

REPORT TO THE JOINT REGIONAL PLANNING PANEL (SYDNEY WEST)

Application Numbers:	DA/62/2013/B and 62/2013/D
Address:	1 Parramatta Square, being No. 3 Smith Street Parramatta (formerly No. 169 Macquarie Street and 1A Civic Place Parramatta)
Property description:	Lot 1 DP 1192394
Proposal:	15 storey building over basement parking
Date lodged:	15 January 2015 and 9 March 2015
Applicant	Leighton Properties
Owner	The Trust Company (Australia) Limited
Council Planner:	Myfanwy McNally – Manager, City Significant Development
Report Author:	Brad Roeleven - City Plan Strategy and Development

EXECUTIVE SUMMARY

At its meeting on 12 September, 2013 the Joint Regional Planning Panel (Sydney West) determined to grant consent to Development Application DA 62/2013 for the following works at the site, which occupies the northeast corner of Parramatta Square:

Demolition, tree removal and construction of a 15 storey building containing ground floor retail and 14 commercial levels over basement car parking.

Ownership of the land has since passed from Council following the recent registration of the subdivision associated with DA 62/2013. Nevertheless City Plan Strategy and Development Pty Ltd (CPSD) was engaged to provide an independent town planning assessment of this application, including the preparation of this report. Assessment of various matters was provided by the relevant departments within Council.

In summary the modifications sought by this application comprise:

- Multiple design amendments to the building; and
- Amendment of condition 3 to allow for the removal of Tree No. 6.

Key issues requiring evaluation are:

- Additional shadowing a consequence of minor variations to the upper level plant room; and
- Variations to controls in Parramatta City Centre Development Control Plan 2011 for the set out of the building relative to the central public open space corridor for Parramatta Square.

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

1. SITE DESCRIPTION, LOCATION AND CONTEXT

The land the subject of original DA 62/2013 comprised all of Lot 100 DP 609944 and part of Lot 1 DP 791300 - essentially most of the Parramatta Square precinct. However that application only applied to a portion of that land and consequently DA 62/2013 included a re-subdivision to separate the development site from the balance of those two lots. That subdivision has now been registered such that the building approved by DA 62/2013 is located within Lot 1 DP 1192394, being No. 3 Smith Street (also known as 1 Parramatta Square).

This development site is located on the southern side of Macquarie Street, on the western side of the intersection with Smith Street. The site occupies the northeast corner of Parramatta Square, formerly known as Civic Place. Parramatta Square (outlined in yellow on Figure 1) is the heart of the Parramatta CBD, and is bounded by Darcy, Smith, Macquarie and Church Streets.

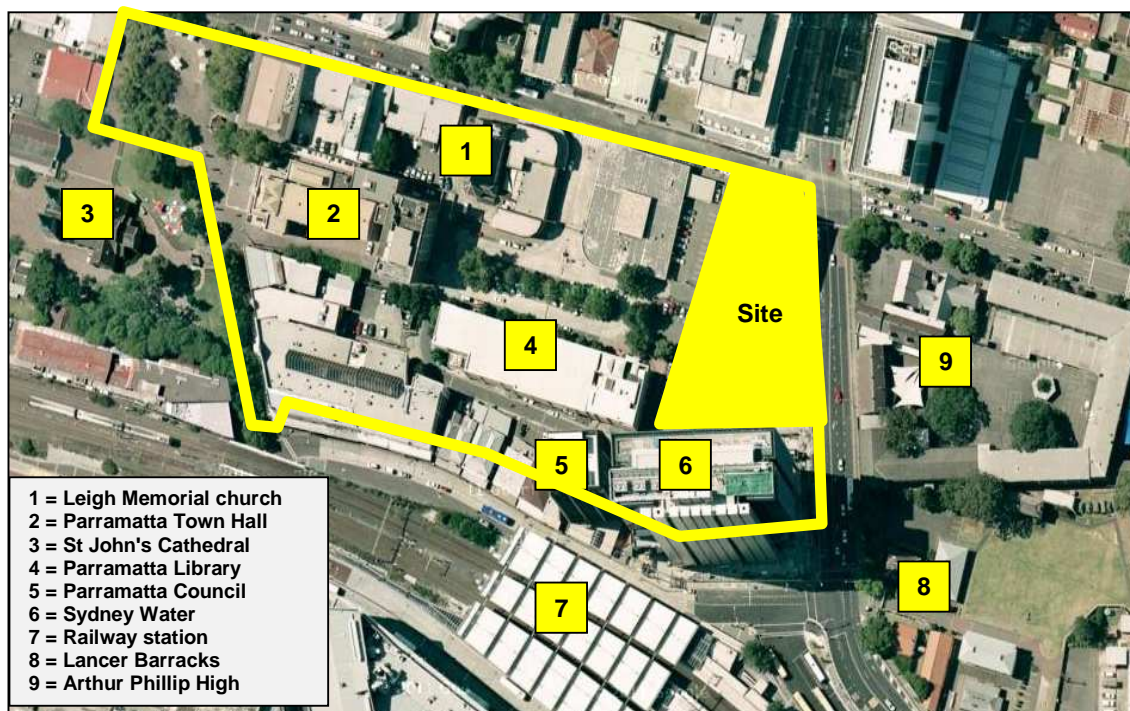


Figure 1: Site location and context

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

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

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

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

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

Table 1: Staging of development of Parramatta Square

Stage 1	Approved via DA 62/2013
Stage 2	The 'Aspire' building - a mixed use building of 306m. That project is the subject of separate Planning Proposal, which has passed its 'Gateway' determination.
Stage 3	Re-development of Australia Post site at 153 Macquarie Street for commercial and public uses
Stage 4	Future commercial and community uses
Stages 5 + 6	Future commercial uses

The location of each of the six stages within Parramatta Square is shown at Figure 2 below:

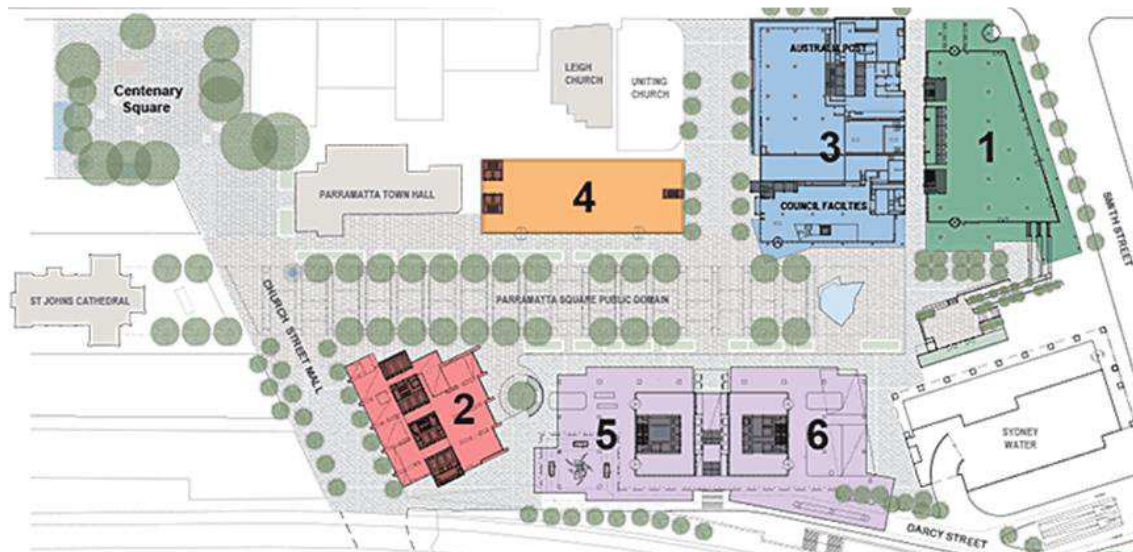


Figure 2: Parramatta Square scheme

2. CONSENT TO BE AMENDED

At its meeting on 12 September, 2013 the Joint Regional Planning Panel (Sydney West) granted consent to Development Application DA 62/2013 for the following:

Demolition, tree removal and construction of a 15 storey building containing ground floor retail and 14 commercial levels over basement car parking.

Works have since commenced with the prior building now demolished and site preparation and excavation underway.

On 6 November, 2014 consent was granted by Council for the following minor modifications (under section 96(1A) of the Act) to that approval:

- Amend Condition 5 to rectify a discrepancy between the approved plans and this Condition;
- Amend Condition 47 to reflect the two potential driveway options permitted in Condition 6; and
- Amend Condition 103 regarding timing for subdivision.

3. RELATED APPLICATIONS

At its meeting of 9 March 2014 Council granted consent to Development Application 769/2014 to identify an "educational establishment" as an additional approved use for the subject building, as it is intended that the University of Western Sydney will occupy the site as its Parramatta City Centre campus.

Council is also currently considering application No. 62/2013/C which seeks to modify condition 13 Development Consent 62/2013 to reduce the applicable s94A development contribution based upon a revised Quantity Surveyors (QS) report. That application also seeks the refund of part of the development contributions already paid resulting from the difference between original and revised QS information.

4. SCOPE OF THE SECTION 96 APPLICATIONS

Application 62/2013/B seeks consent to vary the approved plans to accommodate multiple design amendments to the building. A summary of the key design modifications is provided in the following table, while a complete schedule of all amendments is provided at **Appendix A**:

Table 2: Summary of design amendments

Basement	<ul style="list-style-type: none"> • General layout revised to accommodate multiple miscellaneous changes • Core layout amended • Additional amenities provided • Car parking layout amended and parking supply reduced from 99 to 80 spaces
Ground floor	<ul style="list-style-type: none"> • Floorplate enlarged at southern end (3m) and northern end (2.5m) • General layout revised to accommodate multiple miscellaneous changes • Revolving door entry treatment replaced with 'air lock' design • Terrace seating relocated to accommodate new entries • Substation and plant room layout revised, and Fire Control room relocated • Minor adjustments to finished floor levels - lowered by 150mm
First floor	<ul style="list-style-type: none"> • Floorplate enlarged at southern and northern ends • Atrium void extended to ground floor
Floor plates generally	<ul style="list-style-type: none"> • Additional lift added to core • Plant relocated from ground floor to level 8 • Escalators added linking ground floor - level 3 • Fire stairs added • Auxiliary core amended • Atrium bridge location amended for levels 3-8 • Atrium stairs added for levels 4-8 • Interconnecting stair added at levels 9 and 10

Levels 15 (plant level)	<ul style="list-style-type: none"> • Goods lift relocated • Northern end of plant room extended 3m • Setback of plant room from western elevation reduced by 1.4m • Roof design revised and roof height increased by 550mm
Elevations	<ul style="list-style-type: none"> • Materials and finishes amended • Louvres removed from north and south facade of ground floor • Louvres added to eastern facade at Level 8 facade for new plant room

Application 62/2013/D seeks consent to vary condition 3 of the consent to confirm that the extent of tree removal also includes tree No. 6. The omission of Tree 6 from that condition falls within the ambit of section 96(1) of the Environmental Planning and Assessment Act, being a "misdescription". No issues associated with this matter warrant discussion and accordingly the balance of this report provides an assessment relative only to DA/62/2013/B.

5. REFERRALS

The Table below provides a summary of assessment provided by departments within Council. Issues from those referrals which warrant discussion are addressed at sections 9, 10 or 11 of the report.

Table 3: Internal referrals

Development Engineer	No objections subject to conditions regarding relocation of bicycle parking spaces away from Macquarie Street and increased end of trip facilities for cyclists.
Environment and Public Health	No objections
Traffic Engineer	No objections subject to conditions
Urban Design	See discussion at section 11.1.1

6. SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following provisions of this section of the Act are relevant to the evaluation of this application:

"96 (2) *Other modifications*

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification."

In response to section 96(2)(a) it is noted:

- The Land and Environment Court has determined that a proposal can only be regarded as a modification if it involves "alteration without radical transformation" (*Sydney City Council v Ilenc Pty Ltd [1984]*). This is further confirmed in the judgement relating to *North Sydney Council v Michael Standley & Associates Pty Ltd (1998)* which notes that the power to modify a consent is a power "to alter without radical transformation" the consent; and
- In *Moto Projects (No 2) Pty Ltd v North Sydney Council* the Land and Environment Court gave some additional guidance, stating that the comparison involves consideration of quantitative and qualitative elements of the development, considered in their proper contexts.

In evaluating this matter it is concluded that the nature, scope and context of the proposed changes is such that the application as altered would remain substantially the same as that which has already been approved. Further the amendments do not result in any changes relating to a material or essential feature of the approved development.

In response to section 96(2)(b) the scope of amendments does not trigger the need for consultation with any Minister, public authority or approval body.

In response to section 96(2)(c) and (d) the application was notified in accordance with Council's Development Control Plan 2011. Two submissions were received, and these are addressed at section 11.3 below.

Accordingly the 'tests' within section 96(2) are satisfied and consideration may be given to the application.

Section 96(3) of the Act provides that:

"96 (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application."

These matters are addressed at section 7 below.

7. SECTION 79C(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 79C(1) addresses the evaluation of a development application, and identifies the matters to be considered by Council when assessing a development application. The Table below provides a

summary of those matters and, for the purposes of section 96(3) of the Act, identifies those which are relevant to this matter:

Table 4: Section 79C of the EPA Act

Section	Comment
Section 79C(1)(a)(i) Any environmental planning instrument	Relevant - see sections 8 and 9 below
Section 79C(1)(a)(ii) Any draft environmental planning instrument	Relevant - see section 9 below
Section 79C(1)(a)(iii) Any development control plan	Relevant - see section 10 below
Section 79C (1)(a)(iiia) Any planning agreement under Section 93F.	Not applicable
Section 79C(1)(a)(iv) Matters prescribed by the regulations	Not applicable
Section 79C(1)(a)(iv) Any coastal zone management plan	Not applicable
Section 79C(1)(b) - (e) Likely impacts; site suitability, submissions and the public interest.	Relevant - see section 11 below

8 State planning instruments

State planning controls relevant to this application are:

- State Environmental Planning Policy No. 33;
- State Environmental Planning Policy No. 55;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011; and
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

No aspect of this application triggers the need for reassessment against any of these instruments. It is noted that under clause 21(1) of State Environmental Planning Policy (State and Regional Development) 2011 the Panel retains its function to determine this application.

9 Local planning instruments and draft instruments

The local planning instruments and draft instruments relevant to this application are:

- Parramatta City Centre Local Environmental Plan 2007;
- Draft Parramatta Local Environmental Plan 2007 - Amendment No. 13; and
- Draft Parramatta Local Environmental Plan 2011 - Amendment No. 10.

Consideration of this application against those instruments is provided below.

9.1 Parramatta City Centre Local Environmental Plan 2007

Parramatta City Centre Local Environmental Plan 2007 (PLEP 2007) is the applicable instrument. Consideration of compliance with relevant controls is addressed in the following Table:

Table 5: PLEP 2007 compliance table

Provision	Complies
Clause 21 Building Height	Yes - Although the height of the plant room at Level 15 increases by 550mm, the maximum approved building height of 65.76m does not alter.
Clause 22 FSR	Yes - The maximum FSR control is 8:1 with a possible 10% concession for design excellence. The proposal as amended has a compliant FSR of 6.83:1
Clause 22A Minimum building street frontage	Yes - The amended building design remains compliant, with at least one street frontage of the building exceeding 20m in length.
Clause 22C Parking	Yes - This revised proposal accommodates 80 spaces in the basement levels and therefore complies with this clause. The adequacy of the proposed parking supply is further addressed at section 9.1.1 below.
Clause 22D Building separation	Yes - Amendments to the size of the ground and first floors, and the minor adjustment of the setbacks from the western site boundary, do not alter the overall approved spatial relationship relative to existing and potential future buildings as contemplated for the Parramatta Square precinct.
Clause 22E Ecologically Sustainable Development	Yes - The application is supported by an updated report which sets out various commitments to allow the building to achieve a 5 Star Green Star rating. The amended proposal therefore demonstrates a proper response to the implementation of ecologically sustainable development principles.
Clause 22G Special Areas	Yes - The amended proposal remains satisfactory relative to the objectives for the Parramatta Square Special Area provisions in DCP 2011. See further comments at section 10.1 below
Clause 22H Civic Place	Yes - The proposal will not preclude achievement of the public open space and land use mix prescribed in this clause. The 2003 Civic Place Master plan noted in this clause has since been superseded by Parramatta City Centre DCP 2011.
Clause 29E Sun access	Yes - This clause links to the sun access plane controls in Parramatta City Centre DCP 2011. See further comments at section 9.1.2 below.

<p>Clause 35A</p> <p>Historic view corridors</p>	<p>Yes - This clause links to the view corridors defined in Parramatta City Centre DCP 2011. The proposed amendments do not have any implications for view corridor No. 4 - being views from the eastern end of Parramatta Square west towards St Johns Church.</p>
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9.1.1 Car parking

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

DA 62/2013 as approved provided 99 spaces being 32.5% of the maximum of 305 spaces required by that clause. That quantum of parking was determined as adequate given the proximity to excellent public transport facilities, and likely future improvements such as the Parramatta to Epping Rail Link and light rail projects.

This current application seeks to reduce the onsite parking supply by 19 spaces to a total of 80. Such remains compliant with the terms of clause 22C of the PLEP 2007, and remains satisfactory on merit for the reasons noted above. Council's Traffic Engineer does not raise any objection to this element of the proposal.

9.1.2 Sun access plane

Clause 29E (sun access plane control) in PLEP 2007 links to specific provisions within the Parramatta Development Control Plan 2011. Those DCP controls (section 4.3.3.1(h) - Sun access to public spaces) include a sun access plane diagram for the Lancer Barracks, a heritage item of State significance located southeast of the site across Smith Street. That sun access plane diagram extends across almost the whole of this subject site.

The building as approved by DA 62/2013 extends outside that sun access plane by between 3m - 9m. The merits of that circumstance were established by means of a submission which was satisfactory for the purposes of clause 24 of PLEP 2007 (Exceptions to development standards). In evaluating this matter at the time, Council consulted with both the Department of Environment and Heritage and the Department of Defence, and neither raised any objection on the basis of overshadowing.

This application does not seek to alter the overall approved maximum height of the building. Instead it proposes only to extend the length of the plant room at Level 15 (by 3m to the north) and to also increase the plant room height by a maximum of 550mm.

In evaluating these design modifications with particular regard the objectives and controls at section 4.3.3.1(h) of the DCP it is noted:

- The amendments are negligible in the context of the building as already approved; and
- Plans provided with the application demonstrate the additional overshadowing attributed to this revised built element will be inconsequential, resulting in an additional 1m² of shade affecting only the roof of a building at Arthur Phillip High School, from 2pm at midwinter.

Accordingly this element of the application is satisfactory.

9.2 Draft Parramatta Local Environmental Plan 2007 - Amendment No. 13

This Planning Proposal (PP) is a matter for consideration relative to section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, as it applies to this site and has been publicly exhibited.

The objective of this PP is to reinforce the strategic vision of commercial only land uses over the eastern portion of Parramatta Square to provide certainty that a substantial concentration of commercial jobs will be delivered to this central, and highly accessible, part of the city centre. To achieve that outcome the following amendments are proposed to LEP 2007:

- Rezoning the eastern part of Parramatta Square from "B4 Mixed Use" to "B3 Commercial Core";
- Prohibiting "serviced apartments" in the B3 zoned land in Parramatta Square; and
- Deleting clause 22H (Civic Place) from the LEP as those controls are redundant given that the 2003 masterplan for Civic Place has been superseded by the site specific provisions Parramatta DCP 2007.

The nature of this PP is such that it has no implications for this application.

9.3 Draft Parramatta Local Environmental Plan 2011 - Amendment No. 10

This Planning Proposal (PP) is a matter for consideration relative to section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, as it applies to this site and has been publicly exhibited.

The purpose of this draft amendment (Planning Proposal) to PLEP 2011 is to:

- Achieve the integration and inclusion of the land and provisions currently within the City Centre LEP 2007 into Parramatta LEP 2011; and
- Add additional local provision clauses relating to the City Centre into PLEP 2011.

The terms of the PP are such that it has no implications for this application as no fundamental change to existing controls is proposed.

10 Development Control Plans

The application as lodged was assessed relative to Parramatta City Centre Development Control Plan 2007, which was subsequently consolidated with Parramatta Development Control Plan 2011 in 2014. Further amendments to DCP 2011, specifically as it applies to Parramatta Square are now also contemplated. Assessment of this proposal relative to DCP 2011, and the exhibited proposed amendments, is provided below.

10.1 Parramatta Development Control Plan 2011 (DCP 2011)

DCP 2011 comprises the following Parts:

- Part 1 - Introduction
- Part 2 - Site planning
- Part 3 - Development principles

- Part 4 - Special precincts
- Part 5 - Other provisions

Evaluation of this proposal against the relevant provisions within section 4.3.3 (Parramatta City Centre City Centre) is provided in the following Table:

Table 6: PLEP 2011 – Section 4.3.3 compliance table

Provision	Complies
4.3.3.1 Building form	Yes - The revised building remains satisfactory relative to matters of building form, street alignments and setbacks, building depth and bulk, building separation, wind mitigation, exteriors, and sun access to public places.
4.3.3.2 Mixed use buildings	Yes - The revised building remains satisfactory relative to matters of ground level activation, arrangements for serving and service vehicles, pedestrian and vehicle entries.
4.3.3.3 Public domain and pedestrian amenity	Yes - The revised building remains satisfactory relative to matters of site links and laneways, active frontages, and awnings.
4.3.3.4 View and view corridors	Yes - No implications for view corridor 4 as noted for clause 35A of PLEP 2007 above.
4.3.3.5 Access and parking	Yes - Arrangements for access remain in accordance with those approved under DA 62/2013. The reduced parking supply of 80 spaces is satisfactory as discussed at section 9.1.1 above. Bicycle parking spaces to Macquarie Street frontage to be relocated to improve pedestrian amenity. End of trip facilities to be increased. These matters are resolved by conditions.
4.3.3.6 Environmental management	Yes - Arrangements relative to landscape design, energy and water efficiency remain unaltered from that already approved under DA 62/2013.
4.3.3.7 City Centre special areas	Yes - See separate compliance table below.

Section 4.3.3.7 of the DCP includes objectives and controls for special areas within City Centre, with subsection (b) applying specifically to Parramatta Square. Evaluation of this proposal against the relevant provisions within section 4.3.3.7(b) is provided in the following Table:

Table 7: PLEP 2011 – Section 4.3.3.7 (b) compliance table

Provision	Complies
Desire future character	Yes –The scope of amendments can reasonably be described as a ‘fine tuning’ of the approved scheme, such that the development as amended will remain consistent with desired future character for this precinct.

Site objectives	Yes - The revised building remains satisfactory relative to matters of the supply of public open space and pedestrian circulation.
Building form	Yes - The revised building remains satisfactory relative to matters of the pattern of buildings across the Square, street and public domain alignments, pedestrian circulation at the intersection of Smith and Macquarie Streets. However see further comments below at section 11.1.1
Sustainability	Yes - None of the amendments has any implications relative to this matter.
Access parking & servicing	Yes - Arrangements remain unaltered other than for parking supply which is adequate as per 9.1.1 above.
Heritage	Yes - Other than for consideration of possible additional shadowing for the Lancer Barracks site as discussed above at section 9.1.2, and view corridors as discussed in Table 5 above, the amendments otherwise do not have any implications relative to heritage considerations.
Public art	Yes - None of the amendments has any implications relative to this matter.
Utilities	Yes - Ground floor utility elements are suitably located and designed to be sensitive to the public domain.

11. ENVIRONMENTAL IMPACT ASSESSMENT

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

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

11.1.1 Public domain

Building alignment relative to the central open space of Parramatta Square

The DCP controls for Parramatta Square, both in 2007 at the time of assessment of DA 62/2013, and under current DCP 2011, provide for a 40m corridor through the precinct to support a series of public spaces. The western end of that corridor is to be terminated by St Johns Church, which sits on the western side of Church Street Mall. The DCP provides that the width of the corridor is to be measured as 20m either side of the centre of the Church, and that the alignment of the corridor is to be set parallel to the axis of the Church.

However the setout of the building as approved under DA 62/2013 was instead informed by aligning the northern edge of that open space corridor, across the subject site, to be parallel with Macquarie Street. This created a circumstance where the building encroached into the DCP alignment for the corridor between 1.2m - 1.6m. That outcome was supported as it was not considered to unduly compromise the purpose or function of that open space corridor.

This current section 96 application seeks to enlarge the floorplate of the approved building at both the ground and first floors, by a total of 5.5m. This is in part achieved by repositioning the southern wall of the ground floor a further 3m south, such that the overall encroachment relative to the DCP set out would be 4.2m - 4.6m.

In evaluating this matter it is noted:

- Both DCP 2007, in place at the time DA 62/2013 was assessed, and current DCP 2011 provide the same 'build to lines' (via Figure 4.3.3.7.3 - Public Space Set Out) along the northern and southern sides the 40m corridor. Both DCPs contemplate a degree of flexibility by nominating locations for possible encroachments of up to 6.5m - but only for the sites noted as PS2 and PS3 on Figure 2 above, and not for this site; and
- Council's Urban Design Team advises that its preference is for the building not to further encroach into the DCP open space corridor at the southwest corner of the ground floor. However they also acknowledge the intended changes to the DCP relative to the widths of the Square.

Relevant to the comments of the Urban Design Team is that at its meeting on 9 March 2015 Council resolved to publicly exhibit proposed amendments to some of the provisions within DCP 2011 as it applies to Parramatta Square. The function of those proposed changes is described as follows:

"In addition, a series of further amendments are proposed to allow sufficient flexibility to achieve an optimal pattern of buildings, whilst protecting the public domain. The additional amendments focus on creating an integrated precinct with an optimal pattern of buildings and public domain spaces and interfaces."

Within that context the draft DCP amendments propose to:

- Retain the 40m width of the main central public square; but
- Allow for consideration of encroachment of building elements at the edges of the main public square up to 6.5m, subject to performance criteria. This is confirmed in revised Figure 4.3.3.7.3 - Public Space Set Out, as shown at Figure 3 below:

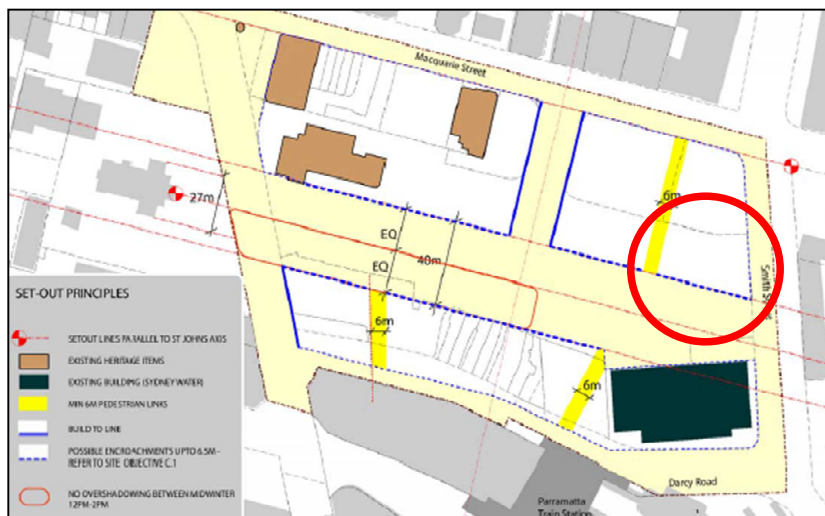


Figure 3: Figure 4.3.3.7.3 of exhibited draft amendments to DCP 2011 - site circled in red

The performance criteria to be satisfied to seek an encroachment of the 'build to line' is described in the DCP as follows:

"Encroachments up to 6.5 metres into the 40 metre minimum width zone may be considered where justified by an agreed design excellence rationale."

In response to that criterion the applicant has provided the following contentions:

- *The proposal maintains the design integrity of the design competition winning scheme by providing an active frontage to Parramatta Square and enlivening its eastern edge;*
- *The proposed encroachment will not detract from the objective to create one contiguous area of open space in the centre of the Parramatta Square precinct, as the site frames the site's eastern edge rather than strictly contributing to the northern alignment;*
- *The additional area at the ground floor will provide significant exposure to the building from with Parramatta Square, and assist in providing an active and vibrant precinct by providing views from the Square into the university building, particularly as the south-western corner of the building is proposed to be used as a café;*
- *The area of the proposed encroachment does not allow for a minimum 40 metre wide space for most of the building's Parramatta Square frontage due to the alignment of the Sydney Water building to the south. Accordingly, setting the building back to the 40 metre alignment line, will not result in the desired outcome of a 40 metre wide public open space at this end of Parramatta Square. Accordingly, the proposed design provides an enhanced design outcome, by bringing activity at the ground floor into the public realm and allowing this to frame the eastern edge of the Square;*
- *The proposed development will contribute to an eastern edge of the Parramatta Square through a distinctive character. This area will be characterised by outdoor seating and paving agreed by Council, with landscaping to soften this edge as opposed to the larger event type space envisaged further west in the Square.*

While arguably the "activation" outcomes will be realised by the approved design it is accepted that:

- The approved building was the subject of a design excellence process, and includes at levels 2-8, a built element that extends south of the main floorplate to within 8m of the Sydney Water site. In that context, extending the ground and first floor levels by a further 3m is of no consequence relative to the relationship of the building with the adjacent public domain;
- It is apparent, through the draft amendments to DCP 2011, that Council is open to greater flexibility in the pattern of buildings along the central open space corridor of Parramatta Square; and
- The amended building will not exceed the 6.5m concession to the southern 'build to line' contemplated for this site.

On balance it is therefore concluded that the enlarged ground and first floorplates, as they relate to the alignment of the northern edge of corridor through this precinct, is acceptable.

11.1.2 Internal design

The revised design is supported by:

- An Access Report which has been undertaken with reference to the minimum requirements of the Building Code of Australia 2014 (BCA) as it relates to accessibility, statutory obligations imposed by the Disability Discrimination Act 1992 and relevant Australian Standards;
- A BCA Capability Statement relative to the Building Code of Australia 2014; and
- A Fire Safety Design Statement.

Those reports conclude that the building, as amended, remains capable of achieving compliance with relevant provisions.

11.1.3 Water

Stormwater

The application includes revised design arrangements for the onsite stormwater detention tank (OSD), rainwater tank and the connection into Council's stormwater system. Those modifications have been assessed as acceptable by Council's Development Engineer, however the need for further additional conditions has been identified, as set out in the recommendation.

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

The suitability of the land to accommodate a building of this type and scale was established by the analysis completed by Council through the preparation of its City Centre LEP 2007 and its precinct specific controls for Parramatta Square, initially within DCP 2007 and more recently within DCP 2011.

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

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

The application was notified for a period of 21 days, comprising letters to landowners and a notification in the local newspaper consistent with Council's Notification Development Control Plan. Three submissions were received, the terms of which are addressed below.

Department of Defence

The Department's submission relates to the Lancer Barracks site which is located to the southeast across Smith Street. The issues raised are summarised below:

The Department of Defence considers that the proposed works may have the potential to cause damage to heritage significant buildings located at Lancer Barracks.

Prior to any work proceeding Defence would require a dilapidation survey be undertaken of the internal/external of a number of buildings. In addition, Defence recommends that an assessment is undertaken of proposed underground drilling/construction works by qualified consultants to confirm the proposed development will not have an effect on the structural integrity or heritage values of any of our buildings.

Due to the Commonwealth Heritage Listing and the likelihood of potential impacts to our site, it is strongly recommended that Council refer the proposed Development to the Australian Heritage Council via the Federal Minister for Environment Heritage and the Arts. Failure to do so could result in

a breach of the EPBC Act with resultant penalties.

Response

This application does not propose any physical works beyond those assessed with the original development application. It is noted the Department of Defence raised these same concerns at that time, and that conditions are included in the consent to address this matters.

Endeavour Energy

Endeavour Energy did not raise any specific objection to this application. The purpose of their submission was to ensure that workers on the site were aware of risks associated operating in proximity to electricity infrastructure, and to ensure that access remains available at all times to that infrastructure.

Mrs E Boesel

The submission from Mrs E. Bossel is broad in content, with many of the comments relating to wider planning considerations for the CBD/Parramatta Square generally. Those issues which are related to this application are summarised and addressed below:

Issue 1 - View corridor to St John Church

My strong objections of March, 2013 remain, one of which was that the so-called 'vista' of St. John's Cathedral had been intruded upon by that application. The narrower the viewing point from Smith Street for its pedestrians, viewing options become negated. St. John's Cathedral requires a 'view catchment'. It is the Smith Street opening which must be widest so the joy of an unimpeded view by passers-by in Smith Street is lost. Which means that 'pyramid' has to go. Every approval or modification reduces, what could have been. There is no proper 'vista' here. An extension south of the building beyond the concept and existing approval, impedes further, a vista from Smith Street and sets a precedent for modification applications for all potential approvals of buildings within the whole concept area

Response

DCP 2011, and DCP 2007 before it, never identified a view corridor from Smith Street west to St Johns Church. The relevant view corridor in DCP 2011 (Historic View No. 4) is west towards the church from the eastern side of Parramatta Square generally from Civic Place and the Town Hall.

The issue of the 3m extension at the southern end of the ground floor is addressed in detail within the report. The reference to the 'pyramid' is related to a separate development application for the former Australia Post site, which adjoins this subject site to the west. That application was withdrawn prior to determination.

Issue 2- Pedestrian movements around the site

The current modification request to extend the building at the corner of Macquarie and Smith Streets is the nail in the coffin of an already flawed concept. A massive footpath space along Smith Street and around the corner into Macquarie Street must be provided here. Pedestrian traffic is very high now

with inadequate footpath space. High numbers here will be intensified by students coming in and out on the hour, students from Arthur Phillip High School at certain times, they and more city workers and residents at morning and afternoon peaks with possible addition of those attending evening lectures, etc.

Response

Council's Urban Design Team has confirmed that adequate pedestrian circulation space will remain notwithstanding the proposed increase of 2m at the northern edge of the ground floor plate. DCP 2011 identifies numerous provisions to ensure the safe, efficient and comfortable movement of pedestrians to and through the Parramatta Square precinct.

Issue 3 - Amenity impacts

Permissible building heights are too great to have any chance of enhancing any public open space - it will be like the exercise yard of a prison with high walls.

Response

The application does not propose to alter the approved height of the building.

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

No circumstances have been identified to indicate the proposed amendments would be contrary to the public interest.

12. CONCLUSION

This report considers two applications to amend Development Application 62/2013, approved by Joint Regional Planning Panel (Sydney West) on 12 September 2013 for the following:

Demolition, tree removal and construction of a 15 storey building containing ground floor retail and 14 commercial levels over basement car parking.

The scope of the proposed modifications comprises:

- Multiple design amendments to the building; and
- Amending condition 3 to allow for the removal of an additional tree.

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

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

RECOMMENDATION

That:-

- A. That Development Application 62/2013/B, be approved subject to the conditions in Schedule 1;
- B. That Development Application 62/2013/D be approved by including Tree No.6 as shown in the revised condition in Schedule 1; and
- C. That those persons who made a submission to either application be notified.

SCHEDULE 1 - PROPOSED AMENDED CONDITIONS FOR DA 62/2013

1. Condition 1 is amended to read as follows:

1. **Approved plans**

The development is to be carried out in accordance with the following plans, prepared by Architectus Group Pty Ltd, as amended in **bold**, 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. and Issue	Title	Date
DA0000 Issue X	Cover Sheet	16.4.15
DA0001 Issue J	Existing Site Survey	2.9.13
DA0001-A Issue J	Demolition Plan	2.9.13
DA0003 Issue J	Existing Site Plan	2.9.13
DA0004 Issue M	Site Plan	16.4.15
DA0005 Issue M	Master Plan	16.4.15
DA0006 Issue L	Site Analysis - Site Plan	16.4.15
DA0007 Issue L	Site analysis - Master plan	16.4.15
DA0008 Issue Q	GFA Calculations	16.4.15
DA0009 Issue G	Public domain plan	16.4.15
DA0009A Issue C	Public Domain Part Plan	16.4.15
DA1000 Issue R	Basement 2 and 2A	7.4.15
DA1001 Issue U	Basement 1 & 1A	16.4.15
DA1001A Issue L	Basement 1A	2.9.13
DA1002 Issue U	Ground Floor	16.4.15
DA1003 Issue S	Level 1	16.4.15
DA1004 Issue Q	Level 2	7.4.15
DA1005 Issue Q	Level 3	7.4.15
DA1006 Issue P	Podium Floor Plan Levels 4 - 7	7.4.15
DA 1006A Issue C	Podium Floor Plan Level 8	7.4.15
DA1007 Issue Q	Level 9	7.4.15
DA1008 Issue Q	Typical Tower Floor Plan	7.4.15
DA1009 Issue Q	Level 14	7.4.15
DA1010 Issue Q	Level 15 Plant	7.4.15
DA 1010A Issue F	Level 16 - Plant	7.4.15
DA 1010B Issue E	Level 17 Plant	7.4.15

DA 1011 Issue P	Roof	7.4.15
DA2001 Issue R	East West Section	7.4.15
DA2002 Issue S	North South Section	7.4.15
DA2010 Issue R	Section Details	7.4.15
DA2011 Issue P	Section Details	7.4.15
DA2012 Issue E	Section Details	2.9.13
DA3001 Issue R	North Elevation	7.4.15
DA3002 Issue S	East Elevation	16.4.15
DA3003 Issue R	South Elevation	7.4.15
DA3004 Issue T	West Elevation	16.4.16
AP0011A	Alignment Levels Plan	6.8.13
AP0012A	Alignment – Long Sections	6.8.13
AP0013A	Alignment – Cross Sections	6.8.13
AP0014A	Alignment – Cross Sections	6.8.13

The approved subdivision plan is the following drawing prepared by Ross John Hansen being:

Drawing Ref and Issue	Title	Date
16728 - Draft	Sheet 1 of 3 - Stage 1	14.12.12
16728 - Draft	Sheet 2 of 3 - Stage 1	14.12.12
16728 - Draft	Sheet 3 of 3 - Stage 1	14.12.12

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. Condition 3 is amended to read as follows:

3. Trees to be removed are:

Tree No	Name	Common Name	Location
1-5	<i>Platanus x hybrida</i>	Plane Tree	Refer to arborist report - condition 61
6-8	<i>Lophostemon confertus</i>	Brush Box	Refer to arborist report - condition 61

3. Condition 44 is amended to read as follows:

44. 85 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-1993 and details are to be illustrated on plans submitted with the relevant Construction Certificate.

The external covered bike storage for 18 spaces in parallel layout to the building, as shown on the revised ground floor plan (Dwg DA1002 – Issue U dated 16 April 2015),

located on the northern most-end of the property near Macquarie Street shall be removed and relocated to a more appropriate location within the basement area. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

A total of 6 showers are to be provided onsite for use as 'end of trip' facilities. Details are to be illustrated on plans submitted with the relevant Construction Certificate.

Reason: To comply with Council's parking requirements.

4. Additional condition 76A is included in the consent, as follows:

76A. Prior to any works commencing on the construction of the stormwater drainage system, the plans approved for the purposes of condition 29 shall be amended as follows:

- The proposed kerb inlet pit must be constructed in accordance with Council's standard plan No. DS 21;
- Provide a section drawing through the OSD tank location;
- Provide details of water proofing of the OSD tank and the associate pipe connections;
- Provide details of the proposed 450mm diameter reinforced concrete pipe works within Macquarie Street.

The revised plans shall be submitted for the approval of the Council's City Works unit, prior to commencement of any stormwater drainage works.

Reason: To ensure adequate stormwater infrastructure is provided.