

ATTACHMENT 6 – Submissions from State Agencies and adjoining property

Author	Issues	Officer Comment
Sydney Water	<ul style="list-style-type: none"> Sydney Water raises no objection to the Planning Proposal and notes there is adequate capacity to service the development. Detailed requirements including any potential extensions or amplifications will be provided once the development is referred to Sydney water for a Section 73 application. (This usually occurs after the development consent issue and prior to the release of the Construction certificate). It was also recommended that the applicant engage a Water Services Co-ordinator (WSC) and lodge a feasibility application to Sydney Water prior to section 73 application. 	<ul style="list-style-type: none"> Submission is noted. Applicant has been advised of the recommendation to engage a Water Services Co-ordinator and to lodge a feasibility application to Sydney Water prior to the Section 73 application.
OEH – Heritage Division	<ul style="list-style-type: none"> The proposed development is unlikely to have any physical impact on State heritage values, however, there is potential for an impact on the visual setting of State Heritage Register items in the vicinity. The Heritage Impact Statement (HIS) should address the visual impact of the proposed development to heritage items in the vicinity including photomontages. The site is located within the designated Sensitive Area for visual impact as identified in the <i>Development in Parramatta and the Impact on Old Government House and Domain's World and National Heritage Listed Values Technical Report 2012 (Planisphere Report)</i>. The HIS should address the cumulative impacts of new high-rise development in the CBD that intrudes into significant views of OGHV. 	<ul style="list-style-type: none"> The controls identified by the Planisphere study are reflected within the Park Edge precinct controls of the DCP 2011. It is noted that a large portion of the Parramatta CBD is identified in the Planisphere report referred to in the OEH submission as being designated sensitive area. The report refers to these areas as follows: <i>"Development may have some impact, but not a significant impact on the World and National Heritage Values of OGHV."</i> The areas designated as highly sensitive areas are those where development risks a significant impact and these areas are identified within the Park Edge Precinct controls within the DCP 2011. The subject site is located within the sensitive area, however, not the highly sensitive area. Any development application lodged for the site will be

	<ul style="list-style-type: none"> • While the existing building is not listed as a heritage item, it was designed by notable architects and the HIS should address the heritage significance of this building. • The DCP should include objectives to ensure any redevelopment of the site is sympathetic to adjacent heritage items in terms of massing, scale, setbacks and orientation, details and materials. • The DCP should address archaeology including a requirement that a response be provided to any programme of archaeological investigation and interpretation must be supported by the results of the final excavation report. • Should evidence of substantially intact archaeology be found, there should be allowance for the design to be amended. • There should be allowance for any archaeological collection salvaged to be stored either onsite or offsite by Council. • The VPA should include commitment of funds for archaeological investigation and the housing of any archaeological collection. 	<p>assessed having regard to the requirements within the DCP 2011 regarding heritage generally and also address the specific requirements of the Park Edge precinct within the DCP 2011.</p> <ul style="list-style-type: none"> • With regard to archaeology, any development application would be subject to the requirements of Part 3.5 of the DCP 2011 regarding heritage and archaeology. • The VPA will only be delivered in the case that the site is developed for residential purposes. Therefore, it's not an appropriate mechanism for committing funds for archaeological investigation and the housing of any archaeological collection. Further, the applicant can be obligated to carry out archaeological investigation and housing of collections through conditions of development consent.
Endeavour Energy	<p>Endeavour Energy has no objection to the Planning Proposal subject to their requirements being met as part of any future development. Their requirements are summarised as:</p> <ul style="list-style-type: none"> • The Planning Proposal involves a significant increase to density and height and the resulting new development will represent a significant electrical load and require 	<ul style="list-style-type: none"> • The submission from Endeavour Energy has been forwarded to the applicant as requested in the submission. • The applicant has been advised to contact Endeavour Energy early in the design process and to establish their specific requirements as soon as possible. These requirements should be referenced in the

	<p>developers to extend and augment the 11,000 volt / 11 kV high voltage network to facilitate connection as per Endeavour Energy's normal customer connection processes.</p> <ul style="list-style-type: none"> • The site currently houses an indoor substation identified as Substation No. 2659. Indoor substation no. 2659 currently has 6 customer connection points servicing 63 premises. As part of the redevelopment of the site, arrangements will need to be made for continuation of supply to the other premises serviced by the indoor substation. • With Council's CBD Planning Proposal seeking expansion opportunities in the Parramatta CBD, the design of the building will also have to allow for the expansion of Endeavour Energy's local electricity network. Provision will need to be made for a replacement/upgraded indoor substation as well as possibly an additional separate switching room to house a switching hub to maintain reliability of supply. The switching hub will allow for both planned or unplanned switching events eg. to provide to back-up feeders in case of failure. The rooms will need to be accessible from the street for operational access. • The replacement and upgrade of the indoor substation whilst not a prerequisite for the Planning Proposal, would be required as a condition for any new development on the site proceeding. 	<p>Design Competition brief and subsequent Development Application.</p>
Transport for NSW	<ul style="list-style-type: none"> • Concurs with the Planning Proposal clause proposing to set maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study. • Any future Development Application should be accompanied by a traffic and transport assessment given the proximity of the Parramatta Light Rail to consider the cumulative construction traffic impacts from infrastructure works in the surrounding transport network. 	<ul style="list-style-type: none"> • Any development application submitted for the site will be referred to Transport for NSW – Parramatta Light Rail due to its proximity to the proposed rail network.

SES	<ul style="list-style-type: none"> • Notes that the submission remains the same as the SES submission dated 11 September 2018 which was in response to the pre-exhibition consultation required by the conditions of the Gateway determination. • Council will need to ensure the proponent of DA applicant addresses the potential risks created by locating a development in a location that is considered to exhibit high flood risk in a probable maximum flood (PMF) and that potentially exhibits high flood risk in floods below the PMF. • The Planning Proposal appears to be in conflict with achieving the objectives and strategies of the greater Sydney Region Plan and priority in the Central City District Plan relating to natural hazards. • The basement car parking should be addressed in terms of risks during flood events higher than the 1% AEP. 	<ul style="list-style-type: none"> • Council's Senior Catchment and Development Engineer has advised that any future development application will be required to be accompanied by overland flow modelling to establish the ultimate flood planning level for the site. • The applicant will be required to address the flood planning level and to ensure adequate measures are in place to respond to the Probable Maximum Flood (PMF) with any development application lodged for the site. • In terms of the Sydney Region Plan and the Central City District Plan, the NSW Department of Planning & Environment (DPE) was satisfied that the Planning Proposal has addressed these strategic documents when issuing the Gateway determination.
RMS	<ul style="list-style-type: none"> • Raises no objection in principle subject to the inclusion of maximum car parking rates in accordance with the Parramatta CBD Strategic Transport Study as a site-specific clause • Council should be satisfied that a suitable funding mechanism is in place to obtain developer contributions on an equitable basis towards regional transport infrastructure upgrades to support future growth associated with the multiple planning proposals across the Parramatta CBD. 	<ul style="list-style-type: none"> • The Planning proposal includes a site-specific clause limiting the car parking to the maximum rates endorsed as part of the Parramatta CBD Strategic Transport Study. • Developer contributions will apply to any development of the site under the Parramatta City Centre Section 94A Contributions Plan (now referred to as section 7.12 contributions). However, the Plan levies development for the purpose of local infrastructure contributions as opposed to regional infrastructure. • Council has no authority to levy for regional infrastructure without the intervention of the State Government in the form of a SIC (State Infrastructure Contribution) Plan or similar. • The site is affected by the Parramatta Bike Plan due to a proposed north-south route affecting Marsden Street. The DCP has been amended in response to

		allow for a 2 metre building setback on Marsden Street.
OEH	<ul style="list-style-type: none"> Notes that the site is within an area of high Aboriginal archaeological sensitivity and the area is affected by the Parramatta Sand Body which contains substantial and potential ancient (Pleistocene) archaeological evidence of Aboriginal occupation. There is likely to be significant future excavation of the site for the construction of basement car parking which is likely to impact on Aboriginal archaeology. Given this, the OEH recommends an Aboriginal cultural heritage assessment be undertaken to inform the Planning Proposal. This should include both an archaeological assessment and a cultural heritage assessment. 	<ul style="list-style-type: none"> It is noted that the Planning Proposal involves no change to the land use zoning but will result in an increase in height and FSR controls for the site. The Planning Proposal also includes a site-specific clause placing a maximum car parking rate in accordance with the recommendations of the Parramatta CBD Strategic Transport Study. This will limit the amount of basement car parking that can be provided. Under the current controls, the site can be developed to a height of 36 metres and an FSR of 4:1. Applying the current car parking rates under Clause 7.3 of PLEP 2011, a building could be developed with a maximum of approximately 50 car parking spaces which would require approximately 4 levels of basement. Assuming that the site is developed for a purely commercial use as is reflected in Option A, the maximum car parking spaces permitted would be approximately 25 spaces. This may require approximately 2 levels of basement. Assuming that the site is developed for a mixed use development as is reflected in Option B, the maximum car parking spaces permitted would be approximately 49 spaces. This may require approximately 4 levels of basement. As such, the Planning Proposal will not result in any increase in basement car parking over and above what is permitted under the current controls. Therefore, it is considered that there is negligible change to the likely impact on the potential archaeology of the site.

	<ul style="list-style-type: none"> • The site-specific DCP should detail its sustainability measures in order to achieve sustainable design excellence. • OEH recommends the development incorporate green walls, green roof and/or a cool roof into the design. • The Planning Proposal should address <i>Planning Priority N16: Increasing urban tree canopy cover and delivering green grids</i> within the Central City District Plan. • Protection of the mature street tree should be provided for in the DCP for the site. • The Planning Proposal should address Water Sensitive Urban Design in accordance with the Parramatta River Estuary Coastal Zone Management Plan and <i>Planning Priority N13: Protecting and improving the health and enjoyment of the District's waterways</i> within the Central City District Plan. 	<ul style="list-style-type: none"> • Notwithstanding, any development application would be subject to the requirements of Part 3.5 of the DCP 2011 regarding heritage and archaeology. • Sustainability measures are addressed within Part 3.3 of the DCP 2011. • Council's standard conditions of consent will be applied regarding the protection of existing trees on Council land.
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Submission from the owner of adjoining property at 197 Church Street	
Issue	Officer Response
The reduced setback controls assume that the balance of the required building separation will be provided on 197 Church Street which will impact significantly on the yield that might be able to be achieved on 197 Church Street.	It is noted that the applicant for the Planning Proposal at 197 Church Street has submitted a revised reference design as part of their Planning Proposal. This changes the relationship of their site with 20 Macquarie Street. In response, Council Officers have undertaken an integrated process to identify the appropriate setbacks for both sites.

<p>The VPA should also apply to the hotel component as tourists will place a similar burden on infrastructure as residents.</p>	<p>Council's resolution on 10 April 2017 with regard to the value sharing mechanism in the CBD is to apply value sharing to residential development only. There is currently a study that is investigating whether this should change but if Council changes its position, this should only apply to Planning Agreement negotiations in the future if the policy is formally amended.</p>
<p>The Planning Proposal document justifies the increased density on the basis of increasing housing, however, Option A only includes minimal housing</p>	<p>The objectives of the CBD Planning Proposal are to increase both housing and employment provisions in the CBD. The Planning Proposal allows for an increase in FSR to achieve either outcome.</p>
<p>Vehicular access should be from Marsden Street as there will be higher levels of pedestrian traffic on Macquarie Street</p>	<p>Council's Traffic and Transport Manager has advised that the preferred vehicular access is via Macquarie Street due to the change in traffic flows and volumes anticipated from the Parramatta Light Rail.</p>
<p>The reference design indicates a residential component in Option A which is not addressed in the Planning Proposal or the DCP. The Planning Proposal appears to have made assumptions about the likely height of any tower on the western portion of 197 Church Street that are incorrect.</p>	<p>The reference design indicates apartments on the top 5 floors of the tower. This was queried with the applicant on a previous occasion. The applicant advised that the Executive Apartments on the top floor are part of the proposed hotel rather than separate residential accommodation. Any incorporation of residential uses within the tower would result in the application of the residential setbacks referred to in Option B of the DCP.</p>
<p>It is not clear why the reference design and the DCP for Option B provide a 12m setback to the eastern boundary but not the northern boundary. It seems to wrongly assume that any tower on the adjoining site to the north will not contain habitable rooms</p>	<p>Discussions have since been held with both the applicant and the author of the submission regarding setbacks and it is noted that requiring a setback of 12 m from the northern boundary would sterilise the site from any future development. Applying a 12 metre setback on the northern side of the boundary within 197 Church Street would also</p>

	sterilise that part of the neighbouring site as well. Concessions on setbacks on this boundary are considered appropriate to facilitate the orderly redevelopment of the land and are considered acceptable in light of the proposed commercial land uses.
Should a tower be built with a setback from the northern boundary of 6m, it would oblige development on 197 Church Street (the northern portion facing Marsden Street) to provide the balance of the required building separation of 18 m which would render that part of the site at 197 Church Street undevelopable	As discussed above, the 6 metre setback control within the draft DCP on the northern boundary has been identified in conjunction with consideration of setbacks on the neighboring site at 197 Church Street. It has been assumed that the neighbouring site would also be considered appropriate for a 6 metre setback on this particular boundary.
The residential floor plan on page 9 is inconsistent with that shown on subsequent pages	This internal inconsistency is noted. The residential floor plan on page 9 reflects an earlier version of the floor plan prior to Council's resolution on 24 September 2018 where Council resolved to apply a 6 metre tower setback from Marsden Street for the residential option (Option B). It is noted that the remainder of the reference design document reflects Council's resolution.
The SEPP 65 analysis in the reference design appears to be flawed as it assumes that air flow can be achieved through front doors which will be fire rated, self-closing doors. It also assumes there will be no development on the western portion of 197 Church Street. In this regard, development potential of 197 Church St should not be impacted as a result of solar access impacts on future development on 20 Macquarie Street	The SEPP 65 analysis will only apply to residential towers. Further, the detailed assessment will be addressed at the Development Application stage.
The submission questions whether the basement plan would feasibly be able to work. Also notes that 2 fire egresses may be required which would impact on achievable floor area	Council's original consideration of the draft DCP on 26 February 2018 resulted in the following resolution: <i>"That consideration of this matter be deferred for further information regarding design options for car parking, loading dock and eastern setback."</i> An amended ground

	<p>floor plan was subsequently submitted by the applicant and assessed by Council Officers to offer an improvement in terms of accommodating the vehicle access, loading dock and car parking. Further detailed assessment will also be undertaken at the DA stage.</p>
<p>The control C8 in the draft DCP is inconsistent with the recent amendment to Clause 7.4 of the PLEP 2011 as it only refers to overshadowing of Parramatta Square on 21 June where the PLEP 2011 refers to overshadowing of Parramatta square all year round.</p>	<p>The draft site-specific DCP was prepared prior to the notification of PLEP 2011 Amendment No. 29. The amendment introduced the current overshadowing control which overrides the controls in the DCP.</p> <p>It is recommended that control C.8 be removed from the DCP as it is superfluous as the relevant control is now contained within the PLEP 2011.</p>
<p>The Controls C1 and C2 regarding Traffic and transport require access to be from Macquarie Street which is inconsistent with the advice they were given previously regarding development of 197 Church Street. Vehicular access should be from Marsden Street as there will be more pedestrian activity on Macquarie Street</p>	<p>The author of the submission is referring to advice they were given prior to the finalisation of the details of the Parramatta Light Rail (PLR). The advice of Council's Traffic and Transport Manager now reflects the anticipated changes to traffic flows and volumes from the PLR.</p>
<p>The sunlight access objective O5 in the draft DCP should be repeated for Option B</p>	<p>It is recommended that Objective O.5 be removed as per the recommendation to remove control C.8.</p>