

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	JRPP Reference Number: 2013SYW110
DA Number	DA/758/2013
Local Government Area	Parramatta City Council
Proposed Development	Alterations and additions to a commercial office building proposing a 'pod' style addition above the existing level 7 of the building, facing the Charles Street frontage.
Street Address	150 George Street Parramatta
Applicant/Owner	CFS Managed Property Ltd C/O Gallagher Jeffs Consulting / Commonwealth Managed Investments Limited
Number of Submissions	Nil
Regional Development Criteria (Sched 4A of the Act)	The development has a capital investment value that exceeds \$20 million
List of All Relevant s79C(1)(a) Matters	State Environmental Planning Policy 55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Parramatta City Centre LEP 2007, Parramatta City Centre Development Control Plan 2007, Parramatta Notification DCP
Recommendation	Approval with Conditions
Report by	Liam Frayne, Senior Development Assessment Officer

Assessment Report and Recommendation Cover Sheet

**ASSESSMENT REPORT – City Centre
S79C – Environmental Planning & Assessment Act 1979**

SUMMARY

Application details

DA No:	DA/758/2013
JRPP Ref:	2013SYW110
Assessment Officer:	Liam Frayne
Property:	LOT 1 DP 788638 150 George Street Parramatta
Proposal:	Alterations and additions to a commercial office building proposing a 'pod' style addition above the existing level 7 of the building, facing the Charles Street frontage.
Date of receipt:	20 November 2013
Applicant:	CFS Managed Property Ltd C/O Gallagher Jeffs Consulting
Owner:	Commonwealth Managed Investments Limited
Submissions received:	Nil
Is the property owned by a Council employee or Councillor:	No
Issues:	Nil
Recommendation:	Approval

Legislative requirements

Zoning:	B3 Commercial Core
Permissible under:	Parramatta City Centre LEP 2007
Relevant legislation/policies:	Parramatta City Centre LEP 2007 and Parramatta DCP 2007, Notification DCP

Variations: Car parking, building separation, street frontage height, building alignment and street setbacks.

Integrated development: No

Crown development: No

The site

Site Area: 6124m²

Heritage item: No

In the vicinity of a heritage item: No

Heritage conservation area: No

Site History: Yes

The existing 17 storey building on the site was approved on 7 December 1987 under DA/1128/87.

PL/75/2013 – Pre-lodgement Meeting

A pre-lodgement meeting was held on 16 October 2013 for alterations and additions to an existing commercial building.

The proposal complied with the maximum floor space of 10:1 (5.01:1) and the maximum height of 120m.

The main issue raised in pre-lodgement related to the extent of works proposed to retro-fit and improve the Charles Street façade of the existing building and the adjacent footpath.

DA/760/2013 – Concurrent Application

The application has been lodged concurrently with DA/760/2013 which proposes a façade and general building upgrade, principally to the George Street frontage of the existing building on the site. This application does not meet the cost threshold for referral to JRPP.

DA history

20 November 2013 Application lodged with Council

3 December 2013 Additional information request seeking DEAP fees.

4 December 2013 to 14 January 2014 Advertising/Notification period

11 December 2013

Application considered by DEAP

18 December 2013

DEAP advice provided to applicant, along with request for alignment plan for footpath area.

6 February 2014

JRPP briefing

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is located on the north western corner of the intersection between George and Charles Streets in Parramatta CBD. The site contains a 22 storey office building with above ground car parking on the western portion of the site. Development around the site generally consists of high density office developments.

The associated floor space map permits office buildings with a floor space ratio of up to 10:1 (subject to Clause 22 of PLEP 2007) and a height of 120 metres. The site has an area of **6124m²**



Figure 1: Location Map. The site is outlined in red.



Figure 2: View of subject site (from Charles Street). The 'pod' is proposed above the car park.

THE PROPOSAL

The proposal includes additional commercial floor space by extending the existing office floor building over levels 8-10. The proposal is summarised as:

- Three (3) level extension to the existing building resulting in an additional 3582sq. m of GFA; and
- Removal of 37 parking spaces across the six levels of car parking.

The extension will take the form of a 'pod' sitting as a self-supporting structure atop the existing car park.

The extension will be used as office space associated with the attached Commonwealth Bank offices. The extension will accommodate 300 additional staff on the site, and typical working hours for employees will be between 7.00a.m and 6.00p.m (although these may vary on occasion).

PERMISSIBILITY

The proposed building is "office premises" which is defined by Parramatta City Centre Local Environmental Plan 2007 as being:

“office premises” means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

The proposal is consistent with this definition. The use of the site as office premises is permissible in the B3 Commercial Core zoning that applies to the site under LEP 2007.

REFERRALS

Traffic and Transport Investigations Engineer

It was determined that referral to the Traffic and Transport Investigations Engineer was not required given the site did not propose and additional off-street car parking and is located in the Parramatta CBD. The new employees to be located at the site will generally rely on public transport via the nearby transport interchange.

Development Engineer and Catchment

The application was considered by the Development Engineer (along with advice from Council's Catchment Management Unit) during the preliminary assessment process. The Development Engineer advised that the proposal was satisfactory subject to conditions relating to provision of a flood warning system, connection of stormwater to the existing street system, works (particularly the structural works to the lower levels) being certified as designed to withstand flood water, and the public domain being appropriately maintained during works.

The conditions are incorporated into the recommendation.

Waste Management

The application was considered by Council's Waste Management Officer during the preliminary assessment. The waste management officer was satisfied with the proposal subject to standard conditions with respect to waste storage and disposal being included in the recommendation.

These conditions have been incorporated into the recommendation.

Urban Design

Council's Urban Design Team provided advice with respect to the proposed public domain works.

A public domain plan showing upgrade of paving along the Charles Street frontage of the site was requested.

Given that the façade and lobby application (Council ref. DA/760/2013) has been lodged and is being considered concurrently by Council, these works will form part of

that application, and accordingly the issues raised by the Urban Designer will be addressed under the scope of that application.

Design Excellence Advisory Panel

The application was considered by DEAP on 11 December 2013. The application was considered in conjunction with its sister application, DA/760/2013, which relates to lobby and façade improvements and public domain upgrades around the site. The Panel provided the following advice (with the response provided adjacent where required):

Comment	Response
The Panel had a number of questions in relation to the commercial rationale for the project, which were satisfactorily explained by the proponent and architect. The Panel commend the development team's effort to assist their client in retaining CBA as a key commercial tenant in this part of Parramatta	Noted
The Panel support the rationale for the general form of the new office extension over the existing northern podium, and in particular the canted façade that allows natural light into and activates the roof terrace.	Noted
The Panel suggested that the proponent consider re-cycling the existing perforated screens to provide screening to the above ground carpark podium on Charles Street. If this option is not found to be suitable then another method of screening the car park should be found.	Noted. This issue will be addressed as part of DA/760/2013 which relates to lobby and façade improvements.
The Panel are strongly supportive of the use of a new generation, high quality exterior grade composite timber cladding product for the external cladding of the proposed works. Any change to a cheaper, artificial version of these will substantially diminish the materiality and design quality of the proposal, and would not be supported	Noted.
The Charles Street footpath is extremely wide and is presently a very poor quality urban environment that is sterilised by numerous driveways, service cupboards and fire escapes. Consequently pedestrians tend to avoid it, thus restricting free movement and	Agreed. This matter will be addressed by additional information to be submitted by the applicant as part of DA/760/2013. It is considered more appropriate that this be resolved as part of that application given it relates to other public domain works around the site.

<p>connectivity to the north towards the River. There is an outstanding opportunity through this proposal to develop an inventive public domain project that addresses this glaringly sub-standard public domain quality. An experienced urban landscape consultant and possibly public artist should be engaged to develop a couple of conceptual options for this space, for discussion with Council. A strong but simple soft landscape presence would be of great benefit to the streetscape, air quality and general feel of the area. There is sufficient space for public seating in a sunny lunch hour location, together with quality lighting and furniture.</p>	
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Given the above, it is considered that the 'pod' proposal is satisfactory from a Design Excellence standpoint.

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 45 day period between 4 December 2013 and 14 January 2014 (extended over the Christmas/New Year period). In response, no submissions were received.

Amended Plans

None requested or received.

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.

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 drains almost directly into Duck River that flows into the Harbour. The development appropriately addresses the flooding constraints of the site, potential contamination and manages stormwater and with conditions, will approximately protect/rehabilitate riparian corridors and remnant vegetation. Accordingly the development is consistent with the controls contained within the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application. The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

Referral is further not required under Clause 104 of the SEPP as the proposed extension has a floor area less than 10,000m² (3582m² proposed).

The proposal further does not trigger Clause 45 of the SEPP (referral to energy provider) as there are no powerlines located in the road reserve adjacent to the site.

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

The relevant matters to be considered under Parramatta City Centre Local Environmental Plan 2007 for the proposed development are outlined below.

Part 2: Permitted or Prohibited Development Complies

The proposal seeks to extend the existing office premises. Office premises are permitted on the site under the B3 Commercial Core zoning that applies to the site under LEP 2007.

The following are the objectives of B3 Commercial Core zone:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses which serve the needs of the local and wider community, including:*
 - *commercial and retail development,*
 - *cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,*
 - *tourism, leisure and recreation facilities,*
 - *social, education and health services.*
- *To encourage appropriate employment opportunities in accessible locations.*

- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of the Parramatta city centre as the regional business, retail and cultural centre, and as a primary retail centre in the Greater Metropolitan Region.*
- *To create opportunities to improve the public domain and pedestrian links throughout the Parramatta city centre.*
- *To provide for the retention and creation of view corridors.*
- *To protect and enhance the unique qualities and character of special areas and heritage values within the Parramatta city centre.*
- *To protect and encourage accessible city blocks by providing active frontages to streets, and a network of pedestrian-friendly streets, lanes and arcades*

The proposed development is consistent with the aims and objectives of the B3 Commercial Core Zone as the proposed development will contribute to local employment in a location accessible by public transport, and will strengthen Parramatta as a commercial centre.

Part 4

Clause 21 Height of Buildings

Complies

A maximum building height of 120 metres applies to the site under Clause 21. The proposed extension will have a height of 38.2m. The overall height of the existing building on the site is 81.3m.

The new element will be constructed on-top of the existing car park (height 16.12m) rather than the existing tower, and accordingly the height of its topmost point above ground level is 38.2m.

Clause 22 Floor Space Ratio

Complies

A maximum floor space ratio of 10:1 applies to the site. With the additions, built development on the site will have a floor space ratio of 5.12:1.

Clause 22A Minimum Building Street Frontage

Complies

A minimum building street frontage of 20m applies to the site. The building to be altered has a minimum building street frontage of 56m to George Street and 89m to Charles Street.

Clause 22B Design Excellence

Not Applicable

Clause 22B applies where a building is greater than 55m or 13 storeys in height, has a capital investment value greater than \$1,000,000 and is located on a key site, or where the applicant has chosen to hold a design competition. This clause requires that a design competition be held in situations where the outlined thresholds are met.

The proposal has a height of 38.2m, has a form equivalent to 11 storeys (including the car park below), is not located on a key site, and the applicant has not chosen to undertake such a competition.

Accordingly, no design competition is required.

Clause 22C Car Parking**Does Not Comply but acceptable**

Clause 22C outlines the maximum parking rates applicable to development in the LEP 2007 area. Based on the given post-development gross floor area (26,252m²), the development is only permitted to provide 262.5 car parking spaces.

The application proposes the removal of 37 car parking spaces, but will retain 446 existing car parking spaces. Accordingly, the proposal does not comply with clause 22C

Given the non-compliance is historical (and was granted consent at a time when minimum parking rates applied to the Parramatta CBD), and the proposal improves compliance with the maximum parking rate by reducing car parking, it is considered that the provision is acceptable.

It is noted that as the additional floor space is not accompanied by any new off-street car parking spaces, in isolation the extension complies with LEP 2007.

Clause 22D Building Separation**Does Not Comply but acceptable**

The proposal complies with all building separation requirements with the exception of the western setback.

The setback requirements of the DCP state that a building must provide either no setback, or a setback greater than 6m from a boundary. The building on its western side is setback just 800mm-1m from that boundary.

No objection is raised to the proposed setback given the boundary adjoins a multistorey car park that is lower than the lowest floor of the proposed extension, however, the non-compliance does require a variation under Clause 24. The adjoining site is associated with an adjacent commercial tower.

Clause 22E Ecologically Sustainable Development**Complies**

In accordance with Clause 22Em the proposal is consistent with the following principles of Ecologically Sustainable Development

- (a) greenhouse gas reduction,
- (b) embodied energy in materials and building processes,
- (c) building design and orientation,
- (d) passive solar design and day lighting,
- (e) natural ventilation,
- (f) energy efficiency and energy conservation,
- (g) water conservation and water reuse,
- (h) waste minimisation and recycling,
- (i) reduction of car dependence,
- (j) potential for adaptive reuse.

The application is accompanied by an Energy Efficiency report which outlines how the building will be constructed to minimise its energy demands. The report also notes that the building will achieve a NABERS rating of at least 4 (with six being the highest level of efficiency).

NABERS is the National Australian Built Environment Rating System and measures energy efficiency, water usage, waste management, and indoor environment quality of a building.

Given the above, and the fact that the development provides a significantly reduced level of car parking per square metre of gross floor area across the site (thereby reducing the car dependence of the building), it is considered that the proposal is consistent with the above principles.

Clause 22G Objectives for development within Parramatta city centre Special Areas Complies

Clause 22C requires that the consent authority have regard to the objectives of any special areas set out in Parramatta City Centre Development Control Plan 2007.

The site is located in the Commercial Core Special Area. The objectives of the Commercial Core area are to:

- *To provide increased development opportunities and encourage a high density Central Business District characterised by tall buildings and exemplary architecture;*
- *To reinforce the establishment of a wide range of service, knowledge based, and other business activities to strengthen Parramatta's role as a regional city.*
- *To strengthen the relationship between the City and the river.*
- *To ensure the protection and interpretation of Parramatta's significant heritage settings and items.*
- *To ensure active street frontages.*
- *To improve pedestrian and vehicular connections so that the urban form of the City becomes more permeable.*
- *To reduce the reliance on the use of private vehicles.*

The proposal will increase the density of an existing commercial building to provide floor space specifically designed for knowledge based business activity, in an innovative designed building, while reducing parking dependence on the site.

The proposal is therefore consistent with the objectives of the Commercial Core Special Area.

Clause 24 Exceptions to development standards

Clause 24 permits a consent authority to consider a variation to a development standard, and outlines the procedure to be followed if such a variation is to be considered.

The proposed variation is tested against the procedure below:

- (3) *Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has submitted a written justification addressing the outlined issues. This is contained below:

Clause 24 Variation – Parramatta City Centre LEP 2007

D758/2013 - Commercial Floor Space Addition

150 George Street Parramatta

1.0 Introduction

This objection has been prepared at the request of Parramatta City Council pursuant to clause 24 of *Parramatta City Centre Local Environmental Plan 2007* in support of a development application to Parramatta City Council additional commercial floor space at 150 George Street Parramatta.

The development standard prescribed under clause 22D Building separation of the *Parramatta City Centre Local Environmental Plan 2007* which restricts a building setback to being either 0m or greater than 6m. The design of the building as proposed provides a building setback of 1m on the western frontage of the site and as such is non compliant with the development standard. Notwithstanding, the matters for consideration detailed under clause 24 Exceptions to Development Standards by the PCCLEP are detailed below. Sufficient justification is provided which demonstrates that strict compliance to the Development Standard would adversely impact the proposed development and adjacent development.

2.0 Justification for Departure from the Development Standard

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Compliance with this standard would be unreasonable given the established pattern of surrounding development and the necessity to carry out the expansion to facilitate additional commercial floor space within the facility. The resultant built form will maintain consistency in terms of the visual impact within the streetscape. The proposed works will provide adequate amenity without any significant corresponding negative impacts on the streetscape or surrounding properties.

It is considered that the Objection is well founded in this case for the following reasons:

- The development will provide for significant improvements to the existing built form by virtue of renewal of the façade and activation of the Charles Street frontage;
- Based on the site and contextual analysis, the built form is carefully crafted to respond to its context in terms of architectural language, massing and materials;
- The character of the area will not be impacted by the bulk and scale of the development; and
- The built form is compliant to the FSR controls of the PCCLEP2007 and provides no additional impact;

The abovementioned justifications are considered valid and in this instance the proposal is acceptable. The character of the surrounding land will not be compromised as a result of the proposed development which is consistent in scale and architectural style with the adjoining commercial properties. The objectives of the zone will not be undermined as a result of the proposed development.

There are sufficient environmental planning grounds to justify contravening the development standard.

The proposed building extension takes the form of a distinctive 'pod' that touches the existing tower lightly, clearly expressing its separation from the tower and podium. The design has been proposed to respond to the unique site constraints and requirements and has been designed to reflect the following:

- The pod is located well above ground level and is unlikely to impact the streetscape at the human scale,
- The proposal exhibits design excellence which has responded to engineering, ongoing amenity and town planning requirements to promote an attractive space for the existing and proposed developments;
- No buildings are located within close proximity of the site and the proposed addition will consequently not impact the overall building line of the street; and
- The adjoining car park will not be impacted as a result of the proposal.

The application is in the Public Interest

The proposal will not have a detrimental impact on the public interest - there is no material public benefit to enforcing the development standard.

3.0 Conclusion

It is considered that the Objection is well founded in this case for the following reasons:

- The development will provide for significant improvements to the existing built form by virtue of renewal of the façade and activation of Charles Street;
- Based on the site and contextual analysis, the built form is carefully crafted to respond to its context in terms of architectural language, massing and materials;
- The character of the area will not be impacted by the bulk and scale of the development; and
- The built form is compliant to the FSR controls of the Parramatta City Centre Local Environmental Plan 2007 and results in no additional impact.

Strict application of the development standard is considered to be unreasonable and unnecessary in this instance and favorable consideration of the proposed variation is requested.

The submission addresses the relevant matters identified in Clause 24.

(4) Consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Director-General has been obtained.

The applicant has submitted a written request addressing the matters contained in subclause (3) of Clause 24.

Clause 22D has no stated objectives. The objectives of the zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses which serve the needs of the local and wider community, including:*
 - commercial and retail development,*
 - cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,*
 - tourism, leisure and recreation facilities,*
 - social, education and health services.*
- *To encourage appropriate employment opportunities in accessible locations.*

- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of the Parramatta city centre as the regional business, retail and cultural centre, and as a primary retail centre in the Greater Metropolitan Region.*
- *To create opportunities to improve the public domain and pedestrian links throughout the Parramatta city centre.*
- *To provide for the retention and creation of view corridors.*
- *To protect and enhance the unique qualities and character of special areas and heritage values within the Parramatta city centre.*
- *To protect and encourage accessible city blocks by providing active frontages to streets, and a network of pedestrian-friendly streets, lanes and arcades*

The proposal is consistent with the above objectives given it is a significant new commercial development in close proximity to public transport that will provide appropriate employment opportunities into the future.

The proposed variation is in the public interest as the building adjoins an area that will not be developed for residential land uses into the future (and accordingly the need for separation is diminished), is located above the adjoining building, and the proposal is of high design quality generally.

It is noted that the Minister conferred assumed concurrence for the use of Clause 24 except in respect to variations of height and FSR.

Part 5

Clause 29D Ground floor development on land zoned B3 Commercial Core N/A

Clause 29D requires that the ground floor of development in the B3 Commercial Core zone be provided with an active street frontage.

As the proposal is elevated significantly above street level, the clause is not applicable to the proposed extension works.

Clause 33A Development on Flood Prone Land

Complies

The proposal is located on land that is affected by 1 in 20, 1 in 100, and Probable Maximum flooding. The site is identified as a low hazard flood location.

Given the substantial displacement of the building above natural ground level, the floor plates of the structure are located above all relevant flood levels. However, structural supports are located in the flood zone. Conditions will be imposed requiring these be appropriately designed to ensure the structure can withstand the force of flood waters.

The second flood related matter pertinent to the site is that of flood time evacuation of building occupants. The applicant has submitted a basic flood evacuation management plan that outlines what steps will be taken to ensure safe evacuation

from flood dangers. Conditions will also be imposed to ensure that this plan is brought into effect.

Clause 33B Acid Sulfate Soils

Complies

The site is identified as being affected by Class 4 Acid Sulfate Soils. The provisions of the LEP are only triggered where works protrude more than 2m below natural ground level, or will lower the water table by 2m.

The applicant's statement (consistent with the provided drawings) states that the building will not result in works more than 2m below natural ground surface, nor will lower the water table.

Accordingly, the provisions of this clause are not activated.

Clause 34 Preservation of Trees or Vegetation

N/A

The proposal does not seek consent for or necessitate the removal of any trees.

DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Under the provisions of section 79C(1)(a)(ii) of the Environmental Planning & Assessment Act 1979, any draft environmental planning instrument that is, or has been placed on public exhibition is a relevant matter for consideration in the assessment of a development application. Any such assessment must consider the degree of weight placed upon such provisions and whether the implementation of the draft LEP is certain and imminent. It must also consider the effect of any savings provisions contained within the instrument.

The subject site is included in draft Housekeeping amendments to Parramatta Local Environmental Plan 2011. Draft Parramatta LEP 2011 was placed on public exhibition between 1 August 2013 and 31 August 2013 and is therefore a draft environmental planning instrument for the purposes of section 79C(1)(a)(ii) of the Act.

The draft amendments do not affect the permissibility of this type of development, nor are there any other amendments relating to this application requiring consideration.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2007

The proposal compares to the relevant provisions of DCP 2007 in the following manner:

2.1 Building to Street Alignment and Street Setbacks

Does not Comply but acceptable

Figure 2.1 of DCP 2007 nominates that the subject site along Charles Street is to have a continuous built edge to street alignment. The existing building is setback 7m

and 10m from the kerb. The proposed building will overhang this area and have a setback of between 2.3m and 1.8m.

Given the proposed structure improves compliance of the present site with the street alignment requirement, that the setback from the street forms part of a continuous area to the general public, and that the extent of the application is alterations and additions (and not a complete site redevelopment), it is considered that the proposed setback is appropriate in this instance.

2.2 Street Frontage Heights

Does Not Comply

According to Figure 2.6 of DCP 2007, street frontage type “D” applies to the Charles Street frontage of the site.

Street frontage height D requires a building be built to street alignment for 26m-30m of its height, and be setback 8m above that.

The proposed building has a height of 38.2m above street level. While this does not comply with the requirement of the DCP, it is considered to be satisfactory given it will not extend into the setback at ground level (with the exception of its supports), and will serve to mask part of an unsightly car parking area. The existing building is also generally setback well behind the street alignment.

As the proposal will add interest to a moribund streetscape, and is constrained by the form of the existing building, the variation is supported.

2.3 Building Depth and Bulk

Complies

On land zoned Commercial core, buildings with large floor plates must be expressed as separate building elements of not more than 1200m², with the horizontal dimensions of any façade not exceeding 60m.

It is also required that the building have all points on its office floor within 10m of a source of daylight.

The extension is a clearly distinct building element and the floor plates in that element are 1200m².

The longest façade of the building (the northern façade) has a length of 58m.

All points of the office floor will be within 10m of daylight.

The proposal complies with the requirements of Clause 2.3.

2.4 Building Separation

Does Not Comply

The site is required to provide a continuous built edge to 36m height under this control.

The existing building provides a continuous street edge (to the edge of the public domain area located within the site) to a height of 16m.

The proposed extension will be built at street edge from 22m above the street level. Above this, the building is setback at least 20m from its nearest neighbour.

The proposal does not comply on its western side, where a setback of 800mm to 1m is proposed to the property boundary at that point. Given development on the adjoining site is in the form of an ancillary car parking structure, and that this is likely to remain the case for the foreseeable future, it is not considered that there is any merit in requiring a 0 or 6m setback in this instance.

As this control is called up by LEP 2007, the variation request is considered under Clause 24.

2.6 Deep Soil Zones

Not Applicable

As the proposed works are located above natural ground level, no deep soil zones can be provided.

3.4 Safety and Security

Complies

Clause 3.4 requires that development allow for appropriate casual surveillance, not create blind corners and dark alcoves, provide visually prominent entrances, adequately light pedestrian access ways, and provide secure access controls where appropriate.

The proposal will attach to an existing secure building, significantly elevated above street level, while being accessed through that existing building. The building will not result in publically accessible blind corners, dark alcoves, or any new entrances.

Accordingly, the building complies with Clause 3.4 – Safety and Security.

3.8 Building Exteriors

Complies

Under Clause 3.8, the design of adjoining buildings is to be considered in design of new buildings, provide articulated facades to add street and visual interest, provide external walls of high quality and durable materials, avoid expanse of any single material, and provide a materials samples board for projects over \$1,000,000.

The building exterior is approximate given the form of surrounding buildings, provides an articulated façade, will be built of high quality materials, has a mix of materials, and is accompanied by a samples board.

The proposal complies with Clause 3.8.

4.1 Pedestrian Access and Mobility

Complies

The relevant part of Clause 4.1 requires barrier free access be provided to the development. The existing building provides barrier free access to the affected areas.

The proposal therefore complies with Clause 4.1.

5.1 Energy Efficiency and Conservation

Complies

Development is to have appropriate heating and cooling systems, appropriately efficient water saving devices, have reduced reliance on artificial lighting, and be accompanied by an Energy Efficiency Report demonstrating the building has a NABERS rating of no less than 4 stars.

The proposal has been designed in accordance with this clause, and is accompanied by a certificate stating the proposal has a NABERS rating of 4 stars.

5.3 Reflectivity

Complies

This clause requires that new building facades not result in glare that threatens the safety of pedestrians or drivers. The proposal is located well above street level and is surrounded by significant buildings. Accordingly, the proposal will not result in glare that will impact on drivers or pedestrians.

5.4 Wind Mitigation

Complies

The applicant has submitted a wind effects report that indicates that the proposal will not result in an unreasonable increase in wind speed around the site.

7. Commercial Core Special Area Controls

Complies

The special area controls require that the development be broken up so floor plates are not greater than 2500m², provides appropriate setbacks to George Street.

The proposal has a floor plate of 1200m² distinct from the existing floor plate, and is setback behind the existing building from George Street. The proposal complies with the requirement.

PARRAMATTA CITY CENTRE - LANES STRATEGY

The Parramatta City Centre Lanes Strategy does not apply to the proposed development.

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.

The application is accompanied by a Quantity Surveyors Report (Council record ref: D03092755). This indicates a cost of works of **\$27,600,082**. Section 94A contributions will be based on this stated figure.

Bonds

In accordance with Council's 2013/2014 Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

As the development has a value of works in excess of \$500,000.00 and relates to a Class 2-9 proposal with one street frontage from which works will occur, the applicant is required to pay a Security Bond of \$20,000.

The application will not require the installation of hoardings, and there are no street trees or street furniture located adjacent to the construction site.

A condition will be incorporated in the consent to this effect. A total of \$20,000 in bonds is required.

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

All relevant regulations applicable to this application have been considered in the assessment of this application. Conditions of consent have been imposed where required.

LIKELY IMPACTS

Utilities/Infrastructure

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

Fire Safety

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

Disabled Access

The site provides access, sanitary facilities and car parking for people with disabilities. A condition will be imposed to ensure that the applicant considers provisions within the Disability Discrimination Act 1992.

Security by Design

The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The construction of the development will assist in increasing natural surveillance opportunities and image within the area.

Impacts during Construction

Conditions of consent are recommended to mitigate any potential impacts on the amenity of the surrounding environment.

Social & Economic Impact

It is considered that the proposed use will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

ESD & The Cumulative Impact

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

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. The issues raised within this submission have been discussed within this report.

The proposed development is in to the public interest.

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

Recommendation

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

APPROVAL SUBJECT TO CONDITIONS

- (a) **That** the Western Sydney Joint Regional Planning Panel support the variation to Clause 22D Building Separation of the Parramatta City Centre LEP 2007 under the provisions of Clause 24.
- (b) **That** the Western Sydney Joint Regional Planning Panel as the consent authority grant development consent to Development Application No. 758/2013 for alterations and additions to a commercial office building proposing a 'pod' style addition above the existing level 7 of the building, facing the Charles Street frontage at 150 George Street, Parramatta with a period of five (5) years from the date on the Notice of Determination for physical commencement to occur 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
Project Ref 20 01413 03 drawing number C003 P1 titled Proposed Site Plan prepared by Bonacci Group	November 2013
Project Ref 20 01413 03 drawing number C004 P1 titled Proposed Site Plan prepared by Bonacci Group	November 2013
Project No. 21227 drawing number DAE-004 Issue 02 titled Site Plan – Proposed prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-005 Issue 03 titled Floor Plan – Ground Floor Existing & Demolition prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-006 Issue 03 titled Floor Plan – Level P1 Existing & Demolition prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-007 Issue 03 titled Floor Plan – Level P2/ Mezzanine Existing & Demolition prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-008 Issue 03 titled Floor Plan – Level P3 Existing & Demolition prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-009 Issue 03 titled Floor Plan – Level P4 Existing & Demolition prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-010 Issue 03 titled Floor Plan – Level P5 Existing & Demolition prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-011 Issue 03 titled Floor Plan – Level P6 Existing & Demolition prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-012 Issue 03 titled Floor Plan – Level P07 Existing & Demolition prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-013 Issue 03 titled Floor Plan – Level P08 Existing & Demolition prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-018 Issue 09 titled Floor Plan – Ground Floor Proposed prepared by Fitzpatrick + partners	7 November 2013

Drawing N^o	Dated
Project No. 21227 drawing number DAE-019 Issue 09 titled Floor Plan – Level P1 Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-020 Issue 09 titled Floor Plan – Level P2/Mezzanine Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-021 Issue 09 titled Floor Plan – Level P3 Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-022 Issue 09 titled Floor Plan – Level P4 Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-023 Issue 09 titled Floor Plan – Level P5 Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-024 Issue 10 titled Floor Plan – Level 06 Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-025 Issue 10 titled Floor Plan – Level 07 Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-026 Issue 8 titled Floor Plan – Level 08 Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-027 Issue 8 titled Floor Plan – Level 09 Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-028 Issue 8 titled Floor Plan – Level 10 Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-029 Issue 8 titled Floor Plan – Level 11/Roof Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-32 Issue 1 titled Floor Plan – Section - Proposed prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-33 Issue 4 titled North Elevation – Existing & Demolition prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-34 Issue 4 titled East Elevation – Existing & Demolition prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-35 Issue 6 titled South Elevation – Existing & Demolition prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-36 Issue 6 titled West Elevation – Existing &	7 November 2013

Drawing N^o	Dated
Demolition prepared by Fitzpatrick + partners	
Project No. 21227 drawing number DAE-37 Issue 5 titled North Elevation – Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-38 Issue 5 titled East Elevation – Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-39 Issue 5 titled South Elevation – Proposed prepared by Fitzpatrick + partners	7 November 2013
Project No. 21227 drawing number DAE-40 Issue 4 titled West Elevation – Proposed prepared by Fitzpatrick + partners	29 October 2013
Project No. 21227 drawing number DAE-41 Issue 2 titled Photomontage – Proposed prepared by Fitzpatrick + partners	8 November 2013
Project No. 21227 drawing number DAE-42 Issue 2 titled Photomontage – Proposed prepared by Fitzpatrick + partners	8 November 2013
Materials Board prepared by fitzpatrick + partners Drawing DAE-48 and 49	undated

Document(s)	Dated
Design Statement prepared by FitzPatrick + partners project number 21227 drawing DAE- 002 issue 01	31 October 2013
Statement of Environmental Effects prepared by mckenzie group ref 64486-SEE Final	November 2013
Site Waste Review Report prepared by Waste Audit and Consultancy Services	May 2013
Stormwater Advice prepared by Bonacci Group ref 200141301C	15 November 2013
Flood Evacuation Management Plan prepared by mckenzie group ref 64209	14 November 2013
Building Code of Australia Report prepared by mckenzie group	25 October 2013
Construction Management Plan prepared by gallagher jeffs consulting	6 November 2013
Traffic Impact Statement prepared by traffix Ref 13.473	14 November 2013
Pedestrian Wind Environment Statement ref WB700-01F02 (REV1) – WS Report prepared by Windtech	30 October 2013
Energy Efficiency report prepared by Exergy ref REP05495-B-002	

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

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

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

Reason: To ensure appropriate demolition practices occur.

3. No portion of the proposed structure 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. All building work must be carried out in accordance with the current provisions of the National Construction Code.

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

5. 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.

Prior to the Issue of a Construction Certificate

6. Prior to the issuing of the Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document - Western Sydney Salinity Code of Practice 2003.

Reason: To ensure appropriate safeguards against salinity.

7. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

8. A monetary contribution comprising **\$828,002.40** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions 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: In accordance with the Section 94A Plan

9. 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.

10. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.
Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

11. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

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

Reason: To ensure satisfactory stormwater disposal.

13. The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to flooding.

A Flood Evacuation & Management Plan must also be prepared by a suitably qualified professional.

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

Reason: To ensure the structure can withstand flooding events.

14. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

(a) Construction Management Plan for the Site

A plan view of the entire site and frontage roadways indicating:

- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- iii. The locations of proposed Work Zones in the egress frontage roadways,
- iv. Location of any proposed crane standing areas,
- v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- viii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
- ix. A detailed description of locations that will be used for layover for trucks waiting to access the construction site.

(b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee

processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

(c) Traffic Control Plan(s) for the site:

- i. All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
- ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.

(d) 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.

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

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

16. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding

application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

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

Should a bank guarantee be lodged it must:

- a) Have no expiry date;
- b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/758/2013;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Bond Type	Amount
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.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

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

17. 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 the construction certificate.. **Please Note:** There is an existing 6.095 m wide easement identified as "Water Supply" Pipeline Easement, associated with a Water Main traversing along the front yards of the development sites. Prior to the issue of the Construction Certificate, this easement shall be clearly identified and approval shall be obtained from Sydney Water in terms of the proposal or any encroachments within the easement areas.

Reason: To ensure the requirements of Sydney Water, in terms of the existing easements have been complied with.

Prior to the Commencement of Work

18. Approval is granted for the demolition of the parts of the existing building as shown on the approved plans, subject to compliance with the following:-
- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
 - b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
 - e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9806 5050. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
 - f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.

- g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" **and** a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- i) Demolition is to be completed within 5 days of commencement.
- j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- n) Before demolition works begin, adequate toilet facilities are to be provided.
- o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.
- p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
- q) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials.

Reason: To manage demolition works.

19. 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.

20. 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.

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

Reason: To ensure public safety.

22. The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following:

Details of recycling and the removal of soil and rubbish from the site in the course of demolition and excavation operations including:

- (i) Type and quantities of material expected from demolition and excavation;
- (ii) Name and address of transport company;
- (iii) Address of proposed site of disposal;
- (iv) Name/address of company/organisation accepting material;
- (v) Types and quantities of materials that are to be re-used; or recycled, on and off site and procedures involved;
- (vi) Name of company/contractor undertaking on and off site re-use and recycling, and address of recycling outlet;
- (vii) Material for disposal and justification of disposal; and
- (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

The Waste Management Plan must 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.

23. 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.

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

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

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

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

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

26. 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.

27. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.

Reason: To ensure Council's approval is obtained prior to commencement of any work on council's road, nature strip and concrete footpath and reinstated to its original state upon completion of the works.

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

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

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

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

Reason: To prevent any damage to underground utility services.

30. 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 protect the road reserve.

31. 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 legislative requirements.
32. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.
Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.
33. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.
Reason: To protect Council's assets throughout the development process.

During Construction or work

34. 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.
35. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.
Reason: To protect the amenity of the area.
36. 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.
37. 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.

38. 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 (e.g. 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.

39. 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 affect;
 - (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.

Reason: To ensure complaints are recorded and acted upon.

40. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

41. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a licensed waste facility by a licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment,

Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

42. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

43. 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 pollution of the waterways from construction activities does not occur.

44. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

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

45. 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.

46. 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.

47. The property owner/body corporate is to ensure the warning system is in good working order, through regular testing and maintenance.

Reason: To ensure the integrity of the flood warning system.

48. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works.

Reason: Protection of existing environmental infrastructure and community assets.

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

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

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

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

51. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

Prior to release of Occupation Certificate

52. Prior to an Occupation Certificate being issued, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council's Urban Design Team for the electronic City Model.

The data required to be submitted within the surveyed location must include

and identify:

- (i) building design above and below ground in accordance with the development consent;
- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) property boundaries and the kerb lines adjacent to the site. The data is to be submitted as a sketch up file or a .3ds file. All plans are to be referenced to the submitted Integrated Survey Grid of NSW (ISG), Australian Map Grid (AMG) or Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file

Reason: To assist in the management of records.

53. 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 National Construction Code 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.

Reason: To comply with the EPAR regulation.

54. 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;
- (d) the date on which it was carried out;
- (e) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with the EPAR regulation.

55. 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.

105. The Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/758/2013** has been submitted to Principal Certifying Authority.

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

The Use of the site

106. No separate approval is required for the use of the premises as office premises. The use is approved for operation 24 hours a day, 7 days a week.

The use of the premises is not to give rise to:

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

Reason: To facilitate use of the building and to prevent loss of amenity to the area.

107. 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.

108. 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.

Liam Frayne

Senior Development Assessment Officer

4 March 2014