

REPORT TO THE JOINT REGIONAL PLANNING PANEL (SYDNEY WEST)

JRPP Reference Number:	2014SYW006
Development Application:	DA.852.2013. Development Application
Property Address:	189 Macquarie Street and part 34 Hassall Street, Parramatta
Property Description:	Lot 3A in DP 322453, Lot 4A in DP 322453, Lot 5 in DP 7809, Lot 1 in DP 128928, Lot 20 in DP 706341, Lot C in DP 390897, Part Lot 5 DP 758829 and Lot 1 in DP 555756.
Proposal:	<p>Construction of a 30 storey mixed use development containing 425 apartments, 317m² of retail floor space, 715 public car parking spaces over one (1) level of basement and six (6) levels of podium and three (3) levels of basement car parking containing 389 spaces for residential use.</p> <p>A Voluntary Planning Agreement accompanies the application.</p>
Estimated Value:	\$145,036,188 excluding GST
Date Lodged:	<p>23 December 2013</p> <p>Further information received:</p> <p>Addendum to SEE 23 January 2014</p> <p>Addendum to Geotechnical Report 23 January 2014</p> <p>Revised Flood Study Review A and B 15 May 2014</p> <p>CEMP and Acid Sulfate Management Plan 3 June 2014</p> <p>Road Safety Audit 17 November 2014</p> <p>Approved roundabout design 27 February 2015</p> <p>Alignment plans (partial) 27 March 2015</p> <p>Acoustic comments (partial) 27 March 2015</p> <p>Full set of alignment plans 30 March 2015</p> <p>Letter from applicant to remove early works/site preparation works from development application 31 March 2015</p>
Owner:	Parramatta City Council and a small part by the Department of Education (Part Lot 5 DP 758829)
Applicant:	Krikis Tayler Architects Pty Ltd
Council Planner:	Anthony Newland – Service Manager Development Assessment
Report Author:	Diana Brajuha – Senior Associate Planning, Meinhardt

EXECUTIVE SUMMARY

This report makes an assessment and determination of a development application submitted for the redevelopment of Parramatta City Council's Macquarie Street car park located at 189 Macquarie Street and part 34 Hassall Street Parramatta. The site is an open at-grade asphalt car park comprising of 226 spaces. The site is owned by Parramatta City Council apart from a small portion of the site being owned by the Department of Education (Lot 5 DP 758829).

The development application has been referred to the Sydney West Joint Regional Planning Panel (JRPP) as per Schedule 4A of the *Environmental Planning and Assessment Act, 1979 (EP&A, Act, 1979)* as the proposed development has a Capital Investment Value of greater than \$5 million for Council related land.

The Development Application seeks consent for a 30 storey mixed use building containing 425 apartments (split into two (2) towers), 317m² retail space, 715 public car parking spaces over one (1) level of basement and six (6) levels of podium and three (3) levels of basement car parking containing 389 spaces for residential use.

Determination of the development application was contingent on a site specific Planning Proposal that was submitted in parallel to the development application to amend *Parramatta City Council Local Environmental Plan 2007 (PCCLEP 2007)* as follows:

- A maximum building height of 83m or up to 91.3m for development the result of an architectural design competition (i.e. an increase in 10%) not including plant;
- A maximum gross floor area (GFA) of 36,000m², excluding any floor space used only for private balconies and communal open space for development the result of an architectural design competition; and
- A maximum gross floor area of 2,750m² for the purpose of communal and private open space areas for development the result of an Architectural Design Competition.

The Planning Proposal was gazetted as Amendment 12 to *PCCLEP 2007* on 20 February 2015.

The proposed development is the result of an Architectural Design Competition. The proposed development is generally complying with the objectives, provisions and standards contained in *PCCLEP 2007* and *Parramatta Development Control Plan 2011 (PDCP 2011)* apart from aspects of built form such as building separation and building setbacks. These matters have been endorsed through the Design Competition Process. A variation to the Building Height and Building Separation controls as contained in *PCCLEP 2007* has been requested through the submission of Clause 24 Variation Statements.

A Voluntary Planning Agreement pursuant to Section 93F of the *EP&A, Act, 1979* accompanies the development application. The Voluntary Planning Agreement has been negotiated with Council to provide the Council carpark and deliver road, streetscape and public thoroughfare works including a new controlled roundabout on the corner of Hassall Street and Wigram Street as well as a site through link on the western side of the site connecting Hassall and Macquarie Streets. The Voluntary Planning Agreement also includes a monetary contribution for the non-carpark portion pursuant to Section 94A of the *EP&A Act, 1979*.

A total of 12 submissions were raised as a result of the notification/advertising period. The primary issues raised in the submissions include building bulk and streetscape appearance, view loss, overshadowing and solar access, privacy, operational noise, parking and traffic congestion.

As the development relates to Council owned land, Meinhardt was engaged by Parramatta City Council to provide an independent planning assessment of the application, including the preparation of this assessment report and associated conditions of consent should the Joint Regional Planning Panel approve the application.

It is recommended that the development application be approved subject to the conditions contained in **Schedule 1**.

1 BACKGROUND

Following a Public Tender Process undertaken in early 2012, the site is being redeveloped in accordance with Council's *Integrated Transport Plan 2009/10 to 2014/2015* which seeks to relocate long stay commuter parking from the city centre to new multi-storey car parks on the city periphery, servicing commuters with shuttle buses.

A Project Delivery Agreement was entered into between the developer (Toplace Pty Ltd) and Council in August 2012, and requires the provision of at least 700 Council car spaces as part of any redevelopment of the site. The carpark is required to be capable of operating 24 hours a day or being closed overnight.

A development application to demolish the existing carpark, construct a 702 space, six (6) level car park, ground floor retail and 20 levels of residential apartments was originally submitted to Council on 1 February 2013. This application was withdrawn as the proposal sought to achieve a building height of 79m and a floor space ratio of 6.6:1, exceeding Council's building height and floor space ratio controls by significantly more than 10% but was not the result of an Architectural Design Competition in accordance with the requirements set out in Clause 22B of *PCCLEP 2007*.

The proposal has since undergone Council's competitive Architectural Design Competition process, with the winning design prepared by Krikis Tayler Architects (the applicant for this development application). The proposal was therefore awarded "Design Excellence", subject to some minor modifications to be made to the carpark design, communal open space, apartment layout, the provision of sustainability initiatives and the design of the architectural roof feature. The design (including the siting of both residential towers) was informed by an Urban Design Analysis of the site prepared by GMU Urban Design and resulted in a height and density beyond what was submitted in the original development application.

A fresh development application reflective of the outcome of the Architectural Design Competition process (being the subject development application) was submitted to Council on 23 December 2013.

A site specific Planning Proposal to amend *PCCLEP 2007* was submitted to Council on 20 January 2014 in order to permit the following development on site:

- A maximum building height of 83m or up to 91.3m for development the result of an architectural design competition (i.e. an increase in 10%) not including plant;
- A maximum gross floor area (GFA) of 36,000m², excluding any floor space used only for private balconies and communal open space for development the result of an architectural

- *design competition; and*
- *A maximum gross floor area of 2,750m² for the purpose of communal and private open space areas for development the result of an Architectural Design Competition.*

The amendment to *PCCLEP 2007* was gazetted on 20 February 2015 as Amendment 12 to *PCCLEP 2007*. Clause 22J of *PCCLEP 2007* enables the use of certain land at 189 Macquarie Street and identifies the site as “Area 4” on the Special Provisions Area Map.

The proposed development is consistent with the provisions contained in Clause 22J of *PCCLEP 2007* apart from a 1.2 metre increase to the building height from 91.3m (for development the result of an architectural design competition) to 92.5m in order to minimise level changes along the proposed pedestrian site through link. A Clause 24 Variation Statement in respect to the non-compliance with the building height has been submitted with the application.

On 30 October 2014, the JRPP approved an Integrated Development Application for early works/site preparation for the subject site. The intent of this application was to progress works whilst the Planning Proposal was being determined. The scope of works that formed part of that approval included:

- Demolition of the existing carpark hard stand and infrastructure;
- Removal of 16 trees which included four trees on adjoining properties;
- Bulk excavation for the three (3)/part four (4) level basement carpark which will contain all 389 residential parking spaces;
- Erection of shoring and retaining walls; and
- Diversion of two (2) existing 150mm diameter Sydney Water sewer pipes.

The works that formed part of the early works/site preparation Development Application have since been removed from the subject development application. A letter from the applicant was received on 31 March 2015. The basement carpark component will continue to be assessed under this application.

Note that this Development Application was lodged as “Integrated Development” pursuant to Section 91 of the *Environmental Planning and Assessment Act, 1979* by virtue of the bulk excavation for the basement requiring approvals for both dewatering pursuant to Section 91 of the *Water Management Act 2000* and an Aboriginal Heritage Impact Permit pursuant to Section 90 of the *National Parks & Wildlife Act, 1974* as Aboriginal Objects were proposed to be harmed during excavation.

Given that the early works/site preparation works including bulk excavation for the proposed development were determined under a separate Development Application, these matters are no longer relevant to the subject development application.

2 SITE LOCATION AND DESCRIPTION

The site is located at 189 Macquarie Street and part 34 Hassall Street Parramatta, within the local government area of the City of Parramatta. The site comprises eight lots and is legally known as Lot 3A in DP 322453, Lot 4A in DP 322453, Lot 5 in DP 7809, Lot 1 in DP 128928, Lot 20 in DP 706341, Lot C in DP 390897, Part Lot 5 DP 758829 and Lot 1 in DP 555756. Apart from Part Lot 5, DP 758829, all lots are owned by Parramatta City Council. Refer to **Figure 1** and **2** below for a Location Plan and Aerial View.

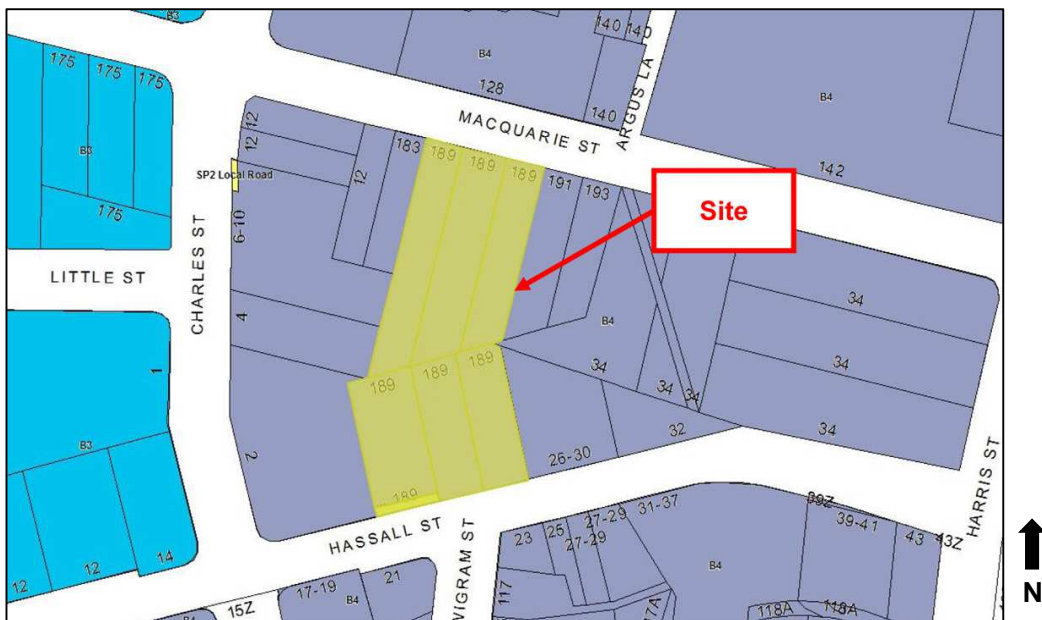


Figure 1- Location Plan



Figure 2- Aerial View

The site is owned and operated by Parramatta City Council as an at grade open air asphalt public car park. It is located on the eastern periphery of the Parramatta City Centre, approximately 400 metres to the east of the Parramatta Railway line.

The site is irregular in shape and has a total site area of 5211 m². The site has frontages to both Macquarie and Hassall Streets. The site has a frontage of 51.68 metres to Hassall Street and 40.26 metres to Macquarie Street. The western and eastern boundaries of the site are respectively 133.29 metres and 109.86 metres long.

The site slopes from Hassall Street on the southern side of the site (RL 6.76m AHD- RL 8.10m AHD) to Macquarie Street on the northern side of the site (RL 5.9m AHD- RL 6.0m AHD).

The site does not contain any significant features apart from 23 trees. Consent for removal of 16 trees on site (or on adjoining properties) was approved as part of the early works/site preparation development application, with the remaining seven (7) trees to be retained. There is also a narrow garden strip at the northern frontage on Macquarie Street and along the side western boundary.

The site is located 250 metres south west of the Parramatta River and 85 metres north of the Claycliff Creek Channel. The site is located within the Lower Parramatta River sub-catchment and is shown on Flood Map extract (**Figure 3**) as being partially affected by the 1 in 100 year ARI flood and completely impacted during a Probably Maximum Flood Event (PMF). The Macquarie Street portion of the site is the most impacted.

The site is situated within Acid Sulfate Soils Class 4 indicating that development consent is required for the carrying out of works at depths beyond two (2) metres below the existing natural ground surface.

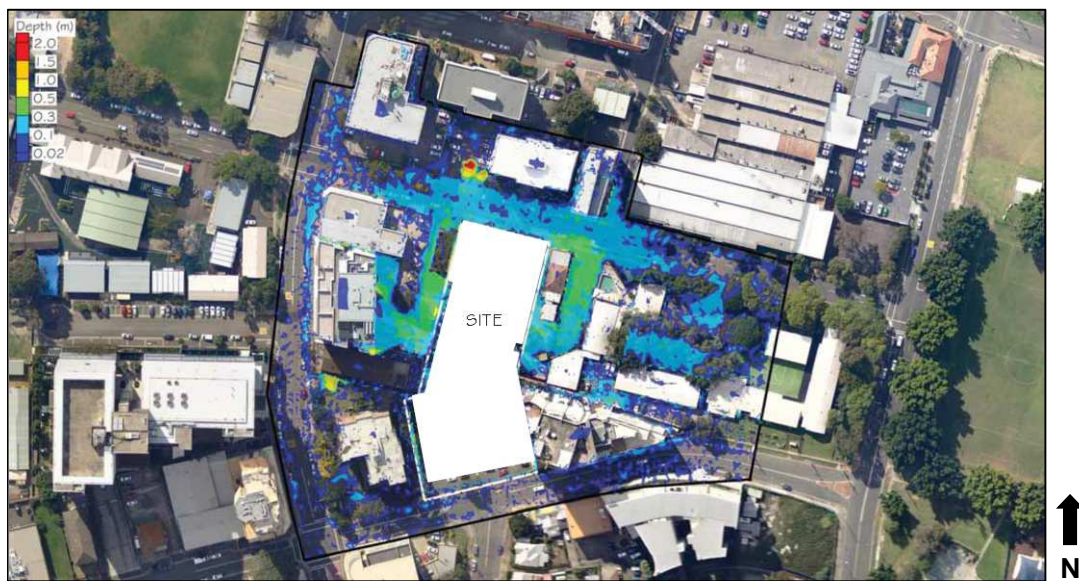


Figure 3: Flood Map Extract showing the impact of the 1 in 100 ARI flood event. (Reference KFW)

Figures 4 to 8 provide photographs of the site.



Figure 4- View generally south of the site from the Macquarie Street frontage.



Figure 5- View generally north from the Hassall Street frontage.



Figure 6- View generally south from the central part of the car park site.



Figure 7- View of adjoining development to the north-west of the site from Hassall Street.



Figure 8- View of adjoining development, view generally north-east from Hassall Street.

3 SURROUNDING CONTEXT

The surrounding development comprises of a mix of uses consistent with the site's mixed use zoning and Parramatta Central Business District's fringe location. The area is transitioning towards a higher proportion of higher density mixed use developments.

Directly opposite the site on the Macquarie Street frontage are multi-storey buildings comprising of eight (8) and nine (9) storey residential flat buildings and a seven (7) storey commercial building located on the north-east corner of Macquarie Street and Charles Street.

A single storey fire damaged building immediately adjoins the site to the west at 183 Macquarie Street and a single storey weatherboard house and shed at 191 Macquarie Street immediately adjoins the site to the east and is setback approximately two (2) metres from the common boundary. The property at 191 Macquarie Street is owned by the same developer. Rowland Hassall School is located further to the east of the site.

To the immediate south-east of the site at 26-30 Hassall Street is a 16 storey cement rendered residential flat building built to the boundary. To the south of the site within the proximity of the Wigram Street and Hassall Street intersection is a mix of commercial and residential buildings ranging from between one (1) and nine (9) storeys in height. A nine (9) storey residential flat building is located to the west of the site on the corner of Charles Street and Hassall Street (2-2A Charles Street) and is setback about three (3) metres from the common boundary. A neighbouring three (3) storey brick apartment building is located off the central portion of the site to the west (No.4 Charles Street) and is setback about three (3) metres from the common property boundary.

In addition a 13 storey residential flat building has recently completed construction to the west at 6-10 Charles Street. This development contains a six (6) storey residential building portion at the rear which directly adjoins the western boundary of the site.

The site is not heritage listed and is not located within a heritage conservation area. However, the site is located in close proximity to several heritage items, being the attached houses at 113 and 115 Wigram Street Harris Park and semi-detached cottages at 23 and 25 Hassall Street Parramatta. These heritage items have been incorporated as part of a proposed development of a 22 storey mixed use development containing 156 apartments and seven (7) commercial units over basement car parking at 113-117A Wigram Street, Harris Park and 23-29 Hassall Street Parramatta (DA/241/2013 approved by the JRPP on 4 December 2014).

4 PROPOSED DEVELOPMENT

The development application seeks approval to re-develop the Macquarie Street carpark as follows:

- Construction of one (1) level of basement and six (6) levels of above ground Council carpark comprising 715 spaces to be accessed from Hassall Street. Pedestrian access to the Council carpark will be available from both street frontages. Council will be responsible for the management and operation of the public carpark.
- Construction of three (3) levels of basement car parking comprising 389 spaces for the residential component of the development to be accessed from the eastern end of Macquarie Street. All residential car spaces will be provided within the basement levels which will be separate from Councils car parking spaces and entry/exit points.
- Construction of a 30 storey mixed use building comprising 24 stories of residential apartments above a six (6) level car parking podium arranged in two (2) separate towers (north and south) providing for 425 apartments split between:
 - 61 x one bedroom apartments
 - 327 x two bedroom apartments
 - 37 x three bedroom apartments

The residential apartments are a combination of flat plate and two storey apartments accessed off a central common corridor. Winter gardens have been incorporated to some apartments at the upper levels and ten residential units which sleeve the podium from Level 2 to Level 6 on the Macquarie Street frontage to conceal Council carparking.

Residential lobbies are provided to both street frontages and are separated from the Council carpark entry. Due to the fall of the site the main entry to the northern tower is provided by a residential lobby at Macquarie Street on level one. Entry to the southern tower is provided by a large residential lobby at the Hassall Street frontage on Level 2. Illuminated lanterns define the residential entry points at street level which integrate into the architectural lantern roof feature. Both lobbies provide three (3) lifts to the residential units above.

The podium level at the base of the towers is designed as an internal and external area of communal open space for residents.

- A total of 317m² of retail space on the ground level along both Macquarie and Hassall Street frontages. One retail space to be provided to Macquarie Street frontage and two retail spaces are to be provided on Hassall Street (east and west), with the eastern space directly addressing Hassall Street.
- Construction of a roundabout on the corner of Hassall and Wigram Streets.
- Construction of a four (4) metre wide pedestrian site through link on the western boundary of the site with three (3) metre wide deep soil landscaping. An after hours gate at both street frontages to secure the site through link is also proposed. Refer to **Figure 11**.

Table 1 below summarises the key numeric parameters for the proposed development.

Table 1. Summary of key numerical development parameters

Development Control	Proposed
Proposed FSR	6.9:1 (7:1 including wintergardens)
Proposed GFA	35,991.5 m ²
Proposed Height	92.5 m (to roof)
Communal Open Space	1550.3 m ²
Internal Communal Space	193.2 m ²
Deep Soil Open Space	224.4 m ²

Photomontage images and extract of development application drawings of the proposed mixed use development that relates to this development application have been included in **Figures 10 to 14** below.

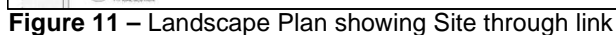
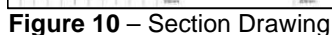




Figure 12 – Photomontage – view west from Macquarie Street.



Figure 13 – Photomontage – view east from Hassall Street.



Figure 14 – Photomontage – view north from Wigram Street.

5 REFERRALS

Table 2 and **Table 3** below provides a summary of the referrals received from external authorities as well as comments received from Council Departments.

Table 2. External Referrals

Government Department	Response
Department of Primary Industries/ NSW Office of Water	General Terms of Approval have been received and have been incorporated as part of the Early Works/ Site Preparation Development Consent.
NSW Office of Environment & Heritage	General Terms of Approval have been received and have been incorporated as part of the Early Works/ Site Preparation Development Consent.
Roads and Maritime Services	No objection – Conditions recommended.
Endeavour Energy	Not Received. The proposed development provides a substation on basement level 1.
Sydney Water	No objection – Conditions recommended. Sydney Water have advised that the drinking water main needs to be upsized to a 200mm main along part of the Macquarie Street frontage. A Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> will be required. The diversion of the 150mm wastewater main forms part of the Early Works/ Site Preparation Development Application.

Table 3. Internal Referrals (Council)

Council Department	Comment
Development Engineer	No objection – Conditions recommended.
Environment and Public Health	No objection – Conditions recommended.
Heritage	No objection was raised to the development application. The Heritage Officer notes that the proposed height of the development would be within acceptable levels of heritage impact despite some additional shadow being cast on heritage items. In that context, it is deemed that the setbacks, disposition of mass, and treatment of elevations are also generally considered suitable. It was also recommended that reflectivity of the proposed materials be considered. A condition has been recommended to this effect.
Waste Management	No objection – Conditions recommended. No objection – Conditions recommended.
Traffic Engineer	Refer to further discussion below in Section 7.4
Tree Management & Landscape	No objection – Conditions recommended.
Internal Infrastructure	No objection – Conditions recommended.
Urban Design	No objection – Conditions recommended. Refer further discussion in Section 7.4 of this report.

	In addition to the comments raised in Section 5.0 of this report, Council's Urban Designer has provided a response to the Design Competition Jury Recommendations refer Table 4 below.
	In particular, Council's Urban Designer has recommended a condition to ensure that design quality continues in the event of modification to the design and throughout the development process from development application stage to physical completion of the development.
	Council's Urban Design further elaborates that there is 496.5m ² of unused gross floor area for the purpose of communal and private open space. In this regard the residual area may then be used for the purpose of additional winter gardens through amendments to the development application at a later stage.
	No objection – Conditions recommended. Refer to further discussion in Section 7.4.
Arts	
Public Domain	The Parramatta Public Domain Guidelines require the submission of an Alignment Plan at the development application stage and the submission of a Public Domain Plan before the Construction Certificate stage.
	An Alignment Plan was submitted for Council's consideration, and indicates acceptable footpath levels and gradients for the proposed development. No objection was raised subject to a minor gradient change which is reflected in the recommended conditions.

6 RESPONSE TO DESIGN COMPETITION JURY RECOMMENDATIONS

As noted in **Table 3**, the Development Application was referred to Council's Urban Designer to review the proposed development in response to the Design Competition Jury recommendations. Council's Urban Designer has provided comments based on the design initiatives that contributed to the proposal's award of "Design Excellence" in **Table 4**.

Table 4. Response to Design Competition Jury Recommendations

DESIGN INITIATIVE	Comment
Reducing the bulk, scale and appearance of the above-ground car park by: <ul style="list-style-type: none"> Maximising active uses on the ground floor on both street frontages Screening the exposed elevations including along the through site link Sleeving the Macquarie Street frontage with apartments 	<ul style="list-style-type: none"> The Development Application (DA) plans are consistent with the design strategies to maximise active uses on the ground floor of both street frontages. Further detail has been provided that show the proposed materials and finishes that screen the above ground car park elevations. The exposed car park façade is to be clad with a staggered combination of Danpalon glazing and pre-cast panels with an applied Aluminium Cladding. It is expected all exposed above ground car park elevations (including side elevations) are treated consistently. Level 2-6 of the above ground car park along Macquarie St is sleeved with 2 x 2 bed apartments with wintergardens. The DA plans submitted are consistent with the successful design competition scheme.
Locating retail/café space at the south-west corner along the through-site link that will be visible from Hassall Street and help improve activation and	<ul style="list-style-type: none"> A Retail/café space is located at the south-west corner of the site. The retail space is to retain an address to Hassall

<p>safety of the link.</p>	<p>Street to ensure its commercial viability.</p> <ul style="list-style-type: none"> • A CPTED (Crime Prevention Through Environmental Design) assessment should be provided with any future Development Application for the fit-out and use of this retail space. A condition will be recommended to be imposed to this effect. • The DA plans submitted are consistent with the successful design competition scheme.
<p>Providing a wide through-site link with deep soil landscaping along the boundary.</p>	<ul style="list-style-type: none"> • A 4m wide through-site pedestrian link with a 3m deep soil zone for landscaping along the western boundary is provided. • The through-site link should contain the same paving as Hassall Street and Macquarie Street streetscape. • The deep soil zone adjacent to the pedestrian through-site link has been designed as a 'pocket forest' that provides up to 224.4m² of deep soil that provides screening to adjoining properties and also acts as a visual feature. Due to level changes between the existing ground level and the pedestrian link it is imperative that taller species are used to improve the amenity of this space. • The DA plans submitted are consistent with the successful design competition scheme.
<p>Modification of the pedestrian ramp system along the through site link to improve access and legibility.</p>	<ul style="list-style-type: none"> • The levels of the through-site link have been rationalised to reduce the number of ramps and level changes across the site. • The scheme provides a localised 1:20 grade full width incline from Macquarie Street level of RL 6.60 up to the general link level of RL 8.05, which is on grade with the Hassall Street entry and footpath, as well as the arrival level of the public car park. • The amended scheme also allows for a security gate at both street frontages that secures the through-site link after hours. • The DA plans submitted are consistent with the successful design competition scheme.
<p>Providing openable pedestrian access from the through-site link into the car park</p>	<ul style="list-style-type: none"> • An additional 1.5m wide pedestrian safe walkway runs along the inside of the translucent screened panels that separate the public car park from the pedestrian through-site link. An after-hours security gate is provided at two locations along this pathway. • The DA plans submitted are consistent with the successful design competition scheme.
<p>Marking the car park pedestrian entry with a lantern/light feature at both streets, however a more subtle design is preferred, similar to the original concept.</p>	<ul style="list-style-type: none"> • The location of the car park pedestrian entry points is clearly identifiable to both street frontages. Both entries are located on the western corner and are highly visible when approaching the site from the Central Business District. • The photomontages communicate the design intent of the car park entries as 'lanterns/light box' that floats above each pedestrian car park entry. In addition, the proposed materials (horizontal aluminium screen wrapped around a glass curtain wall) are a unique and highly distinctive feature that is clearly separated from the retail/residential components of the street elevation.

Aligning street frontage heights with adjacent development on both frontages	<ul style="list-style-type: none"> • The DA plans submitted are consistent with the successful design competition scheme. • Street frontage heights are aligned with adjoining development on both frontages, where possible. This built form relationship enhances the continuity of the streetscape at the macro-level. • After the first submission by the architects, the car park podium level was increased to RL 26.4 from RL 25.0 on the Hassall Street frontage to directly relate to the existing development at 26-30 Hassall Street. • The D.A plans submitted are consistent with the successful design competition scheme.
Providing direct access to the communal open space from the lift lobbies	<ul style="list-style-type: none"> • Direct access is provided for residents to the communal open space on Level 7 from the lift lobbies of both residential towers. • Minor variations to the layout of level 7 (south tower) have been incorporated which includes alignment of the communal room entry to the end of the corridor, and improving the flexibility of the communal room. • The DA plans submitted are consistent with the successful design competition scheme.
Integrating the tower with the design of the podium, with vertical blades	<ul style="list-style-type: none"> • The GMU Urban Design Study found that a relaxation of the setback above the podium results in a better urban form. A nil setback between the tower and podium accentuates the residential towers presence at street level. This is considered an important design technique to negate the effect of public car parking contained within the first six levels of the development. • This primary vertical articulation is achieved by using vertical blades that sleeve down the façade to integrate the towers with the podium. • The DA plans submitted are consistent with the successful design competition scheme.
Overall design, massing, composition and siting strategy of both towers	<ul style="list-style-type: none"> • The siting of the two towers has been informed by the GMU Urban Design Study that was provided as part of the Design Competition brief. • The north tower is aligned to the Macquarie Street frontage, and the south tower is aligned to Hassall Street. This ensures that the towers achieve a positive street address. • This strategy also achieves good separation between the towers and adjoining developments. • The successful architects, KTA, believe the design of the towers “creates compositional interest and functional benefits”. “The two tower ensemble achieves landmark quality and serves as a gateway to the city from the eastern and southern approaches. The mass of each tower is shaped with a pronounced axis of elongation in order to achieve slender forms”. • The DA plans submitted are consistent with the successful design competition scheme.
Façade design	<ul style="list-style-type: none"> • The facade of the Macquarie Street tower has been amended, to reflect unit configuration modifications, improve window proportions where desirable and incorporate additional shading

	<p>devices for energy use minimisation. The function and character of the facades is enhanced.</p> <ul style="list-style-type: none"> The proposed materials and finishes are of a high standard that contribute to the overall design excellence of the scheme. If the quality of the materials and finishes are lowered by subsequent applications, the design competition jury will be asked to assess the changes, and the overall impact on the design. A condition recommending design integrity throughout the development process has been recommended. The DA plans submitted are consistent with the successful design competition scheme.
Mix of apartment types	<ul style="list-style-type: none"> The proposed apartment mix is detailed below: <ul style="list-style-type: none"> 1 bed = 61 (14.5%) Council DCP (10-25%) 2 bed = 327 (77%) Council DCP (max 75%) 3 bed = 37 (8.5%) Council DCP (max 10%) <p>Total = 425 apartments</p> 10% of these apartments are adaptable, located at lower levels. The DA plans submitted are consistent with the successful design competition scheme.
Modifying the apartment layouts to eliminate the number of 'snorkel' windows to master bedrooms	<ul style="list-style-type: none"> The amended scheme ensured, all master bedrooms feature direct façade glazing without the use of 'snorkel' room shapes. All other bedrooms have either direct façade glazing or limited 600mm deep and 1.5m wide return bay to the glazing. This shallow bay can be utilised to incorporate a desk, thus adding to the amenity of these rooms. The DA plans submitted are consistent with the successful design competition scheme.
Including shading devices and other ways to improve building performance	<ul style="list-style-type: none"> The amended scheme added movable shading devices to the east and west facing facades of both towers. This aims to reduce solar heat gain and minimise reliance on mechanical ventilation. Other design moves to improve building performance include: <ul style="list-style-type: none"> 94% of units achieve high levels of natural ventilation (see comment below) 77% of units achieve in excess of 2 hours of 'effective sun' to living areas and private open space in mid-winter. (see comment below) Compliance with BASIX provisions. It should be noted that an amenity analysis has been carried out by Dr. Steve King. Dr King establishes a principle for determining 'effective sun' which he deems to be between the hours of 8:30am and 3:30pm. Councils DCP calculates daylight access to be between the hours of 9-3pm. Dr. King's analysis confirms that 94% of units achieve natural ventilation either via cross over apartments or in a specific elevated position. The

	<p>elevated position in this City Centre location has been deemed to be 10 storeys.</p> <ul style="list-style-type: none"> The DA plans submitted are consistent with the successful design competition scheme.
<p>Refining and reducing the size of the roof feature. (Note: the panel does not support any habitable uses in the roof form or above the height awarded through the design competition bonus. The panel supports the colour of the underside of the roof.)</p>	<ul style="list-style-type: none"> The design competition jury recommended the following changes to the proposed roof feature: <ul style="list-style-type: none"> Reduce the height, bulk and scale of both roof features. Reducing the width of both roof features and aligning with the more central vertical blades the expressed features below. Ensure no habitable uses in the roof form or above the height awarded through the design competition bonus. The bulk and height of both the north and south tower roof features have been reduced from 12.3m and 11.4m to 10.3m and 8.1m respectively. The bulk and scale of the roof features are now more appropriate to the surrounding context, but still retain 'sufficient presence to ensure primacy of the roof form as an identifier of the address for each tower'. The width of both roof features has not been amended. The architects, KTA, explored many alternative roof form solutions and they concluded that reducing the width of the roof feature would diminish the relationship of the roof feature to the body of the tower. The panel supports the proposed colour of the underside of the roof feature and its ability to be lit at night. It is recommended a lighting expert should be engaged to design the lighting of this roof feature. A condition has been recommended to this effect. The DA plans submitted are consistent with the successful design competition scheme.
<p>Locating services and plant rooms away from the street frontage to allow for greater street activation/retail spaces.</p>	<ul style="list-style-type: none"> Some plant rooms are to be contained within the architectural roof feature. This will ensure that they are not visible to the public. Other plant rooms are to be contained within the parking levels. The proposed electricity substation is proposed to be located on Basement Level 1 (Residential Car park) at RL2.10. The DA plans submitted are consistent with the successful design competition scheme.
<p>Building Height</p>	<ul style="list-style-type: none"> The following statement is provided by the design competition jury in relation to the minor increase in overall building height to a maximum building height of 92.5m (RL 98.5) <p>"Through the design excellence process the proponent requested the jury support increasing the height to a maximum RL 98.50 across the site, an increase of 1.2m at the lowest part of the site. The modest increase in height provides space to minimise level change across the pedestrian link, which means less ramping and increased opportunities for pedestrians to access the car park. The jury support the minor increase in height provided there are no additional storeys</p>

in either tower and a minimum floor to floor height of 3m for each residential storey is provided.”

- The DA plans submitted are consistent with the successful design competition scheme.

7 RELEVANT LEGISLATION

- *Environmental Planning and Assessment Act 1979 (EP&A Act, 1979)*
- *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)*

7.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Section 79

Section 79C of the *EP&A Act, 1979* requires Council to take into consideration such of the matters referred to in Section 79C(1) of the *EP&A Act, 1979* as relevant to the application, as per below:

- (a) *Section 79C (1) (a)(i)(ii)(iii)(iii)(iv)(v)- environmental planning instruments; any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority, any development control plan, and any planning agreement entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, the Regulations, any coastal zone management plan;*
- (b) *Section 79C (1)(b)- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality;*
- (c) *Section 79C (1)(c)- the suitability of the site for development;*
- (d) *Section 79C (1)(d)- any submissions made in accordance with the Act or the Regulations;*
- (e) *Section 79C (1)(e)- the public interest.*

Section 91

Section 91 of the *EP&A Act, 1979* 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 development was originally submitted as Integrated Development requiring respective approvals from the NSW Office of Water in regard to Clause 91 of the *Water Management Act 2000* for an aquifer interference activity (groundwater dewatering) and a Section 90 Aboriginal Heritage Impact Permit pursuant to *National Parks and Wildlife Act 1974* as Aboriginal Objects were identified to be harmed as part of the excavation works required for the proposed development.

Given that excavation for the basement carpark forms part of the site preparation/early works development application, this development application is no longer Integrated Development.

7.2 SECTION 79(C)(1)(A)(I)(II)(III): ENVIRONMENTAL PLANNING INSTRUMENTS, PROPOSED INSTRUMENTS SUBJECT TO PUBLIC CONSULTATION AND DEVELOPMENT CONTROL PLANS ANY PLANNING AGREEMENTS ENTERED INTO UNDER SECTION 93F

Pursuant to the provisions of Section 79(C)(1) of the *EP&A Act, 1979*, an assessment is made against the following environmental planning instruments and development control plans:

Environmental Planning Instruments

- *State Environmental Planning Policy No. 55- Remediation of Land*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*; and
- *Parramatta City Centre Local Environmental Plan 2007*.

Development Control Plans

- *Parramatta Development Control Plan 2011*

7.2.1 STATE ENVIRONMENTAL PLANNING CONTROLS

State Environmental Planning Policy No. 55- Remediation of Land

Clause 7 of *State Environmental Planning Policy 55- Remediation of Land* requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land. A Detailed Site Assessment and Remediation Action Plan formed part of the Early Works/Site Preparation development application. In this regard this matter is not of relevance to this application.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The provisions of the *Infrastructure SEPP* have been considered in the assessment of the development application.

The proposed development is not subject to Clause 101 of the *Infrastructure SEPP* (Development with frontage to classified road) as Macquarie Street and Hassall Street are not classified roads.

However the proposed development is affected by Clause 104(3) and Schedule 4 of the *Infrastructure SEPP* as the proposed development provides more than 300 dwellings that connect to any road and provides more than 200 car spaces that connect to any road. On this basis the application was referred to the Roads and Maritime Services for comment and have recommended conditions of consent to be imposed.

Sydney Regional Environmental Plan 2005 (Sydney Harbour Catchment Deemed SEPP)

The *Sydney Regional Environmental Plan 2005 (Sydney Harbour Catchment Deemed SEPP)* is a deemed State Environmental Planning Policy and applies to the water and tributaries of Sydney Harbour. It includes zoning for land below mean high water mark, identifies strategic foreshore sites, heritage items and wetland protection areas. It also identifies land in the vicinity of waterways and

matters which must be considered when preparing an Environmental Planning Instrument, Development Control Plan, Environmental Studies or Masterplans.

This Plan has the following aims with respect to the Sydney Harbour Catchment:

- *to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained:*
- *as an outstanding natural asset, and*
- *as a public asset of national and heritage significance,*
- *for existing and future generations,*
- *to ensure a healthy, sustainable environment on land and water,*
- *to achieve a high quality and ecologically sustainable urban environment,*
- *to ensure a prosperous working harbour and an effective transport corridor,*
- *to encourage a culturally rich and vibrant place for people,*
- *to ensure accessibility to and along Sydney Harbour and its foreshores,*
- *to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,*
- *to provide a consolidated, simplified and updated legislative framework for future planning.*

The site is within the designated hydrological catchment of Sydney Harbour. However the site is not located on the foreshore or adjacent to a waterway and therefore with the exception of improved water quality, the objectives of the *Sydney Harbour Catchment Deemed SEPP* are not applicable to the proposed development.

The proposed works will have the potential to impact upon the Harbour primarily through the runoff of stormwater and sedimentation during construction. A Soil and Erosion Plan Control prepared by Australian Consulting Engineers has been submitted with the application and includes details regarding:

- Location of sediment control fencing to minimise site runoff;
- Sediment fencing; and
- Protection of access points for construction traffic to minimise soil and other materials leaving the site.

The development is consistent with the controls contained within the *Sydney Harbour Catchment Deemed SEPP*.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.

State Environmental Planning Policy No.65- Design Quality of Residential Flat Development (SEPP 65) aims to raise the design quality of residential flat development across the state through the application of a series of design principles.

The residential component of the proposed development is required to comply with the provisions of *SEPP 65*. A Design Verification Statement has been submitted with the development application.

SEPP 65 provides that in determining an application for a residential flat building of three (3) or more storeys and four (4) or more dwellings, the Consent Authority is to take into consideration 10 design quality principles. Council's response to each design quality principle is provided below.

Context

The proposal for a mixed use development with ground floor retail, site through link, Council carpark and provision of residential dwellings is appropriate within the context of the neighbourhood and will contribute to the desired future character of the area.

Scale

The height, scale and massing of the building was endorsed through the Architectural Design Competition and the recent amendment to *PCCLEP 2007*. In particular, the height and scale was informed by an Urban Design Analysis prepared by GMU Design that considered the proposed height and scale to be appropriate in the context of the city centre location.

Built Form

The proposal provides an appropriate built form outcome consistent with the controls contained in *PCCLEP 2007* (Amendment 12).

The architectural style and design of the buildings are appropriate in the context of the site and will achieve a high architectural finish.

Density

The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents.

The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.

Resources, Energy and Water Efficiency

A BASIX Certificate accompanies the development application and indicates that the development meets the water, energy and thermal comfort energy savings. The proposal provides passive solar energy devices such as deep balconies, two (2) storey units to achieve cross ventilation and high thermal mass construction.

A condition is recommended ensuring that the measures detailed in the BASIX Certificate are implemented.

Landscape

A Landscape Plan has been submitted with the development application which seeks to enhance the amenity of the podium landscaped areas and the site through link. Large landscaped spaces are proposed with feature planting and there is provision for a central sculpture.

Deep soil planting is also proposed along the site through link which will provide for a pocket forest incorporating a range of species.

Amenity

Appropriate room sizes, configuration, natural ventilation, cross ventilation, visual and acoustic privacy, the provision of indoor and external communal space, views and accessibility all contribute to a high standard of amenity for occupants.

Safety and Security

The proposed development provides for casual surveillance of the surrounding public domain through ground floor retail use and site through link.

The site through link along the western boundary facilitates passive surveillance of the carpark and enables pedestrians to access the link directly.

A number of safety measures will be incorporated into the carpark including CCTV cameras to be installed at key locations in the carpark to provide images of all automatic pay stations, car park entries and exits. The CCTV images will be viewed remotely by the carpark operator. In addition to the CCTV cameras, intercoms will be installed and the provision of secure areas for all equipment associated with the operation of the carpark.

In regard to the residential units, a security intercom system will be provided to access the basement carpark and the main lobbies. Each unit will contain an intercom system to enable access for visitors to the basement carpark and lobby.

Social Dimensions

The proposed development will offer a range of residential apartments in a centralized location.

The proposal provides a communal roof terrace that will provide a space for social interaction between residents. The ground floor retail tenancy will also provide for social engagement and an active frontage of the building.

Access and amenities for all residents, visitors and tenants comply with the requirements of the *Disability Discrimination Act, 1992*.

Further the development integrates accessibility for those with physical disabilities and provides 43 (10%) adaptable apartments which are single level and designed to meet the requirements of *PDCP 2011, Adaptable Housing AS4299* and *SEPP 65*.

Aesthetics

The proposal is considered to be aesthetically acceptable with good articulation. The ground floor features a variety of treatment to create interest at the street level. A suitable palette of materials is proposed.

7.2.2 RESIDENTIAL FLAT DESIGN CODE

The Residential Flat Design Code supports the ten design quality principles identified in *SEPP 65-Design Quality of Residential Flat Buildings*. Compliance with key numeric 'rules of thumb' of the Residential Flat Design Code are provided in **Table 5** below.

Table 5. Compliance with the Residential Flat Design Code

Parameter	Proposal	Compliance
Building Depth Apartment building depth should be between 10-18m	South Tower – 21 metres North Tower – 18.5 metres The depths result in a minor variation but are considered acceptable given that: <ul style="list-style-type: none"> 94% of units have high natural ventilation performance. High articulation of building facades and balconies. A large proportion of residential units have been designed with wider frontages. 	No, but supported.
Building Separation Suggested separation between adjoining sites for a development of 9 stories and above is as follows: <ul style="list-style-type: none"> 24m between habitable rooms/balconies. 18m between habitable rooms/balconies and non habitable rooms. 12m between non habitable rooms. 	The separation between the buildings on site varies between 18.2 metres and 35.2 metres. The proposal has been endorsed by the Design Competition Jury and it is recommended that Council accept the variation to building separation distances.	No, but supported by Design Competition Jury. Refer to further discussion in Section 7.4
Building Setbacks Identify the desired streetscape character and the common setback in the street. Side and rear setbacks- Relate side setback to existing streetscape patterns.	Macquarie Street frontage is constructed to the boundary. The Hassall Street frontage is setback between 3m and 7m from the street frontage being consistent with the DCP. The design element of the façade of the podium protrudes into this setback. The podium is generally setback 3 metres.	Yes
Deep Soil Zones Minimum of 25% of open space area of a site should be a deep soil zone (approx. 331m ²)	4.8% of the site is provided as deep soil landscaping due to the limitations of providing a carpark. Nevertheless the deep soil zone adjoining the pedestrian site link has been designed as a pocket forest that provides up to 224.2m ² of deep soil planting.	No, but acceptable given nature of development
Open Space 25% - 30% of site area should be devoted to open space (1303m ² – 1563m ²). Minimum recommended area of private open space in the form of courtyards is 25m ² .	Open Space is provided on the landscape podium. All units are provided with a private balcony.	No
Parking	Basement carparking is provided for all residents and is less than the maximum permitted under <i>PCCLEP 2007</i> .	Yes

Vehicle Access Limit driveway widths to 6m.	Residential driveway width – 6m Council carpark driveway width – 9.5m	Yes
Apartment Layout Single aspect apartments should be limited in depth to 8m from a window.	The depth of units varies between 8m and 12m. These units have been designed with a wide frontage to allow sufficient light and ventilation.	No
Minimum Apartment sizes: 1 bedroom apartment – 50m ² 2 bedroom apartment – 70m ² 3 bedroom apartment – 90m ²	1 bedroom – 54-61m ² 2 bedroom – 77-96m ² 3 bedroom – 93-135m ²	Yes
Balconies Provide primary balconies for all apartments with a minimum depth of 2m.	All units comprise a balcony with a minimum dimension of 2m.	Yes
Ceiling Heights Minimum 2.7m	All units achieve a minimum floor to ceiling height of 2.7m.	Yes
Internal Circulation A maximum of 8 dwellings should be provided off a double loaded corridor or central core.	South tower – 8 units North tower – 14 units (3 lifts and generous lobby area provided)	Yes Yes
Storage 1 bedroom – 6m ³ 2 bedroom – 8m ³ 3 bedroom – 10m ³	No apartment storage has been provided on site This matter has not been adequately dealt with by the applicant. However, some concern has been raised by Council's flood consultant that the provision of apartment storage in basement may cause a safety risk to residents who choose to retrieve goods during a large flood event. Notwithstanding this it is considered that some storage should be provided for apartments of this development scale and that a suitable provision can be provided by way of over bonnet storage boxes holding at least 3m ³ each. A condition is proposed to secure this provision.	No
Daylight Access Living rooms and private open spaces for at least 70% of apartments should receive two hours direct solar access on winter solstice (if in a dense urban environment)	An amenity analysis has been provided by the applicant. 63% of units receive 2 hours of solar access between 9am and 3pm on June 21 (midwinter).	No, but acceptable refer to Section 6.0
Natural Ventilation 60% of units should be naturally cross ventilated 25% of kitchens within a development should have access to natural ventilation.	An amenity analysis has been provided by the applicant. 94% of dwellings will be naturally cross ventilated.	Yes

7.2.3 LOCAL ENVIRONMENTAL PLANNING INSTRUMENTS

Parramatta City Centre Local Environmental Plan 2007

The site is zoned B4 Mixed Use pursuant to the provisions of *Parramatta City Centre Local Environmental Plan 2007 (PCCLEP 2007)*.

“Mixed use development” as defined in *PCCLEP 2007* means a building or place comprising two or more different land uses.

The intended future uses of the site would satisfy the definitions of “residential accommodation”, “residential flat building” and “retail premises”, thereby meeting the definition of mixed use.

Residential flat buildings and retail premises are permissible within the zone by virtue of not being listed as a prohibited use.

Carparks are prohibited except where *PCCLEP 2007* requires this type of development or public carparking is provided by or on behalf of Council. The proposed Council carpark is therefore permissible with development consent.

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.*

The proposed development will result in a mixed use development which is consistent with the above objectives satisfying clause 12(2) of *PCCLEP 2007* as it will provide suitable residential and retail uses as well as a pedestrian site through link.

The construction of a Council carpark on the site is consistent with Council's *Integrated Transport Plan 2009/10 to 2014/2015* which seeks to relocate long stay commuter parking from the city centre to new multi-storey car parks on the city periphery, servicing commuters with shuttle buses.

Compliance with the relevant provisions within the *PCCLEP 2007* is provided in **Table 6** below:

Table 6. Compliance with *PCCLEP 2007*

Development Standard	Proposal	Compliance
Clause 21 – Height of Buildings 91.3m (Amendment No.12 gazetted on 20 February 2015)	The proposed development results in a maximum building height of 92.5m (to the roof of the building), being a maximum RL	No. The majority of the height complies with Amendment 12 to <i>PCCLEP 2007</i>.

	<p>98.5 across the site.</p> <p>Amendment 12 permits a maximum building height of 91.3m. The additional 1.2m minimizes level changes along the pedestrian site through link resulting in less ramping and increased opportunities for pedestrians to access the car park. It also minimises ramping within the communal open space.</p> <p>A Clause 24 Variation Statement (Exemption to Development Standards has been submitted with the development application.</p>	<p>Refer to further discussion in Section 7.4.</p>
<p>Clause 21A – Architectural Roof Features</p> <p>The Consent Authority is to be satisfied that:</p> <ul style="list-style-type: none"> a) comprises a decorative element on the uppermost portion of a building; b) is not an advertising structure; c) does not include floor space and is not reasonably capable of modification to include floor space area; and d) will cause minimal overshadowing. 	<p>The top plant and lift overrun are contained within an architectural roof feature and therefore does not contribute to the overall building height.</p>	<p>Yes</p>
<p>Clause 22 – Floor Space Ratio 6:1</p> <p>It is to be noted that the car parking above ground does not constitute floor space for the purpose of calculating the floor space ratio under the provisions of <i>PCCLEP 2007</i>.</p>	<p>The proposed development excluding the enclosed balconies or private open space equates to a floor space ratio of 6.9:1 or 7:1 with enclosed communal open space areas.</p> <p>A Clause 24 Variation Statement was originally submitted with the application at lodgement, however it is no longer applicable given the gazettal of Amendment 12 to <i>PCCLEP 2007</i>.</p> <p>The proposed floor space for the site is consistent with the provisions of Clause 22J of <i>PCCLEP 2007</i>.</p>	<p>Yes by virtue of Clause 22 J of <i>PCCLEP 2007</i></p>
<p>Clause 22A – Minimum Building Street Frontage</p> <p>One (1) street frontage of more than twenty (20) metres.</p>	<p>Both Macquarie Street and Hassall Street frontages are in excess of 20m.</p> <p>Macquarie Street – 51.68m Hassall Street – 40.26m</p>	<p>Yes</p>
<p>Clause 22B – Design Excellence</p> <p>A Consent Authority cannot grant consent to a building higher than 55 m or 13 storeys (of both) unless a design competition has been held (unless the Director-General certifies a competition is not required).</p>	<p>The proposal has undergone Council's Design Competition process and has been awarded Design Excellence (resulting in an award of 10% bonus for FSR and height).</p>	<p>Yes</p>

<p>Clause 22C – Car Parking Maximum Allowed</p> <p>Shops car parking – 1 parking space provided for every 30m² of gross floor area.</p> <p>Approximately 100m² of commercial parking space = Total of 3 spaces required for retail.</p> <p>NB: Figures rounded to nearest whole number.</p> <p>Multi dwelling housing – 1 parking space provided per every dwelling and 1 visitor parking space to be provided for each 5 dwellings.</p>	<p>Residential component 425 apartments (61 x 1-bedroom units; 327 x 2-bedroom units; and 37 x 3-bedroom units) = 510 parking spaces maximum (425 residential parking spaces and 85 visitor parking spaces)</p> <p>Retail component (431m² GFA) = 14.3 (14) parking spaces maximum</p> <p>Total parking requirement = 524 parking spaces maximum</p> <p>The proposed residential component (private parking) of the development provides 389 parking spaces (375 spaces for the residents and visitors; and 14 retail parking spaces).</p> <p>The on-site parking provided for the residential (private parking) and retail development does not exceed the maximum number of parking spaces required and is therefore acceptable on traffic and parking grounds.</p> <p>25 motorcycle parking spaces are also proposed within the public parking area.</p> <p>A bicycle storage room is proposed at the ground floor level fronting Macquarie Street capable of accommodating 70 bicycles.</p>	<p>Yes (maximum provision)</p>
<p>Clause 22D – Building Separation</p> <p>Proposed Eastern Setback</p> <p>Podium Below 36m- nil to 36m (Ground to Level 12)</p> <p>North Tower 36m-54m 9m (min) setback 54m-72m 12m (min) setback 72m and above 16m (min) setback</p> <p>South Tower 36m 9m (min) setback 54m-72m 12m (min) setback 72m and above 16m (min) setback</p> <p>Proposed Western Setback</p> <p>Podium 0-36m height Nil to 6m setback</p> <p>North Tower 36m-54m 9m (min) setback 54m-72m 12m (min) setback</p>	<p>Podium Below 36m- 0 to 3m</p> <p>North Tower 9m 9m 9m</p> <p>South Tower 0m to 6m 4m to 6m 4m to 6m</p> <p>Podium Below 36m- 0 to 7m</p> <p>North Tower 9m 9m</p>	<p>No but supported by Design Competition Jury. Refer to further Discussion in Section 7.4.</p>

<p>72m and above 16m (min) setback</p> <p>South Tower 36m-54m 9m (min) setback 54m-72m 12m (min) setback 72m and above 16m (min) setback</p> <p>Proposed separation between the north and south tower</p> <ul style="list-style-type: none"> 0-36m height – Nil to 6m setback 36m-54m – 9m (min) setback, 18m b/w buildings on same site 54m-72m – 12m (min) setback, 24m b/w buildings on same site 72m and above – 16m (min), 36m b/w buildings on same site 	<p>9m</p> <p>South Tower 10m 12m 12m</p> <p>The separation between the buildings on site varies between 18.2m and 35.2m.</p> <p>A Clause 24 Variation Statement has been submitted with the development application.</p>	
<p>Clause 22E – Ecologically Sustainable Development</p> <p>The Consent Authority must have regard to the principles of ESD based on a “whole of building” approach relative to nominated matters.</p>	<p>The approved development will satisfy Clause 22E of the <i>PCCLEP 2007</i> in respect to ecologically sustainable development principles through the implementation of the following initiatives:</p> <ul style="list-style-type: none"> 94% of units achieve high levels of natural ventilation which reduces the reliance on air conditioning by enhancing the movement and flow of air through the apartments; 77% of the units achieve in excess of 2 hours of effective direct sun to living areas and not private open space in mid-winter, reducing the need for artificial heating. Compliance with the water and energy saving requirements and the thermal comfort provisions of BASIX. 	<p>Yes</p>
<p>Clause 22G – Special Area Controls</p> <p>a) To ensure development in and around Special Areas is compatible with the particular character and significance of each Special Area;</p> <p>b) To reinforce the specific attributes and qualities of the built form of each special area.</p> <p>Clause 22J – Use of Certain Land at 189 Macquarie Street</p> <p>The consent authority may grant consent to development involving the construction of a new building or external alterations to an existing building on land to which this clause applies if:</p> <p>a) the design of the building or alteration is the result of an architectural design competition as required by clause 22B (4), and</p>	<p>The site is situated in the City East area.</p> <p>The proposed development will satisfy the City East controls through the provision of a mixed use building of architectural design quality in close proximity to services, transport and open space.</p> <p>The site is shown as Area 4 on the Special Provisions Area Map. The development application is consistent with the development parameters made permissible by this clause.</p>	<p>Yes</p> <p>Yes</p>

<ul style="list-style-type: none"> b) the consent authority is of the opinion that the building or alteration exhibits design excellence with regard to the design criteria specified in clause 22B (3), and c) the development continues to include a public car park on the site (the area of which is not subject to paragraphs (e) and (f)), and d) the development does not result in a building with a maximum building height that exceeds 91.3 metres above natural ground level, and e) the development does not result in a building with a maximum gross floor area that exceeds 36,000 square metres, excluding any floor space used only for private balconies and communal open space, and f) the development does not result in a building with a maximum gross floor area that exceeds 2,750 square metres that is used for the purposes of communal open space and private balconies. 		
<p>Clause 24 – Exceptions to Development Standards.</p>	<p>The application is subject to a Clause 24 Variation Statement in respect to building height and building separation.</p> <p>A Clause 24 Variation Statement has been submitted with the development application.</p> <p>The Clause 24 Variation Statement is supported- refer to further discussion in Section 7.4.</p>	<p>Yes</p>
<p>Clause 30 – Development on Classified Roads</p> <p>Clause 33A – Flooding</p>	<p>Not Applicable. The site does not front on to a Classified Road.</p> <p>This Clause requires the Consent Authority to consider the impacts of development flood prone land.</p> <p>The property is within the Lower Parramatta River sub-catchment and is shown on Council's flood map as being affected by the 1:100 year flood and the Probable Maximum Flood (PMF).</p> <p>As outlined in the Flood Study prepared by KFW, the application for the mixed use development proposes a flood storage plenum to be installed below ground level in order to compensate for the loss of flood storage displaced as a result of the development. It provides sufficient volumetric storage to mitigate an increase in flooding by storing the lost flood storage volume and discharging through the</p>	<p>Not Applicable</p> <p>Can comply.</p>

	<p>existing stormwater drainage network. The plenum also has capacity to accommodate for the On-Site Detention required on the site.</p> <p>A condition has been recommended that the applicant investigate whether an appropriate flood trigger point in Hassall Street can be set for evacuation of the residential basement. Consideration must be given to the likely flood characteristics and hydrograph. If a flood evacuation trigger is set it should be calibrated to avoid premature flood evacuation for events which will not cause the flooding of Macquarie Street, but will still allow adequate time for evacuation during larger flood events.</p>	
Clause 33B – Acid Sulfate Soils	Not Applicable. An Acid Sulfate Soil Management Plan was required as part of the Early Works/ Site Preparation Development Application.	Not Applicable
Clause 34 – Preservation of Trees	An arborist report has been submitted with the application. The removal of trees was approved as part of the Early Works/Site Preparation development application.	Not Applicable
Clause 35 – Heritage Conservation	<p>The site is not a heritage item nor is it located within a heritage conservation area. However, it is located in close proximity of several heritage items, including the semi-detached houses at 113 and 115 Wigram Street, and semi-detached cottages at 23 and 25 Hassall Street.</p> <p>The site is not located within an identified historic view corridor.</p> <p>The Heritage Officer notes that the proposed height of the development would be within acceptable levels of heritage impact despite some additional shadow being cast on heritage items.</p> <p>Aboriginal Heritage was considered as part of the Early Works/ Site Preparation Development Application.</p>	Yes
Clause 35A – Historic View Corridors	This control is not applicable as the site is not located within a historic view corridor.	Not Applicable
Clause 38A – Council Development	Not Applicable. There are no aspects of the proposed development permit Council to undertake development on this land without development consent.	Not Applicable
<p>This Clause permits certain development to be carried out by or behalf of the Council without development consent except land within a heritage conservation area or containing a heritage item.</p>		

7.3 SECTION 79C(1)(A)- DEVELOPMENT CONTROL PLANS

Parramatta Development Control Plan 2011

The *Parramatta Development Control Plan 2007* was repealed on 2 April 2014 and its relevant City Centre provisions transferred into the *Parramatta Development Control Plan 2011*.

Compliance with the relevant controls within *Parramatta Development Control Plan 2011* are provided in **Table 7** below.

Table 7. Compliance with *PDCP 2011*

Development Control	Comment	Compliance
1 – INTRODUCTION		
2 – SITE PLANNING		
2.1 – Design in Context in the Parramatta City	The building form is considered to be appropriate for its context.	Yes
2.2 – Requirements for Submitting Development Applications	The submitted development application addresses all Council requirements.	Yes
2.3 – Site Analysis	The proposed development application includes a Site Analysis.	Yes
2.4 – Site Considerations	The building design and its integration with the surrounding development is consistent with these objectives.	Yes
2.4.1 – Views and Vistas	The proposal does not impact on Historical view corridors.	Yes
2.4.2 – Water Management 2.4.2.1 Flooding 2.4.2.2 Protection of Waterways 2.4.2.3 Protection of Groundwater	Due to the site's irregular shape, a siting strategy was development as part of the Design Competition to ensure adequate building separation is provided to adjoining properties and the two residential towers. A condition regarding flood mitigation has been recommended.	Yes
2.4.3 – Soil Management 2.4.3.1 Sedimentation 2.4.3.2 Acid Sulfate Soils 2.4.3.3 Salinity	These matters have largely been addressed as part of the Early Works/Site Preparation Development Application. The proposed development is not expected to have an adverse impact in regard to soil erosion or sedimentation subject to standard conditions of consent.	Yes
2.4.4 – Land Contamination	This matter was addressed as part of the Early Works/Site Preparation Development Application.	N/A
2.4.5 – Air Quality	The proposed development is not expected to have an adverse impact on air quality subject to standard conditions of consent.	Yes
2.4.6 – Development on Sloping Land	Not Applicable	N/A
2.4.7 – Biodiversity	Not Applicable	N/A
3 – DEVELOPMENT PRINCIPLES		
3.1 – Preliminary Building Envelope		
3.1.1 – Height	The proposed development generally complies with the	No, but

	height of building control contained in <i>PCCLEP 2007</i> . Refer to Table 6 and further discussion in Section 7.4.	supported by Competition Design Jury
3.1.2 – Height Transition	Not Applicable	N/A
3.1.3 – Preliminary Building Envelope Tables	The Building Envelope was informed by the Design Competition process. Refer to comments in Section 6 and Section 7.4.	Generally Yes
3.2 – Building Elements		
3.2.1 – Building Form and Massing	<p>The Building Envelope was informed by the Design Competition process. Refer to comments in Section 6 and Section 7.4.</p> <p>The design and position of the podium and towers were key components of the design competition scheme.</p> <p><i>PDCP 2011</i> requires that the Macquarie Street frontage be setback above the podium by 6-8 metres. The proposed development does not provide any setback above the podium and provides a continuous built form. The Urban Design report found that a relaxation of the setback above the podium results in a better urban form, allowing the tower to be seen in conjunction with the height of the podium resulting in a more slender appearance.</p>	Yes/No. Non-compliance with building separation, setbacks and deep soil landscaping.
3.2.2 – Building Facades and Articulation	<p>The Hassall Street frontage is designed as a series of staggered pre-cast panels which wrap the side elevation of the carpark podium and improve articulation to the southern, eastern and western facades.</p> <p>The materials and finishes include a range of materials including framed glazing, danpalon glazing, aluminium cladding, rendered and painted surfaces and metal cladding.</p> <p>Articulation will be provided through perforated metal screens, glass balconies, entry canopy glazing and rendered/painted finishes.</p>	Yes
3.2.3 – Roof Design	The roof design integrates with the building composition. The top plant and lift overrun are contained within an architectural roof feature.	Yes
3.2.4 – Energy Efficient Design	A BASIX Certificate accompanies the application. The development meets the energy and water targets.	Yes
3.2.5 – Streetscape	Refer to Urban Design Comments in Section 6.0 and Section 7.4 of this report.	Yes
3.2.6 – Fences	Not Applicable	N/A
3.3 – Environmental Amenity		
3.3.1 – Landscaping		
Landscaping – Minimum 40% (including deep soil zone)	A high quality Landscape Plan has been submitted with the development application.	
Deep Soil Zone – Minimum 30% of which at least 50% is to be located at rear of site	4.8% of the site is provided as deep soil planting. Nevertheless the deep soil zone adjoining the pedestrian site link has been designed as a pocket forest that provides up to 224.2m ² of deep soil planting.	No, but is supported given nature of the development.

Minimum dimensions 4m x 4m	<p>The planting along the pedestrian link will provide screen shrubs adjacent to the boundary to provide privacy from neighbouring properties and add visual interest.</p> <p>The Landscape Plan also provides for the planting of <i>Tristanopsis</i> (Watergum) along the Hassall Street frontage.</p>	
3.3.2 – Private and Communal Open Space Residential Flat Buildings and residential component of Mixed Use Developments C.7 A minimum of 10m ² of private open space per dwelling is to be provided with minimum dimensions of 2.5m. C.8 A minimum of 10m ² of communal open space per dwelling is to be provided. C.9 Communal open space may be provided on the roof top where it will not adversely impact on visual and acoustic privacy, and safety and security elements	<p>A total of 2750m² of floor space is provided for the purposes of communal and private open space.</p> <p>The podium level at the base of the towers is designed as an internal and external area of communal open space for residents.</p> <p>All units are provided with private balconies, most of which exceed 10m² of private open space.</p>	<p>No, but is separated given the nature of the development.</p>
3.3.3 – Visual and Acoustic Privacy Residential Flat Buildings C.8 The minimum separation between habitable rooms/balconies is 12m. C.9 For loft dwellings facing rear lanes, the minimum separation between habitable rooms/balconies is 8m. C.10 The minimum separation between habitable rooms/balconies is 12m up to and including the third storey and 18m above the third storey	<p>The separation of the buildings on site varies between 18.2m to 35.2m. Privacy is maintained through building design, landscaping, window placement, winter gardens and louvres.</p>	<p>Yes</p>
3.3.4 – Acoustic Amenity	<p>The building provides areas to accommodate mechanical plant including space within the basement and as well as plant within the architectural roof feature.</p> <p>Appropriate conditions are recommended to ensure that acoustic amenity is measured.</p>	<p>Can comply</p>
3.3.5 – Solar Access and Cross Ventilation	<ul style="list-style-type: none"> 94% of units achieve a high level of natural ventilation. 77% of units achieve in excess of 2 hours effective sunlight to living areas and private open space in mid-winter. 	<p>Yes</p>

3.3.6 – Water Sensitive Urban Design	Water Sensitive Urban Design measures are not proposed.	
3.3.7 – Waste Management Waste management plans to be prepared for residential and non-residential developments.	<p>A Waste Management Plan accompanied the application and outlines material wastes and measures for its recycling on site, off site and disposal for all development phases. Council's Waste Officer raised no objections to the proposed development subject to the imposition of conditions of consent.</p> <p>All waste will be stored within the communal garbage areas to be located on basement level 1 at the southern end of the building or level 1 at the northern end of the development adjacent to the residential car park entry and residential loading dock.</p> <p>The development will provide two garbage chutes and a carousel compactor within each tower as well as two garbage and recycling bin storage areas for each building in the development.</p>	Yes
3.4 – Social Amenity		
3.4.1 – Culture and Public Art	<p>A Public Art Plan has been prepared by Milne and Stonehouse Artists as part of the development application.</p> <p>Refer to Further Discussion in Section 7.4.</p>	Yes
3.4.2 – Access for People with Disabilities	The proposed arrangements are satisfactory. Refer to comments in Section 7.9.	Yes
3.4.3 – Amenities in Buildings Available to the Public	Not Applicable	N/A
3.4.4 – Safety and Security	<p>The proposed development provides for casual surveillance of the surrounding public domain through ground floor retail use and site through link. The Hassall Street frontages contain two retail spaces with the eastern space directly addressing Hassall Street. The western retail space is located within the site and opens onto the site through link.</p> <p>The site through link along the western boundary facilitates passive surveillance of the carpark and enables pedestrians to access the link directly.</p> <p>A number of safety measures will be incorporated into the carpark including CCTV cameras to be installed at key locations in the carpark to provide images of all automatic pay stations, car park entries and exits. The CCTV images will be viewed remotely by the carpark operator. In addition to the CCTV cameras, intercoms will be installed and the provision of secure areas for all equipment associated with the operation of the carpark.</p> <p>In regard to the residential units, a security intercom system will be provided to access the basement carpark and the main lobbies. Each unit will contain an intercom system to enable access for visitors to the basement carpark and lobby as required.</p>	Yes
3.4.5 – Housing Diversity and Choice	61 (14.5%) one bedroom apartments provided	No- minor noncompliance

<p>P.1 The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments:</p> <ul style="list-style-type: none"> • 3 bedroom 10% - 20% • 2 bedroom 60% - 75% • 1 bedroom 10% - 20% 	<p>327 (77%) two bedroom apartments provided</p> <p>37 (8.5%) three bedroom apartments provided</p> <p>10% have been designed as adaptable apartments, located at lower levels.</p> <p>The proposed unit mix does not strictly meet the requirements of the DCP. This is a minor variation and in light of the large number of units is supported.</p>	with unit mix
3.5 – Heritage	The proposed development will be within the acceptable limits of heritage impact despite some shadow cast on nearby heritage items.	Yes
3.6 – Movement and Circulation	The arrangements are satisfactory. Refer to Sections 7.4 and 7.9.	Yes
3.6.1 – Sustainable Transport	The excellent public transport nodes available within a short walk will reduce dependency on the use of motor vehicles.	Yes
3.6.2 – Parking and Vehicular Access	The arrangements are satisfactory. Refer to Further Discussion in Sections 7.4 and 7.9.	Yes
3.6.3 – Accessibility and Connectivity	The arrangements are satisfactory. Refer to Further Discussion in Sections 7.4 and 7.9.	Yes
3.7 – Residential Subdivision	Not Applicable	N/A

7.4 FURTHER DISCUSSION

BUILDING HEIGHT

The application is subject to a Clause 24 Variation Statement in respect to building height.

The proposed development results in a maximum building height of 92.5m (to the roof of the building), being a maximum RL 98.5 across the site.

Amendment 12 to *PCCLEP 2007* permits a maximum building height of 91.3m. The additional 1.2m minimises level changes along the pedestrian link resulting in less ramping and increased opportunities for pedestrians to access the car park. It also minimizes ramping within the communal open space. The Design Competition Jury supported this minor increase to the overall building height.

It is considered that the applicant's written request for a variation to the building height controls under Clause 24 of the *PCCLEP 2007* has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, will not compromise the public interest and that there are sufficient planning grounds warranting support for a variation to the development standard.

BUILDING SEPARATION

The application is subject to Clause 24 Variation Statement in respect to building separation.

Due to the sites irregular shape, the successful design competition scheme demonstrates that an effective siting strategy has been developed to ensure adequate building separation is provided to adjoining properties and the two proposed residential towers.

The towers are proposed at the northern and southern extremities of the site in order to achieve a positive street frontage definition at both Macquarie Street and Hassall Street. This placement achieves good separation between the towers which enables preservation of solar access and view corridors into and through the site whilst opening the central portion of the podium as a sunlit communal open space for residents.

Considering that the scheme has been developed through a design competition process, which has subsequently been awarded design excellence, it is recommended that the JRPP accept the variation to building separation distances.

It is considered that the applicant's written request for a variation to the building separation controls under Clause 24 of the *PCCLEP 2007* has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, will not compromise the public interest and that there are sufficient planning grounds warranting support for a variation to the development standard.

BUILDING SETBACKS

The building podium will generally be setback along the side boundaries by approximately 3 metres. The podium will be built to the boundary at the eastern end of the site due to adjoining properties at 26-30 Hassall Street.

Due to the site's irregular shape, a siting strategy was developed as part of the Design Competition to ensure adequate building separation is provided to adjoining properties and the two residential towers.

The scheme has been endorsed by the Design Competition Jury and it is recommended that the Joint Regional Planning Panel accept the variation to building separation distances.

RESIDENTIAL AND COUNCIL PARKING AND TRAFFIC

Council's Traffic Engineer has reviewed the Traffic Report prepared by Thompson Stanbury Associates dated December 2013 and has provided the following comments:

The proposed residential component (private parking) of the development provides 389 parking spaces (375 spaces for the residents and visitors; and 14 retail parking spaces). The on-site parking provided for the residential (private parking) and retail development does not exceed the maximum number of parking spaces required and is therefore acceptable of traffic and parking grounds.

The public car parking will provide 715 parking spaces to be owned and operated by Parramatta Council (507 long stay parking spaces and 208 short stay parking spaces). The proposed development also provides 25 motorcycle spaces located near the switch room in the public car parking area, and 31 bicycle spaces located between the female/male change rooms and residential garbage room off Macquarie Street.

The submitted DA plans also provide 2 carshare parking spaces on the upper level 1 under the control of Council. The proposed development also provides 4 parking spaces marked for “electric recharge bays” on the upper level 1 adjacent to the 2 carshare parking spaces.

In accordance with PCDCP 2011, the proposed residential development is also required to provide a carshare parking space as the proposed development contains more than 50 residential units and is located within a 800m radial catchment of a railway station or 400m radial catchment of a bus stop with a service frequency of an average of 15 minutes or less during the morning peak (7 am - 9 am) in either direction. Relevant conditions have been imposed to this effect.

Council's Traffic Engineer has further advised that dimensions of the parking spaces in all levels of the carpark comply with AS 2890.1-2004 and has noted that the parking aisles within the private and public parking areas indicate that the pavement directional arrows in all levels of the carpark have been designed to accommodate one-way traffic flow direction in order to increase efficiency and decrease potential vehicle and pedestrian conflict.

Council's Traffic Engineer is also satisfied in regard to the vehicular access arrangements, driveway gradients and sight distances. A number of minor concerns were previously raised by Council's Traffic Engineer regarding turning and manoeuvring of vehicles along ramps however these concerns have now largely been addressed. A letter from the Traffic Consultant (Thompson Stanbury Associates) dated 26 March 2015 has been received regarding the following outstanding issues:

- **Levels 2 to 6 – Council car park from Hassall Street and Levels 1 to 3 – residential car park from Macquarie Street – the width of the ramp should be 6m minimum with a median island installed (600mm wide minimum) for two-way traffic along this ramp access driveway. Car readers should be located in the median island.**

The Traffic Consultant indicated, in part, that “The Council car park is proposed to be contained within seven levels, whereby Upper Level 1 and Lower Level 1 are proposed to accommodate short stay spaces, being conveniently located on the lower two parking levels, closest to the access. The upper five levels (Levels 2 – 6) are proposed to accommodate long stay car parking. Ramps connecting Levels 2 – 6 are proposed to be a minimum width of 7.1m wide between kerbs, thereby suitably exceeding the stated minimum of 6m to accommodate two-way traffic flow. Indeed, swept paths accompanying the development application traffic report illustrate that the ramps and connecting aisles are capable of accommodating two-way traffic flow in a safe and efficient manner.

The requirement or otherwise to provide a central median within these ramps is governed by the necessity to provide a ticket dispenser / reader. As the short and long stay car parking is proposed to be subject to a different pay structure, there is a requirement for a ticket dispenser / reader between Upper Level 1 and Level 2. This is proposed at the bottom of the ramp connecting to the two levels (within Upper Level 1). Once a vehicle has entered the long stay parking area of Level 2, there is no further requirement for a ticket dispenser / reader on the upper levels (Levels 2 – 6). There is accordingly no further requirement for a median within the ramps connecting Levels 2 – 6.

The proposed ramps connecting Levels 2 – 6 of the Council car park are therefore considered to be satisfactory. The residential car park is proposed to be contained within three levels. Ramps connecting the residential car parking levels are proposed to provide a minimum width of 6m between kerbs, thereby suitably exceeding the stated minimum of 6m to accommodate two way traffic flow. Similarly to that stated above with respect to the Council car park, swept paths accompanying the development application traffic report illustrate that the ramps and connecting aisles within the residential car park

are capable of accommodating two-way traffic flow in a safe and efficient manner”.

The above statement is acceptable, however It is recommended that a double unbroken line be installed to delineate and enhance two-traffic movements along the ramp access driveway on Levels 2 to 6 – Council carpark from Hassall Street; and Levels 1 to 3 – Residential Carpark from Macquarie Street.

- ***A 1:50 plan section indicating the access point from Macquarie Street through to the ramp access driveway to the residential car park should be submitted to determine that the height clearance for the loading dock complies with AS2890.1- 2004.***

*A plan (Dwg A13-1 Issue 01 dated 24/03/2015) was submitted indicating that the headroom clearance of the loading dock is 3.5m. **Table 4.1** of AS 2890.2-2002 specified a 3.5m high minimum vertical clearance for a single rigid vehicle (SRV). The original submitted Traffic Report indicated that the largest delivery vehicle to be used by the proposed development is a single rigid vehicle (SRV). Accordingly, the headroom clearance of the loading dock (3.5m) is acceptable and complies with AS 2890.2-2002.*

All other issues raised in the Traffic Comments dated 1 April 2014 (TRIM Doc D03135938) have been addressed accordingly in the submitted revised plans.

In regard to the roundabout at the intersection of Hassall Street and Wigram Street – engineering design plans will be considered by Council’s Parramatta Traffic Committee (PTC) at its meeting on 9 April 2015. The PTC report and recommendation will be submitted to Council on 27 April 2015 for final approval.

Council’s traffic engineer has recommended a number of conditions which have been imposed.

PUBLIC ART

A Public Art Plan has been prepared by Milne and Stonehouse Artists as part of the development application and Council’s Public Art Officer has made the following comments.

“Council is pleased with the most recent concepts proposed and the developed direction of the arts plan which will include the sculptural atrium/lantern elements and the walkway elements Macquarie Street and pedestrian walkway between Hassall and Macquarie Street.

Scale is important in order for the finished work to integrate with the architectural form and be of a proportion that will be visible in what may be a high traffic precinct area.

In regards to conceptual themes, of particular interest is 'Rev Head' 6.2 and the 'Strata' 6.3 as frameworks.

6.3 is strong in terms of site opportunities for strong connection to landscape, narrative of natural landscape and site specific imagery. There is also opportunity for featured textural works on the walkway which could further provide opportunities for the artwork to be interactive and provide the passer-by with an added sensory experience.

6.2 is strong in terms of a cultural and site specific identifier for Western Sydney. The theme could play a unique role in demonstrating current contemporary issues dealt with by artists such as Liam Benson or Ben Quilty who explore issues of identity and masculinity in the context of Australian identity.

These are two relevant and contemporary themes that we believe could work equally well for the site and have a large amount of traction within the public space and to enhance visitors and residents experience of Parramatta.

In regards to the opportunities section, the lantern / atrium works suggested exploring the themes of

strata through various innovative materials we feel would be highly viable.

The work should ideally be visible to passers-by or suspended in a way that can be fully experienced by those in the public domain (as well as the private domain) in order to obtain greatest impact.

We believe you can workshop further the in regards to final concept and look forward to obtaining detail around materials, timeline and budget estimate for works.

We require the artwork/s installed as per the approved Arts Plan and to the satisfaction of Council prior to the issue of the Occupation Certificate”.

It is noted that the Design Competition jury had previously recommended a subtle design to be adopted for the louvered lanterns that identify pedestrian access to the public carpark.

The proposal for the artworks to be integrated along the pedestrian through site link is also supported by Council.

7.5 RELEVANT COUNCIL STRATEGIES

Integrated Transport Plan 2009/10 to 2014/2015

The proposal is consistent with a key strategy of the Plan to relocate long stay commuter carparking from the existing city centre to new multistorey carparks on the city periphery. The subject site is one of the sites identified in the Plan for the provision of a new multi storey carpark.

Parramatta 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 Regulations 2000*. The application is accompanied by Cost Estimate identifying that cost of works, per the Regulations, as being \$145,036,188.

A Voluntary Planning Agreement has been submitted with the development application however a Section 94A Contribution is still required for the non-carpark works. The Voluntary Planning Agreement provides for an arrangement where the Section 94A Contributions for the Public Car Park are reduced by the following amounts:

- (i) \$836,352.00 (including GST), being the section 94A contributions for the Public Car Park component of the Development as agreed between the Developer and the Council; and
- (ii) an amount equivalent to \$38,000.00 (including GST) multiplied by the number of public car spaces delivered to Council as part of the Development that are in addition to the minimum 650 car spaces for the Public Car Park, provided however that, despite the preceding provisions of this clause, the amount of section 94A contributions payable shall be a minimum of \$1,000,000.00.

Accordingly included in the recommendation to this report is a condition requiring payment of the required contribution being \$1,044,733.64.

7.6 SECTION 79C(1)(A)(IIIA)- PLANNING AGREEMENTS

Division 6, Subdivision 2 of the *Environmental Planning and Assessment Act, 1979* provides for Planning Agreements. Of particular relevance to the application is the provisions of Section 93F of the *EP&A Act, 1979* which is in the following form:

- (2) *A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer):*
- (a) *who has sought a change to an environmental planning instrument, or*
 - (b) *who has made, or proposes to make, a development application, or*
 - (c) *who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies, under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.*
- (3) *A public purpose includes (without limitation) any of the following:*
- (a) *the provision of (or the recoupment of the cost of providing) public amenities or public services,*
 - (b) *the provision of (or the recoupment of the cost of providing) affordable housing,*
 - (c) *the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,*
 - (d) *the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,*
 - (e) *the monitoring of the planning impacts of development,*
 - (f) *the conservation or enhancement of the natural environment.*

A Voluntary Planning Agreement (VPA) pursuant to Section 93F of the *EP&A Act, 1979* has been submitted with the development application. Council have advised that the payment of Section 94A Contributions are still applicable for the non-carpark portion of the site and the proponent has been requested to provide further details in regard to the public benefit of each item nominated as well as a detailed costing.

The VPA has been negotiated with Council to provide the Council carpark, deliver road, streetscape works, public thoroughfare works including a new controlled roundabout on the corner of Hassall Street and Wigram Street as well as a site through link on the western side of the site connecting Hassall and Macquarie Streets.

It is noted that Council has obtained legal advice to confirm that the Department of Education lot (Part Lot 5 DP 758829) can be excluded from the Voluntary Planning Agreement given its small size of the anomalous part lot (3.2m²) as there is no statutory requirement for the Voluntary Planning Agreement to relate to all of the land the subject of a Planning Proposal or a Development Application.

In accordance with Section 93G of the *EP&A Act, 1979* and Clause 250 of the *Environmental Planning and Assessment Regulations 2000* the draft VPA and Explanatory Note were publicly exhibited for seven (7) weeks from Wednesday, 17 December 2014 – Wednesday, 4 February 2015. No submissions were received during the exhibition period. The exhibition period was extended to allow for the Christmas/New Year holiday period, which is consistent with the practice for the

notification of Development Applications during this holiday period (as per clause 5.5.11 of the Appendix to the *PDCP 2011*).

The public exhibition included a public notice in the Parramatta Advertiser newspaper and exhibition material was available for public inspection at the following locations:

- o Council Administration Building
- o Parramatta City Library
- o Council's Website

Council's web services team have advised that there were 59 views of the exhibition webpage of the Draft Voluntary Planning Agreement during the exhibition period.

7.7 SECTION 79C(1)(A)(IV)- REGULATIONS

Clause 92 of the *EP&A Regulations 2000* prescribes certain matters to be considered by a Consent Authority in its determination of a development application. There are no prescribed matters relevant to the proposed development.

7.8 SECTION 79C(1)(A)(V)- ANY COASTAL ZONE MANAGEMENT PLAN

This matter is not applicable to the application.

7.9 SECTION 79C(1)(b)- The likely impacts of the development, including environmental impacts on both the natural and built environments, social and economic impacts on the locality.

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires consideration of the likely impacts of the development. These matters are addressed below.

Context and Setting

The proposed development will facilitate a mixed use development which is permissible within the B4-mixed use zone pursuant to *PCCLEP 2007* and is consistent with the desired future character for the locality as established by the Special Area provisions for the City East Special Area.

Access

The proposed development has been designed to ensure ease of access to, from and within the site as follows:

The proposed basement car park layout, ramps and entrances/exits have been designed to provide ease of navigation and open sight lines for pedestrians and drivers. All residential car spaces will be provided within the basement levels which will be separate from Council's car parking spaces and entry/exit points.

Both Macquarie and Hassall Street streetscapes have been activated to create a clear delineation of the separate uses on the site. The Hassell Street and Macquarie Street frontages provide on grade accessible entries with ramps and a walkway to the car park.

The retail tenancy on the Macquarie Street ground floor level provides access from the adjoining public domain footpath with level entry and internal ramp/lift access within the retail area.

Internal Access

An Access Report in support of the development application was prepared by Accessibility Solutions.

The report concluded that the submitted plans demonstrate that the development can comply with the relevant objectives and design code requirements of the *Building Code of Australia, Disability Discrimination Act Premises Standards, SEPP 65* and the *Parramatta City Centre DCP 2011* – for mixed residential/retail developments in terms of accessible pathways, accessible retail areas and visitable housing for people with disabilities.

The report also concludes that units and associated common domain facilities will comply with fundamental spatial design criteria of *AS4299 Adaptable Housing* and consequently the *SEPP 65 Design Code* and *Parramatta City Council DCP 2011*.

Traffic

Council's Traffic Engineer has reviewed the application and recommended conditions of consent. Refer to Further Discussion in Section 7.4.

Utilities

Services are currently available to the site. A substation is proposed in the basement carpark.

Water

Sydney Water have advised that the proposed development would also require the decommissioning of existing utilities including the diversion of two existing 150mm diameter Sydney Water sewer pipes that traverse the site. This matter was addressed as part of the early works/site preparation development application.

Sydney Water have also advised that the drinking water main needs to be upsized to a 200mm main along part of the Macquarie Street frontage. A Section 73 Compliance Certificate under the Sydney Water Act 1994 will be required.

Flooding

Council's Development Engineer has reviewed the application and recommended conditions of consent. Refer to discussion contained in **Table 3-** Compliance with *PCCLEP 2007*.

Water Quality

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

A Soil and Erosion Plan has been prepared by Australian Consulting Engineers and has been submitted with the application.

Stormwater Management

Stormwater Concept Drawings have been submitted with the development application.

Soils

Contamination

Not relevant to this development application.

Geotechnical issues

Not relevant to this development application.

Air and Micro Climate

Dust is anticipated during the construction period. This impact can be managed through mitigation measures expressed in the submitted Construction Environmental Management Plan prepared by Environmental Investigations. Pedestrians will be protected from dust and debris by full perimeter chain wire mesh and shade cloth.

Appropriate conditions of consent will be recommended.

Wind

A Pedestrian Wind Environment Study prepared by Windtech was submitted as part of the development application. The study makes a number of recommendations to ensure that wind conditions at all trafficable areas within and around the site are acceptable for its intended use.

The proposed development is subject to a range of recommendations including the inclusion of densely foliating street trees along the Hassall Street frontage of the site and the western boundary of the through-site link. The report also makes recommendations for the communal open space on level 7 as well as various private balconies and terraces.

Conditions of consent will be recommended.

Noise and Vibration

Operational Noise

The Acoustic Report prepared by Day Design Pty Ltd identifies that the predicted noise emission from the above ground Council carpark and typical mechanical plant is in excess of acceptable noise criteria.

The two main sources of noise from the proposed development are:

- Mechanical services plant including air conditioning plant
- Road traffic associated with the Council Carpark development.

Accordingly engineering noise control measures will be required as part of the development. These measures include acoustically treating the mechanical plant and installing an acoustic panel over the opening between the precast concrete panels of the Council carpark. Appropriate conditions have been recommended.

Construction Noise

Construction noise is addressed in the Construction Environmental Management Plan, prepared by Environmental Investigations accompanying the application. The Construction Environmental Management Plan provides a series of recommendations to maintain vibration impacts at acceptable levels. The key to managing construction noise is to undertake all reasonable steps to muffle and acoustically baffle all plant and equipment. Best management practice and best available technology economically achievable practices are to be implemented as described in the Environment Protection Authority's *Industrial Noise Policy*.

Vibration

Both the Geotechnical Report and the Noise and Vibration Management component of the construction Environmental Management Plan recommend dilapidation reports to be prepared for buildings surrounding the construction site before the proposed works commence. Dilapidation reports were required as part of conditions of consent that formed the early works/site preparation works.

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

Ecologically Sustainable Development

Ecologically Sustainable Development principles have been incorporated into the design of the proposed mixed use development.

Solar Access

June 21st is the appropriate benchmark and shadow diagrams have been prepared for 9am, 12 noon and 3pm based on the worst case scenario of the winter solstice.

The shadow diagrams reveal that during the winter solstice the proposed development overshadows properties to the south east of the site. It is considered that the proposal would allow for acceptable solar access for these residential properties.

Reflectivity

A Solar Light Reflectivity Analysis prepared by Windtech Consultants was submitted with the development application. The report indicated that, to avoid any adverse glare to drivers and pedestrians on the surrounding streets and occupants of neighbouring buildings, and to comply with relevant planning requirements, all glazing used on the façade of the subject development is to have

a maximum normal specular reflectance of visible light of 20%. A condition of consent will be recommended to ensure that reflectivity of glazing does not exceed 20%.

The report notes that the subject development will not cause adverse solar glare to pedestrians or motorists in the surrounding area, or to occupants of neighbouring buildings, and will comply with the planning controls regarding reflectivity for the *Parramatta City Council DCP* and *SEPP 65*.

Waste

All waste will be stored within the communal garbage areas to be located on basement level 1 at the southern end of the building or level 1 at the northern end of the development adjacent to the residential car park entry and residential loading dock.

A Waste Management Plan prepared by Toplace Pty Ltd accompanies the application and outlines material wastes and measures for its recycling on site, off site and disposal for the demolition and excavation phases. Council's Waste Officer raised no objections to the proposed development subject to the imposition of conditions of consent.

Building Code of Australia

A Building Code of Australia Compliance Statement concludes that the proposed development is complying with the *Building Code of Australia* and will be subject to construction documentation that will provide appropriate details to demonstrate compliance or alternate solutions.

Construction Management

The application is accompanied by a Construction Environmental Management Plan prepared by Environmental Investigations which outlines general operational site measures during construction. Adherence to the Construction Environmental Management Plan will ensure that construction impacts are minimised.

The hours of construction nominated in the Construction Management Plan are:

- 7am to 5pm Monday to Friday
- 8am to 5pm on Saturdays
- No work to be carried out on Sundays or public holidays.

These hours are consistent with Council's standard hours of construction and a condition has been imposed to this effect.

The requirement to provide a Class A Type Hoarding was imposed on the Early Works/Site Preparation Development Application.

Crime and Public Safety

The proposed development provides for casual surveillance of the surrounding public domain through ground floor retail use and site through link. The site through link along the western boundary facilitates passive surveillance of the carpark and enables pedestrians to access the link directly.

A number of safety measures will be incorporated into the carpark including CCTV cameras to be installed at key locations in the carpark to provide images of all automatic pay stations, car park entries and exits. The CCTV images will be viewed remotely by the carpark operator. In addition to the CCTV cameras, intercoms will be installed and the provision of secure areas for all equipment associated with the operation of the carpark.

In regard to the residential units, a security intercom system will be provided to access the basement carpark and the main lobbies. Each unit will contain an intercom system to enable access for visitors to the basement carpark and lobby as required.

Crime Prevention through Environmental Design (CPTED) is a recognized model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the development, it is anticipated that this will assist in minimizing the incidence of crime and contribution to perceptions of increased public safety. It is recommended that a CPTED analysis be undertaken for the proposed retail spaces and a condition has been recommended.

An after hours security gate at both street frontages to secure the site through link is also proposed.

Social and Economic Impacts

There are no long term adverse social or economic impacts arising from the proposed development. Ultimately the proposed development will facilitate the development of a mixed use development (subject to approval) which will assist by providing additional housing and will assist in growing Greater Parramatta- Sydney's Second CBD, a key direction and action identified in Sydney's new Metropolitan Strategy for the next twenty years- *A Plan for Growing Sydney*. The proposed development will also result in the creation of some job opportunities due to the creation of new retail facilities and an upgraded Council carpark facility. Job opportunities would also be created during construction.

7.10 SECTION 79C(1)(c) – SUITABILITY OF THE SITE

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

7.11 SECTION 79C(1)(d) – ANY SUBMISSION MADE IN ACCORDANCE WITH THE ACT OR THE REGULATIONS

In accordance with the provisions of Section 89(3)(a) of the *EP&A Regulations 2000* and Council's *Notification Development Control Plan*, owners and occupiers of surrounding properties were given notice of the development application for a 30 day period between 16 January 2014 to 15 February 2014. In response 12 submissions were received, most using a proforma letter as a template. The issues raised within those submissions are summarised below:

- Overshadowing and solar access (10 instances)
- View loss (9 instances)
- Building Bulk and Streetscape (8 instances)

- Parking and traffic congestion (8 instances)
- Privacy (7 instances)
- Operational Noise (6 instances)
- Loss of property values (5 instances)
- Carparking operating hours (2 instances)
- Noise due to increased traffic (3 instances)
- Waste Management (3 instances)
- Removal of trees (3 instances)
- Stormwater drain on eastern boundary (1 instance)

Comments in relation to key concerns raised within the submissions are provided below:

Overshadowing and solar access

June 21st is the appropriate benchmark and shadow diagrams have been prepared for 9am, 12 noon and 3pm based on the worst case scenario of the winter solstice.

The shadow diagrams reveal that during the winter solstice the proposed development overshadows properties to the south east of the site, at the worst-case scenario. It is considered that the proposal would allow for acceptable solar access for these residential properties.

View loss

The proposed development complies with the relevant floor space ratio and height controls (apart from a minor exceedance of 1.2m to assist with level changes) that apply to the site. It is noted that view loss would still be an issue if the proposed development complied with the previous height limit on the site (54m). The increase in height limit has now facilitated more slender tower forms which will allow greater view corridors into and through the site.

Building Bulk and Streetscape

The Design Competition endorsed the position of the towers at the northern and southern extremities of the site in order to achieve a positive street front definition at Macquarie and Hassall Street.

The bulk of the building and streetscape has been supported through the Architectural Design Competition. The proposed development will exceed the heights of the established surrounding built form but is inevitable in a changing environment where planning controls allow greater density and height.

Privacy

Privacy is maintained through building design, separation, landscaping, window placement, deep balconies and winter gardens.

The proposal has been designed with regard to the protection of residential amenity of surrounding properties.

Parking and Traffic Congestion

The onsite parking provided for the residential private parking does not exceed the maximum number of parking spaces required. The traffic report submitted with the application confirms that the site is capable of accommodating traffic projected by the Council carpark through the upgrade of the intersection of Hassall Street and Wigram Street with a roundabout.

Operational Noise

Appropriate measures will be adopted during the construction stage to manage noise and vibration in accordance with Council requirements. After the initial construction period the proposed use is not expected to cause any adverse noise impacts. Conditions of consent have been recommended.

Loss of Property Values

Loss or increase to property values is not a town planning consideration.

Carparking Operating hours

The commercial car park operating hours have been conditioned to allow for access from 5.00am to 11.00pm Monday to Thursday , 5.00am to 12.00am Friday, Saturday and public holidays and 5.00am to 6.00pm Sundays. These hours of operation will ensure that residential amenity is maintained.

Noise due to increased traffic

An Acoustic Report has been submitted with the applicant and has recommended that an acoustic panel be installed over the opening between the precast concrete panels facing the nearby residential premises. An appropriate condition has been recommended.

Waste Management

Appropriate conditions to manage waste are recommended to be imposed.

Removal of Trees

The removal of trees on site has been addressed as part of the early works/site preparation development application. Nonetheless the proposal provides a high quality landscaped design. The site through link will be enhanced through the provision of 3m deep soil landscaping.

Stormwater Drain on Eastern Boundary

This matter has been addressed as part of the early works/site preparation development application.

Department of Education Submission (Rowland Hassell School, adjoining the site to the east)

The Department of Education has prepared a submission regarding the Planning Proposal however their comments are directly relevant to the proposed development that forms part of the development application. Their concerns are as follows:

- The interaction between the proposed built form envelope (height and massing) of the proposal and the existing school,
- Privacy impacts to the school's open space,
- Overshadowing impacts to school's open space,
- Increased car movements and parking on the adjacent site.

Comment

The proposed development provides good separation between adjoining developments. Overlooking is limited on lower levels of the development due to the six levels of carpark podium.

Some overshadowing will occur on part of the school site only, mostly in winter at 3pm. Given this is the worst case scenario and the largest shadows occur mid-winter after school hours, it is considered that this is not a significant issue.

The discussion above regarding built form/massing and car parking is also relevant in response to this submission.

7.12 SECTION 79C(1)(e) – THE PUBLIC INTEREST

The public interest is best served by the orderly and economic use of land for purposes in accordance with the prevailing planning controls. Since the proposed development promotes the orderly and economic use of the site in accordance with applicable planning controls and is a development where impacts on adjoining properties can be appropriately managed, the proposal is considered to be in the public interest.

The proposed development will facilitate the re-development of the site and provide for a new multi-storey Council carpark facility. The redevelopment is consistent with Council's *Integrated Transport Plan 2009/10 to 2014/15* and will assist in achieving these strategies for reducing car parking within the core of Parramatta and relocating to the periphery of the Central Business District.

The proposed development will also assist in providing additional residential apartments and commercial floor space on the edge of the Parramatta CBD, consistent with the initiatives identified in *A Plan for Growing Sydney*.

The provision of a through site link significantly improves the opportunity for pedestrian movement in this section of Parramatta. The quality features of the through site link with landscaped buffer and active retail uses will provide a significant public benefit. The activation of the Macquarie and Hassall Street frontages will activate this part of Parramatta and will assist in improving pedestrian safety and sense of security.

8 CONCLUSION

This report considers a development application submitted by Toplace Pty Ltd for 30 storey mixed use building containing 425 apartments (split into two (2) towers), 317m² retail space, 715 public car parking spaces over one (1) level of basement and six (6) levels of podium and three (3) levels of basement car parking containing 389 spaces for residential use.

The land owner is Parramatta City Council (and part Department of Education), and consequently Meinhardt was engaged to provide the JRPP with an independent town planning assessment of this application, including the preparation of this report.

The proposal will result in a design outcome endorsed by Council's Design Competition Jury and a building form which provides a positive interface with the public domain and a suitable level of amenity for future occupants. The proposed development will be consistent with recent multi storey development within the immediate vicinity of the site and is considered appropriate for the site.

The proposal will also assist in consolidating public parking provision and enable the site to be redeveloped into mixed use site facilitating growth of the Parramatta Central Business District.

An assessment of all of the environmental issues raised above, indicates that the proposed development is able to be conducted in a manner that would not result in any significant environmental impacts to the amenity of surrounding land users.

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

9 RECOMMENDATION

Pursuant to Section 80 (1)(a) of the *EP&A, Act 1979*, as amended:

- (a) That the Variation to Clause 21 – Building Height of the *PCCLEP 2007* be granted under the provisions of Clause 24;
- (b) That the variation to Clause 22D - Building Separation of the *PCCLEP 2007* be granted under the provisions of Clause 24;
- (c) That the Joint Regional Planning Panel – City West grant development consent to Development Application No. DA/852/2013 for the construction of a 30 storey mixed use development containing 425 apartments, 317m² of retail floor space, 715 public car parking spaces over one (1) level of basement and six (6) levels of podium and three (3) levels of basement car parking containing 389 spaces for residential use subject to the conditions in Schedule 1; and
- (d) That those persons who made a submission be notified.