatta sand body has yielded extremely early and significant evidence of Indigenous occupation in the form of well-stratified prehistoric sites with clear artefact sequences.

The DECCW issued an Aboriginal Heritage Impact Permit (AHIP) on 28 July 2010 to test excavation for archaeological evidence and excavation of 5 test pits on the site. Testing under the National Parks and Wildlife Act 1974 has confirmed the presence of Aboriginal 'objects' on the site.

Discussions with the Heritage Office reveal that impacts upon the Aboriginal significance is likely to be minimal and limited as the sand levels are located beneath the non-indigenous sections of the soil.

The applicant has submitted correspondence from the DECC advising that an application for Aboriginal Heritage Impact Permit (AHIP) follows the granting of a development consent. In this regard, a condition is imposed within the Recommendation section of this report requiring that the appropriate approvals under the National Parks and Wildlife Act 1974 be obtained for any likely impacts upon the aboriginal significance of the site before the issue of the Construction Certificate.

The application was referred to the Deerubbin Local Aboriginal Land Council and the Dharug Tribal Aboriginal Corporation for comment. No comments have been received by Council to date.

DEVELOPMENT CONTROL PLANS

Parramatta City Centre Plan Development Control Plan

The relevant sections of Parramatta City Centre DCP 2007 as they relate to the proposed development are addressed as follows:

Building Form

Street Alignment & Street Frontage Type

The DCP requires the proposed development be built to the street edge and have a Building Type A street frontage height (being a nil setback to the street for the initial 18m-22m height of the building, then setback 6m-10m to the street beyond that height).

The ground floor setback to George Street is approximately 1m-3m. The curtain wall façade above is built approximately 600mm from the boundary with horizontal louvers projecting to the boundary. It is considered that the variation on the ground floor is acceptable as it is a minor variation and the bulk of the building generally complies with the street alignment requirements.

The street setback along Argus Lane is between 4m-17m. The unusual design provides a curved step back towards the middle of the building frontage. It is considered that the above ground parking on the ground and mezzanine floors are adequately treated architecturally and do not result in an aesthetically unacceptable design. The increased setbacks allow for increased landscaping along the laneway

instead of a hard edge and assist in opening the laneway to create an increased sense of space.

The proposed development has a continuous vertical setback along both George Street and Argus Lane frontages to a maximum building height of 22m which complies with the street frontage height.

Building Depth & Bulk

The DCP requires a commercial building to provide a maximum floor plate area of 1200m² and a maximum building depth of 20m. The proposed commercial building proposes to have a floor plate area of 2740m² and a building depth of 47m (N-S) and 71m (E-W). It is considered that despite this numerical non-compliance with the DCP the proposal is acceptable as adequate light and ventilation is provided to the proposed levels due to the 3 frontages containing windows to the north, west and east. In addition, a large atrium is located within the building to provide additional natural light.

Deep Soil

The DCP requires 15% of the site to be deep soil zone, being approximately 790m². The proposal provides for approximately 200m² of deep soil within the western and southern setbacks. Although this does not comply it is considered acceptable given the improvement over the existing situation and the substantial public domain works required along the George Street and Argus Lane frontages. A passive recreational space is provided on the roof top for the enjoyment of future occupants of the site.

The Stage 2 development has the ability to comply with the Building Form requirements under DCP 2007.

Pedestrian Amenity

The DCP requires Argus Lane to have an active street frontage with outdoor dining encouraged. Given the primary vehicular access is required to be provided from the secondary street (being Argus Lane) there is limited opportunity to provide for active uses along this section of the laneway. Notwithstanding this, a café with outdoor dining has been provided on the corner of George Street and Argus Lane. This café extends approximately 1/3 of the length of the Argus Lane frontage.

The application also provides for a widened footpath along Argus Lane and upgrading of the public domain in both George Street and Argus Lane with appropriate paving and landscaping.

The Stage 2 development has the ability to comply with the Pedestrian Amenity requirements under DCP 2007.

Access, Parking & Servicing

The application proposes the provision of car parking above ground. This is contained within the ground floor (partially exposed) and the mezzanine level. Although it would be preferable that parking be provided below ground, the NSW Heritage Office has required the European archaeological remnants remain in-situ. The DECCW also prefer that the Aboriginal remnants remain on site. The design of the proposal allows for the retention of identified archaeological remnants on the site.

The proposal provides 3 vehicular access points to the site. The George Street access allows for the entering only of trucks so they may have a one way movement through the site. Argus Lane contains 2 access points, being for 2 way vehicular traffic, and a separate access for exiting trucks. Council's Traffic and Transport Investigations Officer requires the 2 way access point to be modified to an entry only point to reduce the potential conflict of vehicles along Argus Lane. All vehicles may therefore exit via the proposed exit only access.

Sufficient manoeuvring has been provided for vehicles servicing the site, up to and including a 12.5m rigid vehicle. The RTA have requested a the provision of a Loading Dock Management Plan, outlining the contingency plans to manage delivery vehicles and loading issues such as arrival of additional delivery vehicles when the loading dock is occupied. This requirement has been incorporated within the Recommendation section of this report.

The Stage 2 development has the ability to comply with the Access, Parking and Servicing requirements under DCP 2007.

Environmental Management

- The application provides for adequate stormwater management and will not impact upon the flood liability of any nearby properties. The proposed building is located above the 1:100 year flood level.
- The proposed materials used within the design will not cause excessive reflectivity.
- The proposal incorporates adequate natural lighting for thermal comfort.
- The proposal provides for adequate waste and recycling facilities and access thereto.
- The site contains minimal contaminants and will be remediated in accordance with appropriate guidelines.

The Stage 2 development has the ability to comply with the Environmental Management requirements under DCP 2007.

Special Areas

The subject site is within the City East Special Area. The City East area adjoins the Robin Thomas Reserve. The area has a mixed-use development. The future development in the area will address the significance of the locality and park location with complimentary buildings and high quality architecture.

The proposed development achieves the controls of the special area by activating the street edge with multiple pedestrian entries to entry foyers and the provision of ground floor retail on significant corners. Stage 2 of the development will assist in providing through block connections to a system of pedestrian oriented spaces that link to the open space network, the river foreshore and the ferry wharf.

POLICIES

PUBLIC DOMAIN GUIDELINES

The Parramatta Public Domain Guidelines were adopted in August 2011. The objectives for the Parramatta Public Domain Guidelines are to define design principles and provide a standard palette of materials and elements to:

- Establish a clear and consistent public domain image for Parramatta
- Provide clarity in design requirements and construction standards for the public domain
- Facilitate asset management, maintenance and repairs by reducing the number of different elements and requirements
- Uphold required technical, engineering and environmental standards
- Provide equitable access
- Improve the sustainability of Parramatta
- Reinforce the streetscape hierarchy
- Promote pedestrian priority
- Build upon existing public domain treatments and experience.

Council's Urban Design and Civil Assets officers provided combined comments with respect to the proposed Public Domain Plan submitted by the applicant. Advice was received that the following amendments need to be made to the plan as existing.

- Levels and information are to be provided as described in Chapter 3 Public Domain Guidelines.
- New kerbing will be required along the full extent of the frontage to George Street and Argus Lane. The kerb radius should be noted on the plan. The kerb radius at the corner could be reduced to 3m, which may assist a better geometry for the kerb ramp.
- The pavements of the stairs and ramps are to be noted on plan and they are to be visually consistent with the city centre pavement.
- The kerb ramp providing crossing to George Street is not required as it does not lead to one across the road. It should be eliminated.
- The large Telstra pit at the corner of Argus Lane and George Street would preferably be relocated away from the corner. If this is not possible then the lid, including the concrete surround need to be remade according to the Public Domain Guidelines.
- The Driveways are to have the concrete pavers as per the Public Domain Guidelines for a continuous consistent pedestrian footpath along the lane.
- The power should be relocated underground and a new street light and pole, be provided. The street light pole is to be the Parramatta Pole.
- New Street lighting in Argus Lane is required. To meet AS/NZS 1158.1 Part 1 Vehicular traffic (Category V) lighting - performance and Design requirements. The recommended light fitting for the lane is 12vdc Green Street Light fitting with lamp to suit, in this case, P2 rating for a pedestrian a laneway. The pole is to be INGAL GPS
- Street Trees in George Street are to be Platanus x hybrida and planted to DS 39.
- Details are to be provided as per the Public Domain Guidelines and Council's Technical Drawings.

A detailed Public Domain Plan incorporating the above requirements is to be submitted to Council before the issue of a Construction Certificate.

Arts Plan

The application proposes the incorporation of interpretive art as part of the proposed development of Stage 1. The application originally proposed a sandstone wall representing a local material with different bands of textures to represent the successive layers of development of the site. At the lowest level is the sand shelf originating from the Pre-European period where excavations have revealed some small artefacts. The next level is the Colonial period where the buildings date from around 1810. This is represented in the next layer by small rough sandstone blocks representing footings of these buildings which were timber possibly on bricks or stone pads. The next layer represents the 1890 period where larger stone footings of Victorian houses were placed on top of the previous footings effectively ignoring their existence. In the seventies these houses were demolished to make way for car parking. The next level is the current proposed development which is represented by raised footing beams and the glass balustrade above presenting the new glass building.

Amended plans were submitted dropping the podium to ground level, thereby eliminating the need for a wall. The applicant now proposes to provide the above interpretative artwork within the footpath paving within the George Street boundary to the site. These details should be incorporated within the final Public Domain Plan and further details are to be submitted before the issue of a Construction Certificate.

PARRAMATTA CITY CENTRE – LANES STRATEGY

The Parramatta City Centre Lanes Strategy identifies an envisaged pedestrian link through the site from Argus Lane to Robin Thomas Reserve. The pedestrian link also proposes to dissect the existing car park at the Albion Hotel. The applicant has been advised that a right of way or dedication of land would be required to satisfy Council's Lanes Framework Plan. The conceptual plans for Stage 2 indicates the provision of a pedestrian walkway, however is not located within the identified area of the Lanes Strategy. The pedestrian link is shown adjoining an at-grade vehicular access on the site. It is considered that further investigation to the vehicular access for Stage 2 needs to be undertaken. This pedestrian link could be provided on the boundary of Site B and subject to further investigation during the Stage 2 works. A condition of consent is imposed within the Recommendation section of this report.

It is considered unreasonable to expect active uses to be provided as part of Stage 1 to a laneway that does not exist and cannot be accessed. This is particularly relevant given the uncertainty of the Stage 2 redevelopment. Active uses could be provided as part of the Stage 2 development (as indicated on the conceptual plans) and the future laneway could provide increased natural surveillance of the carparking area of the Stage 1 works.

The proposed development incorporates the widening of Argus Lane for a minimum 2m footpath along the frontage of Site A. This includes a width of approximately 1.5m of the subject site. The widening of the footpath, additional landscaping,

treatment of the public domain and the location of the café on the corner of George Street and Argus Lane will significantly improve the amenity of this laneway.

S94A DEVELOPMENT CONTRIBUTIONS PLAN – PARRAMATTA CITY CENTRE

The proposal requires the payment of S94A development contributions (3% levy) based upon the estimated cost of works.

PLANNING AGREEMENTS

The proposed development is not subject to a planning agreement entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

REGULATIONS

There are no specific regulations that apply to the land to which the development application relates.

LIKELY IMPACTS

Urban Design

Details of the architectural design and elements of the proposal, and compliance with Council's City Centre LEP and DCP have been discussed within this report. There are minor variations to design elements of the City Centre DCP, however it is considered that the proposal is suitable for the site and does not adversely impact upon the streetscape or public domain. It is also considered that the site should be viewed within its context to the entire CBD as it is on the extreme edge where some variation may be tolerable as it does not have the pedestrian intensity and activity of the core city centre and is predominantly a thoroughfare rather than a central destination.

Heritage Impacts

The heritage impacts of the proposed development have been discussed in detail within this report.

Landscaping, Tree Removal, Flora and Fauna

The majority of the land within Site A contains a bitumen car parking area. The application proposes the removal of 7 trees on site, which are not deemed significant. The development site will be enhanced with additional landscaping along the southern and western boundaries as well as an improved footpath within the Public Domain plan.

Access, Traffic & Parking

These matters have been discussed in detail within this report.

Utilities/Infrastructure

The proposed use will not adversely impact existing utilities or public infrastructure.

Building Code of Australia

All building work associated with the proposal shall be carried out in accordance with the provisions of the Building Code of Australia. A condition will be imposed to ensure such compliance.

Disabled Access

The application provides for access and parking provision for people with disabilities. Details of compliance with AS1428 will need to be demonstrated prior to the issue of a Construction Certificate.

Noise & Vibration

The proposed use is for commercial purposes. There are no existing residential properties within close proximity to the subject site, however there is the potential for mixed use development to occur in the area in the future. The proposed Cumberland Media Centre is to operate 24 hours a day (as currently exists). There are no longer any industrial or warehousing activities carried out on the premises. The majority of staff would be on site between normal business operating hours, however journalists and production teams require 24 hour access for the operation of the newspaper. Given the low level after hours usage and the commercial nature of the business, this is unlikely to impact upon the amenity of surrounding properties.

Security by Design

The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The retail component along George Street and location of the café on the ground floor assists in activating the primary street and the laneway.

Impacts during Construction

There are building works proposed as part of the subject application. The proposed works are not located within the vicinity of any residential properties. Notwithstanding this, any consent granted will incorporate appropriate conditions with respect to construction activities to reduce the impact on surrounding properties and the environment.

Social & Economic Impact

The proposed development is not expected to have an adverse social or economic impact.

ESD & The Cumulative Impact:

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

Subdivision

No concerns are raised with the proposed subdivision of the site in principle. The subdivision results in 2 allotments of land with substantial site areas and street frontages for redevelopment and contain sufficient vehicular access.

The issue which arises from the subdivision of the site as part of the Stage 1 works is that it will result in a development on Site B having an FSR substantially in excess

of Council's planning controls. As previously discussed within this report, Council has no power to approve the excess floor space on the proposed new allotment of land. It is for these reasons that it is recommended that the proposed subdivision not be granted as part of the Stage 1 works.

SUITABILITY OF THE SITE

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

The Stage 1 development complies with all statutory requirements and is generally compliant with Council's DCP 2007 and local policies/controls.

The Stage 2 development has the ability to comply with all statutory requirements in addition to Council's DCP 2007 and local policies/controls. As the application intends to transfer floor space from Site A to Site B and only conceptual plans have been provided for Stage 2, it is considered that Stage 2 consent should be limited to the permissible floor space. This should only be permitted if the site is not subdivided, for the reasons previously set out within this report. Approval cannot be granted to the conceptual height as the development would be subject to an architectural design competition under Clause 22B(4)(b) of Parramatta LEP 2007. A separate development application is required to be submitted for the Stage 2 development.

SUBMISSIONS & PUBLIC INTEREST

One submission was received in response to the notification of the application. The issues raised within this submission has been discussed earlier in this report.

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 City Centre LEP 2007 and its DCP, and will make a significant economic contribution to the City Centre
- The proposal provide significant employment opportunities within the CBD and in close proximity to the Parramatta Rail/Bus Interchange, thereby strengthening the role of Parramatta as a regional employment destination
- The proposal will contribute to the overall commercial viability of the Parramatta CBD
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome on a corner site.

The proposed development is not contrary to the public interest.

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions,

the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved (with the exception of the Torrens title subdivision) subject to the imposition of appropriate conditions.

Recommendation

Pursuant to Section 83B of the Environmental Planning and Assessment Act, 1979

Staged development applications

PART APPROVAL SUBJECT TO CONDITIONS (NO SEPP 1 REQUIRED)

That the Western Sydney Joint Regional Planning Panel as the consent authority grant development consent to Development Application No. DA/140/2011 for a staged development, comprising the following: Stage 1 comprises demolition, tree removal, and the construction of a 6 storey retail/commercial building to be partially used by Cumberland Media Centre and Stage 2 seeks conceptual approval for the construction of a commercial/retail building with a floor area of 37,873m² on land at 142 Macquarie Street, Parramatta for a period of five (5) years from the date on the Notice of Determination subject to the following conditions:

STAGE 1

- (A) **Demolition, tree removal, and the construction of a 6 storey retail/commercial building to be partially used by Cumberland Media Centre.**

General Matters:

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing N ^o	Dated
Cover Page Project No. 2382 Drawing No. DA01/B	30/09/2011
Site Plan Project No. 2382 Drawing No. DA02/B	30/09/2011
Below Ground Floor Plan Project No. 2382 Drawing No. DA03/B	30/09/2011
Ground Floor Plan Project No. 2382 Drawing No. DA04/C	30/09/2011
Ground Floor Plan – Access Drawing Project No. 2382 Drawing No. DA04(1)/A	27/06/2011
Ground Floor Plan – Public Domain Floor Plan Project No. 2382 Drawing No. DA04(2)/C (Note: This is concept approval only and will be subject to change before the issue of a Construction Certificate)	30/09/2011
Mezzanine Level Project No. 2382 Drawing No. DA05/C	30/09/2011

Drawing N⁰	Dated
Level 1 Project No. 2382 Drawing No. DA06/B	05/09/2011
Typical Level (2-4) Project No. 2382 Drawing No. DA07/B	30/09/2011
Roof Plan Project No. 2382 Drawing No. DA08/A	24/05/2011
Elevation North/South Project No. 2382 Drawing No. DA09/C	30/09/2011
Elevation East/West Project No. 2382 Drawing No. DA10/C	30/09/2011
Section AA/BB/CC/DD Project No. 2382 Drawing No. DA11/C	30/09/2011
North Façade Details Project No. 2382 Drawing No. DA13/B	30/09/2011
3D Views Project No. 2382 Drawing No. DA14(1)/B, 14(2)/B, 14(3)/B & 14(4)/A	30/09/2011
Site A & B Development Strategy	Undated
Public Space/Art & Archaeology Project No. 2382 Drawing No. SK30-33 inclusive	30/09/2011
Stormwater Plan Dwg No. LH9103-C002 Revision B & LH9103-C003 Revision B	07/10/2011
Sedimentation Control Plan Dwg No. LH9103-C004 Revision A dated 17/03/2011	17/03/2011
Demolition Plans Project No. 2382 Drawing No. DEM01 to DEM05 Revision A	26/06/2011
Landscape Plan – Ground Level Dwg No. 11-001/L01 – Issue E	30/09/2011
Landscape Plan – Level 1 Dwg No. 11-001/L01 – Issue B	09/03/2011
Landscape Plan – Roof Detail Dwg No. 11-001/L03 – Issue B	09/03/2011

Document N⁰	Dated
External Finishes	11/04/2011
Geotechnical Investigation & Acid Sulphate Soil Assessment – Project 71682	July 2010
Mechanical, Fire & Hydraulic Preliminary Services Design	14/03/2011
Waste Management Plan	10/03/2011
Report on Detailed Contamination Assessment – Project 71682	July 2010
Traffic Impact Assessment – Final Version 2	29 April 2011

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

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

2. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason: To ensure no injury is caused to persons.

3. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.

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

4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

Reason: To ensure compliance with legislative requirements.

5. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

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

6. Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - *Demolition of Structures* and the requirements of the NSW WorkCover Authority.

Reason: To ensure appropriate demolition practices occur.

7. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.

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

8. All roof water and surface water is to be connected to an approved drainage system complying with Council's specifications and policy requirements.

Reason: To ensure satisfactory stormwater disposal.

9. 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 600 mm in height or within 900 mm of any property boundary.

Reason: To minimise impact on adjoining properties.

10. Trees to be removed are:

Tree No	Name	Common Name	Location
1x	<i>Callistemon viminalis</i>	Weeping Bottlebrush	As shown in the Landscape Plan
1x	<i>Plumeria sp.</i>	Frangipani	As shown in the Landscape Plan
2x	<i>Agonis flexulosa</i>	Willow myrtle	As shown in the Landscape Plan
2x	<i>Eucalyptus scoparia</i>	Wallangarra White Gum	As shown in the Landscape Plan

Reason: To confirm the trees to be removed.

RTA Conditions:

11. The following RTA conditions are to be complied with:
- (a) All vehicles are to enter and exit the site in a forward direction.
 - (b) All vehicles shall be clear of the carriageway and footpath before being required to stop.
 - (c) The layout of the proposed car parking and loading areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions and loading docks) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.
 - (d) Safety concerns are raised with regard to the operation of the loading dock. The applicant shall submit a Loading Dock Management Plan, outlining the contingency plans to manage delivery vehicles and loading issues such as arrival of additional delivery vehicles when the loading dock is occupied. This plan is to be submitted to the satisfaction of Council before the issue of a Construction Certificate.
 - (e) All works associated with the proposed development are to be at no cost to the RTA.

Prior to the release of a Construction Certificate:

12. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the PCA before the issue of the Construction Certificate:
- (a) The proposed 2m wide footpath in Argus Lane outside the western boundary of the proposed development is to be a pedestrian right-of-way and is to be designed and constructed in accordance with Council's Public Domain Guidelines.
 - (b) The proposed combined entry/exit driveway accessing the car parking area is to be used as an entry driveway. The width of this driveway is to be reduced to 4m (with a splay of 2.5m) so that cars can enter into the site from the left lane. The direction of travel on the aisle is to be modified to reflect the changes.

- (c) The entry driveway off George Street is to be widened between the property boundary and the power pole so that a 12.5m long HRV can enter the site without driving over the footpath.
- (d) A revised plan showing the dimension of the proposed 6 car parking spaces (including aisle width), driveway off Argus Lane and internal access roadway, and the long section of the driveway for the existing development on the southern half of the site.
- (e) The dimensions for unenclosed parking spaces and aisle widths are to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent to walls and a 5.8m aisle width minimum; at blind aisles, the aisle is to be extended by a minimum of 1.0m beyond the last parking space).
- (f) The disabled parking space dimensions are to be in accordance with AS 2890.6-2009 (a minimum of 2.4m wide x 5.4m long clear of columns plus a 300mm clearance to adjacent walls. This space shall be provided adjacent to a 2.4m wide x 5.4m long shared area with bollards as detailed in the Figures 2.2 & 2.3).
- (g) Separate entry (4m wide with a 2.5m splay) and exit (6m wide) driveways on Argus Lane and a 6m wide entry driveway (for service vehicles) on George Street are to be provided to access the 130 off-street car parking spaces and loading areas.
- (h) The driveway width (w) at the concrete layback shall comply with Council's Heavy Vehicular Crossing plan.
- (i) The driveway and internal roadway/ramp gradients shall comply with the relevant AS2890.1-2004 (Clause 2.5, Clause 2.6 and Clause 3.3) and AS 2890.2-2002 (Clause 3.3 and Clause 3.4).
- (j) The maximum size of vehicles entering the site is limited to 12.5m long Heavy Rigid Vehicles.
- (k) The security entry door to car parking area is to be operated through remote controls.
- (l) The Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 for cars and Appendix A of AS 2890.2-2002 for heavy vehicles must be used to check that adequate ground clearance is provided on all ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.
- (m) The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2m for cars and light vans including all travel paths to and from parking spaces for people with disabilities and 4.5m for commercial vehicles measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and AS 2890.2-2002.
- (n) Traffic facilities are to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, to comply with the relevant AS2890.1-2004 and AS 2890.2-2002.
- (o) Sight distance to pedestrians exiting the property must be provided clear lines of sight in a splay in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles, in or around the site, must not be compromised by landscaping; signage fences; walls or display materials.

- (p) Occupation of any part of the footpath at the above location (including construction and/or restoration of footpath and/or kerb and gutter, or locating a waste container) during construction of the development will require a Road Occupancy Permit from Council. The applicant is to submit an application for a Road Occupancy Permit through Council's Traffic & Transport Services, prior to carrying out the works.
- (q) Oversize vehicles using local roads require Council's approval. The applicant is to submit an application for an Oversize Vehicle Access Permit through Council's Traffic & Transport Services, prior to driving through local roads within Parramatta LGA.

Reason: To ensure appropriate vehicular access is provided.

13. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of a construction certificate. The fee paid is to 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.

14. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to 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.

15. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supplies to the developments is to be provided to the Principal certifying authority, prior to the issuing of any Construction certificates.

Reason: To ensure adequate electricity supply to the development.

16. A monetary contribution comprising \$ 1,557,000.00 is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta City Centre Civic Improvement Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

17. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that 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.

18. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <http://www.sydneywater.com.au> then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Notice of requirements must be obtained and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: Statutory requirement.

19. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

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

20. Should any proposed work be undertaken where it is likely to disturb or impact upon a public utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. Integral Energy / Telstra) that they have agreed to the proposed works shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate or any works commencing, whichever comes first. The arrangements and costs associated with any adjustment to a public utility installation shall be borne in full by the applicant/developer.

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

21. 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. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

Reason: To minimise costs to Council.

22. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of

the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site
 - A plan view of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - i. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - ii. The locations of proposed Work Zones in the egress frontage roadways,
 - iii. Location of any proposed crane standing areas,
 - iv. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - v. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - vi. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- (b) Traffic Control Plan(s) for the site:
 - i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (c) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.

Where applicable, the plan must address the following:

- i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- ii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- iii. Minimising construction related traffic movements during school peak periods,

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

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

23. Prior to any works commencing on the driveway crossover and prior to the issue of any Occupation Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City 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).

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay a fee in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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.

24. Prior to commencement of works the applicant shall advise Council in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared and submitted to the Principal Certifying Authority and Council (if Council is not the PCA) prior to the commencement of works; failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs.

Reason: To protect Council's assets throughout the development process.

25. The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1

(2004) & AS2890.2 (2002), except where amended by other conditions of this consent. Certification or details of compliance are to be submitted with the Construction Certificate plans.

Reason: To ensure car parking complies with Australian Standards.

26. In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

Reason: To protect public safety.

27. Any exhaust ventilation from the car park is to be ventilated in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

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

28. The proponent shall submit to the Principal Certifying Authority and Council, a Construction Noise Management Plan prior to the issue of the construction certificate as described in the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009. The Construction Noise Management Plan must describe in detail the methods that will be implemented during the construction phase of the project to minimise noise impacts on the community.

The Construction Noise Management Plan must include:

- Identification of nearby residences and other sensitive land uses
- Assessment of expected noise impacts
- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts
- 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

29. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Principal Certifying Authority with the construction certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement).

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

30. The stormwater site discharge pipe shall be connected to the existing stormwater drainage system in the street within the property frontage as

indicated on the stormwater drainage plan dwg No. LH9103-C002 *Revision B* dated 7/10/2011.

Reason: To ensure satisfactory storm water disposal.

31. The property is within the Lower Parramatta River sub-Catchment and is shown on Council's Flood map as being affected by the probable maximum flood (PMF). The building shall be designed and certified by a suitably qualified practicing engineer to ensure against failure due to flooding. In addition, a Flood Evacuation & Management Plan shall also be prepared by a suitable qualified practicing engineer.

The design and certification of the building and the Flood Evacuation & Management Plan shall be submitted to the satisfaction of the Principal Certifying Authority together with the application for the Construction Certificate.

A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events.

Reason: To ensure the structure can withstand flooding events.

32. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:

- a. The final drainage plans are consistent with the DA approved Concept Drainage Plans - "Stormwater Drainage Plan", Drawing No. LH9103-C002, Revision B, dated 07.10.2011, prepared by Cardno. "Drainage and Detention Tank Details", Drawing No. LH9103-C003, Revision B, dated 07.10.2011, prepared by Cardno.

Note: The DA approved Concept Plans are concept in nature only and not to be used for construction purposes as the construction drawing. Final construction drawings for the stormwater drainage systems shall be prepared addressing all the issues discussed below. All details shall be included in the final drawings and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval.

- b. The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
- c. The design achieves
- The design achieves a Site Storage Requirement of 470 m³/ha and a Permissible Site Discharge of 80 L/s/ha (as per 3rd edition of UPRCT's handbook).
 - When using the Extended/Flood detention method (4th edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRD_L of 40 l/s/ha, Site Storage Requirement (Lower

Storage) SSR_L of **300m³/ha** and Site Reference Discharge (Upper Storage), SRD_U of **150 l/s/ha**, Site Storage Requirement (Total) SSR_T of **455m³/ha** as per the submitted OSD calculation.

- d. Considering the shallow nature of the proposed below ground detention tank, adequate grated access covers shall be provided for the regular maintenance of the detention tank. In this regard, the access covers shall be provided at 5 metre intervals along the perimeter of the tank side walls. In addition to this, additional intermittent access covers shall also be provided along the centreline (longitudinally) of the tank, to enable cleaning and maintenance.
- e. The overflow generated out of the OSD tank shall be adequately managed and guided to overflow along the access road, into Argus Lane. Details shall be included in the final drawings for construction.
- f. Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.

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

33. Prior to the issue of a Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:
- a. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - b. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.

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

34. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer (at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council’s “Guidelines for Public Domain Works”.

The engineer shall:

- (a) provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - (i) all relevant statutory requirements,
 - (ii) all relevant conditions of development consent
 - (iii) construction requirements detailed in the above Specification, and
 - (iv) the requirements of all legislation relating to environmental protection,

- (b) On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
 - (c) Certify that the Works as Executed plans are true and correct record of what has been built.
35. Driveways and vehicular access ramps must be designed not to scrape the underside of cars.
- All car ramps within the site used as two-way carriageway shall be minimum 5.5m wide or as calculated by the swept path.
 - The driveway width on George Street should have a layback minimum 7.5m wide along the kerb line and minimum 6.0m along the boundary line in form. It is providing a concrete splay for the HRV entering the site.

This requirement is to be reflected on the design plan prior to the issue of Construction Certificate. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 "Off street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking spaces are in accordance with the approved development.

36. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose prepared by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Any recommendations made by the qualified practising structural engineer shall be complied with.

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

37. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. [DS9 & DS10]. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

38. Prior to the issue of a Construction Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City 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).

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay the appropriate fee of \$171.30.

Note: 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.

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

39. The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1 (2004) & AS2890.2 (2002), except where amended by other conditions of this consent. Certification or details of compliance are to be submitted with the Construction Certificate plans.

Reason: To ensure car parking complies with Australian Standards.

40. Should any proposed work be undertaken where it is likely to disturb or impact upon a utility installation (e.g. power pole, telecommunications infrastructure, etc) written confirmation from the affected utility provider that they have agreed to the proposed works shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate or any works commencing, whichever comes first. The arrangements and costs associated with any adjustment to a utility installation shall be borne in full by the applicant/developer.

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

41. Construction details showing substrate depth, drainage, waterproofing, and so on for ground floor and roof top planters are to be provided prior to the issue of the construction certificate.

Reason: To ensure the creation of functional gardens.

42. The applicant is required to submit all additional documentation to Council that details the realisation of the Arts Plan through design concepts, site plan for artworks, construction documentation and project management prior to issue of the construction certificate.

Reason: To ensure an appropriate Arts Plan is submitted.

43. A detailed Alignment Plan in accordance with the Parramatta City Council's Public Domain Guidelines (in particular, Chapter 3) is to be submitted to the satisfaction of Council before the issue of a Construction Certificate.

Reason: To protect the public domain.

44. A Public Domain Plan in accordance with the Parramatta City Council's Public Domain Guidelines is to be submitted to the satisfaction of Council before the issue of a Construction Certificate.

Note: The following matters are required to be considered during the preparation of this plan:

- New kerbing will be required along the full extent of the frontage to George Street and Argus Lane. The kerb radius should be noted on the plan. The kerb radius at the corner could be reduced to 3m, which may assist a better geometry for the kerb ramp.
- The pavements of the stairs and ramps are to be noted on plan and they are to be visually consistent with the city centre pavement.
- The kerb ramp providing crossing to George Street is not required as it does not lead to one across the road. It should be eliminated.
- The large Telstra pit at the corner of Argus Lane and George Street would preferably be relocated away from the corner. If this is not possible then the lid, including the concrete surround need to be remade according to the Public Domain Guidelines.
- The Driveways are to have the concrete pavers as per the Public Domain Guidelines for a continuous consistent pedestrian footpath along the lane.
- The power should be relocated underground and a new street light and pole, be provided. The street light pole is to be the Parramatta Pole.
- New Street lighting in Argus Lane is required. To meet AS/NZS 1158.1 Part 1 Vehicular traffic (Category V) lighting - performance and Design requirements. The recommended light fitting for the lane is 12vdc Green Street Light fitting with lamp to suit, in this case, P2 rating for a pedestrian a laneway. The pole is to be INGAL GPS
- Street trees in George Street are to be Platanus x hybrida and planted to DS 39.
- Details are to be provided as per the Public Domain Guidelines and Council's Technical Drawings.

Reason: To improve the public domain.

45. Access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

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

46. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the Construction Certificate plans.

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

47. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:
- (a) entrance
 - (b) lift or bank of lifts; and
 - (c) sanitary facility

This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

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

48. Prior to the issue of a Construction Certificate, the applicant/developer is to approach the NSW Office of Environment & Heritage (formerly the Heritage Branch of the NSW Department of Planning) to satisfy any archaeological requirements for the site. This may include a further archaeological assessment or a request for an exemption permit.

A copy of the written correspondence from the NSW Office of Environment & Heritage confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.

Note: This refers to the protection of the non-indigenous archaeology of the site.

Reason: To ensure that the requirements of the NSW Office of Environment & Heritage are satisfied.

49. Prior to the issue of a Construction Certificate, the applicant/developer is to approach the NSW Office of Environment & Heritage (formerly the Department of Environment Climate Change & Water) to satisfy any archaeological requirements for the site.

A copy of the written correspondence from the NSW Office of Environment & Heritage confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.

Note: This refers to the protection of the indigenous archaeology of the site.

Reason: To ensure that the requirements of the NSW Office of Environment & Heritage are satisfied.

Prior to Commencement of Works:

50. The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's *"Guidelines for Practices Involving Asbestos Cement in Buildings"*. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

51. On demolition sites where buildings are known to contain bonded or friable asbestos material, a standard sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or the website www.workcover.nsw.gov.au.

Reason: To comply with the requirements of the NSW WorkCover Authority

52. Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the statement must also be submitted to the WorkCover Authority.

The statement must be in compliance with AS2601-1991 Demolition of Structures," the requirements of WorkCover Authority and conditions of the development approval, and must include provisions for:

- (a) enclosing and making the site safe. Any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- (b) induction training for on-site personnel;
- (c) inspection and removal of asbestos and contamination and other hazardous materials;
- (d) dust control. Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;

- (e) disconnection of Gas and Electrical Supply;
- (f) fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- (g) access and egress. No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- (h) waterproofing of any exposed surfaces of adjoining buildings;
- (i) control of water pollution and leachate and cleaning of vehicles tyres. Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";
- (j) working hours, in accordance with this Development Consent;
- (k) confinement of demolished materials in transit;
- (l) proposed truck routes, in accordance with this development consent; and
- (m) location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".

The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

Reason: To provide a Work Method Statement.

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

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

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

54. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

Reason: To protect the amenity of the area.

55. Prior to demolition commencing, either the Principal Certifying Authority or Council's building surveyor must inspect the site. Should the building to be demolished be known or suspected by reason of the buildings age or otherwise to be found to be wholly or partly clad with bonded or friable asbestos material, approval to commence demolition will not be given until the PCA or/and Council is satisfied that appropriate measures are in place for the handling, storage, transport and disposal of the bonded or friable asbestos material. Prior to commencement of demolition an inspection fee is to be paid in accordance with Council's current fee schedule.

Reason: To ensure proper handling, storage, transport and disposal of asbestos materials.

56. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

Reason: To comply with the requirements of the NSW WorkCover Authority

57. A Hoarding Application together with the appropriate fee and details is to be submitted to and approved by Council for the enclosure of public space as required by Council's Hoarding Policy.

The hoarding is required to protect persons from construction or demolition works and no works can commence until approval for the hoarding has been obtained. Hoardings in the City Centre Local Environmental Plan area must also address the "Parramatta First - Marketing the City Brand". Details on policy compliance and brand marketing can be obtained by contacting Council's Construction Services on 02 9806 5602.

Reason: To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

58. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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 on public land.

59. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate 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 is appointed within 7 days; and

- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

Reason: To comply with legislative requirements.

- 60. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

Reason: To ensure adequate toilet facilities are provided.

- 61. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

Reason: To ensure public safety.

- 62. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement.

- 63. A pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of demolition and/or excavation. It must include details of the:

- (a) Proposed ingress and egress of vehicles to and from the construction site
- (b) Proposed protection of pedestrians adjacent to the site
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site
- (d) Proposed route of construction vehicles to and from the site, and
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition, excavation and construction period.

Reason: To maintain pedestrian and vehicular safety during construction.

64. 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 full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of 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 as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required 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.

65. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

Reason: To protect Council's assets throughout the development process.

66. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- (a) The type and extent of substrata formations 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.

- (b) The appropriate means of excavation/shoring in light of point (a) above 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.
- (c) 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).
- (d) The existing groundwater levels in relation to the basement structure, where influenced.
- (e) 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.
- (f) 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.
- (g) The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological 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.
 - (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
 - (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
 - (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.

- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

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

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

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

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

68. 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 received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having 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 prevent any damage to underground utility services.

69. 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:

- Protect and support the adjoining premises from possible damage from the excavation
- 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.

70. Prior to commencement of works the applicant shall advise Council in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared and

submitted to the Principal Certifying Authority and Council (if Council is not the PCA) prior to the commencement of works; failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs.

Reason: To protect Council's assets throughout the development process.

71. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

During Construction or Works:

72. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

Reason: To ensure compliance with this consent.

73. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

74. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

Reason: To protect the amenity of the area.

75. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

Reason: To ensure pedestrian access.

76. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

Reason: To ensure public safety and amenity on public land.

77. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays 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 for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

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

Reason: To protect the amenity of the area.

78. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;
 - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
 - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register shall be made available to Council and/ or the principal certifying authority upon request.

79. Noise emissions and vibration must be minimised and work is to be carried out in accordance with Department of Environment and Conservation guidelines for noise emissions from construction/demolition and earth works which are to comply with the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure residential amenity is maintained in the immediate vicinity.

80. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

81. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

82. 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. The proponent may be required to produce these documents to Council on request during the site works.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2005 are met.

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

Reason: Protection of existing environmental infrastructure and community assets.

84. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

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

85. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

Reason: To protect public safety.

86. 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 on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

(a) On-street mobile plant:

Eg. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, 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 that 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. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space 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 construction zone, 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.

Reason: Proper management of public land.

87. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) Must preserve and protect the building from damage;
- (b) If necessary, must underpin and support the adjoining building in an approved manner; and
- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

88. A 200mm wide grated drain, with heavy duty removable galvanised grates is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

89. Disused vehicular crossings shall be removed and the kerb reconstructed in accordance with Council's Standard Plan No SD004. Proof of completion of the work shall be submitted to Council prior to the issue of the Occupation Certificate. A Vehicle Crossing/Work Road Opening Permit application shall be submitted to Council together with the appropriate fee prior to any work commencing.

Reason: To provide and maintain drainage.

90. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

Reason: To provide satisfactory drainage.

91. Car parking and driveways shall be constructed, marked and signposted in accordance with AS2890.1:2004 & AS2890.2:2002 prior to the occupation of the premises.

Reason: To ensure appropriate car parking.

92. Should any soil or groundwater contamination be identified during demolition or construction works, which was not previously recognised during the original assessment process, Council and the Principal Certifying Authority must be notified immediately.

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

93. All tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007, Australian standards for Pruning Amenity Trees and Tree work draft code of practice 2007.

Reason: To ensure works are carried out in accordance with Tree work draft Code of practice 2007.

94. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site is to be staked or supported at the time of planting.

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

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

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

Prior to the issue of an Occupation Certificate:

96. An application for street numbering shall be lodged with Council for approval, prior to the issue of a Subdivision Certificate, whichever occurs first.

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

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

97. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

Reason: To ensure a visible house number is provided.

98. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.

Reason: To ensure provision of appropriately located telecommunication facilities

99. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

100. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number;
- (b) the address of the property at which the inspection was carried out;
- (c) the type of inspection;
- (e) the date on which it was carried out;
- (f) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (g) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

101. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. All landscape works are to be fully completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

102. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.

Reason: To ensure landscaping is completed in accordance with the approved plans and maintained.

103. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from an energy provider prior to the release of the linen plans.

Reason: To ensure electricity supply is available to all properties.

104. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved verses installed Drainage Design (OSD) Calculation Sheet.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan, attached as an annexure to the request forms. Registered title documents

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

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

106. 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 the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council.

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

107. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

108. The applicant is to provide documentation to Council from a Contaminated Site Auditor accredited by the NSW Environment Protection Authority verifying that the Detailed Contamination Assessment for Cumberland Newspapers at 142 – 154 Macquarie Street Parramatta dated 22 July 2011 prepared by *Douglass Partners* has been prepared and implemented in accordance with guidelines for contaminated sites published by the NSW Environment Protection Authority before the issue of an Occupation Certificate.

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

109. The footpath in Argus Lane outside the western boundary of the proposed development is to be a pedestrian right-of-way and is to be registered at the Land Titles Office before the issue of an Occupation Certificate.

110. All works approved within the Public Domain Plan are to be carried out to Council's satisfaction before the issue of an Occupation Certificate.

Reason: To ensure public domain works are complete.

111. The artworks are to be installed to the satisfaction of Council prior to the issue of the occupation certificate.

Reason: To ensure that the Arts Plan is implemented appropriately.

Use of the Site:

112. The specific commercial and/or retail use or occupation of the ground floor premises on Site A shall be the subject of further development approval for such use or occupation.

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

113. The specific use or occupation of the existing premises on Site B shall be the subject of further development approval for such use or occupation.

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

114. Any external plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

115. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

Reason: To ensure the removal of graffiti.

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

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

117. All loading and unloading shall take place within the designated loading areas on the subject property. Loading vehicles shall be restricted in size to a 12.5m long heavy rigid vehicle.

Reason: To protect the amenity of the area.

118. The days and hours of operation are unrestricted. In this regard, the commercial component of the Cumberland Media Centre may operate 24 hours a day.

Reason: To confirm the details of the application.

119. To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille and see through.

Reason: To provide an appropriate streetscape appearance.

(B) REFUSAL of the Torrens Title subdivision of the land.

STAGE 2

Conceptual approval for the construction of a commercial/retail building with a maximum floor space ratio of 5.24:1 as defined under Parramatta City Centre Local Environmental Plan 2007.

1. A separate development application is to be lodged for the redevelopment of Site B.
2. A 6m wide public right of way be created along the northern boundary of Site B. Details of the location and construction of this right of way to be provided to Council's satisfaction with the development application.

Advisory Note:

The concept approval only provides for the proposed floor space approved within this consent. All details of the future development is subject to compliance with relevant statutory provisions. It is also noted that the height indicated within the conceptual plan would be subject to an architectural design competition under Clause 22B(4)(b) of Parramatta LEP 2007.