



REPORT TO THE JOINT REGIONAL PLANNING PANEL (SYDNEY WEST)

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| JRPP Reference Number: | 2014SYW047 |
| Development Application: | DA/171/2014 |
| Property Address: | 12-14 Phillip Street and 331A-339 Church Street, Parramatta |
| Property Description: | Lot 1 in DP791693, Lot 2 in DP791693, Lot 3 in DP825045 and Lot A in DP333263 |
| Proposal: | Demolition of all existing structures; excavation of seven level basement carpark; tree removal; construction of a 41 storey mixed use building comprised of: 3 storey podium accommodating retail tenancies, a Council owned Discovery Centre and café and Conference Centre and a 38 storey residential tower with 413 residential apartments; stratum subdivision; and Public Domain improvements. |
| Estimated Value: | \$ 154,658,592 |
| Date Lodged: | <p>31 March 2014</p> <p>Further information received on:</p> <ul style="list-style-type: none"> • 16 July 2014 – Planning response to the issues raised in Council's letter of 23 May 2014. • 30 July 2014 – Letter response to Council's letter of 23 May 2014 and email of 24 July 2014 including: Geotechnical; Structural Engineering; Preliminary Shared Dock Study Options, Plans and Q&As; Legal Advice regarding existing rights of carriageway; Expert Operational Building Management Input; Waste Management and Grease Trap Servicing Input; Study of Telstra Infrastructure Impacts; Heritage; Urban Design; and Bus-Stop, Pedestrian Crossing and Vehicle set down options. • 12 September 2014 – Response to access matters including Plan, Section and Elevation of Split Dock; Loading Dock Assessment; and Traffic Compliance Testing and Right of Way Plan. • 20 October 2014 – Addendum to Flood Assessment, Discovery Centre Design Consideration Response, Impact and Mitigation Strategy, Residential Car Parking Provision and Telstra Cable Cost Investigations. • 31 October 2014 – Response to request for information including: updated Architectural Drawings; EPBC Referral Request with Urban Design Study; Clause 21A Architectural Roof Feature; and Variation Request to maximum Building Height under Clause 24. • 12 December 2014 – Response to request for information including: revised Statement of Heritage Impact, Construction Management Plan, Geotechnical Assessment and Architectural and design clarifications. • 20 February 2015 – Response to request for information including: updated Architectural Drawings, Public Domain Plans, Loading Dock and Phillip Lane Design Details, Section 88A/B Statement of Intent and Revised Flood Assessment. • 16 March 2015 – Zoning Overlay Plans, Updated Design Report Area Schedules, Loading Dock and Phillip Lane Design Details, Updated Traffic Impact Assessment, Revised Public Domain Plan and Letter in response to the peer review of the Impact and Mitigation Strategy. |
| Owner: | Parramatta City Council and a small part by Roads and Maritime Services |
| Applicant: | LIDIS Group Pty Ltd |
| Council Planner: | Anthony Newland – Service Manager Development Assessment |
| Report Author: | Robert Power – Principal Heritage & Statutory Planning, WorleyParsons Services Pty Ltd |



EXECUTIVE SUMMARY

This Report is an assessment of a Development Application (DA) for a mixed use development known as “**Riverside Parramatta**” (the proposed development) at 12-14 Phillip Street and 331A-339 Church Street, Parramatta (the site).

The DA is “*Integrated Development*” in accordance with Section 91 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act) being development located within 40 metres to a waterway and an aquifer interference activity (dewatering) in accordance with **Section 91** of the *Water Management Act 2000* and may impact on the passage of fish in accordance with **Section 219** of the *Fisheries Management Act 1994*.

In addition, as the site may potentially contain European relics and/or Aboriginal Artefacts, the following permits have been obtained by the Applicant:

- Section 140 permit under the *Heritage Act 1977* from the Heritage Division of the Office of Environment and Heritage (OEH) for excavation of a site containing potential European relics; and
- Section 90 permit under the *National Parks and Wildlife Act 1974* from the OEH for excavation of a site containing potential Aboriginal artefacts.

Certain aspects of the proposed development were not permissible under the provisions of *Parramatta City Centre Local Environmental Plan 2007* (the LEP). Therefore, the DA was supported by a Planning Proposal to amend the LEP to facilitate the proposed development, as follows:

- Re-align the RE1 Public Recreation and B4 Mixed Use zone;
- Permit an increase of maximum building height limit from **80** metres to **150** metres;
- Re-align the **12** metre height restriction for the Church Street frontage to match adjoining Church Street allotments;
- Set a maximum floor space ratio (FSR) of **12:1** on the site; and
- Based on a further assessment of significance, de-list heritage item (No. 89) at 333/335 and 337A/337 (referred to as 339 in the heritage schedule to the LEP) Church Street from *Schedule 5 Environmental heritage* of the LEP.

Determination of the DA was contingent on the making of the Planning Proposal. It is also accompanied by a Voluntary Planning Agreement (VPA) which proposes to deliver a number of community benefits on the site and in the surrounding area.

The Planning Proposal was made as Amendment No 11 to the LEP on 20 February 2015.

The VPA was executed on 13 February 2015.

The site comprises the whole of Lots 1 and 2 DP791693, Lot 3 DP825045 and Lot A DP333263. Lots 1, 2 and Lot 3 are owned by Parramatta City Council whilst Lot A is owned by Roads and Maritime Services.

It is to be noted that notwithstanding the excavation at the site, the “Archaeological/terrestrial” heritage listing at 331A Church Street will be retained. As shown on **Figure 7** there are a number of other heritage items located in the vicinity of the site.



The Applicant has advised that the Capital Investment Value (CIV) is **\$154,658,592** which is above the \$5 million threshold in Schedule 4A of the EP&A Act that requires determination by the Joint Regional Planning Panel for Council related applications.

The Council, as landowner, has an interest in the site. Therefore, it has engaged WorleyParsons Services Pty Ltd to provide an independent planning assessment of the application, including the preparation of this assessment report and if appropriate, to prepare draft conditions of consent for the proposed development should the Joint Regional Planning Panel approve the application.

The DA was publicly notified at the same time as the Planning Proposal from 16 April 2014 and 23 May 2014. A total of 20 public submissions were received. Direct consultation with affected Church Street property owners in relation to amended plans for the shared dock took place in October 2014, and 2 written submissions were received. Further consultation was undertaken in February 2015 with updated plans for the shared dock, in which two submissions were received.

The key concerns raised within the submissions are as follows:

- Impact to access to rear of Church Street properties – parking, deliveries and servicing during construction and operation;
- Impact to access to Phillip Street properties during construction and operation;
- Economic impact to Church Street properties/businesses;
- Loss of public car parking;
- Design and operation of Phillip Lane;
- Access to Oyster Lane;
- Fire safety – access and egress;
- Lack of consultation;
- Site planning and building design covering;
- Dilapidation reporting, rock anchors and damage to adjoining properties;
- Controlled access to lane and dock; and
- Non-compliance with a number of key controls in the DCP and Council policies including:
 - Zoning and building heights
 - Building separation
 - Deep soil landscaping
 - Building depth and bulk
 - Street frontage and height
 - Building design variety
 - Lack of vision in building
 - River health and ecology

General Terms of Approval have been received from the NSW Office of Water and the Department of Primary Industries (Fisheries NSW), respectively.

Comments have been received from Roads and Maritime Services and the Heritage Division of OEH.

Comments on the application and recommended conditions of consent have also been provided from the respective Council departments.



An assessment of the likely impacts of the proposed development has been undertaken in accordance with Section 79C(1)(b) of the EP&A Act. The impacts evaluated are matters relating to:

- Context and setting
- Access
- Traffic and Parking
- Cultural Heritage
- Aboriginal and Historic Heritage Archaeology
- Flooding
- Stormwater Management
- Contamination
- Geotechnical
- Noise and Vibration
- Flora and Fauna
- Solar Access
- Reflectivity
- Visual
- Wind
- Waste
- Building Code of Australia
- Construction Management
- Crime and Public Safety
- Social and Economic

This assessment report: a) concludes 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 and b) recommends that the application be approved subject to the conditions contained in **Schedule 1**.



1. BACKGROUND

The Development Application (DA) is for a mixed use development known as “**Riverside Parramatta**” (the proposed development) at 12-14 Phillip Street and 331A-339 Church Street, Parramatta (the site).

The Applicant for the proposed development is LIDIS Group Pty Ltd.

The DA is for the whole of Lots 1 and 2 DP791693, Lot 3 DP825045 and Lot A DP333263.

Lots 1, 2 and Lot 3 are owned by Parramatta City Council (the Council). Lot A is owned by Roads and Maritime Services.

A summary of the background and history of the DA is provided below.

1.1 Design Excellence Process

The proposed development has been informed by Council’s works brief, which arose out of an earlier ideas competition for this important gateway site to the Parramatta CBD. The Applicant and the Council entered into a **Property Development Agreement** to develop the site.

The proposed development was granted design excellence via an alternate design excellence process with the architectural firm – Johnson Pilton Walker (JPW) guided by a design excellence review panel (as opposed to a full design excellence competition). Clause 22B of the Parramatta City Centre Local Environmental Plan 2007 (the LEP) allows for this alternate process, subject to the concurrence of the Director-General (or Delegate) of the Department of Planning and Environment (the Department).

1.2 Planning Proposal

As certain aspects of the proposed development were not permissible under the LEP, the Council considered and adopted a Planning Proposal on 9 December 2013. It was submitted to the Department for Gateway Determination. The Planning Proposal sought to amend the planning controls for the site in the LEP as follows:

- Re-align the RE1 Public Recreation and B4 Mixed Use zone;
- Permit an increase of maximum building height limit from **80** metres to **150** metres;
- Re-align the **12** metre height restriction for the Church Street frontage to match adjoining Church Street allotments;
- Set a maximum floor space ratio (FSR) of **12:1** on the site; and
- Based on a further assessment of significance, de-list heritage item (No. 89) at 333/335 and 337A/337 (referred to as 339 in the heritage schedule to the City Centre LEP) Church Street from **Schedule 5 Environmental heritage** of the LEP.

The Gateway Determination was made on 27 February 2014. The public notification of the Planning Proposal was held concurrently with the DA between 16 April 2014 and 23 May 2014.

At the Council meeting of 28 July 2014, Council resolved to endorse the Planning Proposal and forward it to the Department of Planning & Environment with a request to make the LEP amendment.



Amendment No. 11 to the LEP reflects the changes arising from the Planning Proposal. These amendments were gazetted and came to effect on 20 February 2015.

1.3 Development Application

The DA for a mixed use development known as Riverside Parramatta was lodged with the Council on 31 March 2014. Land owners consent from Roads and Maritime Services (RMS) was received on 28 May 2014 for Lot A DP333263. Land owners consent from the Council was received on 28 May 2014 for Lots 1 and 2 DP791693 and Lot 3 DP825045.

As noted above, the DA was publicly notified at the same time as the Planning Proposal. A total of 20 public submissions were received. Direct consultation with affected Church Street property owners in relation to amended plans for the shared dock took place in October 2014, and 2 written submissions were received. Further consultation was undertaken in February 2015 on updated plans for the shared dock, in which two submissions were received.

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- Design and operation of Phillip Lane;
- Access to Oyster Lane;
- Fire safety – access and egress;
- Lack of consultation;
- Site planning and building design covering;
- Dilapidation reporting, rock anchors and damage to adjoining properties;
- Controlled access to lane and dock; and
- Non-compliance with a number of key controls in the DCP and Council policies including:
 - Zoning and building heights
 - Building separation
 - Deep soil landscaping
 - Building depth and bulk
 - Street frontage and height
 - Building design variety
 - Lack of vision in building
 - River health and ecology

The applicant has advised that the **Capital Investment Value (CIV) is \$154,658,592** which is above the \$5 million threshold in Schedule 4A of the EP&A Act that requires determination by the Joint Regional Planning Panel for Council related applications.

A series of requests for additional information have been submitted to the Applicant during the DA assessment stage. Responses to these requests have included meetings with and presentations to the Sydney West Joint Regional Planning Panel (JRPP), the Council, the Heritage Division and consultation with adjoining Church Street landowners. A summary of the additional meetings is provided below:



- 10 June 2014 – meeting with the Council and the Applicant to discuss flooding, traffic and urban design matters;
- 16 June 2014 – meeting with the Council, the Applicant and the Heritage Division to discuss issues raised by the Heritage Division with regard to the Planning Proposal and DA;
- 15 July 2014 – meeting with the Church Street landowners who adjoin the subject DA site in relation to access issues;
- 21 July 2014 – meeting held between the Council and the Applicant to discuss the key DA issues;
- 4 September 2014 – presentation to the JRPP by the Applicant;
- 9 October 2014 – meeting with the Heritage Division to discuss the impact of the proposed development on the Old Government House and Domain;
- 3 November 2014 – meeting held with the Church Street landowners who adjoin the subject DA site in relation to access issues;
- 21 November 2014 – briefing with the Council's Chief Executive Officer and Senior Officers and the Applicant to discuss the outstanding DA issues;
- 19 December 2014 – meeting with the Applicant to discuss design solutions to access matters relating to the interface between the proposed development and the rear sections of the adjoining properties facing Church Street as well as the relocation of pedestrian/visitor access from Church Street into the podium element of the proposed development; and
- 3 March 2015 – teleconference with the Applicant to discuss the outstanding DA issues.

1.4 Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) offer has been made to Council which proposes a number of tangible community benefits (including a monetary contribution) to be delivered as part of the Riverside Parramatta project in lieu and in excess of Section 94A payments. The offer was reported to the Council meeting on 9 December 2013 at which Council resolved to proceed with negotiations for a Voluntary Planning Agreement for the site. The VPA has been executed by Council on 13 February 2015.



2. SITE LOCATION AND DESCRIPTION

The site is located at 12-14 Phillip Street and 331A-339 Church Street, within the local government area of the City of Parramatta. The site comprises four lots, namely the whole of Lots 1 and 2 DP791693, Lot 3 DP825045 and Lot A DP333263. Lots 1, 2 and Lot 3 are owned by Parramatta City Council whilst Lot A is owned by Roads and Maritime Services (RMS). Refer to **Figure 1 and 2** below for a Location Plan and Aerial View.

The site is located on the immediate southern foreshore of Parramatta River within the northern section of the CBD. It is located approximately 800 metres north of Parramatta Railway Station.

It is bounded by Church Street and Oyster Lane to the east, Marsden Street to the west, the foreshore of Parramatta River to the north and Phillip Street through Phillip Lane to the south. Phillip Lane provides the only vehicular access to the site. Oyster Lane is a pedestrian thoroughfare. Pedestrian access is gained from Marsden Street as well as across the RMS land between the northern boundary of the site and Parramatta River at the junction with Lennox Bridge and Church Street.

The site is irregular in shape and has a total site area of 6,281 m². The site has a frontage to Church, Street of 42m, 14m to Phillip Street and 10m to Marsden Street. The greater part of the site is currently occupied by the 72 car space known as the “**Lennox Bridge Public Car Park**”, operated by the Council. A two-storey commercial building is located at 333 Church Street, and 339 Church Street is the vacant RMS land.

The site has the following land affectations:

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| Aboriginal Sensitivity: | Moderate to high potential |
| European Archaeological Significance: | High archaeological significance |
| Acid Sulfate Soils: | Classes 1 and 4 |
| Flooding: | Affected by 1 in 20 year, 1 in 100 year and Probable Maximum Flood levels |
| Heritage: | One item listed under the LEP, “Archaeological/terrestrial” located at 331A Church Street. |
| Easements: | Easement C415677 to Council for the wall of Lennox Bridge Easement C418127 for party wall along common boundary between former Lots B and C 333263 (consolidated in 1992 as Lot 3 DP825045) |

Figures 3 to 6 provide photographs of the site.

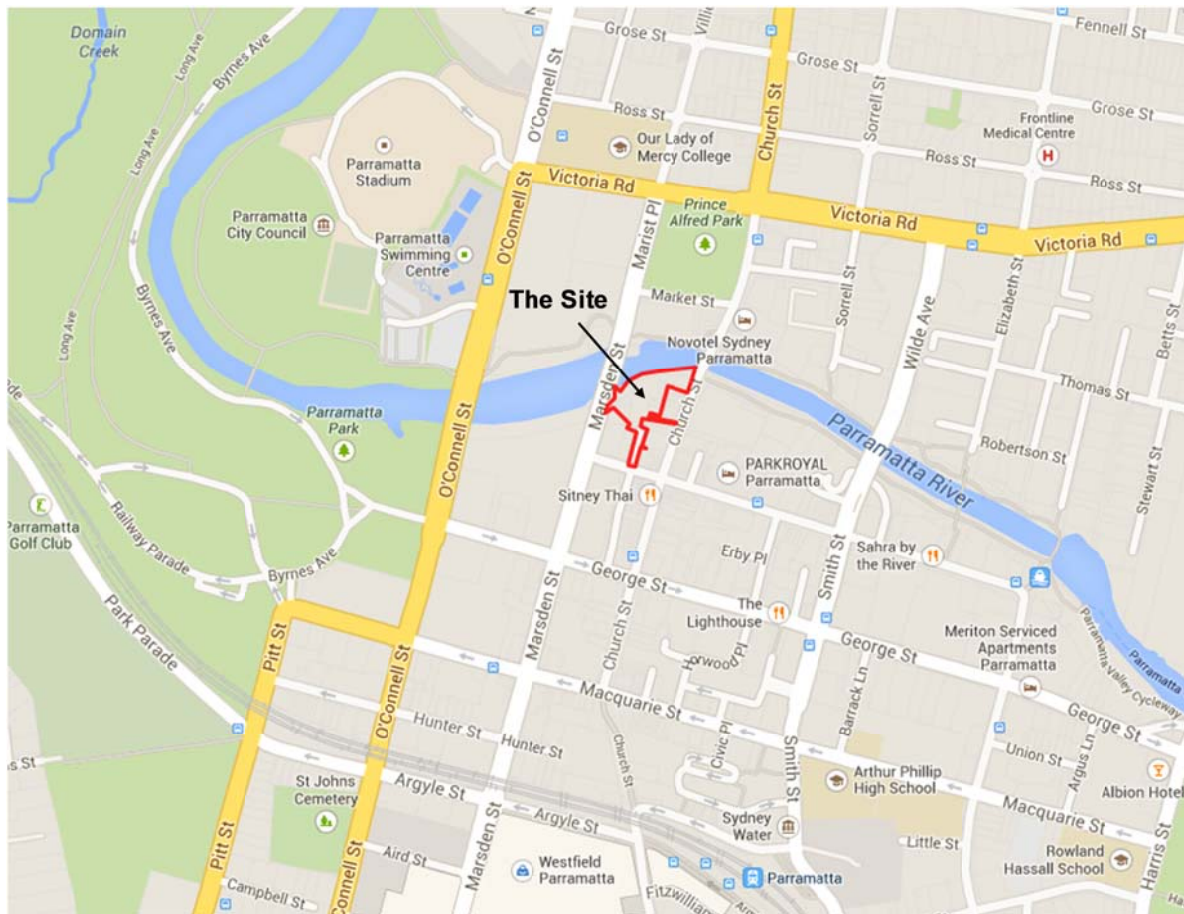


Figure 1 – Location map (Source: Google Maps, 2014)



Figure 2 – Site aerial (Source: JBA, 2014)



Figure 3 – View looking south to the site from Lennox Bridge
(Source: WorleyParsons, 2014)



Figure 4 – View looking east from Marsden Street across the site with Parramatta River to the left
(Source: WorleyParsons, 2014)



Figure 5 – View looking west of the two existing mixed use buildings at 333-337 Church Street to be demolished (Source: WorleyParsons, 2014)



Figure 6 – View looking north through Phillip Lane with existing commercial development in Phillip Street and Parramatta Riverside Theatre in the distance with car parking on the eastern side. Service access to the business premises is off Phillip Lane. (Source: WorleyParsons, 2014)



3. SURROUNDING CONTEXT

Given its CBD location, the context of the site is composed of a wide variety and scale of commercial, retail, hospitality, residential and public infrastructure (refer to **Figure 7**), notably:

- Lennox Bridge to the northern edge (State Heritage Register).
- Single to three storey buildings with retail, commercial and restaurant uses along Church Street, particularly to the south, and Phillip Street;
- A five storey mixed use building at 10 Phillip Street;
- A five storey residential flat building at 100 Marsden Street;
- St Andrew's Uniting Church, corner of Phillip and Marsden Streets (State Heritage Register); and
- The Justice Precinct is located in Marsden Street to the south and south west

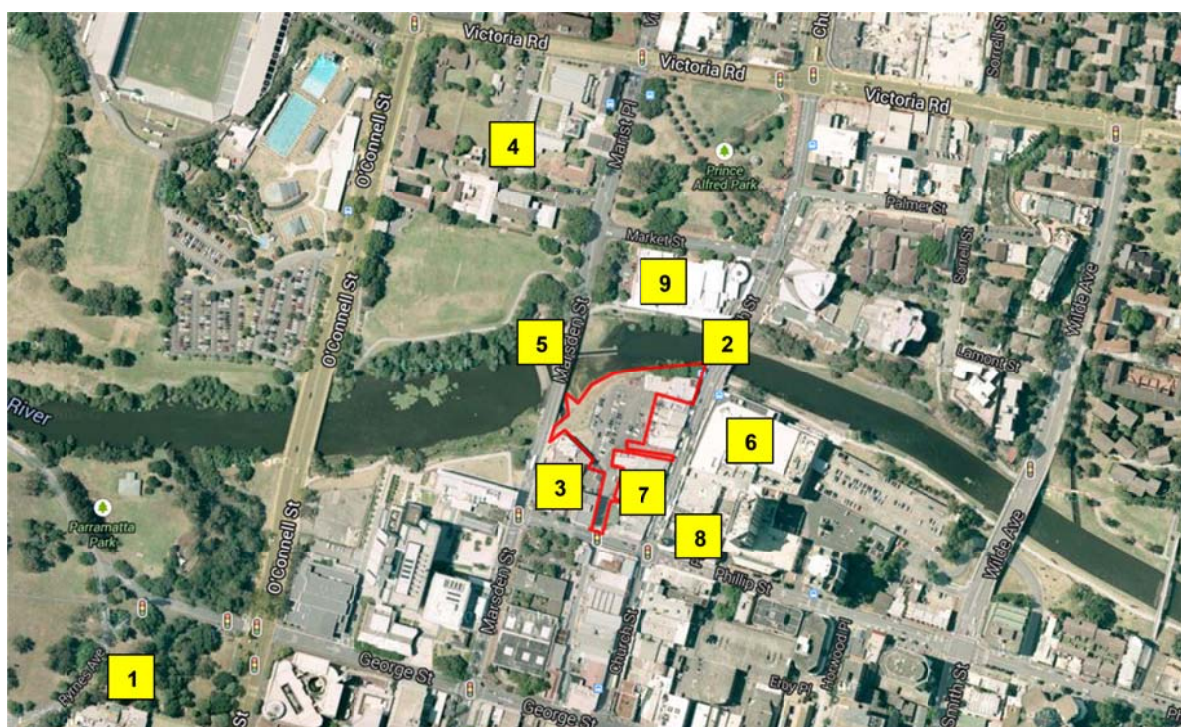


Figure 7 – Site Context (Source: Google Maps, 2015)

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|-------------------------------------|-------------------------|---------------------------------------|
| 1 = Old Government House and Domain | 2 = Lennox Bridge | 3 = Former St Andrew's Uniting Church |
| 4 = Former Kings School | 5 = Parramatta Dam weir | 6 = 330 Church St Redevelopment |
| 7 = Church St Shops | 8 = Former ANZ Bank | 9 = Riverside Theatre |

Directly opposite the site and currently under construction is the Meriton mixed use development at **330 Church Street**. This development comprises an eastern tower with a maximum building height of **109.3 metres** and western tower of **177.1 metres**.

The site is located approximately 200m east of the buffer for the UNESCO World Heritage listed “*Old Government House and Domain*”. The Commonwealth Department of Environment has advised the Applicant that the proposed development is **not** a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999*. There are a number of other heritage items located in the vicinity of the site.



4. PROPOSED DEVELOPMENT

Consent is sought for the following:

1. Demolition of all existing structures on the site including two mixed use two storey buildings, at 333-337 Church Street, removal of trees and removal of the Lennox Bridge Car Park.
2. Excavation for a seven-level basement car park for 383 car spaces (including 375 spaces for residential apartments, 5 spaces for Council's "**Discovery Centre**" and 3 "**Car Share**" spaces), 14 motorcycle spaces, lift and plant facilities.
3. Construction of a 41 storey mixed use building comprising:
 - A three storey podium with:
 - **Ground Floor:** Retail uses including bar, restaurant and café uses accessed from Church and Marsden Streets and a shared loading dock accessed from Phillip Street along Phillip Lane.
 - **Level 1:** Council owned "**Discovery Centre**" and Café accessed from Church Street via escalator, lifts and stairs.
 - **Level 2:** Privately operated "**Conference Centre**" with publicly accessible Lobby, Riverside Terrace and Balcony Areas accessed via stairs, escalator or lift from the Discovery Centre.
 - A 38 storey residential tower comprising residential amenities on Level 3 above the podium, plant and 37 levels with 413 residential apartments having the following mix:
 - **20 studio** apartments
 - **129 one-bedroom** apartments
 - **260 two-bedroom** apartments
 - **4 three-bedroom** apartments
4. Stratum subdivision into four stratum lots and various Torrens title freehold lots for the residue land as follows:

Stratum Lot 1:

- Ground floor retail and colonnade;
- Retail uses situated below the colonnade and facing the riverfront; and
- Amenities on ground floor and forecourt areas to the north of the residential lobby.

Stratum Lot 2:

- Council's Discovery Centre and Cafe on Level 1;
- Escalators and staircase from ground floor entry to Level 1; and
- Showcase on the southern wall adjacent to the escalators at Church Street entry, as well as plant room on Level 3 (exact size and location to be confirmed) servicing the Discovery Centre.

Stratum Lot 3:

- Conference Centre and Terrace Area on Level 2;
- Escalators and staircase from Level 1 to Level 2; and
- Goods lift and commercial lifts servicing ground floor colonnade to Levels 1 and 2, as well as plant room on Level 3 (exact size and location to be confirmed) servicing the Conference Centre.



Stratum Lot 4:

- Residential lobby on ground floor;
- Stand-alone retail space south of and adjacent to the residential lobby;
- Basement car park and entry ramp;
- Amenities floor;
- Residential tower:
- Loading Dock and garbage handling rooms;
- Substation chamber on Level 1;
- All forecourt areas to the south of the residential lobby; and
- Lift core and lifts Nos. 1, 2, 3 and 4 running through from basement level 7 to the top of the residential tower and all related fire stairs.

Note: Stratum Lot 4 will be further subdivided into a multiple lot residential strata plan, which will include five car spaces and storage space situated on Basement Level 1 to be given back to Council.

Torrens title freehold lots:

- Council residue land containing:
 - Phillip Lane;
 - Oyster Lane; and
 - Realigned and sculptured riverbanks (public domain on the South Bank of the river) to be dedicated to Council.
5. Public domain improvements across the site particularly along the Parramatta River Foreshore area which includes: creation of “Foreshore Boardwalk”, with café, lifts and stairs and steps to give access to the Ground Floor Colonnade, Marsden Street and Church Street Entry, Flood Doors and Tree plantings, continuous, accessible pedestrian and cyclist networks together with passive and active recreation zones and the upgrade of Phillip Lane to provide for vehicles and pedestrians (but not as an RMS shared zone).

Refer to the Site Plan Proposed Site and Public Domain Plan Aerial View, prepared by JPW in **Figures 8 and 9** and the two Photomontages also prepared by JPW in **Figures 10 and 11**.

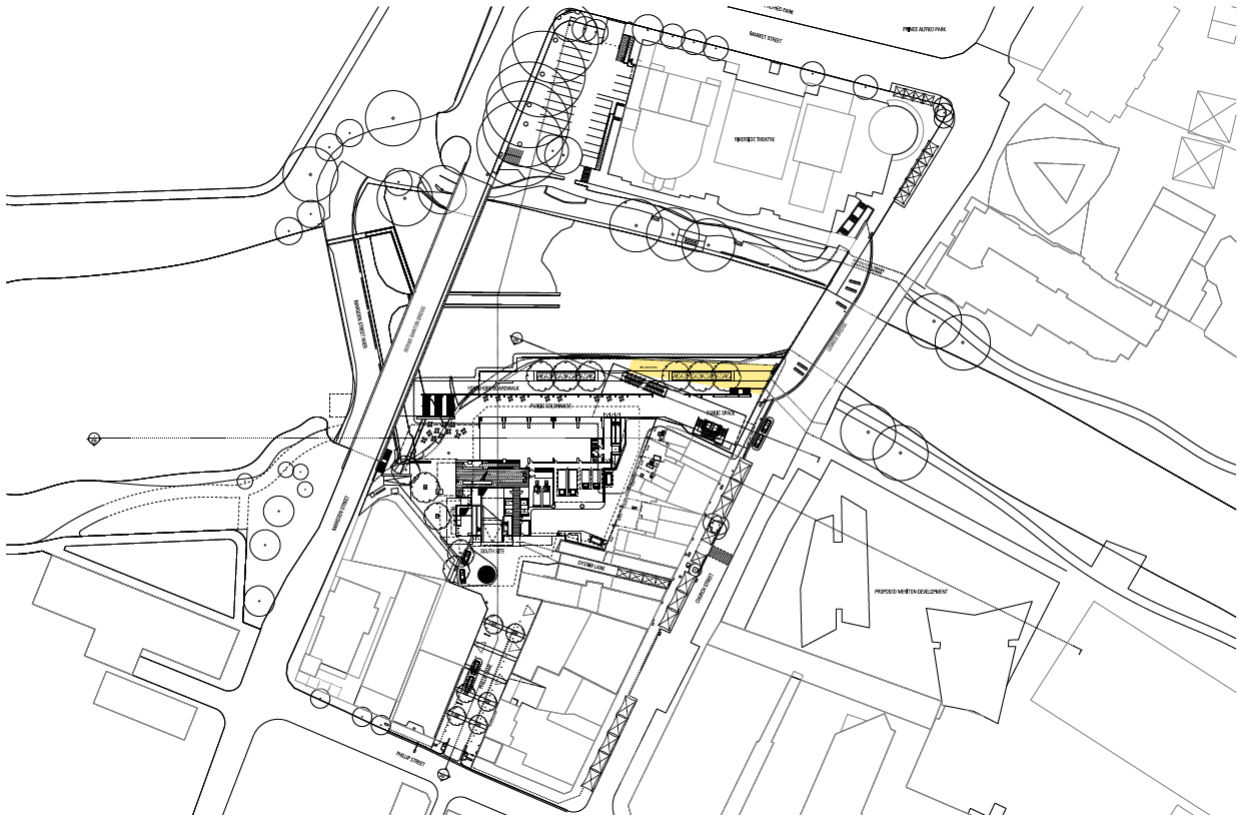


Figure 8 – Site Plan Proposed Site (Source: JPW, Drawing No. DA-0-51, 28/01/15)

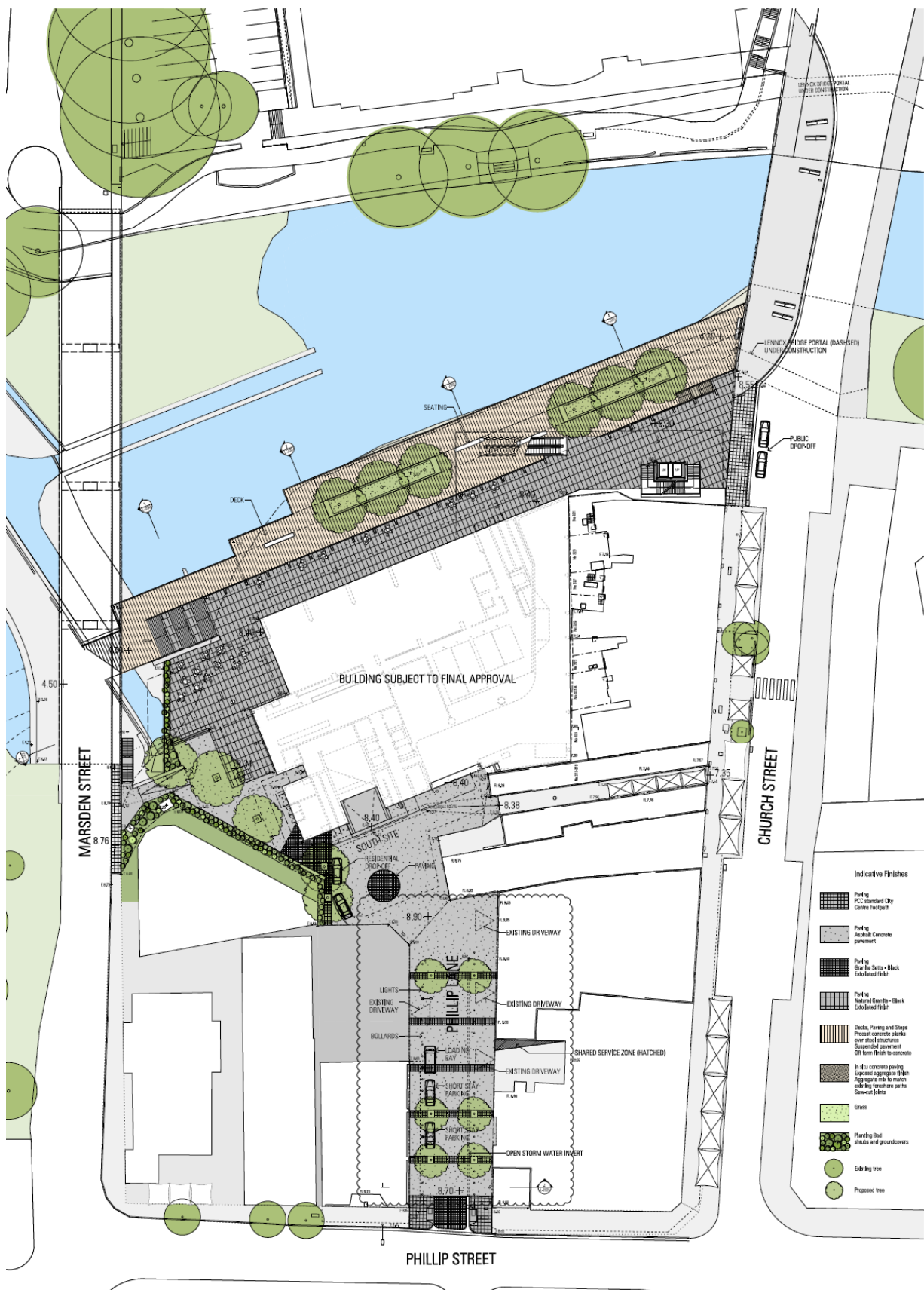


Figure 9 – Public Domain Plan Aerial View (Source: JPW, Drawing No. L-001, 16/03/15)



Figure 10 – Photomontage view from Lennox Bridge looking south and west
(Source: JPW, Drawing No. DA-A-803, 28/01/15)



Figure 11 – Photomontage view from O'Connell Street looking east
(Source: JPW, Drawing No. DA-A-806, 28/01/15)



5. REFERRALS (EXTERNAL/INTERNAL)

5.1 External Referrals

Table 1 below provides a summary of the referrals received from external authorities.

Table 1: External Referrals

| AGENCY NAME | RESPONSE AND COMMENTS |
|---|--|
| NSW Office of Water | <p>The DA was referred to the NSW Office of Water pursuant to Section 91 of the <i>Water Management Act 2000</i> as the proposed development is within 40 metres to a waterway and an aquifer interference activity (construction dewatering).</p> <p>On 22 April 204 and 13 May 2014, the NSW Office of Water raised no objections and issued General Terms of Approval.</p> |
| Department of Primary Industries (Fisheries NSW) | <p>The DA was referred to the Department of Primary Industries (Fisheries NSW) pursuant to Section 219 of the <i>Fisheries Management Act 1994</i>.</p> <p>On 28 May 2014, Fisheries NSW raised no objections and issued General Terms of Approval.</p> |
| Roads and Maritime Services | <p>The DA was referred to Roads and Maritime Services (RMS) pursuant to Clause 104(3) and Schedule 4 to <i>State Environmental Planning Policy (Infrastructure) 2007</i>, as the development provides more than 300 dwellings that connects to any road. On 2 May 2014, RMS provided the following comments for consideration:</p> <p><i>Phillip Lane needs to be widened to allow simultaneous entry and exit of the longest vehicles to services the site. Service vehicles and cards should be able to enter and exit simultaneously to minimise traffic congestion on Phillip Street and adjacent road network.</i></p> <p><i>If widening of Phillip Lane is not feasible, Phillip Lane should be made one-way entry only and the exit access could be provided via Church Street.</i></p> <p>In relation to Phillip Lane, it is proposed that a RMS Shared Zone will not be provided as the lane has been designed to accommodate pedestrian and vehicle movements safely by high quality design and construction detail and materials as shown on the Public Domain Plans. RMS also provided a response on 28 May 2014 in relation to the Planning Proposal which is relevant for consideration in this DA:</p> <ol style="list-style-type: none"> <i>The area shaded green on the attached aerial is owned by RMS, but notified as a reserve, placed under the care and control of Council. This reserve (unlimited in height and depth) should be limited to Council public domain improvements.</i> <i>The proposed shared zone should be designed and constructed in accordance with Roads and Maritime Guidelines and Technical Direction 2000/6.</i> <i>The proposed drop off/pick up zone on Church Street should be referred to Council's Local Traffic Committee for approval and consultation undertaken with the State Transit Authority on the relocation of the existing bus zone.</i> <p>In relation to Item 1 above, works to the RMS land will be limited to public domain improvements including the creation of the Foreshore Boardwalk. Details are outlined in the Public Domain Plan L-001</p> <p>In relation to Item 2, see the response above.</p> <p>In relation to Item 3, it is proposed that a public drop off area will be provided on Church Street. Swept path diagrams in the GTA letter of 16 March 2015 confirm that two cars or one 7.7m minibus can safely use this area.</p> |



| AGENCY NAME | RESPONSE AND COMMENTS |
|-------------------------|---|
| Heritage Council of NSW | <p>The DA was referred to the Heritage Division of the Office of Environment and Heritage. The Heritage Division provided its response to both the Planning Proposal and application on 29 May 2014. Key issues raised by the Heritage Division include:</p> <ul style="list-style-type: none"> • Divergence from the planning principles that underpinned the 1999 Sydney Regional Environmental Plan 28 – Parramatta and the LEP. • The proposed planning control changes are not consistent with the planning guidelines contained within the Planisphere 2013 to manage the growing city's interface with Parramatta Park World Heritage Area. The Heritage Council considers that the site is still within a zone which calls for extra sensitivity in terms of height and bulk for new developments. • The Statement of Heritage Impact does not make a sufficient case for the removal of the built heritage located at 333-339 Church Street from the Heritage Schedule of the LEP. • As there is evidence for historical archaeology at the subject site, namely 'relics' within the meaning of the NSW Heritage Act, 1977, an approval would be required from the Heritage Council to remove or disturb the archaeology. • It is also likely that this site has pre 1788 Aboriginal archaeology and approval under the National Parks & Wildlife Act 1974 would be required to remove it. • The Statement of Heritage Impact does not adequately consider the impact of the proposed development on views from the significant item, Old Government House and Domain (OGHD) and on its setting. • The Statement of Heritage Impact does not adequately consider how the new development will intersect with and impact the State Heritage Listed Lennox Bridge. • Further documentation regarding potential impacts on native species including the water dragon arising from this development proposal should be undertaken and referred to relevant sections of the Office of Environment & Heritage for comment. <p>The following responses have been made by the Applicant to the above key issues:</p> <ul style="list-style-type: none"> • Meeting with Heritage Division on 16 June 2014. • Letter response dated 24 June 2014 in relation to: <ul style="list-style-type: none"> ◦ The proposed de-listing of the two heritage items fronting Church Street; ◦ The consideration of the proposal in relation to the requirements of the <i>Environment Protection and Biodiversity Control Act 1999</i> (EPBC Act); and ◦ The visual setting of the proposed development in relation to Lennox Bridge. • Email correspondence between the Applicant's Planner and the Heritage Division, dated 16 July 2014. • Letter response dated 17 July 2014 in relation to: <ul style="list-style-type: none"> ◦ The proposed de-listing of two locally-listed heritage items fronting Church Street; and ◦ The impact of the proposal on the World heritage-listed values of OGHD. • Meeting with the Heritage Division on Meeting with the Heritage Division to discuss the impact of the proposed development on the OGHD. • Additional information forwarded to the Heritage Division in December 2014 in relation to assessment impacts on the State and Local heritage significance of the OGHD. <p>Some of the matters raised in the submission by the Heritage Division are beyond the scope of matters that fall within the ambit of matters relating to the proposed development. It is considered that the Applicant has addressed the key issues raised by the Heritage Division.</p> <p>It is noted that the buildings at 333-339 Church Street have been de-listed as the Planning Proposal was made as Amendment No 11 to the LEP on 20 February 2015.</p> <p>In relation to the impacts to the OGHD, a revised Statement of Heritage Impact was submitted in December 2014, which concluded that:</p> <p><i>"As both Parramatta Park and OGH are well removed from the subject site at 333 Church Street, there will be no adverse impacts on the [State] heritage significance of</i></p> |



| AGENCY NAME | RESPONSE AND COMMENTS |
|-------------|--|
| | <p><i>these sites arising from the proposed development on the subject site.”</i></p> <p><i>“The early significant historical views looking east from the main frontage of the House down the axis of High Street and across the river valley to the Lennox Bridge and former Kings School, are now largely obscured by dense rows of trees to the east and north-east of the House and the intervening modern bridges. Thus there are currently no low level, visual connections with the subject site, Lennox Bridge or former Kings School. Accordingly, the only potential impacts on views from Old Government House are to the Parramatta CBD.”</i></p> <p><i>“The visual impact of the tower on north-eastern views from OGH will be mitigated by its distance from OGH and by its relationship with other new high rise buildings in Parramatta CBD, most notably the Meriton building at 330 Church Street, which is currently in construction.”</i></p> <p><i>“Accordingly, in terms of Parramatta LEP 2007, the proposal is not likely to have unacceptable impacts on the heritage significance of OGH and Parramatta Park.”</i></p> |



5.2 Internal Referrals

Table 2 below provides a summary of the referrals and comments received from internal Council departments.

Table 2: Internal Referrals

| COUNCIL DEPARTMENT | RESPONSE AND COMMENTS |
|---|--|
| Catchment Engineer | <p>Council's Catchment Engineer provided comments in relation to the site's flood levels and the requirements to address the Commercial & Industrial" controls located in a <u>High Flood Risk</u> Precinct as per Council's Local Floodplain Risk Management Policy. Conditions were recommended in relation to the provision of Water Sensitive Urban Design (WSUD) measures, on-site detention (OSD) system and the development of an Integrated Water Cycle Management (IWCM) scheme.</p> <p>The Applicant submitted an Addendum to the Flood Assessment on 20 October 2014 to address the comments raised. Council's Catchment Engineer confirmed that the Addendum was acceptable on 10 November 2014.</p> <p>A further Revised Flood Assessment was submitted on 25 February 2015. The revised flood impact report has been reviewed and is considered to be acceptable by Council's Catchment Engineer, however one of the submitted transects is noted to be marginal and <i>no further impact</i> to river heights will be entertained through extension of the podium to the north in the future.</p> <p>The proposed development has adopted the unique concept of flood doors for the café and other facilities below the 1 in 100 year flood level. This is something new to Parramatta and possibly Sydney, however the Applicant's Engineer and Council's Catchment Engineer have noted the concept can work satisfactorily, subject to further design and detail to be submitted to the Council prior to the issue of a Construction Certificate.</p> <p>It is noted that on-site detention system has been provided on the site below the ground floor retail spaces. Other matters recommended by the Council's Catchment Engineer in relation to WSUD, OSD and IWCM will be imposed as conditions.</p> |
| Environmental Health – Food | <p>Council's Environmental Health (Food) Officer advised that there is insufficient detail provided in the application documents that relate to the fit-out and use of the food premises within the development in order for a proper assessment of the development be undertaken in terms of suitability and compliance with the relevant food safety regulations and standards. Conditions will be imposed on the consent to ensure compliance with the relevant food regulations and standards.</p> |
| Environmental Health – Acoustic | <p>Council's Environmental Health (Acoustic) Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent and further submission and review of an additional acoustic report at Construction Certificate stage.</p> |
| Environmental Health - Contamination | <p>Council's Environmental Health (Contamination) Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent.</p> |
| Heritage Advisor | <p>Council's Heritage Advisor provided comments in relation to heritage listings and Aboriginal and European archaeological matters. It was noted that the removal of the heritage items at 333-335 Church was considered imminent and, in this context, the local heritage matters were deemed resolved.</p> <p>The matters raised by Council's Heritage Advisor have been addressed in the Statement of Heritage Impact and the obtainment of the archaeological permits.</p> |



| COUNCIL DEPARTMENT | RESPONSE AND COMMENTS |
|--|--|
| Building Surveyor | Council's Building Surveyor provided advice that they raised no objections to the proposed development, subject to conditions of consent. |
| Public Art Officer | Council's Arts Plan Officer noted that the submitted Arts Plan only gave a broad outline for curatorial processes and possible recommendations. Conditions will be imposed on the consent to reflect the Council's requirements to ensure the completion and satisfactory implementation of the Arts Plan. The Council wishes to achieve a package of 0.5% of the value for the development for the Arts Plan. |
| Traffic and Transport Engineer | <p>Council's Traffic and Transport Engineer indicated that the proposed development can be supported on traffic and parking grounds provided that issues in relation to the provision of disabled, motorcycle and bicycle parking spaces, the design and layout of the basement car parking and ramp, location of staircases and convex mirrors, layout of the loading dock for manoeuvring, design of Phillip Lane for shared zone, set down and pick up areas on Church Street and Phillip Lane, truck routes and turning path diagrams for maximum sized vehicle. The key issues were then incorporated into Council's letter of 23 May 2014 to the Applicant.</p> <p>The Applicant's Traffic Engineer has provided a series of responses in relation to traffic and transport matters including:</p> <ul style="list-style-type: none"> • 30 June 2014 – Overview Traffic, Parking and Design Advice Memorandum • 23 July 2014 – Traffic, Transport and Loading Design Advice Letter • 9 September 2014 – Loading Dock Assessment Compliance Letter • 29 September 2014 – On-site Parking Matters Letter • 8 October 2014 – On-site Parking Matters Revised Letter. • 6 March 2015 – Updated Traffic Impact Assessment Letter. • 16 March 2015 – Loading Dock and Phillip Lane Design Details Letter. <p>The above responses provided by the Applicant are considered to have adequately addressed the issues raised.</p> |
| Urban Design & Infrastructure (Alignment Plans) | <p>Council's Manager, Urban Design firstly provided a series of comments in relation to the Alignments Plan and Public Domain Plan, the Discovery Centre / Conference Centre, Apartment Layout, South Elevation/Façade and Materiality.</p> <p>Revised urban design comments were provided to the Applicant on 26 June 2014. An urban design response was prepared by the Architect, dated 3 July 2014. Additional information has also been submitted in relation to the Public Domain Plan and the Discovery Centre. It is understood that all urban design issues identified in the above have been adequately resolved in consultation with Council's Urban Design section.</p> <p>Further revised urban design comments were submitted by Council's Urban Designer on 10 March 2015 relating to the public domain levels and the new entrance design. It is recommended that these matters can be conditioned to the Council's satisfaction prior to the issue of a Construction Certificate.</p> |
| Social Outcomes | <p>Comments were received from the Social Outcomes team, however Council advised that for this assessment, the advice will not be relied upon given, this team were not aware of the VPA negotiated prior to DA lodgement.</p> <p>Notwithstanding that position, it is noted that Social Outcomes team did provide recommendations in relation to:</p> <ul style="list-style-type: none"> • Seek to dedicate unit(s) for affordable rental housing to support local workforce, students and people who is older for ageing in place. • Conduct further research is required to ensure that appropriate community facilities/space (such as childcare and garden space) to support the increase in resident, visitor and worker populations (including students) within the development is incorporated. • Ensure the residential dwelling mix includes 1, 2 and 3 bedroom units as well as |



| COUNCIL DEPARTMENT | RESPONSE AND COMMENTS |
|--------------------|--|
| | <p>adaptable housing to support a wide household demographic mix as well as capacity for ageing in place and people with disabilities.</p> <ul style="list-style-type: none">• Ensure the development includes plans to minimise traffic and parking issues in the area given the increase in residential, worker and visitor numbers that will occur. |
| Property | <p>The Council's Property Services Officer noted that the development extends onto adjoining Council roads and Parramatta River for which owner consent is required and that this is a project of Council's Property Development Group whose comments should be sought on such use proposal including legal arrangements.</p> |
| Waste | <p>The development application was referred to the Waste Officer. Upon review of the application and the submitted Waste Management Plan, Council's Waste Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent.</p> |



6 RELEVANT LEGISLATION

6.1 Commonwealth Environment Protection Biodiversity Conservation Act 1999

The *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) provides a legal framework for the protection and management of nationally and internationally important flora, fauna, ecological communities and heritage places. Under the provisions of the EPBC Act, an action that will have, or is likely to have, a significant impact on a matter of national environmental significance requires approval from the Minister for the Environment.

Matters of national environmental significance under the EPBC Act include:

- Listed threatened species and communities;
- Listed migratory species;
- Ramsar wetlands of international importance;
- Commonwealth marine environment;
- World heritage properties;
- National heritage places;
- The Great Barrier Reef Marine Park;
- Nuclear actions; and
- A water resource, in relation to coal seam gas development and large coal mining development.

The site is located within the vicinity of the World heritage-listed “Old Government House and Domain” (OGHD). On 8 July 2013, the Applicant submitted a referral under the EPBC Act requesting that the Minister for the Environment to confirm that the proposed development is **not** a controlled action under the EPBC Act. On 19 August 2013, the Minister confirmed its decision that the development will **not** be a controlled action and therefore does not require further assessment and approval under the EPBC Act. The proposed development will not impact on any other matters of national environmental significance under the EPBC Act.

6.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in New South Wales.

Section 5 – Objects

The objectives of Section 5 of the EP&A Act relevant to the proposed development are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,
- (iii) the protection, provision and co-ordination of communication and utility services,
- (iv) the provision of land for public purposes,
- (v) the provision and co-ordination of community services and facilities, and



(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

(vii) ecologically sustainable development, and

(viii) the provision and maintenance of affordable housing

The proposed development is consistent with the objects of the EP&A Act as:

- The proposed development will promote the social and cultural well-being of the local community through a well-designed and appropriately scaled redevelopment of an important riverside site in the Parramatta City Centre;
- The proposed development will increase public access with a new Council “Discovery Centre” and café, a conference centre with riverside and western terraces and public domain improvements increasing foreshore access and recreation opportunities;
- It will result in the “orderly and economic use and development of land” as the site is of an appropriate size, location and land use zoning to facilitate the mixed use development;
- The proposed mix of studio 1, 2 and 3 bedroom residential apartments provides for housing diversity and affordability and reflects the demographics of the region; and
- There will be no unreasonable adverse impacts on the environment.

Section 79C – Evaluation

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 Act as relevant to the application.

Refer to **Section 10** of this report for the detailed evaluation of the DA.

Section 91 – Integrated Development

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.

As set out in **Section 5.1**, the proposed development is “integrated development”. GTAs have been received from the NSW Office of Water and NSW Department of Primary Industries (Fisheries NSW).

6.4 Water Management Act 2000

An activity approval is required under Clause 91 of the *Water Management Act 2000* given that the excavation for the basement levels will transect the water table and therefore dewatering is required.

Clause 91 of the *Water Management Act 2000* provides for two types of approvals: namely, controlled activity approvals and aquifer interference approvals.

A controlled activity approval will be required for the development being located within 40 metres to a waterway. The NSW Office of Water have provided their comments and have issued General Terms of



Approval appropriate to the proposed aquifer interference activity as required by Section 91A(2) of the EP&A Act.

The construction dewatering is deemed to be an aquifer interference activity in accordance with the definition in the *Water Management Act 2000*. The NSW Office of Water have provided their comments and have issued General Terms of Approval appropriate to the proposed aquifer interference activity as required by Section 91A(2) of the EP&A Act.

6.5 Fisheries Management Act 1994

Fisheries NSW is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, Fisheries NSW ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated Policy and Guidelines for Fish Habitat Conservation and Management (2013).

Fisheries NSW have provided their comments and have issued General Terms of Approval appropriate to the proposed development as required by Section 91A(2) of the EP&A Act.

6.6 Heritage Act 1977

A Section 140 permit under the *Heritage Act 1977* from the Heritage Division of the Office of Environment and Heritage (OEH) has been obtained for the excavation of the site which contains potential European archaeology.

6.7 National Parks and Wildlife Act 1974

A Section 90 permit under the *National Parks and Wildlife Act 1974* from the OEH has been obtained for the excavation of the site which contains potential Aboriginal archaeology.



7 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

7.1 SEPP 55 – Land Contamination

The provisions of SEPP 55 have been considered in the assessment of the development application. SEPP 55 provides a framework for the assessment, management and remediation of contaminated land. Clause 7(1) of the Policy prevents the consent authority from approving a development unless:

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

A Phase 1 and 2 Contamination Investigation was prepared by Douglas Partners, dated November 2011. Council's Environment Health Officer reviewed the Investigation and noted the following:

This review finds that the report has generally been undertaken in accordance with the requirements set out in SEPP55 – Managing Land Contamination Planning Guidelines Remediation of Land and the EPA Guideline for Consultants Reporting on Contaminated Land.

Three main areas of potential contamination concern are highlighted in the report, these are:

1. **Copper** – *it was noted that the level of copper in the samples taken at each of the groundwater monitoring wells exceeded the adopted Groundwater Investigation Level (GIL) criteria however the level of exceedance were not found to be cause for concern and are said to be indicative of existing background levels.*
2. **Lead** – *one soil sample returned a lead level of just above the health investigation level (HIL) criteria for 'open/space parks' but was well below the criteria for 'high-rise residential with minimal soil contact'. As such this anomaly does not pose a significant cause for concern or remediation treatment given the intended use of the site.*
3. **Asbestos** – *two samples returned positive results for asbestos, one including respirable fibres detected. The recommendations provided within the report that cover any potential excavation works conducted in the area where these positive samples were found adequately mitigate any risk posed by potential asbestos contaminants.*

Several recommendations are included within the report and, provided that these are adopted and undertaken in their entirety, the E&PH Team present no objection to approval being granted to the development application subject to the below conditions being placed as part of any consent.

The recommended conditions of consent by Council's Environment Health Officer have been adopted in the proposed conditions of consent.



7.2 SEPP (Building Sustainability Index: BASIX) 2004

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

7.3 SEPP (Infrastructure) 2007

The provisions of SEPP Infrastructure have been considered in the assessment of the DA. The DA was referred to RMS pursuant to Clause 104(3) and Schedule 4 to SEPP Infrastructure, as the development provides more than 300 dwellings that connects to any road. The comments of RMS were considered in **Section 5.1**. It is considered that the relevant provisions of SEPP Infrastructure have been satisfied.

7.4 SEPP 65 – Design Quality of Residential Flat Development, including the Residential Flat Design Code (RFDC)

The residential component of the development is required to comply with SEPP 65. The associated RFDC provides additional detail and guidance for applying the ten design quality principles outlined in SEPP 65.

A Design Statement has been prepared by the Architects, JPW and submitted with the DA. An assessment of compliance and consistency with the Rules-of-Thumb in the RFDC was provided in the SEE. The statement addresses each of the 10 principles and an assessment of this is made below.

Design Quality Principles

Context

The proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the City Centre and the increased public activation of the river foreshore. This DA meets the requirements of the LEP in terms of height except where varied, as well as being a permissible land use. The context of the building is appropriate for its location.

Scale

The scale of the building in itself is considered suitable within its locality, particularly given its location along the foreshore and its relationship to surrounding development.

Built form

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

Density

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



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

Resource, energy and water efficiency

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

A range of design measures are adopted to ensure that the development is environmentally sustainable s including the reduction of potable water use, effective thermal performance and the appropriate selection of materials.

Landscape

Public domain plans were submitted with the DA. The proposed landscaping will provide suitable visual amenity for the future building's occupants and visitors. The building responds to its setting by opening up public spaces, vistas and pathways to connect the urban character of the CBD to the river.

Amenity

The proposed development is considered to be satisfactory with the optimisation of internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.

Safety and security

The proposed development is considered to be satisfactory in terms of the creation and structuring of the significant new public spaces and facilities for residents and visitors. The public domain design eliminates places which might conceal undesirable activities or persons.

Social dimensions

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

Aesthetics

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



Residential Flat Design Code

An assessment is now provided in **Table 3** against the numerical requirements within the RFDC referenced in SEPP 65.

Table 3 – Compliance with the RFDC

| PARAMETER | COMPLIANCE |
|--|--|
| Building Depth 10-18 metres and if wider than 18m demonstrate how satisfactory daylight and natural ventilation are to be achieved. | Yes. |
| Building Separation For up to 4 storeys (12m): <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable & non-habitable rooms • 6m between non-habitable rooms For up to 5 to 8 storeys (up to 25m) <ul style="list-style-type: none"> • 18 m between habitable rooms/balconies • 13 m between habitable rooms/balconies & non-habitable rooms • 9 m between non-habitable rooms For 9 storeys and above (over 25m) <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable/balconies & non-habitable rooms • 12m between non-habitable rooms | No, but acceptable Reason: the separation distance to the residential flat building at 100 Marsden Street is 5m, however the residential apartments for the proposed development commence on level 8 about 25m above ground level, which is below the roof height of this adjoining residential flat building. There would not be any privacy impacts as a result of the proposed development. |
| Storage <ul style="list-style-type: none"> • 6m³ for studio and 1 bedroom apartments • 8m³ for 2 bedroom apartments • 10m³ for 3 + bedroom apartments • 50% of storage space to be provided in apartments | Yes. |
| Apartment Sizes Minimum apartment sizes as follows: <ul style="list-style-type: none"> • 50m² for 1 bedroom apartment • 70m² for 2 bedroom apartments • 95m² for 3+ bedroom apartments | No, but acceptable Reason: all apartments meet the minimum requirements except for apartment types '1 Bed A' (48m ²) and '2 Bed B' (69m ²). These minor non-compliances are acceptable given these apartments are provided with adequate balcony areas to complement the internal spaces (7m ² for the 1 bed and 10m ² for the 2 bed) and there is a diversity of housing choice available on each level. |
| Balconies Primary balconies adjacent to primary living areas for all apartments with minimum depth of 2m. | Yes. |
| Residential Ceiling Heights <ul style="list-style-type: none"> • 2.7m minimum (finished floor level to finished ceiling level) for all habitable rooms on all floors. • 2.4m for non habitable rooms (2.25m minimum). | Yes. |
| Daylight Access Living rooms and private open spaces for at least 70% of | No, but acceptable |



| PARAMETER | COMPLIANCE |
|---|--|
| apartments in a development should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid- winter. 2 hours may be considered acceptable in dense urban areas. | Reason: the Direct Solar Access Report indicates that 97.1% of the residential apartments (401 out of 413) achieve at least 2 hours of direct solar access to the floor slab of the Private Open Space between 9am and 3am in mid- winter. Further, it was found that using the hours of 8am to 4pm, 97.1% of the residential apartments (401 out of 413) achieve at least 2 hours of direct solar access to the window(s) of the Living Area. The building configuration provides ample direct solar access to living rooms and private open space of 97% of units and achieves a high degree of amenity |
| Limit the number of single aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total number of units proposed. | Yes. |
| Internal Circulation Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8. | No, but acceptable Reason: the typical floor plan proposes up to 13 apartments with access from a double-loaded corridor. The proposed variation to the control is considered acceptable in this instance as natural light will be provided to all corridors from the southern end. |
| Natural Ventilation Building depths which support natural ventilation typically range from 10 to 18 metres. 60% of apartments should be naturally cross ventilated | No, but acceptable Reason: maximum building depth of approximately 35m, however the building is divided into a number of articulated 'wings' which facilitates adequate solar and natural ventilation to the apartments. Yes. |
| Open Space Communal open space required should generally be at least between 25 – 30% of the site area. | No, but acceptable Reason: the communal open space area is provided at Level3 residential amenities which is about 900m ² (approximately 24% of site area). |
| Deep Soil Zone Minimum of 25% of open space at the site. | No, but acceptable Reason: 218m ² of deep soil zone (approximately 5% of the 4,467m ² of open space) is provided on the site. Given the nature of the proposed development and the public domain improvements along the foreshore, this non-compliance is considered acceptable in this location. |
| Vehicle Access Limit driveway width to 6 metres. | Yes. |



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

The site is located within the hydrological catchment of Sydney Harbour and is subject to the provisions of the Deemed SEPP. However, whilst the site adjoins the Parramatta River, it is not located within any of the identified Foreshores and Waterways Areas. Therefore, Part 3 does not apply to the site. In addition, the site is not identified as a strategic foreshore site, and there are no heritage items (listed under the Deemed SEPP) which are located in the vicinity of the site. Therefore, Parts 4 and 5 of the SEPP do not apply to the site. As there are no identified wetlands in the vicinity of the site, Part 6 of the SEPP also does not apply.

Part 2 of the Deemed SEPP does apply to the site. This Part establishes the Planning Principles that must be considered and where possible achieved in the carrying out of development within the catchment. The Applicant's Planner provided an assessment of the relevant Planning Principles. Upon review and assessment of the proposed development, it is considered to be consistent with the relevant Planning Principles of the Deemed SEPP.



8 LOCAL ENVIRONMENTAL PLANNING INSTRUMENTS

8.1 Parramatta City Centre Local Environmental Plan 2007

Zoning and Permissibility

The site is zoned **part B4 Mixed Use**, **part RE1 Public Recreation** and **part Unzoned land** under *Parramatta City Centre Local Environmental Plan 2007* (the LEP). As noted in **Section 1**, a Planning Proposal was implemented for the site which re-aligned the RE1 Public Recreation and B4 Mixed Use zones.

The proposed development is defined as a '*mixed use development*' and is **permissible** with consent in the B4 Mixed Use zone. 'Mixed use development' is defined to mean "*a building or place comprising 2 or more different land uses*".

As the proposed development seeks approval for a building comprising of the following uses that are permissible with consent in the B4 Mixed Use: '*residential flat building*'; '*function centre*'; '*retail premises*'; and '*information and education facilities*', the proposed development is considered to be a mixed use development and is permissible with consent.

The application also seeks approval for works on the portion of the site that is zoned RE1 Public Recreation zone. The following relevant uses are permissible with consent in the RE1 Public Recreation zone: '*information and education facilities*'; '*recreation areas*'; '*restaurants*'.

It is noted that part of the Level 2 Conference Centre - terrace, western balcony and lobby area will extend into the RE1 zone as shown on **Figure 12** below. '*Function centre*' is a prohibited use within the RE1 zone. These components are important parts of the overall composition of the "podium" which ought to be considered part of the re-ordered Public Open Space, namely, the River Foreshore, Ground Floor (Entry), Discovery Centre (Level 1) and Conference/Convention Centre (Level 2). The western balcony and the lobby can be characterised as being within the underlying purpose of the RE1 zone and the permissible uses in the zone. It is proposed to create a formal right of way for continuous public access on Level 2 through the lobby, terrace and semi-closed balcony. Public access would be managed in a similar manner to the Dockside Cockle Bay function centres.

This component of the proposed is an amplification of the Public Domain – The Foreshore Walk, the Public Colonnade, the Discovery Centre and the Lobby to the Conference Centre as well as the Western Terrace. This amplification has included the RMS land which has been greatly improved. Further, the amplification of the Public Domain has been enhanced by the construction of the Portals to Lennox Bridge. All of these elements combine to realise a long held desire to achieve continuous access for the public to the Parramatta Foreshore. The Lobby and the Western Terrace are part of that access which is to be over four levels rather than the present considerably degraded single level. The amplification of the access will enable views to the east, north, north-west and west which will enable views further up the River and to Old Government House et al which are not presently available from this part of the city due to the heavy vegetation of Old Government House.

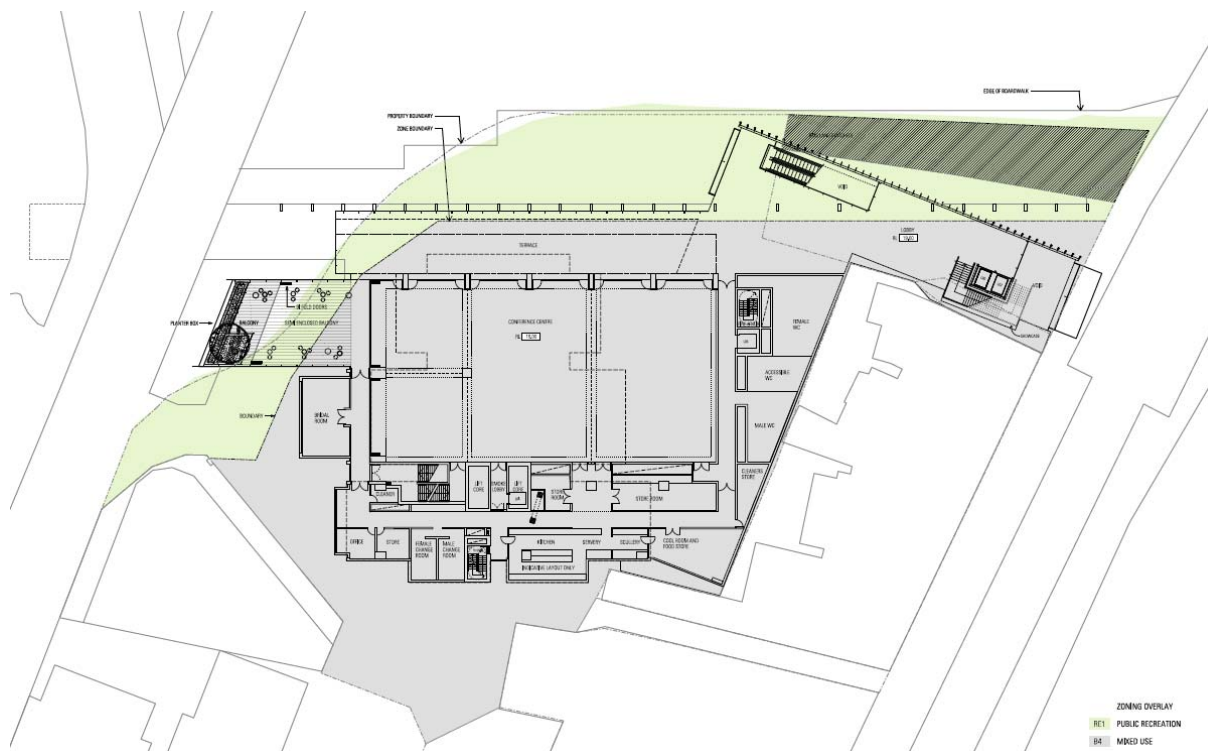


Figure 12 – Zoning overlay on Level 2 Conference Centre Plan

(Source: JPW, 16/03/15)

Development is also proposed within unzoned lands including: the public domain improvements to Phillip Lane as identified on the Public Domain Plans (on that part of Phillip Lane to be dedicated to Council), part of the Foreshore Boardwalk and Public Colonnade that sits within the bed of the Parramatta River and part of the western balconies to the Discovery Centre and Conference Centre in the airspace above the Parramatta River. Clause 13 states in relation to unzoned land:

- (1) Development may be carried out on unzoned land only with consent.
- (2) Before granting consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

The proposed development to the unzoned lands relate to aspects of the public domain along the river foreshore and Levels 1 and 2 of the building which are to be publically accessible. In this regard, it is considered to be consistent with the objectives and permissible land uses in the adjoining land that is zoned RE1 Public Recreation.

The works proposed to Phillip Lane is considered appropriate as it is an existing public road that services the site and will be upgraded as part of the proposed mixed use development at the site. It is consistent with the objectives and permissible land uses in the adjoining land that is zoned B4 Mixed Use.



Land Use Objectives

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 objectives for the RE1 Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To conserve, enhance and promote the natural assets and cultural heritage significance of Parramatta Park.*
- *To recognise and increase Parramatta Park's role as a community and recreational resource for the people of Parramatta and Western Sydney.*
- *To improve public access to Parramatta Park and the Parramatta River and to ensure the Park forms an extension to the civic and public spaces of the city centre.*
- *To achieve environmental management best practice that promotes the natural assets of Parramatta Park.*
- *To protect the ecological, scenic and historical values along the Parramatta River.*
- *To allow for water-based recreation and related uses.*
- *To create a riverfront recreational opportunity that provides for a high quality relationship between the built and natural environment.*

The proposed development will result in a 'mixed use development' and associated public domain improvements which are consistent with the above objectives satisfying Clause 12(2) of the LEP given it will ultimately provide suitable residential, retail, civic and function centre uses as well as increased public access and recreation.

Compliance with Relevant Provisions

Compliance with the relevant LEP provisions is addressed in **Table 4**. Note: the assessment is based on the provisions which have been amended as a result of the Planning Proposal for the site.



Table 4: Compliance with the relevant LEP provisions

| PROVISION | COMPLIANCE |
|---|---|
| Clause 21 Building height Two maximum building heights apply to the site: <ul style="list-style-type: none"> 150m 12m (Church Street frontage) | <p>Yes.</p> <p>No, but acceptable</p> <p>Reason: the proposed height of the podium is 12.41m. A written request to contravene this development standard has been submitted by the Applicant (<i>refer to response below under Clause 24</i>).</p> |
| Clause 21A Architectural roof features To be satisfied that it (i) comprises a decorative element on the uppermost portion of a building, (ii) is not an advertising structure, (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing. | <p>Yes.</p> |
| Clause 22 Floor space ratio Maximum floor space ration (FSR) of 12:1. | <p>Yes.</p> |
| Clause 22A Minimum building street frontage At least one frontage to be 20m unless the site has physical constraints. | <p>Yes.</p> |
| Clause 22B Design excellence Subject of an architectural design competition unless Director-General certifies a completion is not required. | <p>Yes.</p> |
| Clause 22C Car parking Car parking rates nominated in the LEP are expressed as a maximum for the following relevant uses: <ul style="list-style-type: none"> Commercial – a maximum of 1 parking space to be provided for every 100m² of gross floor area. Multi dwelling housing: 1, 2 and 3 bedrooms – a maximum of 1 parking space to be provided for every dwelling plus 1 parking space to be provided for every 5 dwellings for visitors. Restaurants – a maximum of 1 parking space to be provided for every 10m² of gross floor area or 1 parking space to be provided for every 4 seats (whichever is the lesser). Shops – a maximum of 1 parking space to be provided for every 30m² of gross floor area. | <p>Yes.</p> <p>Based on a calculation of the provision, the maximum parking supply that would be permitted is 596 spaces. The proposed development provides a total of 383 spaces, which comprises 375 for the residential apartments (including 30 tandem spaces), 5 spaces for the Discovery Centre staff and 3 for shared car spaces (associated with residential use). The residential apartment provision represents 83% of apartments which will hold at least one space.</p> <p>However, whilst the residential apartment component complies with the nominated rate, the proposed Conference Centre, Discovery Centre (outside of staff) and retail and cafe uses will have no car parking provided on-site. An Impact and Mitigation Strategy was prepared which concluded that the expected parking demands for these uses would not warrant the provision of dedicated on-site car parking. It was recommended that a communication strategy be developed for the benefit of Conference Centre users.</p> <p>The Council engaged Parking & Traffic Consultants to undertake a peer review of the car parking provision. The findings of this review are</p> |



| PROVISION | COMPLIANCE |
|--|---|
| | provided in Section 10.7 . |
| Clause 22D Building separation Building separation to be provided in accordance with the City Centre DCP and DCP 2011. | No, but acceptable Reason: non-compliance justifications provided in the SEE includes orientation and height- i.e. residential component commences on Level 8 which is above the roof height of Marsden Street development. Does not comply with all setback requirements under the City Centre DCP e.g. 5m setback from residential development at 100 Marsden Street. |
| Clause 22E Ecologically sustainable development Consent authority must have regard to the principles of ESD based on a “ <i>whole of building</i> ” approach relative to nominated matters. | Yes. |
| Clause 24 Exceptions to development standards | Yes. Comment: a written request to contravene the maximum 12m building height development standard was submitted by the Applicant as the proposed development will exceed the maximum 12 metre height control in two locations: (a) sandstone blockhead will have a maximum height 12.41 metres which 0.41m (3%) above height control and (b) the podium will exceed the maximum 12 metre height control by 11.41 metres for a very small portion (less than 1%) of the total site area. It is considered that a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening this development standard. |
| Clause 33A Development on flood prone land Consent not to be granted until a range of nominated matters are considered. | Yes. |
| Clause 33B Acid sulfate soils Consent to be granted for works involving class of land shown on the Acid Sulfate Soils Map. | Yes. |
| Clause 34 Preservation of trees or vegetation Preservation of specified trees and other vegetation. | Yes. |
| Clause 35 Heritage conservation Conservation of the environmental heritage of Parramatta city centre including heritage items, heritage conservation areas, archaeological sites and relics, and places of Aboriginal heritage significance. | Yes. Comment: as noted earlier in Table 1 , a revised Statement of Heritage Impact was submitted to respond to the concerns of the Heritage Division in relation to the assessment of impacts on the OGH. The conclusion was as follows: <i>“Accordingly, in terms of Parramatta LEP 2007, the proposal is not likely to have unacceptable impacts on the heritage significance of OGH and Parramatta Park.”</i> |



8.2 Parramatta Development Control Plan (City Centre) 2007 and Parramatta Development Control Plan 2011

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

The DA was lodged with Council on 31 March 2014 and assessed the compliance of the proposed development against the provisions of the Parramatta City Centre DCP 2007. The Applicant was requested to undertake an assessment against the provisions of the Parramatta DCP 2011 and this was received on 16 July 2014.

For the purposes of this report, the relevant sections of Parramatta City Centre DCP 2007 as they relate to the proposed development are addressed in **Table 5** below.

Table 5: Compliance with the relevant Parramatta City Centre DCP 2007 provisions

| PROVISION | COMPLIANCE AND COMMENT |
|---|---|
| 2. Building Form | |
| 2.1 Street Alignment and Street Setbacks | |
| <ul style="list-style-type: none"> Church Street: continuous built edge to street alignment. | <p>No, but acceptable</p> <p>Reason: the main entrance to the site is from Church Street which is proposed to provide civic, function centre and retail uses and improved and activated public colonnade and boardwalk. It is considered that the proposed built form is appropriate for its context and setting.</p> |
| <ul style="list-style-type: none"> Marsden Street: continuous built edge to street alignment. | <p>No, but acceptable</p> <p>Reason: the site has a small frontage to Marsden Street and given the design of the building and the open space network, it is not considered appropriate to provide a continuous built edge in this location.</p> |
| <ul style="list-style-type: none"> 0m side setbacks are required at the street frontage. | <p>No, but acceptable</p> <p>Reason: given the shape of the site, 0m side setbacks are not appropriate along Marsden Street. A 0m side setback is provided to the adjoining property at 331 Church Street. The development adjoins the river foreshore to the north.</p> |
| <ul style="list-style-type: none"> Setback from river foreshore – average 15m from the river's edge. | <p>No, but acceptable</p> <p>Reason: an approximate 13m setback will be provided to the River's edge. This is considered appropriate, particularly as enhancement of the River foreshore is proposed with wider and more accessible footpaths proposed.</p> |
| <ul style="list-style-type: none"> Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible. | <p>Yes.</p> |
| 2.2 Street Frontage Heights | |
| <ul style="list-style-type: none"> Church Street – street frontage height of new development should respond to | <p>No, but acceptable</p> |



| PROVISION | COMPLIANCE AND COMMENT |
|--|---|
| <p>existing adjacent built form and be in the range of 10-12m high.</p> <ul style="list-style-type: none"> Church Street – above the frontage height buildings are to be set back a minimum of 18m. River foreshore edge condition – new development should be built to the alignment defined for the river foreshore to a maximum of 16m. Above 16m development must be set back between 8 and 15m. | <p>Reason: the podium height at the top of the vertical blade elements is 19.61m and to the top of the sandstone wall is 12.41m. As noted in Table 4 above, justification to the exceedance of the 12m maximum building height at Church Street has been provided. It is considered that the street frontage height is appropriate for this location.</p> <p>Yes.</p> <p>No, but acceptable</p> <p>Reason: as discussed above, an approximate setback of 13m is provided. The podium structure is set back approximately 3m from the boundary. The built form heights are considered appropriate for the river foreshore area.</p> |
| <p>2.3 Building Depth and Bulk</p> <ul style="list-style-type: none"> The preferred maximum floor plate area of non-residential buildings is 1,200m² and maximum depth is 20m. The preferred maximum floor plate area of residential or serviced apartment buildings is 900m² and maximum depth is 18m. | <p>No, but acceptable</p> <p>Reason: the maximum floor plate of the non-residential levels is greater than 1,200m². Given the nature of the uses for civic and function centre purposes, the increased floor space is appropriate for this site.</p> <p>No, but acceptable</p> <p>Reason: the residential floor plate is approximately 970m² and parts of the building depth are greater than 18m. The minor exceedances are not considered significant as the proposed development achieves a high level of internal amenity as demonstrated in the RFDC assessment of compliance in Table 3 above.</p> |
| <p>2.4 Building Separation</p> <ul style="list-style-type: none"> Minimum side and rear setbacks based on height of building. | <p>No, but acceptable</p> <p>Reason: refer to discussion under Clause 22D of the LEP in Table 4.</p> |
| <p>2.5 Mixed Use Buildings</p> <ul style="list-style-type: none"> Flexible building layouts, ground floor to ceiling height of 3.6m and above ground floor 2.7m, separate commercial areas and entries. | <p>Yes.</p> |
| <p>2.6 Deep Soil Zones</p> <ul style="list-style-type: none"> Residential development or mixed use development that is predominantly residential (greater than 80% of total floor space of development) should provide at least 15% of the site area as deep soil. | <p>No, but acceptable</p> <p>Reason: the proposed development will provide 218m² of deep soil on the site equivalent to 3% of the site. Although this is below the minimum requirement under the DCP, an extensive area of public open space will be provided on the site including a terraced walkway at the riverfront which would ordinarily be provided as deep soil but is proposed to be paved with appropriate materials to provide an accessible pathway along</p> |



| PROVISION | COMPLIANCE AND COMMENT |
|---|------------------------|
| | the River foreshore. |
| 2.7 Landscape Design <ul style="list-style-type: none"> Landscaped areas are to be irrigated with recycled water, planting in accessible open spaces and long term landscape plan. | Yes. |
| 2.8 Planting on Structures <ul style="list-style-type: none"> Areas with planting on structures are to be irrigated with recycled water appropriate soil depth and plant selection. | Yes. |
| 3. Pedestrian Amenity | |
| 3.1 Permeability <ul style="list-style-type: none"> A desired through site link is identified running north-south through the centre of the site. A desired foreshore extension is identified along the foreshore. | Yes. |
| 3.2 Active Street Frontages and Address <ul style="list-style-type: none"> Active street frontage required and outdoor dining encouraged to Church Street and the river foreshore. | Yes. |
| 3.3 Front Fences <ul style="list-style-type: none"> Front fences must be a maximum height of 1.2m above adjacent footpath or public domain level. | Not applicable. |
| 3.4 Safety and Security <ul style="list-style-type: none"> Address safety, security and crime prevention requirements in the planning and design of development (including the NSW Police 'Safer by Design' crime prevention through environmental design (CPTED) principles). | Yes. |
| 3.5 Awnings <ul style="list-style-type: none"> Continuous street frontage awnings are to be provided to Church Street. | Yes. |
| 3.6 Vehicle Footpath Crossings <ul style="list-style-type: none"> No additional vehicular entries are permitted along Church Street. | Yes. |
| 3.7 Pedestrian Overpasses and Underpasses <ul style="list-style-type: none"> New overpasses over streets will generally not be approved and underpasses may be considered. | Not applicable. |
| 3.8 Building Exteriors | |



| PROVISION | COMPLIANCE AND COMMENT |
|---|---|
| <ul style="list-style-type: none"> Adjoining buildings are to be considered in the design of new buildings, provide balconies and terraces, use of external materials and finishes. | Yes. |
| 3.9 Advertising and Signage <ul style="list-style-type: none"> Controls in relation to different types of advertising and signage | Not applicable Comment: no signage is proposed. This may be the subject of a further applications associated with the fitout of the ground floor tenancies, Discovery Centre and Conference Centre at a later date if the size of such signage is such that development consent is required. |
| 3.10 Public Artworks <ul style="list-style-type: none"> Provide high quality artworks in new development in publicly accessible locations, near main entrances and street frontages and in lobbies. | Yes. |
| 3.11 Views and Corridors <ul style="list-style-type: none"> Existing historic views to be protected in the planning and design of the development. | Yes. |
| 4. Access, Parking and Servicing | |
| 4.1 Pedestrian Access and Mobility <ul style="list-style-type: none"> Visible main building entry points, direct and barrier free access to public areas, common areas and dwellings and design facilities for disabled persons. | Yes. |
| 4.2 Vehicular Driveways and Manoeuvring Areas <ul style="list-style-type: none"> Controls in relation to the location and design of driveways, vehicular access and car parking areas. | Yes. |
| 4.3 On-site Parking <ul style="list-style-type: none"> 1-2% accessible parking spaces. Motorcycle parking equivalent to 1 car parking space in every building with on-site parking. 1 bicycle parking space per 100 car parking spaces. | Yes. Yes. Yes. |
| 4.4 Site Facilities and Servicing <ul style="list-style-type: none"> Provision of mail boxes, location of communication structures, air conditions and service vents, waste and storage collection and laundry facilities. | Yes. |
| 5. Environmental Management | |



| PROVISION | COMPLIANCE AND COMMENT |
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| 5.1 Energy Efficiency and Conservation <ul style="list-style-type: none"> Residential dwelling to comply with BASIX requirements. Incorporate measures for non-residential development. | <p>Yes.</p> <p>Yes.</p> |
| 5.2 Integrated Water Cycle Management <ul style="list-style-type: none"> Residential dwelling to comply with BASIX requirements. Water saving measures is to be incorporated into non-residential building. Site Stormwater Management Plan and On-Site detention is required. | <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> |
| 5.3 Reflectivity <ul style="list-style-type: none"> Visible light reflectivity from facades should not exceed 20%. | <p>Yes.</p> |
| 5.4 Wind Mitigation <ul style="list-style-type: none"> Max wind criteria of 10m/s in retail streets & 13 m/s along major pedestrian streets, parks and public places and 16m/s along other streets. Wind effects report required for buildings over 32m plus wind tunnel test for buildings over 50m. | <p>Yes.</p> <p>Yes.</p> |
| 5.5 Waste and Recycling <ul style="list-style-type: none"> Waste management plans to be prepared for residential and non-residential developments. | <p>Yes.</p> |
| 5.6 Land Contamination <ul style="list-style-type: none"> Consideration is to be given to land contamination for all development within the city centre. | <p>Yes.</p> |
| 5.7 Soil Management <ul style="list-style-type: none"> An erosion and sediment control plan (ESCP) is required to be submitted in support of all development proposals. | <p>No, but acceptable</p> <p>Reason: an ESCP was not submitted; however general erosion and sedimentation controls are noted in the submitted Construction Management Plan and Environmental Management Plan. A condition of consent will be imposed to require that an ESCP is prepared prior to construction certificate being issued.</p> |
| 5.8 Floodplain Risk Management <ul style="list-style-type: none"> Development is to be compatible with any | <p>Yes.</p> |



| PROVISION | COMPLIANCE AND COMMENT |
|--|---|
| relevant Floodplain Risk Management Plan, Flood Studies, or Sub-Catchment Management Plan. | |
| 6. Residential Development Controls | |
| 6.1 Housing Choice, Affordability and Mix <ul style="list-style-type: none"> Studio and one-bedroom apartments: 10 - 25%; two bedroom apartments: max 75% and three bedroom apartments: min 10%. 10% of all dwellings to be adaptable | <p>No, but acceptable</p> <p>Reason: the proposed development will provide:</p> <ul style="list-style-type: none"> 36% studio and one-bedroom apartments. 63% two bedroom apartments. 1% three bedroom apartments. <p>Although the percentage of studio/one bedroom apartments exceed the maximum recommendation, and the three bedroom apartments are below the minimum, the proposed unit mix is considered appropriate having regard to the demographic context of the Parramatta CBD.</p> <p>Yes.</p> |
| 7. Controls for Special Areas | |
| 7.1 Controls for Heritage and Special Uses <ul style="list-style-type: none"> Any new development within the study area of this plan must ensure that the significance of heritage items and their setting are retained and enhanced. Any new development within the study area must ensure that the significance of heritage items and their setting are retained. | <p>Yes.</p> |
| 7.3 Special Area Controls <ul style="list-style-type: none"> Church Street special area: <ul style="list-style-type: none"> a) Develop to the height limit along the edges of central Church Street to preserve solar access and the small scale building context for Church Street heritage b) Provide box awnings on both sides of the street; c) Refer to and comply with Parramatta City Council's "Church Street Colour Scheme Volumes 1 and 2"; d) Developers should consider providing two storey verandah elements that extend over the footpath for outdoor dining and the like. e) Developers should consider adaptive re-use of existing building stock. Riverside foreshore special area: <ul style="list-style-type: none"> a) Provide pedestrian links, promenades and/ or colonnades along or in proximity to the river foreshore; b) Provide robust ground level spaces designed to accommodate flood inundation. c) Enhance safety and amenity along | <p>Yes.</p> <p>Yes.</p> |



| PROVISION | COMPLIANCE AND COMMENT |
|--|------------------------|
| <p>the riverfront;</p> <ul style="list-style-type: none">- incorporate passive surveillance of the river front from development.- maximise active uses along the river front, particularly on the south bank, with cafes, restaurants and the like;- provide multi-use or flexible use facilities, to activate the river front throughout the day, and throughout the year;- maximise pedestrian access and connectivity along the river edge; <p>d) Consider developing community facilities on river edge sites which reinforce the urban structure of Parramatta;</p> <p>e) Integrate public squares or courtyards within the design of development along the river foreshore to provide a system of connected open space and public domain.</p> <p>f) Differentiate north and south orientation of buildings by responding to the aspect with articulation elements, design of openings, appropriate sunshading and the like;</p> | |



9 COUNCIL POLICIES, STRATEGIES AND GUIDELINES

9.1 Parramatta City Centre Integrated Transport Plan 2009/10-2014/15

The Council's **Integrated Transport Plan** adopted in 2010 is designed to promote sustainable transport options in the Parramatta City Centre to accommodate its projected future employment and residential growth to 2031. Relevant strategies include:

- Continue Land Use Planning techniques including the Residential Development Strategy to create developments that encourage and support sustainable transport use.
- Increase Transport Efficiency through the continued promotion and support of car sharing and other economic incentives based initiatives.
- Prepare a Pedestrian Access & Amenity Plan to upgrade crossings, reduce street clutter, improve lighting, improve lanes and create a network of pedestrian routes.

The proposed development is consistent with the above strategies as it will encourage a reduced level of car ownership, provide a car share scheme for residents and will provide improved continuous access to the river foreshore.

9.2 Parramatta City Centre Car Parking Strategy 2011

In 2011, the Council adopted the **Parramatta City Centre Car Parking Strategy 2011** for the purpose of clearer rationalising, utilising and managing the existing public and private car parking facilities within Parramatta City Centre. The Car Parking Strategy sets out the concept for closure of selected Council owned car parks and for their redevelopment and replacement with long stay multistorey car parks on existing at-grade car park sites.

One of the car parks earmarked for closure is the 72 space short stay Lennox Bridge Car Park. It is stated that the spaces be relocated to the Erby Place Car Park (559 spaces), located approximately 300m from the site. It is noted that the Erby Place Car Park has on average a vacancy of 147 spaces (26%).

The component of the proposed development to close the car park is consistent with the recommendations of the **Car Parking Strategy**. Utilising the findings and recommendations of the Strategy, there is sufficient capacity within the nearby Erby Place to offset the loss of the short stay public car parking.

9.3 Public Domain Guidelines

The **Parramatta Public Domain Guidelines** were adopted by the Council in August 2011. The objectives for the **Guidelines** are to define design principles and provide a standard palette of materials and elements to:

- Establish a clear and consistent public domain image for Parramatta
- Provide clarity in design requirements and construction standards for the public domain
- Facilitate asset management, maintenance and repairs by reducing the number of different elements and requirements
- Uphold required technical, engineering and environmental standards



- Provide equitable access
- Improve the sustainability of Parramatta
- Reinforce the streetscape hierarchy
- Promote pedestrian priority
- Build upon existing public domain treatments and experience.

The **Guidelines** require the submission of an Alignment Plan at the development stage and the submission of a Public Domain Plan before the construction stage.

Alignment Plans

The Application was referred to Council's Urban Design Manager who considered the accompanying Alignment Plans. Additional elements were requested to carry out an adequate assessment as discussed in **Section 5.1**.

A condition requiring the submission of a revised **Public Alignment Plan** in accordance with Council's Public Domain Guide is incorporated within the Recommendation section of this report.

Public Domain Plans

The Applicant submitted Public Domain Plans with the DA. Council's Urban Design Team have reviewed the Plans and provided comments with respect to the requirements of the Public Domain Plan to be submitted by the Applicant. In particular, Council requested the Plans to align with the **Draft Parramatta City River Strategy** (discussed separately below at **Section 9.5**) for the design of the Foreshore as a whole.

A revised Public Domain Plan incorporating the above requirements is to be submitted to Council before the issue of a Construction Certificate.

Arts Plan

A **Public Art Strategy** was submitted with the application. Conditions requiring the completion of the Public Arts Plan have been recommended.

9.4 Parramatta S94A Development Contributions Plan 2008

This Plan commenced on 8 June 2011 and applies to all DAs 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 Applicant has submitted a Voluntary Planning Agreement (VPA). The VPA has made an offer which is intended to be in lieu and excess of Section 94A payments. The VPA was executed by Council on 13 February 2015. The VPA provides for the following actions by the Applicant:

- Provision of a monetary contribution of \$1,000,000 to contribute to the Lennox Bridge Portals Construction for the improvement of access to public reserve areas.
- Design, finance, construct and deliver to Council the Public Domain Works in accordance with



the Public Domain Report, any Development Consent and the Project Delivery Agreement. These include:

- Embellishing foreshore land on the South Bank of the Parramatta River;
- Embellishing Phillip Lane into a shared pedestrian zone, including paving, landscaping, the installation of bollards and other traffic calming measures; and
- Designing and implementing various public art works to the South Bank of Parramatta River.

9.5 Draft Parramatta City Centre Planning Framework Review

Architectus and SGS Economics and Planning were engaged by Council to prepare a Draft Planning Framework Study relating to development of the Parramatta City Centre. The Study

- Reviews the current planning framework (statutory and non-statutory) that controls the development of the Parramatta City Centre;
- Identifies the opportunities, constraints and market conditions that are impacting on development in the Parramatta City Centre; and
- Develops and recommends a planning framework that Council can implement to firmly establish Parramatta as Sydney's premier Regional City and a real alternative to Central Sydney as an employment and mixed use centre.

The Study has recommended the '*increased FSR control with no height control*' scenario to form the basis of a new planning framework for the Parramatta City Centre. Whilst the proposed development is to be implemented under the planning controls, as amended by Amendment No. 11 to the LEP, it is consistent with the intent to maximise the development potential of the site for residential, commercial and civic uses.

9.6 Draft Parramatta City River Strategy

The Draft Strategy is a long term plan for revitalising the foreshore of the Parramatta River between Gasworks Bridge and Rings Bridge, O'Connell Street. The site, referred to as 'Riverside Tower' is an important component for the implementation of the Draft Strategy as well as its relationship to the proposed 'Cultural Water' segment of the river. The Public Domain Plans have been developed in conjunction with Council's Urban Design Team and will be revised in line with the finalisation of the Draft Strategy.



10 SECTION 79C EP&A ACT EVALUATION

In carrying out the evaluation of the proposed development in accordance with the relevant legislative, statutory and non-statutory environmental and conservation planning controls, Guidelines and Policies referred to Sections 8 and 9 above, regard has been had to a long stated Government and Industry view about the role and future of Parramatta as the Second CBD.

For the place to realise its destiny as the Second CBD it is necessary to give careful consideration and weight to constraints that may have been put in place to fit the circumstances of the case at the time and to intuitively respond to them. It is proposed that they be seen through the lense of what was and has been suitable for the City as it has grown and been reshaped by its growth since its foundation.

10.1 Section 79C(1)(a)(i) – Environmental Planning Instruments

An assessment of the proposed development's compliance against the relevant State and Local Planning Instruments has been carried out in **Sections 7 and 8** respectively.

10.2 Section 79C(1)(a)(ii) – Proposed Environmental Planning Instruments

There are no proposed instruments relevant to the proposed development.

10.3 Section 79C(1)(a)(iii) – Development Control Plans

An assessment of the compliance of the proposed development against the relevant State and Local Planning Instruments has been carried out in **Section 8**.

10.4 Section 79C(1)(a)(iiia) – Planning Agreements

A Voluntary Planning Agreement (VPA) offer has been made to Council proposing a number of important tangible community benefits (including a monetary contribution) to be delivered as part of the Riverside Parramatta project in lieu and in excess of Section 94A payments. Refer to the discussion in **Section 9.4**.

10.5 Section 79C(1)(a)(iv) – Regulations

Clause 92 of the Regulation prescribes certain matters to be considered by a Consent Authority in its determination of a DA.

Clause 98E requires prescribed conditions relating to shoring and adequacy of adjoining a property if the development involves an excavation that extends below the level of the footings of a building, structure or work (including any structure or work within a road or rail corridor on adjoining land). Accordingly appropriate conditions of consent have been recommended.

- (1) "...The person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.



(2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

The only other matter of relevance relates to demolition works. To ensure consistency with the Regulation, the recommendation to this report includes a condition (refer to Draft Condition 3a) for the works to comply with AS 2601 *Australian Standard AS 2601—1991: The Demolition of Structures*, published by Standards Australia.

The above conditions have been incorporated within the consent.

10.6 Section 79C(1)(a)(v) – Coastal Zone Management Plan

This matter is not applicable to the application.

10.7 Section 79C(1)(b) – Likely Impacts of the Proposed Development

Section 79C(1)(b) sets out the matters which a consent authority must consider when determining a development application. These matters are:

Context and Setting

The proposed development is the second of its type in form and scale in its context and setting. The other development is the Meriton development opposite to the east. The proposed development will facilitate a mixed use development which is permissible within the B4- Mixed Use zone with associated development in the RE1 Public Recreation zone and unzoned Phillip Lane pursuant to the LEP. The enhancement of the Foreshore by the Foreshore Boardwalk, when read in conjunction with the soon to be completed portals in the Lennox Bridge is a major public benefit. This aspect of the proposed development will see a vast improvement to a severely degraded, uninviting public open space. Together with the upgrade/formalization of Phillip Lane the proposed development will be an important contributor to realizing the Council's adopted Policies that relate to the public realm.

Access

Internal Access

The Access Report accompanying the DA concludes that where compliance with statutory requirements relating to site access, common area access, accessible parking and adaptable units and serviced apartments can readily be achieved, subject to implementation of appropriate recommendations prior to the issue of a Construction Certificate. These recommendations can be adopted as conditions of consent.

Pedestrian Access

As noted above, the proposed development will greatly improve and enhance public access and experience of the river along the river foreshore with the public colonnade and boardwalk.

The composition, materials, finishes and colours of the atrium space, especially of the Church Street section of the Public Colonnade together with the location of the Lifts and Stairs and escalator, will



provide an important visual opportunity and cultural experience of the River and the views to Old Government House beyond to the west. It is noted that this atrium space will “house” the Discovery Centre. The public will be able to easily access the Discovery Centre (Level 1) and the Conference Centre (Level 2) using the escalators, stairs or lifts.

In response to the Panel’s comments and the Chair’s practical query as it were, the Applicant has reviewed the location and design of the Discovery Centre, which items revolve around the key concern of direct accessibility. In doing so the Applicant has highlighted the intended relationship/connectivity of the Centre to the River Foreshore and to the proposed extensive viewing opportunities for the Public of the River which is presented as a fundamental element of this component. It is considered that the Applicant has provided an adequate response in respect to the Panel’s comments for the following reasons:

- Accessibility: Church Street, Marsden Street and the Foreshore Promenade: - by Stairs, Lift and Escalator;
- Connectivity: there is a high level of connectivity between the River and the Public spaces within the four levels that each reinforces the other. This is a highly desirable outcome too;
- Experience: it seems that the “Discovery Centre” experience is not limited to the Centre alone. Rather, the “Discovery” is a “Visual and Sense” easily experienced holistically over four levels – (1) Foreshore Promenade; (2) Public Colonnade; (3) Discovery Centre; and (4) the Lobby, Riverside Terrace and Western Terrace Conference Centre; and
- Materials, Finishes and Colours: Compatible with and reflective of the location and historic use of materials as well as new materials – which accords with the Burra Charter.

Phillip Lane and Church Street

In consultation with Council, Phillip Lane has been designed to accommodate both pedestrians and vehicles safely and with high design and construction quality as shown on the Public Domain Plans and in accordance with the VPA. It will not operate as an RMS or Council designed ‘shared zone’.

The GTA letter of 16 March 2014 addresses the provision of two short stay car parking spaces plus one loading bay (to accommodate a vehicle up to the size of an MRV) along Phillip Lane, the two residential drop-off spaces in the private land and the public drop-off area on Church Street. The relevant extracts are provided below:

“Car parking along Phillip Lane would be slightly modified to allow parking to be shifted from the eastern side to the western side. This allows for an improved treatment along the eastern alignment without limiting accessibility to the adjacent properties. The design is capable of providing for two short-stay spaces (likely to be up to 2P) with an additional loading bay to ensure the existing loading function of the area is maintained. This layout would result in a net loss of one car space.”

“The loading function of the area would also be improved, given that the existing loading bay on the eastern side does not provide a fully compliant space capable of accommodating an 8.8m MRV. This is a result of the location and spacing of the driveways along the eastern kerb and resultant limited kerbside length. The relocated loading space would continue service the properties in the immediate vicinity including those fronting Church Street between the site and Phillip Street. With service vehicles generally smaller and delivering via hand trolleys, the future



requirement to cross Phillip Lane is considered appropriate having regard for the estimated future traffic volumes and general intent and function of Phillip Lane.”

“It is recommended that the management and operation of the residential drop-off area immediately south of the site be included as part of the operational management of the site. Signage and linemarking together with ongoing monitoring (as part of the dock/ building management system) will be required to ensure appropriate use. Signage would likely include strict instruction that unauthorised vehicles will be towed.”

“Church Street, located east of the site will also provide for a public drop-off adjacent to the public domain area that links the site with Parramatta River to the north and Church Street.”

Access for Adjoining Properties

A key issue for the proposed development has been the need to satisfactorily address the impacts to the access to especially the rear of Church and Phillip Streets commercial and retail properties in terms of parking, deliveries and servicing during construction and operation.

In relation to access for adjoining properties during construction, the Applicant submitted a Construction Management Plan (CMP), incorporating proposed environmental controls (noise, dust, vibration, dewatering) and proposed servicing access for adjoining land. It is proposed that detailed investigations and final servicing arrangements will be concluded as per Section 5.1 - Preconstruction Activities (Post DA Approval) of the CMP. Further, the CMP proposes to establish a co-habitation plan with the Church Street and Phillip Lane owners/tenants to agree the best arrangements necessary to maintain servicing access prior to commencement of construction activity. This information demonstrates to neighbouring landowners how the precinct will continue to operate during construction.

It is proposed that the adjoining owners from 317-331 Church Street will be granted a Legal Right of Carriage Way over the site separating the direct grade access loading dock from the adjoining Church Street properties and a shared use rights over the loading dock. The Applicant has obtained specialist advice by GTA and Excel Building Management to provide an outline for the operation of the shared loading dock which will be operated under a Dock Management Plan. The loading dock is proposed to contain two spaces for 8.8m long Medium Rigid Vehicles, two spaces 6.4m long Small Rigid Vehicles and two spaces for 99th percentile cars.

A condition is recommended to require the preparation of the Dock Management Plan in accordance with the Draft Statement of Intent that will accompany the Section 88A/B Instrument. The Dock Management Plan would cover the range of management procedures as suggested by GTA in their report of 23 July 2014. It will be important that there will be reasonable practicable clarity so that the “space” is able to realise its functioning as a “shared space”. That the Dock Management Plan ensures “reasonable access” that caters for the “servicing” type functions as well as for the “Refit/Upgrade” events associated with the commercial operations of the “Eat Street” properties as well as the commercial operations of the other “neighbours” in the loading dock “space”.

Further, the GTA letter of 16 March 2015 advises that rear access by vehicle for the Church Street properties will be also retained.



“The revised loading dock layout and shared area effectively integrates the loading facilities required for the proposed development with the adjacent Church Street properties. This includes maintaining access by 99th percentile cars to the adjacent seven properties fronting Church Street (known as 321-331 Church Street). Loading vehicles delivering to the Church Street properties would make use of the formal loading dock facilities under a dock management system.

Swept path diagrams were prepared by GTA and confirm that the layout of the dock can safely accommodate the movements of the above mentioned vehicles.

The Section 88A/B Statement of Intent with Instrument Plan indicates that an instrument formalising the provision of a right of access and easement for loading and unloading for the specified Church Street properties (317-331 Church Street) is intended to be created pursuant to Section 88A/B of the *Conveyancing Act 1919* as a condition of development consent.

This issue is discussed in further detail under **Section 10.9**.

Traffic and Parking

Traffic Generation

The updated Traffic Impact Assessment prepared by GTA indicates that using the current RMS traffic generation guidelines and the total number of car parking spaces (383), the proposed development is anticipated to generate 71 vehicular trips during the AM peak period and 59 trips during the PM peak period. The GTA assessment concludes that the revised car parking supply of 383 car spaces would reduce the previously estimated total traffic generation by Varga Traffic Planning which had estimated a generation of approximately 109 vehicle trips per hour during commuter peak periods (which were calculated based on the previous RTA traffic generation guidelines).

Under the projected future demands expected to be generated by the proposed development, the surrounding intersections were modelled by Varga Traffic Planning to remain at *Level of Service ‘A’*. Based on these results, the proposed development is not expected to have any adverse impact on traffic conditions on the local road network.

Car Parking Provision

The proposed development provides a total of 383 spaces, which comprises 375 for the residential apartments (including 30 tandem spaces), 5 spaces for the Discovery Centre staff and 3 for shared car spaces (associated with residential use) to be provided across seven levels of basement. Further details of the breakdown of the residential apartment parking provision are set out below in **Table 6**.



Table 6: Breakdown of residential car parking provision

| Type | Number of Apartments | Number of Apartments <u>Without</u> Car Spaces Allocated | Number of Apartments <u>With</u> Car Spaces Allocated | <i>Breakdown of Car Spaces Allocation</i> | |
|--|----------------------|--|---|---|---|
| | | | | Number of <u>Single</u> Spaces Allocated | Number of <u>Tandem</u> <u>Pair</u> Spaces Allocated* |
| STUDIO | 20 | 20 | 0 | 0 | 0 |
| 1 BED | 94 | 48 | 46 | 46 | 0 |
| 1.5 BED | 35 | 0 | 35 | 35 | 0 |
| 2 BED | 210 | 0 | 210 | 210 | 0 |
| 2.5 BED | 50 | 0 | 50 | 24 | 26 |
| 3 BED | 4 | 0 | 4 | 0 | 4 |
| TOTALS | 413 | 68 | 345 | 315 | 30 |
| TOTAL NO. OF RESIDENTIAL APARTMENT SPACES = 375 | | | | | |

* A tandem pair = 2 car parking spaces

However, whilst the residential apartment component complies with the nominated LEP car parking rate, the proposed Conference Centre, Discovery Centre (outside of staff) and retail and cafe uses will have no car parking provided on-site. An Impact and Mitigation Strategy was prepared which concluded that the expected parking demands for these uses would not warrant the provision of dedicated on-site car parking. It was recommended that a communication strategy be developed for the benefit of Conference Centre users.

The Council engaged Parking & Traffic Consultants to undertake a peer review of the car parking provision, the relevant findings of this review are provided below.

“The two main points put forward for the development having no on-site parking facilities are that:

- 1. The development is strategically aligned with Parramatta City Council strategy of reducing CBD parking supply, reducing traffic congestion and encouraging other modes of transport; and*
- 2. Any increase in demand can easily be accommodated by available parking supply within close proximity of the development.*

In regards to Point 1, Parramatta City Council strategy, as shown through the LEP, DCP and PCCCCPS, highlight a desire to remove parking supply and traffic congestion from the CBD area. The development is in alignment with that policy, however the argument that supplying zero parking for certain user groups of the development is less than the maximum quota, therefore it complies may not be in the spirit in which the protocol was intended. However as that is the current standard then the development does comply.

In regards to Point 2, the Applicant has failed to present a clear picture of the impact that aggregate demand, caused by the development, will have on the surrounding area. The applicant has submitted arguments for each user group and stated that the surrounding off-street car parks will be sufficient to meet the demand caused by each individual user group. However, when conducting a parking demand study it is standard to calculate the net effect from all user groups.”

Notwithstanding the comments in relation to Point 2 by Parking & Traffic Consultants, they further add that “based on the assumptions presented in the reports, it is reasonable to predict that the majority of

parking demand created by the development will occur on weekday evenings and weekends which is outside peak times for parking in Parramatta CBD.”

Basement Design and Layout

During the course of investigation of the site a significant bundle of Telstra fibre optic cables was found within the western portion of the site. This necessitated the Applicant amending the basement layout to account for this constraint. The cable alignment is indicated in **Figure 13** below.

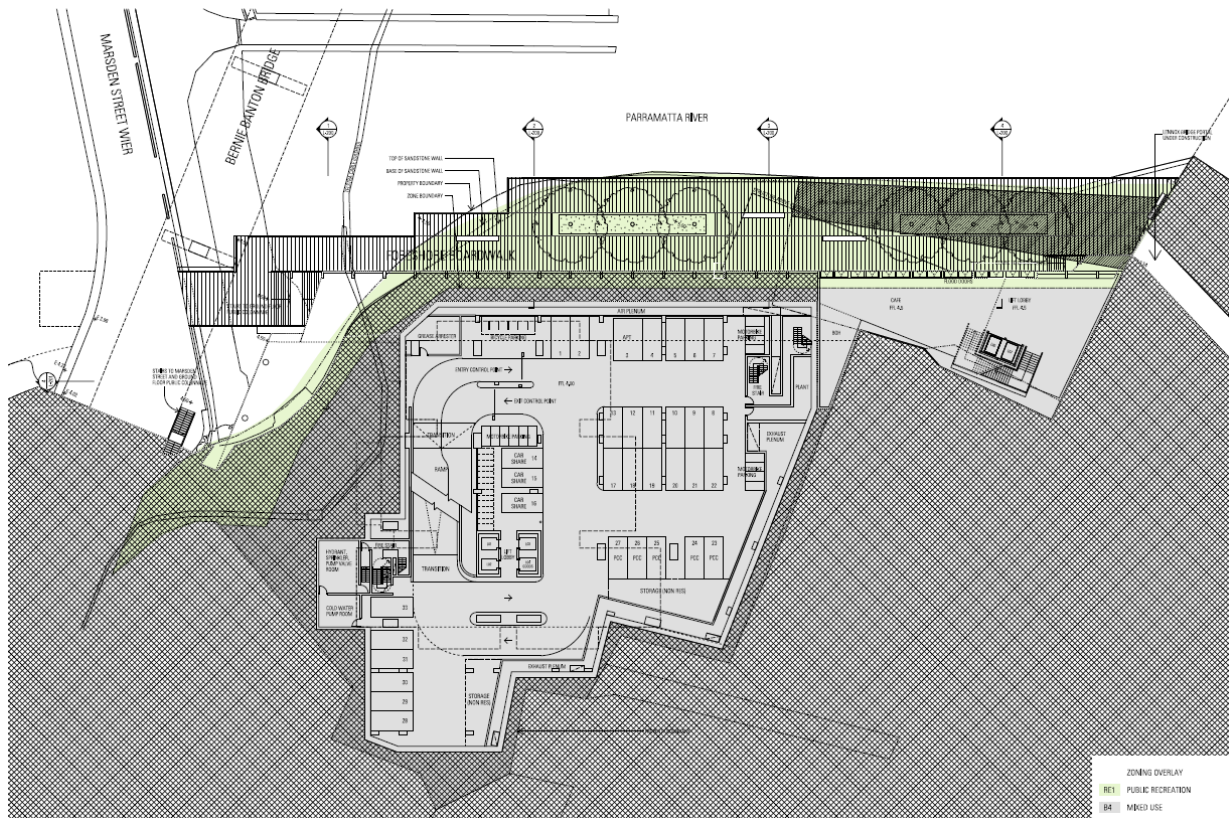


Figure 13 – Zoning overlay on Basement B1 Plan

(Source: JPW, 16/03/15)

The Applicant maintains that the cables cannot be relocated due to prohibitive costs, timing and developer risk reasons, while the small number of spaces gained by relocating the cables would be marginal at best. The Applicant has proposed the addition of a seventh basement level.

Parking & Traffic Consultants were requested to review whether an optimal layout has been achieved in the available car park foot print (over the original six levels of basement) prior to Telstra cable constraints being applied to the site. Whilst it was estimated that there could be 83 additional spaces provided, it is considered that up to 17 spaces may not be practical. The proposed additional basement level 7 provides 60 spaces, which equals maybe a difference of 6 spaces between the two propositions, that is, an additional basement versus a re-designed car park with the cable relocated. The Applicant's contention has been that the costs to relocate the cable do not justify the action. Further, it is noted that an expanded car park footprint would extend into the RE1 zone, which raises concerns of permissibility.



Cultural Heritage

A Statement of Heritage Impact was submitted for the DA which concluded that the proposed development will not have a significant detrimental impact on the heritage items surrounding the site including the Old Government House and Domain (OGHD).

The proposed development is within the local proximity of the OGHD. However, the HIS indicates that it is located outside the listed site and outside the official World Heritage Buffer Zone for OGHD.

The HIS notes that the Department of SEWPC formally advised that the proposed development was not a controlled action as per the Minister's determination under the relevant clauses of the EPBC Act.

It is understood that the Heritage Division accepted the concept of the evolution of Parramatta as a Second Central Business District. Further, while acknowledging the various view cones of the City skyline from various locations within heritage site, the Division acknowledged that the level of vegetation screened the heritage site from an appropriate level of viewing from various locations in the Public Domain. The impact on the World Heritage Listing of the OGHD was noted and is understood to be accepted by the Heritage Division.

Aboriginal and Historic Heritage Archaeology

The Aboriginal Archaeological Assessment found that, due to the existing development and erosion impacts, the land adjacent to the Parramatta River is of a low archaeological potential with the remainder of the site being of high potential. Further archaeological investigations are required to determine the significance of any potential Aboriginal archaeological material on the site. It is noted that an Aboriginal Heritage Impact Permit has been obtained by the Applicant.

The Assessment of Historic Archaeological Potential concluded that the proposed development is able to mitigate any potential archaeological heritage impacts if the proposed development is undertaken in accordance with the above listed recommendations. These recommendations can be adopted as conditions of consent. It is noted that Section 140 Excavation Permit has been obtained by the Applicant.

Flooding

Part of the site is identified as being flood prone land. A Flood Impact Assessment (and later Addendum and Revised Assessments) and Flood Evacuation Plan were submitted with the DA to address the range of matters to be addressed under Clause 33A of the LEP. Council's Catchment Engineer has accepted the documentation, subject to the imposition of conditions.

Stormwater Management

A Site Stormwater Management Plan has been prepared for the proposed development by BG&E which aims to minimise the quantity of stormwater run-off from the site and to protect and enhance the existing natural drainage networks surrounding the site. The Plan now includes an on-site detention (OSD) facility to be installed below ground level.

Contamination

Refer to Section 7.1 in relation to site contamination.



Geotechnical

Additional geotechnical advice provided by Douglas Partners, dated 25 July 2014 indicates:

"The slightly different proposed development makes little difference to the geotechnical advice provided previously as deeper excavation will in some way simplify foundation design and construction. You may still use the parameters we suggested previously for foundations supported on medium to high strength sandstone as we expect the sandstone that was encountered from about RL -5m would still be present at the greater depth. Hence, it is unlikely that piles will be needed to support the structure but simply pad footings using the same foundation design parameters. There will be a need to carry out a detailed investigation when you receive project approval, particularly as it related to potential groundwater inflow and disposal. However, from a structural design point of view the amended proposal makes virtually no difference.

In our recent discussions we provided a proposal for carrying out a detailed investigation for the cut-off wall and foundations as the currently available information does not extend to the full depth of excavation. Providing this work is carried out to confirm our geotechnical model we see no serious geotechnical restraints on the design or construction for the proposed development.

The above advice is noted and a condition of consent is recommended to be imposed for the detailed geotechnical investigation to be carried out prior to construction certificate.

Noise and Vibration

An Environmental Noise Assessment has determined the potential noise impacts on the development and the potential noise generated by the proposed development.

The potential noise sources are from the ground floor café/bar uses and Conference Centre, loading dock noise and building plant machinery. The assessment provided the following key recommendations for the development to ameliorate the potential noise impacts including:

- The riverside bar is not to open past 10pm.
- The loading dock is not to operate during night time periods.
- Gym facilities are to incorporate vibration isolators and upgrade glazing in areas likely to be subject to noise, and are not to operate during night hours.
- The Conference Centre is to implement the various noise mitigation design features as outlined in the assessment, including glazing, music levels and ceiling design.
- Building plant machinery is to be assessed against the appropriate noise emission criteria prior to the relevant Construction Certificate.

In relation to the loading dock, it is proposed that hours of access would not be restricted to users including the adjoining Church Street properties as set out in the Draft Section 88B Instrument. Given the design and layout of the loading dock, it is not considered its operation would generate adverse noise impacts to sensitive receivers. However, it is noted that the hours of operation do not presently have a separate loading dock component for the Church Street owners or the main building. Further, the Environmental Noise Assessment currently places a 10pm limit on the dock. It is recommended that the Section 88B Instrument and Dock Management Plan address the hours of operation.



The development is considered to satisfy the required noise criteria subject to implementation of the recommendations set out in the Environmental Noise Assessment (except for the loading dock operation as discussed above). The relevant recommendations can be included as conditions of consent.

Flora and Fauna

A biodiversity assessment was prepared for the site and identified that there is very marginal habitat present for a number of species listed under the *Threatened Species Conservation Act 1995*. There was no native vegetation communities are mapped within the immediate vicinity of the proposed development. No endangered populations were recorded on or near the site.

It is noted that draft mapping prepared by the Sydney Metropolitan Catchment Management Authority (SMCMA) provides that significant vegetation is located nearby, upstream of the Marsden Street Weir to the west of the site.

Fisheries NSW is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, Fisheries NSW ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated Policy and Guidelines for Fish Habitat Conservation and Management (2013).

Fisheries NSW have provided their comments and have issued General Terms of Approval appropriate to the proposed development as required by Section 91A(2) of the EP&A Act.

There are 5 trees were assessed to be in proximity to the proposed development and identified as follows including 4 x Jacaranda and 1 dead tree specimen. However, the trees do not have ecological conservation status under local, state or national legislation. The removal of the trees to accommodate the proposed development is considered acceptable with appropriate consideration given to replacement trees on the site.

The SEE provides appropriate construction and operation mitigation measures to minimise impacts on flora and fauna.

Solar Access

A detailed Shadow Study has been prepared for the development which has assessed the potential overshadowing in the context of the key sensitive locations shown. It has also been modelled based on the potential redevelopment of the site immediately to the south-west of the development site (at the corner of Marsden and Phillip Streets) in accordance with current built form controls under the City Centre LEP. In addition, the potential overshadowing impact of the mixed use development at 330 Church Street and existing shading context of Church Street was taken into account.

It was concluded that by 9am in midwinter no part of the development will be overshadowing Parramatta Park. Whilst the development may overshadow parts of Church Street in the afternoon, this street is already partly shaded by canopies and awnings that remain in place during winter. Furthermore, the Shadow Study shows that the sun tracks quickly at lunch time even in midwinter. At equinox, the shadow from the proposed development only hits Church Street at 2pm. The minor overshadowing impacts are considered acceptable.



The Direct Solar Access Report indicates that 97.1% of the residential apartments (401 out of 413) achieve at least 2 hours of direct solar access to the floor slab of the Private Open Space between 9am and 3pm in mid-winter. This is considered acceptable given the location of the site.

Reflectivity

A Solar Light Reflectivity Analysis of the proposed development with regard to impacts on local traffic, pedestrian and neighbouring resident conditions. The report includes an analysis of the potential solar glare impacts from key motorist and pedestrian points in the locality of the development. The solar glare assessment includes a detailed analysis of 11 key street level locations surrounding the proposed tower building. It is concluded that the proposed development will not produce any adverse solar glare provided the external building façade treatments are in accordance with the advised maximum normal specular reflectance. These recommendations can be adopted as conditions of consent.

Visual

The proposed development has been designed to provide a tower and podium building and public domain that are in a form and scale appropriate within its visual context and setting and its relationship to heritage items within the vicinity (in particular, the OGHG as discussed above under 'Cultural Heritage'), with selected high quality materials, finishes, colours and detail.

Wind

A Pedestrian Wind Environment Study for the development has been prepared. The Study used a boundary layer wind tunnel test using site wind tests and local meteorological weather data. The assessment combined various pedestrian wind criteria including the provisions outlined in the City Centre DCP to assess impacts to public pedestrian footpaths, the podium and private residential balconies. Appropriate design mitigation measures are proposed to be implemented.

Waste

The submitted Waste Management Plans were referred to Council's Waste Officer. Upon review of the documents, Council's Waste Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent. It is also noted that the issue of waste management for the Church Street properties has been refined as discussed above in the 'Access' section and in Section 10.9 in response to the public submissions received.

Building Code of Australia

A Building Code of Australia (BCA) compliance statement concludes that the proposed design is capable of complying with the BCA, and will be subject to construction documentation that will provide appropriate details to demonstrate compliance.

A Fire Safety Engineering Review of the proposed development has been undertaken and identifies minor non-compliance with the BCA and notes that the proposed development is capable of developing alternative design solutions to provide compliance with the BCA without any major design changes.



Construction Management

A Construction Management Plan (CMP) and Environmental Management Plan have been submitted which documents the strategies and measures to manage the four phases of works at the site including:

- Phase 1 – Construction of the shoring system, archaeological investigation and bulk excavation
- Phase 2 – Construction of the basements and podium from B7 to level 3
- Phase 3 – Construction of the residential tower
- Phase 4 – Public Domain works

As discussed below in **Section 10.9**, further construction advice was requested from the Applicant to respond to concerns of adjoining property owners in relation to the use of rock anchors.

Crime and Public Safety

A Crime Prevention through Environmental Design (CPTED) assessment has been undertaken for the proposed development. The assessment concludes that the overall development will improve surveillance of surrounding public areas by introducing new sources of natural surveillance. Surrounding areas will not always provide adequate surveillance internal to the site and the report recommends restricted access, provision of adequate lighting and way finding signage to maintain safety within the site. The CPTED assessment includes a number of recommendations and where appropriate, these may be adopted as conditions of consent.

Social and Economic

The proposed redevelopment of the Parramatta Riverside site for residential, commercial, community and retail purposes is considered an appropriate social and cultural outcome.

10.8 Section 79C(1)(c) – Suitability of the Site

Having regard to the characteristics of the site and its location, the site is considered suitable for the proposed development based on the size and dimensions of the land, the zonings and planning controls applicable to the site; the diversity of uses and public domain improvements; and the overall positive contribution it will make to the vitality of the Parramatta City Centre.

10.9 Section 79C(1)(d) – Submissions

In accordance with Council's notification procedures, owners and occupiers of surrounding properties were given notice of the DA between 16 April 2014 and 23 May 2014. In response, 20 submissions were received.

The key concerns raised within the submissions are addressed below.



DA Public Notification

Impact to access to rear of Church Street properties – parking, deliveries and servicing during construction and operation

Concerns were raised by a number of landowners of the adjoining properties on Church Street from 311 to 331 Church Street in relation to potential loss of access to the rear of their properties for car parking, delivery of goods, waste servicing and grease trap servicing. It was suggested in some submissions that easements be created for access purposes.

In response to the concerns raised, the Applicant undertook consultation with affected landowners via two meetings (held on 15 July 2014 and 3 November 2014) and by a public notification of the amended shared dock access arrangements via the Council website.

There are presently no “*rights of access*” to the Church Street properties from the development site. The respective Land Title Searches show that all previous rights of access were extinguished at the time of the resumption of the lands in 1992 that constitute the site of the proposed development. It is understood that there were no claims for compensation against the Council arising from the resumption. It is arguable that the Council has no legal and/or planning obligations to provide rear access to the properties. The sites are not landlocked; however it is acknowledged that Church Street is a busy thoroughfare with restricted vehicular access. The degree and extent of benefit/disbenefit only need to be fair and reasonable.

It is proposed that the adjoining owners will be granted a Legal Right of Carriage Way over the site separating the loading dock from the adjoining Church Street properties and a shared use rights over the loading dock. As discussed in **Section 10.7**, a Section 88A/B Statement of Intent and Instrument Plan for the creation of “Rights of Access/Management of the Delivery Dock, Service Areas and so forth” has been prepared which clearly sets out the terms/ rights/obligations/responsibilities of all parties “benefitted” and “burdened”. It needs to be clearly understood that the site as owned by the Council, acting on behalf its constituents is party to a burdening of the site. The Section 88A/B Statement of Intent and Instrument Plan is integral to this Assessment Report, to ensure that all parties involved are adequately informed and confident that the terms of the Instrument are capable of being legally implemented and enforced.

In relation to access for adjoining properties during construction, the Applicant submitted a Construction Management Plan (CMP), incorporating proposed environmental controls (noise, dust, vibration, dewatering) and proposed servicing access for adjoining land. It is proposed that detailed investigations and final servicing arrangements will be concluded as per Section 5.1 - Preconstruction Activities (Post DA Approval) of the CMP. Further, the CMP proposes to establish a co-habitation plan with the Church Street and Phillip Lane owners/tenants to agree the best arrangements necessary to maintain servicing access prior to commencement of construction activity. This information demonstrates to neighbouring landowners how the precinct will continue to operate during construction.

A Dock Management Plan will be required to be prepared and implemented by a Dock Manager to ensure the loading dock area is operated in a smooth and seamless manner at all times. This includes providing flexible arrangements for adjoining benefited Church Street property owners/tenants to have “reasonable access” that caters for the “servicing” type functions as well as for the “Refit/Upgrade” events associated with the commercial operations of the “Eat Street” properties as well as the commercial operations of the other “neighbours” in the loading dock “space”.



Impact to access to Phillip Street properties during construction and operation

Concern was raised by the owner of owner of 2-8 and 10 Phillip Street (Karima Group Pty Ltd) that the current parking and access arrangements are integral to the function and commercial viability of 10 Phillip Street and are requested to be maintained or improved, including during the construction process.

The site at 10 Phillip Street contains a five storey commercial building and provides 12 parking spaces in association with the commercial use to the rear of the site. Vehicular access to the car parking area at 10 Phillip Street is currently accessed from Phillip Lane. The existing access will be retained to the rear of 10 Phillip Street.

As noted, above a Draft CMP will be prepared to manage access during the construction phase.

Economic impact to Church Street properties/businesses

Concerns were raised by Church Street property and business owners in relation to potential economic impacts as follows:

- Value of properties/businesses and rental fees will be reduced;
- Reduced turnover for businesses and loss of income;
- Impact on trading without direct access for food deliveries and grease trap servicing; and
- Location of escalator or other major structures not to restrict development potential.

The above concerns are directly related to questions of unencumbered access to the rear of the properties to continue trading activities as presently carried out. It is considered that the Section 88B Instrument clearly sets out the terms/ rights/obligations/responsibilities of all parties “benefitted” and “burdened”. It is considered that the proposed arrangements are appropriate for the site and would not have significant economic impact to adjoining properties.

The Applicant submitted an Impact and Mitigation Strategy which contained an economic analysis, which was designed to examine and forecast the economic impacts of the proposed development on the local community with specific focus on the loss of the public Lennox Bridge car park, the impact from the car park being closed and the net economic effects that will be generated as a result of the proposed development. The findings of the economic analysis were:

- *The number of visits to the area following closure of the Lennox Bridge car park is estimated to decrease from 3,098 per week to 2,684 per week.*
- *The current total annual spend generated by the Lennox Bridge car park is estimated at \$5,185,542. Following completion of the proposed development this is forecast to increase to \$13,188,209.*
- *During the interim period following close of the Lennox Bridge car park and prior to completion of the proposed development, the total annual spend from car park users is estimated to reduce by \$744,078 to \$4,144,464.*
- *The development scenario will result in an additional \$1,462,570 of additional local spend on restaurant and café uses compared to the current base scenario, representing a significant uplift in trade for these local businesses.*



- *The amount of spend directed to local shops is expected to increase in the local resident populations as a result of the proposed development however addition spillover trade from the Discovery Centre and Conference facility are also key contributors.*

The Council engaged SGS Economics & Planning to undertake a peer review of the economic analysis, the relevant findings of this review are provided below.

“Overall, JBA’s Impact and Mitigation Strategy for the proposed Riverside development applies a sound, consistent and appropriate methodology when determining the impact that the development will have in the local economy.

With respect to this methodology and its findings, SGS identifies the following key issues and resultant recommendations:

No consideration of rear access to Church Street traders. *The strategy does not address the impact that the loss of the Lennox Bridge car park and resultant redevelopment will have. Its focus on the overall local economy neglects the direct impact that the loss of rear service access will have on the Church Street traders who currently use the car park for this purpose. Notwithstanding any ambiguities in the title deed and rights to access, the strategy makes no mention of what the loss of this access will have to these traders. Rather, it takes a view of the overall impact the development will have on the whole local economy, compared to the car park’s current contribution.*

Unsubstantiated expenditure assumptions. *Many of the estimated expenditure amounts assumed in the modelling are not supported by evidence. Additionally, splits of how many people would spend money in the local economy and how many would not have been made with nothing provided to support them. In both cases, whilst they appear logical, some justification derived from comparable studies or sample studies taken of people in the area, may help to support these.*

Uncertainty over discovery centre role. *Description is vague as to what the Discovery centre would be and how it would attract a consistent daily flow of visitors. As such, it is difficult to ascertain whether the study over or under-estimates the number of visitors and therefore their likely expenditure. Again, some comparable visitor numbers is recommended to bolster the justification for these figures, as was done for the conference centre estimates.*

Further to the above findings, SGS Economics & Planning concludes:

“SGS’s peer review identifies a number of issues within the JBA report than require amendment or clarification. Separately, following discussion with Parramatta Council on the 25th February, it has been noted that an amended proposal now provides rear access to the Church Street traders.

Notwithstanding the need to rectify the major issues identified in this section and the number of smaller issues identified in the previous sections of this review, SGS finds that JBA’s methodologies and conclusions are sound. Assuming the rear access issue has subsequently been rectified, this removes the main concern SGS holds with the report. As such, SGS maintains its recommendation that the report’s methodology and conclusions are sound and that



any residual amendments made as a consequence of this review's recommendations would not substantially alter the report's results."

A response to the findings of the peer review was submitted by the Applicant on 16 March 2015. The responses are considered satisfactory.

Loss of public car parking

Concerns were raised about the loss of the public 72 space Lennox Bridge car park which will be closed to allow redevelopment of the site, the impact this would have on the viability of commercial properties and the need for the same number of public car parking spaces lost to be provided on the site.

There is a substantial body of research by and reporting to the Council, which clearly indicates that the Lennox Bridge Car Park is to be closed as part of the Council's plan to facilitate a more integrative development of Parramatta as a truly Central Business District. This includes the Council's Parramatta City Centre Car Parking Strategy, the analysis by GTA and Council's most recent survey by Micromex Research. All come to the same conclusion, that there is ample capacity in nearby car parking facilities, expressly nominating Erby Place as an appropriate replacement. That facility is within 200m of Lennox Bridge. The Impact and Mitigation Strategy recommends the following:

"Suggested management and mitigation strategies include public awareness campaigns to improve local knowledge of alternative parking options; improved and renewed directional street signage to make it easier to locate and identify car parks; electronic monitoring and information systems to provide real time information to motorists on the capacity availability of parking in the CBD; and a temporary parking validation scheme whereby customers of local shops and restaurants/cafes are able to validate their ticket for up to two hours while people adapt to the closure of the Lennox Bridge car park."

Refer to the above discussion about economic impacts that specifically focussed on the closure of the Lennox Bridge car park.

Design and operation of Phillip Lane

Specific concerns were raised by the owner of 2-8 and 10 Phillip Street (Karima Group Pty Ltd) in relation to the design of Phillip Lane, as follows:

- *The proposed width of Phillip Lane will result in manoeuvrability, safety and congestion issues for Karima's site and for the rear of the Church Street retail properties. The swept path of an MRV is considered to be extremely tight and an MRV will take up the full width of the roadway to enter from Phillip Street which means entering vehicles have to stand in Phillip Street waiting for exiting traffic to clear before turning into the site.*
- *The proposal appears to involve reducing the width of Phillip Lane from 8m to approximately 6m at the throat of the intersection (about 7.2m between bollards along laneway), which does not comply with Council's Public Domain Guidelines for a City Centre Lanes Shared Zone (6.4m wide or 10m wide).*
- *Pedestrian and vehicular access conflicts on Phillip Lane are a result of the lack of visibility, the removal of the existing pedestrian footpath and no separation being proposed between pedestrian and vehicles to a section of Phillip Lane.*



In relation to the design and function of Phillip Lane, GTA in their letter of 16 March have reviewed the access into and out of the site including the servicing by a variety of commercial vehicles up to and including 8.8m long MRV trucks. Swept path diagrams were included showing entry/exit of commercial vehicles out of Phillip Lane. Consideration has been given to the management of vehicles turning around at the end of Phillip Lane. The relevant extracts are provided below.

“This includes Phillip Lane, which extends from the southern boundary of the site further south to Phillip Street, with the design intent to reinforce a multi-user environment in which all users are aware of its shared nature (without implementing a formal Shared Zone and associated 10km/h speed limit).

The need to accommodate a variety of site access needs, on-street parking, future pedestrian activity and the general change of purpose warrants the use of varying pavement types, landscaping design and placement, use of bollards and parking/drop-off areas, with high quality finishes.

This layout will also ensure separation of uses in an area that, although not generating high traffic volumes, does need to accommodate both the servicing needs of the site and surrounding properties together with future traffic associated with the residential apartments.

Swept paths included as Attachment 2 indicate that two-way independent access by vehicles up to 8.8m long Medium Rigid Vehicles would be feasible along the length of Phillip Lane. The main constraint is the area to the rear of the commercial properties located at 311-315 Church Street. These extend further west than adjacent properties, thus requiring vehicles to deviate around.

Vehicle movements at the end of Phillip Lane (the area immediately adjacent to the site) would be managed through a small roundabout that could be integrated into the paving design (e.g. a slightly raised, mountable island in a contrasting pavement colour). The location of this roundabout would also reinforce the separation of vehicles while maintaining sightlines as much as practical, particularly for the purposes of pedestrian safety. The design of this area would also be supported by appropriate signage.”

In consultation with Council and the terms of the VPA, Phillip Lane will be designed to accommodate both pedestrians and vehicles safely and with high design and construction quality as shown on the Public Domain Plans. It will not operate as an RMS or Council designed ‘shared zone’.

Access to Oyster Lane

Concern was raised that Oyster Lane would not be accessible during construction and it would impact on the trading for the business operator in this location. Access to Oyster Lane during construction and will remain as publicly accessible once construction complete (with the land being dedicated back to Council). As noted, above a Draft CMP will be prepared to manage access during the construction phase.

Site planning and building design

A range of comments were provided in a number of submissions with regard to different aspects of the site planning and building design. The comments are summarised below.

- Non-compliance with a number of key controls in the DCP and Council policies



- Zoning and building heights
- Building separation
- Deep soil landscaping
- Building depth and bulk
- Street frontage and height
- Building design variety
- Lack of vision in building
- River health and ecology

The above matters have been considered in a detailed assessment of compliance against the relevant state and local planning controls and Council guidelines and policies. The assessments finds that the proposed development satisfies the relevant controls and where non-compliances have been identified, these have been assessed on a merit basis and are considered acceptable.

Lack of visitor car parking for Conference Centre

Concerns was raised that there is no visitor parking is proposed in relation to the Conference Centre (defined as a 'function centre') and whether the commercial parking rates in the LEP apply to function centres and also whether a merit based assessment is required given the potential significant parking impacts on the area.

The proposed development will not provide any off-street visitor car parking for the Conference Centre. Two drop off spaces will be provided each to Phillip Lane and Church Street that will be available to Conference Centre patrons.

The findings of the peer review by Parking & Traffic Consultants on the car parking provision were discussed above in **Section 10.7**.

Fire safety – access and egress

A specific concern in relation to fire safety was raised in the submission made on behalf of the owner of 295 Church Street in that there is a fire egress for One World Sports which discharges to Phillip Lane at the rear, which requires 24/7 unobstructed access. Their concern is that restricted access to Phillip Lane, particularly during construction, has the potential to obstruct egress from fire doors and create safety issues for patrons. This is particularly relevant given the class of the use and the associated fire safety requirements.

As noted, above a Draft CMP will be prepared to manage access during the construction phase to ensure that fire safety matters are addressed for adjoining properties.

Lack of consultation

Three submissions raised concern that there was a lack of consultation with adjoining property owners prior to DA lodgement.

The original DA was advertised as Integrated development jointly with the Planning Proposal from 16 April 2014 to 23 May 2014. The advertising of the DA was in accordance with the Parramatta DCP 2011 which requires the DA to be notified in accordance with clauses 87-89 of the EPA Regulation.



In addition clause 90 of the Regulation allows the Council to dispense with the notification/advertisement of amended plans where in the opinion of the authority those plans differ only in minor respects.

It is noted there were two consultation meetings with adjoining property owners, accompanied by new information made available on the Council's website and a separate occasion when new material was made available on the website. On each occasion the objector group were notified by email and invited to make submissions. The outcomes from this process have informed the amendments to the design of the proposed development.

Additional Direct Consultation in relation to the design of the shared loading dock

Amended plans for the shared dock were made available on the Council's website in October 2014 and submissions invited from the objector groups. Two written submissions were received. The following concerns that were raised during the DA public notification and were addressed in detail above:

- Private car parking access
- Public car parking
- Loading and unloading facilities
- Garbage facilities
- Grease trap servicing and other servicing requirements
- Pedestrian access via Oyster Lane
- Legal rights of access
- Economic vulnerability of the Church Street properties

Two additional key concerns were raised within the submissions and are discussed below.

Dilapidation reporting, rock anchors and damage to adjoining properties

Concern was raised regarding the excavation to take place in close proximity to the Church Street properties and the potential for instability in the ground and damage to the adjoining land. In addition, concern was expressed about the use of rock anchors that would impact on the future development potential of properties fronting Church Street.

The provisions of Section 4.1 Dilapidation Report of the current draft CMP are noted. Further advice has been sought as to the adequacy of the proposed design and potential construction impacts of the basement and the additional Basement B7 level on the adjoining owners. The CMP should describe the preferred method of excavation and construction, and an alternative which may be required if agreement cannot be reached with Church Street owners on the use of temporary rock anchors.

Controlled access to lane and dock

The owners of the properties adjoining Church Street object to the use of a controlled access point and requested, that if required, it be relocated to the green shaded area

The safety and security measures proposed by the Applicant for the dock are noted and supported. It is considered to be in the interests of all parties that their properties are safe and secure at all times. It is important to note there are various property interests and of varying degrees. Understandably, it is expected that all would want/need to ensure that their assets are secure and protected.



Further Submissions in response to direct consultation for the design of the shared loading dock

Additional information provided by the Applicant was published on Council's website in late February 2015. A further 2 written submissions were received. Similar concerns were raised as per the DA public notification and direct consultation in October 2014.

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

The proposed development will provide a quality mixed use development that is well integrated into the character of the area. Furthermore, the amenity of the adjoining properties will not be detrimentally impacted upon by the proposed development. For these reasons the development is considered consistent with the public interest.



11 CONCLUSION

This report considers a DA submitted by LIDIS Group Pty Ltd for demolition, tree removal and construction of a 41 storey mixed use building containing retail tenancies, conference centre, discovery/exhibition centre with café and 413 residential apartments over 7 levels of basement car parking with stratum and Torrens title freehold lots subdivision.

The land owner is Parramatta City Council (and part Roads and Maritime Services), and consequently WorleyParsons Services Pty Ltd was engaged to provide the Sydney West Joint Regional Planning Panel with an independent town planning assessment of this application, including the preparation of this report. Assessment of various matters was also provided by the relevant departments within Council, and General Terms of Approval provided by the NSW Office of Water and NSW Department of Primary Industries (Fisheries NSW).

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 during site demolition, excavation, construction and operation.

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

Recommendation

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

- (a) That the variation to Clause 21 – Building Height of the Parramatta City Centre Local Environmental Plan 2007 is granted under the provisions of Clause 24.
- (b) That the consent authority grants development consent to Development Application No. DA/171/2014 for the demolition, tree removal and construction of a 41 storey mixed use building containing retail tenancies, conference centre, discovery/exhibition centre with café and 413 residential apartments over 7 levels of basement car parking with stratum and Torrens title freehold lots subdivision at 12-14 Phillip Street and 331A-339 Church Street, PARRAMATTA NSW 2150 for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to conditions in Schedule 1.