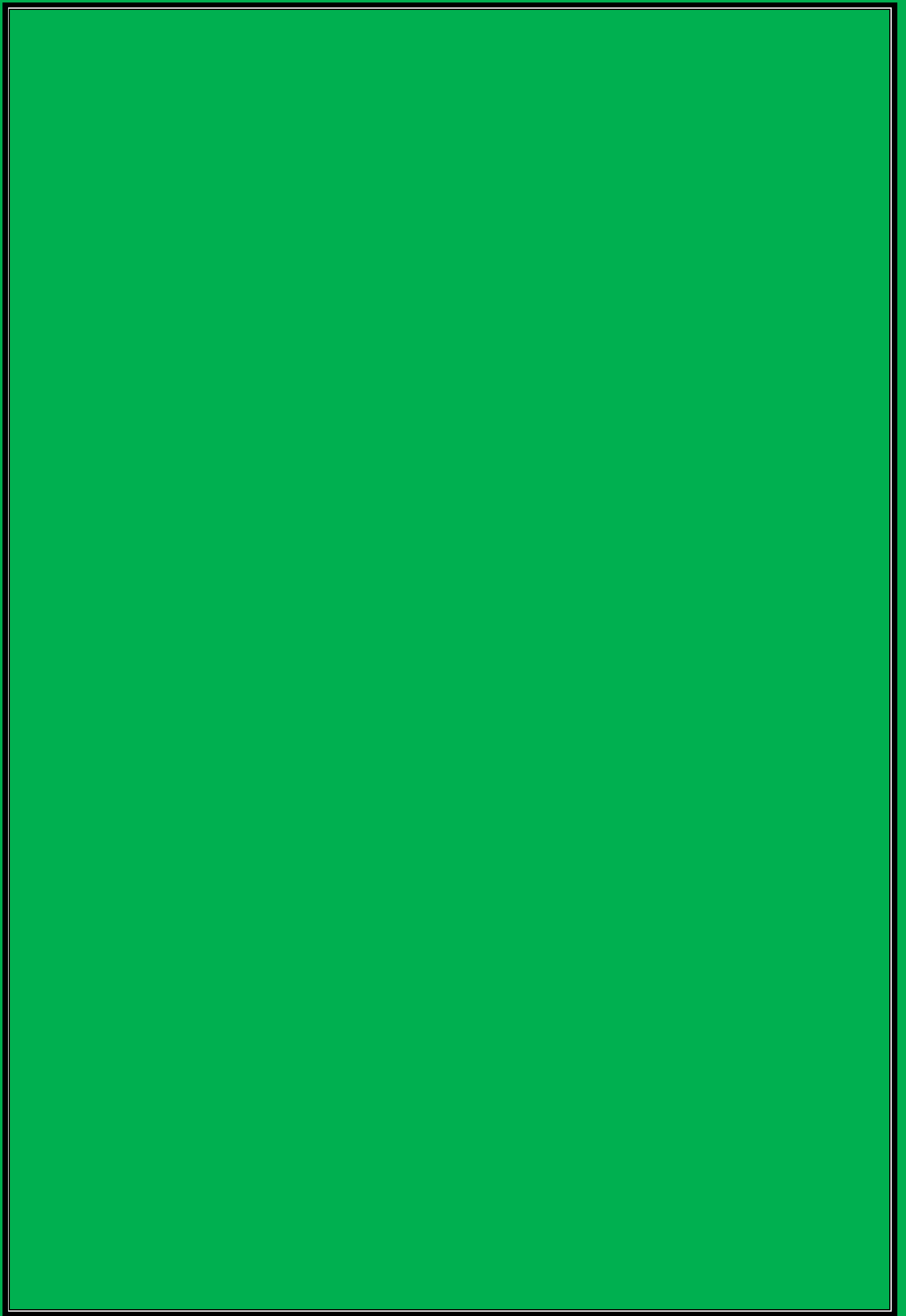


Council Assessment Report

2015SYW157 (DA/96/2015)

McDonalds Restuarant

355-375 Church Street Parramatta



JRPP No.	2015SYW157
DA Number	DA/96/2015
Local Government Area	Parramatta City Council
Proposed Development	Staged development for demolition, consolidation and subdivision to create 2 Torrens title allotments, construction of a McDonalds restaurant on proposed Lot A (Stage 1) and concept approval for a future mixed use development over basement parking on proposed Lot B (Stage 2).
Street Address	355- 375 Church Street, PARRAMATTA NSW 2150
Applicant/Owner	McDonald's Australia Ltd
Number of Submissions	One submission
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 City Centre Local Environment Plan 2007.Parramatta Development Control Plan 2011.
Recommendation	Approval subject to conditions
Report by	Sasi Kumar Senior Development Assessment Officer

**ASSESSMENT REPORT – Staged Development- Commercial and
Mixed Use
S79C – Environmental Planning & Assessment Act 1979**

SUMMARY

DA No:	DA/96/2015
Property:	Lot 1 DP 668821 and Lot 1000 DP 791977, 355-375 Church Street, PARRAMATTA NSW 2150
Proposal:	Staged development for demolition, consolidation and subdivision to create 2 Torrens title allotments, construction of a McDonalds restaurant on proposed Lot A (Stage 1) and concept approval for a future mixed use development over basement parking on proposed Lot B (Stage 2). The proposal will be determined by the Sydney West Joint Regional Planning Panel as the estimated CIV of the total proposal is in excess of \$20 million.
Date of receipt:	27 February 2015
Applicant:	McDonald's Australia Ltd
Owner:	McDonald's Australia Ltd
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
Submissions received:	One (1)
Recommendation:	Approval
Assessment Officer:	Sasi Kumar

Legislative requirements

Zoning:	B4 Mixed Use
Permissible under:	Parramatta City Centre Local Environmental Plan 2007
Relevant legislation/policies	State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Buildings), State Environmental Planning Policy (Infrastructure) 2007, Sydney Regional Environmental Plan (Sydney Harbour

Catchment) 2005 (Deemed SEPP), State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Parramatta City Centre LEP 2007, Parramatta Development Control Plan 2011, Policy for the Handling of Unclear insufficient and amended development applications

Heritage	No – The subject site is not of local or state heritage significance. The subject site is located within the vicinity of heritage items, being No. 353c Church Street (Alfred Square and potential archaeological site- State significance), No. 14 - 16 Ross Street – (single storey residence and Wine Bar Bistro- Local significance) and 387 Church Street- (Royal Oak Hotel and stables and potential archaeological site – State significance).
Heritage Conservation Area	No – The subject site is not located within a heritage conservation area.
Integrated development	No
Designated development	No
Crown development	No

Site History:

A pre-lodgement application meeting (PL/71/2014) was held between the proponents and Council on 2 July 2014 for a staged proposal for redevelopment of the site, including construction of a new McDonald's restaurant and concept building envelope plan for a future mixed use development. The proposal comprise of the following elements to be undertaken in 2 stages: -

1. Building layout and envelope across the site.
2. Detailed development consent for Stage 1 - demolition, Torrens title subdivision into 2 allotments and construction of a new McDonald's restaurant with associated basement parking & landscaping.

Application History:

27 February 2015	Application lodged.
3 March 2015	Environmental Waste comments received.
11 March to 1 April 2015	Application advertised.
16 March 2015	Additional information including alignment plans and Arts plan requested.
19 March 2015	Environmental Health (Food premises) and Environmental Health (Acoustic) comments received.
20 March 2015	Environmental Health (Contamination) comments received.
25 March 2015	DEAP meeting
31 March 2015	DEAP recommendations forwarded to applicant.
1 April 2015	RMS response received.
15 April 2015	Tree and Landscape Management Officer comments.

21 April 2015	Meeting with applicant and their Planning consultant.
30 April 2015	Development Engineer comments received.
24 July 2015	Letter from applicant seeking extension of time until 31 August 2015 to resolve isolation issues.
31 August 2015	Meeting held with applicant and their consultant planners and architect.
10 September 2015	Amended architectural plans and site isolation issues addressed by applicant.
15 September 2015	Urban design comments on the McDonald's restaurant provided.
30 September 2015	Urban Design comments on the proposed mixed use provided.
12 October 2015	Urban Design comments in regards to Alignment Plans provided.
14 October 2015	JRPP briefing held.
21 October 2015	Meeting with City Architect.
26 October 2015	Traffic Engineer's comments received.

SECTION 79C EVALUATION

THE PROPOSAL

The subject application seeks consent for a Staged Development Application under Section 83B of the *Environmental Planning and Assessment Act 1979* (EP&A Act), for a food and drink premises and mixed use development on the subject site.

In accordance with Section 83B(3)(b), the proposal details the construction of a McDonalds restaurant at the southern portion of the site (Stage 1 on proposed Lot A) and concept approval for a mixed use building (Stage 2 on proposed Lot B). The subject application seeks approval for the land use and building envelope only for Stage 2 and any consent granted under this application does not represent approval for any built form/associated structures on proposed Lot B.

1. Stage 1 incorporates the following elements: -

- a) Demolition of structures on site, including the existing McDonalds restaurant and the structures already approved for demolition under DA/282/2014;
- b) Consolidation of the existing lots and re-subdivision to create two Torrens title allotments being proposed Lots a and B, with areas of 2080m² and 2658m², respectively; and
- c) Construction of two storey McDonald's operation with a capacity for 216 seated patrons on proposed Lot A comprising of: -
 - i. Basement car park with 36 car spaces;
 - ii. Staged construction, which includes the retention of the existing McDonald's restaurant during construction phase;
 - iii. Retention of an existing pylon signage facing Victoria Road and the inclusion of flush wall mounted illuminated M logo and McCafe signs and McDonald signage. Further directional signage is also proposed; and
 - iv. The operation of the McDonald restaurant includes the following;
 - a. Total seating – Indoor- 171 across two levels
Outdoor- 45;
 - b. play area on the ground floor;
 - c. drive through facility;
 - d. waste storage area;

- e. goods and customer lift;
- f. kitchen;
- g. counter area;
- h. storage rooms;
- i. toilets;
- j. staff quarters;
- k. 24 x7 operations.

2. Stage 2 incorporates the following elements: -

- a) Concept approval of a mixed use building with frontages to church and Ross Street with ground floor retail and residential flat building above with approximately 76 dwellings and 8 at grade parking spaces and 5 bicycle parking spaces;
- b) One level of basement parking with 48 car parking spaces; and
- c) Associated landscaping and public domain works.

PERMISSIBILITY

The site is zoned B4 Mixed Use under Parramatta City Centre Local Environmental Plan 2007. The proposed works are for staged development with Stage 1 including the demolition of the existing structures and the construction of a food and drink premises with associated signage and retention of one existing pylon sign. Stage 2 includes the concept approval of a building envelope for a mixed use building.

The definition of a **‘mixed use development’** is as follows:

“Mixed use development means a building or place comprising 2 or more different land uses”.

The definition of a **‘food and drink premises’** is as follows;

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

The definition of “signage” is as follows;

“ signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

(a) building identification signs, and

(b) business identification signs, and

(c) advertisements,

but does not include traffic signs or traffic control facilities.”

Accordingly, the proposed development is suitably defined as ‘mixed use development’ and a “food and drinks premises” which are considered to be permissible with development consent. The signage proposed has been discussed under the Parramatta City Centre Local Environmental Plan 2007 portion of this report.

The Exempt and Complying SEPP exempt some uses from obtaining Council approval being the first occupants of a tenancy for the mixed use development for Stage 2. However this

Stage is a concept approval and a new development application will be required for the proposed building at Stage 2 and these issues would be addressed within that application.

SITE & SURROUNDS

The subject site was inspected on 12 March 2015 and 22 September 2105.

The subject site is irregular in shape and comprises 2 lots legally described as Lot 1 in DP 668821 (the south eastern corner lot) and Lot 1000 in DP 791977. The site has a 52m frontage to Victoria Road, a 74m frontage to Church Street and a 26m frontage to Ross Street with a total area of 4737.3m².

To the western boundary is a 2.745m wide right of carriageway which protrudes into the neighbouring site.

The existing buildings on the site include to the south-east corner of the site part one/two storey retail/commercial premises that is currently vacant and boarded up. This building has been approved for demolition by DA/282/2014.

To the centre of the site along the western boundary is an existing single storey McDonald's building which is currently operating, with a drive through facility.

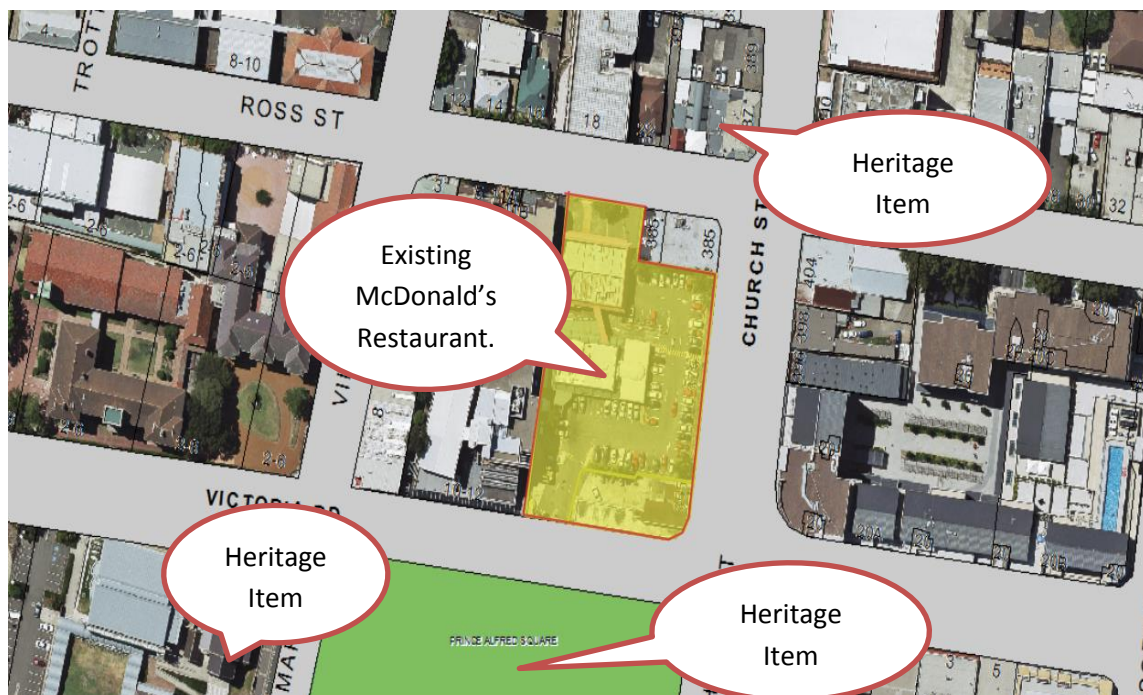


Figure 1: Aerial image of the site in context. The site is outlined in red.

The subject site has three existing McDonald's pylon signages each on the street frontages of Victoria Road, Church Street and Ross Street. There are other McDonald's related signs within the site.



Figure 2: Frontage to Victoria Road



Figure 3: Frontage to Victoria Road including one of the pylon signage.



Figure 4: Signage facing Ross Street and frontage.



Figure 5: Pylon signage facing Church Street.

SURROUNDING DEVELOPMENT & PLANNING CONTEXT

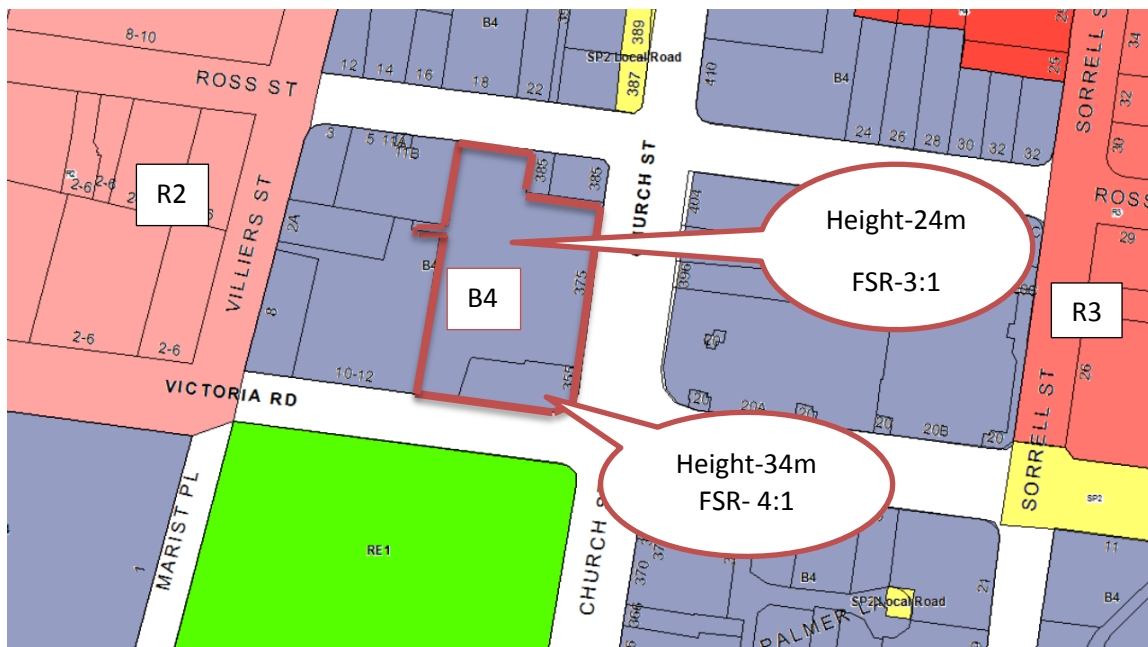


Figure 6: Zoning map depicting maximum permissible building height and floor space ratio (FSR), the subject site is identified in red outline.

The subject site comprises of 2 lots which are subject to different development controls. The corner allotment at 355 Church Street has a maximum permissible building height of 34m and an FSR of 4:1, while 375 Church Street has a maximum building height of 24m and an FSR of 3:1.

The south-eastern corner of the site is presently occupied by a vacant part one/two storey retail/commercial building. At the site's north western corner fronting Ross Street is a vacant two storey building. Both buildings have been approved for demolition under DA/282/2014.

The surrounding locality is characterised by a mixture of residential, commercial/retail uses and open spaces. To the north east is a three storey retail/commercial building at the corner of Church and Ross Street. Immediately across Church Street to the east is a part six/nine

storey mixed use building. To the west of the site is a five storey commercial building. To the south is Alfred Park which is Heritage listed (State significant). The southeast corner of the intersection of Victoria Road and Church Street is a two/tree storey commercial building.

The adjoining sites are also due for renewal with the exception of the part six, part nine storey mixed use building to the east of the subject site. The design context of the subject site controls is to encourage a building with a dominant corner element of 10-11 storeys, and 8 storeys for the remainder, similar to the mixed use building to the east.



Figure 7: The part six, part nine storey mixed use building to the east.



Figure 8: The five storey building to the west.



Figure 9: Alfred Park to the south.

PUBLIC CONSULTATION

In accordance with Appendix 5 of Parramatta Development Control Plan 2011, the application was advertised in the paper and owners and occupiers of surrounding properties were given notice of the application for a 21 day period from 11 March 2015 to 1 April 2015. Amended plans received were also readvertised in the paper, and letters sent to owners and occupiers that were originally notified clearly identifying the application as a JRPP matter, for a period of 21 days from 16 September 2015 to 7 October 2015.

In response, one submission was received from 383- 385 Church Street during the first phase of advertising and none during the second phase. The issues raised within the submission are addressed below:

1. Concern that the proposed mixed use building in Lot B will block solar access to the first and second floor windows to the south west side.

Planner's comment:

The proposed building envelope is on the boundary with nil setbacks as permissible under PDCP2011. The proposed building envelope is only conceptual in nature and will require a development application for assessment under the Apartment Design Guidelines. The existing building at 383-385 Church Street is commercial and has no residential elements currently associated with it.

2. Concern that the proposed development will isolate the site and no negotiations have been carried out with the owner's to provide a fair offer based on current evaluation of the property.

Planner's comment:

The applicants have submitted detailed documentation indicating that an independent evaluation of the site has been carried out with reasonable offers made, however, no agreement was reached. It is clear that the applicants have provided a fair offer based on the current evaluation and this was not accepted. It is also noted that the subject site could be developed in its own right.

ENVIRONMENTAL PLANNING INSTRUMENTS

CONSERVATION AGREEMENT – COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The subject site is located at the northern edge of the City Centre, within a view cone from Parramatta's Old Government House and Domain (OGHD), as identified within Figure 4.3.3.4 of Parramatta Development Control Plan 2011.

The subject site is within the backdrop of views of the city in the river valley, and glimpses of hills behind the city in between buildings from OGHD.

The planning controls include the applicable maximum building height and floor space ratio controls under the City Centre LEP 2007 (Amendment 8). They also include the DCP controls outlined in the amended DCP 2011.

Notwithstanding this, the proposed development generally complies with the abovementioned LEP and DCP controls and these controls are discussed further within this report. There are no adverse implications for the Old Government House Domain.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Complies

The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

Notwithstanding, the applicant has undertaken a Preliminary Site Investigation (PSI) by SGA Environmental which included a desktop review and a site inspection. Historically the site has been associated the following land uses:-

- 1910- 1940 – Bakery and Butcher's shop
- 1940- Commercial activities

An underground storage tank (UST) was observed during a site walkover by the investigation team to the northern end of site fronting Ross Street, which is not clearly visible since no evidence of bowzers or vent pipes locations can be identified. This is within the Stage 2 of the proposed development.

A previous environmental investigation undertaken by Environmental Strategies identified an elevated concentration of lead and BaP within soil samples analysed.

The following recommendations have been provided by the consultants;

- 1) No evidence of significant environmental issues have been identified which would preclude the redevelopment of the site.
- 2) The UST needs to be removed and the site validated in accordance with EPA guidelines and in accordance with SEPP55 requirements (which will form part of assessment requirements for any new development application for Stage 2).
- 3) A Ground water investigation may also be required should elevated concentrations be identified within the soil in the vicinity of the UST (which will form part of assessment requirements for any new development application for Stage 2).
- 4) A soil control plan be developed for the site and any soil excavated should be classified in accordance with the Department of Environment, Climate change and Water NSW (2009- Waste Classification Guidelines(Reference 7)).

Council's Environmental Health Officer (Contamination) has assessed the application and has raised no further concerns with the proposed development subject to the imposition of appropriate conditions.

The proposed development is therefore considered to satisfy the requirements of SEPP55 subject to conditions of consent for Stage 1 of the proposed development. The Environmental Consultants have on page 17 of their report stated the following as to the suitability of the site;

"Based on the Preliminary Site Investigation undertaken at 355 & 375 Church Street, no evidence of significant environmental issues has been identified which would preclude the proposed redevelopment. Minor remedial works would be required; however it is considered that these works could be undertaken in conjunction with excavation of the proposed basement car park."

While Stage 2 will require a validation report for the removal of the underground storage tank and this will form part of the detailed assessment when a separate development application is made for Stage 2.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application only considers the concept mixed use building envelope for Stage 2 of the application and as such no BASIX have been provided for the same. This will form part of the development application for Stage 2.

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

Complies

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 with the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Complies

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

The application is not subject to Clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

The application is subject to Clause 101 of the SEPP as the site does have frontage to two classified roads.

The application is subject to Clause 102 of the SEPP as the average daily traffic volume of Church Street and Victoria Road is more than 40,000 vehicles.

The application is also subject to Clause 104 and Schedule 3 of SEPP (Infrastructure) 2007 as the proposed Stage 1 of the development is considered a traffic generating development. A Traffic Report was provided by the applicant and was assessed by Council's Traffic Engineer.

The Roads and Maritime services have also assessed the Traffic report and have not raised any additional concerns subject to conditions of consent recommended.

STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING & SIGNAGE

Although business identification signages are proposed and these are not under the purview of SEPP64, but for merit considerations the principles are discussed herein;

The application proposes the construction of the following signage:

1) External Signage:

- a. 1 illuminated “McDonalds” business identification sign (5.7m x 0.7m) on the north-western elevation fronting the corner of Victoria Road and Church Street.
- b. 1 illuminated “M” wall sign (2m x 2m) to the top wall fronting the Victoria Road street elevation.
- c. 1 illuminated “Create your Taste” wall sign (1m x 1m) to the wall fronting of Victoria Road street elevation.
- d. 1 illuminated “McCafe” wall Sign (2m x 2m) to the top wall fronting Victoria Road street elevation.
- e. Retention of an existing illuminated Pylon Sign fronting Victoria Road.

2) Signage within the property and not directly visible from the street include drive-through, directional, parking and menu signage.

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

Clause 8 of the SEPP states the following:

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

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

Aims and Objectives

The proposed signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations is of high quality design and finish, and is therefore consistent with the aims and objectives of Clause 3 of SEPP 64.

Assessment Criteria

The following table outlines the manner in which the proposed signage satisfies the assessment criteria of SEPP 64.

Consideration	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The sign is compatible with the existing and desired character of the area. The subject site and the immediate surrounding areas are zoned B4 Mixed Use.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is being reduced from three to one pylon signs and generally consistent with the prevailing character for outdoor advertising in the locality.
2 Special areas	

Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is in the immediate vicinity of Heritage items. A satisfactory Heritage Impact Assessment has been undertaken. The existing pylon signage fronting Victoria Road is being maintained however the pylon sign fronting Church Street and Ross Street is being removed. No additional adverse impacts are envisaged.
3 Views and vistas	
Does the proposal obscure or compromise important views?	The proposed signage does not detract from the amenity or visual quality of any area.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not detract from the amenity or visual quality of any area and will not be visible from Mays Hill (refer to DCP discussion).
Does the proposal respect the viewing rights of other advertisers?	Yes
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes the proposed signage is appropriate for the streetscape and setting.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes, as stated previously the pylon signages are being reduced from 3 to 1 in number.
Does the proposal screen unsightliness?	No
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
Does the proposal require ongoing vegetation management?	No
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed sign is compatible with the scale and proportion of the building and sufficiently removed from heritage listed items.
Does the proposal respect important features of the site or building, or both?	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage is illuminated and is consistent with McDonalds signage on all restaurants.
7 Illumination	

Would illumination result in unacceptable glare?	No
Would illumination affect safety for pedestrians, vehicles or aircraft?	No, the diffused illumination will be required to comply with Illumination requirements for signage consistent with the requirements of Transport Corridor Advertising and Signage Guidelines and will form part of conditions of consent.
Would illumination detract from the amenity of any residence or other form of accommodation?	No, there are no residences facing the signage.
Can the intensity of the illumination be adjusted, if necessary?	No, the illuminated signage will need to comply with the Transport corridor guidelines and therefore the luminance will be controlled to that extent.
Is the illumination subject to a curfew?	No, there are no residential sites in the immediate vicinity and the controls within the Transport corridor Advertising and Signage Guidelines will mitigate any unwanted light spillage.
8 Safety	
Would the proposal reduce the safety for any public road?	No, the illuminated signage will be required to comply with Illumination requirements for signage consistent with the requirements of Transport Corridor Advertising and Signage Guidelines and will form part of conditions of consent.
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the illuminated signage will be required to comply with Illumination requirements for signage consistent with the requirements of Transport Corridor Advertising and Signage Guidelines and will form part of conditions of consent.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

Clause 18 - Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

This Clause requires advertising signs greater than 20sqm in area and within 250m of and visible from a classified road to be referred to RMS for concurrence.

The total area of the advertising signage is less than 20m² and therefore no referral was required to RMS. However RMS was notified of the application and has assessed the application under SEPP (Infrastructure) 2007.

Clause 23 – Free standing advertisements

One existing pylon sign (which is being retained) fronting Victoria Road does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1km and the proposed signage is acceptable.

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 building is greater than 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 unsatisfactory. DEAP only offered detailed comments on the design of the restaurant.

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; however the proposed SEPP 65 is only applicable to Stage 2 of the development, which is a concept approval of the building envelope for a mixed use building and subject to a separate development application in the future.

DESIGN EXCELLENCE ADVISORY PANEL (DEAP)

The development application was referred to the Parramatta Design Excellence Advisory Panel (DEAP) convened under SEPP 65. The Panel's recommendations in relation to the design quality principles for residential flat buildings, as set out in Part 2 of SEPP 65, from its meeting on 25 March 2015, are set out below (in italics), followed by the applicant's response to conclude: -

- *The Panel note that the entire site is currently on a single title. It understands however that the owner intends to subdivide and separate the various proposed uses within the site. Whilst indicative plans were submitted for a residential development on the northern portion, the Panel are concerned that this proposal is for the southern portion of the site only. Any proposal for the northern portion should be submitted concurrently so that the entire development can be considered holistically.*

Applicant's response

The site presently sits on two separate titles. The application is a DA is a Staged DA under Section 83B of the EP & A Act 1979 and relates to both the northern and southern portions of the site. The DA seeks:

- Staged consent for the whole site including building envelopes and land uses; and
 - Detailed development consent to carry out the first stage of the development, which includes demolition of existing structures' subdivision of the site and construction of the McDonald's operations on the southern portion of the site.
- *Whilst the Panel recognises the proponent's commercial objectives, it has the view that a far better long-term solution for this very important civic site could be achieved by considering a more integrated development model. This would require the construction of additional floor-space above continuous ground floor retail for the Victoria Road and Church St frontages, in order to activate the street and create a more appropriate scale and civic character in this very significant location within North Parramatta.*

Applicant's response:

As discussed above, an integrated mixed use development model is not commercially viable for McDonald's on this site. In response to other points raised above;

- Street activation: the proposal provides a high level of activation along both the Church Street and Victoria Road frontages, with building entries, indoor and outdoor seating areas and glazed facades fronting the street. The small areas of non- active frontages are occupied by driveway, fire stairs and essential, building services. These building elements would be included in any reasonable development of this site.
 - Scale: the DEAP proposal does not have an appropriate scale considering its relationship with the heritage listed park opposite. Parramatta is becoming increasingly dense, necessitating the preservation of useable public open space with high amenity (solar access) for future residents and workers. Appropriate scale is also achieved by the corner element which is effectively 3 storeys in height and steps down, thereby emphasising the corner without compromising the amenity of the park.
 - Civic character: The proposal does have an appropriate civic character. It is built to street boundary, provides active frontages and awnings. It vastly improves the current site which has poor civic character.
- *The proposal does not provide an appropriate mix of uses and density within the southern portion of the site. This will unfortunately result in a low-scale, single-use building with substantial inactive frontages to the two major streets. The Panel are aware of other developments undertaken by the proponent in city locations where their retail facilities are situated within the ground floor of taller commercial building frontages. Given the projected future growth of Parramatta, this would be a far more appropriate development model for this site. The Panel were concerned that the application does not include an adequately considered contextual framework, including the longer-term vision for North Parramatta and the likelihood that this part of the CBD will grow substantially in coming years.*

Applicant's response

Our response above addressed scale and active frontages. This site is very different from Sydney CBD location where trade is solely derived from pedestrian foot traffic and the facilities cannot accommodate a drive through. Conversely, McDonald's North Parramatta customers arrive primarily by car meaning the visibility of the facility and the drive through component are of paramount importance to continue to adequately and conveniently service the established needs of our existing and future customers whilst ensuring the ongoing long term viability of business in this location. Any examples of facilities within the Sydney CBD where there is development located above are very limited and predominantly involve McDonald's as a standalone facility with no development above particularly in circumstances where McDonald's owns the building. Notwithstanding, an integrated model is not suited to the viability of the business in this location and the nature of customers.

- *The Panel is aware that the large site to the immediate west (owned by the Catholic Church) is presently under consideration for re-development. This presents a key opportunity to work together with this landowner and Council to develop a cohesive urban-design-based strategy for the important northern edge to the outstanding heritage Prince Alfred Square parklands. If this does not happen, the likelihood is that two completely disparate new buildings will be constructed.*

Applicant's response

It is agreed that a cohesive approach is required to avoid two completely disparate buildings from being constructed McDonald's and its consultants have been in

regular contact with the diocese of Parramatta about the form and scale of each party's development, however the proposals are at different stages. The applicant's proposal is at a Development application stage while the Diocese application is at a Planning proposal stage.

- *The intersection of Church Street and Victoria Rd is one of the most important intersections in Parramatta. The urban fabric needs to define the corner, the parklands and create a spatial context for the church.*

Applicant's response

The proposal does define the Church Street and Victoria Road corner as it is built to the boundary like the other developments at this intersection (and unlike the existing building on the site).

- *Overshadowing of Prince Alfred Square parklands can be addressed by restricting the Victoria Road frontage parapet height to the order of 14 to 15 metres. This would allow for three levels of commercial or residential floor space above a retail ground floor level. A colonnade could be considered for this frontage.*

Applicant's response

As previously discussed, an integrated mixed use development model is not commercially viable for McDonald's on this site.

- *The Panel recognise that the proponent requires drive-through food service capability from Victoria Road; however this would be best as a single lane entry with exit to Ross Street. It is highly desirable that the driveway service areas are concealed within the site and not visible from the public domain. The currently proposed entry and exposed driveway area is inappropriate to this site and its potential significance within Parramatta's future public domain framework.*

Applicant's response

The proposal utilises an existing two-lane driveway crossover. It would not be appropriate to provide a single lane driveway because this would cause congestion and queuing onto Victoria Road.

In response to the DEAP's concerns, the proposal has been amended to provide landscaped screening on the Victoria road frontage in order to conceal the drive-through from the public domain.

- *Similarly the Panel recognise that the proponent requires a high degree of visibility and presence at the main intersection, and there is no reason why this cannot be achieved with a two-storey high pedestrian entry space at this prime location.*

Applicant's response

The proposal provides a two-storey high pedestrian entry space.

- *The current scheme is inappropriate in terms of its urban scale and aesthetic character.*

Applicant's response

The urban scale has been discussed earlier. In relation to aesthetic character, the proposal provides a high level of façade articulation and incorporates a variety of materials, finishes and colours to provide visual interest at this predominant corner.

- *The Panel strongly encourage the proponent to consider the above advice and to work with Council to develop an outstanding proposal that will be appropriate to this major site as Parramatta grows to become Sydney's dynamic second city centre over the coming decades.*

Applicant's response

The design to date has reflected over 12 months of discussion with Council officers prior to lodgement of this development application. The applicant's representatives first met with Council in December 2013 to present a concept scheme in support of a (then intended) planning proposal. The initial scheme involved a single storey building for McDonald's operation and was more in line with standard McDonald's design. The scheme that is now before the Council is quite different to the standard design and is the result of extensive consultation with, and feedback from, Council officers.

DESIGN QUALITY PRINCIPLES

SEPP 65 sets 10 design quality principles. The development has adequately addressed the 10 design quality principle in the following way:

RFDC design quality principle	Response
1. Context	The subject site and its immediate surroundings are zoned B4 Mixed Use under PCCLEP 2007. The proposed stage 1 is essentially for a two storey food and drink premises, while Stage 2 is for a mixed use development. The Stage 1 proposal is well within the maximum permissible height of 34 m, while the proposed mixed use development complies with the maximum permissible building height of 34m and the floor space ratio. The future use as envisaged in the PCCLEP 2007 is for mixed use developments.
2. Scale	<p>There are two different maximum permissible height controls applicable to the subject site, being 34m (approximately 10 storeys) to the corner of the intersection with Church Street and Victoria Road and 24m (approximately 7-8 storeys) to the rest of the site partly fronting Church Street and Ross Street.</p> <p>Stage 1 of the current development application relates to a two storey McDonald restaurant which would eventually occupy the site which has the height control of 34m and also straddle the site with 24m maximum permissible building height. It is noted that the proposed Stage 1 is directly opposite the heritage listed Alfred Park and the proposed two storey structure would not cause any overshadowing impacts on the park.</p> <p>Further, the immediate building to the west of the site is setback gradually to give a façade of a two storey structure to the ground level with the third floor, fourth floor setback to achieve an angular setback from the street.</p>

	The proposed Stage 2 envisages a 7 storey mixed use building with commercial/retail tenancies to the ground floor and residential units to the upper levels. This is considered acceptable subject to a separate development application and assessment under the Apartment Design Guidelines.
3. Built form	<p>The Stage 1 building is a two storey commercial building and is considered appropriate for the north western corner of Church Street and Victoria Road.</p> <p>The proposed Stage 2 building envelope is for a 7 storey mixed use development.</p>
4. Density	The proposed development is well within the permissible FSR for this site.
5. Resource, energy & water efficiency	A BASIX Certificate will be required for the Stage 2 development and will form part of the assessment under a fresh development application. A Section J BCA compliance report has been submitted for the Stage 1 McDonald's restaurant and is acceptable.
6. Landscape	The Landscape plan has been assessed and considered to be acceptable and provides for adequate solar access and privacy. Further a green roof is proposed to the basement car park roof of the McDonald's restaurant.
7. Amenity	The Stage 1 of the development is for a McDonald's restaurant which provides for activation of the Street frontages to the corner of Victoria Road and Church Street. Stage 2 is a concept building envelope for a mixed use building and does provide for amenity but these will form part of the assessment as a separate development application.
8. Safety & security	As such the Stage 1 of the proposed development provides for active street frontages and provides for surveillance to the north-eastern corner of Victoria Road and Church Street. The Stage 2 concept approval for the proposed mixed use building envelope envisages commercial tenancies on the ground floor with frontages to Church Street and Ross Street and these will form part of the assessment under a new development application for that Stage.
9. Social dimensions/housing affordability	The residential component is confined to the Stage 2 concept approval for a mixed use building envelope which will be subject to a separate development application although some unit mix details have been provided.
10. Aesthetics	The development provides an appropriate choice of colours and materials that will not detract from the visual amenity of the surrounding locality.

A detailed assessment was carried out by Council's Urban Design Unit in regards to the compliance with Apartment Design Guidelines under SEPP 65. The details of the assessment are in the referral section of this report. No major non-compliances have been raised. However it is noted that the Stage 2 portion of the development is a concept approval of the building envelope and will require further assessment under a new development application.

Planner's comments:

The proposed Stage 1 development for the McDonalds restaurant at 12m readily achieves compliance with the maximum height development standard of 34m and adopts a suitable corner treatment. The proposed built form does not dominate or overshadow the heritage listed Alfred Park. The requirements of the McDonalds (the owners of the subject site) are bound by certain commercial and design obligations which set out general parameters for the size and height of their operations, which comply with the required LEP and DCP controls in this instance. The proposed design for the Stage 1 development and the building envelope for Stage 2 (subject to assessment under a separate development application) are considered to be acceptable. It is noted that the Design Excellence Advisory Panel have not provided any specific comments on Stage 2 mixed use building envelope.

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

Zone Objectives

The objectives of the B4 Mixed Use zone include:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone.*
- *To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including:*
 - *commercial and retail development,*
 - *cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,*
 - *tourism, leisure and recreation facilities,*
 - *social, education and health services,*
 - *high density residential development.*
- *To protect and enhance the unique qualities and character of special areas within the Parramatta city centre.*

The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning in that it provides an appropriate mixture of compatible land uses that integrate suitable commercial and retail uses with residential in an accessible location so as to maximise public transport patronage and encourage walking and cycling. Alterations and additions proposed to the existing building are also considered to enhance the unique qualities and character of the immediate area.

The relevant numeric controls to be considered under Parramatta City Centre Local Environmental Plan 2007 (PCCLEP 2007) for the proposed development are outlined below.

COMPLIANCE TABLE

Development standard	Proposal	Compliance
Clause 12 - Permissible within zone?	B4 Mixed use	Yes
Clause 21 – Height of buildings 34m – To the corner of Victoria Road and Church Street. 24m – Rest of site	12m 24m	Yes Yes
Clause 21A – Architectural Roof Features	The proposal does not contain an architectural roof feature which exceeds Council's height standards.	Yes
Clause 22 – Floor space Ratio Lot 1 DP668821(4:1) and for the rest of the site 3:1	The proposed subdivision will see the Stage 1 development straddle both the floor space ratios. Lot A= 2080m ² and the McDonald's restaurant has an area of 781m ² split (between two FSR requirements) as follows; 418m ² (0.64:1) and 363m ² (2:1)	Yes, the FSR complies with the split FSR requirements after the subdivision as proposed is carried through.
Clause 22a – Minimum Building Street Frontage One (1) street frontage of more than twenty (20) metres.	Church Street and Victoria Road frontage in excess of 20m.	Yes

<p>Clause 22B – Design Excellence</p> <p>Requires the consent authority to consider whether the proposal exhibits design excellence.</p>	<p>The proposed external materials and finishes predominately consisting of rendered and painted concrete as well as composite aluminium cladding panels, timber and metal privacy screens, and landscaping for Stage 1 are compatible within the locality. The corner elements have been reinforced with glazing articulating the multi frontage aspect of the site.</p> <p>In addition the textured cladding, colours and screens on the building elevations adequately provides for visual interest in the streetscape. It is considered that the proposal represents satisfactory design excellence as viewed from the public domain.</p> <p>The details of the design elements of the Stage 2 will be assessed under a new development application.</p>	<p>Yes</p>
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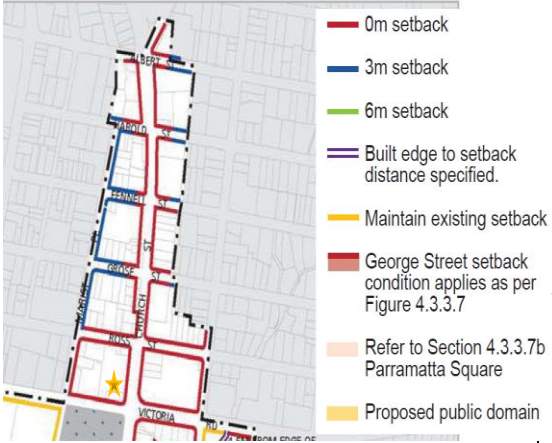
Clause 22 E – Ecologically Sustainable Development	The design has been prepared having regard to the opportunity of passive solar design and day lighting, suitable orientation and natural ventilation. The proposal provides for an adequate Waste Management Plan and adequately reduces car dependency.	Yes
Clause 22 G – Objectives for development within Parramatta City Centre Special Areas. Does the development have regard to the objectives for development within the Parramatta City Centre Development Control Plan 2011?	Please refer to the relevant assessment within Parramatta City Centre Development Control Plan 2011.	Yes
Clause 26- Development on proposed classified road.	The proposed development fronts Victoria Road and Church Street and comments have been provided by RMS.	Yes please refer to the referral section of this report.
Clause 29 A- Outdoor advertising and signage.	The proposed signage is considered to be compatible with the existing signage. As such amendments to PCLEP 2007 have prohibited the erection of any pylon signs. The applicant is removing two existing pylon signs and retaining one pylon sign. The applicant has the benefit of existing user rights and chosen to exercise them in the retention and possible refurbishment of one existing pylon sign facing Victoria Road.	Yes
Clause 33A – Development on Flood Prone Land Clause 33A requires the consent authority to consider the effects of flooding on development nominated as being on flood prone land.	The site is not identified as being flood prone.	Yes

<p>Clause 33B – Acid Sulphate Soils</p> <p>Clause 33B requires the consent authority to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.</p>	<p>The site is identified as containing Class 5 Acid Sulphate Soils and does not require the submission of An Acid Sulphate Soil Management Plan. However the subject site is situated less than 500m from Class1 land which is the Parramatta River. A single basement level is proposed for both the Stages. A preliminary assessment was done by SGA Environmental and it was found that given the geomorphology of the land and existing bore wells in the area, the possibility of water table being lowered below 1 m AHD on the Class 1 is relatively Low. Further surface water is not expected to accumulate on the site due to adequate stormwater drainage.</p>	<p>Yes</p>
<p>Clause 34 - Tree Preservation</p>	<p>Council's Landscape and Tree Management Officer has reviewed the proposed development and raises no objections to the proposal subject to conditions.</p>	<p>Yes</p>
<p>Clause 35 – Heritage</p>	<p>The site is not identified as a heritage item and is not located within a heritage conservation area.</p> <p>The subject site is located within the vicinity of heritage items, being No.353c Church Street (Alfred Square and potential archaeological site- State significance) and No.14 and 16 Ross Street – (single storey residence and Wine Bar Bistro- Local significance) and 387 Church Street- (Royal Oak Hotel and stables and potential archaeological site – State significance).</p>	<p>Yes</p> <p>Council's Heritage Advisor has reviewed the proposal and outlined that given the separation between sites, it is deemed that significant views will not be impacted as a result of the development. However has raised concerns with the excessive signage. This has been discussed in referral section.</p>
<p>Clause 35A – Historic View Corridors</p>	<p>The subject site is not identified as being located within an identified historic view corridor. The property however is identified to be located within a view cone. The design of the development responds to the context of the area and is not considered to pose adverse impacts on views currently enjoyed.</p>	<p>Yes</p> <p>Refer to discussion with the PDCP2011.</p>

DEVELOPMENT CONTROL PLANS

Parramatta Development Control Plan 2011 (PDCP)

The relevant numeric controls to be considered under PDCP for the proposed development are outlined below.

COMPLIANCE TABLE		
Development control	Proposal	Compliance Yes/No
4.3.3.1 - Building Form		
4.3.3.1 (a) – Minimum Building Street Frontage One (1) street frontage of more than twenty (20) metres.	Church Street and Victoria Road frontages are 71m and 56m (respectively).	Yes
4.3.3.1 (b) – Building to street alignment and street setbacks Extract of Figure 4.3.3.1.1 Building Alignment and front Setbacks (to streets, public domain and watercourses) – Part 4 Special Precincts – City Centre 	Complies Stage 1 for the McDonald's restaurant has a nil setback in accordance with Figure 4.3.3.1. Stage 2 for the mixed use premises has nil setbacks to Church Street and Ross street frontage.	Yes
The development is required to be built to the street boundaries for the entire Church Street frontage and a portion of Ross Street, as per Figure 4.3.3.1.		

<p>4.3.3.1 (c)– Street Frontage Heights</p> <p>Control – Min. 4 storeys/14m North City Centre frontage as per Figure 4.3.3.5 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).</p>	<p>Stage 1 comprises of a two storey building with a height of 12m and therefore complies with the requirements.</p> <p>Stage 2 concept building envelope comprises 7 storeys and has a height of 24m to Church Street and Ross Street (inclusive of the lift over-run).</p> <p>As the Stage 2 is more distinctively a corner site with a minor portion not amalgamated, no upper level setback is required.</p>	<p>Yes</p>
<p>4.3.3.1 (d)– Building bulk and depth</p> <p>On land not zoned Commercial Core, preferred maximum floor plate area of residential buildings is 1000m² above a street frontage height of 26m</p>	<p>The maximum height of the building is only 24m.</p>	<p>N/A</p>

<p>4.3.3.1 (e)– Building Separation <i>As per Figure 4.3.3.4.12 Building Separation</i></p> <p><u>Side Setback</u> Zero-lot side setback up to street frontage height/max. 26m (Applicable to Ground Level to Level 6 inclusive).</p> <p>Min. 6m setback for residential use for buildings less to or equal to 54m (Applicable to Level 7)</p> <p><u>Rear Setback</u> Zero-lot rear setback to rear boundary up to street frontage height/max. 26m (Applicable to Ground Level to Level 6 inclusive).</p> <p>Min. 9m rear setback for buildings less than or equal to 54m (Applicable to Level 7).</p> <p><i>Note: The development addresses its primary street frontage which is Church Street. As such, the eastern boundary of the site is considered to be the rear boundary; and the northern boundary is considered to be the side boundary for the purposes of assessing building separation.</i></p>	<p><u><i>Side Setback (west):</i></u> Zero lot side setback A 5.8m setback is proposed to the residential component to the rear of the Ross Street Frontage.</p> <p><u><i>Rear Setback (south):</i></u> The Ground Level to Level 6 (inclusive) provide a compliant rear setback of 11m</p>	<p>Complies</p> <p>Complies</p>
<p>4.3.3.1 (f)– Building Form and Wind Mitigation</p> <p>Wind report required for buildings greater than 32m in height.</p>	<p>Building has a maximum height of 24m.</p>	<p>N/A</p>

<p>4.3.3.1 (g)– Building Exteriors</p> <p>Adjoining buildings are to be considered in the design of the building.</p> <p>Balconies and terraces are to be provided.</p> <p>Facades are to be articulated to address the street and provide visual interest</p> <p>Large expanses of any single material to be avoided</p> <p>Facades should not result in glare that causes discomfort.</p>	<p>Stage 1 MacDonald's restaurant has a glass façade highly articulated with a two storey corner entry point and specific treatment to the Victoria Road frontage. In addition the textured cladding, colours and screens on the building elevations adequately provides for visual interest in the streetscape. It is considered that the proposal represents satisfactory design excellence as viewed from the public domain.</p> <p>Stage 2 Is a concept plan and a new development application is required to be submitted and will be assessed at that stage.</p>	<p>Yes</p> <p>To be assessed as part of a separate development application.</p>
<p>4.3.3.1 (h)– Sun access to Public Spaces</p>	<p>The proposed building has no impact upon the sun access plane that applies to Jubilee Park</p>	<p>N/A</p>
<p>4.3.3.2 – Mixed Use Buildings</p> <p>Retail and business activity should be located at ground level and residential uses above street level.</p> <p>Floor to ceiling height of ground floor – min 3.6m.</p>	<p>Stage 1 involves a food and drink premises at the ground level.</p> <p>Concept plans for Stage 2 involves commercial /retail tenancies for the ground floor level and residential above the street level.</p> <p>Stage 1 has a ground floor height of 4.4m and First floor height of 3.8m</p> <p>Stage 2 has proposed ground floor ceiling heights</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Floor to ceiling height of upper floors – min 2.7m	of 4m and the residential floors above with a floor to ceiling height of 3m	
Residential entries are to be clearly demarcated on the street	Residential entry for Stage 2 is via a lobby area which can be accessed from the Church Street	Yes, however will form part of a detailed assessment with a new development application for Stage 2.
Security access controls to all entrances including courtyard and car parks to be provided.	Stage 1 has a basement car park for public access. Stage 2 has a residential and commercial basement car park proposed.	
Active uses to be located on main streets	The commercial/retail tenancies are located on the boundary of both Church Street, Victoria Road and Ross Street for both Stage 1 and 2.	Yes
Avoid use of blank building walls at ground level.	The Stage 1 building has been suitably articulated at ground level with the use of glazing and high ceiling entry to the corner of Victoria Road and Church Street with a solid awning. Details of the design of the Stage 2 development are subject to a separate development application.	Yes
Substation and waste storage areas to be integrated into the design to minimise impact on active street frontages.	The proposed Stage 1 and 2 may be serviced by existing facilities. While Stage 2 is a concept approval, the detailed requirements will need to be addressed as and when the development application for that site is assessed.	Yes
4.3.3.3 (a) Public Domain and Pedestrian Amenity- Site Links and Lanes	The site is not affected by any new proposed laneways.	Yes

4.3.3.3 (c) Pedestrian overpasses and underpasses	No pedestrian overpasses or underpasses have been proposed.	N/A
4.3.3.3 (d) Awnings 4.3.3.4 Views and View corridor 4.3.3.5 (a) Access and Parking- Vehicle Footpath crossing Location of vehicle access and Design of Vehicle access	<p>A continuous glass awning has been provided along the Church Street and Victoria Road frontage for the subject site as per Figure 4.3.3.3.3 Awnings. The proposed development is identified to be located within the view corridors:</p> <ul style="list-style-type: none"> • The Crescent to the distant hills; • Mays Hill across Parramatta's City Centre to distant hills; • Approach to Parramatta, south along Church Street from Fennel Street • Views north along Church Street. <p>The proposed vehicular access is consistent with the existing access arrangements for the building and complies with Council requirements.</p>	<p>Yes</p> <p>A view analysis has been carried out and submitted and indicates that the views are retained and not compromised.</p> <p>Council's Traffic and Transport Investigations Officer has reviewed the proposal and consider the development to be satisfactory subject to conditions which have been incorporated within the recommendation of this report.</p>

4.3.3.5 (b) Pedestrian Access and Mobility	<p>The proposed buildings have a clearly defined and visible building entry points from Church Street and Ross Street and Victoria Road.</p> <p>Stage 1 has access from Victoria Road for incoming vehicles and to Ross Street for existing vehicles. Pedestrian access is provided at the corner of Victoria Road and Church Street.</p> <p>Stage 2 has pedestrian access from Church Street and vehicular access from Ross Street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4.3.3.5 (c) - Vehicular Driveways and Manoeuvring areas	<p>The basement parking and access have been assessed by Council's Traffic and Transport Investigations Officer and deemed satisfactory subject to the imposition of conditions.</p> <p>Pedestrian and vehicular entrances are clearly defined and separated.</p> <p>Vehicles can enter and exit the site safely in a forward direction.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

No objection (subject to conditions) was raised by the following internal Council sections – Traffic section, Development Engineer, Tree Officer, Landscape Architect, Health (Food) section, Health (food premises), Heritage Advisor. The following internal comments have raised concerns.

Design Excellence Advisory Panel

The concerns raised by the Design Excellence Advisory Panel have been discussed in the relevant section of this report.

Urban Design – Project Officer

The development application was referred to Council's Urban Design Project Officer who does not support the proposed development especially with respect to the McDonald's restaurant (Stage 1) and has deferred to the Design Excellence Advisory Panel which essentially raised the following concerns: -

- Concern that the proposal is essential only for the southern side of the lot.
- Concern that the proposal does not provide an appropriate mix of land use and density to the southern side of the proposed lot, resulting in a single use commercial building.
- Recommendation for a high two storey pedestrian entry space.
- Current scheme inappropriate in terms of its urban scale and aesthetic character.

With respect to Stage 2 the following comments have been provided: -

“Urban Design Comments for the Residential Apartment Building adjacent to the proposed McDonalds development:

- *Apartment Design Guide (ADG) non-compliances – there are a number of non-compliances with the ADG:*
 - *Minimum side setbacks should be 6m the setback between the proposed development and the boundary of 5 Ross Street is only 5.8m*
 - *There are a number of bedrooms which do not comply with the minimum dimension of 3m*
 - *There are a number of master bedroom wardrobes which do not comply ie 1.8m long*
 - *Wardrobes have not been indicated in a number of bedrooms*
 - *The location of kitchens has not been indicated*
 - *The balcony of the three bedroom apartment should have a minimum dimension of 2.4m*
 - *21% of apartments will not receive solar access the ADG allows a maximum of 15%*
 - *The cross ventilation drawing shows that to achieve the required percentage of cross ventilation windows in opposing apartments will be approximately 2m apart this will result in acoustic and possibly visual privacy issues*
- *Other issues identified:*
 - *The location of window of the middle bedroom in the three bedroom apartment is not acceptable as this will adversely affect the amenity in the bedroom*
 - *There is the potential for apartments overlooking the McDonalds car park and the drive through to experience unacceptable noise issues”*

Further the matter was also discussed with City Architect of Parramatta City Council and it was agreed that the Stage 1 although not the preferred option, is supportable with minor modifications to the roof of the basement car park entry. It was also agreed that the Stage 2 will be assessed in detail through a new development application.

Planner's comments:

The issues raised by DEAP have been addressed earlier within this report. Further it is to be noted that Section 83B of the EP& A Act 1979 allows for a Staged development including concept building envelopes. The recommendations of the City Architect have been included within the recommended conditions of consent.

Heritage Advisor

Council's Heritage Advisor had assessed the application and generally supports the proposal, but raised concerns with the additional signage being proposed.

Planner's comments:

The proposed signage is advertising and business identification signages permissible under PCCLEP2007 and PDCP2011. There is a reduction in pylon signs from three to one. The proposed signage is considered acceptable in terms of impact to nearby heritage items.

Urban Design Unit (Alignment and Public Domain plans)

The Urban Design unit have assessed the submitted plans and provided the following comments;

*'The submitted Alignments plan prepared by Richmond + Ross does not cover the entire site (i.e. the residential part of the development on Church St is missing from the drawings). The plan is also lack of key components of the public domain works, such as kerb ramp, street tree, and so on. It is recommended that the applicant is to refer to the Public Domain Guidelines (PDG), Section 2.3 – Submission Requirements for Alignments and Public Domain Plans, and revise the drawings. It is critical to indicate all the **existing** and **proposed** elements and levels on the public domain, as well as the proposed ground floor plan, for us to properly assess the proposed works. Currently the layout plan and sections have not clearly shown the existing and proposed levels, and no proposed work has been included.*

The revised drawings should also address the following issues:

Thru-site Pedestrian Link

The proposed develop should incorporate a thru-site link to pedestrian between Victoria Rd and Ross St near the western boundary. The pedestrian link needs to be suitably marked and designed to provide safe and comfortable space for pedestrian walking across the site. Proper landscape screen treatment is encouraged to be provided between the vehicle access and pedestrian walkway.

Footpath Paving Treatment

According to our Draft Paving Strategy for the City Centre, Church St shall be paved with granite flagstone ('Adelaide Black' from Sam the Paving Man) that is to be continued at the corner of Victoria Road and finished at the building entry area.

The recessed entry area to the restaurant shall also be paved with granite to be consistent with the adjacent footpath. The change of levels within the recessed area needs to meet

footpath level design. Localised level adjustments to facilitate the building entries should be avoided, or occur within the property line, not on the public land.

The footpath at Victoria Road frontage shall be paved with 'City Standard' concrete unit paving (300X300X60mm, Pebblecrete 'Alluvium') as detailed in section 5.2.1 in the PDG, while the Ross Street frontage is to be paved with Asphalt.

Public Domain Works on Church St

A concept design for the public domain along Church St has been developed by Council's landscape team (as attached). It is required that the application is to use the provided concept design as a base to prepare alignments layout plan and sections for the street frontages to the entire length of the development site, which include Victoria Road, Church St, as well as Ross St.

The alignments plan package needs to be approved by Council prior to the consent of this DA.

Existing Street Trees

The existing native trees growing in the turf verge on Church St should be retained and protected during the development. An Arborist Report is required to be prepared, which demonstrates the suitable protection measures and Tree Protection Zones (TPZs) in accordance with AS 4970 – 2009 Protection of Trees on Development Sites. The impacts of the proposed development in the site and public domain areas should be all assessed and addressed in the report. Please note that the widths of the proposed garden beds and footpath pavement might need to be modified according to the recommendations in the report.

Kerb ramps

The kerb ramps on Victoria Rd and Church St should be reconstructed to meet RMS standards as they are situated adjacent to traffic signals. The applicant needs to obtain RMS's approval on the proposal before submitting the final Public Domain drawings to Council prior to the issue of CC.

3. RECOMMENDATION

It is required that a revised Alignments plan package should be prepared and submitted to Council for approval to address all the above-mentioned issues prior to the approval of this DA."

Planner's comments:

Whilst the comments provided by Council's Urban Design Unit represent positive suggestions for the redevelopment of the subject site, they cannot be taken in isolation as they do not recognise the application is a staged development with construction proposed at Stage 1 only. Stage 2 is only a concept approval for a mixed use development, which will require a new development application in the future. As such, requirements relating to alignment plans and domain plans can be applied only to the current application before Council.

An appropriate condition of consent will be applied to any consent granted to ensure the alignment plans are prepared in accordance with the relevant requirements. It is noted that the issues raised can also be reviewed in detail upon submission of a future detailed development application under Stage 2 of the project.

In addition, there are no DCP grounds to impose a requirement for a thru-site link to pedestrian between Victoria Rd and Ross St near the western boundary as it is not reflected within the PDCP2011 (City Centre).

Matters raised at the Joint Regional Planning Panel Briefing

The Joint Regional Planning Panel (JRPP), at its briefing held on 14 October 2015, did not raise any additional concerns with the proposed development.

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for development exceeds \$250,000 a Section 94A development contribution of **3.0%** is required to be paid. As the proposed development is for a staged construction the applicant has provided a quantity surveyor report detailing that the cost of works for each stage (in accordance with Section 25 J of the EP&A Regulation) as follows:

Stage	Development Cost	Development Contribution
Stage 1 – McDonald's Restaurant	\$8,037,700	\$241,131.00
Stage 2 – Concept Mixed Use development	\$24,896,000	\$746,880.00
TOTAL	\$32,933,700	\$988,011.00

S94A contributions are calculated at 3% of the cost of development, being **\$32,933,700** in total. When proportioned in relation to the proposed stages the contribution is **\$241,131.00** for Stage 1 and **\$746,880.00** for Stage 2.

However, given that Stage 2 is only a concept approval for a building envelope and no construction is proposed. Stage 2 will require a separate development approval for any physical building works to take place. Until such time, the applicant is not required to pay any contributions for Stage 2 (for which a separate Section 94 amount will be levied based on detailed breakdown of CIV at the time of submission).

A condition of consent will require payment of Stage 1 contribution prior to issue of the Construction Certificate for Stage 1.

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.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions.

SUMMARY & CONCLUSION

The impacts of the development with respect to Stage 1 and 2 are expected to include:

- Streetscape
- Height variations
- Underground Fuel Storage Tank to the northern portion of the site (Ross Street frontage)
- Isolation of 383-385 Church Street.

The impacts are mitigated by:

- The provision of a two storey entry for pedestrians at the corner of Victoria Road and Church Street.
- The façade has been appropriately treated to provide for activation of the street and maintain a prominent street identity.
- The proposed development at Stage 1 is for a two storey McDonald's restaurant with a maximum height of 12m, on a subject site which has a maximum permissible height of 34m. While this is not ideal, it is noted that the impact on the heritage listed Price Alfred Park is significantly minimised in regards to overshadowing.
- Conditions of consent have been incorporated which would ensure appropriate procedures are in place for any contamination if discovered and the management of the same and will involve detailed assessment when Stage 2 development application is assessed.
- The main concern raised by the owners of 383-385 Church Street, is that no negotiations were held with them in order to ensure that fair offer was made on the basis of current evaluation. This has been discussed in detail in the submissions section of the report.

The merits of the proposal are:

- The proposed Stage 1 development will activate the streetscape from the current dilapidated form and provide for better amenity to residents and visitors to the area.
- The proposed Stage 2 will endeavour to provide appropriate additional residential and commercial spaces within the City Centre.
- There is no known additional overshadowing or privacy impacts due to the proposed development.

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

One submission was received in response to the notification of the application. The issues raised in this submission have been addressed in this report.

The proposed development is not contrary to the public interest.

CONCLUSION

RECOMMENDATION – APPROVAL SUBJECT TO CONDITIONS

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

- (a) **That** the Sydney West JRPP as the consent authority grant development consent to DA/96/2015 for a Staged Development including demolition of existing structures, consolidation and subdivision to create 2 Torrens title allotments, construction of a McDonald's Restaurant on proposed Lot A and concept approval for a construction of a mixed use development on proposed Lot B for a period of five (5) years within which physical commencement is 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.	Prepared By	Dated
Survey Plan 31282DT	Lockley Land Title Solutions	4 July 2008
Site Analysis, Drawing No.DA0101 Issue B	The Buchan Group	20 January 2015
Site Plan, Drawing No.DA0104 Issue B	The Buchan Group	20 January 2015
Construction Staging Plan, Drawing No.DA0200 Issue B	The Buchan Group	20 January 2015
Sediment and Erosion Control Plan, Drawing No.DA0201 Issue B	The Buchan Group	20 January 2015
Demolition Plan, Drawing No.DA0400 Issue B	The Buchan Group	20 January 2015
Basement Plan, Drawing No.DA1000 Issue C	The Buchan Group	20 January 2015
Ground Floor Plan, Drawing No.DA1001 Issue C	The Buchan Group	20 January 2015
Level 1 and 2 Plan, Drawing No.DA1002 Issue C	The Buchan Group	20 January 2015

Level 3-5 Plan, Drawing No.DA1003 Issue B	The Buchan Group	20 January 2015
Level 6 Plan, Drawing No.DA1004 Issue B	The Buchan Group	20 January 2015
Building envelope Sections Plan, Drawing No.DA1005 and DA1006 Issue B	The Buchan Group	20 January 2015
McDonald's Detailed Ground Floor Plan, Drawing No.DA1010 Issue C	The Buchan Group	12 October 2015
McDonald's Detailed Level 1 Floor Plan, Drawing No.DA1011 Issue C	The Buchan Group	12 October 2015
McDonald's Roof Plan, Drawing No.DA1012 Issue C	The Buchan Group	18 August 2015
McDonald's Sections Plan, Drawing No.DA2110 Issue C	The Buchan Group	18 August 2015
McDonald's Elevations and Sections Plan, Drawing No.DA3110 and DA 3112 Issue C	The Buchan Group	12 October 2015
McDonald's Elevations and Sections Plan, Drawing No. DA3111 and DA 3113 Issue C	The Buchan Group	18 August 2015
McDonald's Perspective Plan, DA7000 and DA7001 Issue C	The Buchan Group	18 August 2015
McDonald's Perspective Plan, DA7002 Issue B	The Buchan Group	20 January 2015
Indicative Apartment Layout Plan, DA7300 Issue B	The Buchan Group	20 January 2015
Basement signage Plan, DA7700 Issue A	The Buchan Group	20 January 2015
Ground Floor signage Plan, DA7701 Issue A	The Buchan Group	20 January 2015
Level 1 signage Plan, DA7702 Issue A	The Buchan Group	20 January 2015
Roof signage Plan, DA7703 Issue	The Buchan	20 January 2015

A	Group	
Signage Details Plan, DA7704 and DA7705 Issue A	The Buchan Group	20 January 2015
Landscape Plans SS14-2845, Sheets 1 and 2 of 2, Issue B	Site Image	4 February 2015
Draft subdivision Plan 40911SUB-1	Lockley Land Title Solutions	9 February 2015
Concept stormwater plan Dwg No. C102-Rev B, C110 Rev B, C151-Rev A, C410-Rev B,	Richmond & Ross P/L consultant engineers	16 January 2015
RMS letter SYD14/00892/02(A8857604)	RMS	26 March 2015

Document(s)	Prepared By	Dated
Statement of Environmental Effects	JBA Urban Planning Consultants	27 February 2015
Traffic Report	Colston Budd Hunt & Kafes Pty Ltd	September 2014
Construction Management Plan	Clifford Constructions Pty Ltd	22 January 2015
Construction Waste/ erosion Sediment Control Management Plan	Clifford Constructions Pty Ltd	1 January 2014
Plan of Management	McDonald's Australia Pty Ltd	January 2015
Contamination Report 94762.01	SGA Environmental	July 2014
Noise Assessment Report	Atkins Acoustics	October 2014
Stage 1 Geotechnical Investigation	JK Geotechnics	14 August 2014
Waste Management Plan for McDonald Restaurant	McDonald's Australia Pty Ltd	Undated
Heritage Impact Statement	City Plan Heritage	15 October 2014
BCA assessment Report	Blackett Maguire+ Goldsmith	August 2014

Concept Stormwater Plan for McDonald's Restaurant , Job No.14/0223, Rev B	Richmond + Ross Pty Ltd	January 2015
External finishes Board DA7100 Issue B	The Buchan Group	20 January 2015
Concept Arts Plan	JBA Urban Planning Consultants	12 October 2015

While this consent remains in force, determination of any further development application in respect of the site to which this consent applies must not be inconsistent with this consent and the plans and documents referred to in condition 1 above.

2. The development shall be carried out in two stages. The breakdown of stages and applicable conditions by stage are as follows:

Stage 1

- The consolidation of 2 lots being Lot 1 in DP 668821 (355 Church Street) and Lot 1000 in DP 791977 (375 Church Street) into one lot.
- Torrens title subdivision of the consolidated site into two lots as per the draft subdivision plan listed in condition 1 above.
- Demolition of all existing structures on the subject site (including the previously approved demolition)
- Construction of the McDonald's restaurant building along with associated public domain works.

Stage 2

- Concept approval for a mixed use building which requires a new development application assessment and approval before any construction activity is taken up for this Stage.

Conditions and Stages:

Stage	Subject site	Applicable condition numbers by stage
1	Proposed Lot A	1 to 7, 11 to 59, 61 to 120
2	Proposed Lot B	1, 8, 9 ,10 and 60
The conditions in the above table apply independently to each Stage.		

3. The applicant or the holder of the consent shall comply with the requirements of Roads and Maritime Services letter SYD14/00892/02(A8857604) dated 26 March 2015.
Reason: To ensure compliance with RMS requirements.
4. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:
 - (a) Work Health and Safety Act 2011
 - (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
 - (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).**Reason:** To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.
5. 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.
6. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.
Reason: To comply with the statutory requirements of State Environmental Planning Policy 55.
7. Any contaminated 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.
8. Following excavation and removal of any underground storage tank the land shall be assessed in accordance with the NSW Environment Protection Authority's Guidelines for Assessing Service Station Sites (1994). A report on the investigation is to be supplied to Council's Environment and Health unit.
At the completion of the investigation a site audit statement providing suitability for residential use shall be issued by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.
Reason: To ensure that the land is left in a safe and healthy condition
9. Underground tanks shall be decommissioned and removed in accordance with:
 - (a) Australian Institute of Petroleum (AIP) Code of Practice for the Removal and Disposal of Underground Petroleum Storage Tanks (ref. AIP CP22).
 - (b) Australian Standard AS 1940: 2004 AS 1940:2004 The Storage and Handling of Flammable and Combustible Liquids.
 - (c) Work Cover NSW Code of Practice for the Storage and Handling of Dangerous Goods

- (d) NSW Department of Environment and Climate Change: Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes

Reason: To ensure the safe removal of underground storage tanks.

10. The approval for Stage 2 of the proposed development is only conceptual and will require a new development application.

Reason: to ensure compliance with legislative requirements.

Prior to the issue of a Construction Certificate

(**Note:** Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

11. The roof structure to the basement car park and ramp of Stage 1 shall be modified in any of the following ways;
- a) Green roof over a concrete roof.
 - b) A well designed lightweight landscaped roof structure.

The details shall be submitted for review and to the satisfaction of Manager Development and Traffic Services.

Reason: To ensure amenity for any future development.

12. A revised Alignments plan package and a Public Domain Plan in accordance with the Council requirements should be prepared and submitted to Council for approval prior to the issue of a construction certificate for Stage 1.

Reason: To ensure amenity for any future development.

13. All roof water and surface water is to be connected to an approved drainage system in the street as per Council requirements complying in general with the approved concept plan Dwg No. C102-Rev B, C110 Rev B, C151-Rev A, C410-Rev B, dated 16/01/2015 prepared by Richmond & Ross P/L consultant engineers.

Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

14. 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.

15. Prior to commencement of any construction works and drainage works associated with the subject site (including excavation if applicable), it is mandatory to obtain a Construction Certificate **for that respective Stage**. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent. For the avoidance of doubt, each Stage is independent and Stages 1 and 2 are not required to be completed concurrently or contemporaneously. Stage 2 is only a concept approval and will require a new development application before any construction certificate is issued.

Reason: To ensure compliance with legislative requirements.

16. 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.

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

Reason: To ensure appropriate safeguards against salinity.

18. A final Arts Plan is to be provided (as outlined in the Art in the Public Domain Guidelines) for the subject site and approved by Council in writing prior to issue of Construction Certificate for Stage1.

Reason: To ensure compliance with Council's DCP requirements.

19. The Construction Certificate for each Stage 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.

20. A monetary contribution comprising **\$241,131.05** is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act, 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 4). Payment must be by EFTPOS, bank cheque or credit card only. The contributions are to be paid to Council as follows:

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. Indexation will be applied on the outstanding balance until the final payment is made.

Parramatta Section 94A Development Contributions Plan (Amendment No. 4). can be viewed on Council's website at:

[http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)

Note: The Section 94 A contributions for Stage 2 will form part of the assessment under a separate development application.

Reason: To comply with legislative requirements.

21. 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.

22. 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 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.

23. 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 for each Stage. 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/96/2015;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bond Type	Amount
Hoarding @ \$5000 per street frontage	\$15,000
Street Furniture	\$2000
Nature Strip and Roadway	\$20,000

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

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.

24. All mechanical exhaust ventilation from the basement car park for any relevant Stage 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. All outdoor lighting must comply with the relevant provisions of AS/NZS 158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Certifying Authority.

Reason: To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

30. External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the construction certificate to the satisfaction of the Certifying Authority.

Reason: To have a minimal impact on the neighbouring property.

31. Cigarette butt receptacles must be provided during the construction stage of the development. The receptacles are to be placed adjacent to designated break room/area of the subject site. Details of the receptacles must be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure that adequate provision is made for the disposal of cigarette butts to prevent littering of the public domain

32. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

33. 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.

34. All individual parcels of land holding a separate title must be consolidated into one lot and then Torrens title subdivided into two new lots as detailed in the draft Subdivision plan list in condition 1. The subdivision plan must be registered with the Land and Property Information Division of the Department of Lands, prior to any Construction Certificate being issued for Stage 1.

Reason: To comply with the Conveyancing Act 1919.

35. 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 approved Concept Drainage Plans Dwg No. C102-Rev B, C110 Rev B, C151-Rev A, C410-Rev B, dated 16/01/2015 prepared by Richmond & Ross P/L consultant engineers and the requirements of the engineering conditions, approved with the Development Consent.

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

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

- (c) The design achieves:

- (i) The design achieves a Site Storage Requirement of 470 m³/ha and a Permissible Site Discharge of 80 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 300 m³/ha and Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 455m³/ha as per the submitted OSD calculation.
- (iii) The on-site detention tank shall be certified to be structurally adequate to the satisfaction of the Principal Certifying Authority.
- (iv) Adequate freeboard shall be provided to the finish floor of the building.
- (v) The final detailed drainage plan shall show a longitudinal section of the site stormwater discharge pipe running across the footpath showing its clearance from the public utility services. This connection into the street drainage system is subject to the satisfaction of Council's Asset engineer. Failure to achieve this clearance will cause inadequacy in the site drainage system.

- (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.

36. 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 reoccurrence 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.

37. The Principal Certifying Authority shall ensure that the following engineering issues are addressed adequately:
- A 1600 wide x 250 high void is provided under the fire escape stairs clearly shown on the final detailed engineering and architectural plans in order to act as an emergency overflow path to the street, as indicated in clause (3.1) of the approved concept stormwater report. The Principal Certifying Authority shall ensure that the above overland flow path is built properly and it is not blocked during construction.
 - A supervising drainage engineer shall also be appointed to supervise the construction of the OSD drainage system and the swales within the site.
 - With the exception of pit (A) as indicated on the drainage plan, all inlet pits are to be fitted with 200 micron filter baskets (such as Enviropod 200 pit inserts or equivalents) to remove gross pollutants and some suspended solids.

Reason: To ensure satisfactory stormwater disposal and appropriate water quality treatment measures are in place.

38. Detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the principal certifying authority (PCA) prior to the issue of the construction certificate.

The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards
 - Standard 3.2.2 Food Safety Practices and General Requirements
 - Standard 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- (d) No approval is granted for any remote storage area.

- (e) The business being registered with NSW Food Authority.
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

Note: Copies of AS 4764 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

Reason: To ensure design of the premises meets relevant public health standards.

- 39. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the Construction Certificate for Stage 1.

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

- 40. 5 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with the Construction Certificate for Stage 1.

Reason: To comply with Council's parking requirements.

- 41. 4 motorcycle spaces are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with Figure 2.7 of AS 2890.1 - 2004. Details are to be illustrated on plans submitted with the Construction Certificate for Stage 1.

Reason: To comply with Council's parking requirements.

- 42. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement car park not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the Construction Certificate for Stage 1.

Reason: To ensure appropriate vehicular manoeuvring is provided.

- 43. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site from Victoria Road. This shall be illustrated on plans submitted with the Construction Certificate for Stage 1 and not be compromised by the landscaping, signage fences, walls or display materials.

Reason: To comply with Australian Standards and ensure pedestrian safety.

Prior to Work Commencing

44. 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.

45. The subject site must be enclosed by a 1.8m high security fence erected wholly within the confines of the subject 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.

46. A sign must be erected in a prominent position on any subject 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.

Reason: Statutory requirement.

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

Reason: To ensure adequate toilet facilities are provided.

48. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works re being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

49. Prior to the commencement of work, 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 subject 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.

50. Prior to the commencement of any works on subject 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 subject 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 subject 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 subject site for all construction vehicles, plant and deliveries,
- (vi) Material, plant and spoil bin storage areas within the subject 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 subject 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 subject 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.

51. 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.

52. Prior to the commencement of any excavation works on the subject 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.

53. Prior to the commencement of any excavation works on the subject 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.

54. 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 subject 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.

55. Prior to commencement of works and during construction works, the subject site and any road verge immediately in front of the subject 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 subject site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the subject site on a fortnightly basis;
- (d) the subject 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.

56. 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 relevant Stage 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 relevant Stage 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.

57. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the subject site are to occur entirely within the property boundaries of that Stage. 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 subject site. 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.

58. 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.

During Work

59. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines – 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

60. Trees to be removed are:

Tree No.	Species	Common Name	Location
1x	<i>Phoenix canariensis</i>	Canary Island Date Palm	North east corner of the site

Reason: To facilitate development.

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

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

62. 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.

63. Dust control measures shall 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.

64. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

65. 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.

66. 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 affect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
 - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

67. 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.

68. A survey certificate for that relevant Stage 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.

69. 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 on the subject site must ensure sediment is not tracked out from the subject site.

Reason: To ensure no adverse impacts on neighbouring properties.

70. 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 on the subject site.
Reason: To protect public safety.
71. A footpath is to be constructed in accordance with Council Standards in front of the Stage 1 site within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team as part of the required Public Domain Plan prior to commencement of footpath works. All costs are to be borne by the applicant.
Reason: To provide pedestrian passage.
72. If appropriate, standard Kerb Ramps 1500mm wide are to be constructed at intersections in accordance with Council Plan No. DS4. Details must be submitted to and be approved by Council as part of the Public Domain Plan prior to construction of other works along the frontage. All costs must be borne by the applicant.
Reason: To provide adequate access.
73. Car parking area and internal access ways 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.
74. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.
Reason: To ensure proper management of Council assets
75. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
Reason: To ensure maintenance of Council's assets.
76. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.
Reason: Protection of existing environmental infrastructure and community assets.
77. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.
Reason: To ensure the protection of the tree(s) to be retained on the site.
78. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.
Reason: To ensure the protection of the tree(s).
79. All trees supplied above a 25L container size must be grown and planted in accordance with:
(a) Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.
(b) Natspec Guide No.2.

Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

Reason: To minimise plant failure rate and ensure quality of stock utilised.

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

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

81. 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.

82. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Confirmation of the level of community engagement that has is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- (c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on the subject site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- (e) What plant and equipment is to be used on the subject site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

Reason: To maintain appropriate amenity to nearby occupants.

83. Any fill material imported to the subject site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

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

Reason: To ensure appropriate disposal of asbestos materials.

85. All friable and non-friable asbestos-containing waste on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines - 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

Prior to the issue of an Occupation Certificate

86. Separate occupation certificates shall be issued for each Stage. For the avoidance of doubt, each Stage is independent and Stages 1 and 2 are not required to be completed concurrently or contemporaneously.

Reason: To ensure compliance with legislative requirements.

87. Prior to the issue of the Occupation Certificate for Stage 1, a convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

Reason: To ensure safety of drivers.

88. 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.

89. A Positive Covenant and Restriction on the Use of Land under Section 88E or 88B of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the right of carriage as shown on the Draft subdivision Plan 40911SUB-1, dated 9 February 2015 by Lockley Land Title Solutions.

Reason: To ensure vehicular access availability to the site.

90. Prior to **any issue** of the Occupation Certificate (including interim OC), the public domain construction works adjacent to the subject site must be completed to Council's satisfaction and a **final approval** shall be obtained from Council's Assets & Urban Design teams.

Council shall issue the **final approval** for the finished public domain works that complied with the approved public domain documentations and Council's satisfaction.

A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

The **Work-as-Executed Plans** for the subject stage shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of the OC.

A **52 weeks** maintenance period is required to be carried out by the applicant for all the works constructed in the public domain.

Reason: To ensure the quality of public domain works is completed to Council's satisfaction

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

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

92. 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 and the relevant Stage at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with statutory requirements.

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

Reason: To ensure a visible house number is provided.

94. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services to the relevant stage/site from an approved electrical energy provider prior to the issue of an Occupation Certificate for that relevant Stage.

Reason: To ensure appropriate electricity services are provided.

95. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number & Stage Number; and
- (b) Site address.

The bond is refundable for the relevant Stage only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate for the relevant Stage is not to be issued until correspondence has been issued by Council detailing the bond has been released.

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

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

96. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works for the relevant Stage/site. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure adjacent to the relevant Stage or site.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and

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

Reason: To establish any damage caused as a result of the building works.

97. 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.

98. Proof of completion of footpath construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To provide pedestrian passage.

99. 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.

100. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" to Council's satisfaction.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the

relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

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

101. 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.

102. 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 for the relevant Stage.

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.

103. A separate application must be made for a subdivision certificate.

Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

104. 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 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 subject site. 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.

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

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

Reason: To ensure restoration of environmental amenity.

106. Prior to an Occupation Certificate being issued, Council must be notified that the premises is to be used for the preparation or manufacture of food for sale so that the premises can be registered on Council's food premises licensing database.

Reason: Compliance with the requirements of the Food Act.

107. Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS 1668 (Parts 1 & 2) is to be provided to the certifying authority prior to occupation of the premises.

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

108. Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

Reason: To ensure construction and fit-out of the premises meets relevant public health standards.

109. Notification of the food business is to be made to the NSW Food Authority before any food handling operations are commenced at the premises.

Reason: To comply with requirements of the Food Act.

The Use of the Site

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

Reason: To ensure provision of adequate waste disposal arrangements.

111. Between collection periods, all waste/recyclable materials generated on subject 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.

112. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

113. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2010 and the Australia New Zealand Food Authority Food Standards Code.

Reason: To ensure operation of the premises complies with the relevant legislation and standards.

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

Reason: To protect the amenity of the area.

115. 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 a 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.

116. All loading and unloading must:

- (a) take place within the designated loading areas on the subject property, or
- (b) take place within the approved loading dock to minimise disruption of public spaces, and
- (c) is to be carried out wholly within the subject site

Reason: To protect the amenity of the neighbourhood.

117. The hours of operation of the McDonald's restaurant premises are 24 hours, 7 days a week.

Reason: To ensure appropriate hours as per existing use.

118. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

Reason: To ensure restoration of environmental amenity.

