

**ASSESSMENT REPORT – MIXED USE DEVELOPMENT
S79C – Environmental Planning & Assessment Act 1979**

SUMMARY

Application details

DA No:	DA/706/2014
Assessment Officer:	Kate Lafferty
Property:	57, 63 & 83 Church Street and 44 Early Street - Parramatta Lot 16 DP 12623, Lot 114 DP 129484, Lot 15 DP 651039, Lot 10 DP 733044, Lot 20 DP 732622 & Lot B DP 304570
Proposal:	Concept approval is sought for the re-development of 3 development sites within the Auto Alley precinct. Concept approval is sought for the construction of 7 buildings containing 753 apartments and approximately 39,000m ² of retail/commercial floor space. Concept approval is also sought for the provision of a public park on Site 3.
Cost of works:	\$596,185,226
Date of receipt:	17 October 2014
Applicant:	Dyldam Developments Pty Ltd (Boyded Industries Pty Ltd were the applicant at time of lodgement)
Owner:	Gateway Parramatta Two Pty Ltd & Gateway Parramatta Two Commercial Pty Ltd (Boyded Industries Pty Ltd were the owner at time of lodgement)
Submissions received:	10 submissions received
Property owned by a Council employee or Councillor:	No
Political donations/gifts disclosed:	Yes

(Council's Governance section notified on 20 May 2016)

Council application:	No
Issues:	Height, floor space, distribution of floor space
Recommendation:	Approval subject to conditions
Determining Authority:	The development will be determined by the Sydney West Joint Regional Planning Panel as the capital investment value exceeds \$20 million

Legislative Requirements

Zoning:	<p>Site 1 and Site 2 are partially zoned Mixed Use B4 and partially zoned Business Development B5 under the provisions of Parramatta LEP2007.</p> <p>Site 3 is zoned Public Recreation RE1 under the provisions of Parramatta LEP2007.</p> <p><i>The zoning of all sites remain the same under LEP 2011 (Amendment 10) gazetted on 18 December 2015.</i></p>
Permissible under:	Parramatta City Centre LEP 2007
Relevant legislation/policies:	SEPP65, SEPP55 (Remediation of Land), SEPP (Infrastructure), SEPP (Urban Renewal), SEPP (Basix), Parramatta LEP 2007, Parramatta LEP 2011, Parramatta DCP 2011, Parramatta Section 94A Contributions Plan
Variations:	Height, floor space and floor space distribution (LEP 2007)
Integrated development:	No
Crown development:	No
Designated development:	No

The site

Site Area:	14,287m ²
Easements/rights of way:	None indicated on the submitted survey
Heritage item:	No
In the vicinity of a heritage item:	Yes Nearby items located at: <ul style="list-style-type: none">- 29 Lansdowne Street (cottage)- 35 Lansdowne Street (cottage)- 41 & 43 Lansdowne Street (semi-detached cottages)
Site History:	See "Background" section of the report

DA history (key dates only)

17 October 2014	DA lodged
29 Oct 2014 to 19 Nov 2014	DA notified
18 December 2014	JRPP Briefing Meeting
22 January 2015	Applicant presentation to the JRPP
16 October 2016	Amended plans and additional documentation submitted
21 April 2016	Design Jury meeting held

SECTION 79C EVALUATION

SITE & SURROUNDS

The subject site consists of 3 main sites located on the western side of Church Street, south of the Great Western Highway in Parramatta.

The subject development precinct is bounded by the Great Western Highway to the north and Church Street to the east. Numbers 57 and 63 Church Street are separated by Lansdowne Street and Numbers 63 and 87 Church Street are separated by Early Street.

The three sites are in single ownership and have previously been used for automotive services and car showrooms, sales areas, office space and workshop spaces. The following specific uses are noted for the lots:

- 44 Early Street is vacant and is used primarily as a staff car park
- 83 Church Street was used as a second hand car showroom until 2010. It contains vacant buildings in the west and a concrete forecourt
- 63 Church Street was the main Heartland Parramatta office for new car sales and also contained a workshop in the west of the lot. Waste disposal facilities and a plant room are located in the south-western portion of the lot
- 57 Church Street was the main sales area for second-hand car sales, however is now predominately used for storage and archiving. A drainage culvert is located in the south-western corner of the site, running in a southwest-northeast direction.

The details of these sites are shown in the table below.

	Address	Lot Number and Deposited Plan Number	Site Area
Northern Parcel – Site 1	83 Church Street	Lot 10 in DP 733044	7,592 m ²
	44 Early Street	Lot B DP 304570	
Central Parcel – Site 2	63 Church Street	Lot 20 in DP 732622	4,742 m ²
Southern Parcel – Site 3	57 Church Street	Lot 114 in DP 129484	1,953 m ²
		Lot 15 in DP 651039	
		Lot 16 in DP 12623	

Total Site Area = 14,287m²

The north-western corner of the precinct is approximately 14m above Australian height datum (AHD). The topography drops in a south easterly direction to approximately 10m over most of the rest of the precinct. The lowest point corresponds with the southern boundary of 57 Church Street where the Clay Cliff Creek runs under the precinct.

Immediately to the west of Sites 1 and 2 are commercial activities and residential flat buildings (approx. 3-4 storeys). Site 3 is adjacent to automotive industries to the south and low-medium density residential development to the west.

The aerial photo below shows the subject site and its relationship to adjoining properties.



Aerial Location Map (subject sites are outlined in red)



**Photograph of Subject Site
(view looking south-west from the corner of Church Street and Great Western Highway)**

BACKGROUND

RZ/9/2011 - Planning Proposal

A planning proposal was submitted to Council and sought the following:

- Rezoning of the sites from B5 (Business Development) to the current zoning (split between B5 Business Development & B4 Mixed Use Development) allowing for commercial and mixed use development on the site
- Increasing the height of buildings on the sites
- Increasing the floor space ratio on the sites.

The gateway determination dated 10 October 2012 approved the planning proposal to proceed to amend the Parramatta City Centre LEP 2007 to rezone the subject sites. Amendment 9 of Parramatta Local Environmental Plan 2007 was gazetted on 26 September 2014.

LA/386/2013 – Architectural Design Competition

The application was subject to a Design Excellence Competition in accordance with the requirements of Parramatta Local Environmental Plan 2007. The Jury consisted of 3 members:

- Michael Harrison, Director, Architectus (Chair)
- Dillon Kombumerri, Senior Architect, NSW Government Architects Office
- Philip Thalys, Principle, Hill Thalys Architecture & Urban Projects.

The Design Excellence Jury met on 4 March 2014. They considered designs by a nominated shortlist of 3 independent architects/firms that have demonstrated experience in designing high quality apartments and commercial buildings being:

1. Turner Studios
2. Allen Jack & Cottier
3. SJB

The Jury concluded that as the development is a very large development there would be benefit in the master planning and design being undertaken by more than one design firm. Both AJC and Turner demonstrated a *'sophisticated approach to the design that is generally consistent with the planning objectives and are closely ranked.'*

The Jury recommended that:

- the northern site be awarded to AJC because their design demonstrates the best approach for that site
- the middle site be awarded to Turner because their south-west tower is particularly well designed
- all of the public domain design treatment (i.e. Sites 1, 2 and 3 - the park) be awarded to Oculus because their public domain is the best and would be a unifying element to both development sites and the new park

- the master plan/coordinating architect for all of the development is AJC to ensure urban design consistency and quality
- the Jury is consulted by Council at Pre-DA stage and Post-DA regarding the achievement of design excellence.

Pre-DA Consideration

The Design Jury met with the architects and the applicant. The Jury was provided with a set of pre-DA drawings and a report on the architectural response to previous comments by the panel. The Jury considered the proposal and provided comments to Council on 28 October 2014. The Jury provided a number of recommendations and requested additional information be submitted.

It was considered that the proposed development had not achieved design excellence at that stage, however was capable of achieving design excellence upon the submission of more detailed design plans.

DA Consideration

Additional documentation was submitted to Council providing further detail on the design of the proposal as required by the Design Jury. The application was referred to the Design Jury and a meeting was held on 21 April 2016. The Jury's final report concluded as follows:

The Panel congratulates the architects in the generally well-considered design and submission for this major and complex project. The Panel considers that the design will be a positive contribution to the urban quality of the Parramatta City Centre subject to addressing the below ongoing concerns.

The Panel considers that the Stage 1 DA achieves design excellence. Is supportive of the 15% variation to the height and floor space provisions of Council's standards and advises Council that the following conditions should be imposed on the Stage 1 DA consent:

1. *That the Stage 2 DA cannot be approved unless the consent authority has had regard to:*
 - a. *Advice from the Competition Panel after review of the architectural drawings, landscape drawings and façade glazing samples that the Stage 2 design maintains design integrity and design excellence.*
 - b. *An independent assessment of the west facades by a qualified environmental sustainability consultant to achieve better than BASIX energy efficiency standards and thermal comfort for occupants of the apartments.*
 - c. *Consistency with the NSW Apartment Design Guide*
 - d. *Passive sustainability measures that exceed BASIX.*
 - e. *An investigation to use Tri-generation to power the development to reduce carbon emissions*
 - g. *Resolution of Building K loading dock truck turning to ensure loading dock is fully enclosed.*
 - h. *Resolution of the west façade of the tower on Site 2 to reduce its visual flatness by articulation.*

2. *The Competition Panel reviews the architectural drawings, landscape drawings and samples of the external glazing prior to issue of the Construction Certificate and prior to tender for construction to ensure design integrity.*
3. *The Competition Panel reviews the development prior to occupation certificate to ensure design integrity.*
4. *The design competition architectural firms are retained throughout the project to occupation certificate to ensure design integrity. The architects cannot be changed without approval of Council.*

It is noted that the Stage 2 DA will need to comply with the ADG which will likely mean some rearrangement of apartment layouts to the first 8 storeys.

Note the Panel's strong concern about the proposed pedestrian bridge across Great Western Highway.

The Design Jury have therefore awarded design excellence, enabling the development to achieve a 10% variation to the height and floor space ratio provisions of LEP 2007, as well as supporting an additional 5% variation to the base controls. The Jury have recommended a number of conditions be imposed on the consent, which have been incorporated within the Recommendation section of this report.

THE PROPOSAL

The Gateway South concept development application relates to the sites at 57, 63 and 83 Church Street and 44 Early Street. The Concept Plan proposes a high rise, mixed use development with public domain works and a park dedicated to Council.

The proposal is divided into 3 sites:

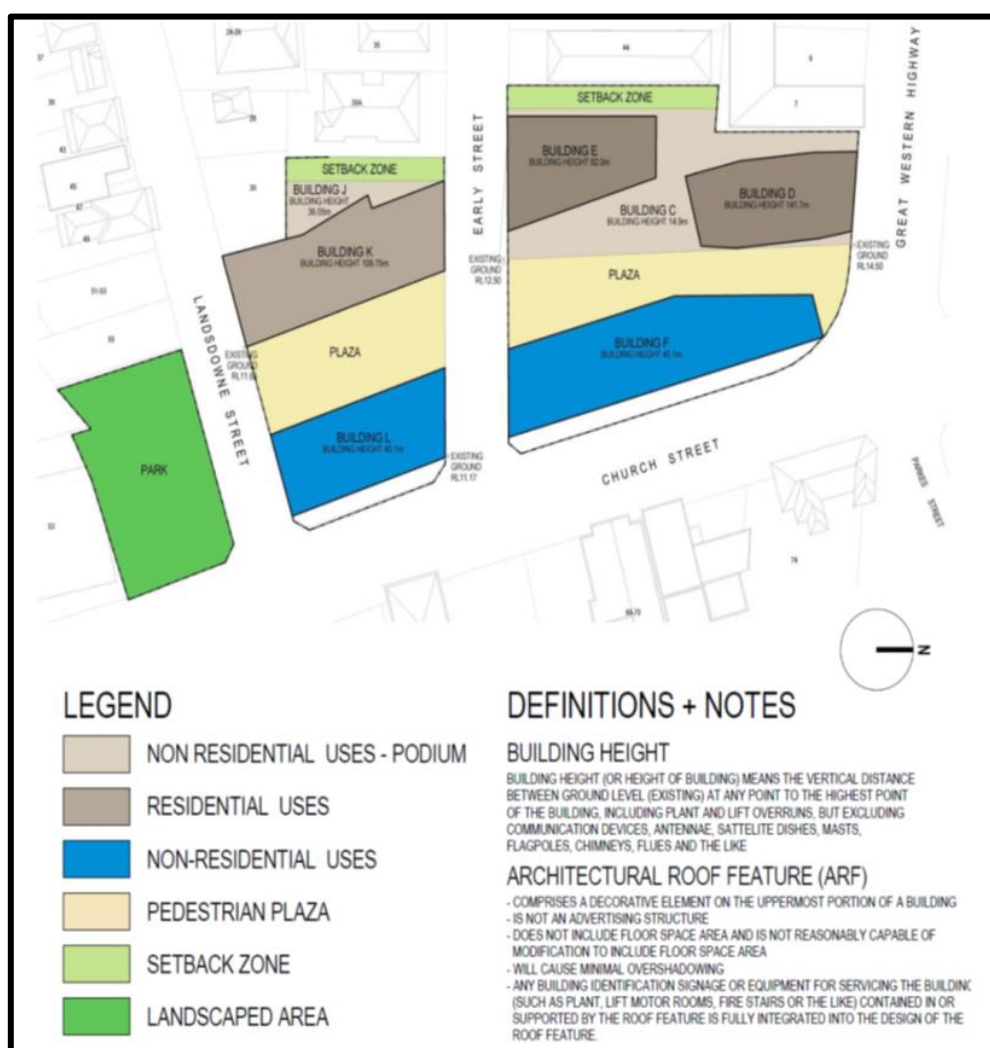
Site 1 Bounded by Great Western Highway, Church Street & Early Street	10 storey commercial building fronting Church Street (Building F) with ground floor vehicle showroom usage Mixed use podium (Building C) and residential towers (Buildings D & E) located at the rear of the site. These buildings contain the following: Building C 2 storey non-residential podium Building D 42 storey tower comprising 362 residential apartments Building E 23 storey tower comprising 160 residential apartments A car workshop is located within the basement (Basement Level 1) across the site. 6 x levels of basement car parking containing a total of 869 spaces for separated commercial and residential parking (Basement Levels 2-7).
Site 2 Bounded by Church Street, Early Street	10 storey commercial building fronting Church Street (Building L) with ground floor vehicle showroom usage 30 storey mixed use building (Building J/K) containing 8 storeys of non-residential floor space and 23 storeys of residential containing 231

and Lansdowne Street	apartments located at the rear of the site. 4 x levels of basement car parking containing a total of 368 spaces for separated commercial and residential parking.
Site 3 Bounded by Church Street & Early Street	Public park to be embellished with passive recreation facilities and landscaping. This park is to be dedicated to The City of Parramatta Council for public purposes.

The commercial and residential components of Site 1 and Site 2 are separated by a central public plaza providing pedestrian access between Great Western Highway through to the park on Lansdowne Street.

The applicant has also amended the application to incorporate the dedication to Council (free of cost) a 5m wide strip of land adjacent to Church Street along all 3 sites.

The general site and building layout is indicated within the following figure.



General Site & Building Layout

The development proposes the following residential/non-residential split:

- Total residential floor space = 58,657m² (total of 753 apartments)
- Total non-residential floor space = 39,102m².

This represents 60% residential and 40% non-residential split across the development sites.

Estimated Cost of Work = \$596,185,226

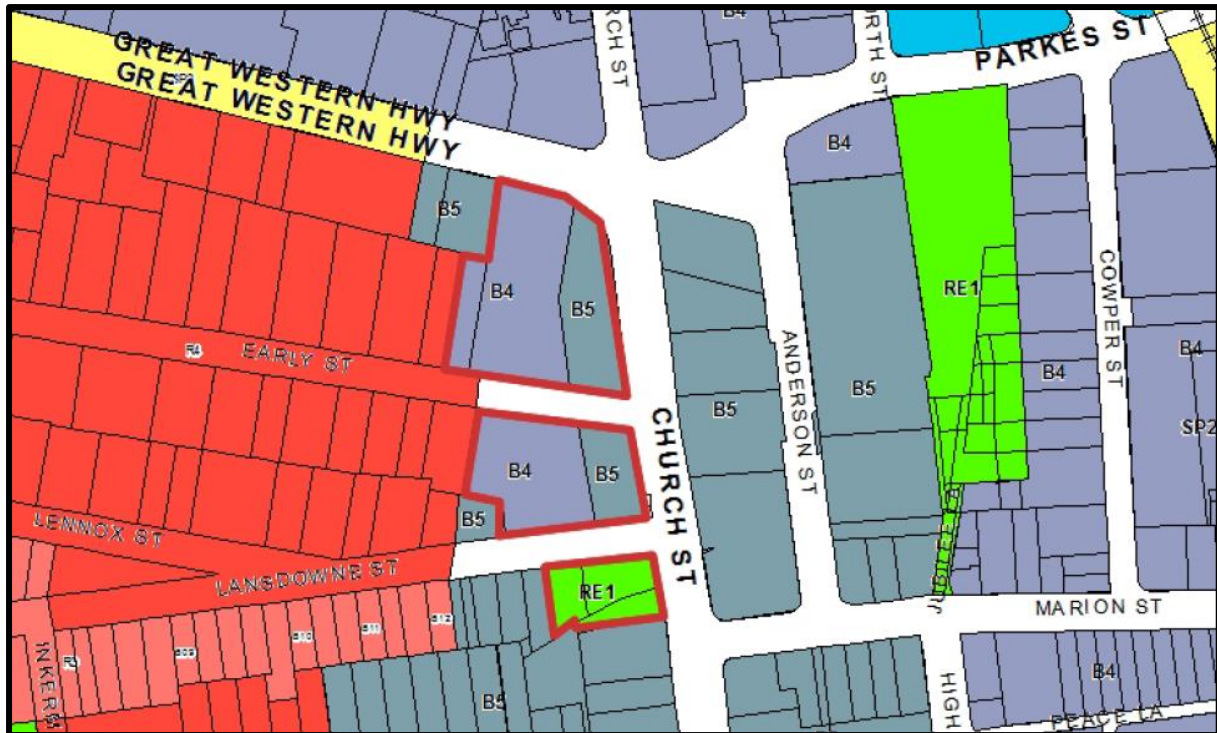
This is a staged application for a concept proposal under Section 83B of the Environmental Planning and Assessment Act, 1979. No works are proposed as part of the application. Detailed proposals for separate parts of the site are to be the subject of subsequent applications.



Photo montage of proposed development (view northwards along Church Street)

PERMISSIBILITY

Site 1 and Site 2 are partially zoned Mixed Use B4 and partially zoned Business Development B5 under the provisions of Parramatta LEP2007. This is indicated in the following map extract.



Combined Zoning Extract from Parramatta City Centre LEP 2007 & Parramatta LEP2011
(as at the time of lodgement – before the Amalgamated LEP 2011 was gazetted)

The proposed development contains the following uses:

- Business premises
- Retail premises
- Mixed use development (including residential flat building)
- Vehicle showroom and vehicle repair station.

All uses are permissible within their respective zonings.

The relevant definitions are listed below:

- ***mixed use development*** means a building or place comprising 2 or more different land uses.
- ***business premises*** means a building or place at which an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis.
- ***retail premises*** means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).
- ***residential flat building*** means a building containing 3 or more dwellings.

- **vehicle repair station** means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.
- **vehicle showroom** means a building or place used for the display or sale of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

The proposal satisfies the above definitions and all proposed uses are permissible with consent under the relevant zonings applying to the land.

It is noted that residential parking and services cannot be located within the basement in the B5 zone portion of Site 1 and Site 2 as residential flat buildings are not permissible in the B5 zone. Therefore access and car parking for the residential uses cannot be provided within the B5 section of the site. For this reason, the residential and commercial car parking have been appropriately segregated within the basements.

Site 3 is zoned Public Recreation RE1 under the provisions of Parramatta LEP2007. Recreation areas and recreation facilities are permissible uses with consent within the zoning of the land.

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

The development will be determined by the Sydney West Joint Regional Planning Panel (JRPP) as the capital investment value exceeds \$20 million.

The application was considered at the JRPP Briefing Meeting on 18 December 2014. At that meeting, the JRPP panel members raised the following issues to be addressed by the applicant and Council officers:

- the proposed 15% variation to Council's floor space ratio and height controls
- pedestrian mobility and access in the area.

The applicant provided a presentation to the JRPP and Council officers on 22 January 2015. The minutes of that meeting from the Panel Secretariat read as follows:

The Panel brings the following to the attention of the applicant:

- *The design excellence process to be concluded with an unequivocal statement from the Jury advising that design excellence has been awarded based on the variation sought (15% to height and floor space ratio).*
- *The Panel is disappointed that the Design Competition process was not finalised before the lodgement of the development application.*
- *The applicant is to give detailed consideration to pedestrian connectivity and integration between the subject site and the CBD.*
- *The Panel is aware that the site at 30 Lansdowne Street is an isolated site as a result of the proposed redevelopment. The applicant is to provide a detailed assessment of the potential impacts on this adjoining property located at 30 Lansdowne Street and*

the development potential of that site. Due consideration of the relevant planning principle is to be given.

- *The Council assessment report is to incorporate commentary on the strategic vision for the existing residential properties to the west of the subject site.*
- *Council officers advised that Council catchment staff are considering the park concept in terms of safety of intended users due to high hazard flood affectation.*

The concerns raised by the Sydney West JRPP are discussed in detail below.

Proposed 15% variation to the planning controls

Concern was raised with the proposed 15% variation to the floor space ratio and height provisions of the recently amended LEP (site specific planning proposal). In this regard, a merit based assessment for the variation needs to be covered within the assessment report and the Design Jury will need to specifically address the 15% variation.

Merit Based Assessment

The application proposes a 15% variation to the base planning controls under LEP 2007 in relation to floor space ratio and height.

Clause 22B of LEP 2007 provides for a 10% variation to these development standards if the design is the result of an architectural design competition. The Design Competition Jury have awarded design excellence to the proposal and awarded a 10% bonus to the base development standards. This in effect means that the permissible height and floor space now includes the 10% additional awarded under Clause 22B of LEP 2007.

The application therefore proposes a maximum 4.5% variation to the allowable floor space ratio and height controls under LEP 2007. The applicant has lodged a Clause 24 variation to these standards, which is discussed further within the report.

Design Jury Comments

The Design Competition Jury have considered the proposed development and have awarded the proposal design excellence. The Jury met on 21 April 2016 and advise as follows:

The Panel considers that the Stage 1 DA achieves design excellence. Is supportive of the 15% variation to the height and floor space provisions of Council's standards ...

Amalgamated LEP 2011

The recently amalgamated LEP2011 provides for the consent authority to approve applications that exceed certain development standards if the application exhibits design excellence. In this regard, Clause 7.10(8) of Parramatta LEP 2011 states that if the design of a new building is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence, it may grant development consent to the erection of the new building with up to 15% variation for height and floor space.

Pedestrian Mobility and Access in the Area

Concern was raised with the increase in density on this site and the pedestrian access/moveability around the streets. How will people move between the site and nearby transport nodes in a safe and convenient manner? What improvements will be made with pedestrian/traffic movements and should a pedestrian overpass be provided? Details on a potential overpass is to be investigated by Council and the applicant.

Planning Comment:

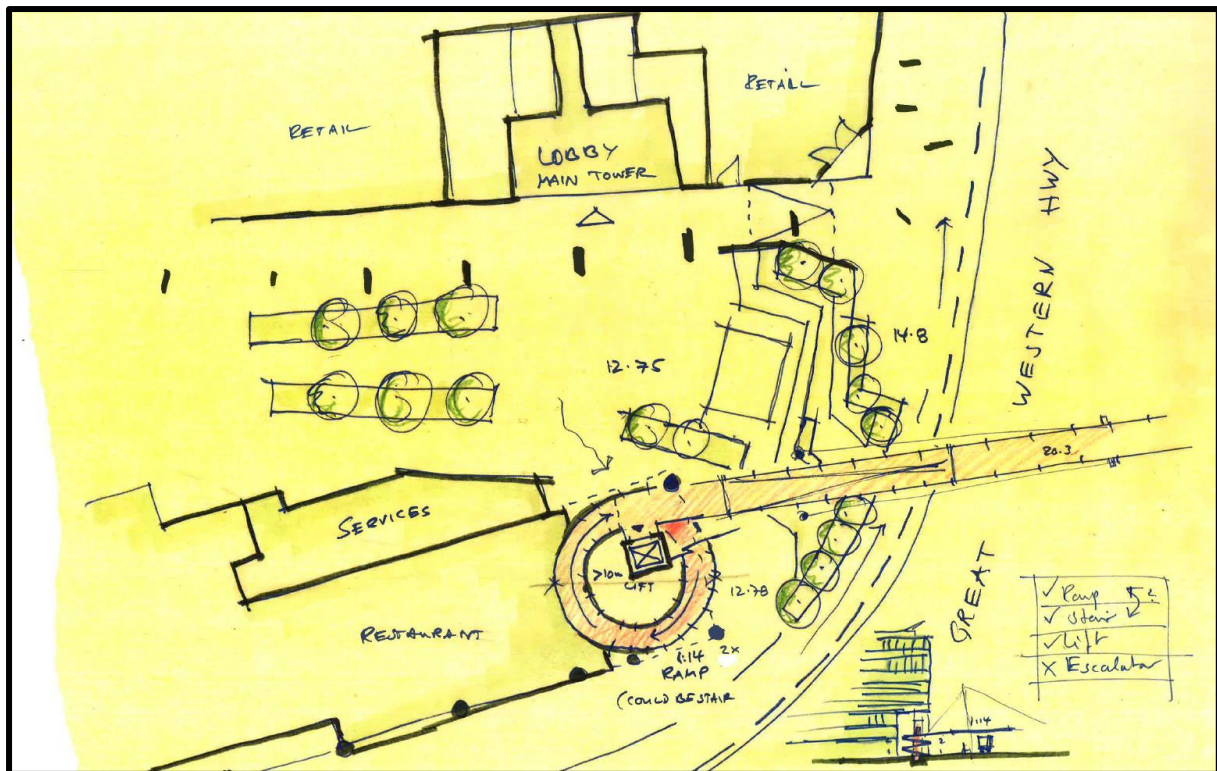
Council officers have met with the applicant and the RMS regarding the possibility of providing a pedestrian overbridge spanning Great Western Highway to provide north bound pedestrian access to the City centre.

The applicant has submitted 3 options for the provision of a pedestrian bridge from the site which would span the Great Western Highway and adjoin the Thompson Ford site located at 87 Church Street.

The 3 options submitted are as follows:

- Option 1 Allows for an upraised landscaped plaza, permitting a high amount of public gathering and informal seating space in form of benches and habitable stairs (Spanish stairs). The public domain as designed originally, would turn into a terraced volume, rising towards the busy highway and naturally allowing for taller trees. This option profiles the plaza experience and shelters from the Great Western Highway. It is however negotiating the candid, more simple domain experience as originally suggested.
- Option 2 Envisions a circular ramp (2 loops), slipped under/adjacent to the potential future hotel building with a lift central to it. Instead of a ramp this could also be a circular stair (1 loop only). This option would affect the potential future hotel building design.
- Option 3 Adds an internal stair and lift to the northern end of the podium, which would marginally reduce retail area, however leave the current plaza design untouched.

After consideration of streetscape and public domain impacts and likely pedestrian movements, Council officers agreed that Option 2 was the most appropriate option. Option 2 is shown in the following diagram.



The preferred Option 2 for the proposed pedestrian bridge across Great Western Highway

Council has received correspondence from the RMS dated 18 March 2016 noting their support in principle of this option. The RMS have also provided their concurrence under Section 138 of the Roads Act 1993. Condition 3 of their concurrence (as amended 12 May 2016) reads as follows:

The Developer is to enter into a Transport Infrastructure Contributions (TIC) Deed with Roads and Maritime Services to construct the proposed pedestrian overbridge in Great Western Highway at Church Street intersection prior to issue of the construction certificate.

The applicant has provided written correspondence agreeing to this condition.

It is to be noted that the construction of the pedestrian bridge would be reliant on the redevelopment of the Thompson Ford site (on the northern side of Great Western Highway) and the integration of the bridge into the future designs of that site. Council however wishes to preserve the possibility of providing this pedestrian bridge at this stage, and it is therefore recommended that an easement be created in favour of Council over the bridge location, and the applicant construct part of the bridge structure which could also serve to connect the public domain to the proposed restaurant area of a future hotel on the site.

It should also be noted the Design Competition Jury and Council's Urban Design Unit do not support the pedestrian overbridge for urban design reasons. In this regard, the Design Competition Jury have stated the following within the Design Jury Report:

"It is a strong concern of the Panel to learn in the meeting of 21.4.16 that the RMS is contemplating a pedestrian bridge across the Great Western Highway. The first priority

should be for pedestrians to circulate at ground level to the maximum extent possible. If against all urban design and cost advice, a bridge were to be further investigated, then it needs to be as light and transparent as possible (similar to the bridge across Pacific Hwy in North Sydney)."

Site Isolation of 30 Lansdowne Street

The site at 30 Lansdowne Street adjoins Site 2 of the subject site to the south and west. It is an irregular shaped lot with a frontage of approximately 26m to Lansdowne Street and a site area of approximately 530m².

Existing Controls

The site is currently zoned B5 Business Development, has a maximum height of 12m and FSR of 2:1.

The site is unusually constrained as a result of the land use zoning applying to the land. The issue of the zoning and controls for this site were considered during the site specific planning proposal for Heartland Holden. During that review, it was considered that the matter could not be resolved at the planning proposal stage, but opportunities could be explored for the site in the wider precinct rezoning for Auto Alley.

The applicant was requested to address the impacts of the site in relation to the planning principle NSW LEC Planning Principle - in particular Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSW LEC 117 wherein the principle reads:

Any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone.

This assessment has been carried out by the applicant and reviewed by Council staff, and is discussed in further detail below.

The applicant has also considered the potential isolation of land through redevelopment within the principles established in:

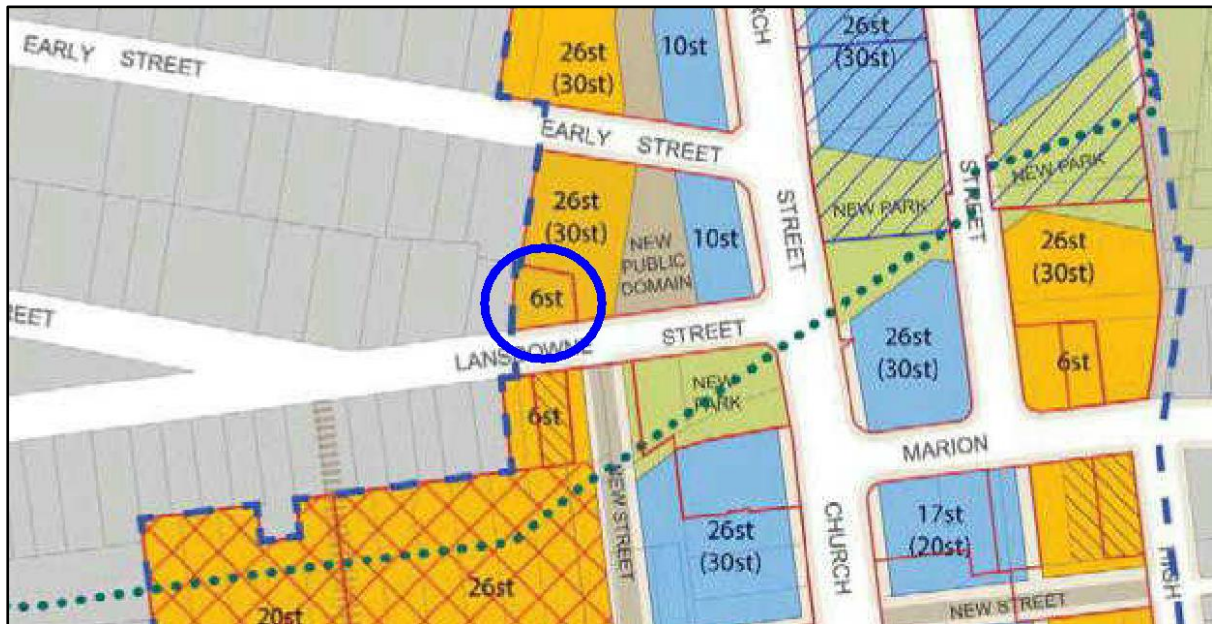
- Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSW LEC 189
- Melissa Grech v Auburn Council [2004] NSW LEC 40.

The applicant has provided drawings of how the site could be redeveloped under the existing controls to maximise floor space and height. The plans indicate a commercial building containing 3 floors with a GFA of 1049.25m² and a height of 12m. This building envelope would have little impact upon the proposed development at 63 Church Street as it adjoins 8 levels of commercial development (and mechanical plant rooms). The building however may have more impact upon the residential property at 28 Lansdowne, which may be minimised with setbacks and façade treatment. Alternatively, the site may be amalgamated with 28 Lansdowne Street for a mixed use development. It is therefore considered that the

site may be redeveloped under the current controls and therefore is not an isolated site.

Proposed Future Controls

30 Lansdowne Street is identified in the Parramatta CBD Planning Strategy with a change of zoning to B4 Mixed Use, a floor space ratio of 2:1 and a potential height of 6 storeys. This is reflected in the draft Planning Proposal which has been adopted by Council and is currently with the Department of Planning for Gateway Determination.



CBD Planning Strategy – Proposed Land Use and Indicative Height Controls

The applicant has provided drawings of how the site could be redeveloped under the proposed future controls, assuming a nil setback to the east, 3m setback to the west and 6m rear setback. It is noted that opportunity will exist for amalgamation of sites to the west (which will retain a residential zoning). The plans indicate a 5 storey residential flat building with a floor space of 1047.75m² containing a total of 16 apartments. The scenario indicates that the apartments would receive 88% solar access (minimum 2 hours) and 69% cross ventilation.

It is considered that the applicant has provided acceptable scenarios for the current and future likely controls on the site. The plans submitted indicate that a reasonable development could be achieved on the site under either scenario.

It is noted that the site is constrained by its size, however given that there are no statutory site area or frontage controls applicable to this site, opportunity exists for amalgamation with 28 Lansdowne Street, and the site can be reasonably developed under the existing and future controls, the site is not considered to be isolated.

Strategic Vision for Properties to the West of the Site

The Panel requested that the assessment report incorporate commentary on the strategic vision for the existing residential properties to the west of the subject site.

Planning Comment:

The area to the west of the subject development site is identified in the Parramatta CBD Planning Strategy as having potential FSRs of 6:1 (northern part) and 3:1 (southern part), subject to further urban design refinement and testing for proposed floor space ratios. The majority of the area to the west will have a Residential R4 zoning, with the sites fronting Great Western Highway having a B4 Mixed Use zoning.

Council at its meeting of 11 April 2016 adopted the draft Planning Proposal for the Parramatta CBD for the purpose of seeking a Gateway Determination from the NSW Department of Planning and Environment. The Gateway Determination will outline whether the planning proposal can proceed (with or without variation) and subject to certain conditions. These conditions may require further studies being undertaken, public consultation, public hearings, agency consultation and time frames. It is expected that following receipt of the Gateway Determination, the planning proposal will be publicly exhibited (subject to Council satisfying all conditions). Submissions received during public exhibition will be considered and reported to Council along with any changes to the planning controls. The timing for the exhibition is unknown at the current time as this is subject to the Department's timeframes in issuing the 'Gateway Determination' and the nature of the conditions that must be met.



CBD Planning Strategy – Proposed FSR Controls (subject to testing)

EXTERNAL REFERRALS

NSW Roads & Maritime Services

The application was referred to the NSW Roads and Maritime Services (RMS) for comment in accordance with Schedule 3 of State Environmental Planning Policy

(Infrastructure) 2007. RMS concurrence is also required under Section 138 of the Roads Act 1993.

Correspondence dated 26 April 2016 was received from the RMS providing concurrence to the application. This concurrence included various standard conditions and the following extraordinary conditions:

Condition 2 The land required for the road shall be identified as separate lots in any plan of subdivision and dedicated as road at no cost to Council and RMS.

Planning Comment:

Council has no authority to compel the applicant to dedicate land as a condition of consent. The applicant has however amended the application to include the dedication of this land to Council at no cost to Council.

Condition 3 Council should enter into a VPA (voluntary planning agreement) with the developer to construct the proposed 'pedestrian overbridge' in Great Western Highway at Church Street intersection.

Planning Comment:

This condition has been amended via correspondence dated 12 May 2016 to read as follows:

The Developer is to enter into a Transport Infrastructure Contributions (TIC) Deed with Roads and Maritime Services to construct the proposed pedestrian overbridge in Great Western Highway at Church Street intersection prior to issue of the construction certificate.

The applicant has agreed to this condition requirement.

Condition 4 Existing "NO RIGHT TURN, 6AM-7PM, MON-FRI" with 'BUSES EXCEPTED' restrictions in Church Street at Lansdowne Street intersection shall be replaced with full-time "NO RIGHT TURN" with 'BUSES EXCEPTED' restrictions. Council is to undertake consultations with the affected residents and businesses in this regards.

Planning Comment:

Council raises no objection to this condition requirement.

The above matters have been considered by Council's Traffic and Transport Officer and the application is found to be acceptable. Appropriate conditions have been imposed within the Recommendation section of this report. It is noted that these conditions will relate to the future applications the subject of the concept approval.

Sydney Water

The application was referred to Sydney Water for comment. Correspondence dated 7 November 2014 was received from Sydney Water advising of the following matters for consideration for any development of the sites:

- Building adjacent to the stormwater channel
- Water quality improvement devices
- Direct stormwater connection
- Provision of drinking water
- Wastewater requirements
- Sydney Water servicing.

The requirements do not create any significant concerns for this concept plan stage of development and are to be addressed at the detailed development application stage of the proposal. These notes have been incorporated within the Recommendation section of the report.

Endeavour Energy

The application was referred to Endeavour Energy on 22 October 2014 for comment. No correspondence has been received to date. It is inevitable that the proposed development will require the provision of electricity substations and this is to be considered in the detailed design of future development applications for the site. The sites are capable of providing these substations with little impact on the streetscape or amenity of future occupants of the buildings.

INTERNAL REFERRALS

Heritage Advisor

The application was referred to Council's Heritage Advisor who reports as follows:

Discussion

The site of the proposed development is not of heritage interest in its own right, however, it is in the vicinity of several local listed items in the LEP (notably including two items listed on the PCC LEP 2007 and 2011 adjacent to Site 3: the two pairs of semi-detached cottages at 41-43 Lansdowne Street and at 49 Lansdowne Street).

The sites have frontage to Church Street, Lansdowne Street, the Great Western Highway and Lansdowne Street. The proposed development would also be visible from the South Parramatta conservation area. The site was subject to a rezoning application RZ/9/2014 when basic heritage requirements were addressed.

It is necessary to assess the proposal in terms of both archaeology and the likely impact on adjacent heritage items. While the area has moderate archaeological potential for finding relics of local level of significance, the level of excavation is such that proposed development may need permits from NSW Heritage Council for disturbance of grounds.

The applicants have prepared an archaeological and heritage report. However, for the disturbance of grounds and all other archaeological matters, the consent authority is the NSW Office of Environment and Heritage and their opinions must be taken into account.

Recommendation

From the built heritage perspective, I have no objection to the proposed concepts. The proposal will inevitably overshadow the near-by items; however, it is deemed that this is primarily a matter of residential amenity, and that the proposed level of overshadowing is potentially acceptable in heritage terms. Given the significance of the adjacent heritage items of local significance, it is likely that the final form of this proposal will have an acceptable level of impact, or that this impact will be possible to mitigate at the detailed design stage.

In summary, based on the above, I have no objection to the proposed development from the built heritage perspective but would recommend notifying the NSW OEH to confirm appropriate processes recommended for management of archaeological values on the affected sites. Alternatively, it may be recommended to the Panel to impose conditions to the effect of applicants obtaining all appropriate permits from NSW OEH prior to commencement of works on the site.

Planning Comment: The requirements do not create any significant concerns for this concept plan stage of development and are to be addressed at the detailed development application stage of the proposal.

Traffic Officer

The application was referred to Council's Traffic Officer who carried out a detailed review of the application. The traffic assessment results in a satisfactory outcome, with some minor changes to be required within the detailed design phase. These details have been forwarded to the applicant to include within the Stage 2 development application. In terms of traffic generation of the site, it is noted:

For the purpose of the traffic assessment, access to Block 1 and 2 would be provided via Early Street (Block 3 is currently planned as open space) and an appropriate number of parking spaces will be provided in a multi-level basement car parking area for each Block in accordance with Council DCP guidelines.

The proposed development will generate a total of 429 trips in the AM peak hour, a total of 468 trips in the PM peak hour and 351 trips in the Saturday peak hour. [sic. total trips amended as per the revised Traffic Report dated 12/02/2016].

Intersection performance analysis has been undertaken at key intersections in the vicinity of the site with and without development traffic present on the road network in order to understand the impact of development on the local road network.

The results indicate that in the AM, PM and Saturday peak hour, the proposed development has negligible impacts to the local road network. With the new left turn lane at Great Western Highway 1 Church Street/Parkes Street intersection, the intersection with subject development traffic operates with better average delays than the future base scenario.

Planning Comment: There are no specific conditions to be imposed on the concept plan approval. Details of compliance with

Council's requirements and the relevant Australian Standards are to be demonstrated at the detailed design stage.

Tree Management & Landscape Officer

The application was referred to Council's Tree Management & Landscape Officer who reports as follows:

I have undertaken an inspection of the subject site. The majority of the existing trees located within the proposed development parcels are Syagrus romanzoffianum (Cocos Palms) which are exempt from the PCC DCP. These trees do not require any comment with respect to an arboricultural impact assessment for the site, however it is recommended that they be identified and numbered on a tree removal/tree protection plan for clarity. It is requested that all trees located within the road reserve which adjoins the site and trees where located within 3m of the property boundary be included within an arboricultural impact assessment prepared by an AQF Level 5 arborist. It is requested that the arboricultural impact assessment also contain a tree protection plan to ensure that trees located within adjoining properties are not unduly impacted by the proposed works.

The proposed planting palette is considered generally acceptable with the exception of Melia azederach (White Cedar) which is listed as an undesirable species within the Parramatta LGA. The plant selection allows for the provision of larger trees (15m+) within the proposed park and road reserve which is important to provide an appropriate scale of planting in comparison to proposed built format. Small to medium trees are proposed to be planted within the Plaza area above the basement slab. It is recommended that structural cells be incorporated for all tree planting within the plaza to allow for sufficient soil volume for tree establishment. It is recommended that all proposed tree specimens be provided in super advanced stock, which may require to be grown under contract.

The landscape treatment to the podium levels is considered satisfactory in concept. Any addition to the available private open space within the proposed buildings would be of benefit.

The use of Water Sensitive Urban Design is key for the project in particular for use within the Plaza area.

It is recommended that the proposed park and road reserve be assessed by Councils Urban Design and Open Space teams. Of particular importance will be the treatment of the existing drainage channel and the interface between the park and the open channel.

Planning Comment: The applicant submitted an arborist report in response to the above comments. Council's Tree Management & Landscape Officer reviewed this documentation and reports as follows:

I have reviewed the arboricultural impact assessment prepared by UTM dated 24 March, 2015.

The report has identified that there are no significant trees located within the site and no objection will be raised for their removal as proposed. There are two (2) trees located within the front setback of an adjoining property at 37 Early Street which are located in close

proximity to the proposed development site and may be impacted by the works proposed. These trees are numbered 7 and 8 within the tree location plan.

Section 4.6 of the arborist report discusses removal of tree 7 located within the adjoining site. Should the applicant seek consent for removal of trees within the adjoining site it is required to be addressed via a separate tree permit application with owner's consent. Should owner's consent be not be provided for tree removal the applicant is required to demonstrate that the trees can remain viable and will not be unduly impacted by the works proposed.

A detailed landscape plan is required to accompany any future development application.

Planning Comment: The recommendations of Council's Tree Management & Landscape Officer are incorporated as advisory notes in the Recommendation section of this report.

Development Engineer

The application was referred to Council's Development Engineer who reports as follows:

This assessment is focussed on development and catchment engineering including flooding, internal rainwater and stormwater management, water sensitive urban design and engineering treatments for the public domain within and beyond the site. This also addresses treatment of the third lot (C) or Site 3 which is to become a park, but which contains a major Sydney Water stormwater culvert and is the hazardous floodway path of Clay Cliff Creek.

The Applicant has responded positively and constructively to Council's engineering concerns.

A 2D/1D flood study by Cardno ('the Cardno 2007 Study') clarified the relevant flood levels, depths and velocities around the site and revised flood planning levels and strategy were agreed with Council. Amended architectural drawings showed an appropriate treatment concept, especially at ground level, to accommodate flood waters as necessary, while retaining a suitable street frontage and public safety. Special attention has been given to flood proofing the basement car parks and evacuation/emergency response systems.

The Applicant has addressed internal stormwater management in conjunction with landscape treatment and WSUD. The Applicant has demonstrated that OSD would adversely affect flooding at this site and so is not to be employed. Instead the Applicant is pursuing a high level of rainwater harvesting and mains water substitution. Stormwater pollution reduction and stormwater retention is achieved with bioretention and landscape systems rather than 'end of pipe' hardware.

REASONS SUPPORTED

The amended Concept DA now demonstrates in concept how all of the sites in the project area can be successfully developed, while broadly addressing Council Development Engineering requirements and other environmental constraints.

CONCLUSION

The Concept DA proposal satisfies the requirements of Council's controls and can be supported, subject to special conditions of consent, and noting that there will be further detailed assessments and requirements for each of the individual sites and their respective DA's.

Planning Comment: The recommended conditions of Council's Development Engineer are incorporated within the Recommendation section of this report.

Public Arts Officer

The application was referred to Council's Public Arts Officer who reports as follows:

In general, and as a concept, I believe the document represents a good position to begin further work, and more detailed plans.

I note the gateway opportunity, which is important, and supported. I note the street frontage, themed around car culture, also important and supported. I note the other opportunities mentioned and generally support all these.

I would like to see more work - and more options - on the themes. To some extent the salty/fresh concept has been picked up and reflected in others artworks closer to the river. It is possible that a unique take on this idea, or even some other key metaphor could be developed. The historic and symbolic intersections of Parramatta Rd/Church/Great Western Highway may yield some interesting ideas about the "central" nature of Parramatta, at the heart of the wider metropolis: a flowing together of roads rather than waters.

It could be good to encourage those works at ground level, have a capacity for engagement/physicality/play/touching.

It would be good to encourage works that have a day and night manifestation.

It would be good to encourage works that add amenity: shade/play etc.

Planning Comment: A detailed Arts Plan will be required to be submitted for any future detailed development application for this site. No specific conditions of consent are required to be imposed at this concept stage.

Environmental Health Officer (Contamination)

The application was referred to Council's Environmental Health Officer who reports as follows:

The Environment & Public Health Team has reviewed the submitted Phase 2 Contamination Report (Detailed Environmental Site Assessment Report – 57, 63 & 83 Church St Parramatta – Consulting Earth Scientists Pty Ltd – 1 December 2015 – Report ID: CES150907-DYL-AD).

This review has found that the report is satisfactory in its scope and detail and adequately addresses general contamination concerns for the proposed concept approval plan in accordance with SEPP55.

However further characterisation and assessment of site specific contamination issues may be required during approval stage.

A brief overview of the findings of the assessment is provided as follows:

Site History:

Mixed history of residential, light industrial and commercial land usage including potentially contaminating activities e.g. storage of petroleum products, vehicle maintenance/repairs, demolition of former structures possibly containing hazardous building materials.

Intended Use:

The concept approval is for construction of 7 buildings (mixed use high density residential and commercial) and public park/open space across three separate sites.

The report identified use of appropriate soil assessment criteria for the mixed use and high density residential areas however in terms of the 57 Church St site the assessment criteria will need to be amended i.e. Health Investigation Level C (HIL-C) should be used for this site rather than the HIL-B as indicated in section 7.1 of the report, likewise the Health Screening Level C (HSL-C) is more appropriate for open space usage as opposed to the general HSL-B assessment criteria included in the report.

Investigation results:

The soil analytical results indicated concentrations below the laboratory limit of results or below the adopted guidelines for all contaminants of potential concern (COPC).

The groundwater analytical results indicated concentrations below the adopted assessment criteria for all COPC with the exception of Copper, Nickel and Zinc in groundwater sampled in 9 of the 12 monitoring wells. However the report goes on to state that the concentrations of these metals are “typical of the Sydney area and considered indicative of naturally occurring background levels and not as a result of contaminating activities having occurred on site”. A justification that appears satisfactory on the face of it.

Report Conclusion:

It is noted in the conclusion that a statement is provided that “the site is considered suitable for commercial/residential land use and the proposed development without the requirement for further assessment or remediation.” The view of the Environment & Public Health Team on this finding is to agree only in so far as it relates to the high density residential and commercial aspects of the proposed development. Further clarification on the public open space/park portion of the proposal is deemed necessary to ensure that the appropriate level of assessment criteria are used for this land use type.

Additionally, further investigation and classification of any acid sulphate impacted soils will be required at DA stage for all potentially acid sulphate affected lands.

Planning Comment:

The applicant submitted a revised contamination report to address the concerns of Council officers and include discussion on the suitability of the site with regard the proposed area of parkland in the area referred to as Site 3. According to the report, screening of the soil/groundwater analytical concentrations with the more conservative values applicable to parkland did not identify any exceedances or unacceptable risks to future site users.

The revised report was reviewed by Council's Environmental Health Officer who reports as follows:

I have reviewed the amended Detailed Site Assessment Report and note that it has been updated to include the relevant site assessment criteria for the open space/parkland. It is also noted that this DA is for overall concept approval and it is in that context that the support of the Environment & Public Health Team is provided.

Separate DA's will be required to be lodged for the individual stages of the development and further assessment into potential contamination may be required as part of those assessment processes.

Clarification was sought on the above statement and it was confirmed that further contamination assessment is not required. The removal of the underground storage tanks and asbestos containing structures will be appropriately managed through conditioning of the subsequent development applications where relevant.

Waste Management Officer

The application was considered by Council's Waste Management Officer who raises no objections or concerns with the proposed concept design. It is noted that details regarding waste management will be submitted at the detailed design stage of development.

PUBLIC CONSULTATION

In accordance with Council's notification procedures contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties given notice of the application for a 21 day period between 29 October and 19 November 2014. In response, 10 individual submissions were received, comprising 9 objections and 1 submission in support.

A map indicating the location of the submitters is provided below. It is noted that 1 submission location is beyond the scope of the map.



Submissions Map

The issues raised within these submissions are discussed below.

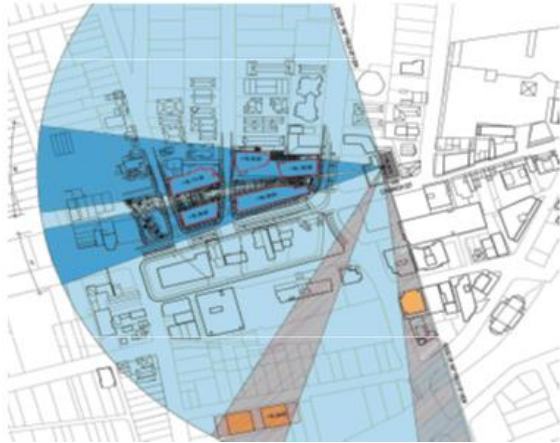
SUBMISSION 1	
45-47 Campbell Street – Parramatta	
Concern	Response
Gives full support of the application. The proposal will bring growth to the area.	Noted.
SUBMISSION 2	
30 Lansdowne Street – Parramatta	
Isolation of the objector's site in terms of zoning and potential land uses. The proposal will severely restrict future development of this site. There should be a better interface with the objector's site to enable future redevelopment. The objector cites the NSW LEC Planning Principle – in particular Seaside property Developments Pty Ltd v Wyong Shire Council [2004] NSW LEC 117 wherein the principle reads: Any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone.	Council officer assessment concludes that whilst the site is constrained, it is not considered to be an isolated site. It is considered that opportunity exists to develop the site under the existing planning controls and possible future controls. Amalgamation with the adjoining property is also a possibility of exploration. This matter has been addressed in further detail under the "Sydney West Joint Regional Planning Panel" section of this report.
The isolation of this site should have been considered in the design excellence process.	The redevelopment potential of this site has been considered by the Design Competition Jury. The Design Jury are satisfied with Council's assessment of the matter.

<p>The proposal does not comply with the SEPP (Urban Renewal) 2010 particularly as it does not facilitate the orderly and economic development and redevelopment of sites in and around Urban Renewal Precincts.</p>	<p>The proposed development does satisfy the SEPP (Urban Renewal). It is considered that the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal.</p> <p>It is also considered that the proposed development is not likely to restrict or prevent the following:</p> <ul style="list-style-type: none"> • development of the potential precinct for higher density housing or commercial or mixed development, • the future amalgamation of sites for the purpose of any such development within the potential precinct, • access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.
<p>SUBMISSION 3 28 Lansdowne Street – Parramatta</p>	
<p>Loss of peace and calm due to increased traffic</p>	<p>The site has been the subject of a planning proposal which envisages the increase in traffic in the area. It is noted that the vehicular entry points are in Early Street, and as such the vehicle movements in Lansdowne Street are unlikely to significantly increase as a result of the proposed development.</p>
<p>Air pollution due to the development will affect health and well being</p>	<p>Conditions of consent will be imposed on any future development applications to minimise the impacts associated with construction dust and asbestos removal.</p>
<p>Operates a home business which will be adversely affected financially as clients will not want to visit during the construction of the development (traffic issues and noise)</p>	<p>Conditions of consent will be imposed on any future development applications to minimise the impacts associated with construction.</p>
<p>The proposed height will adversely impact on the amount of solar access received to the objector's property. This will result in a loss of amenity and the garden will not be able to grow without sunlight.</p>	<p>The shadow analysis indicates that the property at 28 Lansdowne Street will be overshadowed by the proposed development during 9am to 11am during the Winter Solstice. The property will also be affected by the existing residential flat buildings located to the north and west of the site. Solar access will be minimal however will be achieved to varying sections of the private open space during the day. It is inevitable that a large city centre development will have shadowing impacts, and any development on the proposed site that complies with the approved building envelopes will impact the morning sunlight on the objector's property. In this regard, the overshadowing of this</p>

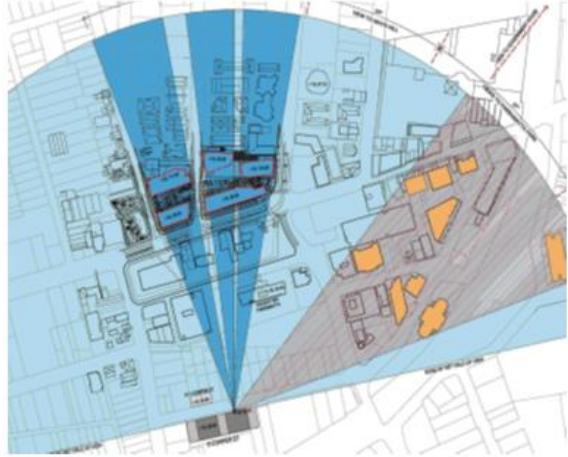
	property does not warrant the refusal of the application.
The proposed development will result in a large cost to the objector – financial, physical and mental wellbeing.	There is no evidence submitted to support this objection and it is not a matter of consideration under Section 79C of the EP&A Act, 1979.
SUBMISSION 4 Unit 2/24-26 Lansdowne Street – Parramatta	
This is a heritage conservation area and such a tall building is not permitted	The site is not located within a heritage conservation area.
The proposal will generate more traffic	<p>The proposed development will generate more traffic. The traffic report submitted states that the development will generate a total of The proposed development will generate a total of 429 trips in the AM peak hour, a total of 468 trips in the PM peak hour and 351 trips in the Saturday peak hour.</p> <p>The traffic study submitted indicates that in the morning, afternoon and Saturday peak hours, the proposed development has acceptable impacts to the local road network. No objection has been raised by Council's Traffic Team or the RMS regarding the impacts on the local road network.</p>
There will be an increase in air pollution	Conditions of consent will be imposed on any future development applications to minimise the impacts associated with construction dust and asbestos removal.
There will be more rubbish in the area	The proposed development will provide for adequate waste facilities within the commercial and residential components of the buildings and also within the public plaza and park. These are matters that will be dealt with in the future detailed development applications.
There will be blocking of fresh air	There is sufficient separation distance between the proposed development and the objector's site (approximately 17m boundary to boundary) to receive cross flow ventilation.
There will be an increase in vehicles and noise.	It is noted that the vehicular entry points are in Early Street, and as such the vehicle movements in Lansdowne Street are unlikely to significantly increase as a result of the proposed development.
SUBMISSION 5 Unit 1/15-19 Early Street – Parramatta	
The development will result in increased traffic in the area. This will add to the already congested traffic in the area (and will also impact on the M4 access from the Merrylands Pitt Street entrance).	The generation of additional vehicle trips during weekday peak hours by the proposed development is consistent with the anticipated development of the area and is not expected to have a significant traffic impact.

The proposed development will result in the loss of off street car parking which will impact upon the available parking for existing residents, office workers, locals and patrons of Westfield.	The proposed development provides for ample parking of vehicles for occupants and visitors. The proposed development complies with Council's parking requirements.
Currently there are no buildings on the south side of Great Western Highway that are greater than 5 storeys in height. The height of the proposed development will degrade the character of the surrounding streets as the building will overshadow the existing apartments in the area.	The subject site has been through a planning proposal which uplifted the permissible heights on the site, beyond 5 storeys. Council is currently undertaking a review of the Auto Alley area with a proposed uplift in heights for multiple sites. The proposed development will not be out of character with the future vision for the area. The proposed development is compatible with the existing and future planning controls for the City Centre. The proposal is the result of an Architectural Design Competition and is deemed to exhibit design excellence. The proposed development is therefore considered to be compatible with the area.
The overshadowing of the buildings will greatly devalue existing apartments and reduce the quality of living around the area.	Some sites within the vicinity of the subject site will impacted by overshadowing, however this is inevitable given the heights permitted on the site and the denser urban character of the City centre. The shadows cast are fast moving and only impact on certain properties at certain times of the day.
The location of the park will present a major safety concern with children subjected to fumes and risks of collision with vehicles	The detailed design of the park is yet to be resolved, however safety aspects will be a priority for design. Details will be incorporated within the future application for this site.
The proposal should be reworked to fit in with the current community and environment. The proposal should not exceed 7 storeys in height. Sufficient investigation should be done to ensure the reworked design is sustainable to the existing resources available.	The sites have height controls much greater than 7 storeys. There is no justification provided for the request for a 7 storey height limit. Consultation has been carried out with local authorities to ensure existing resources are available and no concerns have arisen as a result of this consultation.
Evidence is to be provided to show how this development will benefit existing residents, locals and businesses of Parramatta.	The proposed development will be providing additional residential and commercial development to the City of Parramatta which will assist in achieving market demands for housing, generation of employment opportunities, provision of local open space and a gateway development to the city.
SUBMISSION 6 Unit 20/32 Early Street – Parramatta	
The proposal will result in a condensed population in a small area. This may increase social problems, rubbish waste, illegal dumping and crime	There is no evidence submitted to support this claim. Public areas have been designed to enable high natural surveillance and appropriate waste management will be provided for the proposed uses on the site.

The proposal will result in increased traffic volume and congestion in the area	This issue has been addressed within the submission responses.
The existing surrounding buildings are 2-3 storeys high. The proposed buildings are too high. They will cast shadows on surrounding properties and change the wind levels on the street. This will affect the living quality of residents and devalue properties	As previously mentioned, there will be additional overshadowing on nearby properties that will be impacted during short periods of the day. A wind report has been submitted that states the wind criterion achieved is an acceptable level for the pedestrian environment.
Is supportive of the park on the corner of Church Street and Lennox Street (sic. Lansdowne?). Suggest creating a park on the corner of Church Street and Early Street and reducing the height of the new buildings to reduce the impact in Early Street and create a friendly environment for all residents.	The proposed development has undergone a lengthy design progression through the planning proposal and voluntary planning agreement (VPA) processes. The location of the park has already been agreed to through the VPA process and the complete redesign of the proposed development would be unwarranted for this significant change at this point in time.
SUBMISSION 7 Unit 33/105-107 Church Street – Parramatta	
The proposal will result in increased number of vehicles into an already high traffic and congested area	This issue has been addressed within the submission responses.
This will significantly increase pollution levels in both noise and CO2 levels	A proposed development of this scale is likely to increase traffic noise and carbon emissions which is accepted as part of any redevelopment. There is no evidence to suggest that the levels created will be significant compared to the existing noise or pollution levels in the area.
The proposal will overshadow the objector's property	The objector's property is located to the north of Great Western Highway, approximately 65m north of the subject site. The proposed development will not cast shadows on the objector's property.
The development will tower over all current buildings and will overlook into dwellings	The objector's property is located to the north of Great Western Highway, approximately 65m north of the subject site. The proposed development will not create any significant overlooking into the objector's property.
Concerned with construction impacts with noise and disruption to the roads. This disruption will not be short term as it will take years to complete	Conditions of consent will be imposed on any future development applications to minimise the impacts associated with construction.
There is already insufficient parking available in the area. This development will worsen the problem	The proposed development provides for ample parking of vehicles for occupants and visitors. The proposed development complies with Council's parking requirements.
Finds it difficult to believe that the old hotel is not a heritage item. It has been an icon in Parramatta for over 50 years and there is no intention to retain it.	Council's Heritage Advisor has reviewed the heritage potential of the sites and reports as follows:

	<p><i>The building at 63 Church Street was adapted and reused as a car salon. The building originally was a two storey hotel, and retains some features of Interwar architecture, however, it has a low level of integrity and would be highly unlikely to meet the relevant criteria for heritage listing.</i></p> <p><i>Based on the above, I have no objections to this proposal from heritage perspective.</i></p>
SUBMISSION 8 Unit 34/105-107 Church Street – Parramatta	
<p>Concerned about the cumulative impacts of this development & at 109 Church Street (DA/121/2014). They will “box in” the objector’s apartment. There will be a loss of a sense of “openness”.</p>	<p>The objector’s property is located to the north of Great Western Highway, approximately 65m north of the subject site and separated by another 2 potential development sites. The proposed development will not “box in” the objector’s property due to the separation distance between the sites.</p>
<p>Loss of southern views</p>	<p>Strata plans were not available to confirm the location of the objector’s property, however if the worst case scenario is assumed, then the objector would have living areas and a balcony south facing from the existing residential flat building.</p> <p>The applicant has provided a detailed view analysis indicating the impacts upon the objector’s site. The proposed development would impact upon views directly south from this site. It is noted that the view is towards Woodville Road with no identified significant or iconic views.</p> <p>According to the view analysis there is opportunity for south-easterly and south westerly views from the objector’s site which would enable some form of view sharing.</p> 

	<p>It is considered that measures required to preserve the existing view would be unreasonable given the planning controls relating to the site and the likely future redevelopment of the adjoining site at 87 Church Street/6 Great Western Highway between the distant view and the objector's property.</p> <p>Given the above, as the views are not especially significant, some view lines will be maintained, and as the proposed development will generally sit within an envelope anticipated by the planning controls applying to the site, it is considered that the proposal does not significantly impact on any view for which there might be a reasonable expectation of retention.</p> <p>It is not considered that there is any reasonable measure that could be employed to ensure retention of the affected views.</p>
The development will result in the overcrowding of the area	The proposed development was subject to a planning proposal which at that time considered the appropriateness of the density of the site. The density and yield was considered to be acceptable for the area.
Has the potential to adversely impact on resale value	The potential impacts of the proposed development have been assessed and it is considered that these impacts are acceptable for the proposal. No evidence has been submitted as to how the proposed development will adversely impact on the resale value of the objector's property.
Council has a responsibility to protect an individual's quality of life and loss of property value.	Council officers have carried out a detailed assessment of the proposed development and conclude that the proposed development is suitable for the site under matters for assessment under Section 79C of the Environmental Planning & Assessment Act, 1979.
SUBMISSION 9 Unit 1202A/8 Cowper Street – Parramatta	
The proposal will result in a loss of full view from property. This will result in a devaluation of the property.	<p>Strata plans available for this site indicate the objector's property is located on the 12th floor and has a primary balcony facing west towards the subject site.</p> <p>The applicant has provided a detailed view analysis indicating the impacts upon the objector's site. The proposed development would impact upon views directly west from this site. It is noted that the view is district views over rooftops and parkland towards</p>

	<p>the Blue Mountains.</p> <p>According to the view analysis, there is opportunity for north-westerly and south-westerly views from the objector's site which would enable some form of view sharing.</p>  <p>It is considered that measures required to preserve the existing view would be unreasonable given the planning controls relating to the site and the number of sites between the distant view and the objector's property.</p> <p>Given the above, as the views are not especially significant, some view lines will be maintained, and as the proposed development will generally sit within an envelope anticipated by the planning controls applying to the site, it is considered that the proposal does not significantly impact on any view for which there might be a reasonable expectation of retention.</p> <p>It is not considered that there is any reasonable measure that could be employed to ensure retention of the affected views.</p>
<p>The proposal will result in increased traffic and pollution. This will create issues with long traffic queues, no pedestrian safety, more air and noise pollution.</p>	<p>This issue has been addressed within the submission responses. It is also noted that the application incorporates the dedication of land for future road widening to assist with traffic movements and a pedestrian overpass to enable greater pedestrian connectivity to the City centre.</p>
<p>The increase in density will result in added pressure on the public transportation system – you will not be able to get a seat on a train from Parramatta in the mornings</p>	<p>Any increased demand for public transport is a matter that will need to be considered as part of the standard operational functions of Sydney Trains.</p>
<p>The increase in density will put pressure on educational services. Parents already have</p>	<p>Any increased demand for educational services is a matter that will need to be</p>

to wait up to 2 years for child care and the number of students are increasing in schools. This application will worsen the situation.	considered as part of the standard operational functions of the NSW Department of Education.
SUBMISSION 10 Unit 1401B/8 Cowper Street – Parramatta	
<p>Concerns with the safety of vehicles and pedestrians gaining access.</p> <p>The following objectives from DCP2011 have not been achieved:</p> <ul style="list-style-type: none"> • 4.3.3.3 – objective 4 (pedestrian amenity & safety) and objective 5 (removing entries from primary frontages) • 4.3.3.5 – Vehicular driveways and manoeuvring areas – objective 1 (minimising impacts of access points) and objective 2 (restricting crossings) • Without adequate traffic facilities on this main road, the safety for vehicles and pedestrians will be put at risk. <p>(Note: Objector cites the example of traffic and pedestrian hazards in Cowper Street with high density and high vehicle movements).</p>	<p>The proposed development has designed vehicular access off secondary streets as it is too hazardous for direct access onto Church Street.</p> <p>The RMS and Council's Traffic Section have reviewed the development in detail and raise no significant concerns with the impacts of the proposed development.</p> <p>Pedestrian crossings and traffic calming measures will be installed in Early Street and Lansdowne Street.</p>
<p>Concerns raised with the impacts on traffic flow on Church Street.</p> <p>The following objectives from DCP2011 have not been achieved:</p> <ul style="list-style-type: none"> • 4.3.3.5 – objective 1 (minimise impacts of access points) as the location will require access from Church Street. Traffic flows will worsen on Church Street. 	<p>There is no direct access of vehicles onto Church Street proposed as part of this application.</p>
<p>Concerns raised with the overdevelopment.</p> <ul style="list-style-type: none"> • There are too many apartments within the area. The area is already overdeveloped. There is already a strain on the infrastructure. Fronting a road which is already operating beyond its capacity will make this worse. • Insufficient area has been provided for gardens or greenery. The development would lead to the loss of valuable space that could be used as a green space which make the city more desirable place to live and work. 	<p>The density of the proposed development and traffic impacts have been discussed within the submission responses.</p> <p>The application provides for a significant increase in green space than the current situation. The proposed development provides for adequate communal open space for the residential occupants of the site, a landscaped public plaza and a new public park.</p>

AMENDED PLANS

Yes

Summary of amendments

The plans were amended to reduce the height of the building and carry out a minor change to the unit numbers and unit mix.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with the notification procedures contained within Clause 5.5.9 of DCP2011 entitled “*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*”, the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application.

A Stage 2 Site Contamination Assessment for the 3 sites was prepared by Consulting Earth Sciences was submitted to Council for review. The assessment identified the following potential sources of contamination on the site:

- Uncontrolled fill
- Auto service/repairs
- Underground storage tanks
- Hazardous building materials
- Electrical substations.

Soil sampling and groundwater sampling was carried out across the sites.

The report concludes as follows:

With regard concentrations of COPC within soils, none were found to be in exceedance of the adopted assessment criteria.

With the exception of heavy metals, COPC were not detected in groundwater at concentrations greater than the adopted assessment criteria (in the context of both residential and public open space / recreational land use). The concentrations of metals are typical of the Sydney area and considered indicative of naturally occurring background levels and not as a result of contaminating activities having occurred on site.

The decisions rules for the assessment have been met, the site is considered suitable for the proposed commercial/residential land use which includes an area public parkland in the south. Based on the findings of this investigation, the site does not require any further environmental assessment or remediation.

The USTs onsite will be required to be decommissioned in accordance with UPSS Regulation 2014. This will include excavating and removal of the USTs followed by soil analytical testing to check for the presence of COPC associated with the storage of fuels. Removal of the USTs can be carried out in conjunction with demolition of the current site infrastructure.

Council's Environmental Health Officer has reviewed the application and is satisfied with the conclusions of the Phase 2 contamination assessment.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

Development likely to affect electricity transmission or distribution networks

The application is not subject to Clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that would trigger a written referral to the energy authority. Notwithstanding this, the application was referred to Endeavour Energy on 22 October 2014 for comment. No correspondence has been received to date. It is inevitable that the proposed development will require the provision of electricity substations and this is to be considered in the detailed design of future development applications for the site. The sites are capable of providing these substations with little impact on the streetscape or amenity of future occupants of the buildings.

Development with frontage to a classified road

Church Street and Great Western Highway are both classified roads. Accordingly, Clause 101 of the SEPP applies to the proposed development, requiring the consent authority to ensure that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

In response, the following comments are made:

- (a) The primary vehicular access to the site is to be provided off Early Street, which is not a classified road. It is noted that a loading dock exit is provided from Site 1 onto Great Western Highway which is not considered to cause any significant issues;
- (b) the safety, efficiency and ongoing operation of Church Street and Great Western Highway will not be adversely affected by the development having regard to the criteria outlined by Clause 101(2)(b);

- (c) although the development is sensitive to traffic noise, the applicant will be required to submit acoustic reports for the proposed development at the detailed design stage of future development applications. It is considered that the potential issues with respect noise levels of road traffic, mechanical plant and internal sound insulation can be suitably managed through the implementation of appropriate construction materials and design matters.

The issue of air emissions is much wider than individual Councils and requires a broader, state-wide response. However, there is no current evidence to suggest that the approval of residential development along main roads generally has adverse health impacts such to warrant refusal of the application. The extent of amenity of the future occupants of the mixed uses building is not considered to be so sufficiently poor to warrant refusal of this DA. In addition, any prudent, hypothetical future occupant of the building would be able to make up his/her own mind concerning whether the location was suitable for his/her needs and acceptable in terms of air pollution resulting from the volume of cars travelling along this part of Parramatta.

Impact of road noise or vibration on non-road development

Clause 102 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship.

The subject application is a concept approval only and as such, the detail of all residential apartments has not been finalised. As mentioned above the applicant will be required to submit acoustic reports for the proposed development at the detailed design stage of future development applications. It is considered that the potential issues with respect to noise levels of road traffic, mechanical plant and internal sound insulation can be suitably managed through the implementation of appropriate construction materials and design matters.

Traffic-generating development

The proposed development is deemed to be traffic generating development under Schedule 3 of the SEPP. The application was referred to the RMS, who raise no significant concerns with the proposed development. Details of this correspondence is discussed within the 'Referrals' section of the report.

STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING & SIGNAGE

The application does not propose the display of any signage. Any future signage for the commercial tenancies may be subject to a separate application.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

As the proposed development is for a concept design only, detailed Basix commitments cannot be ascertained. The future detailed development applications will need to comply with the BASIX requirements with appropriate Basix Certificates

to be submitted. Notwithstanding this, a Preliminary Review of Basix Requirements and Thermal Comfort Evaluation was submitted with this application that lists commitments that would potentially meet the mandatory Basix water and energy targets.

STATE ENVIRONMENTAL PLANNING POLICY (URBAN RENEWAL) 2010

On 15 December 2010, the NSW Government published the Urban Renewal State Environmental Planning Policy (SEPP). The Urban Renewal SEPP outlines the necessary criteria and steps for identifying an existing urban precinct as a potential candidate for renewal and revitalisation. The first three precincts identified under the SEPP are Redfern-Waterloo, Granville town centre and the Newcastle CBD.

The key principle of the SEPP is to integrate land use planning with existing or planned infrastructure to create revitalised local communities, greater access to public transport and a broader range of housing and employment options. This is also sometimes referred to as transit oriented development.

The subject site falls under the Granville Potential Precinct Map. In accordance with Clause 10 of the SEPP, the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal as the proposed development is unlikely to restrict or prevent the following:

- (a) development of the potential precinct for higher density housing or commercial or mixed development,
- (b) the future amalgamation of sites for the purpose of any such development within the potential precinct,
- (c) access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.

STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architects and submitted with the application. The statement addresses each of the 10 principles and an assessment of this is made below.

Context

The design of the proposed buildings is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of buildings and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta City Centre LEP 2007 and DCP 2011.

Scale

No significant issues arise in terms of the scale of the proposal. The scale of the buildings is considered suitable within its locality and is generally envisaged by the

prevailing planning controls. The development as a whole has a variety of building envelopes to provide a distribution of bulk and scale across the sites.

Built form

The design 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.

The non-residential function of the development better defines the public domain and contributes to the character of the future streetscape and through site public plaza.

Density

The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.

Resource, energy and water efficiency

The development provides opportunities in this regard, as reflected within the submitted preliminary review of Basix commitments and proposed water sensitive urban design approach. Specific energy and water efficiency measures will be detailed within the future applications for the site.

Landscape

The landscaping solutions depicted in the architectural plans are considered to be of high quality and appropriately respond to the proposed built environment. Detailed landscaping plans have been provided for the development on Site 1 and Site 2 in addition to the proposed public park on Site 3.

Amenity

The proposal is considered to be satisfactory in this regard, optimising 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. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities. Details of compliance with the Apartment Design Guide will be submitted with the future applications for construction.

Safety and security

The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. In addition to the (as yet) unknown uses of the ground floor spaces, this level of the building features pedestrian and vehicle access to the building and is generally satisfactory in terms of perceived safety in the public domain.

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 proposal satisfies these requirements.

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 to the desired future character of the area. The design was the winning entrant in a Design Excellence Competition and has met all the requirements of achieving design excellence.

Residential Flat Design Code

The Residential Flat Design Code is a resource designed to improve residential flat design. The Code sets broad parameters for good residential flat design by illustrating the use of development controls and consistent guidelines.

The Design Code supports the ten design quality principles identified in State Environmental Planning Policy No. 65 — Design Quality of Residential Flat Development as outlined above. It supplies detailed information about how development proposals can achieve these principles. Although the subject application is a concept approval only, and the detailed design of apartments has not as yet been finalised, it is important to consider the general compliance with the RFDC requirements. The following table highlights the controls relevant to this proposal:

CONTROL	REQUIREMENT	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	<p>Site 1 = 21m (Building D) = 14m-25m (Building E)</p> <p>Site 2 = 20m (Building K)</p>	No However complies with maximum floor plate and sufficient solar access & ventilation achieved
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys) 25m between habitable (9 storeys and above)	<p>Site 1 11 GWH = 53m 44 Early = 12.5m - 27.5m</p> <p>Site 2 35A Early = 16m (min)</p> <p>Separation between Buildings D and E on Site 1 = 16m (this is acceptable given the units are offset and</p>	<p>Yes</p> <p>No</p>

		do not directly face each other)	
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All dwellings are capable of having balconies with a minimum depth of 2m	Yes
Residential Ceiling heights	Minimum 2.7m	2.7m (probable) The levels have not been indicated on the plans, however a 3.1m floor to floor height is shown.	Yes
Min. Apartment size	Studio 38.5m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	All units are capable of complying with the minimum apartment sizes.	Yes
Open Space	The area of communal open space should be between 25-30% of the site area Site 1 = 947m ² (based on a residential site area of 3789m ²) Site 2 = 500m ² (based on a residential site area of 2000m ²)	Common areas are provided as follows: Site 1 = 1250m ² or 33% In addition to the common outdoor open space, the proposal provides for a pool, spa, gymnasium, meeting room, yoga room as private community facilities. Site 2 = 770m ² or 38% In addition there is also a L2 podium terrace of 400m ² adjoining the commercial component of the building.	Yes
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone	Nil (however substantial planters are provided throughout the open space areas)	No
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	The majority of the development ranges between 9-10 units per floor.	No (however deemed acceptable by the Design Jury)
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	Site 1 = 76% achieve 3 hours solar access Site 2 = 80% achieve 3 hours solar access	Yes
Natural ventilation	60% of units should be naturally cross ventilated	Site 1 = 64% units are cross-ventilated	Yes

		Site 2 = 84% units are cross-ventilated	
Natural ventilation	At least 25% of kitchens should have access to natural ventilation (on external walls)	The majority of kitchens are not located on external walls. This is difficult to achieve when the living and dining areas are directly adjoining the external walls for maximum outlook, solar access and ventilation. The majority of the kitchens are however capable of being within 8m of a window which is considered acceptable.	No

Apartment Design Guide

State Environmental Planning Policy No 65 was amended on 19 June 2015 (Amendment 3) and incorporated the new Apartment Design Guide which replaced the former Residential Flat Development Code. The application was submitted and assessed under the previous design guidelines. No assessment is required under the amended SEPP, in accordance with the transitional provisions contained in Clause 31(2) of the SEPP which reads as follows:

31(2) If a development application or an application for the modification of a development consent has been made before the notification on the NSW legislation website of the making of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (Amendment No 3) and the application has not been finally determined before the commencement of that amendment, the application must be determined as if the amendment had not commenced.

Notwithstanding the above, it is noted that the future detailed applications for these sites will need to be consistent with the requirements of the Apartment Design Guide. The Design Competition Jury have taken into consideration these requirements in their assessment of the design excellence of the proposal. The Design Jury note that the proposal is generally consistent however may need some internal reconfiguration of the first 8 residential levels within the proposal. The Jury consider these modifications to be achievable.

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

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

Parramatta City Centre Local Environmental Plan 2007 was gazetted on 21 December 2007. Although this plan has been repealed, the application is to be considered under this legislation in accordance with the transitional provisions of the amended LEP (Clause 1.8A of Parramatta LEP 2011). The relevant sections as they relate to the proposed development are addressed as follows:

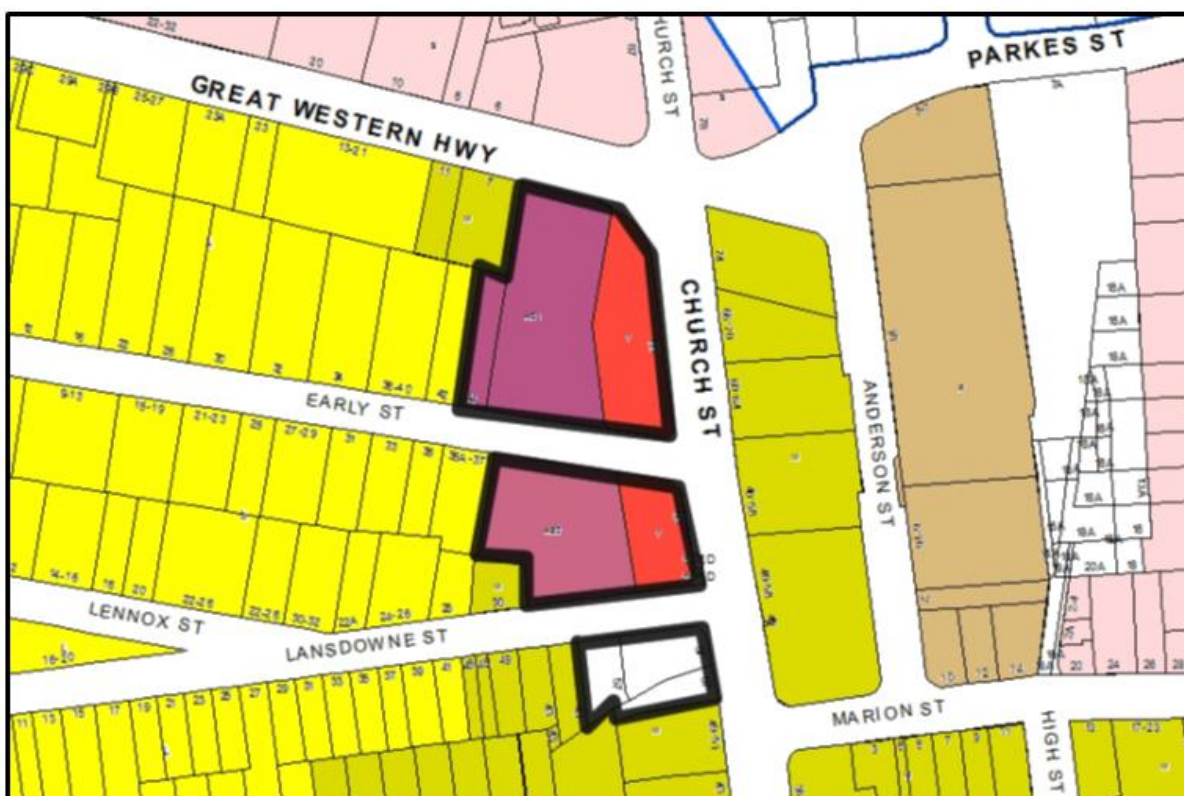
Aims and Objectives

The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning and B5 Business Development zoning applying to the land. In this regard, the proposed development:

- provides a mixture of compatible land use, integrates suitable business and residential activities in accessible locations to maximise the use of public transport, creates opportunities to improve the public domain and supports the higher order Commercial Core Zone
- enables a mix of office and retail uses in locations which are close to and support the viability of centres, provides for automotive businesses, trades and services to reinforce the existing functions of land within the zone and ensures that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the commercial core.

Height of Buildings

Clause 21 restricts the height of buildings. The subject site is affected by different controls for height corresponding to the zonings on the sites, as indicated within the map below.



Height of Buildings Map – Parramatta Local Environmental Plan 2007

The proposed development was the winning entry in a design excellence competition and was awarded a 10% bonus on the height control. The maximum permissible height as prescribed in clause 22(2) (incorporating this bonus) is indicated within the table below.

SITE	STANDARD LEP2007	PROPOSAL	COMPLIANCE
Site 1	Front = 36m <i>Bonus 10% = 39.6m</i> Rear = 118m <i>Bonus 10% = 129.8m</i>	Front (F) = 41m Rear (D) = 134m Rear (E) = 76.5m	NO = 3.5% or 1.4m departure NO = 3.5% or 4.2m departure Yes
Site 2	Front = 36m <i>Bonus 10% = 39.6m</i> Rear = 90m <i>Bonus 10% = 99m</i>	Front (L) = 41.3m Rear (K) = 102.6m Rear (J) = 35.2m	NO = 4% or 1.7m departure NO = 4% or 3.65m departure Yes

The application is dependent upon a 10% bonus awarded through design excellence ("bonus") and the remaining 4.5% variation (to the bonus controls) through a Clause 24 variation under LEP2007. The Clause 24 variation is discussed in further detail below.

Clause 24 Variation – Height of Buildings

A Clause 24 exception has been lodged to vary the height of Buildings F and D (Site 1) and Buildings L and K (Site 2) by 3.5% to 4% as outlined in the table above. The Clause 24 exception reads in part as follows:

Compliance with the development standard for height is considered reasonable given the Concept Plan has aligned with the key recommendations for height from the Design Competition process and subsequent consultation with Parramatta City Council. In addition an evaluation of the proposed heights against a series of assessment criteria, including amenity, views and overshadowing, demonstrates that the proposed heights do not create any unreasonable impacts.

In accordance with Clause 22B of LEP 2007 the proposal seeks to take advantage of the 10% height or FSR bonus for developments that achieve design excellence.

Furthermore, the proposed amendment to Parramatta LEP 2011 to amalgamate the City Centre LEP 2007 will allow for up to a 15% bonus. This indicates Council's willingness to consider a variation of this nature on the basis of exceptional design outcomes.

The proposed building heights were considered acceptable by the Jury. The Draft Jury Panel Pre-Da Report dated 14 July 2014 states, 'the heights of the three towers is supported because together the skyline is visually interesting. The northern tower is the 'iconic' tower; its folded glass façade contributes to the iconic quality of the tower'.

The height of the commercial buildings along Church Street (Buildings L and F) is considered acceptable as the potential impacts of this additional height have been managed. These buildings are the most appropriate to provide the additional non-residential GFA in order to meet the 40% requirement. Architectural roof features of Building F and L have been setback to reduce visual bulk and allow greater solar access. Shadows generated by additional height falls on the facades of commercial buildings C and J rather than on the plaza.

The applicant has provided an assessment of the variation against the objectives contained in LEP 2007. A full copy of the written Clause 24 variation is at Attachment 1.

PCC assessment of the exception under Clause 24:

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 21 is a development standard.

2. What is the underlying object or purpose of the standard?

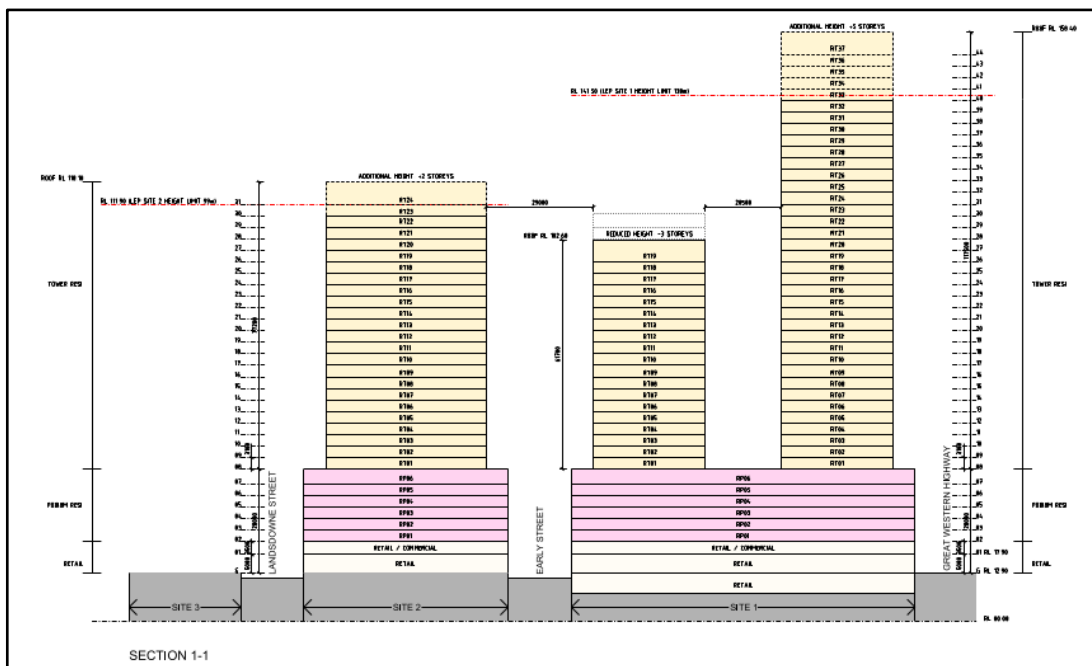
The objectives of the height standard are as follows:

- to allow sunlight access to key areas of the public domain by ensuring that further overshadowing of parks, the river and community places is avoided or limited during nominated times
- to provide high quality urban form for all buildings
- to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of tower forms to public areas, including parks, streets and lanes
- to ensure that taller development occurs on sites capable of providing appropriate urban form and amenity
- to nominate heights that will provide a transition in built form and land use intensity within the area covered by this plan
- to require the height of future buildings to have regard to heritage sites, and their settings, their views and their visual interconnections
- to ensure the preservation of historic views shown in the City Centre Development Control Plan.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Residential Towers

It is considered that it would be unreasonable to require the development to comply with the height standards in the circumstances of this case as the residential tower heights are a result of the design competition process which pre-empted the development application submission. In this regard, the Design Competition Jury recommended varying heights of the residential towers to provide an interesting undulating built form for the precinct. In this regard, the heights recommended by the Design Jury are indicated in the height diagram below.



Building Height Recommendations of the Design Jury – March 2014

The proposed development comprises heights which are lower than the recommended heights of the Design Jury. This is indicated in the table below.

Building	Jury Recommendation	Proposed Height	Comparison
Tower D	RL 158.40	RL 148.30	10.1m lower
Tower E	RL 102.60	RL 89.40	13.2m lower
Tower K	RL 118.10	113.30	4.8m lower

The design of the residential towers has been premised on the awarding of design excellence from the Design Jury, which is a primary matter to consider in the redevelopment of sites within the City Centre and to comply with the design excellence provisions of Clause 22B of LEP 2007 and Clause 7.10 of LEP 2011. The Design Jury have reviewed the proposed development and advised that the proposed development achieves design excellence and supports the 15% variation to the base development controls contained within LEP 2007.

The variation to the height of the towers will not significantly impact upon the streetscape or amenity of the locality. The likely impacts are discussed below.

(a) Overshadowing:

The majority of residential properties affected are on the western side of the subject site and are affected only between 9am and 11am. Most of the additional overshadowing created does not impact on the amount of solar access received for these properties and most of the shadows fall on areas already in shadow. The additional shadows will not significantly impact solar access to habitable rooms or private open space. The shadows move quickly and only impact on the additional affected properties for a short period of time only. The majority of the sites impacted by the additional shadows from 12 noon to 3pm are commercial or industrial properties, which are not required to receive solar access under the provisions of DCP 2011. Notwithstanding this, the shadows primarily fall on the roofs of existing properties or within hard stand car parking areas. It is therefore considered that the additional shadows cast by the variation are minor and do not significantly impact upon the residential amenity of existing properties. The additional impacts of overshadowing are therefore considered acceptable.

(b) Overlooking:

Although the number of units increases due to the additional storeys proposed, there will not be a substantial increase in overlooking due to the large separation distance between properties and level of privacy already achieved.

(c) Loss of Views:

The applicant has submitted detailed drawings indicating the viewlines from key residential properties that may be affected by the proposed development. The drawings indicate that the increase in height will not create additional view loss to local residents, when compared to a complying scheme.

Commercial Buildings

The commercial buildings fronting Church Street do not comply with the height controls of LEP2007. In this regard, Building F (Site 1) is 1.4m higher than the permissible height (including the bonus awarded) which results in a 3.5% variation and Building L is 1.7m higher than the permissible height which results in a 4% variation. It is noted that the Design Jury had originally requested these heights be reduced to balance the overall visual appearance of the precinct.

Following further investigation, the applicant was unable to reduce the commercial building height without impacting upon the floor space distribution across the sites. The additional height (and floor space) has therefore been incorporated to provide for the increased commercial component required on the site. In this regard, as the residential towers increased in size, the commercial component of the development needed to be increased to achieve the 60/40 residential/non-residential split required under Clause 22I (4) and (5) of LEP2007.

The minor height variation to these commercial buildings do not result in any significant impacts upon the site or the locality. The buildings are visually and architecturally designed well and are supported by the Design Jury in their recent considerations of the proposal. The buildings do not cast any significant additional shadows over residential properties or the public domain, do not create any additional privacy impacts and does not impact upon historic or private viewlines.

4. Are there sufficient environmental planning grounds to justify contravening the development standard?

It is considered that there are sufficient planning grounds to justify the variation, which include the following:

- The proposed development is based in part upon the recommendations of the Design Competition Jury
- The proposed development exhibits design excellence and is supported by Design Competition Jury
- The site is a well located gateway site to the City Centre which will support the ongoing vitality of the commercial core and provide quality housing opportunities in close proximity to services, facilities and public transport
- The proposed development supports the aims of the Urban Renewal SEPP as it facilitates the orderly and economic redevelopment of sites in urban renewal precincts.

5. Is the non-compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone?

The non-compliance with the development standard is consistent with the objectives of the building height control for the following reasons:

- the proposal allows sunlight access to key areas of the public domain by ensuring that further overshadowing of parks, the river and community places is avoided or limited during nominated times
- the proposal provides a high quality urban form for all buildings
- the proposal maintains satisfactory sky exposure and daylight to existing buildings, to the sides and rear of tower forms to public areas, including parks, streets and lanes
- the proposal ensures that taller development occurs on sites capable of providing appropriate urban form and amenity
- the proposal provides heights that will provide a transition in built form and land use intensity within the area covered by this plan
- the proposal does not impact upon heritage sites, and their settings, their views and their visual interconnections
- the proposal does not impact upon the preservation of historic views shown in the City Centre Development Control Plan.

Compliance with the development standard is consistent with the objectives of both the B5 (Business Development) zoning and the B4 (Mixed Use) zoning as the proposal:

- Provides a mixture of compatible land uses
- Integrates suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling
- Creates opportunities to improve the public domain and pedestrian links within the Mixed Use Zone
- Supports the higher order Commercial Core Zone while providing for the daily commercial needs of the locality
- Protects and enhances the unique qualities and character of special areas within the Parramatta city centre
- Enables a mix of office, retail and warehouse uses in locations which are close to, and which support the viability of centres
- Maintains the economic strength of centres by limiting the retailing of food and clothing
- Provides for automotive businesses, trades and services to reinforce the existing functions of land within the zone,
- Ensures that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the commercial core.

6. Will strict compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the prescriptive building height requirement may hinder the coordination of the orderly and economic use of the land. The application is a result of a rigorous design excellence process and has been designed specifically in consideration of a balance between the Design Jury recommendations and the achievement of an acceptable land use mix under the provisions of LEP2007.

Strict compliance with the standards will hinder the urban renewal opportunities of this prime gateway site in its transition to a development type appropriate of its setting on the southern edge of the Parramatta CBD.

7. Is the exception well founded?

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

Architectural Roof Features

Clause 21A allows architectural roof features to extend beyond the height limit prescribed by Clause 21. The proposed architectural roof features of Buildings F and D (Site 1) and Buildings L and K (Site 2) extend beyond the height limits however complies with the assessment criteria as they:

- comprise a decorative element on the uppermost portion of a building
- are not advertising structures
- do not include floor space area and is not reasonably capable of modification to include floor space area
- will cause minimal overshadowing.

Floor Space Ratio

Clause 22I restricts the floor space ratio on the site. Site 1 and Site 2 have different controls for floor space. This is discussed below. The proposed development was the winning entry in a design excellence competition and was awarded a 10% bonus on the floor space ratio control. The maximum permissible floor space ratio as prescribed in Clause 22(2) is indicated within the table below.

SITE	STANDARD LEP2007	PROPOSAL	COMPLIANCE
Site 1 Site 1 is governed by Clause 22I (4) – LEP2007	Site 1 = 7.2:1 (if includes a basement for commercial use) = 54,662.4m ² + 10% bonus = 7.92:1 = 60,128.64m ²	= 62,862m ² or 8.28:1	NO This represents a departure of 2733.36m ² or 4.5%

	<p>OR</p> <p>= 6.4:1 (in any other case) = 48,588.8m²</p> <p>ALSO: The gross floor area of each storey of a building above a height of 40 metres does not exceed 700m².</p>	<p>N/A</p> <p>700m² (max)</p>	<p>Yes</p>
<p>Site 2</p> <p>Site 2 is governed by Clause 22 – LEP2007)</p>	<p>Site 2 = 6.4:1 = 30,348.8m² + 10% bonus = 7.04:1 = 33,383.7m²</p>	<p>= 34,897m² or 7.36:1</p>	<p>NO</p> <p>This represents a departure of 1513.3m² or 4.5%</p>
<p>The application is dependent upon a 10% bonus awarded through design excellence (“bonus”) and the remaining 4.5% variation (to the bonus controls) through a Clause 24 variation under LEP2007. The Clause 24 variation is discussed in further detail below.</p>			
<p>Distribution of Floor Space</p> <p>Site 2 is governed by Clause 22I(4) – LEP2007)</p> <p>Site 2 is governed by Clause 22I(5) – LEP2007)</p>	<p>Site 1 = at least 40% of FS used for a purpose other than residential accommodation or serviced apartments</p> <p>Site 2 = at least 40% of FS used for a purpose other than residential accommodation or serviced apartments</p>	<p>= 22,598m² or 36%</p> <p>= 16,504m² or 47%</p> <p><u>Note:</u> The combined non-residential floor space across Site 1 & Site 2 = 39,102m² or 40%</p>	<p>NO</p> <p>Yes</p> <p>The proposal achieves compliance across the whole development.</p>
<p>It is noted that the JRPP at the Briefing Meeting were of the opinion that the variation to the distribution of floor space did not warrant the consideration of a Clause 24 variation as the application spans 2 sites within a single application. Notwithstanding this, the applicant has submitted a Clause 24 variation which has been reviewed by Council assessment staff. The Clause 24 variation is discussed in further detail below.</p>			

Clause 24 Variation – Floor Space Ratio

A Clause 24 exception has been lodged to vary the floor space ratio of the sites as outlined in the table above. The Clause 24 exception reads in part as follows:

Compliance with the development standard for FSR is considered unreasonable given that the bulk and scale of the development has responded to the recommendations of the Design Competition Jury and consultation with Council. The proposal is compliant with Clause 221(4)(c) that requires the towers on Site 1 to have a maximum area GFA of 700m² per floor above a height of 40m. This requirement, as well as the building setbacks, ensures that the bulk of the building is not excessive and will not cause any unreasonable impact on surrounding properties particularly in terms of overshadowing and sky exposure.

The development maintains the land use split between residential (60%) and non-residential uses (40%). This land use split aligns between with the desired employment outcomes for the precinct. The additional floor space will deliver increased capacity for residential and employment uses in proximity to the Parramatta CBD and public transport connections.

The applicant has provided an assessment of the variation against the objectives contained in LEP 2007. A full copy of the written Clause 24 variation is at Attachment 1.

PCC assessment of the exception under Clause 24:

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 221(4) and Clause 22 are development standards.

2. What is the underlying object or purpose of the standard?

The objectives of Clause 221 is to ensure that development on Site 1 and 2:

- (a) provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes, and
- (b) does not adversely impact the amenity of the precinct by reason of the scale and bulk of the development.

The objectives of Clause 22 are as follows:

- (a) to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Parramatta city centre,
- (b) to ensure that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of this Plan,
- (c) to provide sufficient floor space for high quality development for the foreseeable future,

- (d) to regulate density of development and generation of vehicular and pedestrian traffic,
- (e) to encourage increased building height and site amalgamation at key locations.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

It is considered that it would be unreasonable to require the development to comply with the floor space ratio standards in the circumstances of this case as the floor space ratio is a combined result of the design competition process (which pre-empted the development application submission) and the compliance with the floor space distribution standards within LEP 2007. In this regard, the heights and floor space are interconnected in design along with the required numeric commercial and residential outcomes.

As previously discussed, the Design Competition Jury recommended varying heights of the residential towers to provide an interesting undulating built form for the precinct. This led to greater heights being achieved in residential towers, which resulted in the provision of an increased floor space. No changes were recommended to the bulk and scale of the buildings to reduce the floor space, with the exception of lower heights for the commercial buildings fronting Church Street. The commercial buildings have increased their height, and floor space to achieve the residential/commercial split required for the sites under the provisions of LEP2007.

The proposed development is generally consistent with the original recommendations of the Design Jury (although has reduced height towers and increased height commercial buildings) and is generally consistent with the site specific building envelope controls contained within DCP2011.

The Design Jury have recently reviewed the proposed development and are supportive of the built form and the variation to the floor space controls. It is noted that the Jury Report congratulated the architects in the generally well-considered design and submission for this major and complex project. The Jury also considers that the design will be a positive contribution to the urban quality of the Parramatta City Centre.

The variation to the floor space development standards will not significantly impact upon the streetscape or amenity of the locality. The likely impacts are discussed below.

(a) Overshadowing:

The majority of residential properties affected are on the western side of the subject site and are affected only between 9am and 11am. Most of the additional overshadowing created does not impact on the amount of solar access received for these properties and most of the shadows fall on areas already in shadow. The additional shadows will not significantly impact solar access to habitable rooms or private

open space. The shadows move very fast and only impact on the additional affected properties for a short period of time only. The majority of the sites impacted by the additional shadows from 12 noon to 3pm are commercial or industrial properties, which are not required to receive solar access under the provisions of DCP 2011. Notwithstanding this, the shadows primarily fall on the roofs of existing properties or within hard stand car parking areas. It is therefore considered that the additional shadows cast by the variation are minor and do not significantly impact upon the residential amenity of existing properties. The additional impacts of overshadowing are therefore considered acceptable.

(b) Overlooking:

Although the number of units increases due to the additional storeys and floor space proposed, there will not be a substantial increase in overlooking due to the large separation distance between properties and level of privacy already achieved.

(c) Loss of Views:

The applicant has submitted detailed drawings indicating the viewlines from key residential properties that may be affected by the proposed development. The drawings indicate that the increase in floor space (in association with the height) will not create additional view loss to local residents.

(d) Traffic Generation:

The increased floor space will result in minimal traffic generation (approximately 15/am trips and 30/pm trips). The proposal was reviewed by the RMS and Council's Traffic Section who raised no significant concerns with the likely traffic generation of the site.

4. Are there sufficient environmental planning grounds to justify contravening the development standard?

It is considered that there are sufficient planning grounds to justify the variation, which include the following:

- The proposed development is based in part upon the recommendations of the Design Competition Jury
- The proposed development exhibits design excellence and is supported by Design Competition Jury
- The site is a well located gateway site to the City Centre which will support the ongoing vitality of the commercial core and provide quality housing opportunities in close proximity to services, facilities and public transport
- The proposed development supports the aims of the Urban Renewal SEPP as it facilitates the orderly and economic redevelopment of sites in urban renewal precincts.

5. Is compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone?

The non-compliance with the development standards is consistent with the objectives of the floor space ratio controls for the following reasons:

- The proposal provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes
- The proposal does not adversely impact the amenity of the precinct by reason of the scale and bulk of the development.
- The proposal ensures a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Parramatta city centre
- The proposal ensures that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of LEP2007
- The proposal provides sufficient floor space for high quality development for the foreseeable future
- The proposal regulates density of development and generation of vehicular and pedestrian traffic
- The proposal encourages increased building height and site amalgamation at key locations.

Compliance with the development standard is consistent with the objectives of both the B5 (Business Development) zoning and the B4 (Mixed Use) zoning as the proposal:

- Provides a mixture of compatible land uses
- Integrates suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling
- Creates opportunities to improve the public domain and pedestrian links within the Mixed Use Zone
- Supports the higher order Commercial Core Zone while providing for the daily commercial needs of the locality
- Protects and enhances the unique qualities and character of special areas within the Parramatta city centre
- Enables a mix of office, retail and warehouse uses in locations which are close to, and which support the viability of centres
- Maintains the economic strength of centres by limiting the retailing of food and clothing
- Provides for automotive businesses, trades and services to reinforce the existing functions of land within the zone,
- Ensures that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the commercial core.

6. Will strict compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the prescriptive floor space requirements may hinder the coordination of the orderly and economic use of the land. The application is a result of a rigorous design excellence process and has been designed specifically in consideration of a balance between the Design Jury recommendations and the achievement of an acceptable land use mix under the provisions of LEP2007.

Strict compliance with the standards will hinder the urban renewal opportunities of this prime gateway site in its transition to a development type appropriate of its setting on the southern edge of the Parramatta CBD.

7. Is the exception well founded?

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

Clause 24 Variation – Distribution of Floor Space

Clause 22I(4) and Clause 22I(5) of LEP 2007 restrict the land use split on Site 1 and Site 2 to ensure that the development provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes. In this regard, the relevant clauses read as follows:

- (4) Development consent must not be granted for development (including staged development) for the purposes of a new building, or extension of an existing building, on Site 1 unless the following conditions are satisfied:
 - (a) at least 40% of the gross floor area of Site 1 is used for a purpose other than residential accommodation or serviced apartments**
- (5) Development consent must not be granted for development (including staged development) for the purposes of a new building, or extension of an existing building, on Site 2 unless at least 40% of the gross floor area of Site 2 is used for a purpose other than residential accommodation or serviced apartments.*

The proposed development provides for a 60% residential and 40% non-residential floor space split across the combined sites (Site 1 and Site 2). Whilst this distribution of floor space is compliant on Site 2 with 47% non-residential floor space, Site 1 is deficient with only 36% non-residential floor space. A Clause 24 exception has therefore been lodged to vary the floor space distribution on Site 1, which reads in part as follows:

The basic reason for adjusting the 60:40 land use split across Sites 1 and 2 is that there is less demand in the short term for commercial uses. Site 1 is likely to be the first stage of the future development and will require extensive basement and servicing works, which are more viable with a larger residential component. The successful development of Site 1 will increase commercial land use feasibility on Site 2 and act as a catalyst on the rest of development of Auto Alley. The overall 60:40 land use split will be delivered across both Sites 1 and 2.

Section 6.1.2 of this SEE summarises the outcomes of the Economic Assessment (MacroPlan Dimasi, 2014). The assessment found that there would be strong competition for commercial space resulting from the Parramatta Square development and more preferable suburban business park locations. The assessment also found that there was limited demand for non-residential uses within the southern part of the Parramatta CBD, which would impact on take-up rates and the viability of the proposed development. In summary:

- The proposed Parramatta Square redevelopment will be the dominant CBD location for new office space over the next decade. Parramatta Square's two towers will provide 140,000m² of office space.*
- The developers of Parramatta Square will be seeking to achieve pre-commitments from the same set of prospective tenants as the subject development, but as second and third tiers to its own primary tenants. To meet pre-commitment targets, incentives will be offered to attract these second and third tiers, making it very difficult for the subject site to attract tenants.*
- There is greater competition for small-to-medium sized tenants from other suburban office locations and business parks.*
- The site specific limitations will affect take up rates. The location of the precinct is disconnected from Parramatta Station and the northern part of the CBD and in an area flagged to undergo renewal over a long period of time.*

Justification

The Concept Plan has provided for an overall land use mix of 60% residential GFA and 40% non-residential GFA, which complies with the total GFA requirement for the two sites together.

Site 1 provides 35.98% non-residential GFA, which equates to a 10.06% (2,529.8m² GFA) variance of the standard. Site 1 is considered more suitable to provide slightly more residential GFA, as it will likely be the first to be developed and relies on prompt and high uptake of residential units to support the viability of the development. The residential development will support the non-residential uses, particularly the retail uses. This is important considering the proposed development is a catalyst for the renewal of Auto Alley.

Site 2 has been designed to accommodate additional non-residential GFA to compensate for the lesser amount provided on Site 1 in order to achieve the 60:40 split across the two sites.

Throughout the planning proposal process and discussions with Council the applicant has always understood that the three sites would be treated as an integrated precinct. Therefore in this context the 60:40 land use mix should be applied to the total GFA across the precinct, which we comply with.

The future development of the subject sites will act as a catalyst for renewal of the Auto Alley corridor. The gradual changing nature of the Auto Alley will impact on demand for non-residential uses. The current character of Auto Alley may not be attractive for prospective commercial and retail tenants, compared with the character of the northern CBD which has access to other retail, restaurants, open space and public transport infrastructure. Over time,

through on-going renewal processes this will change, but because of the important role the subject site plays as this initial catalyst for renewal in Auto Alley, it is important that the viability challenges of this first development is fully appreciated and supported.

The applicant has provided an assessment of the variation against the objectives contained in LEP 2007. A full copy of the written Clause 24 variation is at Attachment 1.

PCC assessment of the exception under Clause 24:

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Yes, Clause 221(4) is a development standard.

2. What is the underlying object or purpose of the standard?

The purpose of Clause 221(4) is to ensure that the development provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

It is considered that it would be unreasonable to require the development on Site 1 to comply with the minimum non-residential floor space distribution when the overall concept plan achieves the development standard and the objective of the development standard.

4. Are there sufficient environmental planning grounds to justify contravening the development standard?

The relevant environmental planning grounds which justify contravening the development standard are as follows:

- The proposal provides for the delivery of appropriate non-residential development in stages. The minor deficiency of non-residential floor space on Site 1 will not impact upon the economic viability or growth of Parramatta CBD
- When considered as a precinct, the concept plan achieves the floor space distribution and complies with the quantum of non-residential floor space required.

5. Is compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone?

Compliance with the development standard is consistent with the objectives of the floor space distribution control as the overall concept plan for the Gateway South redevelopment will achieve the development standard and provides employment opportunities in the precinct by ensuring that a minimum proportion of the available floor space is provided for commercial purposes.

Compliance with the development standard is consistent with the objectives of both the B5 (Business Development) zoning and the B4 (Mixed Use) zoning as the proposal:

- Provides a mixture of compatible land uses
- Integrates suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling
- Creates opportunities to improve the public domain and pedestrian links within the Mixed Use Zone
- Supports the higher order Commercial Core Zone while providing for the daily commercial needs of the locality
- Protects and enhances the unique qualities and character of special areas within the Parramatta city centre
- Enables a mix of office, retail and warehouse uses in locations which are close to, and which support the viability of centres
- Maintains the economic strength of centres by limiting the retailing of food and clothing
- Provides for automotive businesses, trades and services to reinforce the existing functions of land within the zone,
- Ensures that development is arranged and carried out in a way that does not intrude on the amenity of adjoining residential areas or detract from the function of commercial development in the commercial core.

6. Will strict compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act. Compliance with this standard would not encourage the proper management and development of the land and the promotion and co-ordination of the orderly and economic use and development of land. Compliance is considered unreasonable due to the viability risks of loading more commercial on Site 1 when there is limited short term demand.

7. Is the exception well founded?

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

Minimum Building Street Frontage

Clause 22 requires a minimum street frontage of 20m to at least one street frontage. The subject site has the following street frontages:

Site 1 Great Western Hwy = 35.865m (excluding arcs)
 Church Street = 75.615m (excluding arcs)
 Early Street = 92.775m

Site 2 Church Street = 37.86m
 Early Street = 79.38m
 Lansdowne Street = 71.72m

The proposal therefore complies with this requirement.

Design Excellence

Clause 22B requires the consent authority to consider whether the proposal exhibits design excellence. In this regard, it is considered that the proposal presents a high standard of design, materials and detailing having been achieved as a result of a lengthy design process including being the winning entry in the Design Excellence Competition. The development will improve the streetscape and quality of the public domain with central pedestrian plaza, public park, new perimeter paving, facade treatment and entry artworks.

Car Parking

Clause 22C restricts the maximum car parking permissible for developments within the City Centre. The permitted and proposed car parking is indicated in the table below.

Site	Permitted (max)	Proposed	Compliance
Site 1	Residential = 522 Res Visitor = 130 Commercial = 226 Total = 878 spaces	Residential = 580 Res Visitor = 112 Commercial = 177 Total = 869 spaces	The total number of spaces complies however there will need to be a re-distribution of some of the spaces to comply with the usage component of car parking (eg. 40 spaces to be allocated to commercial component).
Site 2	Residential = 231 Res Visitor = 58 Commercial = 165 Total = 454 spaces	Residential = 215 Res Visitor = 48 Commercial = 105 Total = 368 spaces	Yes
Site 3	N/A	N/A	N/A It is anticipated that this park will be used by locals within walking distance and therefore the provision of car parking is not warranted.

The application proposes a total of 1237 car parking spaces, which complies with the maximum provisions of LEP 2007. The car parking provided is considered satisfactory and although a further 95 spaces could be provided under the planning controls, the development adequately provides for the needs of the future occupants of the site. The site is located where it has excellent access to public transport and shopping facilities. The shortfall in parking provision is supported by Council's Traffic Officer.

Building Separation

This clause is no longer relevant as it relies on separation distances under the City Centre DCP 2007. This DCP has been repealed and City Centre requirements have been amalgamated into DCP2011.

Ecologically Sustainable Development

Clause 22E requires the consent authority have regard to the principles of ecologically sustainable development.

The application is a concept plan only and as such, details on ecologically sustainability will be submitted with future development applications. Notwithstanding this, the application indicates an appropriate environmentally sustainable design response, including the following:

- future achievement of BASIX requirements (water, energy and thermal) through modelling
- energy, greenhouse gas emissions and peak demand energy reduction (passive building envelope performance – thermal mass, operable facades, cross flow ventilation, solar access)
- the implementation of water sensitive urban design (rainwater tanks, use of pervious surfaces, bio-retention basins/raingardens/bioswales and the use of secondary and tertiary treatment devices such as Stormfilter and Enviropods).

Detailed development applications for the site will incorporate the following:

- investigation of tri-generation (as required by the Design Competition Jury)
- further detailing on thermal comfort measures required
- landscape design (use of low demand vegetation, on site detention, reduction of hard paving)
- green star energy standards (average 5 star NatHERS ratings, automated building control, variable speed fans in car park exhausts, lighting design, energy efficient appliances)
- water resources (water efficient fittings, landscape irrigation systems).

Special Areas

Clause 22G requires the consent authority to have regard to the objectives of the identified Special Areas within the City Centre precinct.

The subject site is located within the Auto Alley Special Area.

The Auto Alley objectives and controls are contained within DCP 2007, which are addressed below:

Objective/Control	Comments
To retain the open spatial character, of small scale detached buildings along Church Street south of Parkes Street.	The proposed development is not consistent with this objective as it reflects the approved planning proposal for the site with significantly denser built form controls, including height and floor space ratio (which is envisioned as per LEP2007).
Reinforce the small scale built form and varied street set backs along Auto Alley.	The proposed development is not consistent with this control as it reflects the approved planning proposal for the site with significantly denser built form controls, including height and floor space ratio.
Consider planting trees in the front setback of buildings in the Enterprise Zone to improve the character and southern approaches to Parramatta. Trees are to be selected from the palette specified in "Parramatta Tree Planting Strategy."	There is no "Enterprise Zone" for this site. The front sections of the sites adjoining Church Street have been rezoned "Business Development". Notwithstanding this, appropriate tree planting will be included with future public domain plans with the detailed development applications.
Design signage to suit the street character and enhance the car related vitality of the street, refer to 11.10 signage and advertising.	Not applicable. No signage is proposed at this stage of development.

It is noted that the Auto Alley Special Area is not included within the Amalgamated LEP 2011, so the above controls are no longer relevant. The subject site is a Special Area on its own under DCP2011 and will be discussed under the DCP section of this report.

Exceptions to development standards

The application seeks variations to the following development standards under Parramatta City Centre Local Environmental Plan 2007:

Clause 21 – Height of Buildings
 Clause 22I – Floor Space Ratio
 Clause 22I(4) – Distribution of Floor Space.

These variations have been discussed earlier within this report.

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

Outdoor Advertising and Signage

Clause 29A requires the consent authority to be satisfied of certain matters before granting consent to signage. No signage is proposed as part of this application.

Development on Flood Prone Land

Clause 33A requires the consent authority to consider the impacts of developing flood prone land.

All three development sites are subject to high hazard flooding from the Clay Cliff Creek main channel and from overland flow in the surrounding streets. The applicant has satisfactorily addressed the flooding in terms of habitable levels above flooding and protection of the basements from flooding. Council's Development Engineer has assessed the application and advises that adequate precautions, satisfactory to Council, must be included in all developments in these sites to address the needs of public and occupant safety, emergency escape and refuge, prevention of ingress of flood waters and protection of property within the future development applications.

It is noted that concerns have been raised regarding the use of Site 3 as an active public park given the high hazard flood affectation of the site. Concerns are raised with the proposed amenities and the encouragement of high level usage of the park within a high hazard area. Further discussions and detailed consideration of the park usage are therefore required before any details can be formally approved. Council officers acknowledge that such facilities would be of value to the local communities and will review the risk and liability issues associated with this on receipt of a detailed development proposal.

Recommended conditions of Council's Development Engineer have been included within the Recommendation section of this report.

Acid Sulfate Soils

Clause 33B requires the consent authority ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The site is identified as containing part Class 4 and part Class 5 Acid Sulfate Soil. Any future detailed development applications for these sites would require the submission and consideration of an Acid Sulfate Soils Management plan. Given there are no construction works associated with the current application, this matter can be addressed as part of the detailed design stage.

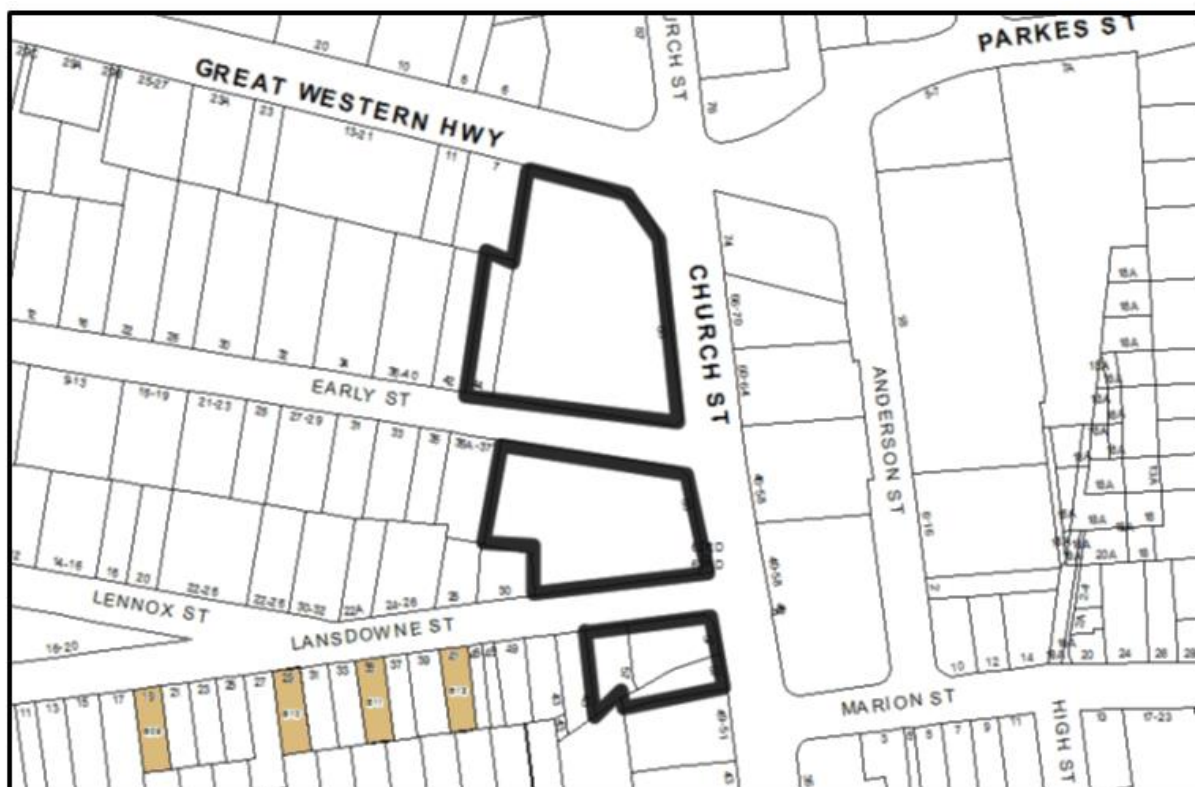
Preservation of Trees

Clause 34 seeks to preserve the amenity of the area through the preservation of trees and other vegetation. There are numerous trees on site to be removed. Council's Tree Management & Landscape Officer has reviewed the tree removal and concept landscape plans and found the tree removal to be acceptable for the proposed development. There are no significant trees on site. Tree removal would be granted as part of any future detailed development applications.

Heritage Conservation

The site of the proposed development does not contain any items of heritage significance. The site is in the vicinity of several listed heritage items, including the following:

Heritage Item	Significance
19 Lansdowne Street	The cottage at 19 Lansdowne Street is of significance for the local area for historical reasons and as a representative example of residential architecture of the Victorian period in this area. Built c. 1870, the house is readily identifiable as part of historic building stock and still contributes to the streetscape. House was used as a coachbuilder's premises by James R. Pearce from 1883 into the 1890s.
29 Lansdowne Street	The house at 29 Lansdowne Street is of significance for the local area for historical reasons and as a representative example of residential architecture of the Victorian period in this area. Built c. 1895, the house is readily identifiable as part of historic building stock and contributes to the streetscape.
35 Lansdowne Street	The house at 35 Lansdowne Street is of significance for the local area for historical reasons and as a representative example of residential architecture of the Victorian period in this area. Built c. 1875, the house is readily identifiable as part of historic building stock and contributes to the streetscape.
41 & 43 Lansdowne Street	Semi-detached houses at 41-43 Lansdowne Street are of significance for the local area for historical reasons and as a representative example of residential architecture of the Victorian period in this area. Built c. 1885, these houses are readily identifiable as part of historic building stock and contribute to the streetscape.



Map indicating nearby heritage items

The application was referred to Council's Heritage Officer who raises no concerns with the proposed development in terms of heritage impact.

Archaeological Sites

Clause 35(6) requires the consent authority before granting consent to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.

The site is listed as having local significance with moderate research potential. The site is not listed in Council's heritage schedule.

Places of Aboriginal Heritage Significance

Clause 35(7) requires the consent authority, before granting consent to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent.

The site is identified as having low sensitivity under the Aboriginal Pleistocene Study. Given the low sensitivity of the site, the local Aboriginal communities were not notified of the application.

Historic view corridors

Clause 35A requires the consent authority to consider the impacts of a development on land identified in the City Centre Development Control Plan as being within a historic view corridor. The subject site is not affected by any historic view corridors.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Parramatta City Centre Local Environmental Plan 2007 was recently amalgamated with Parramatta Local Environmental Plan 2011. This amalgamation (Amendment 10) was gazetted on 18 December 2015.

There are no additional inconsistencies with the proposed development when assessing against the controls within the Amalgamated LEP. The zoning and permissibility remains the same as under the LEP City Centre 2007 and all relevant development standards (other than building separation) have been transferred across into the Amalgamated LEP 2011. In this regard, the height, floor space ratio and floor space distribution development standards are also the same.

The most significant provision within Amalgamated LEP 2011 that relates to this application is that which will enable developments that undergo a design competition and demonstrate design excellence, to achieve a building height and FSR variation by up to 15%. It is noted that the subject application complies with this provision as the Design Competition Jury have supported the 15% variation.

LAND ACQUISITION PLANNING PROPOSAL

No. 63 and 83 Church Street Parramatta are included within a current Planning Proposal which relates to the review of the Land Reservations Acquisition Map. Under the Planning Proposal, a strip of land at the frontage of each parcel was proposed to be rezoned from B5 Business Development to SP2 Infrastructure (Classified Road) and identified on the Land Reservations Acquisition Map for road widening with the RMS as the acquisition authority. The purpose of the proposed road widening is to allow for the provision of a dual right turning lane along Church Street for northbound traffic turning into Parkes Street consistent with the City Ring Road. During the consultation period for the Planning Proposal, the RMS advised that they had no objection in principle to the road widenings, however, could not agree to the change to the LEP without confirmation of funding for the acquisition.

The Planning Proposal was subsequently adopted by Council for finalisation at its Meeting on 12 October 2015, however, these 2 particular rezonings and reservations were identified as deferred matters on the Planning Proposal maps. The Planning Proposal has been forwarded to the Department of Planning and Environment for finalisation and is awaiting gazettal. Should Council resolve the matter with the RMS, the deferred aspect of the Planning Proposal is able to be finalised without the need for further consultation, subject to advice regarding suitable procedures from the Department of Planning and Environment.

It is noted that the applicant has amended their proposal to incorporate the dedication of this land to Council at no cost to Council.



Map indicating area of site affected by the Land Acquisition Planning Proposal

DEVELOPMENT CONTROL PLANS

Parramatta Development Control Plan 2011

The Parramatta City Centre DCP 2007 was amalgamated into the Parramatta DCP 2011 on 2 April 2014 (Amendment 4).

The proposed application is subject to general provisions of the DCP, the Special Precinct - City Centre Controls as well as a site specific DCP for the development (considered in conjunction with the planning proposal) which was publicly notified on 4 December 2014. A detailed assessment of the proposed development with the provisions of this DCP is indicated below.

Site Specific DCP Controls

Section 4.3.3.7(d) of DCP2011 applies specifically to the proposed development sites. This part of the DCP prevails over any other inconsistencies within DCP2011.

Future Desired Character

The proposed development achieves the future desired character requirements of the DCP:

- The redevelopment of the site into a mixed use precinct will enable the revitalisation of Church Street, and will reinforce the character of Parramatta City Centre as a destination for, employment, retail and high density living.
- Gateway South will introduce high density residential dwellings and a mix of commercial and retail space that will transform the character of the place to an exciting pedestrian friendly urban precinct.
- The location of the site within walking distance of Parramatta Transport Interchange, Parramatta City Centre and Harris Park Station, will reduce car dependence, and promote the use of sustainable public transport, walking and cycling, for residents and businesses.
- The mix of uses will provide new jobs to increase activity in the City Centre. The redevelopment will provide a range of apartment dwellings in high-density building forms, meeting the needs of different household types.
- A revitalised public domain is a key component of the redevelopment. A series of pedestrian walkways connecting the 3 parcels of land will activate the street level, and provide an internal access network.
- Gateway South will be a catalyst for future development in Auto Alley aimed at reflecting the increasing prominence of Parramatta as a major metropolitan residential and employment centre.

Site Objectives

Objective	Comment	Compliance
To create an urban environment that provides a mix of uses including high density residential, commercial, retail and community facilities.	The proposal provides for an appropriate and compliant mix of uses.	Yes
To ensure built form articulation and an attractive composition of building elements with a strong relationship between buildings and streetscape.	The built form has been subject to a design excellence competition and provides for an appropriate interface between buildings and streetscape.	Yes
To provide appropriate public domain elements, including internal pedestrian walkways, footpaths, open space for the benefit of the existing and future community.	The proposed development provides for a wide open area public plaza between Sites 1 and 2 and a public park on Site 3.	Yes
To ensure building height is distributed across the site having regard for orientation, overshadowing and views and vistas suitable for this gateway to Parramatta.	The building height has been appropriately distributed over the sites.	Yes
To provide opportunity for future car showroom functions on the ground level.	The application provides for vehicle showroom uses on the ground floor of the commercial buildings fronting Church Street	Yes
To provide local amenities for existing and new residents with a variety of	The details of specific commercial uses have not been	Yes

activities, services and functions to attract people and places for them to meet and stay.	nominated within this concept plan however sufficient floor space is available to achieve this objective. The proposal incorporates a large public plaza and park to accommodate pedestrian usage.	
To provide an appropriate level of active ground floor uses to increase safety, pedestrian activity and use of public domain areas.	The details of specific commercial uses has not been nominated within this concept plan however sufficient floor space is available to achieve this objective. Commercial shopfronts activate the public domain both within and external to the site boundaries.	Yes
To provide a visual and physical connection throughout the site for a high level of surveillance and safety.	A public plaza has been provided which links all of the development sites.	Yes
To accommodate generated traffic, and to mitigate traffic effects.	The traffic generation is not expected to have a significant impact on the locality.	Yes
To include stormwater management measures which appropriately address the level of flood affectation on the site and immediate surrounds.	The proposal seeks to incorporate appropriate water sensitive urban design measures.	Yes

Public Domain

The site offers an opportunity to enhance the public domain through improvements to streets, lanes, plazas and urban parks.

Objective	Comment	Compliance
To create an environment that is comfortable for pedestrians.	This is achievable subject to further details to be submitted in future development applications.	Yes
To ensure a high level of pedestrian amenity, safety and security through the inclusion of weather protection, lighting and safety by design principles.	These details will be provided in the future development applications for the staged development.	Yes
To ensure pedestrian walkway areas are formed from a sequence of spaces and plazas running north-south, connecting all 3 parcels of land.	This has been achieved within the basic plaza plans submitted with the concept plan.	Yes
To facilitate and establish social uses of public plaza space and walkways such as cafes, restaurants, bars, markets, with public seating areas.	The concept plan provides for these opportunities in future development applications.	Yes
To ensure that where utilities are visible from the public domain, that their appearance and design is of the highest quality.	The concept plan provides for these opportunities in future development applications. The detail of utility infrastructure will be assessed in the future detailed applications for the site.	Yes

Controls		Comment	Compliance
New pedestrian walkways, park and plazas shall be provided in accordance with Figure 4.3.3.7.16 and should be no less than minimum size indicated below:		Site 1 15m (min width) with building separation of 17m and area of 1,600m². Site 2 24m (min width) and area of 1350m². Site 3 Area of 1953m².	Yes
Public Domain	Area Required (min)		
Northern Plaza/Pedestrian Walkway	1,600m²		
Central Plaza	1,350m²		
Urban Park	1,790m²		
Public street frontages are to comply with the Parramatta Public Domain Guidelines and are to have: i) Appropriate paving and urban elements; ii) Public Art suitable for the site; and iii) Appropriate spaces for outdoor trading and outdoor dining.		These details will form part of the future development applications for the site, however the proposal provides for street trees and cycle path along Church Street. A conceptual arts plan has been submitted and is satisfactory for this stage of development.	Yes
Pedestrian walkways are to comply with the City Centre Lanes of the Parramatta Public Domain Guidelines and the objectives of the Parramatta Laneways Strategy.		The public plaza is a large open thoroughfare which complies in concept with Council's requirements. The detail of the design will be refined and further specified at future DA stage.	Yes
Pedestrian walkways are to be generally 15m wide, with a 4m zone clear of obstructions to movement to allow for sufficient space for outdoor trading and dining.		The colonnades on Podium C on Site 1 will encourage outdoor dining and trading. Minimum 6m distance between façade and planter boxes in the plaza. Site 2 provides a minimum clearway zone of 4.4m.	Yes
Awnings and colonnades are to be provided along building frontages along public domain to provide shade and shelter.		Awnings provided along the retail areas on Site 1 & 2 to provide shade and shelter.	Yes
Where colonnades are provided, they must: a. Be continuous for the entire public domain frontage or link with awnings; b. Have a minimum width of 4.5m between columns; and c. A minimum height of 4.5m to the underside of soffit.		Site 1 has a continuous colonnade with a varied distance between columns (no less than 8m) and minimum height of 4.5m. Site 2 has a colonnade with columns 6.5m apart and a minimum height of 5m.	Yes
The Southern site is to be provided as an Urban Park in accordance with 4.3.3.7.16. The design of this park will balance public access and amenity with safety with water management objectives.		The park on Site 3 provides public access and areas for passive and active recreation. There are some current concerns regarding flood hazards and safety which will be	Yes

	resolved in future DAs for this site.	
To allow for future road widening along an appropriate length of Church Street and the Great Western Highway, and to provide a cycle / pedestrian along the Church Street frontages, as shown on Figure 4.3.3.7.16.	The applicant has indicated on plan the dedication of a 5m width of land at no cost to Council. The application includes for a cycle/pedestrian path along the Church Street frontages.	Yes

Building Form

The development provisions on building form in this section of the DCP are intended to encourage high quality design for new buildings. The resulting built form and character of development should contribute to an attractive public domain and produce a desirable setting for its intended uses.

Objective	Comment	Compliance
To establish high quality architectural and urban design for buildings.	The proposed development has been awarded design excellence by the Design Competition Jury.	Yes
To locate high density housing with good access to retail, employment, transport and high quality public domain and open space.	The proposed development provides high density housing within Parramatta City.	Yes
To provide for a variety of retail experiences by way of new format automotive retail, specialty shops and supermarket.	The details of specific non-residential uses has not been nominated within this concept plan however sufficient floor space is available to achieve this objective.	Yes
To provide appropriate articulation of building form that is responsive to street address, microclimate and pedestrian orientated environment.	The built structures have been appropriately designed to achieve this objective.	Yes
To ensure that new development minimises and mitigates adverse overshadowing and privacy impact on adjoining public domain and land uses.	The proposed development will cause overshadowing and overlooking. This is inevitable given the heights permissible on the site. The shadows cast will impact on individual areas for only a short period of the day given the massing of the building envelopes.	Yes
To ensure the setback of residential towers is at an appropriate distance from heavily used streets of Church Street and the Great Western Highway.	The setbacks of the residential towers are compliant with the requirements contained within the DCP controls.	Yes
To create active streets and plazas by locating fine grain shop fronts at the ground floor with all fronts and entrances at street level.	Tenancies have been oriented towards the plaza and along Church Street to activate the public domain.	Yes

Controls	Comment	Compliance
<p>Building Envelopes</p> <p>i) Future built form should be consistent with the building envelopes shown at Figure 4.3.3.7.17 and Figure 4.3.3.7.18</p> <p>ii) New buildings along Church Street should not exceed the maximum building depth of 22m, shown on Figure 4.3.3.7.17 and Figure 4.3.3.7.18.</p> <p>ii) Residential towers should not exceed the maximum building internal floor plate requirement, shown on Figure 4.3.3.7.17.</p>	<p>Site 1</p> <p>The buildings generally comply with the building envelope controls. The tower of Building E encroaches within the 2 level podium area however is setback further from the boundary than required. The building envelope has been specifically reviewed by the Design Jury who raise no objection to the encroachment.</p> <p>Site 2</p> <p>The buildings generally comply with the building envelope controls. The tower of Building K slightly encroaches within the 2 level podium area with articulation elements only. The building envelope has been specifically reviewed by the Design Jury who raise no objection to the encroachment.</p> <p>Two of the residential towers do not comply with the height controls however this matter is discussed elsewhere within the report.</p>	<p>In part</p>
<p>Building Height</p> <p>Building heights shall be in accordance with Figure 4.3.3.7.17 and Figure 4.3.3.7.18 to respond to the context, to provide visual interest and to minimise and mitigate adverse overshadowing and privacy impact to adjoining public domain and land use.</p>	<p>The majority of building heights do not comply with the figures in the DCP. This matter is discussed elsewhere within the report.</p>	<p>In part</p>
<p>Building Setbacks</p> <p>i) Building setbacks are to be in accordance with Figure 4.3.3.7.17 and Figure 4.3.3.7.18.</p> <p>ii) Provide 6m building setback in key locations along the western boundaries of the site as shown on Figure 4.3.3.7.17 and Figure 4.3.3.7.18.</p> <p>iii) Where a zero allotment setback is provided a merit assessment will be undertaken with consideration given to the amenity impact on adjacent properties. Consideration should be given to the provision of articulation and high quality architectural treatment and materials to avoid bland, imposing</p>	<p>The building setbacks comply for the majority of the buildings, and are substantially greater in some building areas (eg. Building E has a western setback of 8.7m instead of 6m).</p> <p>The non-compliances are discussed within the building envelope controls above.</p> <p>The building envelope has been specifically reviewed by the Design Jury who raise no objection to the proposed setbacks and advise that</p>	<p>In part</p>

expanses of wall to neighbouring properties.	reasonable building separation does occur between the site and neighbouring land.	
<i>Building Separation</i> Minimum separation between buildings should be in accordance with Figure 4.3.3.7.17 and Figure 4.3.3.7.18	Building separation complies. A minimum 15m separation between the Church Street commercial buildings and western buildings is maintained, and exceeded for the majority of the development.	Yes
Frontage, activities and entries i) Continuous active frontages are to be in accordance with Figure 4.3.3.7.17 This should include retail and commercial spaces. ii) Access to residential use and commercial use above ground level should be provided directly from plaza or pedestrian walkway. iii) Large format retail with floor space exceeding 2,000m ² shall be provided at a basement level and accessed directly from a plaza or a pedestrian walkway.	Site 1 and Site 2 provide active frontages to the plaza area and the public streets. Access to the residential and commercial lobbies is from the pedestrian plaza which will assist in the activation of the public domain. The basement level on Site 1 has a floor space of approximately 5200m ² and can be accessed from the plaza level.	Yes
Basement floor space for Site 1 - Of the total commercial floorspace component for Site 1, 6000 sqm must be located at a basement level for retail purposes only. The 6,000 sqm of floorspace cannot be relocated above the basement level if the retail component is not to proceed.	The basement level on Site 1 has a floor space of approximately 5200m ² and can be accessed from the plaza level. The plans indicate this area as a potential car workshop. Given the flooding affectation of the site, it is considered that a lower usage activity would be more suitable than an intensified retail activity. Details of the usage will be submitted in any future development applications for the site.	In part

Sustainability, Microclimate & Water

Gateway South should integrate appropriate sustainability initiatives into individual buildings and the public domain, to address microclimate, energy and water use.

Objective	Comment	Compliance
To use landscape design to respond to summer and winter climatic conditions and improve amenity for people using the open space.	The proposal incorporates an appropriate scope of landscaping, building design and	Yes

To ensure the buildings are designed to minimise detrimental wind generation within public and private open spaces.	water sensitive urban design measures and has been designed with the capacity to comply with these requirements. Details will be submitted with future development applications for the site.	
To implement the principles of water sensitive urban design into the design of the public domain.		
To minimise reliance on mechanical ventilation through applying good climate design principles to building and public domain design.		
Controls		
Provide appropriate water management infrastructure in the design of the public domain and urban park, to minimise water use.	Water sensitive urban design measures will be incorporated into the design. Measures include vegetated swales, tree pits, rain gardens, infiltration through park, vegetated filter strips and rainwater tanks. Details will be submitted with future development applications for the site.	Yes
Incorporate appropriate built form structures/shade structures to create appropriate microclimate in public domain areas, to ameliorate the temperature extremes of summer and winter.	The ground floor retail areas on Sites 1 and 2 will include continuous awnings which will provide protection from the weather. Landscaping within the plaza will also contribute towards wind mitigation within the public domain.	Yes
To design dwellings to maximise access to sunlight.	The buildings have been designed to achieve solar access and cross flow ventilation in accordance with the Residential Flat Design Code.	Yes
Residential building designs are encouraged to meet a Green Star – Multi-Unit Residential design rating.	The proposed development has the capacity to comply with this requirement. Details will be submitted with future development applications for the site.	Yes
Commercial building designs are encouraged to meet Green Star design rating.	The proposed development has the capacity to comply with this requirement. Details will be submitted with future development applications for the site.	Yes

Access, Parking and Servicing

Provide access for vehicles to the site balanced with pedestrian amenity, access and safety.

Objective	Comment	Compliance
To provide for safe and easy access for all pedestrians, cyclists, vehicles to buildings and public domain.	The application provides for separated access points for vehicles and pedestrians to reduce conflict within the development sites.	Yes
To locate vehicle access points into buildings to minimise pedestrian and cycle conflicts.	Vehicle access points have been primarily located on secondary streets to avoid traffic and pedestrian conflict.	Yes
To ensure that service vehicle access points are concealed as far as possible on major pedestrian routes.	Service vehicle access points have been minimised. There is one service vehicle access point on Great Western Highway however this is only for loading vehicles exiting Site 1.	Yes
To provide all parking underground for residents and visitors to ensure an active, vibrant and car-free public domain.	All parking is provided within the basements on Site 1 and Site 2.	Yes
To implement appropriate traffic management measures on Early and Lansdowne Streets.	Pedestrian crossings are proposed on Early Street and Lansdowne Street where the north-south pedestrian link crosses.	Yes
To encourage an improved level of pedestrian connectivity of the site to the City centre.	The applicant has investigated and incorporated the provision of a pedestrian overbridge across Great Western Highway to improve connectivity to the city centre.	Yes
Controls	Comment	Compliance
Footpaths, cycle links, pedestrian walkways, plazas and vehicle access points to buildings are to be consistent with the pedestrian and vehicle access principles as shown on Figure 4.3.3.7.19.	The proposal generally complies with this requirement however provides for loading egress onto Great Western Highway. This minor non-compliance is acceptable given it is for loading vehicles exiting Site 1 only and reduces on-site conflict with vehicle manoeuvrability. No objection to this egress point has been raised by the RMS.	In part
Service vehicle access points and utilities are to be minimised along pedestrian routes and adjacent public open space. Where necessary, utilities are to be incorporated into building design.	All primary vehicle access for Site 1 and Site 2 is from Early Street (less flood affected than Lansdowne Street) and to maximise pedestrian safety around the park.	Yes
Locate public bicycle racks on ground level, on the street and within the pedestrian walkways linking to key destinations within the development and	There is sufficient area to provide bicycle racks within the public domain. This issue can be addressed at the future detailed	Yes

the cycle network.	DA stage.	
Locate traffic management measures and pedestrian crossings on Early and Lansdowne Streets to enable the continuation of the pedestrian walkway and priority access for pedestrians.	Pedestrian crossings are proposed on Early Street and Lansdowne Street where the north-south pedestrian link crosses.	Yes
The development of the northernmost site should not preclude future pedestrian connection across (over or under) Church Street or Great Western Highway.	The applicant has investigated and incorporated the provision of a pedestrian overbridge across Great Western Highway to improve connectivity to the city centre.	Yes
Provide for the future road widening of Church Street.	The applicant has indicated on plan the dedication of a 5m width of land at no cost to Council for future road widening.	Yes

General and City Centre Controls

The majority of the general and City Centre controls do not apply to the development as the matters have already been covered within the site specific DCP controls listed above. The social amenity section of the DCP 2011 however will apply and is outlined below.

Social Amenity – Part 3.4 DCP2011		
Culture & Public Art	An Arts Plan was submitted with the proposed development which is considered acceptable.	Yes
Access for People with a Disability	Access for people with disabilities is to be provided throughout the development.	Yes
Amenities in Buildings available to the Public	Details of sanitary facilities to be provided at later development application stage.	Yes
Safety and Security	The development is considered acceptable from a CPTED perspective, as the proposed development provides for natural surveillance over the public domain, access control and guardianship of semi public areas.	Yes
Housing Diversity and Choice Unit Mix 1 bed = 10%-20% 2 bed = 60%-75% 3 bed = 10%-20%	The proposed apartment mix is as follows - 34 x studio units (5%) 232 x 1 bedroom units (30%) 452 x 2 bedroom units (60%) 35 x 3 bedroom units (5%). The unit mix is acceptable given there is still a diverse mix of dwellings that contributes to	In part

<p>Adaptable Dwellings</p> <p>Required = 10% of units = 75 adaptable units</p>	<p>housing choice, consistent with the objective of the control. It is noted that the DCP does not provide for studio apartments which are increasing in demand in the city. The minor non-compliance is considered acceptable as the shortfall in 3 bedroom units and excess of 1 bedroom units is unlikely to have significant impacts upon housing choice within the City Centre.</p> <p>A minimum of 75 adaptable dwellings will need to be provided. The application provides for the opportunity to comply with this provision.</p>	<p>Yes</p>
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The application is therefore generally compliant with the provisions of DCP 2011. As the application seeks concept approval only, some of the detail required to assess compliance with the DCP controls will be sought and reviewed at the future development application stages of development. The proposal does not comply with some of the building form and layout provisions of the site specific DCP (Section 4.3.3.7(d)) however these non-compliances have been addressed above and have been reviewed by the Design Competition Jury who raise no concerns with the non-compliances.

POLICIES

PUBLIC DOMAIN GUIDELINES

The Parramatta Public Domain Guidelines were adopted in August 2011. The objectives for the Parramatta Public Domain 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.

As the current application is for a concept plan only, this documentation will be submitted at the relevant stages of future applications. Council officers are satisfied that the opportunity exists for a high quality public domain environment as part of the proposal.

ARTS PLAN

A public art strategy was submitted as part of the Stage 1 DA Report. This concept public art strategy is a broad commitment to providing quality artworks in the detailed design of the proposed development. The design concept is based on “the meeting of the waters” being the point on the Parramatta River at which the fresh water meets the salty water. Alongside this artworks theme will be the car culture theme celebrating the Auto Alley identity and car culture.

The public art strategy was referred to Council’s Arts Officer who raises no objection in principle to the proposal.

PARRAMATTA CITY CENTRE – LANES STRATEGY

The Parramatta City Centre Lanes Strategy does not apply to the proposed development. The sites are not included within the Public Domain Framework. Notwithstanding the above, the proposal provides for a through site pedestrian plaza in accordance with the planning proposal and planning agreement for the proposed development.

S94A DEVELOPMENT CONTRIBUTIONS PLAN – PARRAMATTA CITY CENTRE

The proposal does not require the payment of S94A development contributions at this stage of the development. The application involves a concept plan approval only and does not involve the carrying out of any works.

Section 94A monetary contributions will be imposed on the future development applications to be submitted for these sites.

PARRAMATTA CITY COUNCIL 2015/2016 SECURITY BONDS FOR THE PROTECTION OF CIVIL INFRASTRUCTURE

The proposal does not require the payment of any security bonds at this stage of the development. The application involves a concept plan approval only and does not involve the carrying out of any works.

The requirement to pay security bonds will be imposed on the future development applications to be submitted for these sites.

PLANNING AGREEMENTS

The proposed development is subject to a planning agreement entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

A planning agreement was entered into between the applicant and the Council on 22 January 2014. This planning agreement incorporates certain public benefits with respect to the proposed development, including the following:

- Payment of a monetary contribution (\$7,308,331 as ordinarily adjusted with CPI)
- Footpath design and construction within and adjacent to the northern land parcel (Site 1)
- Footpath design and construction within and adjacent to the central land parcel (Site 2)
- Open Space design and construction of the southern land parcel (Site3)
- Open Space dedication to Council (Site 3)
- Design and construction of a publicly accessible thoroughfare within the northern land parcel (Site 1)
- The registration of an easement in gross in favour of Parramatta that burdens that part of the northern thoroughfare (Site 1)
- Design and construction of a publicly accessible thoroughfare within the central land parcel (Site 2)
- The registration of an easement in gross in favour of Parramatta that burdens that part of the central thoroughfare (Site 2)
- The design and construction of a commercial suite (minimum 200m²) and the transfer to Parramatta of an unencumbered freehold title to the commercial suite.

The timing of the delivery of these matters is contained within the planning agreement. Future detailed developments are to comply with the requirements of the planning agreement.

REGULATIONS

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection do not need to be addressed as part of any consent granted for this application as the proposal is for a concept plan only and does not involve any construction works at this stage.

COASTAL ZONE MANAGEMENT PLAN

There are no Coastal Zone Management Plans applicable to the site.

LIKELY IMPACTS

The likely impacts of the proposed development have been discussed within this report.

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

Ten (10) submissions were received in response to the notification of the application. The issues raised within the submissions have been addressed within this report and do not warrant the refusal of the application.

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta City Centre LEP 2007, Parramatta LEP 2011 and DCP 2011
- The proposal will contribute to the overall commercial viability and housing demand of the Parramatta CBD
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

Conclusion

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

Recommendation

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

APPROVAL SUBJECT TO CONDITIONS

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

That the Sydney West Joint Regional Planning Panel as the consent authority is of the opinion that the variation under Clause 24 of *Parramatta Local Environmental Plan 2007* to Clause 21 (Height) and Clause 21I (Floor Space Ratio & Distribution of Floor Space) of the Parramatta Local Environmental Plan 2007 are supportable. That the Sydney West Joint Regional Planning Panel is also of the opinion that strict

compliance with these development standards is unreasonable and unnecessary in the circumstances of this case as the proposal satisfies the objectives of the development standards and will not compromise the amenity of the locality.

AND

That the Sydney West Joint Regional Planning Panel, as the consent authority, being satisfied that the variations under Clause 24 of *Parramatta Local Environmental Plan 2007* are supportable and that granting consent to Development Application DA/706/2014 is consistent with the aims of the LEP, grant consent to Development Application No. DA/706/2014 for the concept approval of 3 sites including the construction of 7 buildings containing 779 apartments and 39,099sqm of retail/commercial floor space and the provision of a public park on land at 57, 63 & 83 Church Street and 44 Early Street, Parramatta for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

1. The development is to be generally carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

Drawing No.	Drawing Name	Prepared By	Dated
Site 1 Architectural Drawings			
DA0000 – Issue 5	Cover Sheet	AJ+C	17/08/2015
DA0001 – Issue 2	Artist Impression	AJ+C	17/08/2015
DA0002 – Issue 2	Artist Impression	AJ+C	17/08/2015
DA0003 – Issue 2	Artist Impression	AJ+C	17/08/2015
DA0004 – Issue 2	Artist Impression	AJ+C	17/08/2015
DA0017 – Issue 1	Architectural Roof Feature	AJ+C	17/08/2015
DA1001 – Issue 4	Site Plan	AJ+C	17/08/2015
DA1002 – Issue 4	Site Analysis	AJ+C	17/08/2015
DA1501 – Issue 3	Masterplan Envelope Plan	AJ+C	17/08/2015
DA2001 – Issue 6	Basement 1	AJ+C	17/08/2015
DA2002 – Issue 6	Basement 2	AJ+C	17/08/2015
DA2003 – Issue 6	Basement 3	AJ+C	17/08/2015
DA2004 – Issue 6	Basement 4-7	AJ+C	17/08/2015
DA2101 – Issue 7	Level 01 Floor Plan	AJ+C	17/08/2015
DA2102 – Issue 6	Level 02 Floor Plan	AJ+C	17/08/2015
DA2103 – Issue 6	Level 03 Floor Plan	AJ+C	17/08/2015
DA2104 – Issue 6	Level 04 Floor Plan	AJ+C	17/08/2015
DA2108 – Issue 6	Level 08 Floor Plan	AJ+C	17/08/2015
DA2111 – Issue 5	Level 11 Floor Plan	AJ+C	17/08/2015
DA2112 – Issue 4	Level 12 Floor Plan	AJ+C	17/08/2015
DA2113 – Issue 4	Level 13-19 Floor Plan	AJ+C	17/08/2015
DA2120 – Issue 6	Level 20-23 Floor Plan	AJ+C	17/08/2015
DA2124 – Issue 4	Level 24-42 Floor Plan	AJ+C	17/08/2015
DA2138 – Issue 6	Level 38-42 Floor Plan	AJ+C	17/08/2015
DA2501 – Issue 2	GFA Plans 1	AJ+C	17/08/2015
DA2502 – Issue 1	GFA Plans 2	AJ+C	17/08/2015
DA3101 – Issue 5	Elevation East	AJ+C	17/08/2015

DA3102 – Issue 6	Elevation North & South	AJ+C	17/08/2015
DA3103 – Issue 6	Elevation West	AJ+C	17/08/2015
DA3201 – Issue 5	Long Section 1	AJ+C	17/08/2015
DA3202 – Issue 3	Long Section 2	AJ+C	17/08/2015
DA3203 – Issue 5	Cross Section 1	AJ+C	17/08/2015
DA3204 – Issue 4	Cross Section 2	AJ+C	17/08/2015
DA3211 – Issue 2	Boundary Sections	AJ+C	17/08/2015
DA4101 – Issue 1	Detail Sections & Elevations Building D – Sheet 1		
DA4102 – Issue 1	Detail Sections & Elevations Building D – Sheet 2		
DA4103 – Issue 1	Detail Sections & Elevations Building E		
DA4104 – Issue 1	Detail Sections & Elevations Building F		
Site 2 Architectural Drawings			
DA-001-001 – Rev G	Cover Sheet	Turner	30/07/2015
DA-100-001 – Rev H	Site Plans & Land Dedication to Council	Turner	06/05/2016
DA-110-006 – Rev G	Basement 4	Turner	30/07/2015
DA-110-007 – Rev G	Basement 3	Turner	30/07/2015
DA-110-008 – Rev G	Basement 2	Turner	30/07/2015
DA-110-009 – Rev G	Basement 1	Turner	30/07/2015
DA-110-010 – Rev G	Level 01 (Ground)	Turner	30/07/2015
DA-110-020 – Rev G	Level 02	Turner	30/07/2015
DA-110-030 – Rev G	Levels 03-08	Turner	30/07/2015
DA-110-090 – Rev G	Podium Level Residential	Turner	30/07/2015
DA-110-100 – Rev G	Typical Level A	Turner	30/07/2015
DA-110-110 – Rev G	Typical Level B	Turner	30/07/2015
DA-110-200 – Rev G	Typical Level C	Turner	30/07/2015
DA-110-280 – Rev G	Typical Level D	Turner	30/07/2015
DA-110-290 – Rev G	Typical Level E	Turner	30/07/2015
DA-110-300 – Rev G	Typical Level F	Turner	30/07/2015
DA-110-310 – Rev G	Level 31 Roof Garden	Turner	30/07/2015
DA-110-330 – Rev G	Plant Roof	Turner	30/07/2015
DA-210-001 – Rev G	Church Street Elevation	Turner	30/07/2015
DA-210-002 – Rev G	Central Plaza Elevation	Turner	30/07/2015
DA-210-003 – Rev G	Early Street Elevation	Turner	30/07/2015
DA-210-004 – Rev G	Lansdowne Street Elevation	Turner	30/07/2015
DA-210-005 – Rev G	West Elevation	Turner	30/07/2015
DA-310-001 – Rev G	Section 1	Turner	30/07/2015
DA-700-001 – Rev G	Ground Floor Access	Turner	30/07/2015
DA-700-002 – Rev G	Building Programme	Turner	30/07/2015
DA-700-003 – Rev G	Building Character 1	Turner	30/07/2015
DA-700-004 – Rev G	Building Character 2	Turner	30/07/2015
DA-700-005 – Rev G	Façade Sections	Turner	30/07/2015
DA-700-006 – Rev G	Boundary Sections	Turner	30/07/2015
DA-800-1-1 – Rev G	NSA Typical Levels A & B	Turner	30/07/2015
DA-800-011 – Rev G	NSA Typical Level C	Turner	30/07/2015
DA-800-028 – Rev G	NSA Typical Level D	Turner	30/07/2015
DA-800-029 – Rev G	NSA Typical Level E	Turner	30/07/2015
DA-800-030 – Rev G	NSA Typical Level F	Turner	30/07/2015
DA-800-050 – Rev G	Floodway Detail Section	Turner	30/07/2015

DA-800-051 – Rev G	Floodway Detail Elevations	Turner	30/07/2015
DA-800-099 – Rev G	Floodway Layout	Turner	30/07/2015
DA-900-001 – Rev G	Church St Looking North	Turner	30/07/2015
DA-900-002 – Rev G	Lansdowne Street	Turner	30/07/2015
DA-900-003 – Rev G	Church St Looking South	Turner	30/07/2015
DA-900-004 – Rev G	Early Street Looking East	Turner	30/07/2015
DA-900-005 – Rev G	Early Street Looking North	Turner	30/07/2015
Landscape & Public Domain Plans			
OC-L-001 – Rev F	Site Master Plan & Section	Oculus	19/08/2015
OC-L-100 – Rev F	Site 1 Plaza Plan	Oculus	19/08/2015
OC-L-101 – Rev C	Site 1 Landscape Sections	Oculus	19/08/2015
OC-L-110 – Rev F	Site 1 Podium & Sections	Oculus	19/08/2015
OC-L-200 – Rev G	Site 2 Plaza Plan	Oculus	19/08/2015
OC-L-201 – Rev D	Site 2 Landscape Sections	Oculus	19/08/2015
OC-L-210 – Rev E	Site 2 Podium & Sections	Oculus	19/08/2015
OC-L-220 – Rev E	Site 2 Roof Plan & Landscape Sections	Oculus	19/08/2015
OC-L-300- Rev D	Site 3 Park Plan & Landscape Section (preliminary only and subject to further detailed flooding consideration)	Oculus	19/08/2015

Document(s)	Prepared By	Dated
Gateway South Parramatta Stage 1 – DA Report	AJ+C	26/08/2015
Detailed Environmental Site Assessment Report – Report ID CES150907-DYL-AE – Revision 1	Consulting Earth Scientists	03/03/2015
Flood Impact Assessment 59915016	Cardno	14/08/2015
Supplementary Flood Impact Report – Revision 2	Aecom Australia Pty Ltd	03/09/2015
Water Sensitive Urban Design Report (Supplementary Information)	Aecom Australia Pty Ltd	21/08/2015
Arboricultural Impact Assessment Reference 17129	Urban Tree Management	24/03/2015
Assessment of Potential Solar Reflection – Building D – Reference 60322150	Aecom Australia Pty Ltd	19/12/2014
Reflectivity and Glare Assessment – Report No. 610.15728-R1	SLR Global Environmental Solutions	15/02/2016
Bridge Option 2	AJ+C	14/01/2016

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

2. This consent grants concept approval for the development of the sites in accordance with the staged development provisions of Section 83B of the Environmental Planning and Assessment Act, 1979. No consent is granted for any demolition or construction works. A separate Development Application/s must be lodged for the demolition or construction of any works, the subject of this approval.
Reason: To provide clarity as to the extent of this consent.
3. All details of the future development are subject to compliance with relevant legislative and statutory provisions to Council's satisfaction.
Reason: To provide clarity as to the extent of this consent.
4. All future applications shall comply with the following requirements of the Design Competition Jury:
 - A. That the Stage 2 DA cannot be approved unless the consent authority has had regard to:
 - (a) Advice from the Competition Panel after review of the architectural drawings, landscape drawings and façade glazing samples that the Stage 2 design maintains design integrity and design excellence.
 - (b) An independent assessment of the west facades by a qualified environmental sustainability consultant to achieve better than BASIX energy efficiency standards and thermal comfort for occupants of the apartments.
 - (c) Consistency with the NSW Apartment Design Guide
 - (d) Passive sustainability measures that exceed BASIX
 - (e) An investigation to use Tri-generation to power the development to reduce carbon emissions
 - (f) Resolution of Building K loading dock truck turning to ensure loading dock is fully enclosed.
 - (g) Resolution of the west façade of the tower on Site 2 to reduce its visual flatness by articulation
 - B. The Competition Panel reviews the architectural drawings, landscape drawings and samples of the external glazing prior to issue of the Construction Certificate and prior to tender for construction to ensure design integrity.
 - C. The Competition Panel reviews the development prior to occupation certificate to ensure design integrity.
 - D. The design competition architectural firms are retained throughout the project to occupation certificate to ensure design integrity. The architects cannot be changed without approval of Council.
5. The development is to comply with the terms and conditions specified within the agreed voluntary planning proposal executed on 22 January 2014.
Reason: To ensure the requirements of the agreed voluntary planning agreement are complied with during the development process.

6. All future development shall be carried out in accordance with the requirements of Roads and Maritime Services (RMS) as outlined in their correspondence dated 26 April 2016 and as amended by correspondence dated 12 May 2016 that is attached to this consent.

Note: This condition is imposed as part of the RMS concurrence to the application under Section 138 of the Roads Act 1993.

Reason: To comply with the requirements of the Roads and Maritime Services.

7. All future development applications shall take into consideration the following requirements of Sydney Water:

Building Adjacent to Stormwater Channel

- (a) Sydney Water has noted that the proposed development in the vicinity of the Sydney Water's Clay Cliff Creek is a public park. If any buildings or permanent structures are proposed within this park, then these structures must be located at least 1 m away from the outside face of the stormwater channel wall.
- (b) Permanent structures include but are not limited to basement car parks, hanging balconies, roof eaves, hanging stairs, stormwater pits, stormwater pipes and similar structures. This clearance requirement applies for unlimited depth and height.

Water Quality Improvement Device

- (c) Stormwater runoff must be of appropriate quality before it enters Sydney Water stormwater assets or natural waterways. Sites must establish their own stormwater quality improvement device(s) or treatment drain to meet the following minimum pollutant removal:

Pollutant	Average Annual Pollutant Load Reduction Objective (%)
Gross pollutants (>5mm)	90
Total suspended solids	85
Total phosphorus	65
Total nitrogen	45

- (d) Sydney Water may require an e-Water MUSIC model that demonstrates your proposed stormwater quality improvement device or treatment drains will meet the stormwater quality targets.

Direct Stormwater Connection

- (e) The proposed stormwater connection to Sydney Water's stormwater system must be carried out in accordance with Sydney Water's Asset Creation Process. Further details about the Asset Creation Process can be obtained from the nominated Water Servicing Coordinator.

Water

- (f) The drinking water main available for connection is the 375mm main on the Western side of Church Street.

Wastewater

- (g) The proposed development sites are traversed by a number of wastewater mains. The wastewater mains available for connection are the 225 mm and 150mm main located in Early Street, however the 150mm wastewater main will require amplification.
- (h) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and compliance with the Guidelines for building over/adjacent to Sydney Water assets.
- (i) Detailed requirements will be provided at the Section 73 phase.

Reason: To consider the requirements of Sydney Water in the future applications for the site.

- 8. The applicant is to liaise with NSW Office of Water to determine whether future development applications require a controlled activity approval under the Water Management Act 2000.

Reason: To determine whether the future applications are Integrated Development under the provisions of the Environmental Planning & Assessment Act, 1979.

- 9. Any removal of tree/s on the adjoining property at 37 Early Street (being Tree 7 and Tree 8 as identified the arborist report submitted) will require separate consent from Council. Should the applicant seek consent for removal of any trees within the adjoining site it is required to be addressed via a separate tree permit application with owner's consent. Should owner's consent be not be provided for tree removal the applicant is required to demonstrate that the trees can remain viable and will not be unduly impacted by he works proposed.

Reason: To ensure appropriate approval is sought and obtained before the removal of any neighbouring trees.

- 10. Any future development application on Site 1 is to incorporate the following details in the submission to Council:

- (a) details on the construction of the pedestrian bridge
- (b) the creation of an easement for the pedestrian bridge over the land.

Reason: To ensure appropriate details are submitted for the future pedestrian bridge.

- 11. Compliance with the following flood and stormwater engineering conditions:

(1) Flood Management

- (a) The three development sites (being Site 1, 2 and 3) are subject to high hazard flooding from the Clay Cliff Creek main channel and from overland flow in the surrounding streets. Adequate precautions, satisfactory to Council, must be included in all developments in these sites to address the needs of public and occupant safety, emergency

escape and refuge, prevention of ingress of flood waters and protection of property.

- (b) For the purpose of this consent, the Flood Planning Level is defined as the predicted 1% AEP flood level (100 ARI) level plus 500mm arising from Clay Cliff Creek and the surrounding overland flow level, as obtained from the 'Cardno 2D flood model' for Clay Cliff Creek and environs, known as the '2007 model'. The Flood Planning level for each building may vary with the immediate terrain and built context. The Flood Planning Level must be re-determined for each Development Application for each individual building using the '2007 2D Cardno Flood model' (or approved alternative) adjusted for revised designs, building footprints, ground surface levels and so on. Development Applications for individual sites within this concept DA must demonstrate that buildings and ground surfaces do not harm other land by diverting floodwaters and concentrating stormwater at least up to the Flood Planning Level. In addition Council requires additional flood protection measures to be taken to the level of the Probable Maximum Flood (or PMF) as follows and as may be determined for individual DAs. The PMF as derived from Council's adopted flood levels (Lower Parramatta River) and for the purposes of this Consent may be assumed to be for Site 1: 14.0m AHD and for Site 2: 14.2m AHD.

- (c) All of the buildings, landscape and public domain areas subject to this consent shall be designed and built so as to cause no significant, alterations to the predicted flow patterns of floodwaters, at least up to 'Flood Planning Level' (the 1% Annual Exceedance Probability (AEP) event plus 500mm freeboard).
- (d) The minimum level of all habitable floors in all of the buildings shall be not less than the respective Flood Planning Levels (1% AEP event plus 500mm freeboard).

Note: Consideration may be given to a lower finished floor level on part of the ground floor showroom on Site 1 (as shown on the concept plans) subject to the demonstration of the prevention of incursion of floodwaters up to the flood planning level.

- (e) All basement car parks must be protected from ingress of floodwaters with a continuous floodproof bund (including crests on driveways, accessways and other openings) to a minimum level of the Flood Planning Level (1% AEP event plus 500mm freeboard). In addition, the basement car park for Site 1 shall be protected from the ingress of flood waters between the FPL (12.9m AHD) and the PMF (14.0m AHD) with additional driveway crest height and/or self-operating flood gates, and other means. In addition, the basement car park for Site 1 shall be protected from the ingress of flood waters between the FPL (12.9m AHD) and the PMF (14.2m AHD) with additional driveway crest height and/or self-operating flood gates, and other means.
- (f) All building and landscape construction must be designed to be inundated and to resist the forces of moving floodwaters, water-borne debris and flotation, up to the Probable Maximum Flood (PMF) level.

- (g) For the Site 2 building fronting Church Street, an underfloor flood passageway across the south east corner of this building between Lansdowne Street and Church Street must be provided. This must be generally in accordance with this Concept DA, but will be subject to Council's detailed approval with the individual building Development Application. The underside of this structure must be not less than 200mm below the Flood Planning Level for this building and higher if possible. The Plaza area in Site 2 fronting Lansdowne Street must be set at a level that allows the passage of floodwaters into this underfloor passageway. Detailed design of the plaza area and the Lansdowne and Church Street frontages must address this together with public safety and other aspects including flow from this structure across the footway. This design must be based on hydrodynamic overland flow flood modelling. In such design public safety must take precedence over minor flood affectation.
- (h) For Site 1 an underfloor floodway is not required.
- (i) Individual DAs must include comprehensive safety and emergency access and egress plans for both occupants and the general public.
- (j) For the Site 3 Park the proposed landscape design is not acceptable to Council, nor approved by this Consent, and a Development Application for this site will need to be substantially modified to incorporate the following responses to flood risk management and water sensitive urban design. The design must address the following to Council's satisfaction:
 - i. The existing Clay Cliff Creek culvert should not be altered and any fencing around it should be constructed or reconstructed to Sydney Water requirements and specifications. Details of this, including the written approval of Sydney Water, are required to be submitted for Council approval with the Development Application for the park.
 - ii. In order not to divert floodwaters or reduce storage the finished surface levels of the park should not be significantly different from current surface levels (pre development) unless changes are justified to Council's satisfaction and such changes are shown not to increase flood hazards or displace floodwaters onto adjoining lands. This should be demonstrated to Council's satisfaction in any DA for the park site.
 - iii. The proposed kiosk amenities facility, half basketball court and play area are not approved by this Consent. Such may be the subject of a DA for the park but would be assessed on their merits at that time, particularly in terms of flood risk safety management and encouragement of use of the high hazard flood area in the park. Council currently considers such an application would not be supported because of the significantly increased risk to public safety but acknowledges that such facilities would be of value to the local communities and will review the risk and liability issues associated with this on receipt of a DA proposal.
 - iv. Additional car parking must not be provided in or immediately adjacent to the park.

- v. The Landscape Design for Site 3 must be responsive to the likelihood of flash flooding and be such as to prevent or minimise harm to the public as well as scour and transport of debris. The design must be able to resist fast-moving floodwaters and is likely to include grass or other approved ground cover, shrubs and trees, appropriate park furniture, lighting and pathways. Council considers the use of planting acceptable in this floodway subject to appropriate species selection and Council's approval of the detailed landscape design.

(2) Rainwater, Stormwater and Water Sensitive Urban Design

- (a) The rainwater, stormwater, water sensitive urban design and landscape treatments shown in this Concept Development Application are not approved for construction and Council will require these to be developed further to support the DAs for individual sites. Council will require the Development Applications for each of the individual sites of this development to be supported by Site Stormwater Management Plans and detailed designs that integrate rainwater capture, stormwater management, landscape and urban design requirements.
- (b) All Development Applications for the individual site buildings and surrounds must include a Site Stormwater Management Plan detailing rainwater and stormwater management for each development and addressing a range of water management matters including assessment of additional wind driven rainfall on vertical building surfaces, managing local flooding from rain/stormwater and use of extended detention or on site retention to assist this, use of captured rainwater by occupants as a mains water substitute, water sensitive urban design, stormwater quality and pollution control, infiltration and bioretention on site and interaction of water and landscape.
- (c) The Site Stormwater Management Plans (SSMP) must incorporate water sensitive urban design measures, and must:
 - i. identify the potential impacts associated with stormwater run-off for the proposed development and provide a range of appropriate measures for water quantity, water quality and water efficiency and re-use; and
 - ii. be developed in accordance with Council's current Design and Development Guidelines; and
 - iii. achieve pollution reduction targets identified in the following table; and
 - iv. utilise the MUSIC modelling tool (or equivalent) to determine pollution load reduction as defined in the following table of 'Stormwater Treatment targets for Development' where reductions in loads are relative to the pollution generation from the same development without treatment.

Stormwater Treatment Targets for Development

Pollutant	Performance Target reduction loads
Gross Pollutants	90% reduction in the post development mean annual load of total gross pollutant load (greater than 5mm)
Total Suspended Solids	85% reduction in the post development mean annual load of Total Suspended Solids (TSS)
Total Phosphorus	60% reduction in the post development mean annual load of Total Phosphorus (TP)
Total Nitrogen	45% reduction in the post development mean annual load of Total Nitrogen (TN)
Hydrocarbons, motor oils, oil and grease	No visible oils for flows up to 50% of the one-year ARI peak flow specific for service stations, depots, vehicle body repair workshops, vehicle repair stations, vehicle sales or hire premises, car parks associated with retail premises, places of public worship, tourist and visitor accommodation, registered clubs and pubs

- (d) All Development Applications for the individual site buildings and surrounds must incorporate rainwater harvesting and use as an alternate water supply to achieve the following targets:
- Rainwater tanks or other alternative water sources are to be installed to meet 80% of toilet and laundry demands.
 - Connection to recycled water (served by dual reticulation) is required for permitted non-potable uses such as toilet flushing, laundry, irrigation, car washing, fire fighting, industrial processes and cooling towers.
 - Water use within open spaces is to be minimised by improved soils, passive irrigation and integration of vegetated stormwater treatment system into open spaces.
 - Irrigation, water features and other open space features are to be supplied from alternative sources (e.g. rainwater, greywater, or wastewater) to meet 80% of demand.
 - Plumbing fixtures are to meet minimum Water Efficiency Labelling and Standards (WELS) Scheme Standards including 3 star rated showerheads, 4 star rated toilet cisterns, 5 star rated urinals and 6 star rated water tap outlets. Appliances (dishwashers, clothes washers etc) are to be 3 stars (WELS Scheme) or better rated with respect to water use efficiency.
- (e) Council notes that the concept DA submission has satisfactorily demonstrated that on site detention of stormwater will not benefit downstream flooding and may increase it. Therefore in accordance with Council's adopted Stormwater Disposal Policy (July 2015), on

site detention is not required for this development. Council will require demonstration with the development applications for each individual site an effective demonstration that all intercepted rainwater up to the 1% AEP rainfall event (100 ARI) shall not worsen adverse flood impacts in the immediate vicinity of the development or in the Clay Cliff Creek trunk drainage system compared to the pre-development condition.

ATTACHMENT:

1. Clause 24 Variations – Applicant's Written Request
 - Height
 - Floor Space Ratio
 - Distribution of Floor Space