

REPORT TO THE JOINT REGIONAL PLANNING PANEL (SYDNEY WEST)

JRPP Reference number:	2013SYW024
Development Application:	DA/62/2013
Address:	143 and 169 Macquarie Street, Parramatta
Property description:	Lot 100 DP 609944 and Lot 1 DP 701300
Proposal:	15 storey retail/commercial building over basement parking
Estimated value:	\$118,967,030
Date lodged:	7 February, 2013. Additional information received 8 August, 2013 and 20 August, 2013
Owner and applicant:	Parramatta City Council
Council Planner:	Anthony Newland
Report Author:	Brad Roeleven - City Plan Strategy and Development

EXECUTIVE SUMMARY

This report considers a proposal to construct a 15 storey mixed use building (retail/commercial) over basement car parking on a site which occupies the northeast corner of the Parramatta Square, formerly known as Civic Place. Parramatta Square, located at the centre of Parramatta CBD, is bounded by Darcy, Smith, Macquarie and Church Streets.

The applicant and land owner is Parramatta City Council, and consequently City Plan Strategy and Development Pty Ltd (CPSD) was engaged to provide the Joint Regional Planning Panel (JRPP) with an independent town planning assessment of this application, including the preparation of this report. Assessment of various matters was provided by the relevant departments and officers within Council.

Key issues requiring evaluation are:

- Variations to the building height and sun plane access controls in Parramatta City Centre Local Environmental Plan 2007;
- Proposed interim and permanent vehicle access arrangements to the basement parking levels due to circumstances related to the re-development of an adjacent site;
- Variations to controls in Parramatta City Centre Development Control Plan 2007 for the set out of the building relative to the central public open space corridor for Parramatta Square.

Assessment has concluded that variations to those development standards are reasonable; that limitations around vehicle access can be managed, and that the set out of the building is satisfactory.

The assessment also identified a need for the finer details of certain aspects of the treatment to the public domain, and arrangements for stormwater disposal, to be confirmed through the submission of further plans prior to the issue of the Construction Certificate. This is reasonable as those matters are not fundamental to the evaluation of the suitability of the project.

This report concludes the proposal is fundamentally sound in terms of its design, function, relationship with its neighbours and response to planning controls. It is therefore recommended that the application be approved, subject to the nominated conditions.

1. SITE DESCRIPTION, LOCATION AND CONTEXT

The land the subject of this application comprises all of Lot 100 DP 609944 and part of Lot 1 DP 791300. Lot 100 supports an existing commercial building (Macquarie House) whilst an at-grade car park occupies the part of Lot 1 within the development site.

This development site is located on the southern side of Macquarie Street, on the western side of the intersection with Smith Street. The site occupies the northeast corner of Parramatta Square, formerly known as Civic Place. Parramatta Square, the heart of the Parramatta CBD, is bounded by Darcy, Smith Macquarie and Church Streets.

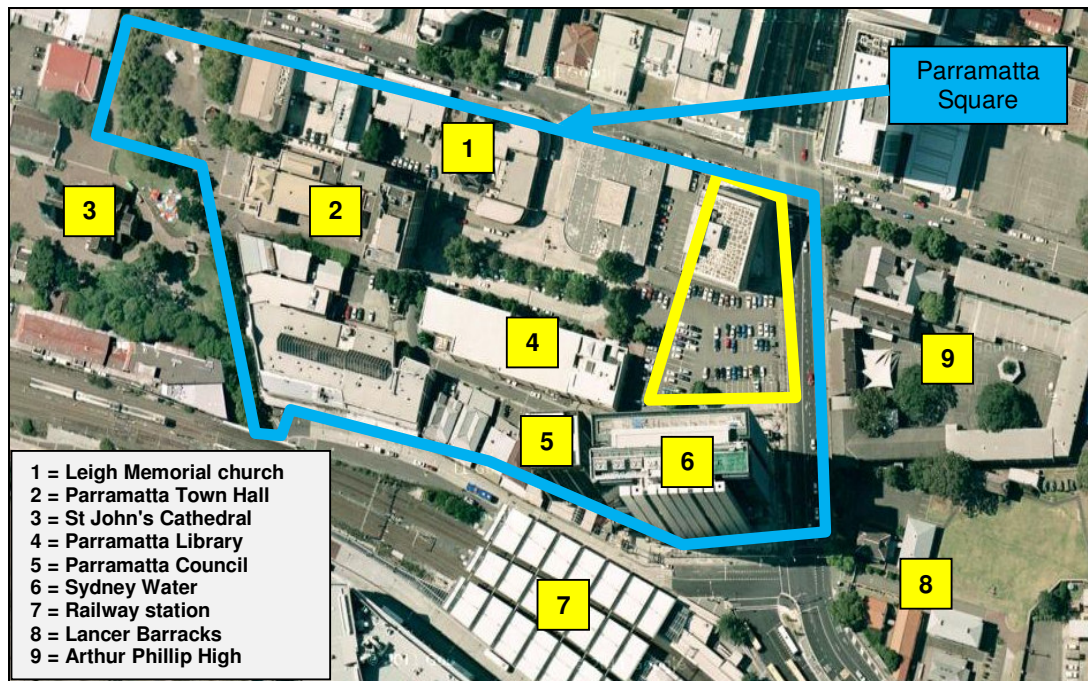


Figure 1: Site location and context

Given its CBD position the locality surrounding the site comprises a mix of commercial, retail and community uses, notably:

- Arthur Phillip High School (State heritage item) opposite the site east across Smith Street;
- The Sydney Water building, adjoining the site at its southern edge;
- Parramatta City Council and Library buildings to the immediate west and south west of the site; and
- Parramatta Railway station (State heritage item) and transport interchange, 120m south of the site across Darcy Street.

The wider locality also includes the following State significant heritage items:

- Lancer Barracks, about 120m southeast along Smith Street;
- Leigh Memorial Church, about 100m to the west along Macquarie Street;
- Parramatta Town Hall, about 140m west and fronting Church Street Mall; and
- St John's Cathedral, about 240m west opposite the Town Hall building.



Figure 2: Subject site looking south along Smith Street, with the Sydney Water building behind



Figure 3: Subject site looking north along Smith Street

2. THE PROPOSAL

The application comprises the following primary elements:

- Demolition of an existing 7 storey commercial building and all associated elements from No. 169 Macquarie Street;
- Demolition of certain public domain elements at No. 143 Macquarie Street generally north, east and south of the Parramatta library building comprising parts of the Civic Place carriageway, pedestrian pathways, landscape elements including the removal of 8 trees, and the at grade public car park which extends from 169 Macquarie Street south to the Sydney Water building;
- Construction of a 15 storey commercial building comprising:
 - 828 m2 of retail floor space at the ground floor level;
 - 27,744m2 of commercial floor space;
 - 2 basement levels, plus a basement mezzanine, providing parking for 99 cars and 14 motorcycles;
 - Vehicle access from Macquarie Street via a new driveway access ramp (dive structure) positioned parallel with and in proximity to the southern edge of the Australia Post building at No. 153 Macquarie Street, immediately west of the development site;
- Construction of substantial public domain works predominantly between the proposed building and the Sydney Water building to the south, but also to the street frontages and within the setback from the western boundary. These works will form the eastern end of the primary public open space that will be the centrepiece of Parramatta Square; and
- Resubdivision of the subject lands to create new allotment which separates the development site from the balance of the present allotment that comprises the Parramatta Square land (i.e. Lot 1 DP 791300).

3. BACKGROUND TO PARRAMATTA SQUARE

Parramatta Square is a 3 hectare mixed use redevelopment precinct located in the Parramatta CBD as shown at Figure 1 above. This precinct was originally intended to be redeveloped as a single project guided by an adopted 2003 Master Plan, however in 2011 that project was abandoned. Revitalisation of the precinct is now proceeding in six separate stages, as follows:

Table 1: Staging of development of Parramatta Square

Stage 1	This current DA for 169 Macquarie Street and part of 143 Macquarie Street
Stage 2	The 'Aspire' building - a mixed use building of 306m. That project is the subject of separate Planning Proposal, which has passed its 'Gateway' determination.
Stage 3	Re-development of Australia Post site at 153 Macquarie Street, immediately west of this proposal. That new building is to comprise commercial and community facilities including a civic building, community centre and library. Lodgment of a development application for that proposal is imminent.
Stage 4	A 5,000 sqm mixed use building to be the subject of a design competition
Stages 5 + 6	Dual commercial office towers which will be subject to a design competition in 2013

The location of each of the six stages within Parramatta Square is shown at Figure 4 below:



Figure 4: Parramatta Square development scheme

4. BACKGROUND TO THIS APPLICATION

Since lodgement the project has been amended to respond to issues arising from the assessment, and matters identified via public submissions. The table below provides a summary of key changes:

Table 2: Summary of design amendments since lodgement

Public domain	<ul style="list-style-type: none"> • Revision of the design treatment particularly between the building and the adjacent Sydney Water building terrace • Alterations of levels around the driveway access ramp • Removal of the retail 'pod'
Building	<ul style="list-style-type: none"> • Size of ground floor substation reduced • Basement levels reduced and rationalised - parking supply reduced from 163 to 99 spaces • Setback from southern boundary increased to achieve a 20m separation from the Sydney Water building • Increase in GFA through amendments to 'square off' the commercial floor plates in conjunction to the design of the facade system and changes to the internal atriums • Further retail floor space provided at the western edge of the ground floor to activate the interface with the laneway • New pedestrian entry to Smith Street • New bicycle facilities at the ground floor • Reconfiguration of rooftop plant areas • Extent of terracotta cladding on western facade increased
Vehicle Access	<ul style="list-style-type: none"> • Two options for location of driveway access ramp nominated for approval to respond to constraints associated with continued (short term) use of adjacent site.

5. REFERRALS

The Tables below provides a summary of assessment provided by departments within Council. Issues from those referrals which warrant discussion are addressed at sections 7 and 8 of the report.

Table 3: Internal referrals

Catchment Engineer	No objections - no conditions required
City Animation	No objections - conditions provided
Development Engineer	No objections - conditions provided
Environment and Public Health	No objections - conditions provided
Heritage Advisor	No objections - conditions provided
Heritage Committee	Concerns on potential view impacts - refer section 7.1.4 below
Open Space/ Natural Areas	No objections - conditions provided
Supervisor , Civil Assets	No objections - no conditions required
Traffic Engineer	No objections - no conditions required
Tree management & Landscape	No objections - conditions provided
Urban Design	Generally satisfactory- see comments at section 8.1.1 - 8.1.4 below. Conditions provided

Table 4: External referrals

Endeavour Energy	No objections - see comments at section 8.1.6.
Environment and Heritage	No objections - see comments at section 6.2
Roads and Maritime Services	No objections - see comments at section 6.5
Sydney Water	No objections - see comments at section 8.1.6

6. STATUTORY PLANNING FRAMEWORK - STATE PLANNING CONTROLS

The relevant state planning controls relevant to this assessment are:

- Environmental Planning and Assessment Regulation 2000 (the Regulation);
- Environmental Planning and Assessment Act 1979 (the Act) ;
- State Environmental Planning Policy No. 55;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011; and
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

6.1 Environmental Planning and Assessment Regulation 2000

Clause 92 of the Regulation prescribes certain matters to be considered by a consent authority in its determination of a development application. The only matter of relevance relates to demolition works. To ensure consistency with the Regulation, the recommendation to this report includes a condition for the works to comply with AS 2601 Australian Standard AS 2601—1991: *The Demolition of Structures*, published by Standards Australia.

6.2 Environmental Planning and Assessment Act 1979

Section 5A –Threatened species, populations, ecological communities or habitats

This section of the Act requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

The site does not have any ecological attributes which, if lost, would impact upon any threatened species, population, ecological community or habitat.

Section 91 – Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under nominated legislation. In those circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The applicant has not nominated this application as being 'integrated development' and we understand the applicant is not compelled to do so, even if matters under related legislation are relevant to the project. Two such issues are relevant, as discussed below:

Dewatering

The need for dewatering is identified in the geotechnical report accompanying the application. Dewatering is an activity that requires an approval under section 91(3) of the Water Management Act 2000 (WMA) issued by the NSW Office of Water, being one of the related approvals captured by section 91 of the Act.

The recommendation to this report therefore includes an advice requiring that any necessary approval under the WMA be obtained and provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Heritage

There are two potential heritage matters which can trigger Section 91 of the Act being:

- Works to items listed on the State Heritage Inventory and subject to the Heritage Act 1997; or
- Works which require the granting of an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974.

The latter Act is relevant as the Office of Environment and Heritage (OEH) has advised an aboriginal archaeological site, identified through previous test excavations, extends across and beyond the area of this proposal.

Despite the proponent electing not to have this application dealt with as 'integrated development', and despite this being confirmed to OEH, the OEH have nevertheless issued its General Terms of Approval (GTAs) for this application being that:

- An Aboriginal Heritage Impact Permit (AHIP) must be obtained prior to any harm occurring to Aboriginal objects as a result of the works; and
- That consultation with the Aboriginal community must be undertaken as part of the AHIP application.

The recommendation to this report therefore includes an advice requiring that any necessary approval under the National Parks and Wildlife Act 1974 be obtained and provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

6.3 State Environmental Planning Policy No. 33

Basement level 2 of the building includes a generator fuel store, which will have a diesel supply of up to 9000 litres.

The "Hazardous and Offensive Development Application Guidelines" for SEPP 33 issued by the Department of Planning and Infrastructure state that combustible liquids of class C1 (such as diesel) are not considered to be potentially hazardous provided it is stored in a separate bund or within a storage area where there are no flammable materials stored.

As those circumstances apply in this instance a Preliminary Hazard Analysis is not required. Notwithstanding conditions are included in the recommendation to this report to ensure the fuel store is constructed to satisfy any relevant Australian Standards and WorkCover requirements.

6.4 State Environmental Planning Policy No. 55

This Policy provides a framework for the assessment, management and remediation of contaminated land. Clause 7(1) of the Policy prevents Council from consenting to a development unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be) suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The application is accompanied by a Phase 1 Contamination Assessment report which concludes:

- Based upon an analysis of the site history and limited available results from previous intrusive testing the potential for broad scale significant contamination is low;
- However given the detection of elevated concentrations of certain contaminants a Phase 2 Assessment is warranted to adequately characterise site contamination;
- Following the Phase 2 work it is likely a Remediation Action Plan will be required to identify works necessary to make the site suitable for the intended use.

Council's Environment and Public Health Team has reviewed and accepted the analysis and conclusions in the Phase 1 report, and has provided conditions for inclusion in any approval granted to this application.

6.5 State Environmental Planning Policy (Infrastructure) 2007

This Policy required Council to refer this application to Roads and Maritime (RMS) for consideration due to the proposed quantum of commercial floor space being greater than 10,000m². The Sydney

Regional Development Advisory Committee of the RMS considered the proposal at its meeting on 21 March 2013, and raised no objection to the application.

6.6 State Environmental Planning Policy (State and Regional Development) 2011

The proposal is development nominated in Part 4 of this Policy, in this instance being development exceeding \$5 million and where Council is applicant and landowner. Consequently the Joint Regional Planning Panel is the consent authority for this application.

6.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, covers the area of Sydney Harbour, including the Parramatta River and its tributaries and the Lane Cove River. Its aims are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of this project and the location of the site there are no specific controls within this Plan that directly apply to this proposal.

7. STATUTORY PLANNING FRAMEWORK - LOCAL CONTROLS

7.1 Parramatta City Centre Local Environmental Plan 2007 (LEP 2007)

This building satisfies the definition of "mixed use building" and the intended future uses would satisfy the definitions of "office premises", "commercial premises" and "retail premises" all of which are permissible with consent within the B4 Mixed use zone which applies to the land.

The objectives for the B4 Mixed Use zone are:

- *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.*

This application is consistent with those objectives, satisfying clause 12(2) of LEP 2007. This proposal's compliance with the relevant controls within LEP 2007 is addressed in the following:

Table 5: PCC LEP 2007 compliance table

Provision	Response
Clause 8A Suspension of covenants, agreements and instruments	The terms of this clause are relevant with regard to arrangements for vehicle access. See further comments at section 8.1.5 below.
Clause 15 Subdivision	The application seeks consent for to subdivide the land, consistent with the requirements of this clause.
Clause 21 Building Height	The proposal has a maximum height of 65.76m exceeding the design excellence height control of 59.4m. The application therefore relies upon Clause 24 of the LEP. See further comments at 7.7.1 at the end of this table.
Clause 21A Architectural roof features	This clause is not considered to be relevant in determining the height of the building relative to clause 21 above. See further comments at 7.7.1 below
Clause 22 FSR	The maximum FSR control is 8:1 with possible 10% concession for design excellence. The proposal has a compliant FSR of 6.87:1
Clause 22A Minimum frontage	The site meets the frontage requirements of this clause, as both street frontages are greater than 20m.
Clause 22B Design excellence	This proposal was the subject of a design competition.
Clause 22C Parking	The maximum parking supply, using the calculations in this clause, is 305 spaces. The proposal allows for 99 on site spaces in the basement levels and therefore complies with this clause. The adequacy of the proposed parking supply is addressed at section 8.1.5 below.
Clause 22D Building separation	Section 7.4 of the City Centre DCP 2007 provides site specific controls for Parramatta Square, and does not nominate separation distances for buildings in this precinct.
Clause 22E Ecologically Sustainable Development	The application is supported by a report which sets out various commitments that will allow the building to achieve a 5 Star Green Star rating and a 5 Star NABERS rating for energy efficiency. The proposal has therefore demonstrated a proper response to the consideration and implementation of the principles of ecologically sustainable development.
Clause 22G Special Areas	The proposal provides a satisfactory response to the objectives for the Parramatta Square Special Area provisions as set out in DCP 2007. See further comments at section 7.2
Clause 22H Civic Place	The proposal will not preclude achievement of public open space and land use mix prescribed in this clause. The 2003 Civic Place Master plan noted in

	this clause has since been superseded by section 7.4 of Parramatta City Centre DCP 2007.
Clause 24 Exceptions	This application relies upon this clause to vary the height control for this site. See section 7.1.1 below.
Clause 29E Sun access	This clause links to the sun access plane controls in Parramatta City Centre DCP 2007. The proposal breaches the Lancer Barracks Sun Access Plane at section 2.9 of the DPC. See further comments at section 7.1.2 below.
Clause 33A Flood prone lands	The site is flood prone however the nominated matters for consideration clause have not identified any issues of concern. See further comments at section 7.1.3.
Clause 33B Acid Sulphate Soils	The site is mapped as class 5 Acid Sulphate Soils. No adverse impacts have been identified. See section 8.1.8
Clause 35 Heritage	Although the site is not a listed heritage item, nor is it within a conservation area, provisions within this clause are relevant regarding matters of excavation of archaeological site, places of aboriginal significance and documentation required to accompany applications. The application satisfies the terms of this clause - however further commentary is provided at section 7.1.4 below.
Clause 35A Historic view corridors	View corridor of St John's Church is maintained. See further comments below at section 7.1.4.

7.1.1 Building height

The LEP height control is 54m, which increases by a bonus of 10% to 59.4m as a consequence of the project having completed a design excellence process. The building has a defined maximum height of 65.76m, measured to the top of the lift plant room. This represents a breach of the height standard by 6.36m. However if the lift overrun is considered to be an "architectural roof feature" that element of the building would be excluded from any calculation of height (as permitted by a clause 21A of the LEP) such that the defined height of the building would reduce to 61m, resulting in an exceedence of the height standard by only 600mm

It is further noted that the height as measured to the top of the highest commercial floor (level 14) is 56.3m which satisfies the LEP height control

It is noted that Council advised the proponent at preDA stage that the projecting lift overrun would not be considered as an architectural roof feature. That position is considered appropriate as the lift overrun is more properly considered to be an extension of the primary design treatment of the western elevation of the building, rather than a separate architectural roof feature.

For the purposes of clause 21 this proposal is therefore considered to have a maximum defined height of 65.76, which as noted is breach of the height standard by 6.36m. In recognition of that circumstance this application relies upon clause 24 of the LEP to vary the height control in this particular instance, to enable the building to proceed as proposed.

The application is supported by a detailed submission which has properly identified, and evaluated, the consequences of the additional height in terms of potential environmental, public domain and urban design impacts. These matters are addressed elsewhere within the report however in summary the building height is considered acceptable, particularly noting:

- No adverse heritage impacts have been identified;
- Council's Urban Design assessment has not raised any objections;
- The precinct already supports buildings of 12 and 15 storeys, and future buildings potentially of up to 90 storeys are contemplated for Stage 2 of Parramatta Square (refer to section 3 above)

Given the above, the application's submission pursuant to clause 24 of the LEP to vary the terms of clause 29E of the LEP is well founded, and is able to be supported.

7.1.2 Sun Plane Access

Clause 29E of LEP 2007 states:

"29E Sun access

- (1) The objective of this clause is to protect public open space in the vicinity of the Civic Place site, the Lancer Barracks site and Jubilee Park from overshadowing.*
- (2) Despite any provision of Part 4, development is prohibited on land to which this Plan applies if the development results in any part of a building projecting above the sun access plane controls established for that land by the City Centre Development Control Plan."*

The sun access plane controls are at section 2.9 of the DCP, and include a diagram relative to the Lancer Barracks, which is south east from the site across Smith Street. That sun access plane diagram extends across the almost all of the land the subject of this application.

The proposed building does extend outside that sun access plane, and therefore the terms of clause 29E of the LEP are relevant. It is noted that clause 29E is worded to read as a prohibition, yet section 2.9 of the DCP provides some flexibility regards strict compliance. Council therefore obtained independent legal advice as to the interpretation of clause 29E. That advice concluded the clause is not a prohibition, but a development standard, which is able to be varied (if appropriate) by means of the mechanism in clause 24 of the LEP.

The extent to which the building extends outside the sun access plane is quantified below:

Table 6: Extent of breach of sun access plane

Lower tower element	<ul style="list-style-type: none"> • 3m at the eastern edge of level 8 (lower tower element)
Higher tower element	<ul style="list-style-type: none"> • 7.5m at the eastern edge of the levels 12 and 13, • 9m at the eastern edge between levels 14 and the top of the plant room • 7.5m on the eastern side of the lift core • 3m on the western edge of the lift core

The extent to which the building exceeds the Lancer Barracks sun access plane is also illustrated on the following sectional drawing prepared by the applicant:

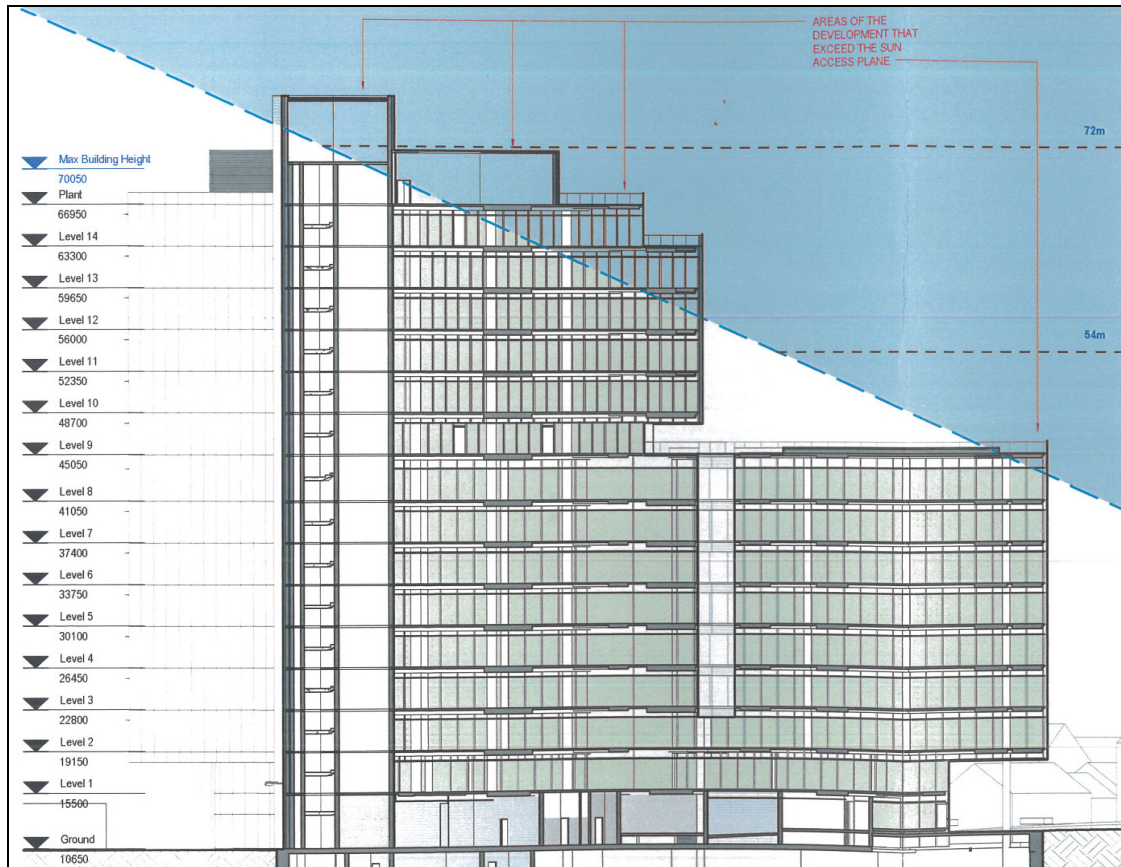


Figure 5: Drawing by Architectus showing breach of sun access plane

In summary, the proponent contends a variation to the sun access plane is acceptable in this instance given:

- Shading on the Lancer Barracks site only occurs between 1.30pm and 2pm at midwinter.
- The concessions identified under the DCP contemplates impacts of up to 10% on the site. The way in which the DCP is framed however does not make it clear whether that 10% is to be measured relative to ground level, or measured at a point 7m above ground level. However regardless of which approach is adopted, the proposal satisfies that control, with ground level shading being 4.3% of the site, and shading at 7m above ground level being 1.8% of the site;
- Within that 30 minute period, the majority of the shade cast falls across an at grade car park. Impacts upon buildings on the Barracks site are limited to only a 15 minute period between 1.45pm and 2.00pm;
- Given that the impacts are minimal, it would be unreasonable to require design amendments to achieve strict compliance, as such would result in the loss of floor space from a site which should be developed to respond to its locational advantages to public transport and services.

In evaluating this matter it is concluded:

- It is agreed the extent of the impact is limited, in both extent and duration;
- The DCP does contemplate variations to sun access plane controls, with concessions relative

to impacts on the Lancer Barracks from additional shadow cast by new buildings. The structure of those provisions however is considered to relate to a separate sun access plane for Civic Place, and not Lancer Barracks site. Nevertheless, those same provisions provide a basis upon which to evaluate the impacts on the Barracks resulting from breaches of its sun access plane control, and in this regard the extent of the impacts is consistent with the DCP concessions;

- Consistent with the terms of the DCP, the Heritage Branch of the Department of Environment and Heritage has been consulted specifically about this matter, and has confirmed that it raises no objection; and
- The Department of Defence also has not raised any objection on the basis of overshadowing.

Given the above, the application's submission pursuant to clause 24 of the LEP to vary the terms of clause 29E of the LEP is well founded, and is able to be supported.

7.1.3 Flood prone land

Council's Catchment Management section advises that the site is partially flood affected, as follows:

- The northern portion of the site is above the 1 in 100 year flood level but is still subject to flood events up to the Probable Maximum Flood. This part of the site is categorised as being within a 'low flood risk precinct'; and
- The southern part of the site is not flood affected.

No issues of concern have been identified with regard to flood constraints in terms of the design and function of the building.

As the site is subject to impacts from a PMF the application is accompanied by a Flood Emergency Management Strategy which outlines management measures for the evacuation of the building in the event of an extreme flood event. That report has been evaluated Council's Catchment Management section, which has identified additional matters to be incorporated into that report. That outcome is achieved by way of a condition requiring a revised report to be prepared prior to the issue of any Occupation Certificate.

7.1.4 Heritage

Two matters relative to the LEP require consent as follows:

Archaeology

The Heritage Impact Statement (HIS) accompanying the application identifies a high potential for archaeological remains to be encountered, associated with the former White Horse Inn stables and later 19th century cottages and their outbuildings. The HIS concludes any such remains are likely to be of local significance with limited research potential, and notes that prior consent to disturb any relics would require an approval under section 140 of the Heritage Act.

The applicant has already received the relevant permit from the Office of Environment and Heritage, although it is understood a new permit is being sought as the first application did not fully identify the extent of works - the omission relating to location of the access ramp (dive structure).

Notwithstanding the above, this land is not an 'archaeological site' as mapped for the purposes of the LEP and accordingly the terms of clause 35(6) of the LEP - which requires the permit to be in place before consent is granted - do not apply.

Consequently it will be sufficient for the new permit to be in place prior to the issue of any Construction Certificate. It is noted that this a section 140 permit under the Heritage Act 1977 does not trigger the 'integrated development' provisions of section 91 of the EPA Act.

View corridors

Clause 35A requires consideration of impacts on historic view corridors noted in the Parramatta Town Centre Development Control Plan 2007.

View Corridor 4 is relevant, being views of St John's Church from the east of Church Street Mall, Civic Place and Town Hall. The location of the proposed building, at the north eastern edge of Parramatta Square, will not impede that view line. Indeed the intent of the recent amendment of the Parramatta Square DCP (see section 7.2 below) is to guide future development of the Square to maximise the visual dominance of St John's Church (see Figure 4 above).

Council's Heritage Committee noted concerns regarding potential adverse impacts on view lines and shadow lines of a range of significant heritage item items including the nearby church and the school opposite the site on the eastern side of Smith Street. The amended architectural scheme, which increases the separation between this proposal and the adjacent Sydney Water building, will improve view lines through Parramatta Square east to the school, notwithstanding that such is not identified as a significant urban design outcome in either the DCP, or following review by Council's Urban Design Team or Heritage Advisor. The intended built form outcome for Parramatta Square, as noted at Figure 4 is such that the Leigh Memorial Church will continue to remain as a valuable streetscape element of Macquarie Street rather than being part of a wider, specific view corridor. The extent to which the building overshadows the Lancer Barracks site is addressed at section 7.1.2 above.

7.2 Parramatta Development Control Plan 2007 (DCP 2007)

Council adopted an amendment to Parramatta City Centre DCP 2007 on 12 August, 2013 which introduces specific controls for Parramatta Square. These are in addition to general provisions and controls in DCP 2007, and replace all references to the former Parramatta Civic Place Masterplan (2003) which is now superseded.

Table 7 below provides a summary response outlining the manner in which this proposal responds to the DCP, with section 7.4 - Special Area Controls for Parramatta Square, considered separately:

Table 7: PCC DCP 2007 compliance table

Part	Response
Part 2 Building form	Some controls defer to the site specific provisions in section 7.4. The remaining matters for consideration are satisfactory based upon the assessment provided by relevant Council departments. The key provision within Part 2 relates to the "sun access plane" controls as previously addressed at section 7.1.2 above.

Part 3 Pedestrian amenity	The proposal is satisfactory with regard to matters of permeability, active frontages, CPTED principles, building exteriors, views and view corridors.
Part 4 Access, parking and servicing.	Arrangements are satisfactory- refer to section 8.1.5 below
Part 5 Environmental Management	The proposal is satisfactory with regard to matters of energy efficiency and conservation, water management, reflectivity, wind mitigation, waste and recycling, land contamination, soil management and flood risk management.
Part 6 Residential development controls	Not applicable

Table 8 below provides a summary response outlining the manner in which this proposal responds to section 7.4 - Special Area Controls for Parramatta Square:

Table 8: PCC DCP 2007 - Part 7.4 - compliance table

Part	Response
7.4.1 Desired future character	The proposal is consistent the desired outcome, contributing to employment targets, presenting a high quality design, adopting suitable sustainability measures and arranged to enable pedestrian and public spaces to dominate in terms its relationship with Parramatta Square.
7.4.4 Site objectives	The building design and its integration with the public domain are consistent with these objectives
7.4.5 Public domain	Satisfactory - refer to section 8.1.2
7.4.6 Building form	Satisfactory - refer to sections 8.1.1, 8.1.3 and 8.1.4
7.4.7 Sustainability	The application is supported by a report which sets out various commitments that will allow the building to achieve a 5 Star Green Star rating and a 5 Star NABERS rating for energy efficiency. Implementation of these measures will be addressed by suitable conditions in any approval that may be granted.
7.4.8 Access, parking and servicing	Arrangements are satisfactory- refer to section 8.1.5
7.4.9 Heritage	No adverse impacts. Refer to sections 7.1.2 and 7.1.4
7.4.10	

Public Art	It is understood the comprehensive Parramatta Square Public Art Masterplan is not yet complete. This matter is not determinative to the project, and is therefore addressed by means of a condition requiring arrangements for public art to be confirmed prior to the issue of any Construction Certificate.
7.4.11 Utilities	The design of the ground floor of the building has been specifically altered to minimise the extent of utility/services within the facade to Smith Street. The arrangement now proposed is satisfactory.

7.3 Parramatta City Council Section 94A Development Contributions Plan

This plan commenced on 8 June 2011 and applies to all development applications within the City Centre which increase the gross floor area (GFA) of a building (with no credit for the demolition of any existing building) and have a cost of more than \$250,000. The purpose of this Plan is to provide for funding towards the public domain projects and special city centre projects in the Civic Improvement Plan for Parramatta City Centre.

The Section 94A contributions levy for the Parramatta City Centre is 3% of the cost of development, as determined in accordance with Clause 25J of the EP&A Regulation 2000. The application is accompanied by Cost Estimate identifying that cost of works, per the Regulations, as being \$115,924,406.

Included in the recommendation to this report is a condition requiring payment of the required contribution, being \$3,477,732.18.

8. ENVIRONMENTAL IMPACT ASSESSMENT

Section 79C(1) of the Environmental Planning and Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. These matters are addressed below.

8.1 Section 79C(1)(b) - The likely impacts of the development

8.1.1 Context and setting

The proposal is appropriate for the current context and setting of the site, and the desired future character for the locality as established by the Special Area provisions for Parramatta Square at section 7.4 of the Parramatta City Centre DCP 2007. Broadly:

- The built form is satisfactory, noting the project is the subject of a 'design excellence' process;
- The intended uses of the building are compatible with the CBD setting of the site; and
- No adverse outcomes arise in terms of potential impacts upon adjacent properties or the wide public domain.

8.1.2 Public domain

Building alignment relative to the central open space of the Parramatta Square

The DCP controls for Parramatta Square provide for a 40m central open space corridor through the precinct to support a series of public spaces. The western end of this corridor is to be terminated by St John's Church, which sits on the western side of Church Street Mall. The DCP provides that the width of the corridor is to be measured as 20m either side of the centre of the Church, and that the alignment of the corridor is to be set parallel to the axis of the Church.

Council's Urban Design Team has identified that the building has instead been determined by aligning the northern edge of the open space corridor to be parallel with Macquarie Street, creating a circumstance where the building encroaches into the open space corridor by between 1.5m -1.8m. It is the Urban Design Team's preference for the building to align with the axis established by the alignment with the Church, as intended by the DCP.

Provided below is an extract from a drawing prepared by the applicant that illustrates the variance between the two approaches to the set out line, and the degree to which the ground floor of the building encroaches past the DCP setout line, being between 1.2m - 1.6m:

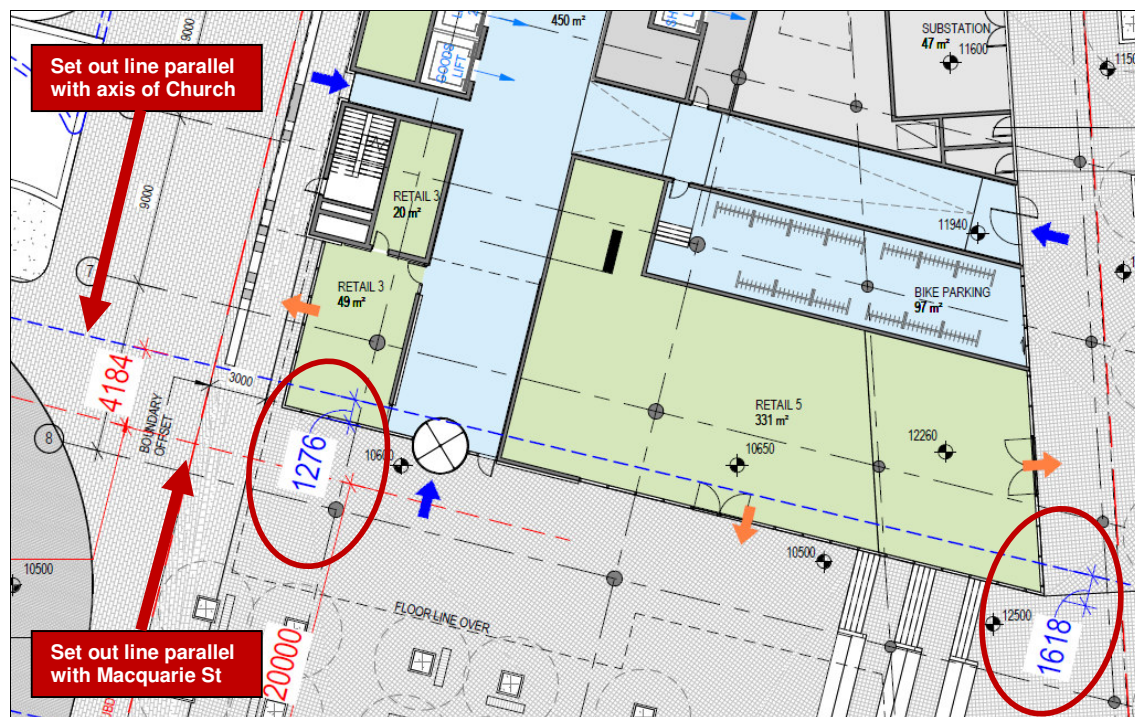


Figure 6: Drawing by Architectus showing alternate setout lines

In considering this matter it is concluded:

- The degree of variance between the two set out lines is minimal when considering the dimensions of the public domain space, being generally 40m width x 250m in length. In that context, an encroachment of about 2m is not likely to be apparent; and
- In terms of cumulative effects, it is likely that future proposals for Parramatta Square may also seek to adopt a set out line that is parallel to Macquarie Street, instead of the axis of the Church. It is noted that the two set out lines converge as they approach the Church, and consequently the degree of variance will diminish for sites further to the west.

Given that the alignment of the building as proposed, relative to the northern edge of the proposed space corridor, will not unduly compromise the purpose or function of that space, the location of the building is acceptable.

Other design and functional matters

Establishing a series of public spaces to create a focus for the city centre is a key element of the specific DCP 2007 controls for Parramatta Square. This project will contribute to that outcome through works within the open space identified in the DCP as 'Eastern Square'.

This proposal's connection to the adjoining public spaces is satisfactory noting:

- Site planning maintains and responds to pedestrian linkages identified in the DCP;
- Site levels as they relate to the alignment with Smith and Macquarie Streets are satisfactory;
- The public domain treatment appropriately manages the 2m change in level between the eastern and western edges of the site;
- The design treatment along the southern edge of the site achieves both a visual and functional integration with the terrace of the adjacent Sydney Water building, which is 3.5m-4m above the proposed primary public domain space. The arrangement of terraces, ramps, steps and plantings, and the inclusion of a small retail tenancy at the southern boundary of the site will ensure the Sydney Water terrace is not isolated from the wider public domain of Parramatta Square.

The intended treatment of the public domain has, in principle, been assessed as generally satisfactory by Council's Team. However resolution of final details remains necessary, particularly in terms of:

- Tree selection and associated details for plantings in the Square;
- The final palette of materials and finishes, which need to accord with Council's specifications;
- Lighting to the street edges, laneway and Square

Noting that in part Council is yet to complete its Guidelines and a wider Parramatta Square public domain plan to inform these outcomes, conditions are included in the recommendation requiring details to be submitted to Council for final endorsement prior to the issue of any Construction Certificate.

In terms of amenity and comfort of the proposed works to the Square the application is supported by:

- A Wind Effect Statement which has identified the following satisfactory outcomes:
 - The proposed development will not cause significant changes to the ground level wind conditions and all footpath areas will meet the recommended walking criterion;
 - The proposed building will provide shielding for the strong north-easterly winds, such that the raised terrace of the adjoining Sydney Water building will likely experience improved wind conditions;
 - The laneway on the west side of the development will be expected to have wind conditions within the standing criterion, which will allow for comfortable stationary activities outside the retail tenancies, such as window shopping, etc.

However that report has also identified that the building entrances to Macquarie Street and to the Square at the southwestern side of the building will expect wind conditions exceeding the standing criterion. To ameliorate this impact the Wind Effect report recommends the use of additional planter boxes, with vegetation up to 2m high.

Those planters are not shown on the submitted landscape plans, and it is noted that Council's Urban Design Team objects to planter that is nominated for footpath at the Smith Street/Macquarie Street intersection.

This report therefore recommends further consultation between the applicant and Council with the agreed outcome being documented on the final landscape plans to be lodged for approval.

- A External Reflectivity Compliance report which considers the potential impact of glare or reflectivity relative to the comfort of pedestrian and vehicle drivers and, where the amount of hours of glare exceeds the nominated criteria, the acceptability of that circumstance. That report concludes:
 - The preferred glass product with a 10% reflectivity will not cause adverse traffic discomfort glare; and
 - Instances where glare will result, will be limited in duration, and within acceptable limits.

8.1.3 Site design

The physical form of the building and site planning is sensitive to environmental conditions and site attributes noting:

- General consistency with the site specific DCP controls;
- Issues of height, form and presentation were evaluated and supported via a 'design excellence' process;
- The quantum, design and treatment of public domain areas adjoining the site are satisfactory, subject to resolution of fine detail design matters; and
- No adverse impacts will result for adjacent or surrounding sites.

8.1.4 Internal design

The internal design of the building is satisfactory noting:

- The application accompanied by an Access Review which has considered the proposal relative to commonwealth legislation, the Building Code of Australia and Australian Standards. That report concludes the building design demonstrates an appropriate degree of accessibility and that compliance with statutory requirements for common area access, sanitary facilities and car parking can be readily achieved, subject to implementing the various minor design amendments.;
- The building includes satisfactory provision for bike parking and associated 'end of trip' facilities;
- The Wind Effect Statement concludes the roof terrace on Level 9 will frequently be acceptable for outdoor recreation.

The application is not accompanied by any advice as to likely compliance with the requirements of the Building Code of Australia (BCA), although such will need to be demonstrated prior to the issue of any Construction Certificate.

8.1.5 Access, transport and traffic

Loss of public parking

The southern portion of the development site, between the existing building and the Sydney Water building, presently operates as an 81 space public car park, with an even split of short and long stay parking. This public facility will be lost as a consequence of this project, and not replaced.

This outcome is acceptable noting that strategic planning for the Parramatta Square, initially via the 2003 Masterplan and more recently the amendments to DCP 2007, have always contemplated a development outcome as nominated by this application. In that sense, the current car park can be considered as an 'interim' use rather than a permanent community facility. It is understood Council also has a wider parking strategy to move multi-deck car parks to the perimeter of the CBD.

It is also noted the land will nevertheless continue to function as a key community asset, via its contribution to the core public domain open space for civic, cultural and community events.

Public transport

The site is located in close proximity to Parramatta Railway Station and its associated bus interchanges, which are primary hubs of the wider metropolitan public transport network. The site is also about 600m from the Charles Street ferry wharf which provides services connecting Parramatta to Sydney city.

Parking supply

The parking supply rate in clause 22C of PLEP 2007 is prescribed as a maximum that is not to be exceeded, such that any lesser supply achieves compliance with that clause.

The maximum parking supply for this project would be 305 spaces, however only 99 are proposed, which equates to only 32.5% of the nominated maximum. Whilst this satisfies the terms of the clause, it is also necessary to consider the merits of the intended parking supply. In the regard the applicant's Traffic report contends 99 spaces is adequate primarily because:

- The site is located in very close proximity to excellent public transport facilities;
- Likely future improvements to public transport, such as the Parramatta to Epping Rail Link and other light rail projects would reduce car dependency within the Parramatta CBD;
- By way of comparison, a development of this type within the Sydney CBD would only require 82 spaces; and
- A reduction car dependency in favour of greater public transport patronage is a key element of state government planning.

Council's Traffic Engineer has reviewed and accepted the findings of the applicant's traffic report.

Traffic generation

The application as lodged was accompanied by a Traffic Impact Assessment report which considered the consequences of this project with a parking supply of 163 spaces, in terms of upon the capacity and operation of the local road network. In summary that report noted:

- The building to be demolished has no dedicated onsite parking, however the level of traffic generated by the use of part of the development site as a public car park is able to be quantified;
- The existing operating performance (level of service) of key intersections in the local road networks has been quantified using surveys and SIDRA modelling;
- Subsequent modelling of the proposed development scenario (existing situation plus the proposed development) indicates there would be no measurable impacts upon the operating performance of those same key intersections.

As noted, since that time the proposal has been amended to reduce the parking supply to 99 spaces, that is, 64 spaces less than first proposed. Accordingly those same conclusions would apply for this lesser parking supply.

Council's Traffic Engineer has reviewed and accepted the findings of the applicant's traffic report. As noted at section 5.5 above, the Sydney Regional Development Advisory Committee of the RMS also raised no objection to the original application.

Driveway location

The design locates the vehicle access ramp (drive structure) to the building's basement off Civic Place rather than Macquarie or Smith Streets, which is consistent with section 7.4.8 of the DCP. However two specific issues relative to the location of this driveway ramp require discussion, as follows:

Covenant benefiting Australia Post facility at No. 153 Macquarie Street.

Access to the adjoining Australia Post loading bay is partially over the subject land, that is, via No. 143 Macquarie Street (Civic Place). That access arrangement is protected by means of a restrictive covenant which provides that part of No. 143 Macquarie Street adjoining Australia Post shall be used for no other purpose than the provisions of a public road and free parking. The Australia Post access is located in the preferred position for the basement driveway for this proposal.

Clause 8A of the PCC LEP 2007 provides that any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose. Legal advice has also been received which confirms that:

- Development consent can be granted to this application despite the Covenant;
- If consent is granted the Covenant will not prevent the development of the land in accordance with that approval; and
- Once consent is granted, the applicant would not need to apply to the Court to have the Covenant modified or extinguished in order to commence construction, by virtue of the terms of section 82(2) of the Conveyancing Act 1919.

Although there may be no legal impediment to the determination of this application, is acknowledged that the Australia Post facility will nevertheless require access to its loading dock until such time as that site is itself redeveloped (i.e. Stage 3 of Parramatta Square).

This circumstance is addressed by means of options for the location of the basement driveway ramp, as explained below.

Alternative driveway locations

The preferred location for the driveway access ramp to the subject building is the position of the current service access driveway for the adjoining Australia Post facility at No. 153 Macquarie Street. However that land will not become available until Australia Post vacates its site to permit redevelopment of that land - that is - Stage 3 of the Parramatta Square project as shown at Figure 4 above. Lodgment of that development application is imminent.

It is understood the proponent for the new building at No. 153 Macquarie Street is aware of the preferred location of the driveway ramp to this proposal, and indeed the design for No. 153 relies upon sharing that same access. Consequently there has been a co-ordinated approach to access by both parties.

However given the short term operating requirements associated with the continued operations of Australia Post, this application is seeking consent for two separate locations for the driveway access ramp, as shown on Figure 6 below, and as follows:

- Option A is the preferred position, predicated on the success and favourable timing of the development application for No. 153 Macquarie Street;
- Option B is intended only as a 'temporary' arrangement, to be constructed if it is not possible to secure Option A. It is acknowledged however that Option B potentially could be a permanent solution if the project for No. 153 Macquarie Street fails to proceed, and must therefore be satisfactory in its own right, both from an urban design and functional perspective.

The basement levels of the building are designed to accommodate either location for the basement ramp.

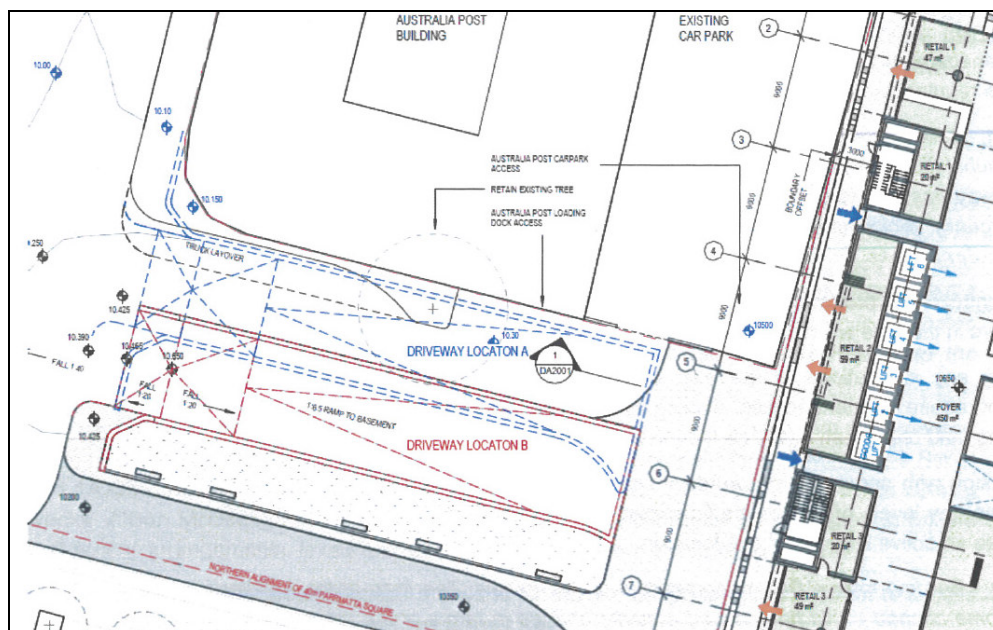


Figure 7: Alternate locations for basement driveway ramp

Council's Urban Design Team has noted the two ramp locations, and has not objected to either provided interface issues with the public domain are properly managed. This primarily relates to the space available to the south of the driveway to ensure that a future building can 'sleeve' the ramp from the public domain, without encroaching into the main public plaza. The preferred dimensions for that building 'sleeve' noted by the Urban Design Team are able to be generally achieved, notwithstanding the discrepancies in the 'set out' the Square, previously discussed.

Council's Traffic Engineer has considered the efficacy of both design options and raised no objections, notwithstanding that Option A driveway ramp includes a slight 'dogleg' where it would connect to the basement.

It is concluded that Option A is a more desirable outcome than Option B, as it allows for the basement ramp to be largely shielded from the primary public space by future development along its southern edge, and to also be shared by the proposed new building at No. 153 Macquarie Street.

To allow for Option A to be realised in due course, but with a failsafe of also enabling Option B to proceed if needed, a flexible condition is required to accommodate both possibilities. In this regard the recommendation to this report includes the following condition:

" *Location of vehicular dive structure*

- (a) *Any private vehicular dive structure is to be constructed in Position 'A' as shown on drawing (number, name, date), but only if the owner of Lot 1, DP 863571 gives written permission to the location of the vehicular dive structure in Position 'A', and/or if a development consent for the redevelopment of Lot 1, DP 863571 and Part Lot 1, DP 791300 is issued showing any private vehicular dive structure in Position 'A'.*
- (b) *If (a) above cannot be met by December 31, 2014 any private vehicular dive structure must be constructed in the location of Position B, as shown on drawing (number, name, date).*

The Construction Certificate relating to any private vehicular drive structure must not be approved until the earlier of (a) or (b) occurs."

Reason for condition: This condition is imposed to ensure that the sequence of development in Parramatta Square and the location of infrastructure recognises existing access arrangements and enables the efficient use of public land for public facilities.

Security control

The Option A driveway design, with its slight dogleg' adjacent to the basement entry, will preclude the installation of a security card reader in the centre the driveway as it would impact on swept path movements. However the applicant advises that alternative arrangements are available to regulate access into the basement, and those final details will be confirmed prior to construction commencing.

Service delivery access

Waste storage rooms for the building are located on the Level 1 basement. The applicants has provided details to demonstrate that the 3.8m vertical clearance as proposed is sufficient for access by a medium rigid vehicle (MRV) up to 8.8m in length.

The location of these loading bays is close to the entry to the basement for the driveway ramp, and access to and from each bay would result in brief delays during peak periods for cars seeking to enter or leave the building. The applicant has advised that separating vehicle and service vehicle movements would be an onerous expectation, and that the location of the loading bays complies with relevant Australian Standards.

Council's Traffic Engineer has considered this matter and no concerns have been identified.

Vehicle circulation with Civic Place

The Civic Place roadway is presently configured to provide vehicle access to and from Macquarie Street via a loop road immediately north of the Library building. That loop road also extends along the western side, and then behind, the Library providing a one way connection exiting onto Smith Street.

This laneway exit to Smith Street is located on the subject site and will be lost as a consequence of this project. The scope of works therefore includes a new extension to the laneway, along the eastern edge of the Library building, to connect with the main loop road enabling vehicles to then exit via Macquarie Street.

8.1.6 Utilities

Sydney Water has advised that the existing wastewater infrastructure will need to be augmented however no such requirement is identified for connection to the drinking water supply.

Endeavour Energy has advised that requirements for decommissioning of the existing substation within the current building, and requirements for the new substation for the proposed building will be determined upon application by the proponent.

These matters are addressed by conditions in the recommendation.

8.1.7 Water

Flooding

Addressed at section 7.1.3 above.

Stormwater

Plans for the collection and disposal of stormwater lodged with the original scheme were assessed as satisfactory by Council's Development Engineer. However revised stormwater plans, consistent with the amended architectural plans, have not been provided for assessment.

Council's Development Engineer has therefore provided general conditions of consent, which include the need for final, updated stormwater plans, to be lodged for approval.

Water quality

Construction phase measures to prevent of sediments or contaminants from entering the local water system will be required.

In terms of post construction measures, the application is supported by a Stormwater Management Plan report which nominates various Water Sensitive Urban Design (WSUD) measures to be included in the stormwater collection and disposal system for the project. Council wishes to construct an integrated WSUD system for the whole of Parramatta Square and has procured under separate process a report and water treatment performance targets for each stage of Parramatta Square. Those targets are not dissimilar to the DCP.

Both matters are addressed by appropriate conditions in the recommendation to this report.

8.1.8 Soils

Contamination

Addressed at section 6.4 above.

Geotechnical issues

The application is accompanied by a geotechnical report which:

- Identifies measures to limit vibration associated with the use of excavation equipment;
- Indicates it is unlikely the site would contain Acid Sulphate Soils, but in the event they are found treatment of those soils would be needed prior to disposal;
- Indicates groundwater may be encountered, which will require a considered design response for the basement levels of the building;
- Provides advice regarding measures for retaining and shoring of basement excavation, and the

design of certain components of the building.

Compliance with the recommendations in geotechnical report is addressed by way of a condition.

8.1.9 Air and micro climate

Dust is anticipated during the construction period, particularly given the extent of excavation required. This impact can be managed through mitigation measures to be included in the required construction management plan. The proposal, once operational, otherwise is not expected to give rise to any long term or adverse impacts on air quality.

8.1.10 Waste

Construction Waste

The application is supported by Construction and Demolition Waste Management Plan which outlines likely wastes and measures for its recycling, or disposal. Conditions to manage construction wastes are included in the recommendation.

Operational Waste

The application is accompanied by an Operational Waste Management Plan which evaluates a range of matters relating to waste generation and the onsite sorting, and storage of waste types from the anticipated commercial and retail uses of the building. This report has been reviewed and accepted by Council's Environment and Public Health Team.

The operational waste management plan does not outline arrangements for the collection of waste, noting the garbage storage facilities are located in the basement level of the building. It is anticipated however that a private contractor will be engaged to provide that service.

The traffic report notes the access ramp and service area is not designed for a 12.3m vehicle (heavy rigid vehicle) but an 8.8m medium rigid vehicle. While it is anticipated that this circumstance is not an encumbrance, this report nevertheless includes a condition requiring evidence, prior to the issue of a Construction Certificate that it is possible for a private contractor to service the site with a suitable vehicle.

8.1.11 Noise and vibration

Construction Noise and Vibration

The application is accompanied by a Construction Noise and Vibration Management Plan which details controls to be implemented to ensure noise and vibration impacts associated with project comply with relevant criteria. This report recommends compliance with that report.

Operational Noise

The building provides numerous areas to accommodate mechanical plant, including spaces within the basement levels in addition to a dedicated plant level at the top of the building.

The acoustic report accompanying the application notes that it is typical for mechanical plant and equipment not to be specified at DA stage, but considers that all plant can be satisfactorily attenuated to levels complying with relevant noise emission criteria.

Appropriate conditions to ensure that outcome are included within the recommendation to this report.

8.1.12 Construction Management

The application is accompanied by a Construction Management Plan (CMP) which outlines general operational site measures during construction. Whilst these details are generally satisfactory, no provision has been made for:

- The management of pedestrians around the site. Such is considered essential given the location of the site relative to public transport, and also noting the adjacent high school; and
- Dilapidation surveys of adjacent buildings which is particularly relevant for the nearby Lancer Barracks site.

Further, Council's Development Engineer has recommended the preparation of a Construction Traffic Management Plan to regulate a range of matters relating to vehicle movements during the construction phase.

This report recommends that a revised CMP be submitted for approval by Council prior the issue of any Construction Certificate, addressing the above matters.

8.1.13 Natural and technological hazards

No such hazard have been identified that would present a constraint to the development of the site as proposed.

8.1.14 Safety, security and crime prevention

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. The application has been assessed against the four key CPTED principles, including the evaluation of the CPTED report accompanying application.

The recommendations in that CPTED report are supported, and further additional measures have been identified to supplement its findings. Implementation of those measures is addressed via conditions in the recommendation to this report.

8.1.15 Social and economic impacts

The Draft Metropolitan Strategy for Sydney to 2031 sets the framework for Sydney's growth and prosperity to 2031 and beyond. The Strategy has identified nine city shapers including Parramatta which, due to their scale and because of the opportunities they present for change, will shape how the metropolitan area functions and grows.

Within that context the Strategy identifies Parramatta as a Premier Regional City and Second CBD. A key priority under the Strategy is to support highly diverse and competitive employment growth

opportunities by renewing and growing Parramatta CBD (and its surrounds) and providing higher order services and job opportunities for greater Western Sydney's growing population by providing capacity for at least 21,000 more jobs to 2031.

This proposal is consistent with those aims. No adverse social or economic impacts have been identified.

8.2 Section 79C(1)(c) – Site Suitability

The suitability of the land to accommodate a building of this type and scale was established by the analysis completed by Council through the preparation of its City Centre LEP 2007 and more recently, its precinct specific controls for Parramatta Square within the City Centre DCP 2007.

On balance this proposal responds to the attributes and constraints of the site and is considered to fit with the locality.

8.3 Section 79C(1)(d) – Response to notification

The application was notified for a period of 21 days, comprising letters to landowners and a notification in the local newspaper consistent with Council's Notification Development Control Plan 2004. Five submissions were received as follows:

Submission in support

- The Uniting Church/Parramatta Mission, owners Nos. 99-119 Macquarie Street, Parramatta, raised no objection to the project;

General submission

- The Department of Defence, in relation to the Lancer Barracks, opposite the site across Smith Street, requested a dilapidation survey be completed of its historic buildings, prior to works commencing. Of particular concern is the potential for excavation to impact upon the structural integrity of its buildings.

Since that time the application has been amended to delete one basement level. Nevertheless conditions are included to respond to the submission.

Submissions of objection

- Brookfield SW Landowner Pty Ltd, owners of the adjacent Sydney Water building, raised objections to the application based upon the project's inconsistencies with a Deed of Agreement between it and Council, including in relation to the physical separation proposed between the two buildings.

That submission was supported by a separate objection, by Urbis Planning, identifying various matters of concern regarding departures from the LEP and the 2003 Master Plan (which applied at that time) in addition to concerns around the processes for the draft DCP amendments intended to replace the Masterplan.

The matters in those submissions have been the subject of discussions between the relevant parties, culminating in various design amendments, notably an increase in the separation distance between the two buildings, and the design of the public domain forecourt. As consequence Brookfield has since withdrawn its objections.

- A submission from Mrs E. Bossel, identifying a range of matters notably the poor quality of the design, its excessive height and associated visual impacts, and various inadequacies with the public transport system such that it is inappropriate to increases in resident and worker populations in the Parramatta CBD.

The evaluation of those matters provided within this report does not lend weight to the concerns in this submission.

The amended plans were not renotified consistent with the discretionary provisions in the Notification DCP, relating to a lesser environmental impact, and noting that the key objection (from Brookfield) was withdrawn.

8.4 Section 79C(1)(e) – The Public Interest

The 'test' established by the Land and Environment Court [*Ex Gratia P/L v Dungog Council (NSWLEC 148)*] is “..whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

Given the findings of this assessment it is considered any public disadvantages of this project are outweighed by the accrued benefits.

9. CONCLUSION

This report considers a proposal to construct a 15 storey mixed use building (retail/commercial) building over basement car parking on a site which occupies the northeast corner of the Parramatta Square.

The applicant and land owner is Parramatta City Council, and consequently City Plan Strategy and Development Pty Ltd (CPSD) was engaged to provide the Joint Regional Planning Panel (JRPP) with an independent town planning assessment of this application, including the preparation of this report. Assessment of various matters was also provided by the relevant departments within Council.

It is our position, upon balancing advice received from all relevant sources, that this development is fundamentally sound in terms of its design, function and relationship with its neighbours. We are also satisfied that the proposal has reasonably responded to all relevant planning controls and achieved appropriate outcomes.

Approval of the application is recommended subject to the nominated conditions.

RECOMMENDATIONS

That:-

- A. The applicant's request, via clause 24 of Parramatta City Centre Local Environmental Plan 2007, to vary the building height and sun access plane controls be supported;
- B. That Development Application 62/2013 be approved subject to the conditions in Schedule 1;
and
- C. That those persons who made a submission be notified.