



REPORT TO THE JOINT REGIONAL PLANNING PANEL (SYDNEY WEST)

JRPP Reference Number:	2015SYW128
Development Application:	DA/852/2013/A
Property Address:	189 Macquarie Street, Parramatta
Property Description:	<p>Lot 3A and Lot 4A DP 322453, Lot 5 DP 7809, Lot 1 DP 128928, Lot 20 DP 706341, Lot C DP 390897, Lot 1 DP 555756 and Part of Lot 5 Section 88 DP 758829</p> <p><i>Note: the above lots were consolidated into new Lot 1 DP 1214839</i></p>
Proposal:	<p>Section 96(2) modification has been submitted for the approved construction of a 30 storey mixed use development containing 425 apartments, 317m² of retail floor space, 715 car parking spaces over one level of basement, six (6) levels of podium and three (3) levels of basement car parking of which 389 spaces are for residential use. Modification includes an additional two basement levels, increasing number of car parking spaces and relocation of the substation from Basement Level 1 to Upper Level 1. The proposal is Integrated Development as an approval is required under the Water Management Act 2000. The proposal will be determined by the Sydney West Joint Regional Planning Panel.</p>
Estimated Value:	\$145,036,188 (original) and \$7,016,246 (two additional basements)
Date Lodged:	<p>10 July 2015</p> <p>Further information received on:</p> <ul style="list-style-type: none"> • 23 September 2015 – response to Council's correspondence dated 15 September 2015 and comments made by Joint Regional Planning Panel - Sydney West and Independent Consultant Planner. Addendum Assessment of Parking & Traffic Impacts was submitted. • 28 October 2015 – response to matters raised in meeting with Applicant on 28 October 2015. • 17 November 2015 – response to matters raised in Council's correspondence dated 17 November. • 30 November 2015 – submission of supplementary Traffic Report. • 3 December 2015 – submission of Quantity Surveyors Report for the proposed additional basements. • 7 December 2015 – submission of amended architectural drawing in relation to substation location. • 18 January 2016 – clarification in relation to the areas of retail units 3 and 4
Owner:	Parramatta City Council
Applicant:	Toplace Pty Ltd
Council Planner:	Myfanwy McNally – Manager City Significant Development
Report Author:	<p>Claire Jones – Environmental Planner, WorleyParsons Services Pty Ltd;</p> <p>Robert Power – Principal, Statutory and Heritage Planning, Quality Assurance, WorleyParsons Services Pty Ltd</p>



EXECUTIVE SUMMARY

This report is an assessment of a Section 96(2) Modification to Development Consent No. DA/852/2013 (the Modification Application – DA/852/2013/A) approved on 15 April 2015 by the Sydney West Joint Regional Planning Panel (JRPP), submitted by Toplace Pty Ltd (the Applicant) at 189 Macquarie Street, Parramatta (the site). Since lodgement, the site was consolidated by Parramatta City Council (the Council) on 11 December 2015 into new Lot 1 DP 1214839.

The Modification Application proposes an additional two basement levels, increasing number of car parking spaces and relocation of the substation from Basement Level 1 to Upper Level 1.

It is noted that the substation was originally proposed to be located on the Hassall Street frontage which was not acceptable as it would reduce the opportunity for street activation. It has now been relocated to behind the wall of retail unit 4 on Upper Level 1 which preserves that retail space intact as approved, maintaining an appropriate level activation to this street frontage.

The Modification Application is “*Integrated Development*” in accordance with Section 91 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act), being an aquifer interference activity (dewatering) in accordance with **Section 91** of the *Water Management Act 2000*. General Terms of Approval were received from Department of Primary Industries – Water (DPI Water) on 20 August 2015.

As the Modification Application involves Council owned land, WorleyParsons Services Pty Ltd has been engaged by the Council to provide an independent planning assessment of DA/852/2013/A, including the preparation of this assessment report and associated recommended conditions of consent should the JRPP approve the Modification Application. Comments on the application and recommended conditions of consent have also been provided from the respective Council departments.

Written notice of the Modification Application was sent to Roads and Maritime Services (RMS) on 15 July 2015. RMS provided its original comments on 30 July 2015. In a further response on 8 February 2016, it advised that it had “*reviewed the submitted documents and raise no objection to the proposed modifications for 36 additional car spaces in its basement carpark*” and that the conditions in RMS’s letter dated 7 February 2014 for the approved DA will apply for this development site.

The DA public notification period was between 23 July 2015 and 24 August 2015. Three (3) submissions were received from adjoining owners.

The three main issues raised in the submissions include:

- Traffic generation impacts to road network including Hassall Street and Macquarie Street.

Comment: The Applicant’s traffic consultant, Thompson Stanbury Associates (TSA) has assessed the impact of the additional car parking proposed under this Modification Application to the surrounding road network in their report dated 23 September 2015. It concluded that the:

“The increased resident parking provision has the potential to result in a minor increase in the traffic generating ability of the subject development, despite traffic generation for residential developments traditionally being calculated based on the dwelling yield, which is not proposed to alter as part of this application; and



The 2013 development application Traffic Impact Assessment demonstrated that the surrounding road network provides adequate capacity to accommodate any minor potential increase in traffic generation associated with the subject application."

- Increased traffic noise and air quality impacts arising from additional vehicles.

Comment: Since the 2013 Traffic Impact Assessment was prepared for DA/852/2013, the RMS Technical Direction TDT 2013/04a – *Guide to Traffic Generating Developments Updated Traffic Surveys* (August 2013) updated the traffic generation rates set out in the October 2002 Guide for high density residential flat buildings. In this regard, TSA indicated that the "*December 2013 Traffic Impact Assessment therefore overestimated the traffic generating ability of the residential component of the subject development by approximately 20%*". As discussed above, the surrounding road network has been assessed by TSA as being capable of accommodating any minor potential increase in traffic generation. It is considered that based on that assessment, the Modification Application will have only minimal impacts to local air quality associated with a minor increase in car use.

- Increase of basement levels will block the sun of the lower level of building 6-10 Charles Street

Comment: The construction of the two additional basement levels (from deeper excavation at the site) will be situated below the existing approved three levels of basement residential car parking and will have no impact to 6-10 Charles Street in relation to solar access.

An assessment of the likely impacts has been undertaken in accordance with Section 79C(1)(b) of the EP&A Act. The key issues that were identified with the Modification Application relate to:

- the potential increase of traffic generation as a result of the proposed additional car parking which results in 1:1 residential car parking provision under Clause 22C of the LEP; and
- the planning merit, having regard to the potential increase in development yield that may be achieved from the Planning Proposal and if an efficient car parking layout of the two additional basements was designed in the future.

An assessment of the above key issues and all other relevant environmental issues indicates that the Modification Application is able to be carried out in a manner that would **not** result in any significant environmental impacts to the amenity of surrounding land users during site excavation, construction and operation.

After consideration of the development against Sections 96 and 79C of the EP&A Act and the relevant statutory and policy provisions and subject to recommended conditions, especially in relation to the limitation on car parking spaces the reasons for which are set out above, the Modification Application 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 modified conditions.



1. DA HISTORY

This report is an assessment of a Section 96(2) Modification to Development Application DA/852/2013/A (DA) submitted by Toplace Pty Ltd (the Applicant) at 189 Macquarie Street, Parramatta (the site). The history of the DA is summarised below.

DA/183/2014 was approved on 30 October 2014 (consent operating from 18 November 2014) for tree removal, demolition of car park, installation of retaining wall and bulk excavation at 189 Macquarie Street and Part of 34 Hassall Street, Parramatta. The “early works” approved under that DA, including bulk excavation, has commenced on the site. The Applicant was Krikis Tayler Architects Pty Ltd.

DA/852/2013 was approved on 15 April 2015 (consent operating from 25 May 2015) for the construction of a 30 storey mixed use development of the site containing 425 apartments, 317m² of retail floor space, 715 public car parking spaces over one (1) level of basement, six (6) levels of podium and three (3) levels of basement car parking containing 389 spaces for residential use. The Applicant was Krikis Tayler Architects Pty Ltd.

DA/852/2013/A was submitted on 10 July 2015 as a Section 96(1A) modification under the *Environmental Planning and Assessment Act 1979* (the EP&A Act) to DA/852/2013. The Modification Application proposes an additional two basement levels, increasing number of car parking spaces and relocation of the substation from Basement Level 1 to Upper Level 1. The Council has decided that the Modification Application ought to be dealt with under the provisions of Section 96(2) of the EP&A Act because of the scope of the proposed modifications.

The public notification period was between 23 July 2015 and 24 August 2015. Three (3) submissions were received by Council. External referrals were made to Department of Primary Industries – Water (DPI Water) and Roads and Maritime Services (RMS).

Requests for additional information were submitted to the Applicant during the DA assessment stage on 15 September 2015, 28 October 2015 (via Meeting with Applicant), 17 November 2015, 24 November 2015 and 18 January 2016. Responses were received from the Applicant on 23 September 2015, 28 October 2015, 17 November 2015, 27 November, 3 December, 7 December 2015 and 18 January 2016.



2. SITE LOCATION AND DESCRIPTION

The site originally comprised eight (8) lots – Lot 3A and Lot 4A DP 322453, Lot 5 DP 7809, Lot 1 DP 128928, Lot 20 DP 706341, Lot C DP 390897, Lot 1 DP 555756 and Part of Lot 5 Section 88 DP 758829. Subsequent to lodgement of the Modification Application, the site was consolidated by the Council (the owner) on 11 December 2015 into new Lot 1 DP 1214839.

The site previously contained an at grade open air asphalt public car park. There is no vegetation on the site. It is well located on the eastern periphery of the Parramatta City Centre, some 400 metres to the east of Parramatta Railway Station; approximately 250 metres south west of Parramatta River; and 85 metres north of the Claycliff Creek Channel (**Figure 1**).

The site is irregular in shape having a total area of 5,211m². It has frontages of 40.26 metres to Macquarie Street and 51.68 metres to Hassall Street. The western and eastern boundaries of the site are 133.29 metres and 109.86 metres long, respectively (**Figure 2 and Figure 3**).

The site has the following land affectations:

Aboriginal Sensitivity:

High - Aboriginal heritage was assessed under DA/183/2014

European Archaeological Significance:

Nil

Acid Sulfate Soils:

Class 4

Flooding:

The site is located within the Lower Parramatta River sub-catchment. The majority of the site is shown on Flood Prone Map as being affected by the 1 in 100 year ARI flood. The entire site would be impacted by a Probable Maximum Flood (PMF) event.

Heritage:

Nil

Easements:

Nil

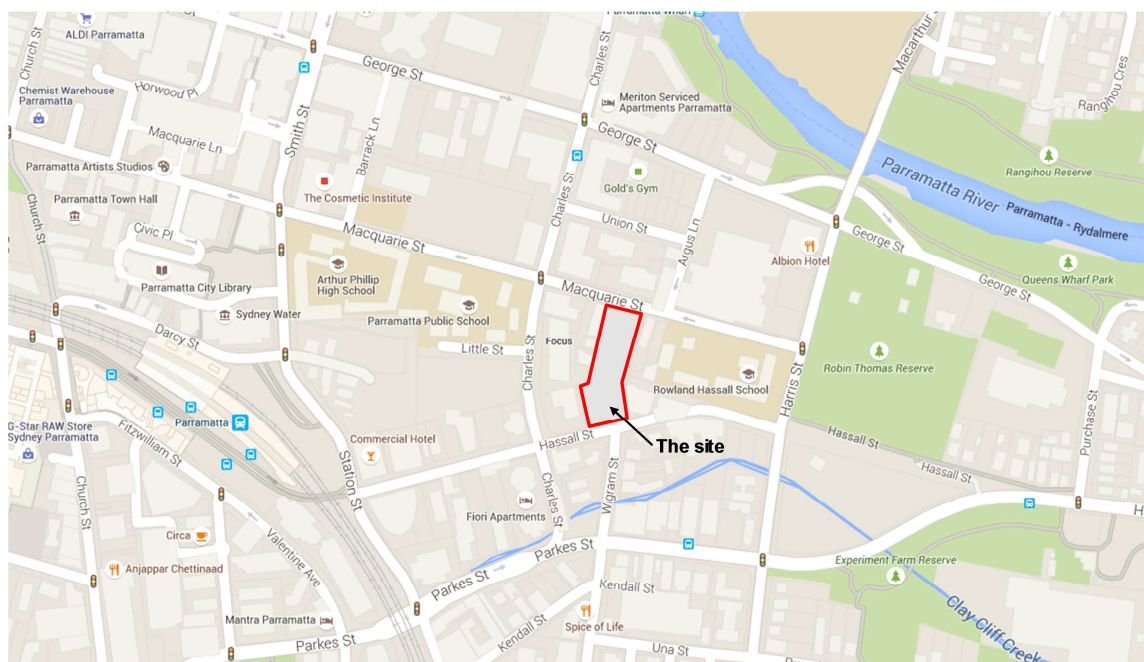


Figure 1: Location map (Source: Google Maps, 2015)



Figure 2: View looking south across the site from the Macquarie Street frontage during early works phase (Source: Claire Jones, 2015)



Figure 3: View looking north across the site from the Hassall Street frontage during the early works phase (Source: Claire Jones, 2015)



3. SURROUNDING CONTEXT

The surrounding development is comprised of a mix of uses consistent with the mixed use zoning of land in this eastern periphery of Parramatta City Centre (**Figure 4**). The locality is transitioning towards a higher proportion of mixed use developments. This transition is consistent with the principles of the Council's "Parramatta CBD Planning Strategy", adopted 27 April 2015, which amongst other matters, proposes to "achieve a strategic balance of land uses" and "design excellence".

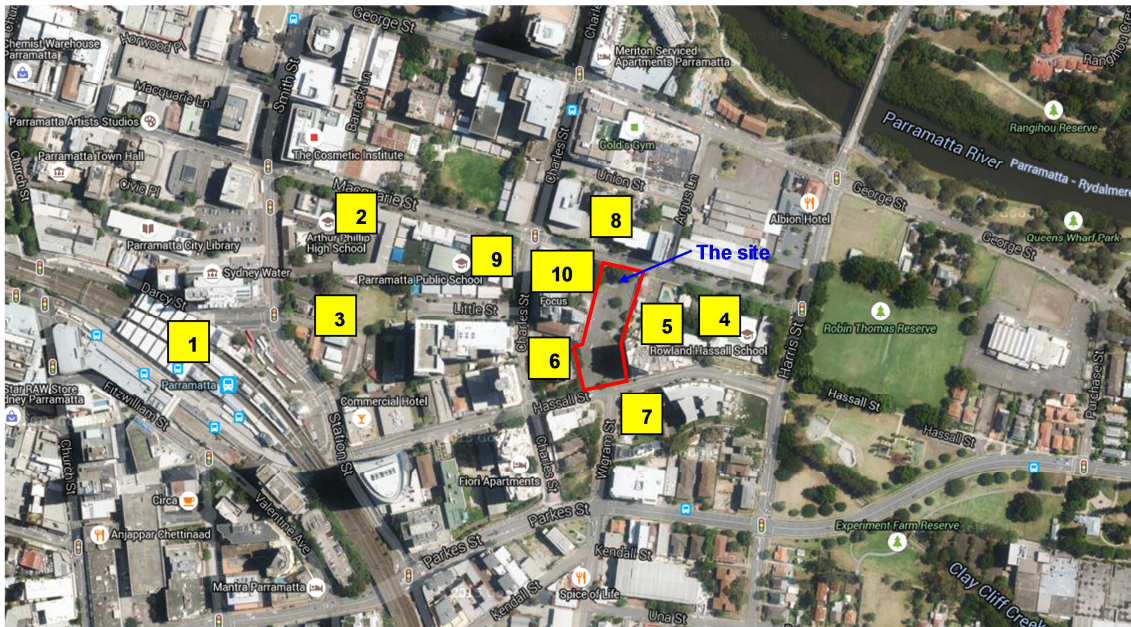


Figure 4: Site Context (Base map source: Google Maps, 2015)

- 1 = Parramatta Railway Station
- 2 = Arthur Phillip High School
- 3 = Lancer Barracks
- 4 = Rowland Hassall School
- 5 = 191 Macquarie Street (shop/house) & 26-30 Hassall Street (residential flat building)
- 6 = 2, 2A & 4-10 Charles Street (residential flat and mixed use buildings)
- 7 = Heritage items at 23-25 Hassall Street (semi-detached cottages) & 113-115 Wigram Street (houses)
- 8 = 128 & 140 Macquarie Street (residential flat building)
- 9 = Parramatta Public School
- 10 = 183 Macquarie Street (vacant house)

Directly opposite the site on the Macquarie Street frontage at 128 and 140 Macquarie Street are eight (8) and nine (9) storey residential flat buildings and a seven (7) storey commercial building (20 Charles Street) located on the north-east corner of Macquarie Street and Charles Street.

A single storey fire damaged building immediately adjoins the site to the west at 183 Macquarie Street. A single storey attached shop front and weatherboard house with shed at 191 Macquarie Street immediately adjoins the site to the east and is setback approximately 2 metres from the boundary. The property at 191 Macquarie Street is owned by the applicant for the modification. Rowland Hassall School is located further to the east of the site.

To the immediate south-east of the site at 26-30 Hassall Street, is a 16 storey cement rendered residential flat building built to the boundary. To the south of the site within the proximity of the Wigram Street and



Hassall Street intersection is a mix of commercial and residential buildings ranging from between one (1) and nine (9) storeys in height.

A nine (9) storey residential flat building is located to the south-west of the site on the corner of Charles Street and Hassall Street (2 Charles Street) and is setback about 3 metres from the boundary. A neighbouring three storey brick apartment building is located off the central portion of the site to the west (2A Charles Street) and is setback about 3 metres from the boundary. A nine storey mixed use building and rear building (located adjacent to boundary) are located at 4-10 Charles Street.

The site is located in close proximity to two heritage items, being the semi-detached cottages at 23-25 Hassall Street, Parramatta (Item 99) and the attached houses at 113 and 115 Wigram Street, Harris Park (Item 131).



4. PROPOSED MODIFICATIONS

The Modification Application seeks to amend Development Consent No. DA/852/2013 as follows:

1. Excavation and construction of **two** additional basement levels using the same building footprint as the approved 3 level basement, to provide a further **36** car parking spaces for residential use, increasing the total to 425 car parking spaces. This increase will result in a residential car parking ratio of 1:1. The finished floor level (FFL) of approved Basement 3 was at RL -3.3m AHD and it is proposed to create a FFL for Basement 5 at RL -9.0m AHD.
2. Relocation of the substation from Basement Level 1 to Upper Level 1 so it can be accessed at ground level and be installed above the 1 in 100 year flood level.
3. Reconfiguration of the layout to the Upper Level 1 and Basement Levels 1, 2 and 3 for the retail spaces, car parking, plant rooms, storage areas, stormwater drainage and ancillary services.

Further, the Applicant has requested that the approved plans in **Condition 1- Approved Development** be amended to include the following:

Sheet Description	Drawing No.	Date	Issue
Basement Level 1 Plan	A1013	18.6.15	08
Basement Level 2 Plan	A1012	18.6.15	06
Basement Level 3 Plan	A1011	18.6.15	06
Basement Level 4 Plan	A1010	18.6.15	03
Basement Level 5 Plan	A1009	18.6.15	03
Upper Level 1 Floor Plan	A2001	7.12.15	15

Refer to **Figures 5, 6 and 7**.

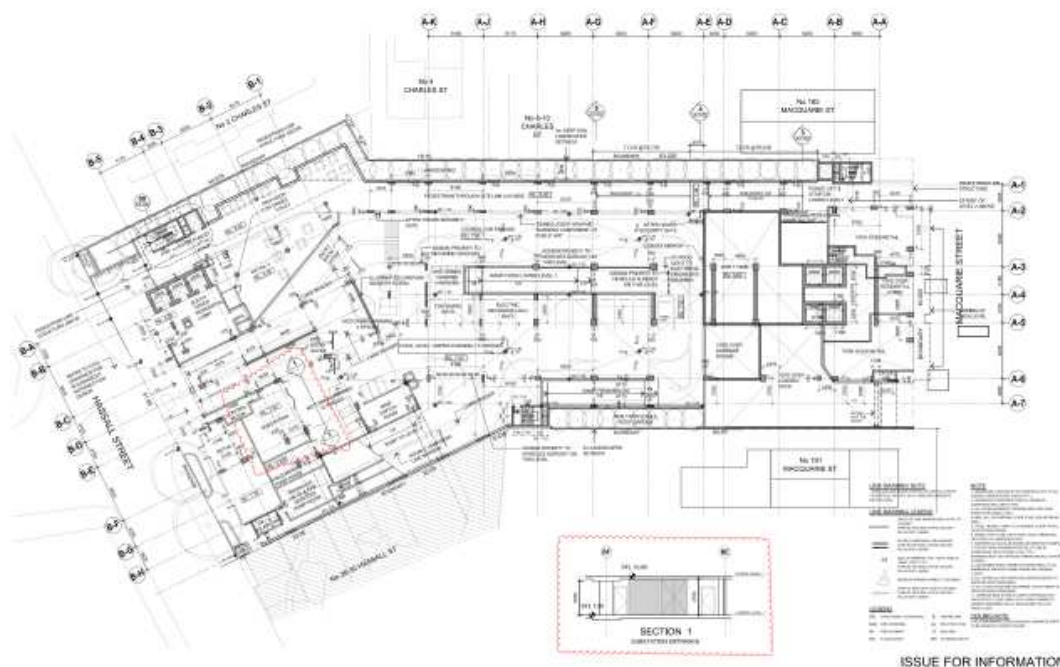


Figure 5: Proposed Amended Upper Level 1 Floor Plan (Council Car Park) (Source: KTA, 2015)

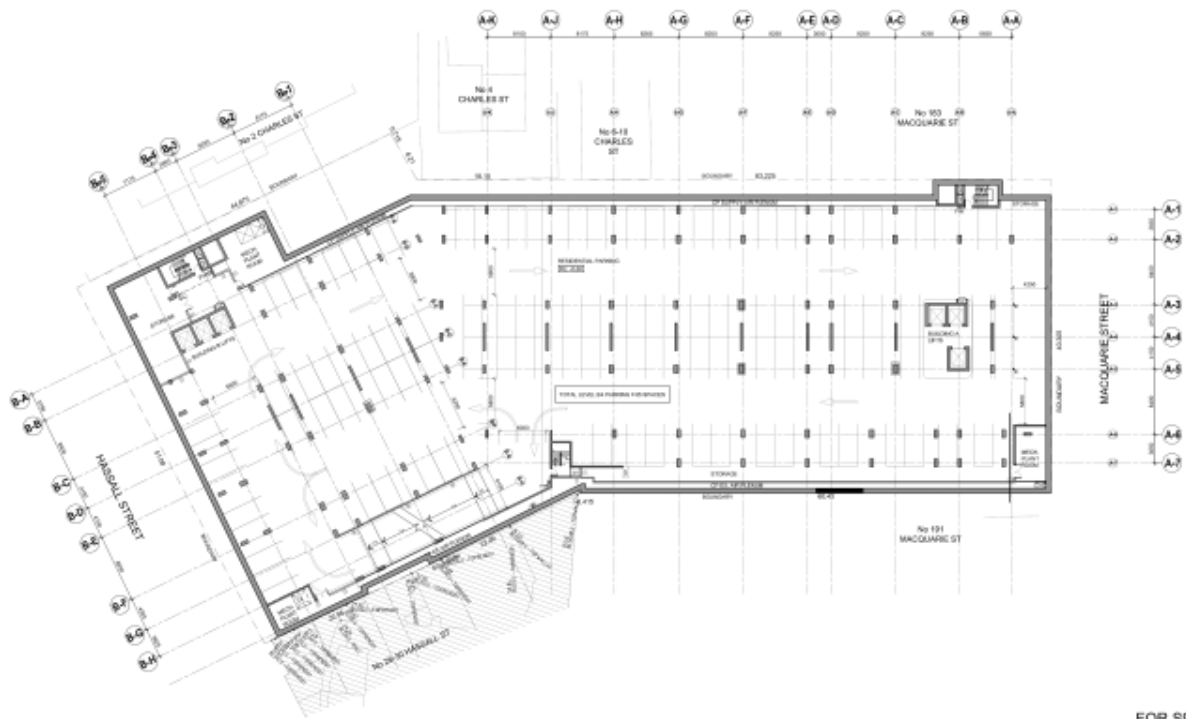


Figure 6: Proposed Basement Level 4 Plan (Residential Car Park) (Source: KTA, 2015)

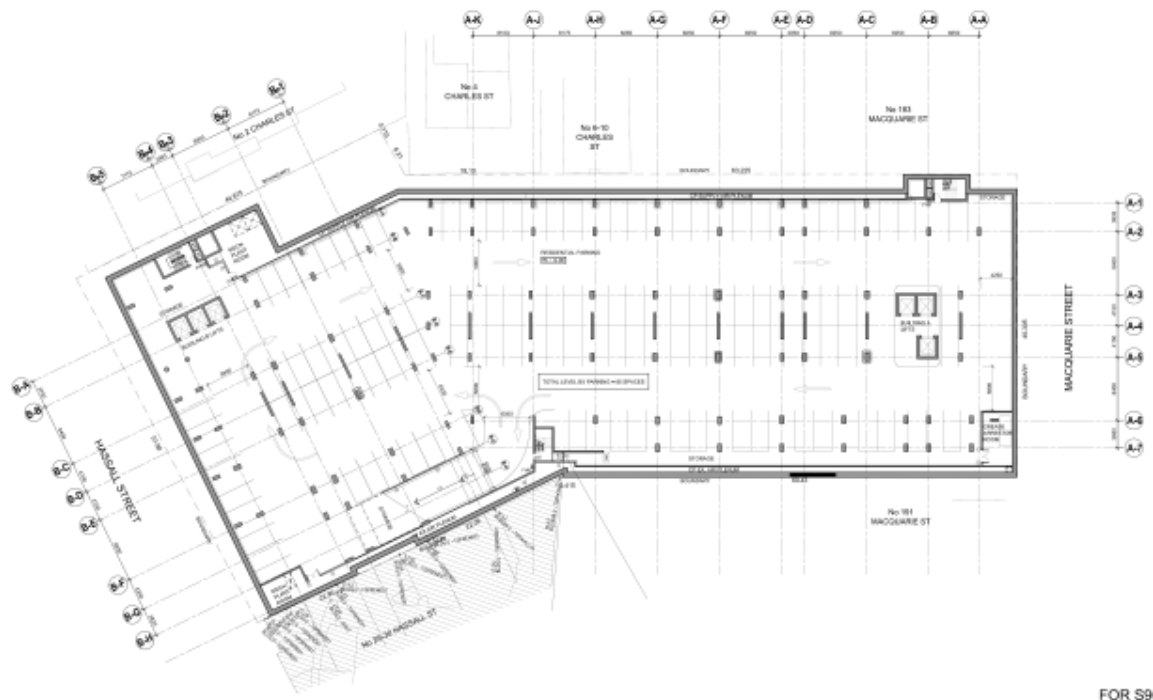


Figure 7: Proposed Basement Level 5 Plan (Residential Car Park) (Source: KTA, 2015)



5. REFERRALS (EXTERNAL/INTERNAL)

5.1 External Referrals

NSW Department of Primary Industries – Water (DPI Water)

The Modification Application was referred to DPI Water pursuant to Section 91 of the *Water Management Act 2000* as it involves an aquifer interference activity (construction dewatering). On 20 August 2015, DPI Water raised no objections and issued the General Terms of Approval.

Roads and Maritime Services

Written notice of the Modification Application was sent to RMS on 15 July 2015. RMS provided its original comments on 30 July 2015 and in a further response on 8 February 2016, advised that it had “*reviewed the submitted documents and raise no objection to the proposed modifications for 36 additional car spaces in its basement carpark*” and the conditions in RMS’s letter dated 7 February 2014 for the approved DA will apply for this development site.

5.2 Internal Referrals

There were two internal referrals made for this DA as follows:

Traffic Engineer

Council’s Traffic Engineer reviewed the application in the first instance with regard to the “maximum” permissible car parking requirements contained in Clause 22C of the LEP. The Traffic Engineer’s advice concluded that “*the total on-site parking provision does not exceed the maximum permissible number of on-site parking spaces*”, which is 524 car parking spaces for residents, visitors and retail.

A further review of the additional information submitted by the Applicant on 30 November 2015 was undertaken by Council’s Traffic Engineer who advised that the following:

“Until the findings of the Traffic and Transport Study being conducted by Council as part of the Parramatta CBD Planning Strategy are finalised, which investigates the cumulative impact of a 10:1 FSR growth scenario, the maximum total parking provision on any site subject to a Planning Proposal within the CBD should be the same as if the development for the site was at an FSR of 10:1.

Traffic modelling is no longer required to be conducted as part of the Traffic Analysis submitted as part of the Planning Proposal given Council is conducting a detailed traffic study that investigates the cumulative impact of traffic generation under the 10:1 FSR growth scenario. Discussion is still required around the parking rate sought for the subject site and the vehicular access points into the site.

Should Council support a Planning Proposal with an FSR greater than 10:1 on any subject site to proceed for a Gateway determination, Officers should recommend that the Planning Proposal not be determined until the findings and recommendations of the CBD Traffic and Transport Study be finalised. The study will determine whether a greater parking rate within the CBD is feasible, and if not, may potentially recommend parking rates lower than what currently permitted under the 10:1 growth scenario.



The recommendation of the Traffic Report for 189 Macquarie Street indicates that the increase in traffic generation resulting from the proposed increase in units for this single site will not have a significant impact on the network. This recommendation is correct, although as noted above, it does not take into account the development in other parts of the CBD.”

Refer to Section 10.7 for further discussion on traffic and parking impacts.

Catchment and Development Engineer

In relation to flooding, the Applicant submitted the following information in the SEE:

“A Flood Impact study had been prepared by KFW Infrastructure Professionals dated 16 December 2013. The report concluded the following:

‘The hydraulic analysis has shown that the proposed building has minimal effects on surrounding floor levels. The proposed flood storage plenum provides sufficient volumetric storage to mitigate an increase in flooding by storing the lost flood storage volume and discharging through the existing stormwater drainage network. The proposed plenum also has the capacity to accommodate for the OSD required on the site. A flood warning and awareness system can be easily installed.’

It is concluded that the installation of a flood storage plenum underneath the development will provide adequate storage so as to not increase the flood level from the pre-developed state.

The proposed works under this DA will not impact on flooding in the area. The proposed amendments do not impact on the flood storage strategy adopted for the approved development”.

Council’s Catchment and Development Engineer has reviewed the Modification Application. The site is identified as being “*subject to flooding, apparently from three sources – from the mainstreams of Clay Cliff Creek towards Hassall Street and from the Parramatta River towards Macquarie Street and also from local stormwater in the 3.5 ha subcatchment around the site. The Macquarie Street frontage of the site forms a water-trapping basin with drainage by existing pipework, not by overland flow.*”

The following is a summary of flooding and stormwater management issues that were raised by the Catchment and Development Engineer:

- Flood risk with the potential inundation of the basements which exposes an increase number of people to this hazard with floodwaters entering the lower levels.
- The setting of the Flood Planning Levels for the site which are:
 - for Hassall Street frontage RL 8.6 m AHD
 - for Macquarie Street frontage RL 6.9 m AHD
- Stormwater 2D model has not included mainstream floodwater or significant wind-driven rain intercepted by the sides of the building.

Additional flood related conditions are recommended in regard to floor levels, control of floodwater ingress, flood proofing construction, evacuation and emergency response, managing flood risk during the construction phase including piling, deep excavation and basement car park.



6 RELEVANT LEGISLATION

6.1 Commonwealth Environment Protection Biodiversity Conservation Act 1999

The Modification Application will not impact on any matters of national environmental significance under the Commonwealth *Environment Protection Biodiversity Conservation Act* (EPBC Act).

6.2 Environmental Planning and Assessment Act 1979

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

Section 5 – Objects

The objectives of Section 5 of the EP&A Act relevant to the Modification Application are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land, and
- (vii) ecologically sustainable development, and

It is considered to be consistent with the above stated objects of the EP&A Act, especially Section 5(a)(ii) in that it will facilitate the construction of two additional basements at this site, in which bulk excavation is already underway.

Section 79C – Evaluation

Section 79C of the EP&A Act requires Council to take into consideration such of the matters referred to in Section 79C(1) of the Act as relevant to the application.

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

Section 91 – Integrated Development

Section 91 of the *EP&A Act, 1979* defines Integrated Development as matters which require consent from Council and one or more approvals under nominated legislation. In those circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

As set out in **Section 5.1**, the Modification Application is “integrated development”. GTAs have been received from DPI Water.

Section 96 – Modification of Consents

In accordance with the provisions of Section 96(2) of the EP&A Act:



"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:

- a) 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*
- b) 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*
- c) 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 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 (1999)* 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 development as modified 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. Three public submissions were received, and these are addressed at **Section 10.9**.



Accordingly the 'tests' within section 96(2) are satisfied and the consent authority may determine the Modification Application by modifying the consent.

Section 96(3) of the E&PA 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 10**.

6.3 Protection of the Environment Operations Act 1997

The appointed Contractor will be responsible for adhering to the requirements of the *Protection of the Environment Operations Act 1997* during works to reduce the risks to human health and prevent the degradation of the environment. Appropriate conditions of consent are proposed to manage potential impacts.

6.4 Water Management Act 2000

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

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

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



7 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

7.1 SEPP (Infrastructure) 2007

DA/852/2013 was subject to the provisions of Clause 104(3) and Schedule 3 of SEPP (Infrastructure) 2007 because the approved development provided more than 300 dwellings (with 389 car parking spaces for residential use) and public car parking for more than 200 vehicles that connect to any road and as referred to RMS.

The proposed modification will provide a further 36 residential car parking spaces. Under the same provisions, written notice was given by Council to the RMS. Refer to discussion under **Section 5.1**.

7.2 SEPP 55 – Land Contamination

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

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

Site contamination matters were assessed separately under DA/183/2014. An Environmental Site Assessment and Remediation Action Plan were prepared to accompany that DA for bulk excavation at the site. Both documents were accepted by Council's Environmental Health Officer. . Further, the consent requires the Applicant to engage a NSW EPA accredited site auditor to undertake an independent assessment of the remediation works and provide a Site Audit Statement and Completion Certificate to be submitted to Council.

7.3 SEPP 65 – Design Quality of Residential Flat Development

SEPP 65 aims to raise the design quality of residential flat development across the state through the application of a series of design principles. The residential component of DA/852/2013 was assessed under the provisions of SEPP 65 and the Residential Flat Design Code (RFDC), which the latter supported the ten design quality principles established in SEPP 65.

SEPP 65 (Amendment No. 3) was published on the NSW Legislation website on 19 June 2015 and commenced 4 weeks later on 17 July 2015. At the same time, the Apartment Design Guide came into effect, replacing the RFDC.

Clause 31(3) of SEPP 65 states:

“(3) If a development application or an application for the modification of a development consent has been made after 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 under this Policy as amended by that amendment.”

In accordance with the above, the Modification Application is to be assessed against the relevant provisions of SEPP 65 and the design criteria and guidance in the Apartment Design Guide.

Clause 30(1)(a) of SEPP 65 states the following:

*“(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:
(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,”*

Clause 30(1)(a) refers to Part 3J of the Apartment Design Guide, which in relation to the design criteria for car parking states:

“Objective 3J-1

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas

Design criteria

For development in the following locations:

- *on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or*
- *on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre*

the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less

The car parking needs for a development must be provided off street”

The proposed additional car parking complies with the “maximum” standards in Clause 22C of the LEP and is consistent with Clause 30(1)(a) of SEPP 65 and Part 3J of the Apartment Design Guide. It is noted that whilst the preamble for Part 3J of the Apartment Design Guide is to “*promote a reduction in car dependency and encourage walking, cycling and use of public transport*”, in effect, it is considered that Clause 30(1)(a) is actually contrary to the effective implementation of this objective and design criteria, as a consent authority cannot refuse an application if equal to or greater than the minimum car parking requirement is proposed.



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

The site is located within the hydrological catchment of Sydney Harbour and is subject to the provisions of Part 2 of the Deemed SEPP. Clause 13 establishes a set of Planning Principles for land within the Sydney Harbour catchment.

The Modification Application has the potential to impact upon the Harbour primarily through stormwater runoff and sedimentation. A Soil and Erosion Plan was prepared by Australian Consulting Engineers for DA/183/2014 and included details regarding:

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

With the implementation of stormwater management and erosion and sediment controls, it is considered that the Modification Application is consistent with the controls contained within the Deemed SEPP.



8 LOCAL ENVIRONMENTAL PLANNING INSTRUMENTS

8.1 Parramatta City Centre Local Environmental Plan 2007

The *Parramatta City Centre Local Environmental Plan 2007* (the LEP) was repealed on 18 December 2015 with the making of Amendment No. 10 to the *Parramatta Local Environmental Plan 2011* (PLEP). This change does not impact the determination of the Modification Application, as it utilises the savings provisions under Clause 1.8A of the PLEP.

The site is zoned **B4 Mixed Use** under the LEP as shown on **Figure 8**. The proposed modification is **permissible** with consent as it is part of an approved “*mixed use development*” at the site.



Figure 8: Extract from the current *Parramatta City Centre LEP 2007* Zoning Map
(Source: Parramatta City Council, 2015)

The objectives for the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone.



- To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including:
 - commercial and retail development,
 - cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,
 - tourism, leisure and recreation facilities,
 - social, education and health services,
 - high density residential development.
- To protect and enhance the unique qualities and character of special areas within the Parramatta city centre.

The Modification Application is consistent with the above objectives satisfying Clause 12(2) of the LEP being an existing approved mixed use development, except that the additional car parking proposed on this site which has a high level of access to frequent and convenient public transport services (train, bus and ferry and potential light rail). This outcome results in an inconsistency with the objective of Part 3J of the Apartment Design Guide to promote reduced car dependency for as discussed in **Section 7.3**.

Compliance with the relevant LEP provisions is addressed in **Table 1**.

Table 1: Compliance with the relevant LEP provisions

PROVISION	COMPLIANCE AND COMMENT
Clause 2 Aims of Plan	No – not consistent with Clause 2(f), which aims “to enhance access to Parramatta, particularly by public transport, walking and cycling”. The proposal to increase car parking is contrary to and reduces achievability of this aim. Refer to discussion above and below in relation to Clause 22E.
Clause 21 Building Height Maximum 54m.	Yes – no increase to the maximum building heights, although Clause 22J applies to the site.
Clause 22 Floor Space Ratio Maximum 8:1.	Yes – by virtue of Clause 22J (see below).
Clause 22C Car Parking Parking rates nominated in LEP are expressed as a maximum.	Yes – the Modification Application provides for an additional 36 car parking spaces for residential use. This increases the total to 425 car parking spaces and represents 100% provision for on-site residential car parking for the approved 425 residential dwellings. However, it is noted that the maximum permissible car parking requirement for this site is 524 spaces for residents, visitors and retail uses. No visitor or retail car parking is proposed.
Clause 22E Ecologically sustainable development Consent authority must have regard to the principles of ESD based on a “whole of building” approach relative to nominated matters.	No – ESD matters in relation to the overall building and site design were considered as part of DA/852/2013. Clause 22E(i), requires a consideration of the principle for the “reduction of car dependency”. The Modification Application is contrary to this principle, as it will increase on-site car parking for residents with one car space for each dwelling. To minimise car dependency for future intensified development on the site, a condition is recommended which restricts the total amount of residential car parking spaces (425 car parking spaces) and for this restriction to be created on the title of the land.
Clause 22J Use of certain land at 189 Macquarie Street Consent authority may grant consent to development involving the	Yes – there are no changes proposed to building height and the gross floor area.



PROVISION	COMPLIANCE AND COMMENT
construction of a new building or external alterations to an existing building subject to specific design matters.	
Clause 33A Development on flood prone land Consent not to be granted until a range of nominated matters are considered.	Yes – refer to discussion under Section 5.2 .
Clause 33B Acid sulfate soils Consent to be granted for works involving class of land shown on the Acid Sulfate Soils Map.	Yes – acid sulfate soils were addressed in DA/183/2014.
Clause 35 Heritage conservation Conservation of the environmental heritage of Parramatta city centre including heritage items, heritage conservation areas, archaeological sites and relics, and places of Aboriginal heritage significance.	Yes – The site is located in the vicinity of two heritage items listed on Schedule 5 to the LEP. There will not be any adverse impacts on these heritage items as it mainly relates to the construction of the two additional basement levels which is situated within the same footprint of the existing approved area for excavation. The Geotechnical Assessment provides recommendations in relation to potential vibration impacts (refer to Section 10.7). Matters relating to Aboriginal and Historic archaeology were assessed under DA/183/2014. Further, as noted above, the two additional basement levels which is situated within the same footprint of the existing approved area for excavation.

8.2 Parramatta Development Control Plan 2011

The relevant sections of Parramatta Development Control Plan 2011 as they relate to the Modification Application are addressed in **Table 2** below.

Table 2: Compliance with the relevant Parramatta DCP 2011 provisions

PROVISION	COMPLIANCE AND COMMENT
2.4.2 Water Management	TBA – refer to discussion in Section 5.2 above.
2.4.3 Soil Management	Yes – sediment and erosion control and acid sulfate soils management has been addressed as part of DA/183/2014.
2.4.4 Land Contamination	Yes – matters relating to land contamination have been addressed in Section 7.1 above.
2.4.5 Air Quality	Yes – any air pollution impacts to the surrounding area will be minimised with the implementation of existing controls.
3.3.6 Water Sensitive Urban Design	Yes – refer to discussion in Section 5.2 above.
3.3.7 Waste Management	Yes – the approved waste management measures under DA/183/2014 and DA/852/2013 will be required to apply to this Modification Application.
3.4.2 Access for People with Disabilities	Yes – the proposed modifications to the existing basements and the new car parking areas will be required as conditions of consent to comply with the requirements of Australian Standards and Building Code of Australia.
3.4.4 Safety and Security	Yes – there are no additional safety and security impacts expected to be generated.



PROVISION	COMPLIANCE AND COMMENT
3.5 Heritage	Yes – refer to response above in relation to Clause 35 of the LEP.
3.6.1 Sustainable Transport	Yes – the site is highly accessible to public transport services and retains the approved motorbike and bicycle parking and car share and electric charge bay facilities.
3.6.2 Parking and Vehicular Access	Yes – the proposed amended car parking layout, vehicular access and circulation is satisfactory.
3.6.3 Accessibility and Connectivity	Yes – the basement layout are satisfactory.
4.3.3 Parramatta City Centre	Yes – the site is within the area defined as the 'Parramatta City Centre'. The substation has been relocated to Upper Level 1 but will not be visible from the street frontage, preserving the ground level to Hassall Street for retail use to support street activation. Refer to discussion above in relation Clause 22C of the LEP. The additional underground basement car parking is using the same footprint of the existing three levels of basement and can comply Australian Standard (AS 2890.1 2004 – Parking facilities, or as amended).



9 COUNCIL POLICIES, STRATEGIES AND GUIDELINES

9.1 Parramatta City Centre Car Parking Strategy 2011

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

The Strategy proposed the replacement of the existing Macquarie Street at-grade car park with a new multi storey car park. The layout of the proposed basements results in the provision of 425 parking spaces, equating with a residential car parking ratio outcome of 1:1. The modification accommodates the structural requirements, storage, disabled parking and the internal connections with the approved Council car park.

The Council's Parramatta City Centre Car Parking Strategy, September 2011, reinforces the objective of Clause 22C of the LEP as follows:

Section 2.10:

“Parramatta City Centre Plan Vision Document and Parramatta City Centre Local Environmental Plan (Department of Planning/PCC 2007)

These documents recommend a range of measures to minimise the impacts of increasing car usage due to the growth of the Parramatta city centre. The parking rates within the LEP are maximum rates. This assists in limiting future parking supply and hence the potential for future traffic congestion.”

Section 5.2:

“The supply of private and public parking is controlled through the planning controls which under the 2007 City Centre LEP sets a maximum number of parking spaces. The aim of this control is to prevent the over supply of parking which is directly related to the generation of city centre traffic congestion. Providing excessive parking encourages car dependency and has the potential to create a long lasting legacy with limited use of parking if traffic congestion deters its access and use.”

Section 5.4:

“Public transport provision (with increases in frequency, reach and capacity) will cater for the increased travel demand and negates the need for parking provision.”

The Applicant provided the following response to the above sections:

“The provision of parking below the maximum control as proposed by this application is not contrary to the aims of the LEP, objectives of the zone and Clauses 22C and 22E of the LEP. The number of parking spaces proposed, as recommended by the mechanism in the strategy to include 'maximum controls' restricts parking to encourage public transport usage, walking and



cycling. The quoted objective of the standard is to restrict parking to do this. If the development sought to provide parking beyond the control, it would be contrary to the objectives which seek to restrict the maximum parking numbers in the CBD.”

9.2 Parramatta CBD Planning Strategy

The Parramatta CBD Planning Strategy was adopted by Council on 27 April 2015. It draws on work completed by Architectus and SGS Economics and Planning for the Draft Planning Framework Study relating to development of the Parramatta City Centre. The Vision is:

“Parramatta will be Australia’s next great city, defined by landmark buildings and high quality public spaces with strong connections to regional transport. It will respect its heritage, be an exemplar in design excellence, facilitate job growth and ensure its streets are well activated.”

The Implementation Plan of the Strategy proposes the increase of FSRs across the City Centre, up to 10:1 on the site, subject to built form testing. The Modification Application does not seek an increase of the building heights or floor space ratios at the site.

9.3 Parramatta Civic Improvement Plan (Amendment No. 4)

The Parramatta Civic Improvement Plan (Amendment No. 4) (the Plan) commenced on 19 August 2015 and applies to all DAs within the City Centre which have a cost of more than \$250,000. The purpose of the Plan is to provide for funding towards the public domain projects, special city centre projects, and Parramatta Square projects in the **Civic Improvement Plan for Parramatta City Centre**. The Section 94A contribution levy is 3% of the cost of development.

It is noted that a Voluntary Planning Agreement (VPA) was approved with the original DA. The VPA provided an arrangement for the reduction of the Section 94A contributions for the Public Car Park. A Section 94A contribution was required for the non-car park works. The Council received payment from the Applicant on 10 November 2015 for the full monetary contribution that was required under Condition No. 42 of DA/852/2013.

Based on the estimate of probable cost of \$7,016,246 for the two additional basements as indicated in the Quantity Surveyors Report, dated 3 December 2015, the Section 94A contribution levy under the Plan for the Modification Application is \$210,487.38.



10 SECTION 79C EVALUATION

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

An assessment of the compliance of the Modification Application against the relevant State and Local Planning Instruments has been carried out in **Sections 7 and 8** respectively.

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

At the time of lodgement, a Planning Proposal to consolidate the LEP into PLEP was under final assessment by the Department. The LEP was repealed on 18 December 2015. This change does not impact the determination of the Modification Application because of the savings provisions under Clause 1.8A of the PLEP.

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

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

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

There are no planning agreements relevant to the Modification Application.

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

Clause 92 of the Regulations prescribes certain matters to be considered by a Consent Authority in its determination of a DA. There are no matters that are relevant to the Modification Application.

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

This matter is not applicable to the application.

10.7 Section 79C(1)(b) – Likely Impacts of the Modification Application

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

Traffic and Parking

In considering the traffic and parking impacts of the Modification Application in terms of the capacity of the surrounding network, the reconfiguration of approved basement car parking and proposed construction of two additional basement car parking levels, regard has been given to the Planning Proposal that has been submitted by the Applicant for the site. This Planning Proposal proposes a significant increase of the maximum building height from 91.3 metres to 167 metres (82% increase) and GFA from 36,000m² to 60,000m² (66% increase). This combined increase results in the potential development yield of the Planning Proposal that was discussed and assessed in the Thompson Stanbury Associates (TSA) traffic report of 27 November 2015, where an additional 316 residential dwellings could be built (81% increase).



Accordingly, the following discussion addresses the impacts, if any, of traffic generation as a result of the proposed additional car parking and having regard to the potential increase in development yield that may be achieved from the Planning Proposal coupled with the design of an efficient car parking layout of the two additional basements.

On-Site Car Parking Provision

The Applicant provided an assessment of the parking and traffic impacts associated with the Modification Application. TSA in their traffic report of 23 September 2015 has justified the proposed additional 36 car parking spaces as follows:

“The subject application does not involve any alteration to the approved public car parking provision and accordingly no assessment is provided in this regard.

The subject application involves increasing the approved resident parking provision from 389 spaces to 425 spaces. No residential visitor or retail parking provision was approved or is now proposed.

In order to undertake an assessment of the suitability of the proposed altered resident parking provision, reference is made to Parramatta City Council’s LEP 2007, which provides the following resident parking requirement relevant to the subject development: ‘A maximum of 1 parking space to be provided for every dwelling’

Based on the approved residential yield of 425 dwellings not being altered, the maximum parking provision under LEP 2007 is 425 spaces. The proposed resident parking provision of 425 spaces is therefore compliant with LEP 2007.

Notwithstanding the above, it could be argued on a philosophical level that an increase in the resident parking provision is likely to result in an increase in car ownership and therefore use. Such an increase in car ownership and use is somewhat contrary to general strategic sustainable transport policy being implemented within centres such as Parramatta. It is however argued that these sustainable transport aims were duly taken into consideration during the preparation and implementation of LEP 2007 by nominating the abovementioned maximum resident parking provision, with which the proposed amended resident parking provision continues to comply. This compliance with the maximum LEP 2007 parking requirements therefore indicates an inherent compliance with the overall strategic aims of the associated strategic sustainable transport policy, regardless of whether the proposal involves an increase in parking over and above that previously approved.”

To mitigate the potential for the basements to be re-designed in the future to accommodate more than 36 car parking spaces, it was discussed at a meeting with the Applicant on 28 October 2015 that a condition of consent could be imposed such that an efficient basement layout could not be utilised, unless the Applicant could demonstrate future demand through increased FSR at a later date.

However, the key issue is that even with this condition, there would be no restriction on the Applicant in the future to either seek a further modification to the existing Development Consent or through a new DA, provide an increased number of on-site residential car parking spaces using an “efficient” layout of basement car parking.



More importantly and of relevance for consideration for the current Modification Application that “*if the additional basement levels were re-configured, the basements may provide approximately an additional 200 parking spaces*” (TSA, 27 November 2015). As discussed earlier, the Modification Application, would permit for 1:1 parking for residential dwellings which, whilst complying with the “maximum” parking standards in Clause 22C of the LEP, is contrary to Clause 2(f) of the Aims of the LEP and Clause 22E(i) of the LEP as well as objectives of the B4 zone in terms of increased car usage in the Parramatta City Centre.

While these are outcomes yet to be approved either in the PP or in a potential DA, they need to be dealt with as part of the PP deliberations.

Having regard to the potential outcome as referred to above, a condition is recommended which restricts the total amount of residential car parking spaces (425 car parking spaces) and for this restriction to be created on the title of the land (now consolidated Lot 1 DP 1214839).

Traffic Generation

- **Traffic Impact Assessment – December 2013**

Section 6.1.2 of the TIA, prepared by TSA, dated December 2013 adopted the RTA *Guide to Traffic Generating Developments* (October 2002) traffic generation rate of Peak Hour Vehicle Trips = 0.24 trips per unit. It was stated as follows:

“Utilising the Roads & Maritime Services rates, the residential component of the proposal (comprising 425 dwellings) is projected to generate a total of 102 peak hour trips. These trips have been assumed to provide an 80% egress / 20% ingress split during the morning peak period whilst the reverse condition has been assumed during the evening peak, to account for normal journey to and from work trip distribution.”

- **Traffic Report – 23 September 2015**

The TSA report of 23 September 2015 provided an assessment of the parking and traffic impacts associated with the S96(2) Modification Application.

In relation to the residential parking provision it was concluded that: “*The proposed increased parking provision complies with the relevant LEP 2007 maximum parking requirements and therefore inherently satisfies the aims and objectives of that Policy.*”

In terms of the purpose of the additional basement car parking levels it was stated that: “*The application involves the provision of two additional basement parking levels in order to accommodate the increased resident parking provision and provide a less constrained parking layout.*”

Reference was made to the estimates in the original TIA as follows:

“Traffic generation for residential development is traditionally calculated based on the residential dwelling yield. In this regard, the December 2013 Traffic Impact Assessment which accompanied the original development application adopted an average traffic generation rate of 0.24 trips per unit, based on the then applicable rate for high density residential apartments within metropolitan



regional centres as outlined within the Roads & Maritime Services' Guide to Traffic Generating Developments. Application of this rate to the approved residential yield of 425 apartments resulted in a residential traffic generation of 102 peak hour vehicle trips being generated to and from the site, as reported in the December 2013 Traffic Impact Assessment."

The report concluded the following in relation to traffic generation:

- *"The increased resident parking provision has the potential to result in a minor increase in the traffic generating ability of the subject development, despite traffic generation for residential developments traditionally being calculated based on the dwelling yield, which is not proposed to alter as part of this application; and*
- *The 2013 development application Traffic Impact Assessment demonstrated that the surrounding road network provides adequate capacity to accommodate any minor potential increase in traffic generation associated with the subject application."*

- **Supplementary Traffic Report – 27 November 2015**

TSA prepared a report dated 27 November 2015 which undertook "an assessment of the possible external traffic impacts associated with the potential additional residential carparking that may be accommodated with an alternate carpark layout within the proposed additional basement levels". The Report builds on the earlier TSA report of 23 September 2015. The November assessment is associated with the Planning Proposal that was submitted to Council in October 2015.

The RMS Technical Direction TDT 2013/04a – *Guide to Traffic Generating Developments Updated Traffic Surveys* (August 2013) which updates the traffic generation rates set out in the October 2002 Guide has now been (partly) applied to the assessment where it was indicated:

"The currently adopted average traffic generation rate for high density residential development is 0.19 trips per dwelling in accordance with Technical Direction TDT 2013/04. The December 2013 Traffic Impact Assessment therefore overestimated the traffic generating ability of the residential component of the subject development by approximately 20%.

Application of the abovementioned updated rate to the potential residential development yield of 741 dwellings results in a peak hour traffic generation of 141 vehicle trips being calculated. This represents an additional 39 peak hour vehicle trips over and above that previously assessed and approved."

In examining TDT 2013/04a, there are separate generation rates for the AM and PM peaks based on (i) per unit; (ii) per car space; (iii) per bedroom and daily rates (per unit, car space and bedroom). From the above statement, the AM Peak per dwelling rate has been utilised by TSA.

Applying rates (i) and (ii) and daily rates per unit and car space to the existing and as proposed modified developments produces the following results as summarised in **Table 1** and **Table 2** below.



Table 1 – Traffic Generation Estimates – High Density Residential Flat Dwelling – Per Unit

Land Use	No. of Units	Generation Rate			Traffic Generation Estimates (veh. trips/hr)		Total (AM + PM Peaks)	Total (Daily Trips)
		AM Peak	PM Peak	Daily Trips	AM Peak	PM Peak		
Residential Apartments – Existing and No Change Proposed in Section 96	425	0.19 vehicle trips/unit	0.15 vehicle trips/unit	1.52 vehicle trips/unit	81	64	145	646

Table 2 – Traffic Generation Estimates – High Density Residential Flat Dwelling – Per Car Space

Land Use	No. of Car Spaces	Generation Rate			Traffic Generation Estimates (veh. trips/hr)		Total (AM + PM Peaks)	Total (Daily Trips)
		AM Peak	PM Peak	Daily Trips	AM Peak	PM Peak		
Residential Apartments - Existing	389	0.15 vehicle trips/car space	0.12 vehicle trips/car space	1.34 vehicle trips/car space	59	47	106	522
Residential Apartments – Future (as proposed in Section 96)	425 (increase of 36)	0.15 vehicle trips/car space	0.12 vehicle trips/car space	1.34 vehicle trips/car space	64	51	115	570

TSA in its report of 27 November 2015 concluded the following:

“Having regard to the assessment contained within this correspondence, the following conclusion is provided:

- This Practice has been advised that the Planning Proposal under consideration by Council has the potential for the approved residential dwelling yield to be increased from 425 to 741 dwellings;*
- Notwithstanding the number of parking spaces that may be provided, the potential dwelling yield is capable of generating an additional 39 peak hour vehicle trips to and from the site over and above that previously assessed and approved; and*
- The 2013 Traffic Impact Assessment which accompanied the original Development Application demonstrated that the surrounding road network provides adequate capacity to accommodate such a minor potential increase in traffic generation associated with a possible future increase in residential density under a Planning Proposal.”*



Urban Design

The substation was originally proposed to be located on the Hassall Street frontage which was not acceptable as it would reduce the opportunity for street activation. It has now been relocated to behind the wall of retail unit 4 which preserves that retail space intact as approved, maintaining an appropriate level activation to this street frontage.

Flooding and Stormwater Management

Refer to Section 5.2 in relation to site contamination.

Contamination

Refer to Section 7.1 in relation to site contamination.

Geotechnical

A Geotechnical Assessment was undertaken by Asset Geotechnical Engineering, dated 24 May 2015 for the proposed additional basements. It was concluded that:

“Based on the geotechnical investigations described above, it is assessed that the shoring piles with a toe founding level at RL -5.9 m AHD would be founded generally within assessed Class II shale. Construction of the proposed to additional basement levels would involve excavation of about 3.3 m depth below the toe founding level. Geotechnical constraints for the proposed additional 2 basement levels include potential toe instability and reduced load capacity for the existing shoring piles, and excavation conditions.”

Recommendations for design and construction of the additional 2 basement levels in relation to excavation, toe instability and load capacity are contained in the Geotechnical Assessment. Conditions of consent are proposed in relation to geotechnical matters.

Construction Management

A Construction Environmental Management Plan (CEMP) was prepared for DA/183/2014 which outlined general operational site measures for the bulk excavation. Further, an existing condition is contained within DA/852/2013 which will be modified, as required to ensure that construction impacts from the additional basements are minimised.

Noise and Vibration

Construction Noise

Noise from bulk excavation was addressed in the CEMP for DA/183/2014 that provided a series of recommendations to maintain noise and vibration impacts at acceptable levels. Further, an existing condition is included in DA/852/2013 with regard to the CEMP and its Construction Noise and Vibration Management Sub Plan.



Vibration

The Geotechnical Assessment provides recommendations to minimise the impact of vibration from rock excavation and rock sawing to adjoining properties. The preparation of dilapidation report will be conditioned for the buildings surrounding the construction site before the proposed works commence. Appropriate conditions to ensure that outcome are included within the recommendation to this report.

Waste

The approved waste management measures under DA/183/2014 and DA/852/2013 will be required to apply to this Modification Application with regard to material wastes and measures for recycling on site, off site and disposal for the excavation, construction and operation phases.

Social and Economic

There are no long term adverse social or economic impacts arising from the Modification Application. Ultimately the Modification Application will facilitate the development of an approved mixed use development at the site.

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

Having regard to the characteristics of the site and its location within Parramatta City Centre, the site is considered suitable for the Modification Application.

10.9 Section 79C(1)(d) – Submissions

In accordance with Council's notification procedures, owners and occupiers of surrounding properties were given notice of the DA between 23 July 2015 and 24 August 2015. Three (3) submissions were received from adjoining owners.

The three main issues raised in the submission include:

- Traffic generation impacts to road network including Hassall Street and Macquarie Street.

Comment: The Applicant's traffic consultant, Thompson Stanbury Associates (TSA) has assessed the impact of the additional car parking proposed under this Modification Application to the surrounding road network in their report dated 23 September 2015. The TSA Assessment concluded that the:

"The increased resident parking provision has the potential to result in a minor increase in the traffic generating ability of the subject development, despite traffic generation for residential developments traditionally being calculated based on the dwelling yield, which is not proposed to alter as part of this application; and

The 2013 development application Traffic Impact Assessment demonstrated that the surrounding road network provides adequate capacity to accommodate any minor potential increase in traffic generation associated with the subject application."



- Increased traffic noise and air quality impacts arising from additional vehicles.

Comment: Since the 2013 Traffic Impact Assessment was prepared for DA/852/2013, the RMS Technical Direction TDT 2013/04a – *Guide to Traffic Generating Developments Updated Traffic Surveys* (August 2013) updated the traffic generation rates set out in the October 2002 Guide for high density residential flat buildings. In this regard, TSA indicated that the “*December 2013 Traffic Impact Assessment therefore overestimated the traffic generating ability of the residential component of the subject development by approximately 20%*”. As discussed above, the surrounding road network has been assessed by TSA as being capable of accommodating any minor potential increase in traffic generation. It is considered that based on that assessment, the Modification Application will have only minimal impacts to local air quality associated with a minor increased in car use.

- Increase of basement levels will block the sun of the lower level of building 6-10 Charles Street

Comment: The construction of the two additional basement levels (from deeper excavation at the site) will be situated below the existing approved three levels of basement residential car parking and will have no impact to 6-10 Charles Street in relation to solar access.

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

The proposed increase of car parking on this site could be seen as being contrary to the promotion of reduced car dependency for locations which are well serviced by current and future public transport services, the subject of significant public investment. In this regard, this outcome is considered to be contrary to the objectives of Clauses 2(f), 22C and 22E of the LEP and Part 3J of the Apartment Design Guide. To negate such an outcome, it is recommended any determination include a condition to restrict the total number of residential car parking spaces (425 car parking spaces) on this site.

There are no other matters that have been identified to indicate the proposed amendments would be contrary to the public interest.



11 CONCLUSION

This report has made an assessment of a proposed Section 96(2) Modification to Development Consent No. DA/852/2013 approved on 15 April 2015 by the Sydney West JRPP, submitted by Toplace Pty Ltd at 189 Macquarie Street, Parramatta. Since lodgement, the site was consolidated by the Council on 11 December 2015 into new Lot 1 DP 1214839.

The land owner is Council, and consequently WorleyParsons Services Pty Ltd was engaged to provide the Sydney West Joint Regional Planning Panel with an independent town planning assessment of this application, including the preparation of this report. Assessment of traffic and development engineering matters was also provided by the relevant departments within Council, General Terms of Approval provided by DPI Water and comments received from Roads and Maritime Services.

The key issues that were identified with the Modification Application relate to:

- the potential increase of traffic generation as a result of the proposed additional car parking which results in 1:1 residential car parking provision under Clause 22C of the LEP; and
- the planning merit, having regard to the potential increase in development yield that may be achieved from the Planning Proposal and if an efficient car parking layout of the two additional basements was designed in the future.

An assessment of the above key issues and all other relevant environmental issues indicates that the Modification Application is able to be carried out in a manner that would **not** result in any significant environmental impacts to the amenity of surrounding land users during site excavation, construction and operation.

After consideration of the development against Sections 96 and 79C of the EP&A Act and the relevant statutory and policy provisions and subject to recommended conditions, especially in relation to the limitation on car parking spaces the reasons for which are set out above, the Modification Application 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 modified conditions.