

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

SUMMARY

Application details

DA No:	DA/305/2013
Assessment Officer:	Kate Lafferty
Property:	30 Phillip Street – Parramatta Lot 2 in DP730119
Proposal:	Alterations and additions to the Park Royal Hotel, including the construction of an 8 storey addition containing 90 rooms, additional function space/meeting rooms and restaurant/bar areas
Cost of works:	\$20,361,000
Date of receipt:	24 May 2013
Applicant:	Success Venture Pty Limited
Owner:	Success Venture Pty Limited
Submissions received:	No submissions received
Property owned by a Council employee or Councillor:	No
Council application:	No
Issues:	Building separation (LEP2007) Activation of laneway
Recommendation:	Approval subject to conditions

Legislative Requirements

Zoning:	Mixed Use B4
Permissible under:	Parramatta City Centre LEP 2007

Relevant legislation/policies:	Parramatta City Centre Plan DCP 2007
Variations:	Building separation (LEP2007) Street frontage type & street alignment (DCP2007)
Integrated development:	No
Crown development:	No
Designated development:	No

The site

Site Area:	3436m ²
Easements/rights of way:	The submitted survey does not indicate any easements or restrictions existing upon the subject site
Heritage item:	No
In the vicinity of a heritage item:	Yes 306 Church Street (former ANZ bank) 34 Phillip Street (Willow Grove)
Site History:	See 'Background' section of this report

DA history

24 May 2013	DA lodged
28 May 2013	Request for additional information: <ul style="list-style-type: none"> ➤ Drainage details required ➤ Flood report required ➤ Alignment plan required ➤ Arts Plan ➤ Archaeology
5 June to 27 June 2013	DA notified
19 June 2013	Applicant's initial response to additional information request
19 July 2013	Additional information submitted in part (Alignment Plan)

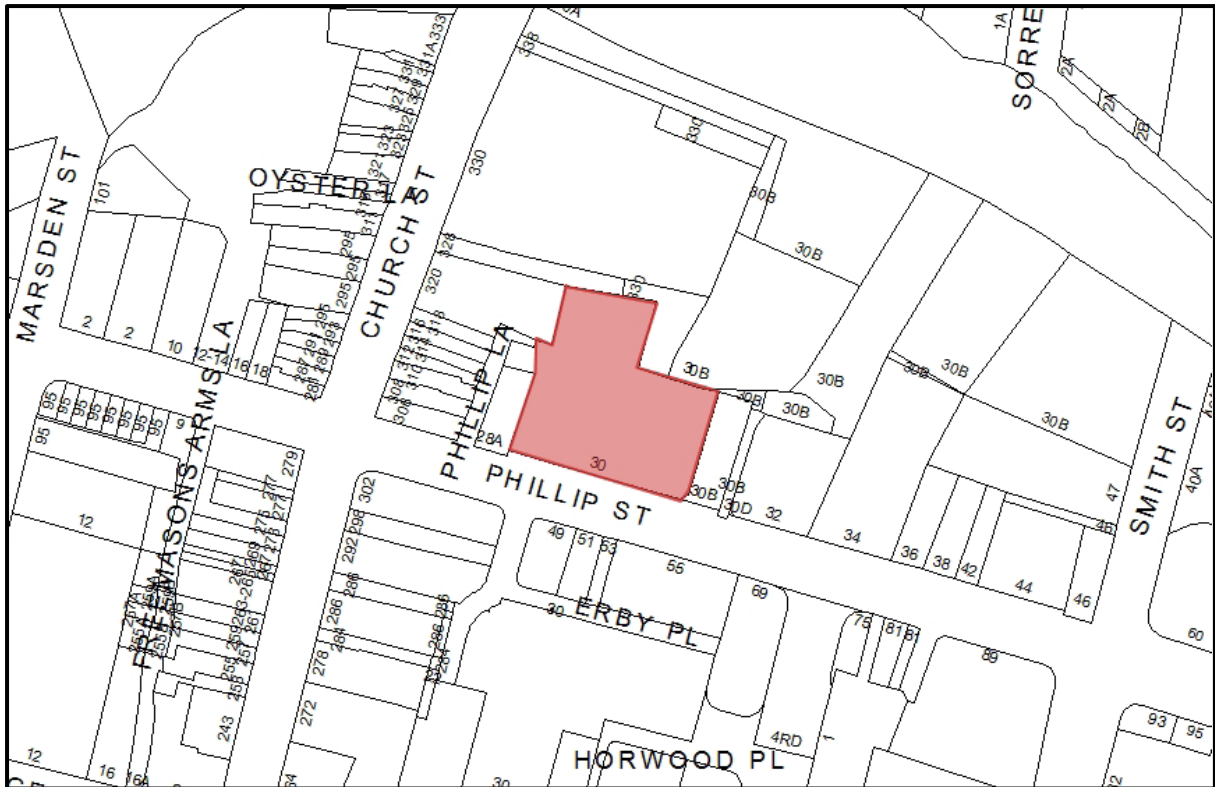
25 July 2013	Request for additional information: <ul style="list-style-type: none"> ➤ Drainage details required ➤ Flood report required ➤ Arts Plan ➤ Waiver for Design Excellence ➤ Urban design matters including public domain & response to access way to the east ➤ Plans providing calculations ➤ Car parking assessment details ➤ Ecological sustainable development ➤ Waste management matters
2 August 2013	Additional information submitted in part (Flood report)
8 August 2013	JRPP Briefing Meeting
30 August 2013	Additional information submitted in part
11 September 2013	Clause 24 variation submitted
27 September 2013	Request for additional information: <ul style="list-style-type: none"> ➤ Design Excellence matters ➤ Urban design matters ➤ Arts Plan ➤ Drainage details required
31 October 2013	Revised Concept Public Domain Plan submitted
11 November 2013	Department of Planning & Infrastructure provides letter allowing waiver to Design Architectural Competition under Clause 22B of LEP2007

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is a north-south oriented mid-block located on the northern side of Phillip Street between Church Street and Smith Street, Parramatta. The site currently contains a part 2 & part 12 storey 4.5 star hotel, known as the Park Royal Hotel.

Adjoining land uses include commercial premises and car parking facilities. The site adjoins Council owned land which is currently classified as private land with a right of carriageway over it. Although this land is used as a laneway with access to properties at the rear (including the Doug Frater Car Park), it has not been formally dedicated as a public road.



Location Map



View of subject site – 30 Phillip Street, Parramatta (Park Royal Hotel)

RELEVANT BACKGROUND (PRE-DA LODGEMENT)

- 16/09/1983 Approval granted for 13 storey hotel complex with bar, restaurant & function rooms
- Nov 2011 An Architectural Design Competition (ADC) organised due to the provisions of Clause 22B(4)(c) of LEP2007 which required an ADC for any development having a capital value of more than \$1,000,000 on a key site.
- Clause 22B(5) excludes this requirement if the Director General certifies in writing that the development is one for which an architectural design competition is not required.
- 9 Oct 2012 The hotel owner wrote to the Director General of the Department of Planning and Infrastructure seeking an endorsement of an alternate scheme that had been prepared by the project architect (Architectus). This correspondence sought a waiver for the need to hold a competition pursuant to Clause 22B (4) of PCCLEP 2007.
- 22 Oct 2012 Acting Director General of Planning and Infrastructure granted a waiver for the need to hold a design excellence competition. This was on the provision that an alternate design process would be followed.
- 20 Mar 2013 The proposal was considered by Council's Design Excellence Advisory Panel (DEAP).
- The proposed design scheme was reviewed by DEAP and it was considered that the design was acceptable, subject to minor design changes. The Design Excellence Advisory Panel made the following comments in relation to the project:
- 1. The Panel generally support the objective opening up and connecting this existing building to the footpath and street.*
 - 2. The street alignment of the building relative to its boundary and the footpath/kerb should be clarified. There should be a generous footpath width maintained, coordinated with Council's Public Domain Plans and Policies.*
 - 3. The Panel have no objection per se with the minor height non-compliance of the street parapet.*
 - 4. The Panel do not believe that conference rooms are the best use for improved street activation along this important inner city frontage.*

5. *The Panel felt that the roof over the existing central banquet room does not work unless there is some form of landscape treatment.*
6. *The Panel queried other public domain aspects of the proposal, including its address to the side street (currently a right of way only) and northern façade. The Panel accepted the applicant's advice that they would like to address these opportunities if and when there is more certainty around public domain outcomes in the immediate vicinity to the north. It would be a shame however, if there is no provision in the current plan to feasibly open up to these adjacent areas if the opportunity arises.*
7. *The material provided to the Panel was limited by its lack of contextual material that places and explains the proposal into its setting.*
8. *The detailed cross-section at each condition should be carefully & inventively resolved. The Panel are not convinced that a 1.2m high solid wall in front of the meeting rooms, 2.2m in front of the terrace or soft landscape edge at the footpath is the best solution. The colonnade currently shown on the drawings is also awkward in its narrow width. Creating views into the building or possibly seating are some options, as is moving the glass or column line into same plane to remove the residual colonnade proposal. Lowering the areas at the front including the terrace and meeting room spaces preferably providing entry doors from the footpath and possibly using them as shops would also improve the footpath environment.*
9. *The Panel supports the applicant's preference to retain a 90 corner on level two and above on the south east corner in-keeping with the overall design of the building rather than a 45 degree splayed corner as required by the regulations. The applicant advised the panel that the corner of the building will not impact on any sightlines.*

THE PROPOSAL

The application proposes alterations and additions to the Park Royal Hotel, including the construction of an 8 storey addition containing 90 rooms, additional function space/meeting rooms and restaurant/bar areas.

The details of this application are as follows:

- Demolition works to the Park Royal Hotel building, including removal of the existing porte-cochere and driveway and extension of the building footprint towards Phillip Street to create a street wall along Phillip Street. Both the ground floor and 1st floor will be extended to Phillip Street.

- The alterations to the ground floor will consist of a new outside deck off "Lobby Bar", banquet pre-function room and 3 x meeting rooms.
- The alterations to the 1st floor will consist of a new function room and extension to the restaurant.
- The construction of an additional 6 storeys above the 1st floor (being Levels 2 to Level 7) containing 90 hotel rooms, gymnasium (Level 2) and club lounge (Level 7).
- The Phillip Street frontage of the hotel is to be reconfigured to provide a flexible pick up/drop off area. The existing shuttle bus, coach bay, and taxi rank are to be rearranged to place the primary pick up/ drop off zone in front of the hotel entry. These works will incorporate associated public domain works including street paving and street trees.
- No additional on-site car parking is proposed.
- No works are proposed to the existing hotel tower at the rear.

Cost of works = \$20,361,000

There are no other changes to the operation of the existing hotel, with the exception of an increase in staff from 120 to 130 employees.



Photo montage of proposed development

PERMISSIBILITY

The site is zoned B4 Mixed Use under the provisions of Parramatta City Centre LEP 2007.

The proposed development is defined as “hotel accommodation” defined as follows:

hotel accommodation means a building (whether or not a hotel within the meaning of the Liquor Act 1982) that provides tourist and visitor accommodation consisting of rooms or self-contained suites, but does not include backpackers’ accommodation, a boarding house or bed and breakfast accommodation.

Hotel accommodation is permissible with consent in the B4 zoning applying to the land.

WESTERN SYDNEY JOINT REGIONAL PLANNING PANEL

The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of development exceeds \$20 million.

The application was considered at the JRPP Briefing Meeting on 8 August 2013. At this meeting the JRPP panel members raised the issues regarding the relationship of the development to the public foreshore and options for coach arrivals. These issues are discussed below.

1. RELATIONSHIP TO THE PUBLIC FORESHORE

The Panel requested commentary on how the proposed development related to the public foreshore and future visions for the Parramatta River.

Based on discussions with the Parramatta City River Strategy team who have recently put out an RFQ (Request for Quotation) for the Design and Activation Plan for the foreshore, it is understood that a public domain design plan and implementation strategy will be in place by mid-2014 (including the delineation of private and public areas affected by this proposal). As illustrated in the RFQ diagram below, the “River Square” site includes the access way to the east of the subject site.

The site is located directly on the primary access to the river foreshore from Phillip Street – this access way is the main entry to the future River Square and subject to a large amount of foot traffic for events such as the New Year’s Eve fireworks, Loy Krathong festival and other activities hosted by the City of Parramatta. Therefore the presentation of the building frontage along this access way is very important.

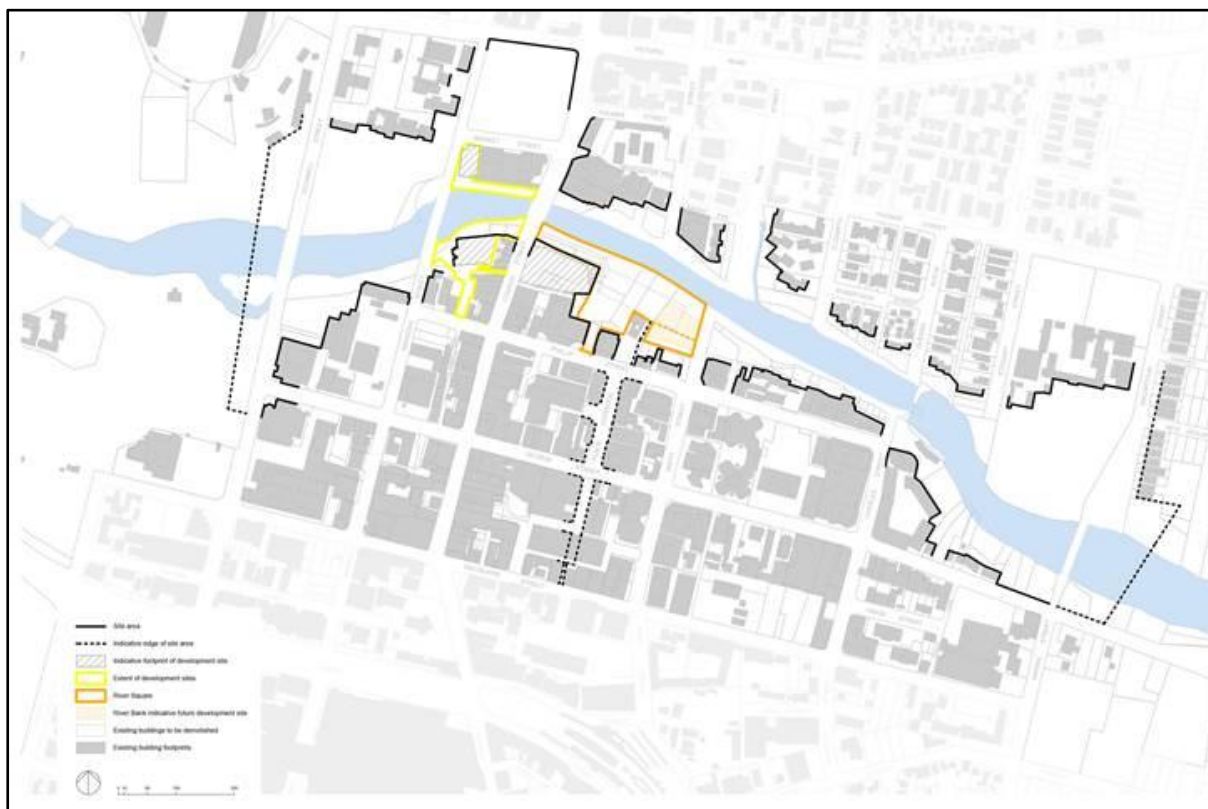
Concerns are raised within this assessment report regarding the lack of activation of the proposed development on the eastern side of the building, adjoining the existing laneway. Council officers have requested that this corner be activated by such means as providing window openings along the existing eastern wall on the ground and 1st floors (with a minimum 10% of wall glazing). The applicant has chosen not to provide any amended plans indicating the activation of this space primarily due to the additional cost that this would entail. The laneway is currently listed as private

land (not a public road) and as such, any windows on the boundary would require fire protection in the form of a sprinkler system.

As noted above, the existing laneway is identified as a public access way to the river foreshore. It is therefore envisaged that this will be a public road/access. Once the public domain design plan is in place, the process for agreement on the details and extent of the public road will be undertaken. This will be done in a manner that does not cause any loss of development potential to the landowner, rationalises the services/rights of access in place and creates clear legible public access.

It is therefore recommended that a condition of consent be imposed requiring the submission of plans/elevations indicating the activation of the eastern elevation of the building before the issue of a Construction Certificate. It is further recommended that a condition be imposed with a “sunset clause” requiring these works be carried out should the laneway become a public road within the next 5 years.

Further discussions regarding this matter in terms of the urban design impacts are contained within the ‘Referrals’ section of this report.



Design and Activation Plan extents
(Source: Parramatta City River Strategy RFQ Nov 2013)

2. OPTIONS FOR COACH ARRIVALS

The Panel requested consideration of providing on-site parking for coaches and alternative access arrangements, such as drop-off/pick-up facilities on the edge of the city centre.

The application involves alterations and additions to the existing hotel, which includes the removal of the porte cochere and provides for an improved street frontage to the hotel. There is insufficient space on the subject site to provide off street parking for coaches. Coaches currently park in a specified area on the road in front of the premises. Although the application proposes modifications to the public domain and road, coach parking will remain available at the front of the premises.

The applicant was requested to address this concern, and has advised as follows:

Clearly, in our case the Park Royal Hotel is different to that of most Sydney CBD hotels because it was purpose built in the 1980's for a much needed regional market.

In addressing your issues I have spoken with my client's and they have advised that the majority of guests who stay at the Parramatta Park Royal from overseas or interstate arrive by taxi. While the hotel does provide on-site car parking, those guests who mostly arrive by car are overnight or short stay guests of 2 or more days. Basically they are moving through Parramatta.

Shuttle buses are used by the hotel when guests arrive in groups. As you would be aware, the proposal continues to provide on-street parking to accommodate those types of bus services for its group guests.

Large coaches are also sometimes used to shuttle guests (such as sporting teams – Qld State of Origin Rugby League Teams) to and from sporting events at Homebush or guests forming part of special events groups such as Disney on Ice performances etc. These bus services will still be available when needed as part of the proposed additions.

I am advised that there has never been a need for or request for the hotel to explore a market for guests to be dropped off on the edge of the Parramatta CBD and then, through the provision of other shuttle bus transport, transported to the Park Royal Hotel.

As mentioned previously, the Parramatta Park Royal Hotel is a purpose built hotel that was designed in the 1980's to meet the demand for quality accommodation in Parramatta and other major business centres throughout this region.

In view of the above comments, my client does not see a need for a shuttle bus service to be considered that would collect guests on the edge of the Parramatta CBD and then transport them to the hotel.

In addition to the comments received from the applicant, it is noted that a shuttle bus service (the Loop Bus) operates within the City Centre and provides shuttle access between the Parramatta Transport Interchange and the Park Royal Hotel. A bus stop for the Loop Bus is located directly in front of the hotel.

EXTERNAL REFERRALS

NSW Roads & Maritime Services

The application was referred to the NSW Roads & Maritime Services for comment in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. RMS correspondence dated 29 July 2013 reads as follows:

RMS has reviewed the development application and notes that as no additional car parking spaces are proposed for the development, there will not be a significant impact on the classified road network. RMS has no objections to or requirements for the proposed development.

Planning Comment: No issues are therefore raised by the NSW Roads and Maritime Services.

Endeavour Energy

The application was referred to Endeavour Energy in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. Correspondence dated 25 June 2013 from Endeavour Energy reads as follows:

The proposed nine storey addition containing up to 90 rooms and associated hotel areas has been submitted by the applicant to Endeavour Energy under the Customer Connection process.

As such it is presently being assessed for its connection to Endeavour Energy's distribution network. As this site presently has an existing indoor substation, it is anticipated this will be used to cater for the additional electrical load of the proposed extensions.

Planning Comment: No issues are therefore raised by Endeavour Energy.

INTERNAL REFERRALS

Urban Design

The application was referred to Council's Urban Design Unit who advised that the matters raised by DEAP have been satisfactorily addressed. Concern however was raised with two outstanding matters, being inadequate public domain works and activation of the laneway. These matters as raised by Council's Urban Design Team are discussed below.

Council envisages a consistent streetscape with upgraded footpaths and street trees on both sides of Phillip Street. This street, and especially the location of the subject site, is of significance due to its proximity to the future River Square and the large amount of foot traffic for events such as the New Year's Eve fireworks, Loy Krathong festival, Parramasala and other activities hosted by the City of Parramatta.

Public Domain Works

Council's intention is to align the footpaths to the line that connects the widest footpath/face of kerb conditions on Phillip Street (along the corner site of 306 Church Street) as well as the pedestrian intersection located in front of 32 Philip Street, Parramatta (refer to diagram below). It is also the design objective to have the footpath define the vehicular carriageway and not the opposite. It is recommended that the extent of the footpath/ face of kerb alignment in front of 30 Phillip Street is located along this line. While it is expected that taxi ranks and coach layovers will interrupt the kerb alignment, the public domain design must achieve an equal or better condition.



Desired kerb alignments

The applicant has amended the Public Domain Concept Plan to provide the desired kerb alignments. This matter has now been satisfactorily addressed. In this regard, Council's Urban Designer advises as follows:

The public domain concept plan is acceptable and will inform the alignments plan. The proponent will also be required to submit long sections and cross sections of the public domain.

The proponent will also need to submit a public domain plan as part of the construction certificate approval. This plan will be informed by the alignments plan and should identify paving layout, paving materials, tree pits and Council's recommended tree type, kerb ramps and TGSIs, and the driveway layout and materials Parramatta Council standard engineering drawings should be referred to and are available from Council.

Activating and improving the built edge along the access way to the east of the subject site

The proposed development does not activate the street and future laneway corner element. The sides and rear of the building generally remain unaltered and it continues to present as a predominantly blank façade to the east. The applicant has advised that this was due to the uncertainty of future public domain as well as a BCA response to the adjacent privately owned land (the future laneway). Council officers do not believe that this is the best outcome for the site given its significant location on the main pedestrian connection to River Square.

The applicant was requested to address this issue and Council officers recommended the proposal incorporate the following:

- The eastern edge open out where possible at ground level to create an active edge. As a minimum this area should be future –proofed to allow conversion later to active uses
- The banquet hall along the eastern edge open out onto a balcony/ terrace as well have increased fenestrations on the eastern wall
- Fire engineered solutions such as sprinklered facades/ fenestrations are incorporated to address the fire separation issue
- Improved presentation to the side/ rear setbacks incorporating green walls/ planter boxes, increased fenestrations and high quality architectural finishes.

The applicant does not want to amend the design for the following reasons:

- There is uncertainty regarding the future River Square plan
- The adjacent access way may theoretically be developed in the future
- The access way to the east has an existing ROW/covenant that allows access to the waterfront and the existing car park. However this is not a public road and there is no existing easement to provide adequate building/fire separation should this lot be redeveloped in the future
- The delay providing such easements would place on the development
- Existing floor levels do not provide enough headroom for active ground floor uses along this edge
- The prohibitive cost of providing sprinklered fenestrations along this edge.

The applicant's comments have been considered and Council's key issues identified for this edge are:

- lack of activation
- lack of appropriate response to an identified laneway in the City Centre DCP
- poor outlook and casual surveillance
- poor presentation from the public domain
- poor design outcome from a legacy point of view (as it may be a while that any changes are made to this façade).

Being a proposal for additions and alterations, there are some constraints with respect to the existing building which was built to an earlier development control regime and to what was considered acceptable practice then. These constraints were factored in the urban design advice provided to date. Also concessions have

been made with respect to the height of the street wall as per the City Centre DCP to enable this development to proceed.

However contemporary best practise, current DCP controls/ objectives, identified lanes ways (adjacent to the site in the DCP as well as the laneways strategy) and the long term vision for this precinct must inform any development proposal - a strict compliance to statutory controls does not ensure the best design outcome, especially with respect to the public domain and the legacy of the development.

Council officers are of the opinion that the proposed development can activate the public domain. As discussed earlier within this report, it is recommended that a condition of consent be imposed requiring the submission of plans/elevations indicating the activation of the eastern elevation of the building before the issue of a Construction Certificate. It is further recommended that a condition be imposed with a "sunset clause" requiring these works be carried out should the laneway become a public road within the next 5 years.

Traffic & Transport Investigations Engineer

The application was referred to Council's Traffic & Transport Investigations Engineer who reports as follows:

Existing Development

1. *The Park Royal Hotel is located on the north side of Phillip Street between Church Street and Horwood Place.*
2. *According to the submitted Traffic Report and Statement of Environmental Effects, the hotel currently has 196 rooms, meeting rooms, ballroom, function room, club lounge and restaurant with basement car parking for 182 vehicles.*
3. *The basement car park is accessible via a driveway located at the eastern boundary of the site.*
4. *The hotel also has a porte-cochere, which currently operates as a vehicle set-down/pick-up area for hotel guests.*

Proposed Development

5. *The proposed alteration works include the following:*
 - *Demolition works to the PARKROYAL Hotel building, including removal of the existing porte-cochere and driveway to move the buildings footprint towards Phillip Street to create a positive interface with the public domain along Phillip Street:*
 - *90 additional rooms, 114m² of additional floor area for meeting rooms on the interface with Phillip Street, 110m² of additional floor area for restaurants, 231 m² of additional floor area for the hotels function rooms, a new outdoor deck off the "Lobby Bar" at Ground Level and a Club Lounge Bar on Level 7*
 - *The Phillip Street frontage of the hotel is to be reconfigured to provide a flexible pick up/drop off area of suitable capacity. The existing shuttle bus, coach bay. and taxi rank are to be rearranged to place the primary pick up/ drop off zone in front of the hotel entry;*

- The area in front of the hotel will be extensively paved to provide generous entrance and street-presence for the hotel”

6. The Traffic Report (Revision B) submitted with the development application was prepared by Transport and Traffic Planning Associates dated May 2013.

Description/Development Control/Design Requirements	Proposal	Comments	Compliance
<p><i>Parking Requirements - Clause 22C of Parramatta City Centre LEP 2007</i></p> <p><u><i>Residential Component:</i></u></p> <ul style="list-style-type: none"> ➤ 1 space for every 5 rooms x 286 rooms = 57.2 parking spaces ➤ 1 space for every 3 employees x 130 employees = 43.3 parking spaces ➤ 1 parking space for every 10m² of GFA x 305m² = 30.5 parking spaces <p><i>Total = 131 parking spaces</i></p> <p>Total maximum requirements: 131 parking spaces</p>	<ul style="list-style-type: none"> – According to the submitted DA application, the hotel has 182 car parking spaces – However, according to the submitted plan, the hotel has 142 marked car parking spaces – This DA is proposing to remove 12 car parking spaces for the construction of columns to support the new structure – So the total number of car parking spaces available for use is 130 (as counted) or 170 (as referred in the DA) 	<ul style="list-style-type: none"> – City Centre LEP 2007 does not refer to the requirement of parking spaces for ballrooms, function rooms, meeting rooms, bar/lounge, pool and gymnasium. – The proposed development provides 130 (or 170) car parking spaces which is within the maximum requirements 	Yes
<p><i>Parking Spaces – Layout and dimensions (Section 2.4 of AS 2890.1-2004; AS 2890.6-2009; and Part – 3, Section – 2 of AS 2890.3-1993)</i></p>	<ul style="list-style-type: none"> – The submitted DA application has already removed 12 spaces from the southern boundary of the property – However, 8 additional car parking spaces are need to be removed to comply with the AS2890.1-2004 (refer to Figure 1 below) – 1 column is located at the middle of the and therefore vehicles will not be able to access car parking spaces 	<p>According to AS2890.1-2004</p> <ul style="list-style-type: none"> – 2.4m is the minimum required width for car parking spaces for standard vehicles – Columns are not to be located within the design envelope for structural elements to be clear of all four side doors – A signs is required to be 	Additional 8 car parking spaces (on basement levels 1 & 2) do not comply with AS2890.1-2004

	from the southern end of the aisle	installed on the column to advise motorists to access car parking spaces from the northern end of the aisle.	
Traffic generation - RMS Guide to Traffic Generating Developments (TGD) and Technical Direction (TDT 2013/04a - August 2013)		There is no increase in the number of car parking spaces for the proposed development. So, there will not be a significant impact on Phillip Street or the surrounding road network.	Yes

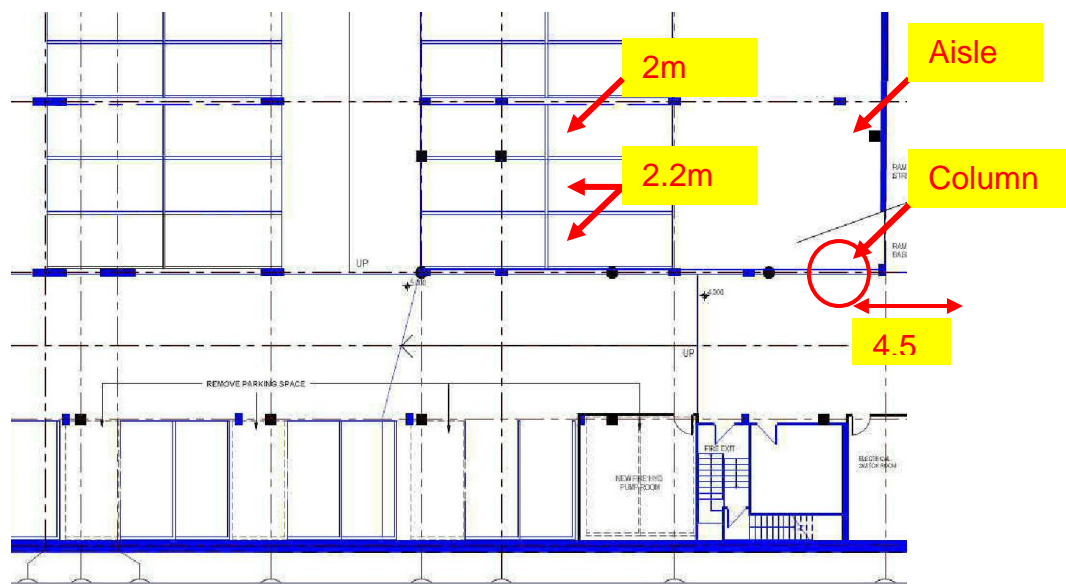


Figure 1: Location of columns in the basement car parking area

Additional Note:

- The DA application also proposes to remove the porte-cochere and install a set-down pick-up area in Phillip Street outside the hotel frontage. The applicant has submitted a final architectural plan showing the layout of the footpath including the indented parking area. According to the submitted plan, existing parking restrictions are rearranged to provide a 'Taxi Zone' for 3 vehicles, set-down-pick-up area for coaches and a 'Bus Zone' for Free Shuttle services. The proposed arrangement is satisfactory.

However, relocation of any parking signs requires approval from Parramatta Traffic Committee and Council. Relocation of any free shuttle bus stop plinth

requires approval from Transport for NSW. All costs associated with the supply and installation or relocation of signs and/or plinth are to be paid for by the applicant.

Conclusion

Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Phillip Street and the surrounding road network. The proposal can be supported on traffic and parking grounds provided that

- *The layout of car parking spaces located near new columns to support Banquet pre-function room is to be modified to comply with AS2890.1-2004.*
- *Relocation of any parking signs requires approval from Parramatta Traffic Committee and Council. Relocation of any bus stop plinth requires approval from Transport for NSW. All costs associated with the supply and installation or relocation of signs and/or plinth are to be paid for by the applicant.*
- *Subject to the recommended traffic related conditions.*

Planning Comment: The recommended conditions of Council's Traffic & Transport Investigations Engineer are incorporated within the Recommendation section of this report.

Catchment Management

The application was referred to Council's Catchment Management Team who report as follows:

The project involves works which are almost exclusively outside and above the 100 year floodplain and the Mott MacDonald flooding report has been able to show how many of the planning controls in Council's Floodplain Matrix can be – and have been - quite readily satisfied.

However, we have a number of concerns about how the risks associated with basement car park flooding and related evacuation, and also how some other flood management issues, have been addressed.

One of our concerns relates to the flood impact report's determination that the Floodplain Matrix control re basement ramp freeboard requirement (i.e. not less than 0.5m above the 100 year flood level) is "not applicable". While there may or may not be issues as to whether this control is applicable, we note that the proposed works include the provision of 90 additional hotel rooms and this appears to represent a significant increase in the occupation of the site. On this basis – and given that the additional hotel guests would be using the basement car park - we consider that the control is applicable and therefore should be complied with.

Since the matters of concern represent substantial risk issues with regards to both personal & vehicular safety and also property damage we recommend that all the issues be revisited and re-submitted as part of the DA process. It is also

recommended that they be re-submitted as part of an upgraded and more detailed Flood Management Plan.

*As stated in the memo, we concur with the report's assessment that the certification associated with the controls for both **Building Components and Method** and **Structural Soundness** could be fully addressed at the detailed design phase of the project. It is recommended that this be addressed through specific wording in any Consent conditions.*

Planning Comment:

The proposed development does not seek to increase the number of car parking spaces within the basement. In fact, 12 spaces will be removed due to the structural works required for the proposed additions. As there is no increase in intensification of the use of the car park, it is unreasonable to require changes be made to the existing basement entry ramp and driveway crest to provide a freeboard for storm events up to, and greater than the identified 1:100 year ARI. In any case, it is unlikely that the ramp would comply with the Australian Standards if it was modified to cater for all flooding levels. In the circumstances of the case, it is therefore considered unwarranted to require modifications to the basement ramp.

A special condition in terms of flood evacuation and management in flood situations has been included within the Recommendation section of this report.

Heritage Advisor

The application was referred to Council's Heritage Advisor as the site is in the vicinity of heritage items. Council's Heritage Advisor reports as follows:

The site of the proposed development is not of heritage interest in its own right, however, it is located in the vicinity of two heritage items, the former ANZ bank at 306 Church Street, and the Willow Grove at 34 Phillip Street.

The building at 306 Church Street is a two storey commercial building of rendered brick walls with ashlar markings, with corrugated iron roof concealed with balustrade parapet. Its main features include a hexagonal tower with copper sheathed dome, positioned on the corner, with a bullseye window in each facet. A segmented pediment across street corner on first floor has date "1889" in entablature below the pediment. The building at 306 Church Street is of significance for Parramatta for historical and aesthetic reasons and as a representative example of a Victorian Free Classical style building in the area. This building makes a major contribution to the streetscape in Church Street and it is a notable example of the commercial significance of Parramatta in the late nineteenth century. The site possesses potential to contribute to an understanding of early urban development in Parramatta.

"Willow Grove", the house at 34 Phillip Street, is a two storey Victorian Italianate house of stuccoed brick with cast iron balustrading to the upper verandah, set back from Phillip Street and with a fine fence of cast iron spikes and elaborate stone gate posts. "Willow Grove" is of significance for the local area for historical, aesthetic and representativeness reasons. Built c.1870s, it is a good example of a Victorian Italianate two-storey villa, readily identifiable as part of historic building stock and strongly contributing to the streetscape in spite of its large setback, partly through its notable fence.

The proposal is for a substantial new wing to the existing hotel. The existing tower is to remain, however, the Phillip Street elevation will be substantially modified. The proposal does not include any new excavation. The new works will not impact on the identified significant views.

In any case, given the nature of the proposal, the spatial disposition of sites and the distances between them, in my opinion this proposal will not have any adverse impact on heritage values in the vicinity.

Planning Comment: No issues are therefore raised with respect to impacts on nearby heritage items.

Waste Management Officer

The application was referred to Council's Waste Management Officer who reports as follows:

The applicant has not provided details of the contractor carrying out the work, types and volumes of waste or the receiving waste facility during demolition and construction. This can be addressed using standard conditions of consent.

The proposal however generally satisfies the requirements of Council's controls and can be supported, subject to standard conditions of consent.

Planning Comment: It is noted that the application proposes the continuation of existing waste arrangements, however will need to cater for additional on-going waste. The recommended conditions of Council's Waste Management Officer are incorporated within the Recommendation section of this report.

Civil Assets

The application was referred to Council's Civil Assets Unit who considered the Alignment Plan submitted with the application and raise no concern.

Planning Comment: The Concept Public Domain Plan was later amended to widen the footpath and change details of the kerbing. These changes have not been accompanied with an amended Alignment Plan. A condition requiring a final revised Alignment Plan is therefore incorporated within the Recommendation section of this report.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, the proposal was advertised with owners and occupiers of surrounding properties given notice of the application for a 21 day period between 5 June 2013 and 27 June 2013. In response, no submissions were received.

Amended Plans

Yes

Summary of amendments

The public domain works were modified to increase the depth of the footpath and provide detailing of design.

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. The site is not identified in Council's records as being contaminated. Further, the site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

Clause 45 – Impacts on Electricity Transmission or Distribution

The application was referred to Endeavour Energy in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. Correspondence from Endeavour Energy dated 25 June 2013 raises no concerns with the proposed development. See 'Referrals' section of this report.

Clause 101 & 102 – Frontage to a Classified Road/Impact of Road Noise

The application is not subject to Clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to Clause 102 of the SEPP as the average daily traffic volume of Phillip Street is less than 40,000 vehicles.

STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING & SIGNAGE

The application does not propose the display of any new signage.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application for the alterations to the hotel does not require the submission of a BASIX certificate. Hotels are not defined as a ***BASIX affected building*** under the provisions of the Environmental Planning and Assessment Regulation 2000.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

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 mixture of compatible land use, integrates suitable business and residential activities in accessible locations to maximise the use of public transport, creates opportunities to improve the public domain 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 80m. The proposal has a height of 27m (to the top of plant) which complies with this requirement.

Architectural Roof Features

Clause 21A allows architectural roof features to extend beyond the height limit prescribed by Clause 21. The architectural roof features do not extend beyond the maximum height permissible and therefore comply with this requirement.

Floor Space Ratio

Clause 22 restricts the floor space ratio on the site to a maximum of 6:1. The proposal will increase the floor space by 4876.3m² which will result in a total floor space of 15,081.8m² and a floor space ratio of 4.39:1, which complies with this 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:

Phillip Street	63m
Laneway (east)	36m

The proposal therefore complies with this requirement.

Design Excellence

Clause 22B requires the consent authority to consider whether the proposal exhibits design excellence. In this regard, it is considered that the proposal presents a high standard of design, materials and detailing. The development will improve the streetscape and quality of the public domain with new perimeter paving, street trees and facade treatment.

Clause 22B(4) of LEP 2007 requires an architectural design competition be held for the proposed development as it is identified as a Key Site and has a capital value of more than \$1,000,000. Clause 22B(5) enables the Director-General to provide an exemption to the requirement for an architectural design competition.

Correspondence from the Office of the Director General dated 11 November 2013 discusses the exemption from the design competition requirements based upon an alternate design process. It is also noted that after considering the application, and the Design Excellence Advisory Panel's satisfaction with the design, the proposed development achieves design excellence in accordance with Clause 22B of LEP2007. This correspondence therefore acknowledges an exemption from the LEP requirement for a design competition. A copy of this letter is at Attachment 1.

Car Parking

Clause 22C restricts the maximum car parking permissible for developments within the City Centre. The proposed overall development (existing + proposed) would require the maximum provision of 131 car parking spaces.

The site currently contains 2 levels of basement parking containing 142 car spaces, which exceeds the maximum amount of parking permitted in association with the overall development. Structural works required for the proposed additions will remove 12 existing car spaces from the basement.

The proposed development therefore provides 130 car parking spaces. This complies with the maximum provisions of LEP2007. The car parking provided is considered satisfactory and although a further 1 space could be provided under the planning controls, the development adequately provides for the needs of the future users of the site. The site is located where it has excellent access to public transport and shopping facilities. The shortfall in parking provision is supported by Council's Traffic Engineer.

Building Separation

Clause 22D requires the proposed development to have specific building separation distances. The proposal contains non-compliances with the separation requirements of the LEP, being the following:

Height	Setback Required	Min. Setback Proposed
0m – 36m	Nil or 6m	Side (west) = 1m to 1.69m Tower on site (north) = 9m
36m – 54m	9m	N/A
54m – 72m	12m	N/A

The building separation therefore does not comply with the LEP separation distance requirements and a Clause 24 variation has been submitted to vary this standard. This matter is discussed in further detail within this report.

Ecologically Sustainable Development

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

The design has been prepared having regard to the opportunity of passive solar design and day lighting, suitable orientation and natural ventilation. The proposal provides an adequate waste management plan and complies with Council's maximum parking provision to reduce the need for car dependency. In addition, the applicant has advised that the new wing will be constructed with the latest energy-efficient appliances and equipment and all toilets within the new units will be provided with dual flush system to reduce water wastage.

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 River Foreshore Special Area. The proposed development is consistent with the objectives of this clause as the development in and around Special Areas is generally compatible with the particular character and significance of the Special Area and reinforces the specific attributes and qualities of the built form of the Special Area. Concern however is raised that the proposed development does not adequately activate the public domain and maximise the opportunities for activation along an identified pedestrian entry to the river foreshore. This matter has been addressed in detail within this report. Further discussion having regard to the objectives for the River Foreshore Special Area is contained later within this report.

Exceptions to development standards

The application is subject to a Clause 24 variation in respect of the building separation provision of Clause 22D of LEP2007. Clause 24 permits variations where compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the standard.

Clause 22D of Parramatta City Centre Local Environmental Plan 2007 states the following:

Buildings on land to which this Plan applies must be erected so that the separation distance:

- (a) from neighbouring buildings, and*
- (b) between separate towers or other separate raised parts of the same building, is not less than that provided for in the City Centre Development Control Plan.*

Parramatta City Centre DCP requires specific separation distances to the side (western) boundary and between the buildings within the proposed development. The proposal contains a number of non-compliances with the separation requirements of the DCP, being the following:

Height	Setback Required	Min. Setback Proposed
0m – 36m	Nil or 6m	Side (west) = 1m to 1.69m Tower on site (north) = 9m

The proposed building separation does not comply with this requirement and as such, a Clause 24 variation under Parramatta City Centre Local Environmental Plan 2007 is required to be submitted to vary this standard.

The applicant has submitted the following justification for the variation to the building separation requirements of LEP2007, which reads inter alia:

The proposed variations along the western side boundary include:

- a 1.690m setback from the property boundary at the lower level with the shop to the west*
- the new hotel room wing fronting Phillip Street is setback 1m to the boundary with the shop to the west.*

In our view, the only reason why the building separation distance is being breached in these circumstances is because the proposal only involves alterations and additions to an existing well established multi-storey hotel building that is on the interface with a small 2 storey shop adjoining its western boundary and not a complete redevelopment of the site.

It would be unreasonable to enforce a nil setback control under these circumstances because the proposal only involves an addition to the existing hotel building. We say this because Council's DCP controls for the complete redevelopment of the subject site allow a nil setback for a building on the subject site of up to 36m along the side (western) boundary with the two (2) storey shop. This permissible setback would have no more amenity impacts upon the adjoining shop and its future development than that proposed by the new addition. In this respect, daylight, outlook, view sharing, wind, ventilation and privacy would still be affected to any new building

along the western side boundary to that of what is now proposed. Basically no additional benefits would be achieved in terms of amenity.

Council's DCP controls already require a street wall to be provided along Phillip Street to a maximum height of 22m with an average setback of 8m, which the proposal generally complies with.

Accordingly, we see no additional adverse impacts being created by the proposed hotel additions to that of a fully compliant nil set back building.

In respect of the rear setback between the proposed additions and the rear hotel tower, we note that the proposal provides for an 8.980m setback from the glass link to the hotel tower and 4.550m to the closest point of the stairs. These variations do not create impacts because:

- the building is a hotel where room and corridor windows are not able to be opened to allow natural airflow*
- the interface between the proposed hotel wing and the existing tower cause no overlooking issues because the new hotel wing has no guest rooms on this elevation, only a corridor, plant and emergency stairs.*

The loss of daylight, outlook, view sharing and wind mitigation are not issues that would be impacted upon under the circumstances.

The proposed hotel alterations and additions are in keeping with the zone objectives because:

- The proposed alterations and additions to the existing hotel building promote high quality short term accommodation that is complimentary to the functions of a major CBD environment*
- The increase in hotel rooms in a major CBD in western Sydney brings with it many positive social and economic benefits including the creation of jobs*
- Other types of land uses within the visual catchment of the site include retail and commercial development that complement each other*
- The proposed additions allow the building to better fit into the streetscape. with the creation of a street wall and dining facilities that activate the street frontage.*

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the development standard is deemed to be unreasonable and unnecessary because the underlying objective behind the control is met because:

- The redevelopment of the adjoining site in accordance with Council's controls requires a nil side boundary setback for a maximum height of 36m before stepping in to comply with the control*
- Even if the hotel building was built to the side western boundary no additional impacts are being created by a building setback of between 1m and 1.690m*
- Because the proposed additions are to a hotel, and not a residential flat building, there are no windows in the room or corridors that are able to be opened to allow airflow*

- *There are no windows along the western side boundary to allow natural light, view loss or overlooking, normally causing loss of amenity*
- *Council's DCP controls already require a street wall to be provided along Phillip Street to a maximum height of 22m with an average setback of 8m, which the proposal generally complies with*
- *The additions and setbacks proposed along the western boundary cast the same level of shadow to that of a complying development with a nil setback on the subject site.*

In respect of the rear setback between the proposed additions and the rear hotel tower, we note that the proposal provides for an 8.980m setback from the glass link to the hotel tower and 4.550m to the closest point of the stairs. These variations do not create impacts because:

- *the building is a hotel where room and corridor windows are not able to be opened*
- *the interface between the proposed hotel wing and the existing tower have no overlooking issues because the new hotel wing has a guest on this elevation and the closest guest rooms have no windows facing south*
- *daylight, outlook, view sharing and wind mitigation are not issues of relevance under the circumstances set out above.*

We are of the view that the objection is well founded because:

- *The objectives of the control are still met by the building separation encroachment because there are no demonstrated amenity impacts upon adjoining properties in terms of overshadowing, view loss, natural ventilation or wind mitigation*
- *When the two (2) storey shop site next door is redeveloped in the future, it can be developed to a nil side boundary building setback up to a maximum building height of 36m without stepping the building back. This permissible setback and height along this western side boundary would mean that the proposed hotel additions would be setback between 1m and 1.69m from a blank wall. However notwithstanding such, because there are no windows proposed along this side boundary, no amenity impacts will be created.*

Planning Comment:

It is considered that the applicant's written request has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered therefore that the non-compliance with the development standard will not compromise the public interest and that there are sufficient planning grounds warranting support for a variation to the development standard. The encroachments into the required separation distances to the boundaries and buildings is not inconsistent with the objectives of the development

standard or the objectives of the Mixed Use zone. The matter was also referred to Council's Urban Design Team who raised no objection to the variations.

It is also noted that the Minister has conferred assumed concurrence to Council for the use of Clause 24.

Outdoor Advertising and Signage

Clause 29A requires the consent authority to be satisfied of certain matters before granting consent to signage. No signage is proposed as part of this application.

Heritage Conservation

The site of the proposed development is in the vicinity of 2 locally listed heritage items. The application was referred to Council's Heritage Advisor who raises no concerns with the proposed development. See the 'Referrals' section of this report.

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 has previously been excavated to provide for 2 levels of basement car parking. The site is listed as having no archaeological significance and no archaeological research potential. The application does involve any significant additional excavation in association with the proposed works. It is therefore considered that an excavation permit would not be required for the proposed development.

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 low sensitivity under the Aboriginal Cultural Heritage Study. As mentioned above, the site has previously been excavated to provide for 2 levels of basement car parking and the application does involve any significant additional excavation in association with the proposed works. Notwithstanding this, the Deerubbin Local Aboriginal Land Council and the Dharug Tribal Aboriginal Corporation were notified of the proposal on 29 May 2013. No responses have been received.

It is considered that the proposed development would not have any significant impact on the heritage significance of the site.

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 to have a continuous built edge to all street frontages and a Type A street frontage type (minimum 18m – maximum 20m at street setback then 6-10m setback above).

The ground and 1st floor levels are partially set back 1.5m, however the remainder of the building has a continuous built to street edge alignment.

The proposed building does not comply with the street frontage type as the ground and 1st floor levels are partially setback 1.5m and the remainder of the building is located at the street boundary.

The application was considered by the Design Excellence Advisory Panel and by Council's Urban Design Team. It is considered that the proposed development provides an appropriate response to the surrounding urban context. No objections to the non-compliance have been raised from a design perspective.

Building Depth & Bulk

The DCP states that the preferred maximum floor plate for residential or serviced apartments (which is the closest category for this development) is 900m² with an 18m depth. The proposal has a floor plate of approximately 750m² and a depth of 10.5m to 13.5m, which complies with this requirement.

Building Separation

This issue has been discussed elsewhere within the report.

Deep Soil

No deep soil is currently provided on the site. Some additional planting beds will be provided on the Level 2 podium. There is no ability to provide for any substantial increase in landscaping of the site due to the current built form.

Landscape Design & Planting on Structures

As mentioned above, there is limited opportunity to increase the landscaping on the site. The proposed additional planters on the podium and additional street trees are considered to be an acceptable improvement to the existing building.

Pedestrian Amenity

Permeability

The DCP indicates that no pedestrian link is required to be provided over this site.

The DCP does however identify an existing access way to be retained and enhanced adjoining the subject property to the east. This matter has been discussed in terms of the activation of this laneway elsewhere within this report.

Active Street Frontages and Address

The DCP indicates that an active street frontage is required to all street frontages of the proposed development. The building extends to the Phillip Street frontage and provides for an outdoor terrace area, which will assist in activating Phillip Street. It is considered however that the building does not adequately activate the corner element adjoining the access way to the east of the site. This issue has been discussed elsewhere within this report.

Front Fences

No front fencing is proposed as part of this application.

Safety and Security

The development is considered reasonable from a CPTED perspective, as the proposed development provides for improved natural surveillance over the public domain, access control and guardianship of semi public areas along Phillip Street. There are opportunities to improve the response to CPTED principles if the corner element adjoining the access way to the east was provided. Additional windows along the eastern elevation would afford greater opportunities for natural surveillance of the public domain and public access way.

Awnings

The DCP does not require an awning for development on the subject site.

Building Exteriors

The building contributes positively to the streetscape by providing quality and robust materials and finishes. The building also provides a richness in detail with differing design elements to complement the existing and future streetscape.

Advertising and Signage

No signage is proposed as part of this application.

Public Artworks

High quality artworks is required to be provided in new development in publicly accessible locations, near main entrances and street frontages and in lobbies. The application was not accompanied by a Public Arts Plan however it is considered that public art may be provided in association with the development. The applicant has acknowledged this and has agreed to provide a Public Arts Plan as a condition of development consent. A condition requiring the above has been incorporated within the Recommendation section of this report.

Access, Parking & Servicing

Pedestrian Access and Mobility

The entries to the site provide access to the premises without requiring a pedestrian to traverse any steps. A lift provides access to all levels of the building. The development satisfies the requirements of the DCP.

Vehicular Driveways and Manoeuvring Areas

There are no proposed changes to the existing driveway access to the basement car park. The development provides suitable access into the car parking areas, of a suitable width and with sufficient space for vehicles to be able to enter the site appropriately.

Council's Traffic & Transportation Investigation Engineer has reviewed the proposed development and is satisfied with the proposed arrangement for parking, subject to the conditions included in the Recommendation.

On-site Parking

As noted within this report, the proposal provides sufficient car parking.

Site Facilities and Services

A garbage room and collection area are provided in the basement and maintained by full time staff members and collected by a private contractor. The current arrangements will not change except for the provision of additional waste which will likely trigger the need for additional services and or larger bins.

Environmental Management

- The proposed materials used within the design will not cause excessive reflectivity.
- The proposal incorporates adequate natural lighting for thermal comfort.
- The proposal displays acceptable initiatives in terms of energy efficiency and water management.
- A satisfactory waste management plan was submitted with the application.
- The site is not considered to be land contaminated.
- The proposal is considered satisfactory in terms of flood plain risk management.

Residential Development Controls

Housing Choice, Affordability & Mix

This section of the DCP does not apply to hotel accommodation.

Noise, Vibration & Electrolysis

The subject site is not located within close proximity to a railway corridor or main road.

Special Areas

The subject site is located within the River Foreshore Special Area.

The river foreshore together with Parramatta Park is an important open space contributing to the recreational potential of the city centre and region. The river plays a major role in the function and form of the city, offering opportunities for walking, cycling, social gatherings and events. The plan provides for continued measures to activate the river's edge, extend pedestrian and cycle connections along the

foreshore to Parramatta Park and the University, and improve connectivity with the city centre.

The proposed development generally complies with the objectives of the River Foreshore Special Area, however could be improved to facilitate the reinforcement and activation of the river foreshore, as well as improving connections to the river foreshore. These improvements involve the potential activation of the corner element of the building along the boundary with the access way located to the east of the site. This matter has been discussed in detail elsewhere within this report and recommendations are incorporated within this report as to how this improvement can be achieved.

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.

The Guidelines require the submission of an Alignment Plan at the development stage and the submission of a Public Domain Plan before the construction stage.

An Alignment Plan was submitted for Council's consideration. This plan indicated acceptable footpath levels and gradients for the proposed development. Council's Civil Assets section have reviewed and approved the Alignment Plan submitted.

The details of the public domain works have been amended since this alignment plan was approved. The revisions include the changed alignment of the kerbs in a number of places (with the proposed change in the width of the footpath, road works and on street parking arrangements). A revised final alignment plan will need to be submitted and approved by Council before the issue of a Construction Certificate. This requirement has been incorporated within the Recommendation section of this report.

Given the application proposed public domain works as part of the development, a Concept Public Domain Plan has been submitted and deemed generally satisfactory by Council's Urban Design Team. A final Public Domain Plan is to be

submitted to Council's satisfaction before the issue of a Construction Certificate. This requirement is contained within the Recommendation section of the report.

PARRAMATTA CITY CENTRE – LANES STRATEGY

The Parramatta City Centre Lanes Strategy applies to the proposed development as the site adjoins an identified lane to the east. This access way will be an important pedestrian link to the river foreshore. Improvements to the building are considered warranted in order to activate this proposed laneway and enhance the pedestrian links within the City Centre. This matter has been discussed in detail elsewhere within this report and recommendations are incorporated within this report as to how this improvement can be achieved.

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. A condition requiring the payment of **\$610,829.90** has been incorporated within the Recommendation section of this report.

PARRAMATTA CITY COUNCIL 2012/2013 SECURITY BONDS FOR THE PROTECTION OF CIVIL INFRASTRUCTURE

In accordance with Council's 2012/2013 Schedule of Fees and Charges, the developer will be required to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. The following Security Bonds are required to be paid prior to the release of a Construction Certificate:

Nature strip and roadway = \$20,000.

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

Additional matters a consent authority must take into consideration

Regulation 92(1)(b) requires that the provisions of AS2601 must be taken into consideration in the case of an application for the demolition of a building.

Note: "AS 2601" means the document entitled Australian Standard *AS 2601-1991: The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993.

Conditions have been incorporated within the Recommendation section of this report requiring compliance with AS2601 for any demolition works.

Compliance with Building Code of Australia

Regulation 98(1)(a) requires prescribed conditions in relation to a development consent for development that involves any building work, being that the work must be carried out in accordance with the requirements of the Building Code of Australia.

The above condition has been incorporated within the Recommendation section of this report.

Condition relating to shoring and adequacy of adjoining property

Regulation 98E requires prescribed conditions if the development involves an 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 person's own expense:

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

The above condition has been incorporated within the Recommendation section of this report.

LIKELY IMPACTS

The likely impacts of the proposed development have been discussed within this report.

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

No submissions were received in response to the notification of the application.

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 DCP 2007
- 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.

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 subject to the imposition of appropriate conditions.

Recommendation

APPROVAL SUBJECT TO CONDITIONS

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

That the Western Sydney Joint Regional Planning Panel as the consent authority is of the opinion that the variation under Clause 24 of *Parramatta Local Environmental Plan 2007* to Clause 22D of the Parramatta Local Environment Plan 2007 is supportable. That the Western Sydney Joint Regional Planning Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposal satisfies the objectives of the development standard and will not compromise the amenity of the locality

AND

That the Western Sydney Joint Regional Planning Panel, as the consent authority, being satisfied that the variation under Clause 24 of *Parramatta Local Environmental Plan 2007* is supportable and that granting consent to Development Application DA/305/2013 is consistent with the aims of the LEP, grant consent to Development Application No. DA/305/2013 for alterations and additions to the Park Royal Hotel, including the construction of an 8 storey addition containing 90 rooms, additional function space/meeting rooms and restaurant/bar areas on land at 30 Phillip Street, Parramatta as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination subject to the following conditions:

General Matters:

1. 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
Site Plan Project No. 110287 Drawing A01-01	20 May 2013
Basement 2 - Existing Project No. 110287 Drawing A01-03	20 May 2013
Basement 1 - Existing Project No. 110287 Drawing A01-04	20 May 2013
Ground Floor - Existing Plan	20 May 2013

Drawing N⁰	Dated
Project No. 110287 Drawing A01-05	
Level 1 - Existing Plan Project No. 110287 Drawing A01-06	20 May 2013
Basement 2 Plan Project No. 110287 Drawing A01-07	20 May 2013
Basement 1 Plan Project No. 110287 Drawing A01-08	20 May 2013
Ground Floor Plan Project No. 110287 Drawing A01-09	20 May 2013
Level 1 Plan Project No. 110287 Drawing A01-10	20 May 2013
Level 2 Plan Project No. 110287 Drawing A01-11	20 May 2013
Level 3 Plan Project No. 110287 Drawing A01-12	20 May 2013
Level 5 (Typical) Plan Project No. 110287 Drawing A01-13	20 May 2013
Level 7 Plan Project No. 110287 Drawing A01-14	20 May 2013
Roof (Level 8) Plan Project No. 110287 Drawing A01-15	20 May 2013
Street Frontage Plan Project No. 110287 Drawing A01-16 – Issue 2	28 October 2013
Perspective View – South East Project No. 110287 Drawing A01-22	20 May 2013
Perspective View – Entry Project No. 110287 Drawing A01-23	20 May 2013
North Elevation Project No. 110287 Drawing A02-01	20 May 2013
South Elevation Project No. 110287 Drawing A02-02	20 May 2013
East Elevation Project No. 110287 Drawing A02-03	20 May 2013
West Elevation Project No. 110287 Drawing A02-04	20 May 2013
Phillip Street Elevation Project No. 110287 Drawing A02-05	20 May 2013
Section N-S Project No. 110287 Drawing A02-06	20 May 2013
Section N-S Through Gym Project No. 110287 Drawing A02-07	20 May 2013
East-West Section Project No. 110287 Drawing A02-08	20 May 2013

Document N⁰	Dated
Waste Management Plan	15 May 2013

Document N ^o	Dated
Sample Board/Finishes	May 2013

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. 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.

7. If the access way adjoining the site to the east becomes a public road within 5 years from the date of this consent, then the applicant must alter the eastern elevation (as per the approved plans referred to in Condition 62) within 12 months of this occurring.

Reason: To enable the activation of the pedestrian connection to the river foreshore.

Prior to the release of a Construction Certificate:

8. Access and facilities for people with disabilities shall be provided to the affected part of the existing tower and podium level in accordance with the requirements of the Access to Premises Standard 2010 and the Building Code of Australia. Details are to be submitted to the Certifying Authority

showing compliance with these requirements prior to the issuing of the Construction Certificate.

Reason: To comply with the Access Standard and the Building Code of Australia.

9. Prior to the Construction Certificate being issued the Principal Certifying Authority shall be satisfied that the Category 2 fire safety provisions of the Building Code of Australia Volume One, namely CP9, EP1.3, EP1.4, EP1.6, EP2.2 and EP3.2 have been complied with for the existing tower and podium level.

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

10. Parking spaces are to be provided in accordance with the approved plans referenced in Condition 1 and AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the Construction Certificate. Note that the layout of car parking spaces located near new columns to support Banquet pre-function room is to be modified to comply with AS2890.1-2004.

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

11. The Principal Certifying Authority shall ascertain that any new element in the basement car park not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the Construction Certificate.

Reason: To ensure appropriate vehicular manoeuvring is provided

12. The applicant is to submit a detailed plan showing the existing and proposed location of parking signs and bus stop plinth in Phillip Street, Parramatta to Council's Traffic and Transport Services for approval from Parramatta Traffic Committee and Council. Relocation of the bus stop plinth for the construction of 30 Phillip Street, Parramatta requires approval from Transport for NSW. All costs associated with the supply, installation and/or relocation of signs and plinth are to be paid for by the applicant. Evidence of these approvals must be provided to the Principal Certifying Authority before the issue of the Construction Certificate.

Reason: To create a positive interface with the public domain along Phillip Street.

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 Councils adopted 'Fees and Charges' at the time of payment.
Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.
Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
15. A monetary contribution comprising **\$610,829.90** 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.
Reason: To comply with Council's Section 94A Contributions Plan.
16. In accordance with Section 80A(6)(a) of the *Environmental Planning and Assessment Act 1979*, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

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

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/526/2012;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows

Nature strip and roadway \$20,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s to the Civil Assets Unit. The dilapidation report is

required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to the centre of the road.

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

17. The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to flooding. The design and certification of the building must be prepared and submitted with the application for a Construction Certificate to the satisfaction of the Principal Certifying Authority.

Reason: To ensure the structure can withstand flooding events.

18. Prior to the issue of a Construction Certificate either:

- (a) an Arts Plan (prepared by an artist and including design concepts, site plan for artworks, construction documentation and project management) containing artworks equivalent to 0.5% of the cost of development shall be submitted to, and approved by, Council's Public Arts Officer; or
- (b) a cash contribution of 0.5% of the cost of development is to be paid to Council for the realisation of public art within the Parramatta CBD.

Reason: To provide for high quality artworks and improve the public domain in the CBD.

19. A detailed Alignment Plan in accordance with Parramatta City Council's Public Domain Guidelines is to be submitted to the satisfaction of Council's Civil Assets Team before the issue of a Construction Certificate.

Reason: To protect the public domain.

20. A Final Public Domain Plan in accordance with Parramatta City Council's Public Domain Guidelines and generally in accordance with the Concept Public Domain Plan (Street Frontage Plan Drawing No. A01-16 – Issue 2 dated 28/10/2013 prepared by Architectus) is to be submitted to the satisfaction of Council before the issue of a Construction Certificate. This plan will be informed by the alignments plan and is to identify paving layout, paving materials, tree pits and Council's recommended tree type, kerb ramps and TGSIs, and the driveway layout and materials.

Reason: To improve the public domain and confirm the final details of the proposed design.

21. Prior to the issue of a Construction Certificate, the applicant shall prepare a plan that demonstrates that all stormwater from the site is discharged to Council's stormwater system on Phillip Street. This plan is to be submitted and approved by Council's Development Services Unit before the issue of a Construction Certificate.

Reason: To confirm the site has satisfactory drainage.

22. The Construction Certificate is not to be released unless the Principal 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.

23. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. If a substation is a requirement of the energy provider, it is to be located internal to the building/s on site. Substations cannot be located within the front setback of a site or within the street elevation of the building, unless such a location has been indicated and approved on the Council stamped Development Application plans. Substations cannot be located in Council's road reserve.

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

24. 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.

25. 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 Principal 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.

- 26. 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

27. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of a Construction Certificate.

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

Prior to Commencement of Works:

28. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:

- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

Reason: To ensure waste is managed and disposed of properly.

29. A Hoarding Application together with the appropriate fee and details is to be submitted to and approved by Council for the enclosure of any 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.

30. 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.

31. 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.

32. 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.

33. The site must be enclosed with a 1.8m 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.

34. 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.

35. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to

and approved by the Principal Certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

36. 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.

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

38. 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 person's 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.

39. 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.

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

During Construction or Works:

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

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

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

48. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to

discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

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

Reason: To prevent pollution of waterways.

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

Reason: To comply with Council requirements.

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

Reason: To comply with Council requirements.

51. 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.

52. 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.

53. 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.

54. 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.

Prior to the issue of an Occupation Certificate:

- 55. 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.

- 56. 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.

57. 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.

58. 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.

59. An effective evacuation report and procedure shall be prepared by an appropriate consulting engineer. The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be 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. Suitable warning signs with evacuation routes lift access restrictions and other flood warning systems shall be installed for the basement levels to warn and prevent people from going into basements in the event that water starts to overtop the ramp threshold and flood the basement.

Reason: For the property to ensure future property owners are made aware of the procedure in the case of flood.

60. All works approved within the Public Domain Plan are to be carried out to Council’s satisfaction before the issue of any Occupation Certificate.

Reason: To ensure public domain works are complete.

61. Any artworks approved as part of an Arts Plan are to be installed to the satisfaction of Council prior to the issue of any occupation certificate.
Reason: To ensure that the Arts/Interpretation Plan is implemented appropriately.
62. Prior to the issue of any Occupation Certificate, a plan shall be prepared illustrating that 10% of the eastern wall of the ground and 1st floor will contain windows to a minimum of 10% of the surface area of the wall. This plan is to be submitted and approved by Council's Urban Designer before the issue of any Occupation Certificate.
Reason: To provide for activation of the access way in the event that the access way becomes a public road.
63. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction.

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactory repaired Council will advise in writing that this condition has been satisfied and will organise for the bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

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

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

Use of the Site:

64. A waste storage room is to be provided on the premises, capable of accommodating all garbage, stored liquid, recyclable wastes and associated containers arising from the use of the premises and accessible by waste collection contractors. Disposal of wastes from the premises shall comply with the approved waste management plan.
Reason: To ensure provision of adequate waste disposal arrangements
65. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.
Reason: To ensure provision of adequate waste disposal arrangements.

66. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.
Reason: To ensure compliance with Sydney Water's requirements and protect the environment.
67. All waste storage areas are to be maintained in a clean and tidy condition at all times.
Reason: To ensure the ongoing management of waste storage areas.
68. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.
Reason: To ensure waste is adequately stored within the premises
69. 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.
70. 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.
71. All loading and unloading shall take place within the designated loading areas on the subject property.
Reason: To protect the amenity of the area.

ATTACHMENT 1 Correspondence from the Department of Infrastructure & Planning – Clause 22B LEP2007 – Design Excellence