

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

JRPP No.	2014SYW166
DA Number	DA/799/2014
Local Government Area	Parramatta City Council
Proposed Development	Demolition, tree removal and construction of an office building, Chancery building and a Parish Hall and associated basement parking on Lot 1 D P 1034092 and construction of a part 5 part 6 storey residential flat building, comprising 77 units with two levels of basement parking on Lot 5 DP 1182647.
Street Address	No.1 Marist Place & No.26 O Connell Street, PARRAMATTA
Applicant/Owner	The Catholic Diocese of Parramatta/ Trustees Roman Catholic Church
Number of Submissions	No submissions
Regional Development Criteria (Schedule 4A of the Act)	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the development has a capital investment value of more than \$20 million
List of All Relevant s79C(1)(a) Matters	State Environmental Planning Policy No. 65, State Environmental Planning Policy No. 55, State Environmental Planning Policy (Infrastructure) 2007, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, Parramatta Local Environment Plan 2011.Parramatta Development Control Plan 2011.
Recommendation	Approval subject to conditions
Report by	Ashleigh Matta Development Assessment Officer

ASSESSMENT REPORT

S79C – Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/799/2014
Assessment Officer:	Ashleigh Matta
Property:	Lot 1 DP 1034092 (PCO 238 REFERS), No. 1 Marist Place and Lot 5 DP 1182647, No. 26 O'Connell Street, Parramatta
Proposal:	<p>Demolition, tree removal and construction of an office building, Chancery building and a Parish Hall with associated basement parking on Lot 1 DP 1034092 and construction of a part 5 part 6 storey residential flat building, comprising 77 units with two levels of basement parking on Lot 5 DP 1182647.</p> <p>The proposal is Nominated Integrated development as approval has been sought under the Heritage Act 1977 and the National Parks and Wildlife Act 1974.</p> <p>The proposal will be determined by the Sydney West Joint Regional Planning Panel.</p>
Date of receipt:	25 November 2014
Applicant:	The Catholic Diocese of Parramatta
Owner:	Trustees Roman Catholic Church
Submissions received:	No submissions
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Issues:	Height of the residential flat building
Recommendation:	Approval subject to conditions

Legislative requirements

Zoning:	B4 Mixed Use
Permissible under:	Parramatta City Centre Local Environmental Plan 2007
Relevant legislation/policies:	Parramatta Development Control Plan 2011, BASIX SEPP, 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:	Parramatta City Centre Local Environmental Plan 2007: Clause 21 Height of Buildings Clause 22 Floor Space Ratio
Integrated development:	Yes The proposed development involves works on a site that is of high aboriginal sensitivity and contains heritage items of State significance. As such, an approval in accordance with the Heritage Act 1977 and National Parks and Wildlife Act 1974 is required.
Crown development:	No

The site

Site Area:	15,378.1m² 9,505m ² (Cathedral allotment) 5,873.1m ² (OKS allotment)
Easements/rights of way:	No
Heritage item:	Yes 1 Marist Place – St Patricks Cathedral, Presbytery and Precinct and potential archeological site (State) Marsden Rehabilitation Centre and potential archaeological site (also referred to as Former King's School Group). Both the sites are listed in the State Heritage Register.

In the vicinity of a heritage item: Yes

3 Marsden Street
24 O'Connell Street – Marsden Rehabilitation
Centre and potential archeological site (Local)
Old Kings School (state)

Heritage conservation area: No

Site History: Yes

Planning Proposal

A Planning Proposal (PP) has been submitted to Council in November 2011 on behalf of Crown Lands Trust Reserve to transfer allowable floor space ratio (FSR) and height from land forming part of the Old Kings School site.

This PP has sought to facilitate the subdivision of an "L" shaped portion of the north west of the site. The portion of the Old Kings School site proposed to be subdivided is now owned by the Catholic Diocese of Parramatta and is known as the OKS allotment.

This PP was gazetted on 6 July 2012 and permitted a maximum permissible FSR of 1.52:1 and a maximum height of buildings control of 18m under the Parramatta City Centre Local Environmental Plan 2007. The zoning of the land remained unchanged.

Subdivision to create Lot 1 DP 1182647 (DA/515/2012)

A subdivision of the "L" shaped portion of the OKS north-western portion involved an area of 5,873m².

The subdivision was registered in Lot 1 DP 1 182647 on 21 March 2014 with NSW Land and Property Information.

Demolition and Remediation Consent (DA/817/2013)

Development Consent No. 817/2013 was approved on 8 May 2014 for tree removal, demolition of four buildings and site remediation

SECTION 79C EVALUATION

THE PROPOSAL

Consent is sought for the following:

1. Demolition

Demolition of the existing buildings:

- Presbytery;
- Garage at the rear of the Presbytery;
- Parish Hall;
- Jennings Lodge;

- Laundry Block; and
- Steps leading up from the sunken lawn.

It is noted that these existing buildings have a gross floor area of 1,324.6m².

2. Tree removal

The application proposes the removal of the following 29 trees:

- 4x Synarcpia Glomulifera
- 1x Phoenix Canariensis
- 6x Jacaranda Mimosifolia
- 1x Waterhousia Floribunda
- 1x Eucalyptus Scoparia
- 2x Callistemon Viminalis
- 1x Cupressus Spp.
- 2x Cinnamomum Camphora
- 4x Pyrus Calleryana
- 3x Lophostemon Confertus
- 1x Magnolia Spp.
- 1x Pistacia Chinensis
- 1xTaxodium Distichum
- 1x Brachychiton Populneus

3. Construction

Construction of an office building, Chancery building, Parish Hall and construction of a part 5 part 6 storey residential flat building, comprising 77 units with two levels of basement parking.

Details of the proposal as follows:

Old Kings School Allotment

- Construction of two basement car parking levels with access and egress to Victoria Road and Marist Place;
- Loading dock access and egress to O'Connell Street;
- Construction of a part 5 storey and part 6 storey residential flat building development containing a total of 77 apartments with the following mix:
 - 2 x studio apartments;
 - 26 x 1 bedroom apartments;
 - 42 x 2 bedroom apartments;
 - 6 x 3 bedroom apartments; and
 - 1 x 4 bedroom apartment.
- Basement car parking for 95 cars associated with the residential flat building, including 77 resident parking spaces, 16 visitor parking spaces, 2 car share parking spaces, 2 spaces for motor cycles and 40 bicycle parking spaces; and
- Landscape works.

St Patrick's Cathedral Allotment

- Construction of two basement car parking levels for the office and St Patrick's Cathedral functions with access and egress to Victoria Road and Marist Place;
- Construction of 3 new buildings:
 - Office building to contain the Catholic Education Office, Catholic Care Social Services and ancillary functions such as the canteen;
 - Chancery building to contain the office functions of the Bishop and associated personnel;
 - Parish Hall to contain the Presbytery, Parish offices and Hall;
- Basement car parking for 229 cars associated with the proposed and replacement office functions and St Patrick's Cathedral functions, including 5 disabled parking spaces and 2 spaces for motor cycles.

Hours of operation

The functions of the site have varying hours of use and operation:

- The Chancery - general staff office hours 8:00am to 5:30pm, however there are occasions where staff work after hours 24 hours a day, 7 days a week.
- The Catholic Education Office - general staff office hours 8:00am to 5:30pm, however there are occasions where staff work after hours 24 hours a day, 7 days a week.
- Catholic Care Social Services - general staff office hours 8:00am to 5:30pm, however there are occasions where staff work after hours 24 hours a day, 7 days a week.

No changes are proposed to the hours of operation of the St Patrick's Cathedral.

Number of employees

The proposed development for the purposes of all the functions of the Diocese will employ approximately 350 people inclusive of full time and part-time roles, and future employment roles.

SITE & SURROUNDS

The subject site is legally described as Lot 1 DP 1034092 (St. Patricks Cathedral allotment) known as No. 1 Marist Place and Lot 5 DP 1182647 (Old Kings School) known as No. 26 O Connell Street, Parramatta.

The site has a street frontage of 57m to O'Connell Street, 175m to Victoria Road and 106m to Marist Place. The site has a total area of 15,378m².

Currently on the site is St. Patrick's Cathedral, presbytery, parish offices and Murphy House.

To the west of the site, across O' Connell Street is Parramatta Park and Parramatta Stadium. To the north of the site, across Victoria Road is Our Lady of Mercy College High School. To the east of the site, across Marist Place is Prince Alfred Park.

The site comprises two major heritage items, including:

- St Patrick's Cathedral, presbytery and precinct and potential archaeological site; and
- Marsden Rehabilitation Centre and potential archaeological site (also referred to as Former King's School Group).

Both of the sites are listed in the State Heritage Register and parts of the site have high to exceptional archaeological potential and relics potentially found may be of State significance. Parts of the site also have high Aboriginal sensitivity.

PERMISSIBILITY

Parramatta City Centre Local Environmental Plan 2007

The site is zoned B4 Mixed Use under Parramatta City Centre Local Environmental Plan 2007. The proposed works are to be defined separately comprising a residential flat building, office premises and place of public worship.

The definition of a '**residential flat building**' is as follows:

Residential flat building means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

The definition of '**office premises**' is as follows:

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

The definition of a '**place of public worship**' is as follows:

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

Accordingly, the proposal is considered to be permissible.

REFERRALS

Environment and Heritage Office – Heritage Division

The application proposes development on land that contains items of State Significance.

The application is 'Nominated Integrated Development' as defined in Section 91 of the Environmental Planning and Assessment Act 1979 as it requires development consent and approval under Section 58 of the Heritage Act 1977.

On 10 March 2015, Office of Environment and Heritage provided the following General Terms of Approval:

At its meeting on 4 March 2015 the Heritage Council Approvals Committee considered the above integrated development application. The Heritage Council advises the Sydney West Joint Regional Planning Panel and Parramatta City Council that in accordance with Section 91 of the *Environmental Planning and Assessment Act 1979* that it issues an approval under Section 63 of the *Heritage Act 1977* in accordance with the following general terms.

APPROVED DEVELOPMENT

1. Development must be in accordance with:

a) Drawings listed below prepared by Scott Carver Pty Ltd

DRAWING LIST		100 - PLANS		200 - ELEVATIONS / SECTIONS	
SHEET NUMBER	SHEET NAME				
001 - SITE		AD-DA108	OFFICE BASEMENT 2 GA PLAN	AD-DA201	STREET - ELEVATIONS
AD-DA000	COVER SHEET	AD-DA109	OFFICE BASEMENT 1 GA PLAN	AD-DA203	SITE SECTIONS SHEET 1
AD-DA001	SITE LOCATION PLAN	AD-DA110	OFFICE GROUND FLOOR GA PLAN	AD-DA204	SITE SECTIONS SHEET 2
AD-DA002	DEMOLITION PLAN	AD-DA111	OFFICE LEVEL 1 GA PLAN	AD-DA211	OFFICE - ELEVATIONS SHEET 1
AD-DA003	SITE PLAN	AD-DA112	OFFICE LEVEL 2 GA PLAN	AD-DA212	OFFICE - ELEVATIONS SHEET 2
AD-DA091	OVERALL PLAN - B2	AD-DA113	OFFICE ROOF PLAN	AD-DA213	RES - ELEVATIONS SHEET 1
AD-DA092	OVERALL PLAN - B1	AD-DA114	RES BASEMENT 2 - GA PLAN	AD-DA214	RES - ELEVATIONS SHEET 2
AD-DA093	OVERALL PLAN - GROUND	AD-DA115	RES BASEMENT 1 - GA PLAN	AD-DA215	SECTIONS
AD-DA094	OVERALL PLAN - LEVEL 1	AD-DA116	RES GROUND FLOOR GA PLAN		
AD-DA095	OVERALL PLAN - LEVEL 2	AD-DA117	RES LEVEL 1 GA PLAN	400 - LAYOUTS	
AD-DA096	OVERALL PLAN - LEVEL 3	AD-DA118	RES LEVEL 2-3 GA PLAN	AD-DA401	ADAPTABLE APARTMENT PLANS 1
AD-DA097	OVERALL PLAN - LEVEL 4	AD-DA119	RES LEVEL 4 GA PLAN	AD-DA402	ADAPTABLE APARTMENT PLANS 2
AD-DA098	OVERALL PLAN - LEVEL 5	AD-DA120	RES LEVEL 5 GA PLAN		
AD-DA099	OVERALL PLAN - ROOF	AD-DA121	RES ROOF PLAN	900 - MISC.	
				AD-DA951	SHADOW DIAGRAMS SHEET 1
				AD-DA991	NOTIFICATION PLAN
				AD-DA992	NOTIFICATION ELEVATIONS

LANDSCAPE SHEET LIST		St Patrick's Place - Transition	
SHEET NAME	SHEET NUMBER		
Landscape Concept Plan	100	St Patrick's Place - Heritage Plaza	106
Landscape Plan - Residential Precinct 1	101	Landscape Plan - Cathedral Precinct	107
Landscape Plan - Residential Precinct 2	102	Tree Management Diagram Tree Management Diagram	108
Landscape Plan - St Patrick's Place	103	Proposed Tree Planting Strategy	109
St Patrick's Place - Victoria Road Forecourt	104	Landscape Planting Area	110
St Patrick's Place - Office Building Forecourt	105	Arts and Cultural Interpretation Plan	111
		Landscape Plant Schedule	112
			113

- b) Statement of Environmental Effects prepared by TPG, Town Planning and Urban Design dated November 2014.
- c) Heritage Impact Statement prepared by Design 5 dated 25 November 2014
- d) Archaeological Assessment prepared by GML Heritage dated November 2014

EXCEPT AS AMENDED by the conditions of this approval:

DESIGN AMENDMENTS

2. The design approach needs to be modern and sympathetic to the Cathedral and read as a family of buildings.
3. Elevations should be quiet and elegant.

4. The space between the office building and cathedral is one of the most important entries to the site and the elevation of the office building should read as a pair with the Cathedral.
5. Delete Level 5 of the apartment building. The removal of Level 5 will lessen the adverse visual impact on Victoria Rd and the Dormitory Block on O'Connell St. Drawing AD-DA201 shows that the floor heights in the east section of the apartment building differ from the centre and south sections. The heights of the building are to be adjusted so that the NW corner remains the tallest section of the building.
6. Redesign the apartment building's north and west elevation to reduce the scale of the oversized openings and accentuate the horizontal features while still providing interest and depth.
7. Provide an open undeveloped drop zone under each spotted gum on O'Connell St to prevent damage to property or persons if either tree sheds a limb.
8. It is highly recommended that the architect of the 2003 St Patricks Cathedral, Aldo Giugola, be consulted in relation to key principles and design approach as per resolution of 4 June 2014.

ADDITIONAL INFORMATION

9. Provide the following information with the Section 60 application:
 - a) Confirm the external materials and colours of the apartment building so that the proposed palette is restrained, avoids highly reflective materials and employs a thoughtful use of natural materials to complement the Old Kings School building, particularly the Dormitory Block.
 - b) Details of the proposed bridge between the Chancery and Murphy House to confirm how the work will be executed and still protect significant fabric. The bridge should be as light and as transparent as possible with minimal connection to the Murphy House verandah. The bridge should have a narrow cross section, thin floor plates, simple floor soffits and roofs. The walls should comprise full height shaded clear glazing to maximise transparency.
 - c) An arborist's report and tree management plan to be prepared and implemented for the two spotted gums, so that the trees are protected during construction and the new building will not adversely affect their health and longevity.
 - d) Provide detailed designs of the proposed service loading and carpark entry on O'Connell St. This infrastructure is to be carefully designed and screened to avoid any adverse visual impact on the streetscape, adjacent significant buildings and trees. The driveways and kerb crossings provided as part of the 2003 redevelopment of the St Patricks site are examples for suitably discrete infrastructure.
 - e) Details of the materials and colours for the apartment courtyards and their fences on O'Connell St and on Victoria Rd. The material and colour selection is to avoid domestic scaled elements and evoke the historical intuitional character of the former Old Kings School.

INTERPRETATION

10. A suitably experienced heritage interpretation practitioner should prepare an interpretation plan in accordance with the Heritage Council's "Interpreting Heritage Places and Items Guidelines" (2005). Submit the interpretation plan with the Section 60 application.
11. The Applicant must allow for interpretation of any archaeological remains within the site. Interpretation should help the public understand the history and

significance of both the former Old Kings School and St Patricks sites.

ARCHAEOLOGY

12. The Applicant must seek an approval under Section 140 of the *Heritage Act 1977* concurrently with the Section 60 application for all excavation works outside the State Heritage Register listed boundaries for the St Patricks Precinct Redevelopment.
13. The Applicant must submit a Historical Archaeological Research Design and Excavation Methodology (ARD&EM) to the Heritage Council with the Section 60 Application and Section 140 Application for the site. Following the receipt of the ARD&EM the Heritage Council may impose additional conditions regarding archaeological issues on any Section 60 and S140 approval, in order to manage any archaeology on the site. Matters such as (but not limited to) fieldwork methodology, artefact analysis, final reporting and interpretation may be included as part of these archaeological conditions.
14. As part of the Section 60 and Section 140 applications, the Applicant must nominate a suitably qualified and experienced Excavation Director to manage the proposed archaeological programme. The nominated Excavation Director must meet the Heritage Council Excavation Directors Criteria for excavation of State Significant archaeology.
15. Prior to the submission of the Section 60 and Section 140 applications, the Applicant must apply for any relevant approvals for impacts to Aboriginal Archaeology under the *National Parks and Wildlife Act 1974*.

SECTION 60 APPLICATION

16. An application under Section 60 of the *Heritage Act 1977* must be submitted and approved prior to work commencing.

ADVISORY

The Heritage Council asks that Parramatta City Council and the Sydney West Joint Regional Planning Panel consider the following recommendations regarding land adjacent to the State Heritage Register site:

1. Requesting the proponent to retain the *Cedrus glauca*. Retention of this mature tree will soften the visual impact of the new Parish Hall and provide continuity to Marist Place before and after the re-development of the site.
2. Requesting additional information including advice from an arborist, to explain the removal of the *Cedrus glauca* and why the tree cannot be retained in the landscaped setback to Marist Place.
3. Requesting the following additional information.
 - a) Details of the proposed bridge between the office buildings and the Chancery. The bridge should be as light and as transparent as possible. The bridge should have a narrow cross section, thin floor plates, simple floor soffits and roofs. The walls should comprise full height shaded clear glazing to maximise transparency.
 - b) Detailed schedule of external materials, screens and colours for the Parish Hall, Chancery and office building so that the proposal palate is restrained and avoids highly reflective materials, so that the new buildings do not overpower the setting of the nearby significant buildings.
 - c) An archival recording of the 1953 Presbytery prior to demolition. The recording is to be in accordance with the publication *How to Prepare Archival Records of Heritage Items* dated 1995, revised 1998 and *Photographic Recording of Heritage*

- Items Using Film or Digital Capture dated 2006.
- d) Detailed designs of the proposed driveways, carpark entries on Marist Place and Victoria Rd and the electrical substation on Marist Place. This infrastructure is to be carefully designed and screened to avoid any adverse visual impact on the streetscape, adjacent significant buildings and trees. The driveways and kerb crossings provided as part of the 2003 redevelopment of the St Patricks site provide examples for suitably discrete infrastructure.

Planners comment: The General Terms of Approval requires additional information and amended plans including the deletion of Residential Level 5.

The General Terms of Approval have been forwarded to the applicant and the applicant has provided advice in writing that the design would not be amended prior to determination with respect to this GTA condition.

Given this, the conditions contained in the General Terms of Approval will form part of the conditions. The applicant is aware of this.

It is noted however, that the deletion of Level 5 removes the following:

- Plant;
- 1x 2 bedroom unit;
- 2x 1 bedroom unit; and
- Bishop's Apartment (4 bedroom unit).

The deletion of Level 5 also requires changes to the height of the corner element of the residential flat building to ensure it is the tallest section of the building (in line with GTA No. 5).

This may require the lowering of eastern portion of the building or raising the height of the corner element of the building.

No further explanation or comments on the deletion of level 5 has been provided by the Heritage Council.

Environment and Heritage Office - Planning and Aboriginal Heritage

The proposed development involves works on a site that is of high aboriginal sensitivity. The application is 'Integrated Development' as defined in Section 91 of the Environmental Planning and Assessment Act 1979 as it requires development consent and approval under Section 90 of the National Parks & Wildlife Act 1974.

On 16 December 2014, Office of Environment and Heritage the General Terms of Approval. The General Terms of Approval will form part of the conditions.

Heritage Advisor

The development application was referred to Council's Heritage Advisor who provided the following comments:

Having reviewed the available documents and inspected the site, the site of proposed development comprises two major heritage items, including:

- *St Patrick's Cathedral, presbytery and precinct and potential archaeological site*
- *Marsden Rehabilitation Centre and potential archaeological site (also referred to as Former King's School Group).*

Both the sites are listed in the State Heritage Register. Parts of the site impacted by the proposal also have high to exceptional archaeological potential and relics potentially found may be of State significance, and parts of the site also have high Aboriginal sensitivity.

Accordingly, the consent authority in heritage matters (including the works to the State significant items and the Aboriginal and European archaeological matters) is the NSW Office of Environment and Heritage (OEH).

Note that in case of any inconsistency in assessment under EPA Act (Local council) and the Heritage Act (NSW OEH), in heritage matters the assessment under the Heritage Act will prevail to the extent of the inconsistency (refer to NSW Heritage Act, Clause 68 – Consistency of approvals: "An approval given by a consent authority to a prescribed application is, to the extent of any inconsistency with the Heritage Council's determination of the application, void.")

In this situation, the Council should make the assessment in coordination with the NSW OEH and Council's determination is legally bound to follow the NSW OEH determination of this proposal. It is thus considered appropriate to temporarily close this referral until receiving feedback from the NSW OEH.

Planners comment: The Heritage Office GTA will form part of the conditions of consent.

Roads and Maritime Services

The proposed development is identified in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 and in accordance with clause 104(3) of the SEPP the application is referred to the Roads and Maritime Services for comment.

On 6 January 2015, RMS provided concurrence subject to conditions which are recommended to be included as conditions of consent.

Urban Design – Arts Plan

The development application was referred to Council's Manager City Animation who provided advice that the Council is satisfied with the intent of the submitted Arts Plan.

Conditions are recommended to be included in the consent to ensure that the Arts Plan will be implemented and all artworks installed prior to occupation of the site by the client.

Urban Design – Alignments Plan

The development application was referred to Council's Urban Design Officer who requested that the Applicant submit an Alignments Plan for approval of the public domain design. In preparing these documents the Applicant should note that paving on Victoria and O'Connell Streets must be standard City Centre paving as per the Public Domain Guidelines, available online here:

http://www.parracity.nsw.gov.au/_data/assets/pdf_file/0006/92562/Public_Domain_Guidelines.pdf

The above requirements are recommended to be included as a condition of consent prior to the issue of the Construction Certificate.

Design Excellence Advisory Panel

The development application was considered by the panel at its meeting on 25 February 2015. The comments provided by DEAP are provided and discussed elsewhere in the report.

Urban Design

The development application was referred to Council's Urban Design Officer who provided the following advice:

The following comments are in response to the DEAP Recommendations (25th February) and the applicants response and submitted Development Application (24th March, 2015)

DEAP Recommendation	Urban Design Comment
2a) <i>The proposed layout with Parish Hall south of Murphy House and the Administrative buildings in the centre between the new residential development, which forms a buffer to the cathedral and associated cultural facilities to the east, appears to provide a coherent and appropriate overall response to the site.</i>	<i>This has been adequately addressed by the applicant.</i>
2b) <i>The proposed through site link with future access through the rear of the Heritage Office Building to the south and eventually to the river is supported, but needs to ensure public access as much as possible. It was noted that the internal mall was to be accessible to the public except outside working hours, with gates providing control of undesirable intrusion.</i>	<i>The Applicant has proposed to pave the entry to the through site link with concrete. This has the look and feel of a private driveway. It is recommended that the Applicant pave the area at entrance to site link (labelled as P1 on drawing C02) with standard City Centre concrete pavers in order to integrate with street.</i>
2c) <i>The proposal to have residential use on the ground level with small private gardens and front fences adjacent to a busy road and opposite a major sporting facility is considered highly inappropriate. Other uses such as commercial, administrative or support services whether affiliated with the Diocese or not should be considered for this part of the development. Alternatively, if residential use is to be maintained at ground level, the design need to better accommodate the issues associated with the noise and traffic of O'Connell Street and the issues associated with patrons leaving Parramatta Stadium after a major sporting event. This could be achieved by: raising the ground level relative to the footpath; a more 'protective' treatment of ground floor openings; relocation of private open space and front unit entries; and a general reorientation of the units toward the internal courtyard rather than the street.</i>	<ul style="list-style-type: none"> • <i>The applicant has acknowledged the concerns of Council and DEAP and provided a detailed response.</i> • <i>Due to the applicants requirement for residential apartments to address the ground floor of both O'Connell St and Victoria Rd it is requested that the front fence and associated landscaping provide a high quality urban edge that is consistent with the character of the wider precinct and associated heritage items.</i> • <i>It should be noted by the applicant that the front fence and side fences running back to the main structure are important elements which should be well designed, integrated and invested with the same amount of quality as the building.</i> • <i>All front fences should be aligned to the property boundary to provide a clear edge between public and private spaces. This measure will also assist in mitigating against damage/rubbish from high volume pedestrian flows and allow for greater soil volume and larger trees within the property boundary.</i> • <i>The front fence should clearly articulate building entries to the number of residential lobby's proposed along Victoria Rd and O'Connell St. Further detail is required by the applicant to assess how secure access is provided from the street, and how elements such as letterboxes, intercoms, signage,</i>

	<p><i>lighting and topographic level changes are incorporated into the design of the front fence.</i></p> <ul style="list-style-type: none"> • <i>In this respect, it is recommended that separate residential entries to ground floor apartments is not considered appropriate in this location</i> • <i>The borrowed landscape makes a valuable contribution to the public domain and buffers the pedestrian environment from heavily trafficked roads. Rationalisation of entries and wall locations should maximise the overall landscape area and allow for large trees that reflect the significance of the building and the heritage qualities of the precinct.</i> • <i>A particular focus should be given to the corner landscape treatment so that building and landscape in concert have a strong presence here</i> • <i>For public domain amenity, landscaping in the front courtyards must be the primary instrument for screening between public and private areas. Walls on O'Connell Street to be no greater than 1.5m, and at a smaller scale on Victoria Street to reflect the changing street environment.</i> • <i>Due to the importance of this interface it is recommended that the applicant provide the following:</i> <ul style="list-style-type: none"> ○ <i>Front fence elevations for both Victoria Rd and O'Connell St (including proposed landscaping and built form) @ 1:100</i> ○ <i>Indicative material specifications should be provided to assist with Council assessing the design of the front fence and associated high quality landscaping.</i> ○ <i>Typical sections for each courtyard/living area representing the various edge conditions along Victoria Road and O'Connell Street.</i> ○ <i>Updated landscape plan showing locations of typical sections and RL's for each courtyard/living area, garden bed, top of wall footpath and kerb</i> ○ <i>Show landscape treatment around substations</i> ○ <i>To assist the JRPP panel, it is requested that the applicant provide street level perspective views of the proposed development which include built form, landscape and front fence. At a minimum these should include one view of the corner, and one for each Victoria Rd and O'Connell Street – (shaded 3D view directly exported from Revit/AutoCAD is acceptable)</i> <p>Planners comment: The above are recommended to be included as conditions of consent.</p>
<i>2d) The residential building facing O'Connell</i>	<i>This has been adequately addressed by the</i>

<i>Street should be moved closer to the street and should adopt a more robust urban edge to act as a buffer for the landscaped communal courtyard. The Panel also felt that while significant, the trees to be retained on O'Connell Street might be subject to further investigation if this enabled a better resolution of the streetscape and residential units. Cues from the buildings facing O'Connell Street including the dormitory building to the south and the recently approved Hall on the corner of Victoria Road as well as the Janet Woods Building further north should be considered.</i>	<i>applicant.</i>
<i>2e) The Panel does not consider the height of the development at the corner of Victoria Road and O'Connell Street to be an issue. One option suggested by the Panel is to lower the height of the residential building facing Victoria Road to increase sunlight access to the courtyard and to compensate by slightly raising the height of the residential building on the corner.</i>	<i>This has been adequately addressed by the applicant.</i>
<i>2f) Windows facing north and west in the residential building lack sun shading devices. The Panel suggests incorporating external shading devices or building elements. Double glazing is not considered adequate as it relies on windows remaining closed and the unnecessary reliance on air conditioning.</i>	<i>The applicant acknowledges that additional sun-shading devices may be required. This requirement should be included as a condition of consent.</i>
<i>2g) The relationship of the residential units on the ground floor to the communal landscaped courtyard is unclear. The separation of private and communal space needs to be legible and privacy maintained whilst ensuring the courtyard remains functional and attractive.</i>	<i>This has been adequately addressed by the applicant.</i>
<i>2h) Many of the internal layouts of the residential units appear tight, although no furniture layouts were provided to enable proper assessment and any future submission must address this.</i>	<i>Typical unit layouts (for all standard unit types) have not been provided as part of the additional information. Layouts for studio apartments, 2 bed dual frontage, and 2/3 bed corner apartments should be provided as per DEAP's recommendations.</i>
<i>2i) The palette of materials and finishes is unclear from the drawings. A series of photomontages with more accurate representation of materials and colours should be provided.</i>	<i>This has been adequately addressed by the applicant.</i>
<i>2j) The decorative patterns on the hall and other commercial buildings, although indicative only, appear somewhat overdone and should be balanced with other surfaces/materials. It was noted that there would be an artist involved in the development of these decorative screens, and details of such important elements must be fully explained in a future submission.</i>	<i>This has been adequately addressed by the applicant.</i>

Development Engineer

The development application was referred to the Development Engineer who provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent.

Landscape

The development application was referred to the Landscape Officer who provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent.

Environment and Health (Acoustic)

The development application was referred to the Environment and Health who provided that the proposal satisfies the requirements of Council's controls and can be supported, subject to both standard and special conditions of consent.

Environment and Health (Waste)

The development application was referred to the Environment and Health who provided advice that the proposal satisfies the requirements of Council's controls and can be supported, subject to both standard and special conditions of consent.

Environment and Health (Contamination)

The development application was referred to the Environment and Health Officer who provided the following advice:

"Council has already considered an application to remediate the subject site and granted approval via Development Consent No. 817/2013 subject to condition for the OKS allotment. This approval has recently been implemented. Therefore, the portion of the site on which it is proposed to locate the residential flat building, being the OKS allotment, will be made suitable for residential usage.

It was noted that the existing car park serving the site was not subjected to bore hole testing, nor was the land beneath the site's current dwelling (due to be demolished). The consultants recommend that:

"Based on the current use of the land on the St Patrick's allotment, it is considered that the site has not been previously used for any specifically contaminating activity identified under the Managing Land Contamination Guidelines... & ...Given these circumstances, a Phase 1 and 2 contamination investigation is not warranted for the DA under the provisions of SEPP 55 for the St Patrick's allotment. As such, the proposed redevelopment is considered satisfactory in relation to SEPP 55."

Of note when assessing the previous contamination report against the proposed redevelopment, was that BH10 & BH8 had elevated Arsenic levels (Possibly, historically, used as an insecticide in this instance). These bore holes are located nearest to the O'Connell St boundary of the proposed redevelopment. The area to be excavated for remediation is wholly contained within the proposed site boundaries. The contaminated soil depth is expected to only be 0.8m and so will not impact on the groundwater table. The trees in this area are shown to be retained within the landscaping plan and there is a question as to whether they will be impacted by the soil remediation works. This area will also be used as the courtyards for a few of the ground floor apartments, once completed. Further testing will take place once the contaminated soil is excavated to ensure that any soil containing levels that breach NEPM guidelines for the proposed final use of the site are removed safely and responsibly.



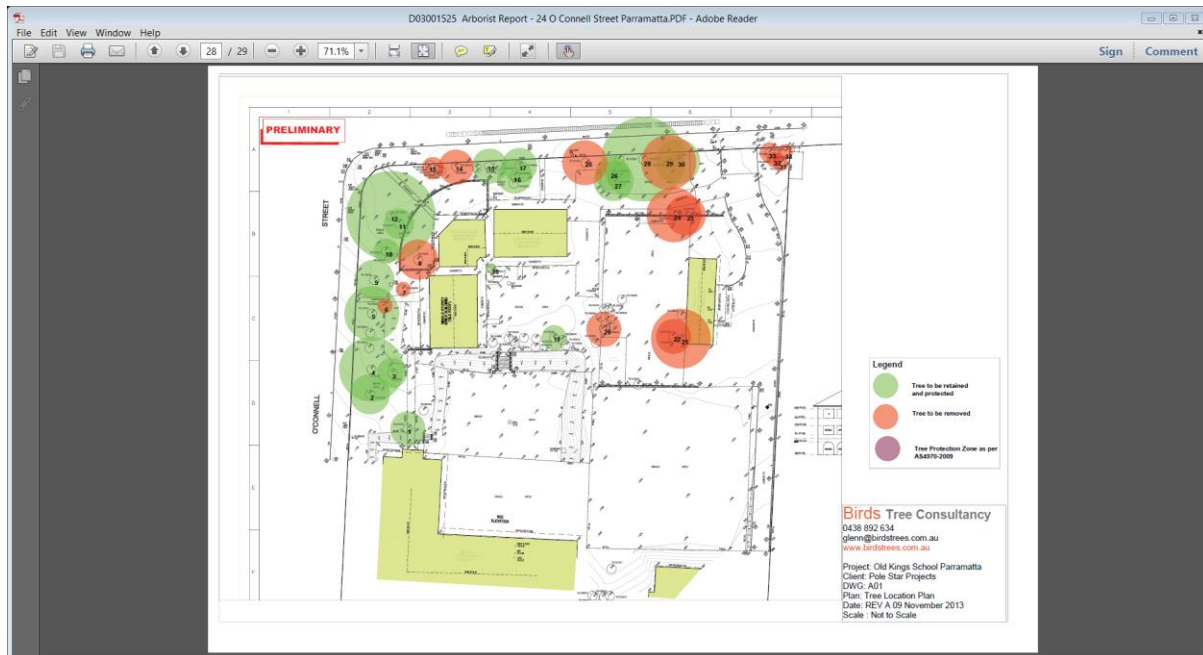
This image indicates the trees to be retained.



This image indicates the likely extent of the area requiring decontamination.

D03418369 Amended - Statement of Environmental Effects Nov 14 - 1 Marist Place states:

*“Following an assessment of the health of trees on the OKS allotment, Birds Tree Consultancy has identified that a total of 15 trees which cannot be retained as a result of the proposed development or are trees on the site are able to be removed due to their low retention value or poor state of health. Most of the trees to be **retained** and **protected** are located on the **Victoria Road** and **O’Connell Street** boundaries of the site.”*



The above image, taken from D03001525 Arborist Report - 24 O Connell Street Parramatta 10/12/2013 at 9:40 AM, shows the arborist’s previous report for DA/817/2013, which indicates that there would likely be sufficient room to safely remove the arsenic contaminated soil without impacting on any of the trees identified to be retained.

With respect to Acid Sulphate Soils; the Statement of Environmental Effects, page 91, states “The proposal involves excavation which will be more than 1m in depth. In this regard, the construction methods will include the use of concrete of an appropriate alkalinity to ensure the development once complete is not adversely affected by acid soils and a can be conditions for the same.”

The development’s excavation appears unlikely to lower the surrounding water table of Class 1, 2, 3, or 4 land by 1 metre as the topography drains toward the Parramatta River. The scope of excavation is as follows:

- Portion of the site to the south of the existing cathedral. - Excavations for the two basement levels will be required within this area of the site to depths ranging from about 6.5m at the eastern end of the basement to about 8m at the western end.
- Central portion of the site – Excavations for the two basement levels will range from about 6.5m to 8m.

- *The north-western corner of the site - Excavations for this basement will range from about 6.5m at the southern end of the basement to about 9m at the northern end. Excavation to required depths of about 6.5m to 9m will encounter surface fill, residual sandy silty clays and silty clays and weathered shale and sandstone. The deeper excavations will encounter sandstone of high strength.*

Issues: To validate the concern for acid sulphate soils, report D03413931 - Geotechnical Report - 1 Marist Place, Parramatta states:

“2.4.3.2 Acid Sulphate Soils

P.1 Development is to ensure that sites with potential to contain acid sulphate soils are managed in a manner consistent with the provisions contained in the Parramatta LEP 2011.

The proposal involves excavation which will be more than 1m in depth. In this regard, the construction methods will include the use of concrete of an appropriate alkalinity to ensure the development once complete is not adversely affected by acid soils and a can be conditioned for the same.”

However, D03413911 Contamination Report - 1 Marist Place Parramatta states:

“4.5 Acid Sulphate Soil

Review of the Prospect/Parramatta Acid Sulphate Soil Risk Map (1:25,000 scale; Murphy, 1997), in conjunction with the Guidelines for the Use of Acid Sulphate Soil Risk Maps (Naylor et al., 1998), indicated that the study area lies within an area of ‘No Known Occurrence’. No Known Occurrence areas are those for which the environment of deposition has not been suitable for the formation of ASS materials and in the proximity of disturbed terrain area (>4m Australian Height Datum (AHD)). Acid sulphate soil is therefore not considered to be of concern at this site.”

Given the two conflicting views on acid sulphate soils, it is best to rely on precaution and condition the development with a view that the soils may impact on future building stability.

Conclusion: The proposal satisfies the requirements of Council’s controls and can be supported, subject to standard conditions of consent.

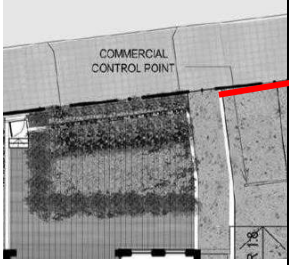
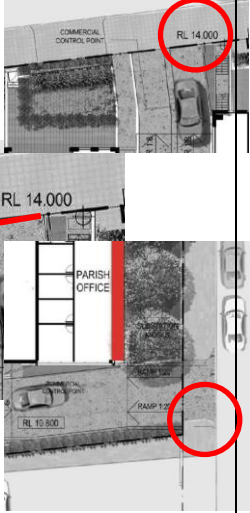
Reasons supported: The development can be safely undertaken with minimal decontamination required, as already addressed in a previous Development Application, thereby rendering the site safe for the intended residential use.

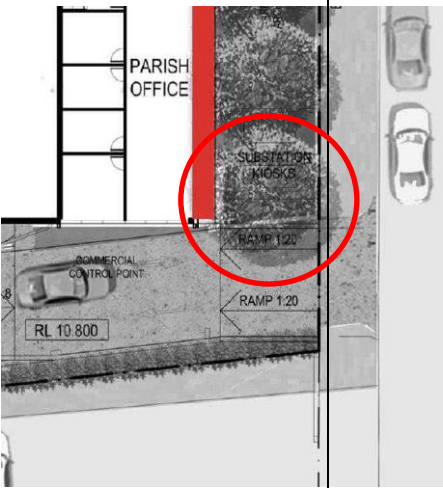
Traffic and Transport

The development application was referred to the Traffic and Transport Investigations Engineer who provided the following advice:

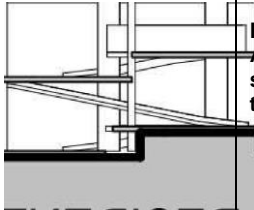
Description/Development Control/Design Requirements	Proposal	Comments	Compliance
<p>Parking Requirements - Clause 22C of Parramatta City Centre LEP 2007 and Parramatta DCP 2011</p> <p><u>Residential components:</u></p> <ul style="list-style-type: none"> ➤ 1 space for every dwelling for residents x 77 dwellings = 77 parking spaces ➤ 1 space for every 5 dwellings for visitors x 77 dwellings = 16 (≅15.4) parking spaces ➤ 1 car share space for more than 50 dwellings <p>Requirements of car parking spaces = 93 (maximum) + 1 car share space</p> <p><u>Commercial components:</u></p> <ul style="list-style-type: none"> ➤ 1 space per 100m² x 6997m² = 70 parking spaces ➤ 1 car share space for a business with floor space of 5000m² and above <p>Requirements for car parking spaces = 70 (maximum) + 1 car share space</p> <p><u>Place of Public Worship:</u></p> <ul style="list-style-type: none"> ➤ 1 space per 5m² for 1st 100m² of usable floor space and per 3m² thereafter x 50% of 1512m² GFA = 239 (≅238.67) parking spaces <p>Maximum requirements for car parking spaces = 239</p>	<p>The proposed development provides 324 car parking spaces including:</p> <ul style="list-style-type: none"> - 95 for residential use (77 for residents, 16 for visitors and 2 for carshare) including 8 disabled parking spaces - 229 (including 5 for people with disabilities) spaces for commercial tenants and place of public worship 	<ul style="list-style-type: none"> - According to DCP 2011 (Clause 3.6.1), 1 carshare space is to be provided for commercial tenants. - Place of public worship is currently located at the site and serviced by 54 car parking spaces. The proposed development will provide an additional 175 spaces including 70 (maximum) spaces required for commercial tenants. This area is within the Parramatta City Centre and serviced by regular bus services including free shuttle services. Accordingly deficiency of 10 spaces is acceptable. 	<p>Yes</p> <p>(Note that 1 carshare space is required for commercial tenants to comply with the Clause 3.6.1 of DCP 2011. However, car share space is not required if the commercial space is occupied by one tenant and they have their own car sharing system in place).</p>
<ul style="list-style-type: none"> ➤ Motorcycle parking - 1 (minimum) car parking space for every 50 car parking spaces x 324 car parking spaces = area equivalent to 6.48 car parking spaces for motorcycle parking 	<p>The proposed development provides 7 motorcycle parking spaces.</p>	<p>According to Clause 4.3.3.4- d-C6 of DCP 2011, motorcycle spaces are to be provided over an area equivalent to 7 car parking spaces. Minimum dimension of each car parking space is 2.4m wide x 5.4m long. The required dimension of each motorcycle parking bay is 1.2m wide x 2.5m long. Each car parking space can therefore accommodate 4 motor cycle parking spaces.</p>	<p>No (the proposed development is required to provide motorcycle parking over an area equivalent to 7 car parking spaces)</p> <p>This will be included as conditions of consent.</p>
<ul style="list-style-type: none"> ➤ 1 bicycle parking space per 2 residential dwellings x 77 dwellings = 38.5 bicycle spaces ➤ 1 bicycle space per 200m² for other commercial/retail use x 	<p>According to submitted plans, the proposed development provides 40 bicycle parking spaces for residential and 36 spaces for commercial use.</p>		<p>Yes</p>

6997m ² = 35 bicycle spaces			
➤ DCP or LEP does not provide a requirement for loading bays for developments within Parramatta City Centre.	The proposed development provides, a loading area for 2 vehicles that includes 2 medium rigid trucks.		Yes
Parking Spaces – Layout and dimensions (Section 2.4 of AS 2890.1-2004; AS 2890.6-2009; and Part – 3, Section – 2 of AS 2890.3-1993)	As per the submitted DA plans, layout for parking spaces are as follows:		
	<u>Basement 1</u>		Yes
	– Aisle width: 5.8m (min)		Yes
	– 2.4m wide x 5.4m long space for residential use		Yes
	– 2.5m wide x 5.4m long space for standard cars for commercial use		Yes
	– 2.4m (min) wide x 5.4m long disabled parking space adjacent to a 2.4m (min) wide x 5.4m long shared space	– Bollards are to be installed at shared spaces in accordance with AS 2890.6-2009	Yes (However, bollards are to be installed at shared spaces in accordance with AS 2890.6-2009)
	– 300mm clearance has been provided adjacent to walls		Yes
	– At blind aisles, aisle has been extended by 1m		Yes
	– 1.2m wide x 2.5m long space for motorcycles		Yes
	– Dimension of bicycle spaces was not clear	Bicycle parking spaces are to be provided in accordance with AS 2890.3-1993	Yes, however, bicycle parking spaces are to be provided in accordance with AS 2890.3-1993
	<u>Basement 2</u>		Yes
	– Aisle width: 5.8m (min)		Yes
	– 2.4m (min) wide x 5.4m long space for standard cars for residential use		
	– 2.4m wide x 5.4m long space for small cars for commercial use		Yes
	– 2.5m wide x 5.4m long space for standard cars for commercial use		Yes
	– 2.4m (minimum) wide x 5.4m long disabled parking space adjacent to a 2.4m (min) wide x 5.4m long shared space	– Bollards are to be installed at shared spaces in accordance with AS 2890.6-2009	Yes (However, bollards are to be installed at shared spaces in accordance with AS 2890.6-2009)
	– 300mm clearance has been provided adjacent to walls		Yes
	– At blind aisles, aisle has been extended by 1m		
	– 1.2m wide x 2.5m long space for motorcycles		Yes
	<u>Loading Dock on Basement 1</u>		Yes
	– 10.5m wide x 16.5m long		

	<p>area has been used to access the 2 loading bays</p> <ul style="list-style-type: none"> – mechanical turntable has been used to ensure that trucks can enter and exit the loading area in forward direction. – 3.5m wide x 8.8m long space for Medium Rigid Trucks 		
Column locations (Clause 5.2 and Figures 5.1 and 5.2 of AS 2890.1-2004).	As per the submitted DA plans, columns are located outside the area that needs to be kept clear of obstructions		Yes
Vehicular Access Driveway entry and exit - Clause 3.2; Tables 3.1 and 3.2 of AS 2890.1-2004	<p><u>Driveways for Basement Car Park</u></p> <ul style="list-style-type: none"> – 6.6m wide combined entry and exit driveway from Victoria Road. Note that driveway does not align with the ramp on the submitted plan  <ul style="list-style-type: none"> – 6.6m wide combined entry and exit driveway from Marist Place 	<p>To reduce number of rear end collisions, 2m splay is to be provided on the approach side of both driveways.</p>  <p>The median island on the access ramp off Victoria Road is also to be set back by 1.5m from the property boundary.</p>	<p>Yes, however 2m splay at the layback is to be provided on the approach side of both driveways on Victoria Road and Marist Place and the median island on the access ramp off Victoria Road is to be set back by 1.5m from the property boundary</p>
	According to the submitted plan, landscaped garden has been provided on the north side of the driveway off Marist Place.	The proposed landscaped area would restrict sight lines for pedestrians (Figure 3.3 of AS2890.1-2004).	<p>No, a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway is to be kept clear in accordance with Figure 3.3 of AS2890.1.</p> <p>Planner's response: Amended plans were submitted addressing this concern.</p>

			
	<p><u>Driveway for Loading Dock</u></p> <p>The proposed development provides a 9m wide combined entry and exit driveway from O'Connell Street to cater Medium Rigid Trucks.</p>		Yes
Circulation roadways and access ramps within basement car parks - Clause 2.5 of AS 2890.1-2004	<p>Provides the following circulation roadways and ramps for two-way traffic movements within basement car parks:</p> <ul style="list-style-type: none"> From Victoria Road: a 6.6m (plus 300mm clearance on each side) wide straight ramp separated by a 600mm wide raised median from ground level to basement 1 		Yes
	<ul style="list-style-type: none"> From Marist Place: a 6m (plus 300mm clearance on each side) wide straight ramp from ground level to basement 1 		Yes
	<ul style="list-style-type: none"> 6.2m to 7.4m (plus 300mm clearance on each side) wide curve ramp between basement levels within the commercial section 		Yes
	<ul style="list-style-type: none"> 5.5m (plus 300mm clearance on each side) wide straight ramps between basement levels 		Yes
Vehicular Control Points - Clause 3.3b of AS 2890.1-2004	<p><u>From Victoria Road Access</u></p> <ul style="list-style-type: none"> Entry control points have been provided on a concrete median island on the basement level 1 (approximately 32m from Victoria Road). 	Provides queuing area for at least 5 vehicles in accordance to Table 3.3 of AS 2890.1:2004	Yes
	<ul style="list-style-type: none"> 1:20 (5%) gradient has been provided for 5.6m prior to the control point 	1:20 (5%) gradient has to be provided for at least 6m prior to the control point	No
Planner's response:			

			Amended plans were submitted addressing this concern.
	<u>From Marist Place Access</u> <ul style="list-style-type: none"> Entry control points have been provided on a concrete median island on the basement level 1 (approximately 46m from Marist Place). 		Yes
	<ul style="list-style-type: none"> The control point has been provided on a flat gradient with 6m (min) on the approach to the control point. 		Yes
	<ul style="list-style-type: none"> For both control points, 12.5% and 20% gradients have been provided on the queuing area 	According to AS 2890.1-2004, maximum of 1:10 (10%) gradient to be provided for 80% of the required queuing length. However, as the ramp is down grade, departure from the standard is acceptable.	Yes
Convex mirrors		Installation of convex mirrors near ramp access on basement level 1 (near security roller shutter door and the ramp to basement 2 for commercial vehicle parking) are required to improve visibility between on-coming vehicles.	Convex mirrors are to be provided near ramp access on basement level1.
Driveway gradients - Clause 2.5 and Clause 3.3 of AS 2890.1-2004	The gradients of the driveway and the ramp access to the basement level, as shown on the submitted basement plans, are as follows: –		
	<u>From Victoria Road Access</u> <ul style="list-style-type: none"> To Basement 1: 5.6% gradients for 8m from property boundary → 12.5% for 2m → 20% for 14m → 12.5% for 2m → 5% for 6m → 0% thereafter 		No, maximum of 5% gradient is to be provided for at least 6m from the property boundary Planner's response: Amended plans were submitted addressing this concern.
	<ul style="list-style-type: none"> To Basement 2: Flat grade → 12.5% for 2m → 20% for 14.5m → 12.5% for 2m → 0% thereafter 		Yes
	<u>Marist Place to Basement 1</u> <ul style="list-style-type: none"> 5% for 6m from property boundary → 0% for 12.5m 12.5% for 2m → 20% for 10m → 12.5% for 2m → 0% thereafter; 		Yes
	<u>Within Residential parking area</u> <ul style="list-style-type: none"> 20% gradients over 2.5m 	As grade changes occur over short	A plan showing the grade changes on

	<ul style="list-style-type: none"> with 2m transition with 12.5% gradients on both sides of the ramp – 20% gradients over 7.5m with 2m transition with 12.5% gradients on both sides of the ramp – 20% gradients over 2.5m with 2m and 3.2m transitions with 12.5% gradients on both sides of the ram 	length, grade changes are to be checked using the method in Appendix C of AS 2890.1-2004.	ramps is to be provided to Council for review. Note that grade changes are to be checked using the method in Appendix C of AS 2890.1-2004.
	<u>Within Commercial parking area</u> <ul style="list-style-type: none"> – Straight ramps - 5% gradient with no transition – Curved ramp: 16.7% change of grade (summit) 		Yes
	<u>For O'Connell Street Access to Loading Dock</u> <ul style="list-style-type: none"> – 5% gradient for 6m from the property boundary → 9.9% for 7m → 15.4% for 6m → 10% for 7m → 6.25% for 7m 	Maximum grade change is 12.5% for summit grade and 15% for sag grade	No Planner's response: Amended plans were submitted addressing this concern.
Headroom Clearance - Clause 5.3 of AS 2890.1-2004 and Clause 2.4 of AS 2890.6-2009	According to traffic report, 2.5m headroom clearance provided at disabled parking space and 2.2m at the rest of the car park. No plan has been submitted showing the available minimum clearance within the car park.	<p>According to scaled measurement, minimum available clearance on the basement ramp is less than 2m.</p> 	<p>A plan showing the minimum headroom clearance is to be submitted to Council for review.</p> <p>Planner's response: Amended plans were submitted addressing this concern.</p>
Traffic generation - RMS Guide to Traffic Generating Developments (TGD) and Technical Direction (TDT 2013/04a - August 2013)		Comments on traffic impacts in the Traffic Report is noted.	Yes

Amended plans were submitted and reviewed by Council's Traffic and Transport Investigations Engineer who provided advice that the application can be supported subject to conditions.

PUBLIC CONSULTATION

In accordance with Council's notification procedures that are contained in Appendix 5 of the Parramatta Development Control Plan 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties, and Council's Heritage Committee given notice of the application for a minimum 30 days from 4 December 2014 to 12 January 2015. The Advertising period was extended given it was over the Holiday period. In response, no submissions were received.

<h2>ENVIRONMENTAL PLANNING INSTRUMENTS</h2>
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STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

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

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

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.

Clause 45 – Impacts on electricity infrastructure

This Clause does not apply to this development application.

Clause 101 – Development with frontage to classified road

The development has a frontage to a classified road, being Victoria Road.

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Planners comment: The development is considered to meet the objectives of this Clause. The development incorporates access and egress from Victoria Road and Marist Place and a separate access from O'Connell Street for the loading dock.

The application has been reviewed by Roads and Maritime Services and Council's Traffic and Transport Investigations Engineer who raised no objection to the location of the vehicular access.

Clause 102 - Impact of road noise or vibration on non-road development

- (1) *This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*
 - (a) *a building for residential use,*
 - (b) *a place of public worship,*
 - (c) *a hospital,*
 - (d) *an educational establishment or child care centre.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) *If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
 - (a) *in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*
- (4) *In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the [Roads Act 1993](#).*

Planners comment: An acoustic report was submitted with the application and was reviewed by Council's Environment and Health Officer who raised no objection subject to standard conditions.

Schedule 3 – Traffic Generating Development to be referred to the RTA

The proposed development is identified in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 as the development involves the construction of 77 units. The application was referred to the NSW Roads and Maritime Services for comment on the impact of the proposed development on the road network.

On 6 January 2015, RMS provided concurrence subject to conditions which are recommended to be included as conditions of consent.

STATE ENVIRONMENTAL PLANNING POLICY (URBAN RENEWAL) 2010

The site is not identified as being within a precinct currently identified as being a candidate for renewal and revitalisation. Given this the provisions of the SEPP do not apply. It is however noted that this development will assist in renewing and revitalising the immediate precinct.

STATE ENVIRONMENTAL PLANNING POLICY No. 65 Design Quality of Residential Flat Development 2002

State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development (SEPP 65) applies to the development as the residential building is above 3 storeys. As discussed in the referral section of the report, the application was considered by Council's Design Excellence Advisory Panel who considered SEPP 65 and found the proposal to be satisfactory subject to a few changes/additional information.

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The statement addresses each of the 10 principles and an assessment of this is made below. Council's assessing officer's comments in relation to the submission is outlined below.

Context

Generally, the design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The proposed development is a permissible land use and is appropriate for its location being within the Parramatta City Centre.

Scale

No issues arise in terms of the scale of the proposal. The scale of the building is considered suitable within its locality, with the building meeting envelope, and footprint controls prescribed by the LEP and its DCP.

Built form

The design generally achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements.

Density

The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.

Resource, energy and water efficiency

A Basix Certificate has been submitted with the application and the required design measures have been incorporated into the design of the building. The construction certificate plans will need to address certain other requirements outlined in the Basix Certificate.

Landscape

A landscape plan was submitted with the proposal which proposes adequate landscaping.

Amenity

Generally, the proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.

Safety and security

The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy and ensuring that the ground floor tenancies are located at the street boundary. Whilst the building architecturally addresses the street and activates the frontage visually, the future uses of the ground floor will determine the degree to which activation occurs in a more physical sense.

Social dimensions

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements, providing additional housing choice within the area in close proximity to public transport and potential employment opportunities.

Aesthetics

The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.

An assessment is now provided against the numerical requirements within the Residential Flat Design code referenced in SEPP 65

RESIDENTIAL FLAT DESIGN CODE

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	The north facing block has a building depth of 15m and the west facing block has a depth of 20m.	No The variation is minor and can be supported given the units have a maximum depth of 9m.
Separation	12m between habitable rooms (up to 4 storeys)	Minimum 6.316m	No The development can be supported in this instance given the windows within this elevation are obscured glazing.
	18m between habitable rooms (5-8 storeys)	Minimum 22m	Yes
Storage	In addition to kitchen cupboards and bedroom wardrobes storage should be provided as follows: 1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³ Note storage	Storage Rooms are provided within the basement for all units.	Yes
Residential Ceiling heights	Minimum 2.7m	The plans indicate 3m floor to floor. A condition is recommended to be included in the consent requiring internal floor to ceiling height of 2.7m (excluding the thickness of the floor and ceiling slabs). This is required to be	Yes

		shown on the Construction Certificate plans.	
Min. Apartment size for affordable units.	Studio 38.5m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	Minimum: Studio 43m ² 1 bedroom 51m ² 2 bedroom 70m ² 3 bedroom 94m ² 4 bedroom 183m ²	Yes
Open Space	The area of communal open space should be between 25-30% of the site area	Required: 1,468.25m ² (25%) Provided: 1730m ² (29%)	Yes
Open Space Private	Provide primary balconies for all apartments with a minimum depth of 2m. If 3br or more apartment is a 2.4m deep primary balcony provided that can accommodate a table and 4 chairs. Provide 25m ² ground floor private open space areas	All apartments have primary balconies with a minimum depth of 2m. Yes 11 of 15 ground floor units have a private open space areas of more than 25m ² .	Yes Yes No Given the development contains a substantial amount of ground floor and roof top common open space areas, the non-compliance can be supported. The four units which provide less than 25m ² adjoin the ground floor common open space area and have easy access to the space.
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone	61.7% of the open space area is deep soil.	Yes

Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	A maximum of 5 apartments are accessed per core.	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	66% of the apartments in the development receive 3 hours sunlight.	No
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	10 units (13%) are single aspect units.	<p>No</p> <p>The applicant has advised the following in regards to the non-compliance:</p> <p>A Variation of this standard is sought in order to maximise visual privacy and separation distances between private balconies and proposed office spaces.</p> <p>Windows are provided within the side elevations, however they are fixed obscured glazing to ensure privacy is maintained.</p>
Natural ventilation	60% of units should be naturally cross ventilated	88% of the units can be cross ventilated.	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	43% of kitchens within the development have direct access to natural ventilation.	Yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window	Yes	Yes

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

The relevant local environmental planning instrument is Parramatta City Centre Local Environmental Plan 2007 and the site is zoned Mixed Use B4 pursuant to this Plan.

The following development standards apply:

Control	Requirement	Proposal	Compliance
Land use table	B4 Mixed Use	Mixed use buildings are permissible in the B4 zone.	Yes
Height of buildings CI 21	26 O'Connell Street 18m	18.9m	No
	1 Marist Place 10m	11m	No
Architectural roof feature	Clause 21A allows architectural roof features to extend beyond the height limit prescribed by Clause 21	The proposed development does not incorporate an architectural roof feature.	NA
FSR CI 22	26 O'Connell Street 1.52:1 Maximum: 8,927.112m ²	1.59:1 / 9,361.8m ²	No
	1 Marist Place 0.6:1 Maximum: 5,703m ²	0.63:1 / 6,031.1m ²	No
Design Excellence Clause 22B	Clause 22B requires the consent authority to consider whether the proposal exhibits design excellence.	The proposal presents a high standard of design, materials and detailing having been achieved as a result of a lengthy design process involving both a pre-lodgement advice and Design Review Panel.	Yes
Minimum building street frontage CI 22A	Minimum 20 metres	O'Connell Street: 57m Victoria Road: 175m Marist Place: 106m	Yes
Car parking CI 22C	<u>Residential components:</u> ➤ 1 space for every dwelling for residents x 77 dwellings = 77 parking spaces ➤ 1 space for every 5 dwellings for visitors x 77 dwellings = 16 (≅15.4) parking	The proposed development provides 324 car parking spaces including: - 95 for residential use (77 for residents, 16 for visitors and 2 for carshare) including 8 disabled parking	Yes

	<p>spaces</p> <ul style="list-style-type: none"> ➤ 1 car share space for more than 50 dwellings <p>Requirements of car parking spaces = 93 (maximum) + 1 car share space</p> <p><u>Commercial components:</u></p> <ul style="list-style-type: none"> ➤ 1 space per 100m² x 6997m² = 70 parking spaces ➤ 1 car share space for a business with floor space of 5000m² and above <p>Requirements for car parking spaces = 70 (maximum) + 1 car share space</p> <p><u>Place of Public Worship:</u></p> <ul style="list-style-type: none"> ➤ 1 space per 5m² for 1st 100m² of usable floor space and per 3m² thereafter x 50% of 1512m² GFA = 239 (≅238.67) parking spaces <p>Maximum requirements for car parking spaces = 239</p>	<p>spaces</p> <ul style="list-style-type: none"> - 229 (including 5 for people with disabilities) spaces for commercial tenants and place of public worship 	
Building separation CI 22D	Comply with the City Centre Development Control Plan.	Refer to DCP.	Yes
Clause 22E – Ecologically sustainable development	<p>This clause requires the consent authority to have regard to the following principles of ecologically sustainable development:</p> <p>(a) <i>greenhouse gas reduction,</i> (b) <i>embodied energy in materials and building processes,</i> (c) <i>building design and orientation,</i> (d) <i>passive solar design</i></p>	The development addresses the requirements through the submission of a BASIX certificate that verifies that a reduction in water and energy consumption plus good levels of thermal comfort will be achieved.	Yes

	<i>and day lighting, (e) natural ventilation, (f) energy efficiency and energy conservation, (g) water conservation and water reuse, (h) waste minimisation and recycling, (i) reduction of car dependence, (j) potential for adaptive reuse.</i>		
Clause 22G - Special Areas	River foreshore, Parramatta Square, Park edge.	Part of the site is located within the Park Edge Special Area. Refer to DCP.	Yes
Exceptions to development standards CI 24	<p>The application seeks approval to vary the following clauses:</p> <p>Clause 21 and Clause 22</p>	Refer to discussion below.	Refer to discussion below.
Clause 35 Heritage Conservation (4) Heritage impact assessment	<p>The site contains the following heritage items:</p> <p>1 Marist Place – St Patricks Cathedral, Presbytery and Precinct and potential archeological site (State)</p> <p>Murphy House (State)</p>	<p>A Heritage Impact Assessment was submitted with the application.</p> <p>Refer to the comments provided by Office of Environment and Heritage.</p>	Yes
Clause 35A - Historic view corridors	The consent authority must not grant consent to development on land identified in the City Centre Development Control Plan as being within a historic view corridor unless it has taken into account the impact that the development may have on any such historic view corridor.	Refer to DCP.	Yes

Clause 24 Exceptions to development standards within LEP 2007

A request for exception pursuant to Clause 24 has been lodged as the proposed development exceeds the maximum FSR and height permitted on the site as noted in the following table”

Control	Requirement	Proposal	Variation
Height of buildings CI 21	26 O’Connell Street 18m	18.9m	900mm / 5%
	1 Marist Place 10m	11m	1m / 10%

Clause 24 of the Parramatta City Centre Local Environmental Plan 2007 provides the following:

- (1) *The objectives of this clause are:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *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 or of [State Environmental Planning Policy No 1—Development Standards](#).*
- (3) *Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*

- (4A) *In addition to the matters set out in subclause (4), consent must not be granted for development that contravenes a development standard on land on which there is a heritage item unless the consent authority is satisfied of each of the matters set out in clause 35 (9) (a)–(e).*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (7) *This clause does not allow consent to be granted for development that would contravene any of the following:*
- (a) a development standard for complying development,*
 - (b) a development standard for development in the coastal zone.*

The applicant has provided the following justification for the non-compliance with Clause 21:

26 O'Connell Street

"REASONS FOR NON-COMPLIANCE WITH DEVELOPMENT STANDARDS

There are a number of reasons for the non-compliance with Clause 21 of the PLEP and these factors when combined, have contributed to the design as proposed:

- To accommodate the inclusion of lift accessibility to every level of the building, the lift overrun and plant room exceed the 18m height control. The portion of the exceedence is only associated with lift overrun and plant room;*
- The desire to gain disabled access throughout the development from the main pedestrian entries at the Victoria Road and O'Connell Street frontages for the residential lobbies; and*
- To minimise impacts on adjoining properties views, solar access and outlooks.*

The design seeks to integrate the lift overrun and plant component as much as possible into the building however will result in a minor breach of some 900mm of the 18 metre height limit set by Clause 21 of the PLEP for overrun and less for the plant element.

It should be noted that the proposed development will not result in any other built form elements which exceed the height limit and therefore these elements constitute a minor non-compliance to make the proposed building accessible to its topmost floor.

The DA seeks a variation to the maximum building height development standard (Clause 21 of the PLEP) through the provisions of Clause 24 Exceptions to development standards of the PLEP. The variation can be supported and in this instance it is considered the standard should not be strictly applied, as the lift overrun provides disabled access throughout the new building which is a significant public benefit when compared to the existing site development. The variation is minor for a small portion of the proposed building and will not result in additional shadow being cast on adjoining properties but rather casts shadow on the roof of the proposed building. As such, the proposed development is consistent with Clause 21 Height of buildings of the PLEP.”

1 Marist Place

“REASONS FOR NON-COMPLIANCE WITH DEVELOPMENT STANDARDS

There are a number of reasons for the non-compliance with Clause 21 of the PLEP and these factors when combined, have contributed to the design as proposed:

- To accommodate the inclusion of a roof to finish the second floor level of the commercial component of the proposed development. The portion of the exceedence is only minor.*
- The portion of the exceedence does not result in excessive building height when viewed from adjoining properties. The commercial building has been designed to reduce the potential for any adverse amenity impacts such as acoustic or visual impact, as well as ensuring all plant is not located at a lower level of the building resulting in an area of the facade which is not activated to the street or public domain components of the proposed development;*
- To minimise impacts on adjoining properties views, solar access and outlooks.”*

Control	Requirement	Proposal	Variation
FSR CI 22	26 O’Connell Street 1.52:1 Maximum: 8,927.112m ²	1.59:1 9,351.7m ²	/ 424.588m ² / 4.76%
	1 Marist Place 0.6:1 Maximum: 5,703m ²	0.63:1 6,031.1m ²	/ 328.1m ² / 5.7%

The applicant has provided the following justification for the non-compliance with Clause 22:

26 O’Connell Street

“REASONS FOR NON-COMPLIANCE WITH DEVELOPMENT STANDARDS

There are a number of reasons for the non-compliance with Clause 22 of the PLEP and these factors when combined, have contributed to the design as proposed:

- *Allowing adequate floor space for the future use of the residential and commercial component of the subject site whilst ensuring the bulk and scale of the proposed development and its associated street frontage is in proportion with and in keeping with the character of nearby development;*
- *The design of the proposed development has taken into consideration the potential for overshadowing onto neighbouring properties by including adequate separation between buildings, with the design of the proposed development including where possible measures to minimise any additional overshadowing over and above overshadowing levels which exist today as a result of the existing built form;*
- *The design of the proposed development emphasises the frontage of the development to Victoria Road through built form articulation;*
- *To minimise impacts on adjoining properties views, solar access and outlooks.*

The DA seeks a variation to the maximum FSR development standard (Clause 22 of the PLEP) through the provisions of Clause 24 Exceptions to development standards of the PLEP, as detailed in the attached variation request. The variation can be supported and in this instance it is considered the standard should not be strictly applied, as a compliant development would not present less bulk or scale and would have the same impact as the proposal.

The variation is also considered minor (less than 5%) and will not result in additional shadow being cast on adjoining properties and will not result in any unacceptable heritage or traffic impacts as detailed in the heritage report and traffic report included in the Appendices to the Statement of Environmental Effects. As such, the proposed development is consistent with Clause 22 Floor space ratio of the PLEP.”

1 Marist Place

“REASONS FOR NON-COMPLIANCE WITH DEVELOPMENT STANDARDS

There are a number of reasons for the non-compliance with Clause 22 of the PLEP and these factors when combined, have contributed to the design as proposed:

- *Allowing adequate floor space for the future use of the commercial component of the subject site whilst ensuring the bulk and scale of the proposed development and its associated street frontage is in proportion with and in keeping with the character of nearby development;*
- *The design of the proposed development has taken into consideration the potential for overshadowing onto neighbouring properties by including adequate separation between buildings, with the design of the proposed development including where possible measures to minimise any additional overshadowing over and above overshadowing levels which exist today as a result of the existing built form;*
- *The design of the proposed development emphasises the frontage of the development to Victoria Road through built form articulation;*
- *To minimise impacts on adjoining properties views, solar access and outlooks.*

The DA seeks a variation to the maximum FSR development standard (Clause 22 of the PLEP) through the provisions of Clause 24 Exceptions to development standards

of the PLEP, as detailed in the attached variation request. The variation can be supported and in this instance it is considered the standard should not be strictly applied, as a compliant development would not present less bulk or scale and would have the same impact as the proposal.

The variation is also considered minor (less than 5%) and will not result in additional shadow being cast on adjoining properties and will not result in any unacceptable heritage or traffic impacts as detailed in the heritage report and traffic report included in the Appendices to the Statement of Environmental Effects. As such, the proposed development is consistent with Clause 22 Floor space ratio of the PLEP.”

Assessment of the exception under Clause 24:

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 21 – Height of PCCLEP 2007 is a development standard.

Yes, Clause 22 – Floor Space Ratio of PCCLEP 2007 is a development standard.

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

The underlying purpose of **Clause 21** of PCCLEP 2007 is to minimise visual impact, disruption of views, loss of privacy and loss of solar access to both the occupants of the development and adjoining properties.

The objectives of Clause 21 are provided below:

- (a) *to allow sunlight access to key areas of the public domain by ensuring that further overshadowing of parks, the river and community places is avoided or limited during nominated times,*
- (b) *to provide high quality urban form for all buildings,*
- (c) *to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of tower forms and to public areas, including parks, streets and lanes,*
- (d) *to ensure that taller development occurs on sites capable of providing appropriate urban form and amenity,*
- (e) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (f) *to require the height of future buildings to have regard to heritage sites, and their settings, their views and their visual interconnections,*
- (g) *to ensure the preservation of historic views shown in the City Centre Development Control Plan.*

The underlying purpose of Clause 22 of PCCLEP 2007 is to ensure that building mass and form reinforces, compliments and enhances the visual character of the street and to regulate density of development and generation of vehicular and pedestrian traffic.

The objectives of Clause 22 are provided below:

- (a) *to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Parramatta city centre,*
- (b) *to ensure that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of this Plan,*
- (c) *to provide sufficient floor space for high quality development for the foreseeable future,*
- (d) *to regulate density of development and generation of vehicular and pedestrian traffic,*
- (e) *to encourage increased building height and site amalgamation at key locations.*

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?

The proposed development responds to the site despite the non-compliance and does so without compromising relationships with the heritage items and 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 economic welfare of the community and a better environment.

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

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

Clause 21 – Height of Buildings

It is considered that it would be unreasonable to impose the maximum height given that the proposed development complies with most of the development requirements. It does so without adversely affecting adjoining heritage items and adjoining properties, in regards to solar access, overlooking, visual bulk and views to and from the site whilst maintaining consistency with the development objectives of the zone.

A departure from Clause 21, in this case is considered to be acceptable for the following reasons:

- 26 O'Connell Street - The variation to the height of the residential building relates to the lift overrun only. The variation is considered to be minor (900mm / 5%) and given the lift contains no floor space, the variation is supported.

Notwithstanding the above, the Heritage Council General Terms of Approval requires the deletion of level 5 of the Residential Flat Building. Compliance with this condition would result in the proposed RFB having a maximum height of 15m above Natural Ground Level which would readily achieve compliance with Clause 21 – Height of Buildings.

- 1 Marist Place - The variation to the height of the office building fronting Victoria Road relates to a small portion of the building on the eastern side. The proposed building is located over two sites which have different height limits. The height limit on 26 O'Connell Street is 18m and the height limit on 1 Marist Place is 10m. On the 1 Marist Place site, the building has a height of RL 24.75. Adjoining the site to the east is the St. Patrick's Cathedral and Clerestory which has a height of RL 25.816. Given there is a substantial setback from the cathedral and the height does not exceed that of the cathedral, the variation of 1m/10% can be supported.

Clause 22 – Floor Space Ratio

It is considered that it would be unreasonable to impose the maximum Floor Space Ratio given that the proposed development complies with the majority of its applicable development requirements and controls. It does so without adversely affecting adjoining heritage items and adjoining properties, in regards to solar access, overlooking, visual bulk and views to and from the site whilst maintaining consistency with the development objectives of the zone.

The additional floor area does not result in unreasonable loss of sunlight or privacy for adjoining properties.

The development standard in this instance is unreasonable given that the development will respond to existing development within the area and development within the CBD while resulting in no significant privacy or overshadowing impacts.

The non-compliance is not a result of poor design or a non-compliance with other Council's controls. DEAP and Council's Urban Design Officer have reviewed the application and raised no issues with the proposed height or floor area of the proposal.

Notwithstanding the above, the Heritage Council General Terms of Approval requires the deletion of level 5 of the Residential Flat Building. Compliance with this condition would result in the proposed RFB having a maximum GFA of 8,949.3m² (FSR 1.52:1) with a variation of 22.188m² or 0.25%.

5. Are the exceptions well founded?

The objection provided for the departures from both the development standards is well founded as it provides reasoning for the departure.

PLANNING PROPOSAL AMENDMENT TO PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011 (Amalgamation of Parramatta City Centre LEP 2007)

A Planning Proposal under the Environmental Planning & Assessment Act 1979 ('Gateway'), which proceeds as an amendment to PLEP 2011, is the only means for achieving the amalgamation of the two planning instruments. This proposal also includes amendments to the City Centre LEP Planning controls.

The subject site is included in the proposed planning proposal. The Planning Proposal was placed on public exhibition between 1 September 2013 and 30 September 2013 and is therefore a draft environmental planning instrument for the purposes of Section 79C(1)(a)(ii) of the Act. Council is yet to adopt the Planning proposal.

The subject site is proposed to be retained as zoned B4 (Mixed Use) under the Planning Proposal. The proposed development is defined as "mixed use development" under the Planning Proposal and is permitted with development consent in the B4 (Mixed use) zone. The proposal is generally consistent with the relevant objectives of the B4 (Mixed Use) zone.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Development Control	Proposal	Compliance
Site Considerations		
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 in Council database as being flood prone.	Yes
2.4.2.2 Protection of Waterways Does the site adjoin a waterway? If yes does the proposed landscaping comprise of local indigenous species?	No	Yes
2.4.2.3 Protection of Groundwater Is a basement carpark proposed? If yes does the site require dewatering to facilitate this?	The development incorporates a basement carpark. Refer to Development Engineer's comments above.	Yes
2.4.3.1 Soil Management Are there adequate erosion control measures?	An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.	Yes
2.4.3.2 Acid sulphate soils	Refer to LEP table above	Yes
2.4.3.3 Salinity Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity	The applicant has submitted a geotechnical report.	Yes

<p>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>If yes, does landscaping comprise of low water use species and are irrigation systems low water usage?</p>		
<p>2.4.4 Land Contamination</p> <p>Is the site identified as or likely to be contaminated?</p> <p>If yes have the requirements of SEPP 55 been satisfied?</p>	<p>An application for demolition of four buildings, tree removal and site remediation works was approved on 8 May 2014 at 24 O’Connell Street.</p> <p>The applicant has submitted a Remedial Action Plan with the application</p> <p>Refer to Council’s Environment and Health Officer’s comments regarding contamination.</p>	Yes
<p>2.4.5 Air Quality</p> <p>Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?</p>	<p>Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.</p>	Yes
<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 slopes slightly from the Victoria Road frontage to the south of the site.</p> <p>The proposed development responds well to the slope of the site.</p>	Yes

<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>Refer to Landscape comments</p> <p>Council's Landscape Officer has reviewed the application and raises no objection subject to standard conditions.</p> <p>NA</p>	<p>Yes</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>If yes, does the development satisfy the design principles?</p>	<p>The site does not adjoin land zoned E2 or W1.</p>	<p>NA</p>
<p>2.4.7 Public Domain</p> <p>Does the building appropriately address the public domain?</p> <p>Does the development provide appropriate passive surveillance opportunities?</p> <p>Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as</p>	<p>The applicant adequately addressed this and has submitted an Public Domain and Arts Plan which has been reviewed by Council's Urban Design Officer.</p> <p>See the referrals section for comments on the public domain.</p> <p>The front units have living rooms and balconies which overlook the public domain, promoting natural surveillance.</p> <p>A condition is recommended to be included in the consent requiring an alignments</p>	<p>Yes</p>

conditions of consent?	plan payment of a security bond prior to the release of the Construction Certificate to protect Council's Assets.	
3. Preliminary Building Envelope		
The building envelope and landscaping requirements are prescribed under Section 4.3.3 Parramatta City Centre – Special Precincts.		
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 proposal generally complies with the height and FSR controls (variations of 10% and less and addressed under Clause 24 of PCC LEP 2007). The bulk of the building is consistent with the desired future character of the area, without adversely affecting the adjoining heritage	Yes
3.2.2 Building Façade and Articulation Are Multiple stair lift/cores provided to encourage multiple street entries?	Multiple stair and lifts are proposed. The residential building comprises three street entries and the office building comprises one street entries.	Yes
3.2.5 Streetscape 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?	The existing area comprises both residential and commercial development. The design of the proposed building is considered to respond to the existing and future character of the area.	Yes

3.3 Environmental Amenity		
3.3.2 Private Open Space		
<p>Is a minimum of 10m² of private open space with minimum dimensions of 2.5m?</p>	<p>All units are provided with a balcony with minimum dimensions of 2.5m.</p> <p>All units have at least 10m² of private open space, except unit 123 on Level 1 which has a balcony with an area of 9m².</p> <p>The minor variation can be supported in this instance given the proposed development includes a communal open space area.</p>	No
3.3.2 Common Open Space		
<p>Is a minimum of 10m² of COS provided per dwelling?</p> <p>Communal open space may be provided on the roof top where it will not adversely impact on visual and acoustic privacy, and safety and security elements.</p>	<p>Required: 770m²</p> <p>Provided: 1,171.611m²</p> <p>NA</p>	Yes
3.3.3 Visual Privacy		
<p>Do balconies face the street or another element of the public domain such as a park?</p> <p>Is a minimum building separation of 12m provided between habitable rooms/ balconies?</p>	<p>Balconies face the street and the internal courtyard. Where balconies face the internal courtyard, there is a separation of approximately 50m between the proposal and the adjoining old dormitory to the south.</p>	Yes
3.3.4 Acoustic Amenity		
<p>Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?</p>	<p>The site is located on Victoria Road and is within close proximity to Parramatta Stadium.</p>	Yes

<p>If yes have habitable rooms of dwellings affected by high levels of external noise been designed to achieve internal noise levels of no greater than 50dBA.?</p>	<p>Refer to Council's Environment and Health Officers comments.</p>	
<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>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?</p>	<p>66% of units receive 3 hours sunlight.</p> <p>Refer to Daylight Access under RFDC.</p> <p>Yes</p>	<p>No</p> <p>Yes</p>
<p>Cross Ventilation</p> <p>Is the minimum floor to ceiling height 2.7m?</p> <p>Are 80% of dwellings naturally cross ventilated?</p> <p>Are single aspect apartments limited in depth to 8m from a window?</p> <p>Does the building have a maximum depth of 18m?</p>	<p>3.1m between floors</p> <p>88% of dwellings are naturally cross ventilated.</p> <p>No, some single aspect apartments are 10m from a window.</p> <p>The building has a depth of 20m.</p>	<p>No</p> <p>Refer to RFDC</p>
<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>Does the development contain more than 5 dwellings?</p> <p>If yes has a WSUD plan that achieves the pollution reduction targets outlined in table 3.30 been prepared?</p>	<p>Refer to Council's Development Engineer's referral.</p> <p>Yes</p>	<p>Yes</p>

<p>3.3.7 Waste Management</p> <p>Is the waste management plan satisfactory?</p> <p>Is the bin room appropriately sized for the number of bins required?</p> <p>If in a basement can the bins be transported to the kerb via a 1:14 grade ramp?</p> <p>With regards to bin collection note that Council only services developments up to 30 units and requires bins to be provided at the following rate:</p> <p>1 x 140 litre bin per unit 1 x shared 240 litre recycling bin per 2 units 1 or 2 x 240 green waste bins if the applicant desire</p>	<p>A waste management and mineralization plan was submitted with the application. Council's Environment and Health Officer has reviewed the wmp and has recommended standard conditions of consent.</p> <p>The plans indicate a waste storage room located in the basement.</p> <p>A separate vehicular access is provided from O'Connell Street for access to a loading bay/waste storage room.</p> <p>The waste management plan indicates private contractor to collect waste and recycling.</p>	<p>Yes</p>
3.4 Social Amenity		
<p>3.4.1 Public Art</p> <p>Is an arts plan required?</p>	<p>An Arts Plan is required given the cost of works exceeds \$5,000,000.</p> <p>Refer to Council's Urban Design Officers comments.</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 ground floor of each building is visitable and able to be accessed by</p>	<p>Yes</p>

	<p>people with disabilities.</p> <p>A lift is proposed from the ground floor to all levels of each building.</p> <p>An access report was submitted with the application.</p>	
<p>3.4.3 Amenities in Buildings Available to the Public</p> <p>The number of women facilities and amenities for parents in women's and men's toilets are encouraged to be of a higher rate and standard than that prescribed in the Building Code of Australia.</p>	<p>The applicant has acknowledged this request.</p>	Yes
<p>3.4.4 Safety and Security</p>	<p>The development is considered acceptable from a CPTED perspective, as the proposed development provides for natural surveillance over the public domain, access control and guardianship of semi public areas.</p>	Yes
<p>3.4.5 Housing Diversity and Choice</p> <p>Unit Mix</p> <p>1 bedroom 10% - 20%</p> <p>2 bedroom 60%-75%</p> <p>3 bedroom 10%-20%</p>	<p>The proposed development provides for the following unit mix:</p> <p>2x studio apartments (2%)</p> <p>26x 1 bedroom apartments (34%)</p> <p>42x 2 bedroom apartments (55%)</p> <p>6x 3 bedroom apartments (8%)</p> <p>1x 4 bedroom apartment</p>	No

Adaptable Dwellings	(1%)	
More than 20 units = 10% adaptable units Required: 8 adaptable units.	A condition is recommended to be included in the consent requiring the application to provide 8 adaptable units.	
<p>The applicant has provided the following justification to the non-compliance:</p> <ul style="list-style-type: none"> <i>We consider it important to offer a broad range of unit sizes. Whilst we understand the product will be focused on owner occupied dwellings, a mix of 70% 2 Bed Apartments places reasonable risk (we believe) on a high portion of the one size (or type) of product. Diversity assists in de-risking the amount of type of product to be sold. This is consistent with the advice received from Christopher Lowry from Urban Land & Housing earlier this year, added as an appendix.</i> <i>Additionally, a number of studios, 1 's and 1 B + Study provides access to a potentially broader range of purchasers than relying on 70% of purchases wanting to outlay for a 2 Bed apartment. In other words it offers a quantity of more affordable product.</i> <i>The mix includes a number of 1 Bed and Study product; this offers purchasers a mid way point between a 1 bed and a 2 bed dwelling. Again, we consider this to be good diversity.</i> <i>A broad mix of product also assists the development in de-risking the sales process, we believe. From an approval perspective, we consider it important to gain DA approval on a maximised scheme. If sales demand, smaller dwellings can be consolidated into larger dwellings. This is typically an easier task than gaining approval in reverse if early sales indicates there are too many larger dwellings. Recent anecdotal evidence on other developer fed projects through our office has shown that a lack of smaller product can tend to affect square metre rates on the larger apartments. The ability to realise quick sales on smaller product can offer the opportunity to set (early in the sales process) a healthy square metre rate, that in turn can assist the sales of larger apartments.</i> <i>The DCP nominates as a guide 10-20% of Studios and 1 Bed dwellings; and 60-70% 2 Beds. It does not stipulate 1 Bed + Study which straddles the two types. Our proposal is therefore considered in line with DCP guidelines.</i> <i>The development must also consider SEPP 65 which notes "provide a variety of apartment types, between studio, 1, 2 and 3+ bedroom apartments" and "refine the appropriate mix for a location by considering population trends and well as present market demands".</i> <p>This is considered acceptable as the shortfall in units is unlikely to have significant impacts upon housing choice within the City Centre.</p>		
3.5 Heritage & Part 4 Special Precincts		
Development must comply with the		

<p>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.</p> <p>Does the site contain a heritage item?</p> <p>Is the site within a heritage conservation area?</p> <p>Is the development near a heritage item?</p> <p>If yes to any of the above is the impact of this development acceptable?</p>	<p>The site contains a heritage item.</p> <p>The site is not within a heritage conservation area.</p> <p>Yes, the site adjoins a heritage item.</p> <p>Refer to the General Terms of Approval provided from The Heritage Council and Council's Heritage Advisor's comments.</p>	Acceptable impact
<p>3.5.2 Archaeology</p> <p>Is excavation proposed?</p> <p>If yes is the area within the study area of the Parramatta Historic Archaeological Landscape Management Study (PHALMS)?</p> <p>(Note: The planning layer of Parramapper indicates its significance)</p>	<p>Refer to the Office of Environment and Heritage comments.</p>	Yes
<p>3.5.3 Aboriginal Cultural Heritage</p> <p>For properties identified as Medium Sensitivity or High Sensitivity an Aboriginal Heritage Assessment is required.</p>	<p>The site is identified as being high sensitivity.</p> <p>Refer to the Office of Environment and Heritage comments.</p>	Yes
<p>3.6.2 Sustainable Transport</p> <p>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 9am is a car share parking space provided?</p>	<p>3 car share spaces are provided within the basement</p>	NA

<p>If a car share space is required is it publically accessible?</p> <p>Has evidence been submitted with the development application that an offer has been made to car share providers?</p> <p>Note: 1 car share space can be provided in lieu of 3 other car parking spaces</p>		
3.7.2 Site consolidation and isolation		
Does the proposal result in adjoining sites being isolated	The proposal does not result in the isolation of any adjoining properties.	Yes
<p>Special Precincts?</p> <p>Is the site located within a town or neighbourhood centre where site specific controls contained in section 4.1 have been prepared?</p> <p>Is the site located in a special character area where area specific controls contained in section 4.2 have been prepared?</p> <p>Is the site located in strategic precinct where area specific controls contained in section 4.3 have been prepared?</p>	<p>NA</p> <p>NA</p> <p>The site is located in the Parramatta City Centre</p>	Yes
Development Control	Proposal	Compliance
4.3.3.1 Building Form		
<p>Minimum building street frontage</p> <p>C.1 Development parcels are required to have at least one street frontage of 20m or more on land zoned B3 Commercial Core, B4 Mixed Use or B5 Business Development.</p> <p>C.2 Exceptions to the minimum building street frontage will be considered:</p> <ul style="list-style-type: none"> - if Council is satisfied that due to the physical constraints of the site or adjoining sites it is not possible for the building to be erected with at least one street frontage of 20m or more, and - the development meets the objectives 	<p>The site has three street frontages.</p> <p>A frontage of 57m to O'Connell Street, 175m to Victoria Road and 106m to Marist Place.</p> <p>NA</p>	Yes

of this clause.		
<p>Building to street alignment & street setbacks</p> <p>C.1 Comply with the street building alignment and front setbacks specified in Figures 4.3.3.1.1 and 4.3.3.1.2</p> <p>C.2 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure 4.3.3.1.1.</p> <p>C.3 Where the building alignment is set back from the street alignment, balconies are to be generally within the building envelope and may project up to 600mm into front building setbacks.</p> <p>C.4 Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible. (See also Building Exteriors)</p>	<p>For this site, Figure 4.3.3.1.1 indicates street building alignment and front setbacks - 'Proposed Public Domain'. The proposed development has a front setback of:</p> <p>Parish Hall: 7m to Marist Place.</p> <p>Office building: 6m-8m to Victoria Road.</p> <p>Residential Flat Building: 5.5m-9m to Victoria Road and 6m-15m to O'Connell Street.</p> <p>The proposed setback of each building is consistent with the setbacks of the heritage items and adjoining buildings.</p> <p>Front balconies do not project into the front setback.</p> <p>Complies</p>	Yes
<p>Street and river frontage heights and upper level setbacks</p> <p>C.1 Buildings must comply with the relevant street and river frontage heights and upper level setbacks as shown on Figures 4.3.3.1.3 - 4.3.3.1.11. Podium</p>	<p>For this site, Figure 4.3.3.1.3 indicates 'Building Frontage to context and Council's</p>	Yes

<p>heights must not exceed both the number of storeys and the height in metres.</p> <p>C.2 The street frontage height that applies to a shared lane is the same as that of the closest street frontage height the lane connects to. In instances where the lane connects to two or more streets, the higher street frontage height applies (to a maximum of 26 metres).</p> <p>C.3 In George Street, the upper level building setback at the street frontage is required to be 20 metres to interpret the historic alignment of this street. The podium is to have a street frontage height of 4 storeys/14 metres on a nil setback to George Street or alternatively a publicly accessible forecourt is to be provided for the full extent of the 20 metres building setback. Refer to Figure 4.3.3.1.7.</p> <p>C.4 Corner sites may be built with no upper level setback to the secondary street edge for the first 45 metres within the same site/ amalgamation (except for corners with Church Street between Macquarie Street and the river). This helps to articulate corners, generate feasible floor plates as well as allow corner towers to engage directly with the street and footpath. Refer to figure 4.3.3.1.11.</p> <p>The following take precedence in determining the primary and secondary street frontages:</p> <p>1. Church Street (between Macquarie Street and the river))</p>	<p>urban design advice’.</p> <p>Council’s Urban Design Officer has reviewed the application and has raised no objection to the upper level setbacks. It is also noted that pre lodgement advice was provided for this development.</p> <p>NA</p> <p>NA</p> <p>NA</p>	
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2. George Street 3. Streets running E-W 4. Streets running N-S		
Building depth and bulk C.1 On land zoned B3 Commercial Core, the horizontal dimensions of any building facade above street frontage height must not exceed 45 metres. C.2 All points on an office floor should be no more than 12m from a source of daylight (e.g. window, atria, or light wells). C.3 On land not zoned B3 Commercial Core, the preferred maximum floor plate area of residential or serviced apartment buildings is 1,000 square metres above a street frontage height of 26 metres. The floor plate area is to be measured to include balconies, external wall thicknesses, internal voids and atria.	NA The proposed office building complies with this control with no point being more than 12m from a source of daylight. The buildings do not exceed 26m in height, therefore this control is not relevant.	Yes
Building separation C.1 The minimum building setbacks from the side and rear property boundaries are illustrated in Figure 4.3.3.1.12. C.2 Where permissible, side and rear boundaries are to be built to zero metres at lower levels of buildings. C.3 Where a rear setback/ courtyard is proposed at ground level, a minimum dimension of 6 metres must be provided. Ground level setbacks must have daylight and amenity. Deep soil zones/ podium landscape should be co-located to the rear to create pockets of landscape/ mature trees within the block. C.4 Notwithstanding the controls in this	For this site, Figure 4.3.3.1.12 indicates a minimum side setback of 0m. Refer to Building separation under RFDC for separation controls. A ground floor courtyard is proposed which is 28m x 35m. Refer to RFDC.	Yes

<p>section, for residential development additional setbacks may be necessary to satisfy building separation, solar access and amenity requirements of SEPP 65.</p> <p>C.5 Notwithstanding side setback controls, the podium should be built to the side boundaries (0 metres setback) where fronting the street.</p> <p>C.6 If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means.</p> <p>C.7 The building separation distances between buildings on the same site are not to be less than those required between buildings on adjoining sites, unless it can be demonstrated that reducing the separation distances provides adequate privacy and solar access to the buildings concerned.</p>	<p>NA</p> <p>NA</p> <p>The separation between the proposed RFB and proposed office building is 9m.</p> <p>The required separation is 12m under the RFDC.</p> <p>The non-compliance can be supported in this instance as the windows within the side elevation of the RFB are obscured glazing only and these units either face the street or internal courtyard.</p>	
<p>Building form and wind mitigation</p> <p>C.1 To ensure public safety and comfort the following maximum wind criteria are to be met by new buildings:</p> <ul style="list-style-type: none"> - 10 metres/second in retail streets - 13 metres/second along major pedestrian streets, parks and public places - 16 metres/second in all other streets <p>C.2 Site design for tall buildings (towers) should:</p> <ul style="list-style-type: none"> - Set tower buildings back from lower structures built at the street frontage. 	<p>The development has a maximum height of; 18.9m; therefore a wind effects report is not required.</p>	<p>Yes</p>

<ul style="list-style-type: none"> - Protect pedestrians from strong wind downdrafts at the base of the tower. - Ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre. - Consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level. - Ensure useability of open terraces and balconies. <p>C.3 A Wind Effects Report is to be submitted with the DA for all buildings greater than 32m in height.</p> <p>C.4 For buildings over 50m in height, results of a wind tunnel test are to be included in the report.</p>		
<p>Building exteriors</p> <p>C.1 Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:</p> <ul style="list-style-type: none"> - datum of main façade and roof elements, - appropriate materials and finishes selection, - facade proportions including horizontal or vertical emphasis. 	<p>The site contains heritage items and adjoins sites which contain heritage items.</p> <p>A Statement of Heritage Impact and Heritage View Lines Assessment was submitted with the application.</p> <p>The assessment states that the proposal uses materials which are compatible with existing structures and are considered appropriate for the site.</p> <p>However, the Heritage Council's GTA requires confirmation of the external materials and colours to ensure the proposed palate is restrained, avoids highly reflective materials and uses natural materials to complement the Old Kings School building and Dormitory Block.</p>	<p>Yes</p>

<p>C.2 Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.</p> <p>C.3 Articulate façades so that they address the street and add visual interest.</p> <p>C.4 External walls should be clad with high quality and durable materials and finishes.</p> <p>C.5 Finishes with high maintenance costs, those susceptible to degradation or corrosion that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.</p> <p>C.6 To assist articulation and visual interest, avoid large expanses of any single material.</p> <p>C.7 Limit opaque or blank walls for ground floor uses to 30% of the building street frontage.</p> <p>C.8 Maximise glazing for ground floor retail uses, but break glazing into sections to avoid large expanses of glass.</p> <p>C.9 A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.</p> <p>C.10 Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as;</p> <ul style="list-style-type: none"> - expressed cornice lines that assist in enhancing the streetscape - projections such as entry canopies that 	<p>Balconies are proposed to the front and rear of the RFB.</p> <p>Refer to previous comment regarding materials and colours.</p> <p>Refer to previous comment regarding materials and colours.</p> <p>Refer to previous comment regarding materials and colours.</p> <p>Refer to previous comment regarding materials and colours.</p> <p>The ground floor of the office building incorporates glazing to all levels.</p> <p>The proposed development complies with this control.</p> <p>Refer to previous comment regarding materials and colours.</p> <p>NA</p>	
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<p>add visual interest and amenity.</p> <p>C.11 The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.</p> <p>C.12 New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</p> <p>C.13 Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.</p>	<p>A roof plant enclosure is proposed which is integrated into the design of the building.</p> <p>Refer to previous comment regarding materials and colours.</p> <p>Refer to previous comment regarding materials and colours.</p>	
<p>Sun access to public places</p> <p>C.1 All new buildings and additions or alterations to existing buildings are to comply with the following sun access plane control established for the Lancer Barracks site and Jubilee Park, irrespective of the existing height of nearby buildings.</p> <p>C.2 A building should not be permitted above the sun access plane unless that part of the building is a minor architectural roof feature (refer to Figures 4.3.3.1.13 to 4.3.3.1.15).</p>	<p>No impact upon these sites.</p>	<p>NA</p>
4.3.3.2 Mixed Use Buildings		
<p>C.1 Retail and business activity should be provided at ground level to support street activation and residential uses, requiring privacy and noise mitigation, should be located above street level.</p> <p>C.2 Ground floor of all mixed-use buildings are to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, minimum floor to ceiling heights are to be a minimum of 2.7 metres.</p> <p>C.3 Separate commercial service requirements, such as loading docks,</p>	<p>The development incorporates an office building has a canteen and offices on the ground floor.</p> <p>Minimum floor to floor of 4m on the ground floor and first floor and 3.2m floor to floor on the second floor.</p> <p>A separate entry to the basement is proposed</p>	<p>Yes</p>

<p>from residential access, servicing needs and primary outlook. Service entries are to be provided from the rear where possible.</p> <p>C.4 Locate clearly demarcated residential entries directly from the public street.</p> <p>C.5 Clearly separate and distinguish commercial and residential entries and vertical circulation.</p> <p>C.6 Provide security access controls to all entrances into private areas, including car parks and internal courtyards.</p> <p>C.7 Front buildings onto major streets with active uses.</p> <p>C.8 Avoid the use of blank building walls at the ground level at street or lane frontages.</p> <p>C.9 Facilities for servicing the building, sub-stations, waste collection and the like are to be integrated as part of the building design to minimise the impact on active street frontages.</p>	<p>off O'Connell Street for deliveries, loading and waste storage.</p> <p>Three separate entries are proposed for the residential building.</p> <p>Separate entries proposed.</p> <p>Provided.</p> <p>The proposed development does not incorporate any blank walls at street frontages.</p> <p>Possible location of a substation is shown on the plans.</p>	
4.3.3.3 Public Domain and Pedestrian Amenity		
<p>Site Links & Lanes</p> <p>C.1 Through site links, arcades, shared ways and laneways are to be provided as shown in Figure 4.3.3.3.2.</p> <p>C.2 The design and finish of new site links is to be provided in accordance with Council's Public Domain Guidelines.</p> <p>C.3 Site links for pedestrians and shared pedestrian and vehicular lanes are to:</p> <ul style="list-style-type: none"> - have a minimum of 40% of active ground floor frontage; - be legible and direct throughways; - provide public access at all business trading times when the link is through a 	<p>A site link is proposed from Victoria Road to 3 Marist Place to the south.</p> <p>Council's Urban Design Officer has reviewed the application and has provided comments and recommendations in regards to the proposed site link.</p>	NA

<p>development and at all times for lanes.</p> <p>C.4 Pedestrian site links are to have a minimum width of 3 metres non-leasable space clear of all obstructions (including columns, stairs and escalators);</p> <p>C.5 Internal arcades will not be approved in preference to activation of an existing or required lane or site link.</p> <p>C.6 Building address to lanes and site links shall create visual interest such as landscaping, awnings, paved finishes and good lighting.</p> <p>C.7 Shared lanes and vehicular lanes are to have a minimum width of 6m clear of all obstructions.</p> <p>C.8 To provide interest in these spaces, public art installations are encouraged in lanes.</p>	<p>The proposed site link is 12m wide and has a width of 7m clear of any columns.</p> <p>NA</p> <p>A canteen is proposed along the site link. The landscape and public domain plan indicates landscaping etc.</p> <p>NA</p> <p>A Public Arts Plan was submitted with the application and reviewed by Council's Manager, City Animation.</p>	
<p>Active Frontages</p> <p>Active Frontages for non-residential development</p> <p>C.1 Active frontages are required throughout the city centre on primary street frontages for a minimum of 50% of each building front; and on secondary street frontages and lanes for a minimum of 40% of each building front.</p> <p>C.2 Active ground floor uses are to be at the same level as the footpath and be accessible directly from the street. (Refer to Council's Public Domain Guidelines and the requirement for an Alignments Plan).</p> <p>C.3 Provide multiple entrances for large developments including an entrance on each street frontage.</p>	<p>The office building has an active street frontage.</p> <p>The ground floor of the office building is the same level as the footpath. A pedestrian ramp is also provided from Victoria Road to the rear of the site</p> <p>Three separate entrances are provided for the residential</p>	<p>Yes</p>

<p>C.4 Security grilles detract from an active street front, but where they are essential, must be fitted only internally within the shopfront and set back from the line of enclosure. Such grilles are to be fully retractable and at least 50% transparent in their closed state.</p> <p>C.5 Extend active frontages above ground floor level with uses and building design, which provide transparency, and visual contact with the public domain.</p> <p>C.6 Opportunities for active frontages to parks, public squares and the river foreshore are to be maximised.</p> <p>Active frontages with street address for residential development</p> <p>C.7 Street address for residential development is to include entries, lobbies and habitable rooms with clear glazing to the street not more than 1.2m above street level and excluding car parking areas.</p> <p>C.8 Residential developments are to provide a clear street address and direct pedestrian access off the primary street front and allow for apartments to overlook all surrounding streets and lanes.</p> <p>C.9 Provide multiple entrances for large developments including an entrance on</p>	<p>building; two from O'Connell Street and one from Victoria Road.</p> <p>Two separate entrances are provided for the office building from Victoria Road.</p> <p>One entrance is provided for the Parish Hall from Marist Place.</p> <p>NA</p> <p>Provided.</p> <p>Active frontages provided which are to Parramatta Stadium, Parramatta Park and Alfred Park.</p> <p>The development complies with these controls, with all ground floor units having direct pedestrian access to the front door from the street, floor to floor glazing and front courtyards.</p>	
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<p>each street frontage.</p> <p>C.10 Provide direct 'front door' access from ground floor residential units.</p> <p>C.11 Residential buildings are to provide not less than 65% of the lot width as street address.</p>		
Pedestrian Overpasses and Underpasses	Not required or proposed for this development	N/A
<p>Awnings</p> <p>C.1 Continuous street frontage awnings are to be provided for all new developments as indicated in Figure 4.3.3.3.3.</p> <p>C.2 New awnings must align with adjacent existing awnings and complement building facades.</p> <p>C.3 Wrap awnings around corners where a building is sited on a street corner.</p> <p>C.4 For streets, awning dimensions should generally be:</p> <ul style="list-style-type: none"> - Minimum soffit height of 3.3 metres. - Low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height) - Setback a minimum of 600mm from the face of the kerb. - Minimum of 3.0 metres deep unless street trees are required. <p>C.5 Where street trees are required the entire length of the awning is to be set back from the kerb by 1.2 metres. Cut outs for trees and light poles in awnings are not acceptable.</p> <p>C.6 For lanes:</p> <ul style="list-style-type: none"> - Well designed awnings and entrance canopies that provide additional shelter at entrances, define particular spaces in lanes and relate in scale to individual ground floor uses addressing the lane are encouraged. 	<p>Figure 4.3.3.3.3 indicates that an awning is not required in this instance.</p>	NA

<ul style="list-style-type: none"> - Awnings and entrance canopies must be cantilevered; no posts are allowed to maintain sight lines and a 1.8m clear path of travel along the building edge. - The style of awning recommended is the retractable folding arm type. 		
<p>Courtyards and Squares</p> <p>C.1 Integrate forecourts, squares and courtyards with through block links where appropriate.</p> <p>C.2 Design forecourts, squares and courtyards to visually and physically extend the public domain.</p> <p>C.3 Forecourts, squares and courtyards should be delightful outdoor rooms, and must be well considered with regard to aspect and height to width, and depth to width proportions.</p> <p>C.4 It is preferred that courtyards and squares are the same level as the street to facilitate access and integration with the public domain.</p> <p>C.5 Basement car parks should be contained predominantly within building footprints and allow for deep soil beneath forecourts and courtyards for large canopy tree planting.</p> <p>Forecourts</p> <p>C.6 Retain forecourts of heritage items which interpret the historic alignment of George Street, including Perth House, Brislington, the Roxy Cinema and the Parramatta Park Tudor Gate House.</p> <p>Squares</p> <p>C.7 Squares are permitted within the historic alignment of George Street as forecourts to public buildings or commercial towers.</p> <p>C.8 Squares are to be spatially defined with at least three substantially or fully built edges, will not exceed a depth to width ratio of 3:1, and will be not less than</p>	<p>The proposed courtyard is a private open space area for residents only. Therefore these controls are not relevant.</p>	<p>NA</p>

12m wide.		
4.3.3.4 Views and View Corridors		
Controls C.1 Views shown in Figure 4.3.3.4 are to be protected in the planning and design of development. C.2 Align buildings to maximise and frame view corridors between buildings. C.3 Carefully consider tree selection to provide views along streets and keep under storey planting low where possible. C.4 Site analysis must address views with the planning and design of building forms taking into account existing topography, vegetation and surrounding development.	The site is located within a view corridor. A Heritage View Lines Assessment was submitted with the application.	NA
4.3.3.5 Access and Parking		
Vehicle footpath crossings Location of Vehicle Access C.1 No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified as significant pedestrian circulation routes in Figure 4.3.3.5.1. C.2 In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted. C.3 Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity. C.4 Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date. C.5 Vehicle access may not be required	Figure 4.3.3.5.1 indicates that this control does not relate to this site. One vehicular entry point is proposed on each frontage. The application proposes a two level basement over the two sites for each proposed use. No objection has been	NA

<p>or may be denied to some heritage buildings.</p> <p>Design of Vehicle Access</p> <p>C.6 Vehicle access ramps parallel to the street frontage will not be permitted.</p> <p>C.7 Doors to vehicle access points are to be fitted behind the building façade and to be of materials that integrate with the design of the building and contribute to a positive public domain.</p> <p>C.8 Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.</p> <p>Porte Cocheres</p> <p>C.9 Porte cocheres disrupt pedestrian movement and do not contribute to active street frontage.</p> <p>They may only be permitted in exceptional circumstances for hotels and major tourist venues subject to high quality urban design, streetscape, heritage and pedestrian amenity considerations.</p> <p>C.10 If justified, porte cocheres should preferably be internal to the building with one combined vehicle entry and exit point, or one entry and one exit point on two different street fronts of the development.</p> <p>C.11 In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as:</p> <ul style="list-style-type: none"> - it is constructed entirely at the footpath level, - provides active street frontage uses in addition to any hotel entry or lobby at its perimeter, - is of high quality design and finish, and provides for safe and clear pedestrian 	<p>raised over the proposed vehicle access points.</p> <p>Refer to Council's Traffic and Transport Investigations Engineer's comments</p>	
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movement along the street.		
<p>Pedestrian access & mobility</p> <p>C.1 Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.</p> <p>C.2 Access to public areas of buildings and dwellings should be direct and without unnecessary barriers. Avoid obstructions, which cause difficulties including:</p> <ul style="list-style-type: none"> - uneven and slippery surfaces; - steep stairs and ramps; - narrow doorways, paths and corridors; - devices such as door handles which require two hands to operate. <p>C.3 The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428.1 and AS1438.2, or as amended) and the Disability Discrimination Act 1992 (as amended).</p> <p>C.4 The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.</p> <p>C.5 The development must provide continuous paths of travel from all public roads and spaces as well as unimpeded internal access.</p> <p>C.6 Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.</p>	<p>An Access Report was submitted with the application. The report confirms compliance with these controls.</p>	<p>Yes</p>
Vehicular driveways and manoeuvring	Refer to Council's	Yes

areas	Traffic and Transport Investigations Engineer's comments	
4.3.3.6 Environmental Management		
<p>Landscape Design</p> <p>C.1 Commercial and retail developments are to incorporate planting in accessible outdoor spaces such as courtyards, forecourts, terraces and roofs.</p> <p>C.2 A landscape concept plan must be provided for all landscaped areas. The plan must outline how landscaped areas are to be maintained for the life of the development.</p> <p>C.3 Street trees are to be provided in the footpath in accordance with Council's Street Tree Plan.</p> <p>C.4 Landscaping of city buildings should consider the use of 'green walls' in appropriate locations.</p> <p>C.5 Basement car parks should be contained predominantly within building footprints to allow for deep soil beneath forecourts and courtyards for canopy tree planting.</p>	<p>Outdoor spaces are proposed.</p> <p>A landscape concept plan was submitted with the application.</p> <p>Deep soil is provided.</p>	<p>Yes</p>
<p>Green roofs</p> <p>C.1 Buildings are encouraged to include a green roof component on the roof space.</p>	<p>A green roof is not proposed.</p>	<p>NA</p>
4.3.3.7 City Centre Special Areas		
<p>Special Controls for the River Foreshore, Parramatta Square and Park Edge</p> <p>PARK EDGE - Area B</p> <p>(a) The street frontage height for podiums, setbacks to the street, side and rear boundaries must comply with figures 4.3.3.7.8, 4.3.3.7.9 and 4.3.3.7.10.</p>	<p>26 O'Connell Street is located within Area B of the Park Edge Special Area.</p> <p>1 Marist Place is not located within a Special Area.</p> <p>Figures 4.3.3.7.8, 4.3.3.7.9 and 4.3.3.7.10 indicate 'maintain existing street setback</p>	

<p>(b) Upper level building setbacks must contribute to spaces between buildings and an openness in the city skyline, with upper level setbacks of:</p> <p>(i) 8 metres at the river foreshore as shown in figure 4.3.3.7.11: and</p> <p>(ii) 6 metres at the street frontage as shown in figure 4.3.3.7.12; except for George Street (see clause c).</p> <p>(c) Upper level building setback to George Street of 20 metres must comply with figure 4.3.3.7.13, to frame the vista along this street, reinforcing the historic Georgian town plan and the relationship between George Street and OGHD.</p> <p>(d) Upper level side and rear building setbacks must comply with figure 4.3.3.7.10 to contribute to spaces between buildings and an openness in the city skyline.</p> <p>(e) Where reasonably practicable, having regard to the orientation of the particular development parcel, buildings must be oriented with their narrow end not exceeding 30 metres in width facing the Domain.</p> <p>(f) External building materials must reduce visibility against the sky, for example, use of light colours or reflective surfaces.</p> <p>(g) Signage on the upper level of buildings must not face the Domain of Parramatta Park.</p> <p>Minor departures exceeding the above built form controls (by up to 5%) for Area B will only be permitted where the</p>	<p>to heritage items’.</p> <p>The proposed front setbacks are consistent with the adjoining heritage items.</p> <p>NA</p> <p>Not provided.</p> <p>NA</p> <p>Refer to Building Separation under RFDC or separation controls.</p> <p>NA</p> <p>Signage is not proposed.</p>	
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consent authority is satisfied that the visual impact of the proposed development will not visually dominate OGHD as a result of any such variation when the proposed development is viewed from any of the key viewing locations from OGHD shown in Figure 4.3.3.7.7.

Area B Building Height and Floor Space Ratio controls

The Parramatta City Centre LEP 2007 specifies the applicable maximum building height and floor space ratio controls for Area B within the Park Edge Special Area. Bonus height and floor space ratio provisions under the LEP apply when the development exhibits design excellence as judged under an architectural design competition.

When a design competition is carried out for development within the Park Edge Special Area, the brief for the design competition will specify that consideration must be given to the protection of the world and national heritage values of OGHD from significant impacts when the proposed development is viewed from any of the key viewing locations shown in Figure 4.3.3.7.7 and that the requirements of this section of the DCP are complied with.

In Area B, minor variations to building height such as for architectural roof features, or minor variations in floor space ratio of up to 5%, will only be permitted where the consent authority is satisfied that the visual impact of the proposed development will not visually dominate OGHD as a result of any such variation when the proposed development is viewed from any of the key viewing locations from OGHD shown in Figure 4.3.3.7.7.

The application proposes a variation to the Height and FSR controls of PCC LEP 2007.

4.3.3.8 Design Excellence

To improve the design excellence of buildings within the City	The application was not the subject of a Design Excellence Competition.	NA
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PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN

As the cost of works for the residential flat building 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. Accordingly, the Section 94A contributions will be calculated on the value of **\$62,494,474**.

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

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 development have been addressed in the report.

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

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

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

APPROVAL SUBJECT TO CONDITIONS

- (a) **That** JRPP as the consent authority supports the variation to Clause 21 (Height) and Clause 22 (Floor Space Ratio) of Parramatta City Centre LEP 2007 under the provisions of Clause 24.
- (b) **That** JRPP as the consent authority grant development consent to Development Application No. DA/799/2014 for Mixed Use Development at 1 Marist Place, PARRAMATTA NSW 2150, 26 O Connell Street, PARRAMATTA NSW 2150 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the following conditions:

General Matters

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing No.	Dated	Prepared By
Site location plan Revision F	14/11/2014	Scott Carver
Site plan Revision F	14/11/2014	Scott Carver
Overall Plan – B2 Revision I	19/11/2014	Scott Carver
Overall Plan – B1 Revision I	19/11/2014	Scott Carver
Overall Plan – ground Revision G	14/11/2014	Scott Carver
Overall Plan – level 1 Revision G	14/11/2014	Scott Carver
Overall Plan – level 2 Revision G	14/11/2014	Scott Carver
Overall Plan – level 3 Revision G	14/11/2014	Scott Carver
Overall Plan – level 4 Revision G	14/11/2014	Scott Carver
Overall Plan – roof Revision G	14/11/2014	Scott Carver

Drawing No.	Dated	Prepared By
Office basement 2 GA Plan Revision C	14/11/2014	Scott Carver
Office basement 1GA Plan Revision G	14/11/2014	Scott Carver
Office level 1 GA Plan Revision G	14/11/2014	Scott Carver
Office level 2 GA Plan Revision G	14/11/2014	Scott Carver
Office roof plan Revision G	14/11/2014	Scott Carver
Res Basement 2 – GA Plan Revision G	14/11/2014	Scott Carver
Res Basement 1 – GA Plan Revision G	14/11/2014	Scott Carver
Res Level 1 GA Plan Revision H	31/03/2015	Scott Carver
Res Level 2-3 GA Plan Revision H	31/03/2015	Scott Carver
Res Level 4 GA Plan Revision H	31/03/2015	Scott Carver
Res Roof Plan Revision G	14/11/2014	Scott Carver

Drawing No.	Dated	Prepared By
Street elevations Revision H	14/11/2014	Scott Carver
Site sections sheet 1 Revision H	14/11/2014	Scott Carver
Site sections sheet 2 Revision F	14/11/2014	Scott Carver
Office elevations sheet 1 Revision E	14/11/2014	Scott Carver
Office elevations sheet 2 Revision E	14/11/2014	Scott Carver
Res – Elevations sheet 1 Revision E	31/03/2015	Scott Carver
Res – Elevations sheet 2 Revision D	14/11/2014	Scott Carver
Sections Revision B	14/11/2014	Scott Carver

Drawing No.	Dated	Prepared By
Landscape planting plan 1-5 Revision A	31/03/2015	Scott Carver
Notes and Legends Drawing C01 Revision P2	23/02/2015	Taylor Thomson Whitting
Ground level siteworks plan Drawing C02 Revision P2	23/02/2015	Taylor Thomson Whitting
Upper basement siteworks plan Drawing C03 Revision P2	23/02/2015	Taylor Thomson Whitting
Lower basement siteworks plan Drawing C04 Revision P1	18/11/2014	Taylor Thomson Whitting
Erosion and sediment control plan Drawing C06 Revision P2	18/11/2014	Taylor Thomson Whitting
Details sheet 1 Drawing C10 Revision P1	18/11/2014	Taylor Thomson Whitting
Details sheet 2 Drawing C11 Revision P1	18/11/2014	Taylor Thomson Whitting
Details sheet 3 Drawing C12 Revision P1	23/02/2015	Taylor Thomson Whitting
Details sheet 4 Drawing C13 Revision P1	23/02/2015	Taylor Thomson Whitting
Section sheet Drawing C20 Revision P1	18/11/2014	Taylor Thomson Whitting

Document(s)	Dated	Prepared By
Public Arts Plan	May 2015	Milne & Stone house
Civil Engineering Report	7/11/2014	Taylor Thomson Whitting Pty Ltd
Waste management plan	23/07/2014	Mann Group NSW
Tree Report and Arboricultural Development Impact Assessment Report 1	17 March 2015	Birds Tree Consultancy
Tree Report and Arboricultural Development Impact Assessment Report 2	28 July 2014 Revised March 2014	Birds Tree Consultancy
Traffic Impact Assessment Ref 13-023	November 2014	Thompson Stanbury Associates
Contamination Report Site Validity Statement Reference 13046L01	26 April 2013	Environmental Strategies
Archaeological Assessment and Impact Statement	November 2014	GML Heritage
Remedial Action Plan	7 December 2011	Environmental Strategies
BCA Capability Statement	7 November 2014	Group DLA
Noise Impact Assessment	3 November 2014	Acoustic Logic
Access Review	10 November 2014	MGAC
Crime Prevention Report	November 2014	TPG
Assessment of Heritage Impact	25/11/2014	Design 5

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

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

2. The Applicant shall engage an Artist/Artists to develop site specific artworks consistent to the proposed themes and treatment areas outlined in the Arts Plan dated May 2015

On completion of each artwork design stage, the Applicant shall 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. Approval is granted for the demolition of the buildings and outbuildings shown on the plan of demolition, 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. 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.
- (r) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

4. Except as shown on the approved drawings and through specific conditions of consent, the development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

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

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

6. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to

obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

Prior to the issue of a Construction Certificate:

7. Submission to the satisfaction of the Principle Certifying Authority of plans and documentation that generally demonstrate compliance with the General Terms of Approval (GTA) in the Heritage Council letter dated 10 March 2015. These requirements have been identified separately in Condition 7A below and Advisory Notes which follow Condition 117 of this Notice of Determination.
- 7A. Submission to the satisfaction of Council's Manager of Development Traffic Services of amended plans showing the deletion of proposed Level 5 to the apartment building. The remaining units shall be adjusted such that the north-western corner remains the tallest section of the building. Details of compliance are to be demonstrated on plans accompanying the Construction certificate.
Reason: To lessen the adverse visual impact on Victoria Road and the Dormitory Block on O'Connell Street.
8. Submission to the satisfaction of the Principle Certifying Authority of plans and documentation that satisfactorily addresses the General Terms of Approval in the Heritage Council letter dated 16 December 2014, that are attached to this consent.
9. Submission to Council of plans and documentation that satisfactorily addresses the Roads and Maritime Services letter dated 6 January 2015. Specifically, the following must be complied with:
 - a. A splay corner has previously been dedicated as Public Road by private subdivision (DP 584639), as shown by yellow colour on the attached Aerial- "X". All buildings and structures (other than pedestrian footpath awnings) are clear of the road reserves (unlimited in height or depth).
 - b. Sign posting shall be installed to advise drivers that the entry/exit along O'Connell Street is for service and delivery vehicles only.
 - c. The layout of the proposed car parking areas associated with the subject development.
10. Plans submitted with the Construction Certificate shall clearly indicate that all residential floors are provided with a minimum internal floor to ceiling height of 2.7m (excluding the thickness of the floor and ceiling slabs). This condition does not authorise the height of the building to be increased.
Reason: To ensure appropriate opportunities for access to natural light and ventilation are provided.
11. Submission to the satisfaction of Council of an Alignments Plan for approval of the public domain design; please refer to attached checklist for required

alignments documentation. In preparing these documents the Applicant should note that paving on Victoria and O'Connell Streets must be standard City Centre paving as per the Public Domain Guidelines, available online here:

http://www.parracity.nsw.gov.au/_data/assets/pdf_file/0006/92562/Public_Domain_Guidelines.pdf

12. Amended plans to the satisfaction of the Principle Certifying Authority shall indicate the following:
 - a. The entrance to the site link (labelled as P1 on drawing C02) shall be paved with standard City Centre concrete pavers in order to integrate with street.
 - b. The front fence and associated landscaping provide a high quality urban edge that is consistent with the character of the wider precinct and associated heritage items.
 - c. External shading devices or building elements should be incorporated in the building design.
 - d. All front fences should be aligned to the property boundary to provide a clear edge between public and private spaces. This measure will also assist in mitigating against damage/rubbish from high volume pedestrian flows and allow for greater soil volume and larger trees within the property boundary.
 - e. The front fence should clearly articulate building entries to the number of residential lobby's proposed along Victoria Rd and O'Connell St. Further detail is required by the applicant to assess how secure access is provided from the street, and how elements such as letterboxes, intercoms, signage, lighting and topographic level changes are incorporated into the design of the front fence.
 - f. For public domain amenity, landscaping in the front courtyards must be the primary instrument for screening between public and private areas. Walls on O'Connell Street to be no greater than 1.5m, and at a smaller scale on Victoria Street to reflect the changing street environment.
13. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.
Reason: To ensure waste conveyance equipment is appropriately designed and managed.
14. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

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

15. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

16. 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.

17. 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.

18. The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water 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. This process will result in the plans being appropriately stamped.

The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of any Construction Certificate and works commencing on site.

Notes: For Quick Check agent details please refer to the web site www.sydneywater.com.au – see Building and Developing – then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

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

19. The basement stormwater pump-out system, must be designed and constructed to include the following:
 - (a) A holding tank capable of storing the run-off from a 100 year ARI (average recurrence interval) - 2 hour duration storm event, allowing for pump failure.
 - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
 - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
 - (d) A 100 mm freeboard to all parking spaces.

- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

Reason: To ensure satisfactory storm water disposal.

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

Reason: To ensure satisfactory storm water disposal.

21. No work is to commence on the storm water system until the detailed final storm water 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 Concept Drainage Plans with the notations there on, approved with the Development Consent.

Note: The reference Stormwater design by TTW is 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 235 m³/ha and a Permissible Site Discharge of 208 L/s/ha (as per 3rd edition of UPRCT's handbook). Or
- (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 190 m³/ha and Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 334 m³/ha as per the submitted OSD calculation.

- (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.

22. Humes 'Jellyfish' water quality treatment devices must be installed generally in accordance with the Development Application and manufacturer's specifications to manage surface runoff water quality and to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Working details of the proposed devices and their location and installation must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

23. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

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

24. 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.

25. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

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

26. A total of 13 accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for

orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

27. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure visitor carparking is accessible.

28. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

29. The proposed kerb inlet pit must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.

Reason: To ensure appropriate drainage.

30. 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.

31. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied that the tree sensitive construction measures detailed within the following arborist reports;

Report 1 – Prepared by Birds Tree Consultancy dated 17 March, 2015 and
Report 2 – Prepared by Birds Tree Consultancy revised date 31 March 2015
shall be included within the documentation submitted with the construction certificate.

Reason: To ensure adequate protection of existing trees.

32. 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.

33. A monetary contribution comprising **\$1,897,568.55** is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta City Centre Civic Improvement Plan (Amendment No. 1). Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate/ subdivision certificate [choose one]. 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. Parramatta City Centre Civic Improvement Plan (Amendment No. 1) can be viewed on Council's website at:

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

Reason: To comply with legislative requirements.

34. 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/799/2014;
- 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	\$20,000
Total	\$60,000

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

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

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

35. An Environmental *Enforcement Service Charge* must be paid to Council prior to the issue of a Construction Certificate.
The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

36. An *Infrastructure and Restoration Administration Fee* must be paid to Council prior to the issue of a Construction Certificate.
The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

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

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

37. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the

Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

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

Reason: To ensure that the levy is paid.

39. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

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

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

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

Reason: To comply with the requirements of SEPP 65.

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

42. The development must incorporate 8 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason: To ensure the required adaptable dwellings are appropriate designed.

43. An acid-sulphate soils management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) must be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and must include a site analysis from a National Association of Testing Authorities (NATA) registered laboratory. This strategy must address the following aspects:

- (a) Specific mitigating measures to minimise the disturbance of acid sulphate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- (b) Management and disposal of the excavated material;
- (c) Measures taken to neutralise the acidity; and
- (d) Run-off control measures.
- (e) The recommendations of the strategy must be completed prior to the commencement of building works.

Reason: To protect the development from the harmful effects of acid-sulphate soils.

Prior to the Commencement of Work

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

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

45. Prior to the commencement of any works on 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.

46. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

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

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

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

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

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

Reason: Management of records.

48. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.

- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from 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 potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where 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 for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated 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 properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

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

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

49. Details of the proposed reinforced concrete pipe-work, drainage structures, kerb inlet pits, footpaving, kerb and gutter, driveway crossings and landscaping within the adjoining public road reserves shall be submitted for Council's City Works/Infrastructure Unit approval prior to commencement of any work and shall be completed to Council's satisfaction prior to release of the Occupation Certificate.

Reason: To ensure adequate infrastructure is provided.

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

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

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

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

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

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

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

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

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

53. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

Reason: Proper management of public land.

54. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard

Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

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

55. The trees identified the following arborist reports; Report 1 – Prepared by Birds Tree Consultancy dated 17 March, 2015 and Report 2 – Prepared by Birds Tree Consultancy revised date 31 March 2015 shall be protected prior to and during the demolition/construction process in accordance with these documents.

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

56. Retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy drip line or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing.

Reason: To protect the environmental amenity of the area.

57. Prior to works commencing, tree protection signage is to be attached to the fencing of each Tree Protection Zone. It is to be displayed in a prominent position and in locations where the fence changes direction. Each sign must contain the following detail in a clear and legible form:

- (a) The Tree Protection Zone is a 'No-Go Zone';
- (b) This fence has been installed to prevent damage to the trees and their growing environment, both above and below ground level. Access to this area is restricted; and
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

58. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

Reason: To ensure trees are protected during construction.

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

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

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

Reason: To comply with legislative requirements.

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

Reason: To ensure adequate toilet facilities are provided.

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

Reason: To ensure public safety.

62. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;

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

This condition does not apply where works are being carried out inside an existing building that is capable of being secured.

Reason: Statutory requirement.

63. 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 road, footpaths, kerbs, gutters and drainage pits.

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

64. Prior to the commencement of work, the a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

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

During Construction

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

Reason: To ensure satisfactory stormwater disposal.

66. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

67. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason: To protect public safety.

68. Paved footpaths are to be constructed in accordance with Council standards and designs approved with this consent within the road reserves adjoining the site. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Assets Team prior to commencement of footpath works. All costs are to be borne by the applicant.

Reason: To provide pedestrian passage.

69. Unless otherwise advised by Council's Assets and Infrastructure Team, standard Kerb Ramps are to be constructed at the intersections of Marist Place, Victoria Road and O'Connell Streets in accordance with Council Plan No. DS4. Details must be submitted to and be approved by Council prior to construction. All costs must be borne by the applicant.

Reason: To provide adequate access.

70. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

Reason: To ensure appropriate car parking.

71. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

72. 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.

73. Tree removal shall be undertaken in accordance with the recommendations made within the following arborist reports;

Report 1 – Prepared by Birds Tree Consultancy dated 17 March, 2015

Report 2 – Prepared by Birds Tree Consultancy revised date 31 March 2015

Reason: To facilitate development.

74. 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.

75. 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.

76. 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.

77. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

78. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

79. Dust control measures must be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the *Protection of the Environment Operations Act 1997*.

Reason: To protect the amenity of the area.

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

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

Reason: to protect the amenity of the area.

81. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

Reason: To allow the PCA/Council to respond to concerns raised by the public.

82. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive,

and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

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.

Reason: To protect the amenity of the area.

83. A Waste Data file is to be maintained during the works recording:

- Details of all contractors associated with the demolition, excavation and construction;
- Waste disposal receipts/dockets for any demolition or construction material removed from the site.

These records must be retained and made available upon request.

Reason: To ensure appropriate lawful disposal of waste.

84. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

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

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

- (a) The development application and Construction Certificate number as registered;
- (b) The address of the property at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the 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.

86. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

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

87. 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.

88. On completion of each artwork design stage, the Applicant shall 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 Release of the Occupation Certificate

89. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

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 the prescribed fee must be forwarded to Council.

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

90. Proof of completion of footpath, kerb and gutter, drainage and landscape construction work in the road reserves adjoining the site shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To ensure completion.

91. Works-As-Executed stormwater plans are to address the following:
- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
 - (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
 - (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
 - (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
 - (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
 - (f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

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

92. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.
Reason: To ensure the requirements of Sydney Water have been complied with.
93. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.
Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.
Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.
94. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

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

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

Reason: Pedestrian and Vehicle safety.

95. Proof of completion of the Kerb Ramps must be submitted to the satisfaction of the Council prior to the issue of an Occupation Certificate.

Reason: To provide adequate access.

96. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. SD004. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

97. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

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

Reason: To ensure a visible house number is provided.

99. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate will be complied with prior to occupation.

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

100. Prior to the issue of any Occupation Certificate, the developer is to provide the Principle Certifying Authority with evidence satisfactory arrangements have been made with a telecommunications provider to provide broadband access to the development.

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

101. Submission of a letter confirming satisfactory arrangements have been made for the provision of electricity services from Endeavour Energy or an approved electricity provider.

Reason: To ensure appropriate electricity services are provided.

102. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

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

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

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

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

103. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

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

Reason: To comply with the requirements of SEPP 65.

104. An arts and cultural plan shall be prepared for the site to the satisfaction of Council. The plan is to be submitted to and approved by Council and implemented prior to occupation.

Reason: To ensure appropriate public artwork/s are provided for the site.

105. 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.

106. Prior to the issue of the occupation written correspondence must be obtained from Council's Urban design unit that the required public domain works have been appropriate implemented.

107. Prior to the issue of an occupational certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:

(a) Acoustic Report No. 20141264.1/0311A/R0/JS, dated 3/11/2014,
prepared by Acoustic Logic Consultancy Pty Ltd ABN 11 068 954 343.

Reason: To demonstrate compliance with submitted reports.

Use of the Site:

108. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the

development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

109. The air conditioner/s must not be located on the balconies, unless it is not visual from the public domain or surrounding buildings.

Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality.

110. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the Strata Schemes (Freehold Development) Act 1973. The linen plan must not be issued until a final occupation certificate has been issued.

Reason: To comply with the Strata Schemes (Freehold Development) Act 1973.

111. The use of the premises not giving rise to:

(a) transmission of unacceptable vibration to any place of different occupancy,

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

Reason: To prevent loss of amenity to the area.

112. The air conditioner/s must not: (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

(a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or

(b) before 7.00am and after 10.00pm on any other day.

(c) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

113. The days and hours of operation are restricted to 8:00am to 5:30pm, 7 days a week.

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

114. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

Reason: To ensure provision of adequate waste storage arrangements.

115. 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.

116. 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.

117. 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.

Advisory Note:

- a) The elevation of the office building and cathedral should read as a pair.
Reason: The space between the office building and cathedral is one of the most important entries to the site.
- b) Consideration should be given to redesign of the apartment building's northern and western elevations to reduce the scale of the oversized openings and accentuate the horizontal features while still providing interest and depth.
- c) No buildings or structures are to be located within the drop zone under each spotted gum on O'Connell Street.
Reason: To prevent damage to property or persons if either tree sheds a limb.
- d) It is highly recommended that the architect of the 2003 St Patricks Cathedral, Aldo Giugola, be consulted in relation to key principles and design approach as per resolution of 4 June 2014.