

**ASSESSMENT REPORT – Multi Purpose Facility
(Educational)
S79C – Environmental Planning & Assessment Act 1979**

SUMMARY

Application details

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| DA No: | DA/43/2014 |
| Assessment Officer: | Denise Fernandez |
| Property: | 2-6 Victoria Road, PARRAMATTA |
| Proposal: | Demolition of a heritage building, demolition of ancillary structures, tree removal and construction of a Multi Purpose Facility (Educational). |
| Date of receipt: | 3 February 2014 |
| Applicant: | Our Lady of Mercy College Parramatta |
| Owner: | Trustees of The Sisters of Mercy |
| Submissions received: | One |
| Property owned by a Council employee or Councillor: | No |
| Political donations/gifts disclosed | None disclosed on the application form |
| Issues: | Demolition of heritage item, height and FSR – Clause 4.6 lodged for the variations. |
| Recommendation: | Approval subject to conditions |

Legislative requirements

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| Zoning: | R2 Low Density Residential R3 Medium Density Residential |
| Permissible under: | Parramatta Local Environmental Plan 2011 |

Relevant legislation/policies: Parramatta Development Control Plan 2011, Section 94A Plan, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65, Urban Renewal SEPP, Policy for the Handling of Unclear insufficient and amended development applications

Variations: FSR, height and setbacks

Integrated development: No

Crown development: No

The site

Site Area: 16592m²

Easements/rights of way: None

Heritage item: Yes – The subject site is heritage listed and is of local significance. The proposal also seeks approval to demolish a heritage listed item.

In the vicinity of a heritage item: Yes – The site is located opposite several heritage listed items on 40 O’Connell Street, 2 to 4 Ross Street and 8 to 10 Ross Street. All these items are of local significance.

Heritage conservation area: No

Site History: Yes

PL/81/2013 – Pre-lodgement meeting with Council Officers for the demolition of a heritage item and other structures, tree removal and construction of a multi-purpose building (educational).

The proposal was reviewed by the Design Excellence Advisory Panel on two occasions being 21 August 2013 and 20 November 2013. The latter meeting provided the following comments with respect to the proposal.

- *The proponent provided a convincing rationale that a new multi-purpose facility of this size is best located where proposed by the applicant. This view is based on the applicant’s advice that the proposed footprint is as compact as it can feasibly be. It is regrettable that the heritage terrace is to be demolished, however this will create the only available opportunity for an open “community heart” in the centre of the school. This new space is considered highly desirable and conducive to the ongoing social and cultural strength of the School*

- *The adjustments to the building footprint in respect of street alignments are supported by the Panel*
- *The adjustments to the Victoria Road and O'Connell Street elevations are supported by the Panel.*
- *The building feels somewhat 'defensive' and disengaged from the street and the public domain. Whilst the Panel understands the programmatic reasoning behind this, the applicant is encouraged to consider ways of establishing some form of visual engagement or dialogue between school and the public domain.*

DA history

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| 3 February 2014 | DA/43/2014 was lodged with Council. |
| 5 February 2014 | Letter sent to applicant requesting additional information including an amended Landscape Plan, a revised Waste Management Plan and the submission of an Arts Plan. |
| 12 February 2014 to 5 March 2014 | 21 day notification and advertising of the application. |
| 21 February 2014 | Amended Landscape Plan and Waste Management submitted. |
| 5 March 2014 | 14 day letter sent to applicant requesting an Operational Management Plan, the submission of a Public Domain and Alignment Plan. |
| 7 March 2014 | 14 day letter sent to applicant requesting a response/assessment of Division 3, Clause 32 of the Infrastructure SEPP. |
| 25 March 2014 | Applicant sent a reminder email regarding the outstanding information. The outstanding information being: <ul style="list-style-type: none"> • Arts Plan • Alignment Plan • Domain Plan • Response to Division 3, Clause 32 of the ISEPP. • Plan of Management |
| 1 April 2014 | Applicant submitted all outstanding information including the Arts Plan, Alignment Plan, Domain Plan and Plan of |

17 April 2014

JRPP Briefing on the application.

SECTION 79C EVALUATION

SITE & SURROUNDS

The subject site is bounded by Ross Street to the north, Villiers Street to the east, O'Connell Street to the west and Victoria Road to the south. The site has a frontage of approximately 180m to Victoria Road to the south, 93m to Villiers Street to the east, 180m to Ross Street to the north and 93m to O'Connell Street to the west. The site has an overall area of 16592m².

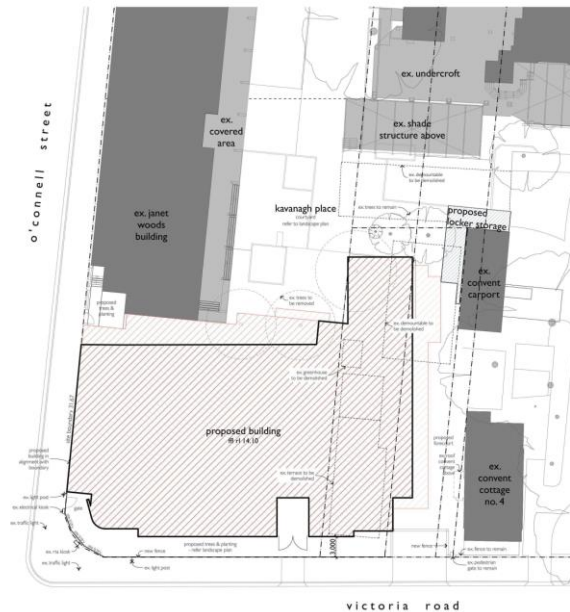
The site comprises of several buildings and ancillary structures used currently as an educational establishment. The site currently contains several heritage items as a result of the historic expansion for the OLMC site.

The school site is commonly known as Our Lady of Mercy College which has occupied the site for more than 120 years.

The site is:

- Located directly opposite of Parramatta Stadium and Parramatta Park to the west of the site.
- Located directly opposite of Prince Alfred Park to the south-east of the site.
- Within proximity (approx. 250 metres) north of Parramatta River.
- Directly opposite the site to the south is Saint Patricks Cathedral and associated church grounds.
- To the east of the site is a mix of land uses comprising of commercial and retail premises.
- Directly opposite to the north is St Patricks Primary School.
- Located approx. 600 metres to the north of Parramatta CBD.

The proposed multi-purpose building is to be located towards the south-western portion of the site. The development is to address Victoria Road and O'Connell Street.



THE PROPOSAL

This proposal is for the construction of a multi-purpose facility (educational) on the Our Lady of Mercy College site. The proposal includes:

- Demolition of:
 - Existing courts and associated fencing and walls along the corner of O'Connell Street and Victoria Road
 - Existing heritage listed terrace at No. 2 Victoria Road
 - Existing demountable classroom structures to the rear of No.2 Victoria Road.
- Excavation to accommodate piers.
- Construction of a 14 metre / 2 storey with a roof open space area, multi-purpose facility consisting of the following:

Ground Floor

- A 38m x 21.35m multi-purpose space suitable for school assemblies, exams, performances and indoor PDHPE activities
- Associated store rooms, change rooms and amenities around the periphery of the multi-purpose space;
- Two classrooms are located at the eastern end of the building. Classroom 101 is 13.5m x 8.5m and Classroom 102 is 10.5m x 8.5m. An operable wall divides the two classrooms for use of the space as two separate or one larger room. Furthermore, the western wall of the two classrooms comprises sliding panels, allowing the two areas to be incorporated into the larger multi-purpose space when required. The southern half of the eastern wall of the classroom is also operable, allowing for this area to open onto and spill out to the forecourt to the east.

- A foyer and main entry, including lift on the northern side providing access from college courtyard to the north; and
- A secondary entry is also provided in the southern elevation from the Victoria Road frontage.

First Floor

- A void over the multi-use area below;
- Three (3) classrooms at the eastern end of the building (Rooms 201, 202 and 203).
- Rooms 201 and 202 will be provided with dimensions of 8.5m x 10.6m
- Room 203 has dimensions of 8.5m x 9m. An operable wall separates Rooms 202 and 203 from the multi-use void area, allowing these two rooms to accommodate additional seating for "whole of school gatherings" within the multi-use-space. Similar to the ground floor, an operable wall separates Rooms 201 and 202 allowing for this to be used as a single space;
- Ancillary plant and stair access is provided along the southern side at the first floor level; and
- A first floor balcony and external stairs is provided along the eastern elevation.

Second Floor or Rooftop Level

- A 36.6m x 21.35m open air roof top sports court;
 - Ancillary storage, fire egress stairs and change rooms; and
 - Learning space 301 is located at the north-eastern end of the building and is 8.5m x 21.35m.
- Tree and Landscaping works along the Victoria Road frontage including:
 - A row of Lily Pilli trees growing to a height of approximately 5.0m;
 - Tall hedges along the façade of the building comprising alternate *Murraya paniculata* or *Viburnums*; and
 - Strappy foliage feature grasses at the O'Connell Street intersection.
 - Removal of 3 trees comprising of a Norfolk Island Pine, Silky Oak and a Black Locust.
 - Construction of a 1.2 metre front consisting of a 300mm high brick edge with a 900mm high palisade fence.
 - Stormwater and On-site detention including.
 - 172.8 cubic metre On Site Detention tank beneath the building adjacent to the O'Connell Street frontage;
 - Provision of stormwater pits and drainage infrastructure around the perimeter of the building to pick up roof water and surface runoff;
 - Minor regrading of the internal courtyard area to redirect surface flows around the eastern end of the Ailsa Mackinnon Centre; and
 - Provision of an overflow 200mm x 2000mm box culvert beneath the building provide for overland flow during major storm events.

- Operational details include:

- 7am to 4pm (Monday to Friday) with after school activities until 6pm. These hours are similar to the operating hours of the existing school.
- The Plan of Management also states that the building will be used on occasion by a third party group such as by another school, community organisations, the Catholic Education Office, the Cathedral and other church activities and sporting associations.
- It is noted that the above occasional events is to be conducted outside school hours and on weekends (ie, up to 10pm weekdays).
- Staff = 125
- Students = 1200

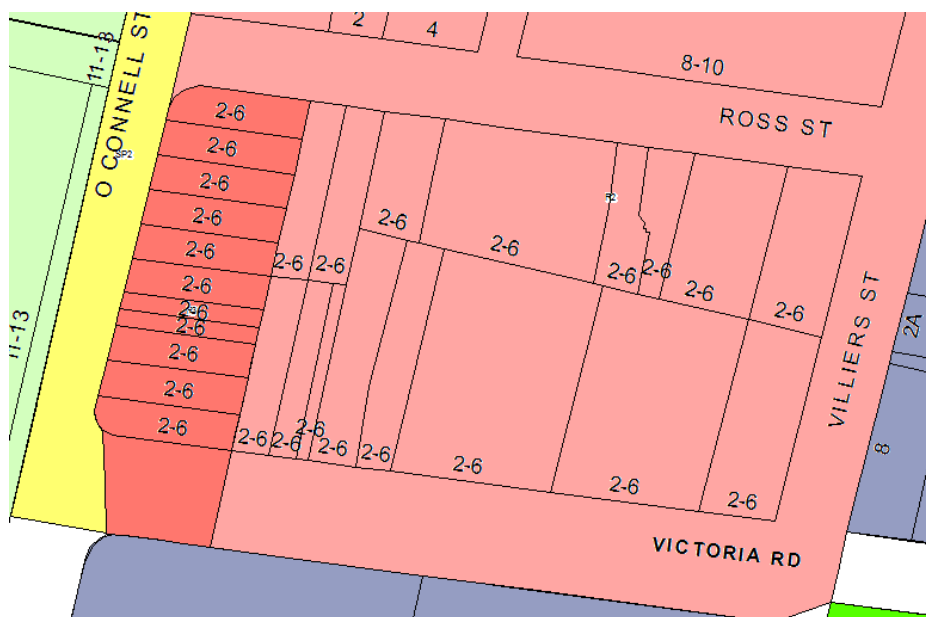
Note: The number of staff and students will not be increased as a result of the proposal. The above numbers are existing.

As there will be no increase in the number of students and faculty, the staff car parking currently located to the east of the development site will be retained. No modifications to this arrangement are proposed under the current application.

It is noted that any events undertaken outside of school hours (as detailed above) will have the potential to use the existing parking spaces provided on the site. A condition will be imposed on the consent requiring the school to provide on-site parking during events that occur outside of school hours.

ZONING:

The site is partially zoned R2 Low Density Residential (towards the O'Connell Street frontage) and R3 Medium Density Residential (the remainder of the site) under the provisions of Parramatta LEP 2011. See image below.



PERMISSIBILITY

The proposed construction and use of the building for a multi-purpose education facility is defined as an 'educational establishment'.

An 'educational establishment' is defined under Parramatta Local Environmental Plan 2011 as:

*“**educational establishment** means a building or place used for education (including teaching_, being:*

a.) A school

b.) A tertiary institution, including a university, TAFE establishment, that provides formal education and is constituted by or under an Act”

Accordingly, the educational establishment is permissible under both the R2 Low Density Residential and R3 Medium Density zoning applying to the land.

REFERRALS

Heritage Adviser

The development application was reviewed by Council's Heritage Adviser. Upon review of the proposal, Council's Heritage Adviser provided the following advice.

The site of proposed development is a major item of heritage significance, and a widely known landmark, the Convent of Our Lady of Mercy. The Convent of Our Lady of Mercy is of significance for the Parramatta area for historical, associative, aesthetic and social reasons. The site has a long association with the Roman Catholic Church and generations of this community and with a number of its prominent members. The main building has notable features of architectural styles. The site is unique in the local area and of high social significance as convent and school. It makes a very important element in the Parramatta townscape and its character.

The applicants have prepared a conservation management plan (CMP), which assesses individual components of the site and provides guidance for their ongoing maintenance and conservation. The CMP identifies the terrace as having moderate significance. The applicants have also prepared a Statement of Heritage Impact, which discusses the current proposal in detail, and summarises that:

“The proposed alterations to Our Lady of Mercy Convent and College involve the insertion of a new building in the grounds. They have been carefully designed to avoid alterations to the most significant parts of the Convent and the College and are being proposed to improve the use of the school by providing a new multi-purpose space that caters for the whole of the school population.

The overall proposal supports the ongoing use and evolution of the historic school and assists in keeping the school viable and up-to-date.”

“Although the new building will result in some loss of significance, in particular the demolition of the Terrace (ranked of Moderate significance), the continuing use and evolution of the College and Convent is of much greater significance and should be supported.”

Therefore, the proposal is aiming to “sacrifice” one of the site components, identified as having moderate significance, in order to allow the site to obtain a new use, deemed necessary in the longer run. There is a confirmed heritage impact arising from the proposal, however, the applicants deem it to be justified through benefits for the future use of the site. This approach is a legitimate view, to a degree akin to “heritage incentives” in the Standard Instrument LEP.

In terms of heritage impact, in my opinion the following issues are most important:

- *Loss of the element of moderate significance: From the heritage perspective, it would be preferred to retain the house proposed to be demolished, as it has been identified as an element of moderate heritage significance; however, this element is not essential for the significance of the site and thus its loss may be tolerable in the context of a justified proposal. The CMP for the site also allows this possibility.*
- *Notwithstanding the previous point, the heritage impact of the proposed new building on the site and its key elements would be well within acceptable limits.*
- *The site has high archaeological potential, albeit any relics found would likely be limited to a local level of significance. It is therefore recommended to refer the proposal to the NSW OEH for comment and potentially condition any eventual approval by obtaining an excavation permit (or an exemption from seeking such permit) from the NSW OEH as required.*

Planning Comment

The above comments from Council’s Heritage Adviser are noted.

Further, a condition will be recommended for inclusion in the consent requiring the consent holder to obtain the necessary permits from the NSW Office of Environment and Heritage prior to works commencing. Accordingly, it was not necessary to refer the application to the NSW Office of Environment and Heritage during the development application process.

Public Arts Officer

The development application was referred to the Public Arts Officer for comment. Upon review of the proposal and the Arts Plan, Council's Public Arts Officer provided advice that they raised no issues to the proposed development. The following comments were also provided.

Reviewing the Arts Plan for DA/43/2014 for 2-6 Victoria Road Parramatta (Our Lady of Mercy College) I offer the following comments for feedback to the assessment process.

At this stage Council is satisfied with the intent of the Arts Plan. The site analysis, interpretive and integration of the site with key themes for today's use identifies the major elements of the history, narratives and influences from school and the rich history of the Sisters of Mercy, with great scope for art in the public facing and interior domains of the space.

The three options presented are strong and also commend the recommended consultation and curatorial approach, which demonstrates best practice in regards to Public Art Planning. We anticipate strong responses from the public and also from the school community and the suggest works are of suitable scale, with strong opportunities from the architecturally integrated to more stand alone works.

In regards to the location of the art opportunities presented, all three are of merit, the external space on the Alisa Mackkinnon Centre, the internal courtyard, and the landscaped entrance of the Brigid Shelly Building. Each offer different opportunities and scope to develop work along the narratives identified in the plan.

In particular, we suggest the chosen final works have prominence and can be viewed in the public domain. With the above in mind, colour, scale, placement and lighting of the work will be critical to the finished artwork/s.

We commend the proposed procurement and commissioning process with involvement of the skilled committee you have nominated, and look forward to further updates about this proceeding.

We also welcome opportunities for local artists to respond to EOI callout process suggested in the document, and the City Animation team can assist with linking to these networks.

Some reassurances will be needed that the Arts Plan will be implemented and artworks installed prior to occupation of the

site by the client, as required in the conditions of consent. Therefore the following requirements must be met in full:

- 1. That the Applicant engages an Artist/s to develop site specific artwork/s which is consistent to the proposed themes and treatment areas outlined in the Arts Plan.*
- 2. On completion of the artwork design stage, the Applicant will be required to submit all additional documentation to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management prior to its implementation.*
- 3. The artworks are to be completed in full, in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate.*

Satisfactory completion will allow for timely approval of assessment prior to occupation.

Planning Comment

The above comments from Council's Public Arts Officer are noted.

Further, the above recommended conditions will be included in the consent.

Traffic Engineer

The development application was reviewed by Council's Traffic Engineer during Clearing House. Upon review of the proposal, Council's Traffic Engineer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent.

As there will be no increase in the number of students and faculty, the staff car parking currently located to the east of the development site will be retained. No modifications to this arrangement are proposed under the current application.

Any events undertaken outside of school hours will have the potential to use the existing parking spaces provided on the site as the staff that normally occupy these parking spaces will not be in attendance. To ensure that these parking spaces are available for events that occur outside of school hours, a condition will be imposed on the consent requiring the school to provide on-site parking during such events.

Further, the OLMC site is located on the periphery of the Parramatta city centre. The school site is within walking distance to public transport nodes such as public trains and busses. The site is also within proximity to public parking facilities such as Parramatta Park and Parramatta Stadium that can be utilised during events that occur in the building outside of the normal school hours.

Development Engineer

The development application was referred to the Development Engineer for comment. Upon review of the proposal, Council's Development Engineer provided advice that they raised no issues to the proposed development as the proposal complies with the relevant controls and policies applicable to the site subject to conditions being incorporated into the development consent.

Landscape Officer

The development application was referred to the Landscape Officer for comment. Upon review of the proposal, Council's Landscape Officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent.

With regards to the proposed tree removal, the following comments are provided.

3 Large trees located within the site are unable to be retained should the proposal be supported by Council. Two of the trees are quite prominent within the locality. The existing Norfolk Island Pine has been disturbed by previous construction in close proximity to the tree and the existing silky oak is a large specimen which is beginning to decline in health and structural condition (Refer to arborist report for further assessment).

No other trees are proposed to be removed. 8 replacement trees are proposed to be planted as part of the associated landscaping works. The proposal can be supported subject to conditions

Trees to be removed are:

| Tree No | Name | Common Name | Location |
|---------|-------------------------------|---------------------|--------------------------|
| 1 | <i>Araucaria heterophylla</i> | Norfolk Island Pine | Refer to arborist report |
| 2 | <i>Robinia pseudoacacia</i> | Black Locust | Refer to arborist report |
| 3 | <i>Grevillea robusta</i> | Silky Oak | Refer to arborist report |

Waste Officer

The development application was referred to the Waste Officer for comment. Upon review of the proposal, Council's Waste Officer provided advice that they raised no issues to the proposed development as the proposal complies with the relevant controls and policies applicable to the site subject to conditions being incorporated into the development consent.

Civil Assets

The development application was referred to Council's Civil Assets for comment. Upon review of the proposal along with the alignment plan, Council's Civil Assets Supervisor provided advice that they raised no issues to the proposed development as the proposal complies with the relevant controls and policies applicable to the site.

Urban Design

The development application was referred to Council's Urban Designer for comment. Upon review of the proposal along with the alignment plan, Council's Urban Designer provided advice that they raised no issues to the proposed development as it complies with the relevant controls and policies applicable to the site.

Roads and Maritime Services

The development application was referred to the Roads and Maritime Services for comment. Upon review of the proposal, the RMS provided advice that they raised no issues to the proposed development subject to conditions of consent.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, owners and occupiers of surrounding properties and members of Council's Heritage Committee were given notice of the application for a 21 day period between 12 February 2014 and 5 March 2014.

It is noted that local Aboriginal communities were not notified of the proposal as the site is identified only as being of low Aboriginal sensitivity. Notwithstanding, Council's Heritage Adviser also notes that despite the site being of high archaeological potential, "...*any relics found would likely be limited to local level significance*". As such, it was not considered necessary to notify local Aboriginal communities of the proposal.

In response to the notification period, one submission was received. The submission was received from the following address:

- 2 Ross Street, Parramatta

The issues raised within the submission are addressed below.

Objection is raised to the demolition of the heritage item as it would adversely impact the historic nature of the area.

The application was accompanied with a Heritage Impact Statement which assessed the impacts of the demolition of the heritage item and concluded the following:

The Terrace located at 2 Victoria Road has been ranked as being of Moderate significance.

As per Policy 8 of the Conservation Management Plan (relating to the OLMC site), demolition of fabric ranked Moderate is acceptable if it is important for continuing historical use connected with the college or the convent. In this case, the demolition of the Terrace is acceptable as the history, continuing use and evolution of the School and Convent is of much greater significance and should be supported.

Positive contribution to the evolution and continuing use of the historic school which meets the objectives of Policy 20. The new building is needed to accommodate the whole population of the school for educational, sporting and community purposes. Provision of the accommodation will assist in keeping the historic school viable and up-to-date.

The proposed location for the new building complies with Policy 32 which allows for the development of a new, discrete, low rise (2-4 level) building of creative modern design in the southwest corner of the site. Locating the new building within the existing College site is much to be preferred, as the school owns no adjacent site large enough to cater for the type of building required.

In addition to the above comment, the application was also reviewed by Council's Heritage Adviser. Upon review, Council's Heritage Adviser acknowledged that demolition of the heritage item is not favourable. However, given that the heritage listed terrace is not essential for the significance of the site, the loss of the heritage item is accepted. In this regard, the proposed demolition of the heritage item is considered to be acceptable given the contribution of the new building to the on-going historical use of the site as a school.

Concern is raised that the demolition of the heritage item will prejudice any current and/or future studies to the heritage value/nature of the area.

The Heritage Impact Statement was prepared in accordance with the Our Lady of Mercy Covenant Conservation Management Plan (CMP) 2009. The justification for demolition of the heritage item is considerate of the policy recommendations outlined in the CMP to guide the design and siting of the new building to ensure that the proposal does not adversely impact the heritage value of the site and local area.

It is also noted that Council's Heritage Adviser did not raise any concerns with the impact of the proposed demolition of the heritage item on any current or future studies of the heritage value and nature of the local area.

To ensure that the history of the site and the contribution of the heritage terrace to the site are documented and to assist future studies of the area, the following condition will also be imposed on the consent.

Prior to the demolition, the building is to be recorded in accordance with the NSW Heritage Branch of Department of Planning guidelines for Recording of

Heritage Items. The details of these guidelines can be found at: http://www.heritage.nsw.gov.au/docs/info_photographicrecording2006.pdf

Reason: *To provide a historical record of heritage significant works on the site for archival purposes.*

Concern is raised that the proposal is inconsistent with the historic nature of the area.

It is acknowledged that the proposal will result in the loss of a building of local historical significance. There is often tension on a site that contains a number of heritage significance buildings as a result of growth pressure. In this case the school desires to provide a multi-purpose hall that is typically provided to many secondary schools throughout NSW. The building is also to be located with ample building separation from other heritage listed buildings on the OLMC site. It is noted that the development will be located adjoining a recently constructed, 3 storey modern school building immediately to the north of the proposal which also addresses O'Connell Street. Neither the Heritage Impact Statement nor Council's Heritage Adviser raised any concerns with regards to any adverse impacts of the proposed demolition of the heritage item on the historic nature of the OLMC site and the wider locality, particularly as the historic use of the site will be retained.

Amended Plans

No

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 that 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 eventually drains into the Harbour.

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained within the deemed SEPP.

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 subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure. Accordingly, a referral was sent to the energy provider (ie. Endeavour Energy) on 4 February 2014. It is noted that to date, a response has not been received from the Endeavour Energy.

Notwithstanding, the following condition is to be imposed on the consent to ensure that the works do not impact on electricity services.

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.*

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to clause 102 of the SEPP as the average daily traffic volume to this portion of Victoria Road and O'Connell Street is less than 40,000 vehicles.

Division 3 - Educational Establishments of the SEPP is also applicable to the site. The site is zoned R2 Low Density Residential and ancillary works to an educational establishment is permitted with consent.

The provisions of Division 3 of the SEPP also define works that are considered exempt or complying development with regards to educational establishments.

It is noted that the works proposed are neither exempt nor complying development. Accordingly, the subject application was lodged seeking approval for the demolition of a heritage building, demolition of ancillary structures, tree removal and construction of an educational Multi Purpose Facility.

The proposal is also subject to Division 3, Clause 32(2) of the ISEPP which states:

- (2) *Before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):*
- (a) *School Facilities Standards—Landscape Standard—Version 22 (March 2002),*
 - (b) *Schools Facilities Standards—Design Standard (Version 1/09/2006),*
 - (c) *Schools Facilities Standards—Specification Standard (Version 01/11/2008).*
- (3) *If there is an inconsistency between a standard referred to in subclause (2) and a provision of a development control plan, the standard prevails to the extent of the inconsistency.*

Accordingly, the applicant has prepared a response with regards to the above clause. See below.

HS502 Movement Complex

| | Room Name | SFS Requirement | Ailsa Mackinnon Proposal |
|----------|------------------|---|--|
| HS502.01 | Gymnasium Size 1 | Area = 618.54m ² Dimensions are critical at 19.2m x 32.5m | Area = 810m ² Dimensions of the proposal at 21.35m x 38m |
| HS502.02 | Gymnasium Size 2 | Not Applicable | Not Applicable |
| HS502.03 | Gymnasium Size 3 | Not Applicable | Not Applicable |
| HS502.04 | Movement Studio | Not Applicable | Not Applicable |
| HS502.05 | Sport Store | Area = 25m ² | Approx. 75m ² of storage provided on Level 1, an additional 42m ² is provided on level 3 |

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|----------|-------------------------|---|--|
| HS502.06 | Large Equipment Store | Area = 24.48m2 | Approx. 75m2 of storage provided on Level 1, an additional 42m2 is provided on level 3 |
| HS502.07 | Outdoor Equipment Store | Not Applicable | Not Applicable |
| HS502.08 | Chair Store Size 1 | Area = 32.2m2 | Approx. 75m2 of storage provided on Level 1, an additional 42m2 is provided on level 3 |
| HS502.09 | Chair Store Size 2 | Not Applicable | Not Applicable |
| HS502.10 | Movement Studio Store | Not Applicable | Not Applicable |
| HS502.11 | Control Room | Area = 9.8m2 | Not Applicable due to current technologies and other facilities on site |
| HS502.12 | First Aid | Area = 12.95m2 | Provided elsewhere on the site |
| HS502.13 | Shower | 4 x showers | 4 x showers provided |
| HS502.15 | Staff Shower | 1 x shower | Not Applicable |
| HS502.16 | Stage | Area = 99.4m2 Dimensions at 7.2m x 14.1m | 1 x stage zone provided to suit brief is approximately the same as the SFS requirement |
| HS408.03 | Change | Area = 22.05m2 | 2 x change facilities at 15.5m2 each provided to suit brief |
| HS602.11 | Staff Toilet | 1 x toilet | 1 x toilet Provided to suit brief |
| HS602.12 | Access Toilet | 1 x toilet with shower | Provided to suit current legislation |

HS408 Fitness Learning Unit

| | Room Name | SFS Requirement | Ailsa Mackinnon Proposal |
|----------|-------------------------------|-----------------|---|
| HS408.01 | Fitness Laboratory | Area = 99.68m2 | Area = 181m2 |
| HS408.02 | Fitness Store | Area = 19.95m2 | Area = 18.7m2 + 23.89m2 |
| HS408.03 | Change | Area = 22.05m2 | See comments associated with Movement Complex |
| HS401.01 | General Learning Space Type 1 | Area = 59.64m2 | 5 x GLAs provided that exceed the minimum area by on average 18m2 |

| | | | |
|----------|----------------|----------------------------|---|
| HS404.03 | Seminar Type 2 | Area = 19.61m ² | Area of these spaces have been included within the GLA zones to provide increased flexibility and alternatives to teaching approach |
|----------|----------------|----------------------------|---|

HS402 Senior Learning Unit Type I

| | Room Name | SFS Requirement | Ailsa Mackinnon Proposal |
|----------|-------------------------------|----------------------------------|---|
| HS401.01 | General Learning Space Type 1 | Area = 59.64m ² | 5 x GLAs provided that exceed the minimum area by on average 18m ² |
| HS401.02 | General Learning Space Type 2 | Area = 64.68m ² | 5 x GLAs provided that exceed the minimum area by on average 18m ² |
| HS401.04 | Seminar Type 1 | Area = 24.5m ² approx | Area of these spaces have been included within the GLA zones to provide increased flexibility and alternatives to teaching approach |
| HS401.05 | GLS Store Size 1 | Area = 19.84m ² | Provided elsewhere on the site |
| HS401.06 | Practical Activity Area | Area = 6.75m ² | Not Applicable |
| HS402.01 | Shared Study Space | Area = 50.17m ² | Provided elsewhere on the site |

Landscape Standard

A cursory assessment has also been made against the SFS Landscape Standards. These standards nominate that any landscape design for a school should be based on 4 principles:

1. Create a sense of place
2. Safe Landscape
3. Sustainable Landscape
4. Cost Effective Landscape

In addition, the SFS nominates a series of 'zones' that need to also be addressed. The relevant zone as far as the DA for Ailsa Mackinnon is concerned is "Street Frontage Zone".

Our cursory assessment indicates that there are very few definite requirements with the landscape standards and instead a series of 'objectives' which can be argued are achieved, particularly when overlayed with the specific requirements of the OLMC Parramatta Site and the unique nature of the proposal.

Planning Comment:

Given then above assessment, the proposal is considered to have addressed and is compliant with the requirements under Division 3, Clause 32 of the ISEPP.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

| COMPLIANCE TABLE | | |
|---|--|-------------------|
| Development standard | Discussion | Compliance |
| Land Use Table – R2 Low Density Residential Zone and R3 Medium Density Residential Zone | The development proposes multi-purpose building for the purposes as an educational facility. | Yes |
| 4.3 Height of Buildings It is noted that the building straddles two maximum height controls. Maximum height - 9 and 11 metres. | The building has a maximum height of 14 metres A Clause 4.6 Variation Statement has been submitted and is assessed further later in this report. | No |
| 4.4 Floor Space Ratio Maximum 0.5:1 and 0.6:1 The portion of the site where the proposed building is to be sited straddles 2 FSR controls. For the purposes of this assessment, these areas will be located as FSR 1 (max FSR 0.5:1) and FSR 2 (max FSR 0.6:1). | Proposed Floor Area 1 – 325.4m ² Proposed Floor Area 2 – 1789.5m ² Total = 2114.9m ² Existing Floor Area = 9129.3m ² Site Area – 16592m ² FSR 1 = 0.6:1 FSR 2 = 0.93:1 A Clause 4.6 Variation Statement has been submitted and is assessed further later in this report. | No |

| | | |
|---|--|-----|
| 4.6 Exceptions to development standards. | <p>The application seeks approval to vary Clause 4.3 – Height and Clause 4.4 – Floor Space Ratio.</p> <p>Refer to discussion below.</p> | Yes |
| <p>5.1 and 5.1A Development on land intended to be acquired for public purposes</p> <p>Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?</p> | The site is not identified on this map. | N/A |
| 5.3 Development near zone boundaries | <p>The portion of the development where the building is to be sited straddles 2 zones.</p> <p>An educational facility is permissible on both zones.</p> | Yes |
| <p>5.6 Architectural roof features</p> <p>Does an architectural roof feature result in a building exceeding the maximum building height for the site outlined in clause 4.3?</p> | Whilst the development encroaches on the maximum height for a building on the site, the design of the multi-purpose facility does not provide architectural roof features. | N/A |
| <p>5.7 Development below mean high water mark.</p> <p>Is any portion of the development proposed to be carried out below the mean high water mark?</p> | The proposal is not for the development of land that is covered by tidal waters. | N/A |
| 5.9 Preservation of trees. | See previous discussion on tree removal in the referral section of this report. | Yes |

| | | |
|--|---|------------|
| <p>5.10 Heritage Conservation</p> <p>Does the site contain or is it near a heritage item?</p> | <p>The OLMC is a heritage site that is of local significance.</p> <p>The application also seeks to demolish a heritage listed terrace to facilitate the construction of the multi-purpose facility.</p> <p>See “Referrals Section” for comments from Council’s Heritage Adviser whom did not objections to the demolition of the heritage listed terrace.</p> | <p>Yes</p> |
| <p>5.10.8 Aboriginal Places of Heritage significance</p> <p>What is the identified Aboriginal significance of the site?</p> | <p>The site is identified as being of Low significance by Council’s Aboriginal Heritage Sensitivity Database.</p> <p>Notwithstanding, Council’s Heritage Adviser also notes that despite the site being of high archaeological potential, “...any relics found would likely be limited to local level significance”. As such, it was not considered necessary to notify local Aboriginal communities of the proposal. Given this, it was considered sufficient by Council’s Heritage Adviser to recommend that a condition be imposed on the consent requiring that the consent holder obtain an excavation permit from the NSW Office of Environment and Heritage.</p> | <p>Yes</p> |
| <p>6.1 Acid sulfate soils</p> <p>What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?</p> | <p>The site is identified as containing class 5 Acid Sulfate Soil. However, the development does not propose any basement parking and only requires minimal grading works. Accordingly, an Acid Sulfate Soils Management plan is not required to be prepared.</p> | <p>Yes</p> |

| | | |
|--|--|-----|
| 6.1 Earthworks Are the earthworks associated with the development appropriate? | Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory. | Yes |
| 6.2 Flood planning Is the site floodprone? | The site is not identified by council as being floodprone. | N/A |
| 6.3 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources –Biodiversity Map'? | The site is not identified on this map. | N/A |
| 6.4 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'? | The site is not identified on this map. | N/A |
| 6.5 Development on landslide risk land Is the site identified as being landslide risk land on the 'Landslide Risk Map'? | The site is not identified on this map. | N/A |
| 6.6 Affected by a Foreshore Building Line | The site is not located in the foreshore area. | N/A |

4.6 Exceptions to development standards within LEP 2011

- The objectives of this clause are as follows:
 - to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- Development 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.
4. Development 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.

A request for an exception under clause 4.6 was lodged with the application as the proposed development exceeds the maximum Height and FSR for the site presented under with Clause 4.3 and 4.4 of PLEP 2011.

The Height and FSR variation sought under the subject application is as follows:

Height

| | Maximum Height | Proposed Height | Variation |
|---------------|----------------|-----------------|----------------|
| Area 1 | 9 metres | 14 Metres | 5 metres (56%) |
| Area 2 | 11 metres | | 3 metres (27%) |

FSR

| | Site Area | Max FSR | Proposed Floor Area | Total Floor Area | FSR | Variation |
|---------------|---------------------|----------------------------------|----------------------|----------------------|--------|-----------|
| Area 1 | 13207m ² | 0.5:1 (6603.5m ²) | 325.4m ² | 8080m ² | 0.61:1 | 22% |
| Area 2 | 3385m ² | 0.6:1 (2031m ²) | 1789.5m ² | 3164.2m ² | 0.93:1 | 55% |

The above exceptions to the height and FSR are considered to warrant Council's support and are discussed in further detail within this report.

The applicant has provided the following justification for the non-compliance with the development standard:

Height

In the circumstances of the case, the provision of strict numerical compliance would be unreasonable due to the following:

1. The proposal remains consistent with the objectives of the R2 Low Density and R3 Medium Density zones, despite the non-compliance with the height control as demonstrated in the assessment of the objectives below:

| Objective | Comment |
|--|---|
| <i>R2 Low Density Residential</i> | |
| <i>To provide for the housing needs of the community within a low density residential environment.</i> | Not applicable |
| <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> | The existing college provides for the educational needs of the residents and the proposed facility will provide improved services and facilities on site. |
| <i>To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.</i> | The college is located at the southern end of a low density residential environment on the transition to the City Centre. The proposed works are located on the southern boundary fronting Victoria Road and will not impact on the low density residential to the north of the site. |
| <i>To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.</i> | The college provides for the educational needs of the Parramatta community and the proposed facility will augment the existing college. |
| <i>R3 Medium Density Residential</i> | |
| <i>To provide for the housing needs of the community within a medium density residential environment.</i> | Not applicable |
| <i>To provide a variety of housing types within a medium density residential environment.</i> | Not applicable |
| <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> | As above |
| <i>To provide opportunities for people to carry out a</i> | Not applicable |
| <i>reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.</i> | |
| <i>To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.</i> | As above |

Table 1: 'R2 Low Density and R3 Medium Density Residential' Zone Objectives Assessment Table

2. The proposal remains consistent with the objectives of the building height standard outlined in subclause 4.3(1) despite the non-compliance demonstrated below:

| Objective | Comment |
|---|--|
| a) <i>to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,</i> | The scale of the proposal is in harmony with the scale of existing development on the site and the height controls permitted on surrounding sites. |
| b) <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i> | The proposal will have minimal impacts on adjoining and nearby properties in terms of view loss, overshadowing, loss of privacy and visual intrusion. |
| c) <i>to require the height of future buildings to have regard to heritage sites and their settings,</i> | <p>The site contains a number of heritage items across the site, which includes the Our Lady of Mercy Convent building and the Brigid Shelley College building, both of which are 4 storeys in height and therefore of similar scale to the proposed development.</p> <p>The impact of the proposed development on the surrounding heritage buildings and their setting is considered in the Statement of Heritage Impact (refer to Attachment 5).</p> |
| d) <i>to ensure the preservation of historic views,</i> | That part of the proposal that exceeds the height standard will not disrupt existing views from surrounding properties. |
| e) <i>to reinforce and respect the existing character and scale of low density residential areas.</i> | The proposed works are located on the southern edge of the site fronting Victoria Road, abutting the City Centre. Whilst it is acknowledged that part of the site is zoned for low density residential, the development across the site is dominated by 3 and 4 storey buildings. Furthermore, surrounding land has height controls allowing for between 3 to 8 storeys. The proposed 3 storey building is therefore considered to be in keeping with the existing character and scale of surrounding development. |

Given the circumstances of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard, and is compatible with adjoining development.

3.3 How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?

The objects set down in Section 5(a)(i) and (ii) are as follows:

“to encourage

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural area, forest, mineral, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land...”*

Compliance with the standard would not hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and coordinate orderly and economic use and development of land.

Strict compliance with the development standard would not result in discernible benefits to the amenity of adjoining sites or the public. Further, the proposal satisfies the zone and development standard, and is compatible with scale of adjoining development. The development as proposed is consistent with the provisions of orderly and economic development. Strict compliance with the standard is not required in order to achieve compliance with the objectives.

3.4 Is the development standard a performance based control? Give details.

No. The building height development standard is a numerical control.

3.5 Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

As outlined in Section 3.2 (1) and 3.2 (2) the proposal satisfies the zone and development standard objectives. Therefore strict compliance with the standard is not required in order to achieve compliance with the objectives.

Strict compliance would result in an inflexible application of policy. It does not serve any purpose that is outweighed by the positive outcomes of the development and therefore a better planning outcome overall.

3.6 Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

Yes. In the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard being:

- The proposal satisfies the objectives of the R2 Low Density and R3 Medium Density zones and the objectives of the building height standards as described in Section 3.2 above.
- Non-compliance with the standard does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss.
- The scale of the proposed development is consistent with the scale of development on the site and the surrounding development and streetscape along Victoria Road and O’Connell Street.
- The proposed development is generally compliant with the controls, or the intent of the controls, contained in the Parramatta Development Control Plan 2011.

3.7 Is the variation/objection well founded?

Yes. For reasons outlined in the preceding sections of this submission, the variation to the height control is well founded as compliance with the standard is unreasonable as the development does not contravene the objects specified within 5(a)(i) and (ii) of the Act and the R2 Low Density and R3 Medium Density zones.

A development that strictly complies with the standard is unnecessary in this circumstance as no appreciable benefits would result for adjoining properties or streetscape, by restricting heights to 11m and 9m.

4. Conclusion

Development standards are a means of implementing planning purposes for a development or area.

The proposal provides a building that ranges in height from 12.5 to 14m. This height is complementary to the likely future and existing scale of development. The non-compliance with the 11m and 9m height control has a negligible impact on the overall scale of the proposed development.

The building height is considered appropriate to the context and circumstances of the site, being located on the fringe of the Parramatta City Centre.

A development strictly complying with the numerical standard would not discernibly alter the scale of the building or improve the amenity of surrounding development or public domain.

As demonstrated in this submission, it would be unreasonable for strict compliance with the height control to be enforced. It is concluded that the variation to the height development standard is well founded as compliance with the standard is both unnecessary and unreasonable in the circumstances of this case.

Assessment of the exception under clause 4.6:

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 4.3 - Height of PLEP 2011 is a development standard.

2. What is the underlying object or purpose of the standard?

The purpose of Clause 4.3 of PLEP 2011 is to ensure that the bulk and scale of the development is suitable in regards to the area of the site and the type of development proposed. Clause 4.3 specifically states the maximum Height permitted for development on the subject site and ultimately ensures that the development is of an appropriate bulk and scale.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Compliance with the development standard would be inconsistent with PLEP 2011 which aims to provide planning controls that will encourage a

sustainable development, being development which satisfies the principles of ecological (environmental, economic and social) sustainability.

Enforcing compliance with the development standard will restrict a development that would otherwise be appropriate on the site. The site is capable of being developed without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain general compliance with the majority of controls within Parramatta Development Control Plan 2011.

The non-compliance is considered to be acceptable representing a 56% and 27% difference to the maximum height for the site. The plans show that the variation in the height does not in this case hinder compliance with solar access, views to and from the site and bulk and scale requirements of the Parramatta Development Control Plan 2011 for educational establishments.

The proposed development responds to the site despite the non-compliance and does so without compromising relationships with adjoining developments. Strict compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act as the site will remain under-developed and would not promote the social and educational welfare of the community and a better environment.

The objection to the development standard will ensure that the site is able to be developed and result in better management of the site as well as social enhancement for the community.

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

It is considered that it would be unreasonable to impose the maximum height given that the proposed development generally complies with the development requirements pertaining to educational establishments. It does so without adversely affecting adjoining properties in regards to solar access, acoustic impact and privacy whilst maintaining consistency with the development objectives of the zone.

Further, a departure from the standard in this case is considered to be acceptable for the following reasons:

- It is acknowledged that the development standard for maximum height is to guide residential developments. However, as the proposal forms part of an existing and much larger educational establishment, a departure to the maximum height for the site in this location will have negligible impacts on residential or streetscape amenity.
- The departures to the height of the proposal relates to a lift overrun, ball restraint fence and the eastern wing ridge. These elements are part of the roof design and do not significantly contribute to the bulk of the overall development.

- The adjoining development to the north of the proposed building (Janet Woods building) is of a similar height as that proposed. The Jane Woods building is approximately 11 metres which compliments the height of the proposal.
- The proposed 14 metre development is designed to relate to the corner allotment nature of its location. As such, a development with a variation to the maximum height is considered to be appropriate.
- The siting of the proposed building along O'Connell Street provides an appropriate transition to Parramatta Park to the west of the development site.
- As the proposal would be of a comparable height to the existing Janet Woods building, the presentation to the streetscape along O'Connell Street is continued.
- The combined elevation of the proposed development and the Janet Woods building results in some visual interest on the pedestrian level along O'Connell Street.
- Due to the building separation between the proposal and the convent cottage to the east of the proposal and the majority of the heritage items on the site, the respective curtilage of these heritage items are maintained and therefore appropriate heritage values.
- The development provides appropriate setbacks and landscaped areas to ensure adequate amenity to adjoining properties and users of the development and therefore maintains an appropriate streetscape amenity.
- The development does not adversely impact on solar access to adjoining properties and developments as a majority of the shadowing from the development is cast on the street.
- The departure to the height allows the provision of a basketball court and outdoor play areas on the roof of the multi-purpose facility to be used by the students of the school.
- The proposed height of the development does not hinder the on-going historic use of the site as a school.
- The departure to the height of the development was reviewed by Council's Heritage Adviser whom whilst acknowledging that the demolition of the heritage item is not preferable, the loss is tolerable in its context and that the proposed development is within acceptable limits from a heritage perspective.
- The departure to the standard does not hinder the development from achieving the objectives of the R2 and R3 Zoning of the site as it continues to provide a service to meet the needs of the community by improving the school facilities.

5. Is the exception well founded?

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Given that the proposed development responds well to the site and does so without compromising relationships with adjoining developments, do not unduly compromise other relevant controls, and that the proposed development encourages sustainable development whilst improving and maintaining the historic use of the site as an educational establishment, the Clause 4.6 exception to the development standard to Clause 4.3 – Height of PLEP 2011 is considered to be well founded.

Floor Space Ratio

In the circumstances of the case, the provision of strict numerical compliance would be unreasonable due to the following:

1. The proposal remains consistent with the objectives of the R2 Low Density and R3 Medium Density zones, despite the non-compliance with the FSR control as demonstrated in the assessment of the objectives below:

| Objective | Comment |
|--|--|
| <i>R2 Low Density Residential</i> | |
| <i>To provide for the housing needs of the community within a low density residential environment.</i> | Not applicable |
| <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> | The existing college provides for the educational needs of the residents and the proposed facility will provide improved services and facilities on site. |
| <i>To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.</i> | The college is located at the southern end of a low density residential environment on the transition to the City Centre. The proposed works are located on the southern boundary fronting Victoria Road and will not impact on the low density residential to the north |

| Objective | Comment |
|--|---|
| | of the site. |
| <i>To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.</i> | The college provides for the educational needs of the Parramatta community and the proposed facility will augment the existing college. |
| R3 Medium Density Residential | |
| <i>To provide for the housing needs of the community within a medium density residential environment.</i> | Not applicable |
| <i>To provide a variety of housing types within a medium density residential environment.</i> | Not applicable |
| <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> | As above |
| <i>To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.</i> | Not applicable |
| <i>To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.</i> | As above |

2. The proposal remains consistent with the relevant objectives of the FSR standard, despite the non-compliance with the FSR limit as demonstrated below:

| Objective | Comment |
|---|---|
| (a) <i>to regulate density of development and generation of vehicular and pedestrian traffic,</i> | The proposed facility will augment the existing facilities within the College site and will not increase student or staff numbers. In this respect, the proposal will not generate any additional vehicular or pedestrian traffic. |
| (b) <i>to provide a transition in built form and land use intensity within the area covered by this Plan,</i> | Immediately to the south of the site, the City Centre LEP 2007 has allowed for an FSR of 1.52 on part of the former Kings School site, whereas to the east of the site, on the eastern side of Villiers St, the City Centre LEP 2007 allows for FSR's of 2:1 and 3:1. In this context, the proposed FSR is considered to be an appropriate intensity. |

| Objective | Comment |
|---|---|
| (c) <i>to require the bulk and scale of future buildings to have regard to heritage sites and their settings,</i> | <p>The proposed building is in keeping with a number of the existing buildings on the site including a number of heritage buildings associated with the long term use of the site as a school and convent.</p> <p>The impact on heritage sites and their setting is further discussed in the Statement of Heritage Impact (refer to Attachment 5 of the SEE).</p> |
| (d) <i>to reinforce and respect the existing character and scale of low density residential areas.</i> | <p>The proposed works are located on the southern edge of the site fronting Victoria Road, abutting the City Centre. The context of the site is not one of a true low density residential character, rather a city edge or transition. The proposed building is therefore considered to be in keeping with the existing character and scale of surrounding development.</p> |

Table 3: FSR Controls Objectives Assessment Table

3. The FSR of the existing development within the 0.5:1 FSR control area currently exceeds the control (0.59:1). In this respect, compliance with the standard is both unnecessary and unreasonable.
4. At the pre-DA meeting of 21 August 2013 Council acknowledged that the proposed envelope of the new building is acceptable.

Given the circumstances of the case, the provision of a strict numerical compliance would be unreasonable on the basis that the proposed development achieves compliance with the objectives of the standard.

3.3 How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?

The objects set down in Section 5(a)(i) and (ii) are as follows:

- “to encourage*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural area, forest, mineral, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land...”*

Compliance with the standard would hinder the attainment of the objects of section 5(a)(i) and (ii) of the Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and coordinate orderly and economic use and development of land.

Strict compliance with the development standard would not result in discernible benefits to the amenity of adjoining sites or the public. Further, the proposal satisfies the zone and development standard, and is compatible with scale of adjoining development. The development as proposed is consistent with the provisions of orderly and economic development. Strict compliance with the standard is not required in order to achieve compliance with the objectives.

3.4 Is the development standard a performance based control? Give details.

No. The building floor space ratio development standard is a numerical control.

3.5 Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

As outlined in Section 3.2 (1) and 3.2 (2), the proposal satisfies the zone and development standard objectives. Therefore strict compliance with the standard is not required in order to achieve compliance with the objectives.

Strict compliance would result in an inflexible application of policy. It does not serve any purpose that is outweighed by the positive outcomes of the development and therefore a better planning outcome overall.

3.6 Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

Yes. In the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard being:

The proposal satisfies the objectives of the R2 Low Density and R3 Medium Density zone and the objectives of the standard as described in Section 3.2 above;

Non-compliance with the standard does not contribute to adverse environmental, social or economic impacts;

As outlined in Section 3.2 and 3.3 above variation to the standard is required to support a viable development on the site.

The proposal does not give rise to impacts associated with an increased maximum FSR, including greater intensity of development, traffic generation and bulk and scale; and

The proposed development is generally compliant with the controls, or the intent of the controls, contained in the Parramatta Development Control Plan 2011.

3.7 Is the variation/objection well founded?

Yes. For reasons outlined in the preceding sections of this submission the variation to the FSR limit on the development is well founded as compliance with the standard is unreasonable as the development does not contravene the objects specified within 5(a)(i) and (ii) of the Act and R2 Low Density and R3 Medium Density zone.

A development that strictly complies with the standard is unnecessary in this circumstance as no appreciable benefits would result to the.

4. Conclusion

Development standards are a means of implementing planning purposes for a development or area.

The proposal seeks to vary the maximum FSR in order to augment the existing College facilities within the site. The proposed development provides an appropriate urban design response to the redevelopment of a city block. The proposed scale of the development is considered appropriate for the context and circumstances of the site, given the scale of surrounding development and being located on the fringe of the Parramatta City Centre.

A development strictly complying with the numerical standard would not have any positive social, environmental or economic impacts.

Assessment of the exception under clause 4.6:

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 4.4 - FSR of PLEP 2011 is a development standard.

2. What is the underlying object or purpose of the standard?

The purpose of Clause 4.4 of PLEP 2011 is to ensure that the bulk and scale of the development is suitable in regards to the area of the site and the type of development proposed. Clause 4.4 specifically states the maximum FSR permitted for development on the subject site and ultimately ensures that the development is of an appropriate bulk and scale.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Compliance with the development standard would be inconsistent with PLEP 2011 which aims to provide planning controls that will encourage a sustainable development, being development which satisfies the principles of ecological (environmental, economic and social) sustainability.

Enforcing compliance with the development standard will restrict a development that would otherwise be appropriate on the site. The site is capable of being developed without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain general compliance with the majority of controls within Parramatta Development Control Plan 2011.

The non-compliance is considered to be acceptable representing a 22% and 55% difference to the maximum FSR for the site. The plans show that the variation in the FSR does not in this case hinder compliance with solar access, views to and from the site and bulk and scale requirements of the Parramatta Development Control Plan 2011 for educational establishments.

The proposed development responds to the site despite the non-compliance and does so without compromising relationships with adjoining developments. Strict compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act as the site will remain under-developed and would not promote the social and educational welfare of the community and a better environment.

The objection to the development standard will ensure that the site is able to be developed and result in better management of the site as well as social enhancement for the community.

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

It is considered that it would be unreasonable to impose the maximum FSR given that the proposed development generally complies with the development requirements pertaining to educational establishments. It does so without adversely affecting adjoining properties in regards to solar access, acoustic impact and privacy whilst maintaining consistency with the development objectives of the zone.

Further, a departure from the standard in this case is considered to be acceptable for the following reasons:

- The maximum floor space ratio applicable to the site is relative to the residential zoning of the site and its expectations that the site is to be developed for residential purposes. However, an educational establishment as that proposed and its purpose as a multi-function facility requires floor area beyond what is envisaged for residential development in order to accommodate the various activities to be undertaken in the proposed facility.
- Recently constructed development (Janet Woods building) located to the north of the proposed development is of a modern design and is of a similar scale as that proposed. The design of the proposal is therefore complimentary with the existing modern architecture to this portion of the OLMC site.
- The proposed development is sited on the corner of O'Connell Street and Victoria Road and on the interface of the Parramatta town centre and Parramatta Park to the west of the site. In this regard, the floor area proposed is warranted given its location.
- Due to its proximity to the Janet Woods building, the development has been designed to be complimentary to the existing development whilst providing an appropriate streetscape presentation to O'Connell Street.
- The development is located with ample distance from the heritage listed convent and the other heritage items on the OLMC site (located predominantly to the east of the development). In this regard, the heritage value of these items is retained and is unlikely to be impacted by the proposal. This is concurred by Council's Heritage Adviser whom does not object to the construction of the proposal is within acceptable limits from a heritage perspective.
- The development provides appropriate setbacks, landscaped areas and solar access to ensure adequate amenity to adjoining properties and users of the development.
- The departure to the FSR allows the provision of improved services and facilities to be used by the students of the school.
- The proposed FSR of the development does not hinder the on-going historic use of the site as a school.

- The departure to the standard does not hinder the development from achieving the objectives of the R2 and R3 Zoning of the site as it continues to provide a service to meet the needs of the community by improving the school facilities.

5. Is the exception well founded?

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Given that the proposed mixed use development responds well to the site and do so without compromising relationships with adjoining developments, do not unduly compromise other relevant controls, and that the proposed development encourages sustainable development whilst providing a public benefit, the Clause 4.6 exception to the development standards to Clause 4.4 – FSR of PLEP 2011 is considered to be well founded.

HOUSEKEEPING DRAFT AMENDMENTS TO 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.

There are no zoning changes proposed in the draft housekeeping PLEP2011 and most of the proposed amendments relate to dual occupancy developments.

The main change relates to the removal of “Dual Occupancy “ from the list of land uses permitted with consent in all zones and requiring consultation with Schedule 1- Additional permitted uses, where clause 9 introduces dual occupancy developments and refers to a “Local provisions for dual occupancy developments map” and repeals the “Minimum lot sizes for dual occupancy development map”. These draft modifications aim to prohibit dual occupancies in some areas and only permit detached dual occupancies on sites with two street frontages or on heritage listed properties. This does not directly impact the proposed development and dual occupancy developments will continue to be permissible on this site.

As the application relates to the construction and use of the premises as a multi-purpose educational facility, and thus, the amendments to PLEP 2011 are not applicable.

Zone Objectives

The objectives of the R2 Low Density Residential zone include:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.*
- *To ensure that building form, including that of alterations and additions, is in character with the surrounding built environment.*
- *To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.*

The objectives of the R3 High Density Residential zone include:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*

- *To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors to residential neighborhoods.*

The proposed development is consistent with the aims and objectives of the R2 Low Density Residential and the R3 Medium Density zoning applying to the land as the proposed multi-purpose educational facility provides a community facility that meets the day to day needs of workers whilst maintaining suitable residential amenity for adjoining sites.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

| Development Control | Proposal | Compliance |
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| Site Considerations | | |
| 2.4.1 Views and Vistas Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas. Refer also to Views and Vistas in the Harris Park Heritage Conservation Area in Part 4. | The site is not identified as having views and vistas identified as being significant by Appendix 2 nor is the site located in the Harris Park Conservation Area. | Yes |
| 2.4.2.1 Flooding Is the site flood affected by local or mainstream flooding? If yes refer to section 2.4.2 of DCP 2011 for detailed controls. | The site is not identified by Council as being flood prone. | N/A |
| 2.4.2.2 Protection of Waterways Does the site adjoin a | The site does not adjoin a water | N/A |

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| waterway? | way. | |
| <p>2.4.2.3 Protection of Groundwater</p> <p>Is a basement carpark proposed?</p> <p>If yes does the site require dewatering to facilitate this?</p> | <p>A basement carparking is not proposed.</p> | N/A |
| <p>2.4.3.1 Soil Management</p> <p>Are there adequate erosion control measures?</p> | <p>Conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.</p> | Yes |
| 2.4.3.2 Acid sulphate soils | Refer to LEP table above | Yes |
| <p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p> <p>If yes, have investigations been undertaken in accordance with the Western Sydney Salinity Code of Practice 2003?</p> | <p>Subject to conditions, the works will not impact or be impacted by salinity.</p> <p>The proposed landscaping is assessed as appropriate. The application does not nominate an irrigation system.</p> <p>Consultation with Council's Landscape and Tree Management Officer has found that the proposed plant species will not require an unreasonable amount of water for their maintenance.</p> | Yes |
| <p>2.4.4 Land Contamination</p> <p>Is the site identified as or likely to be contaminated?</p> | <p>The site is not contaminated nor is there any previous history that may have caused contamination.</p> | Yes |
| <p>2.4.5 Air Quality</p> <p>Have appropriate controls</p> | <p>Standard conditions have been</p> | Yes |

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| <p>been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?</p> | <p>imposed to ensure that the potential for increased air pollution has been minimised.</p> | |
| <p>2.4.6 Development on Sloping Land</p> <p>Does the design of the development appropriately respond to the slope of the site?</p> | <p>The site is relatively flat and therefore only proposes minor regrading and excavation works to accommodate the new building.</p> <p>The roof design is a flat roof to accommodate the basketball court to the roof. The lack of roof pitch on the proposed development is not that dissimilar to the roof form of the adjoining development to the north (Janet Woods Building).</p> | <p>Yes</p> |
| <p>2.4.6 Biodiversity</p> <p>Is vegetation removal appropriate?</p> <p>Does the landscape plan incorporate indigenous planting listed in Appendix 3?</p> <p>If the site contains or adjoins bushland is a Statement of Flora/Fauna Impact Required?</p> | <p>The application seeks to remove trees on the site.</p> <p>The plans submitted with the application does not include provision for species nominated in Appendix 3 of the PDCP 2011, however Council's Tree Management and Landscape Officer has not raised objection to the tree removal and landscaping scheme.</p> | <p>Yes</p> |
| <p>2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone</p> <p>Does the site adjoin land zoned E2 or W1?</p> | <p>The site does not adjoin land zoned E2 or W1.</p> | <p>N/A</p> |

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| 2.4.7 Public Domain | | |
| Does the building appropriately address the public domain? | The development has an appropriate address to both O'Connell Street and Victoria Road with distinguishable fenestrations and an entry that adequately address the public domain. | Yes |
| Does the development provide appropriate passive surveillance opportunities? | The windows along all the elevations and the veranda on the eastern elevation of the facility promote natural surveillance from within the development, to the street and to the internal courtyards / playgrounds of the school site (to the north). | Yes |
| Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent? | Standard conditions incorporated in the consent requiring the payment of a bond to ensure that the nature strip is maintained and in the event that it is damaged due to the works associated with the proposal that Council be reimbursed for the damages. | Yes |
| 3. Preliminary Building Envelope | | |
| Frontage | Whilst there are no minimum frontage requirements for educational establishments, the primary frontage along Victoria Road is 180 metres and in this regard is considered to be adequate in accommodating facility with a 30 metre elevation. | Yes |
| Height Does the proposal exceed the Maximum height as shown on the Parramatta LEP 2011 Height of Buildings Map? | See LEP assessment of Height. | No, but acceptable |
| Front Setback No minimum | Victoria Road – 3 metres O'Connell Street – Nil | Acceptable |

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| requirements for educational establishments. | The proposed setbacks are similar to the prevailing setbacks of the Janet Woods Building to the north of the development and the heritage listed convent cottage to the east. | |
| Deep Soil zone | There are no minimum deep soil zone requirements for educational establishments. However, the OLMC site is predominantly concreted and that the location of the proposed development is currently occupied by a basketball court / tennis court area. Accordingly, the proposal is unlikely to reduce the existing deep soil zones of the site. | Acceptable |
| Landscaped Area | See above comments. | Acceptable |
| 3.2. Building Elements | | |
| 3.2.1 Building Form and Massing Are the height, bulk and scale of the proposed building consistent with the building patterns in the street? | The bulk of the building is consistent with the desired future character of the area. It is considered that the proposed development subject to conditions of consent will not adversely impede on the existing streetscape as plans indicate satisfactory setbacks and is of an acceptable height and FSR. See LEP assessment with regards to FSR and height for further discussion on bulk and scale. | Yes |
| 3.2.2 Building Façade and Articulation Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the | The proposal provides adequate setbacks to allow for building separation between the Janet Woods building to the north and the heritage cottage to the east resulting in a reduced perception of bulk and | Yes |

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| <p>elements of the building's architecture?</p> <p>Does the building exceed the building envelope?</p> <p>If yes, by more than:</p> <ul style="list-style-type: none"> • 800mm for balconies and eaves: • 600mm for Juliet balconies and bay windows | <p>scale.</p> <p>The development is designed to accommodate solar access to the adjoining properties and to create some visual interest on the pedestrian level. Additionally, a mix of building materials and colours are used to reduce the appearance of bulk and scale. Windows have been located and designed on elevations to reduce blank walls for improved visual amenity.</p> <p>Whilst the development proposes a veranda on the upper floor along the eastern elevation. However, this element does not exceed the building envelope. Further, the development is located on a school site and any overlooking impacts to adjoining residential properties from the veranda are unlikely.</p> <p>Accordingly, there will be no unreasonable loss of amenity to adjacent properties.</p> | |
| <p>3.2.3 Roof Design</p> <p>Does that roof form minimise the bulk and scale of the building?</p> <p>Does the roof form respond to the local context, in particular scale and pitch?</p> | <p>The development incorporates a flat roof design that considers roof form of the adjoining building to the north (Janet Woods building). This also ensures some visual continuity along the O'Connell Street elevation to create interest on the pedestrian level.</p> <p>The proposed roof design is common for a school facility and is sympathetic with the existing school buildings within the site. It is noted that the proposed development provides some building separation to the heritage listed convent cottage to the east to provide visual and physical relief to the heritage item and is therefore unlikely to impact on its heritage value.</p> | <p>Yes</p> |

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| <p>3.2.5 Streetscape</p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale.</p> | <p>While it is acknowledged that the development is inconsistent with some of the heritage listed items on the site and immediate locality, it is consistent with the modern school buildings existing on the site, particularly the Janet Woods building located to the north.</p> <p>The proposal provides for appropriate setbacks, building separation and landscaping. Its bulk and scale is also consistent with developments on the school site. Further, the setbacks, landscaping and use of sympathetic building materials and finishes compliments the existing low scale developments on the site and within the locality.</p> | Yes |
| <p>3.2.6 Fences</p> <p>Is the front fence a maximum height of 1.2metres?</p> <p>Are front fences a common element in the locality?</p> | <p>Construction of a 1.2 metre front consisting of a 300mm high brick edge with a 900mm high palisade fence.</p> | N/A |
| 3.3 Environmental Amenity | | |
| <p>3.3.1 Landscaping</p> <p>Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and incorporated into the design of the development?</p> <p>If the basement carpark extends beyond the building envelope is a minimum soil depth of 1m provided from the top of the slab?</p> | <p>The proposed works has the endorsement of Council's Landscape and Tree Management Officer subject to conditions of consent.</p> <p>Refer to Referrals section of this report.</p> <p>A basement is not proposed.</p> | <p>Yes</p> <p>N/A</p> |
| <p>3.3.3 Visual Privacy</p> <p>Do balconies face the street or another element of the</p> | <p>Due to its location, the development is not within close proximity to</p> | Yes |

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| public domain such as a park? | residential premises. The nearest residential premises to the development is located to the north on Grose Street, approximately 115 metres from the site. Accordingly, any overlooking impacts to these residential properties are unlikely. | |
| <p>3.3.4 Acoustic Amenity</p> <p>Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?</p> | The site is not located within proximity to noise generating land uses. | Yes |
| <p>3.3.5 Solar Access</p> <p>Do all dwellings receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p> | <p>Due to the orientation of the site, 3 hours of solar access to the adjoining heritage listed item to the east and to the northern building (Janet Woods building) will be retained.</p> <p>Additionally, the proposed development will also benefit from a minimum of 3 hours of solar access within the building during the winter solstice.</p> | Yes |
| <p>Cross Ventilation</p> <p>Does the building have a maximum depth of 18m?</p> | <p>The building is approximately 50 metres in length.</p> <p>Notwithstanding, the development provides an open floor layout with ample fenestrations on all elevations to ensure appropriate cross ventilation. In this regard, the proposal is considered acceptable.</p> | No, but acceptable |

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| <p>3.3.6 Water Sensitive Urban Design</p> <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?</p> | <p>Council's Development Engineer has advised that the stormwater plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.</p> | <p>Yes</p> |
| <p>3.3.7 Waste Management</p> <p>Is the waste management plan satisfactory?</p> | <p>The amended Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.</p> | <p>Yes</p> |
| <p>3.4 Social Amenity</p> | | |
| <p>Is an arts plan required?</p> | <p>Due to the site area being 16000m2 with a Capital Investment Value of more than \$5,000,000.00, an Arts Plan was submitted with the application.</p> <p>The Arts Plan was reviewed by Council's Public Arts Officer. Upon review, no objections were raised to the Arts Plan subject to conditions of consent.</p> | <p>Yes</p> |
| <p>3.4.2 Access for People with disabilities.</p> <p>Does the development contain adequate access for people with a disability?</p> | <p>The facility is visitable and able to be accessed for people with disabilities. The entrance to the facility will be graded with a fall to Victoria Road to allow access.</p> | <p>Yes</p> |
| <p>3.4.4 Safety and Security</p> <p>Has the development been designed in accordance with crime prevention principles?</p> | <p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. Entries and</p> | <p>Yes</p> |

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| Are the building entries orientated to the street? | windows of the facility address both O'Connell Street and Victoria Road to promote surveillance from within the development to the front setback and public domain. | Yes |
| 3.5 Heritage | | |
| Development must comply with the objectives, principles and controls in Part 4 and any relevant objectives, principles and controls in Parts 2 and 3 of this DCP. Where there is any inconsistency Part 4 will prevail. | The site is heritage listed. See Referral section with regards to discussion from Council's Heritage Adviser for further information. | Yes |
| 3.5.2 Archaeology Is excavation proposed? If yes is the area within the study area of the Parramatta Historic Archaeological Landscape Management Study (PHALMS)? | The site is located within an area identified in PHALMS (Archaeological Management Unit ID 2862). However, it is noted that the development will not involve extensive excavation works and in this regard is considered to be acceptable. | Yes |
| 3.5.3 Aboriginal Cultural Heritage | | |
| For properties with Low Sensitivity and is located within 100 metres of a creek or river foreshore and contains uncleared bushland, advice from local Aboriginal Communities are to be obtained. | The subject site is not located within proximity to a creek or river foreshore. | N/A |
| 3.6 Movement and Circulation | | |
| 3.6.2 Sustainable Transport If the development contains more than 50 apartments and is located within 800m of a railway station/ 400m of a bus stop with a service frequency of an average of 15minutes or less between 7am and | The development does is not for residential purposes. Accordingly, this control is not applicable. | N/A |

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| 9am is a car share parking space provided? | | |
| 3.6 Parking Provision | | |
| No minimum parking requirements for an educational facility. | <p>No additional parking is proposed.</p> <p>It is noted that the development will not result in an increase in either staff or students. The purpose for the development is to improve the current facilities for the benefit of the students attending the school.</p> <p>Given this, and that only the current students and staff will be utilising the building, it is unlikely that there will be any increase in car parking demands and therefore traffic within the local area.</p> <p>The school currently provides for staff parking to the east of the development and will be retained by the school. Further, Council's Traffic Engineer raised no objections to the proposal on car parking or traffic grounds subject to conditions of consent. Accordingly, the proposal is considered to be acceptable in this regard.</p> | Yes |
| 3.6.3 Accessibility and Connectivity If the development is a large site with a street pattern that limits pedestrian movements is it appropriate for pedestrian through link with a minimum width of 3m to be provided? | Due to the nature of the site as an educational facility, a pedestrian through link is not required. | N/A |
| 3.7.2 Site consolidation and isolation | | |
| Does the proposal result in adjoining sites being isolated e.g. adjoining sites would not meet the minimum frontage requirements etc | The proposal does not result in the isolation of any adjoining properties | Yes |
| Part 4 Special Precincts | | |
| Special Precincts? | | |

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| Is the site located in strategic precinct where area specific controls contained in section 4.3 have been prepared? | The site is not located within a special precinct. | N/A |
| Part 5 Other Provisions – Educational Establishments | | |
| Locational Requirements | <p>The location for the proposed multi-purpose building is considered to be appropriate as it is:</p> <ul style="list-style-type: none"> - Located within an existing educational establishment which allows for safe and efficient movement of children from the facility to school. - Provides a safe pedestrian access. - The location for the building is generous in land area and has the capacity to provide an efficient building form, generous access, circulation spaces and extensive play areas (ie, the roof). - The facility is provided for the benefit of the current students of the school. - The location of the facility is within walking distance to public transport services. - The location of the facility does not have a direct access to an arterial road. | Yes |
| <p>Building and Scale</p> <p>FSR and height – in accordance with PLEP 2011</p> | <p>Refer to assessment of PLEP 2011 for further discussion.</p> <p>Despite the departure to the maximum height and FSR the proposed multi-purpose building:</p> <ul style="list-style-type: none"> - Meets the objectives of the R2 and R3 zoning of the site. - Is sensitive to the streetscape character. - Does not adversely impact | No, but acceptable |

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| | the existing landscaping on the school site. | |
| Acoustic Privacy | <p>It is noted that the nearest residential property is located on Grose Street which is approximately 115 metres to the north of the site.</p> <p>Further, as there will be no increase in the number of staff and students, the current acoustic levels will be retained. Accordingly, it was not considered necessary to submit an Acoustic Report.</p> <p>However, acoustic privacy were addressed in the Statement of Environmental Effects and states that as the multi-purpose facility will be enclosed, adverse acoustic impacts from the building is unlikely. Despite the open nature of the roof top basketball court, the acoustic levels from the use of this portion of the development will not be that dissimilar from the level of acoustics currently emitted from the current use of its location as netball courts.</p> | Yes |
| Open Space Areas | The proposed multi-purpose building provides a roof top basketball court to be used as open space play areas for the students. In addition, the multi-purpose indoor space of the building may accommodate indoor recreational activities. The construction of the development will require removal of existing demountable and therefore providing additional internal courtyard areas for students to use. | Yes |
| Traffic, Parking and Access | The purpose of the development is to improve the current facilities for the benefit of the students of the school. The development will therefore not result in any increase the number of staff or students. As | |

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| | <p>such, a Traffic Report was not required to be submitted. This is supported by Council's Traffic Engineer whom did not raise any concerns with the proposal's impacts on local traffic and parking.</p> <p>It is noted that an established staff parking area is located to the east of the development and will continue to be utilised by the staff.</p> | |
| Operational Plan of Management | <p>An Operational Plan of Management was submitted and will form part of the approved documents.</p> <p>The use of the proposed multi-purpose buildings will coincide with the existing school hours. Use of the building outside of school hours are proposed and will be subject to the same arrangements and terms of use during school hours.</p> | Yes |

POLICIES

PUBLIC DOMAIN GUIDELINES

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

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

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

An Alignment Plan was submitted for Council's consideration. This plan generally indicates acceptable footpath levels and gradients for the proposed development. Council's Civil Assets section has reviewed the plans. The comments provided by Council's Civil Assets section are discussed elsewhere in this report.

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

Arts Plan

An arts plan was submitted with the application. The plan has been reviewed by Council's Public Arts Officer who advised that it was satisfactory. A condition will be imposed on any consent issued requiring implementation of the arts plan prior to the release of the occupation certificate.

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for the development exceeds \$100,000 a Section 94A development contribution **1.0%** is required to be paid. A Quantity Surveyor who is a member of the Australian Institute of Quantity Surveyors prepared a Quantity Surveyors Report that detailed **\$639,430** of exemptions. Accordingly, the Section 94A contributions will be calculated on the value of **\$7,7104,185**.

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

PARRAMATTA CITY COUNCIL 2013/2014 SECURITY BONDS FOR THE PROTECTION OF CIVIL INFRASTRUCTURE

Council's 2013/2014 Schedule of Fees and Charges requires the developer 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 more than \$500,000, the applicant will be required to pay a Security Bond of \$42,500 (2 x street and 1 x hoarding) prior to the release of a Construction Certificate.

It is noted that despite the site having 4 boundaries, as the development will only be located on the corner of O'Connell Street and Victoria Road, only 2 frontage bonds will be 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

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

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

One submission was 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 not contrary to the public interest.

Conclusion

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

Recommendation

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

That the Western Sydney Joint Regional Planning Panel as the consent authority is of the opinion that the following variations under Clause 4.6 of *Parramatta Local Environmental Plan 2011* are supportable:

- (i) Maximum height under Clause 4.3 of Parramatta Local Environmental Plan 2011
- (ii) floor space ratio under Clause 4.4 of Parramatta Local Environmental Plan 2011

That the Western Sydney Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case as the proposal satisfies the objectives of the development standard and will not compromise the amenity of the locality.

AND

That the Western Sydney Joint Regional Planning Panel, as the consent authority, being satisfied that the variations under Clause 4.6 of *Parramatta Local Environmental Plan 2011* is supportable and that granting consent to Development Application DA/43/2014 is consistent with the aims of the LEP, grant consent to Development Application No. DA/43/2014 for the demolition of a heritage building, demolition of ancillary structures, tree removal and construction of a Multi Purpose Facility (Educational) on land at 2-6 Victoria Road, Parramatta as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

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 |
|--|------------------|
| Public Domain Plan. Job No. 1504.13, Drawing No. DA19. Issue I. | 26 March 2014 |
| Public Domain Plan Sections (pages 1-4). Job No. 1504.13, Drawing No. DA20. Issue I. | 26 March 2014 |
| Landscape Plan. Drawing No. L02. Issue F. | 12 February 2014 |
| Landscape Plan Section, Plant Palette and Schedule. Drawing No. L03. Issue F. | 12 February 2014 |
| Location Plan. Job No. 1504.13. Drawing No. DA01. Issue I. | 29 January 2014 |
| Demolition Plan. Job No. 1504.13. Drawing No. DA02. Issue I. | 29 January 2014 |
| Site Plan. Job No. 1504.13. Drawing No. DA03. Issue I. | 29 January 2014 |
| Level 1 Floor Plan. Job No. 1504.13. Drawing No. DA04. Issue I. | 29 January 2014 |
| Level 2 Floor Plan. Job No. 1504.13. Drawing No. DA05. Issue I. | 29 January 2014 |
| Level 3 Floor Plan. Job No. 1504.13. Drawing No. DA06. Issue I. | 29 January 2014 |
| Roof Plan. Job No. 1504.13. Drawing No. DA07. Issue I. | 29 January 2014 |
| Elevations – North and South. Job No. 1504.13. Drawing No. DA08. Issue I. | 29 January 2014 |
| Elevations – East and West. Job No. 1504.13. Drawing No. DA09. Issue I. | 29 January 2014 |
| Sections. Job No. 1504.13. Drawing No. DA10. Issue I. | 29 January 2014 |
| Context Elevations. Job No. 1504.13. Drawing No. DA11. Issue I. | 29 January 2014 |

| Drawing N ^o | Dated |
|---|-----------------|
| Materials and Finishes. Job No. 1504.13. Drawing No. DA13. Issue I. | 29 January 2014 |
| Hydraulic Plan – Site Plan and Legend. Project No. 2013-0139. Drawing No. HDA01/P3. | 24 January 2014 |
| Hydraulic Plan – Roof Plan. Project No. 2013-0139. Drawing No. HDA03/P3. | 24 January 2014 |
| Hydraulic Plan – Detail Street. Project No. 2013-0139. Drawing No. HDA04/P3. | 24 January 2014 |

| Document(s) | Dated |
|------------------------------|-----------------|
| Waste Management Plan. | January 2014 |
| Operational Management Plan. | Undated |
| Arts Plan | 28 March 2014 |
| BCA Report | 28 January 2013 |
| Arborist Report | January 2014 |

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. Approval is granted for the demolition of **the existing courts and fencing/walls along the corner of O'Connell Street and Victoria Road, the heritage listed terrace and demountable classroom structures to the rear of No. 2 Victoria Road** currently on the property, 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 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; and
 - r) Payment of the relevant fees for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.
3. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.
Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.
 4. 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.
 5. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.
Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
 6. 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.
 7. All roof water and surface water is to be connected to an approved drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.
Reason: To ensure satisfactory stormwater disposal.

8. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary.

Reason: To minimise impact on adjoining properties.

9. Trees to be retained are:

| <u>Tree No</u> | <u>Name</u> | <u>Common Name</u> | <u>Location</u> | <u>DBH Diameter (mm)</u> |
|----------------|--------------------------|-----------------------|--------------------------|--------------------------|
| 4 | Trachycarpus fortunei | Chinese Windmill Palm | Refer to Arborist Report | |
| 5 | Brachychiton acerifolius | Illawara Flame Tree | Refer to Arborist Report | 300 |
| 6 | Brachychiton acerifolius | Illawara Flame Tree | Refer to Arborist Report | 400/300 |
| 7 | Juglans Regia | English Walnut | Refer to Arborist Report | 300 |
| 8 | Jacaranda Mimosifolia | Jacaranda | Refer to Arborist Report | 800 |
| 9 | Jacaranda Mimosifolia | Jacaranda | Refer to Arborist Report | 400 |
| 10 | Jacaranda Mimosifolia | Jacaranda | Refer to Arborist Report | 300 |
| 11 | Cinnamomum camphora | Camphor Laurel | Refer to Arborist Report | 1600 |
| 12 | Lophostemon Confertus | Brush box | Refer to Arborist Report | 400 |

Reason: To protect significant trees which contribute to the landscape character of the area.

10. Trees to be removed are:

| <u>Tree No</u> | <u>Name</u> | <u>Common Name</u> | <u>Location</u> |
|----------------|------------------------|---------------------|--------------------------|
| 1 | Araucaria heterophylla | Norfolk Island Pine | Refer to Arborist Report |
| 2 | Robinia pseudoacacia | Black Locust | Refer to Arborist Report |
| 3 | Grevillea robusta | Silky Oak | Refer to Arborist Report |

Reason: To facilitate development.

11. All approved Tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

Reason: To ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.

Prior to the Issue of a Construction Certificate

12. A revised landscape plan must be submitted with the construction certificate. The revised landscape plan must be consistent with the approved landscape plan referenced in condition 1 with the following amendment.

The following species must be replaced:

- (a) The replacement of proposed *Acmena smithii* with *Acer buergerianum* (Trident Maple)

Reason: To ensure the restoration of the environmental amenity of the area.

13. A monetary contribution comprising **\$71,041.85** 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.

14. 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.

15. 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.

16. 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.

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

The engineer shall:

- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - i. all relevant statutory requirements,
 - ii. all relevant conditions of development consent
 - iii. construction requirements detailed in the above Specification, and
 - iv. the requirements of all legislation relating to environmental protection,
- b. On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
- c. Certify that the Works as Executed plans are true and correct record of what has been built.

18. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

Reason: To minimise costs to Council

19. 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.

20. Prior to any works commencing on the driveway crossover and prior to the issue of any Occupation Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the

property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

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

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

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

21. 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 [43/2014](#);
- 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 must be provided as follows:

| Bond Type | Amount |
|--------------------------|----------|
| Nature Strip and Roadway | \$40,000 |
| Hoarding | \$2,500 |

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.

22. 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.

23. Access for people with disabilities shall be provided to the affected part of the building in accordance with the requirements of the Access to Premises Standard 2010 and the Building Code of Australia (BCA). Details are to be submitted to the Certifying Authority for assessment prior to the issuing of the Construction Certificate.

24. 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 works commencing on site.

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, storm water drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

The PCA must ensure that the plans have been appropriately stamped prior to the issue of any construction Certificate.

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

Advisory note: Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating or telephone 13 20 92.

25. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing drainage pit system in the street. 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).

The PCA shall ensure that the connection of the site storm water discharge pipe across the footpath into Council' existing drainage pit (or into a new grated pit to be constructed) shall be to the satisfaction of Council's Asset Engineer prior to the commencement of works.

Reason: To ensure satisfactory stormwater disposal.

26. No work is to commence on the storm water system until the detailed final stormwater plans have been approved by the Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate must ensure:

- (a) The final drainage plans are consistent with the approved Concept Drainage Plans Dwg No. HDA02/P3 and HDA04/P3 dated 24/01/14 and the conditions of the Development Consent.

Note: The reference Concept Plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan must be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval).

- (b) The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.

- (c) The design achieves:

- (i) The design achieves a Site Storage Requirement of 470 m³/ha and a Permissible Site Discharge of 80 Ls/ha (as per 3rd edition of UPRCT's handbook).
- (ii) When using the Extended/Flood detention method (4th edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRDL of 40 l/s/ha, Site

Storage Requirement (Lower Storage) SSRL of 300m³/ha and Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 455.0 m³/ha as per the submitted OSD calculation.

- (iii) The proposed overflow box culvert (2.0x0.2m) under the building shall be reinforced concrete structurally adequate and compatible with the building foundations. Its adequacy shall be certified by a practicing structural engineer to the satisfaction of the PCA.
 - (vi) The construction and the drainage adequacy of the proposed overflow box culvert (2.0x0.2m) under the building shall be supervised by the drainage engineer to the satisfaction of the PCA. The grates shall be secured and made practical for future maintenance when required.
 - (v) In order to provide adequate continuous cross ventilation to the OSD tank, provisions shall be made to provide additional vent holes below the tank cover slabs. The vent holes shall be located above the maximum water levels within the OSD tank. Details of the vents shall be included in the final drainage plans submitted with the Construction Certificate application.
 - (vi) The overland flow pipe within the OSD tank used to bypass the orifice plate - shall be certified to be adequate by the drainage engineer to the satisfaction of the PCA.
 - (vii) The final drainage plan shall show additional three junction (closed) access every 5.0m (approx) to the OSD tank within the building.
- (d) Detailed drainage plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

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

27. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers [DS9 & DS10]. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

28. That the Applicant engages an Artist/s to develop site specific artwork/s which is consistent to the proposed themes and treatment areas outlined in the Arts Plan.

29. On completion of the artwork design stage, the Applicant will be required to submit all additional documentation to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management prior to its implementation.

Prior to the Commencement of Work

30. Prior to the demolition, the building is to be recorded in accordance with the NSW Heritage Branch of Department of Planning guidelines for Recording of Heritage Items. The details of these guidelines can be found at: http://www.heritage.nsw.gov.au/docs/info_photographicrecording2006.pdf

Reason: To provide a historical record of heritage significant works on the site for archival purposes.

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

- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

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

Reason: To comply with legislative requirements.

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

Reason: To ensure proper management of Council assets.

33. 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.

34. 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.

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

Construction Management Plan for the Site indicating:

- I. Proposed protection of pedestrians adjacent to the site.
- II. Proposed pedestrian management whilst vehicles are entering and leaving the site
- III. Dedicated construction site entrances and exits.
- IV. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- 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. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification).

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.

36. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

37. 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.

38. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Principal Certifying Authority (and Council if not the PCA) of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters and drainage pits.

Reason: To ensure that the applicant bares the cost of all restoration works to Council's property damaged during the course of this development.

39. 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:

IX. all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism

X. all site boundaries are to be secured and maintained to prevent unauthorised access to the site

XI. all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis

XII. the site is to be maintained clear of weeds

XIII. 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.

40. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- Protect and support the adjoining premises from possible damage from the excavation
- Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

41. 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.

42. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
 - ii. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
 - iii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
 - iv. The existing groundwater levels in relation to the basement structure, where influenced.
 - v. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
 - vi. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall

specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- vii. No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- viii. No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- ix. No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- x. Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- xi. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- xii. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

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

43. The trees identified for protection within the arborist report prepared by Urban Forestry Australia dated January, 2014 shall be protected prior to and during the demolition/construction process in accordance with this document.

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

44. During the works, the applicant shall fulfil any requirements for archaeological survey as per the conditions of consent to the Application under the S.140 of the Heritage Act, issued by the NSW Heritage Branch of Department of Planning. The applicant shall implement any archaeological watching brief as required by the conditions of consent to the Application under the S.140 of the Heritage Act, issued by the NSW Heritage Branch of Department of Planning.

If any European archaeological relics are discovered (or are believed to be discovered) during works, the works shall cease and the NSW Heritage Branch of Department of Planning shall be notified, in accordance with the NSW Heritage Act.

If any Aboriginal archaeological relics are discovered (or are believed to be discovered) during works, the works shall cease and the NSW Department of Environment and Climate Change (National Parks and Wildlife Service) shall be notified, in accordance with the NSW National Parks and Wildlife Service Act.

44. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or

construction works upon the site. These measures are to be maintained throughout the entire works.

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

During Construction

45. All trees planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the planting and growth requirements of Council's Standard Drawing DS39.

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

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

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

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

Reason: To provide satisfactory drainage.

48. 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.

49. 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.

50. 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.

51. 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.

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

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

53. All building and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring 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.

Reason: To protect the amenity of the area.

54. 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.

55. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

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

56. 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.

57. 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.

58. 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:
E.g. 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.

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

Reason: To ensure proper management of Council assets.

60. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must be maintained throughout the entire demolition, excavation and construction phases of the development.

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

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

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

62. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) - "Off-street car parking" to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

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

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

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

64. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

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

Reason: To prevent pollution of waterways.

Prior to release of Occupation Certificate

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

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

66. 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.

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

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

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

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

69. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All

costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

Reason: To provide satisfactory drainage.

70. 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.

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

- Stormwater system including On-Site Detention systems have been built according to and comply with the requirements including the OSD storage volume as shown on the approved stormwater plan.
- The Work-As-Executed plans are prepared **on the copies of the approved drainage plans issued with the Construction Certificate** and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (in incremental depth verses segmental area and volume table) and certified by the registered surveyor.
- OSD Works-As-Executed survey certification form and dimensions form (refer to UPRCT Handbook - Form B10 and Form Attachment B).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook – **Form B11** Certificate). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.

- Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- Structural Engineer's Certificate for the OSD tank structure, basement pump-out tank structure, OSD basin (retaining) wall etc.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

Reason: To ensure works comply with approved plans.

72. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The positive covenant and restriction on the use of land shall be created only upon completion of the OSD system and certification by a qualified practicing engineer to the satisfaction of the Principal Certifying Authority. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms **13PC** and **13RPA (Not in 88B instrument)**. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan and the detailed maintenance schedule, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Note: The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.

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

73. The artworks are to be completed in full, in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate.
74. A qualified Landscape Architect/Designer must certify the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

The Use of the site

75. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

76. 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.

77. 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.

78. No advertisement/signage shall be erected on or in conjunction with the development without prior development consent unless the advertisement is 'exempt development' in accordance with the relevant planning instruments.

Reason: To comply with legislative controls.

79. The days and hours of operation are as per the approved Operational Plan of Management.

Any alterations to the hours of operation as stipulated in the Operational Plan of Management will require further development approval.

Reason: To minimise the impact on the amenity of the area.

80. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

81. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises

82. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

83. For events that occur outside of school hours (7am to 6pm, Monday to Friday), on-site parking shall be provided.

Reason: To ensure that adequate parking spaces are provided.

Report prepared by:

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