



JOINT REGIONAL PLANNING PANEL
Sydney West Region

JRPP No	2016SYW045
DA No.	120/2016
Date of receipt	2 March 2016
Proposal	Demolition, construction of a 13 storey commercial building over an existing basement level, stratum subdivision and occupation of the new building by the Department of Education.
Street address	Nos. 126-130 George Street Parramatta (Site to be known as 105 Phillip Street Parramatta)
Property Description	Lot 12 in DP 1095329
Applicant	Dexus Funds Management Limited
Owner	Dexus Funds Management Limited
Submissions	None
Regional Development Criteria	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the development has a capital investment value of more than \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy No. 55• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Infrastructure) 2007• State Environmental Planning Policy (State and Regional Development) 2011• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011
Recommendation	Approval
Report by	Brad Roeleven, Executive Planner

1. Executive summary

This report considers a proposal to construct a multi storey commercial building in the city core to be occupied by the Department of Education.

Assessment of the application against the relevant planning framework, and consideration of various matters by Council's technical departments has not identified any fundamental issues of concern. Consequently this report concludes this application is sound when evaluated against section 79C of the Environmental Planning and Assessment Act 1979, and provides a satisfactory outcome in terms of its design, operation, relationship with its neighbours and the public domain.

As the proposal is suitable for the site, and is in the public interest, this report recommends that consent be granted in accordance with conditions provided at Attachment 1.

2. Site description, location and context

Nos. 126-130 George Street, Parramatta is located centrally in the block bounded by George, Smith, Phillip and Charles Streets. It is less than 140m from the Parramatta Ferry Wharf and is within a 400m radius of the Parramatta Transport Interchange. Key site statistics are:

- Site area 9,763m²
- Phillip Street frontage - 50.8m
- George Street frontage - 94.2m

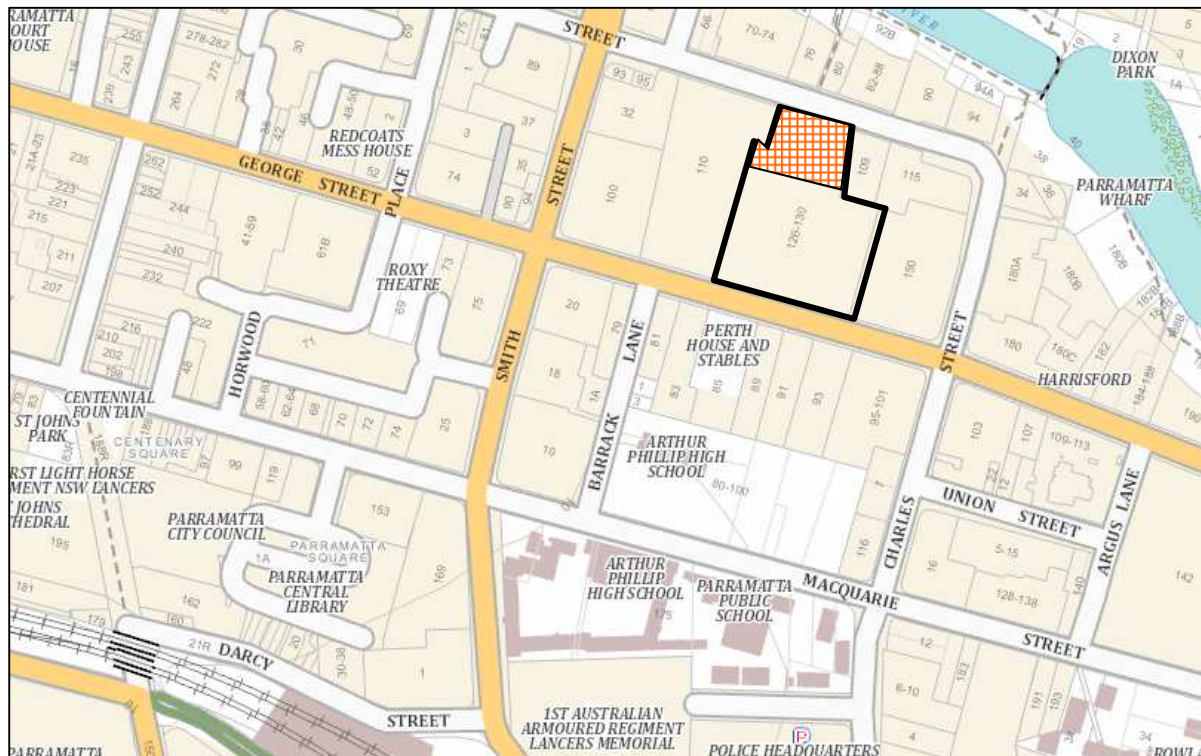


Figure 1: Locality plan (site in black – location of proposed building in red)

The southern portion of the site is occupied by a 14 level office tower built in 1984 (the Ferguson Centre). The northern portion of the site, to be known as No. 105 Phillip Street, is vacant above ground level, but accommodates basement parking, associated ramps, landscaping and pedestrian paths. The basement level occupies the whole of the site.

The site is generally flat. It contains a number of mature trees in addition to mature plane street trees adjoining the site along its Phillip Street frontage. The western boundary is traversed by a heritage listed convict drain. Several other heritage items are in the vicinity of the site. The built form and land use of the immediate locality is summarised below:

- North: Lower scale commercial and retail buildings opposite the site, across Phillip Street;
- South: A mix commercial and retail buildings along George Street, including Perth House, a heritage item of State significance;
- East: Adjoining the site, two commercial buildings of 5 and 10 storeys; and
- West: Adjoining the site, a 6 storey commercial building (The Octagon)

The context of the site is further shown in in Figure 2 below.



Figure 2: Aerial photo showing setting and context of site

- KEY**
- 1 = The site
 - 2 = The Octagon
 - 6 = Ferry wharf
 - 7 = Parramatta rail/bus interchange

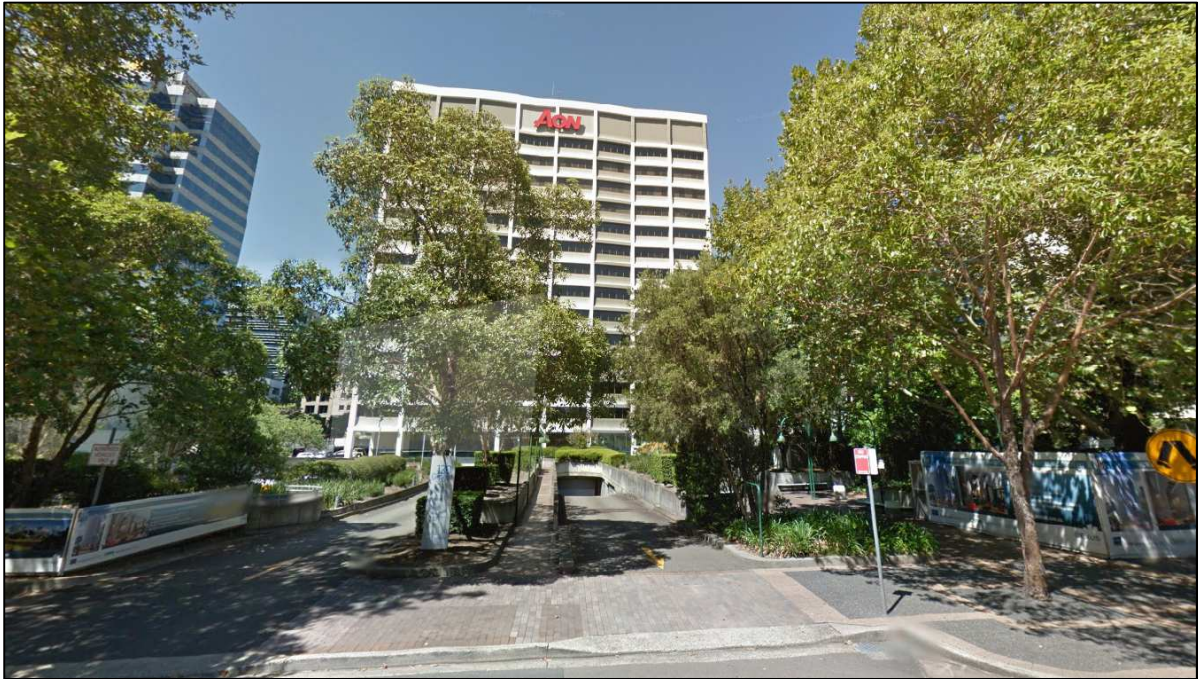


Figure 3: Phillip Street frontage of the site – location of proposed building

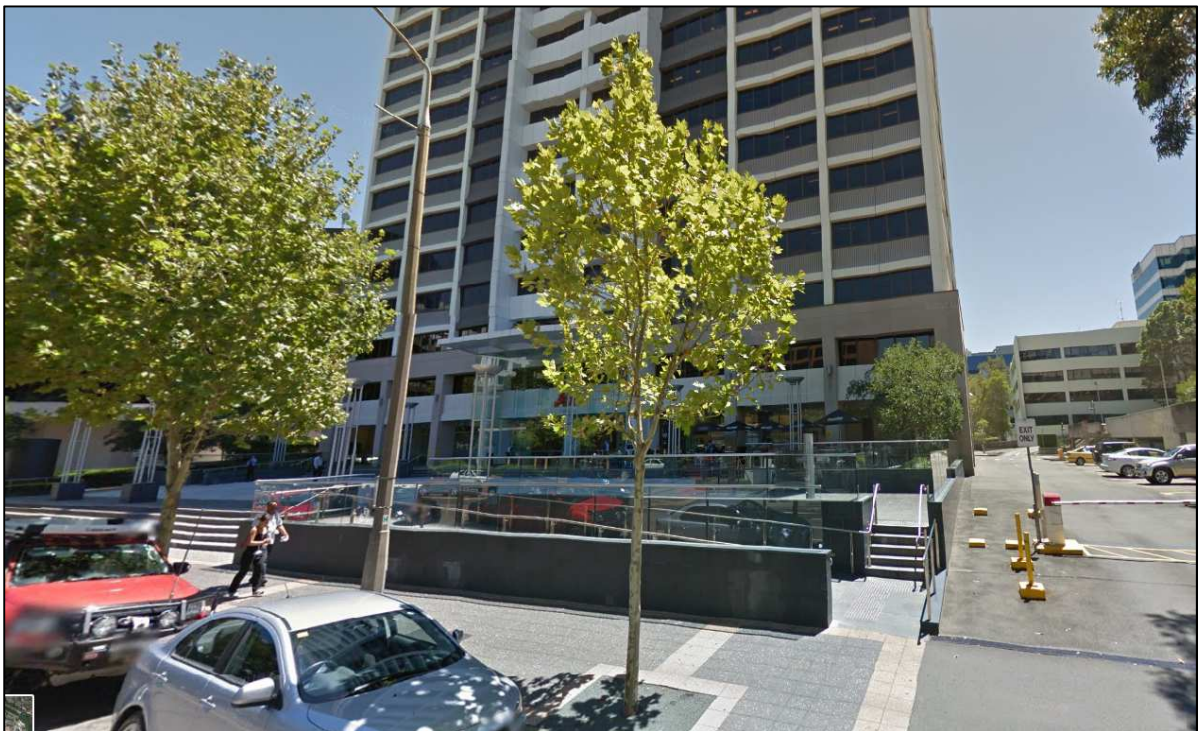


Figure 4: George Street frontage of the site

3. The proposal

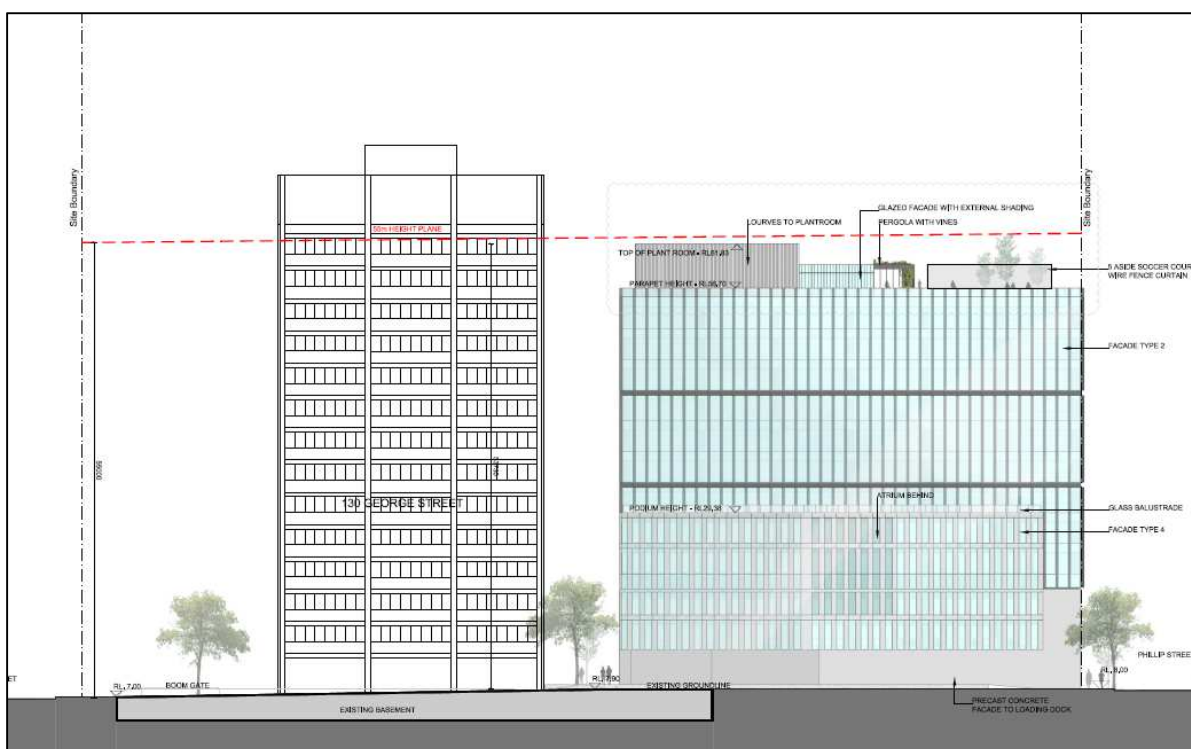
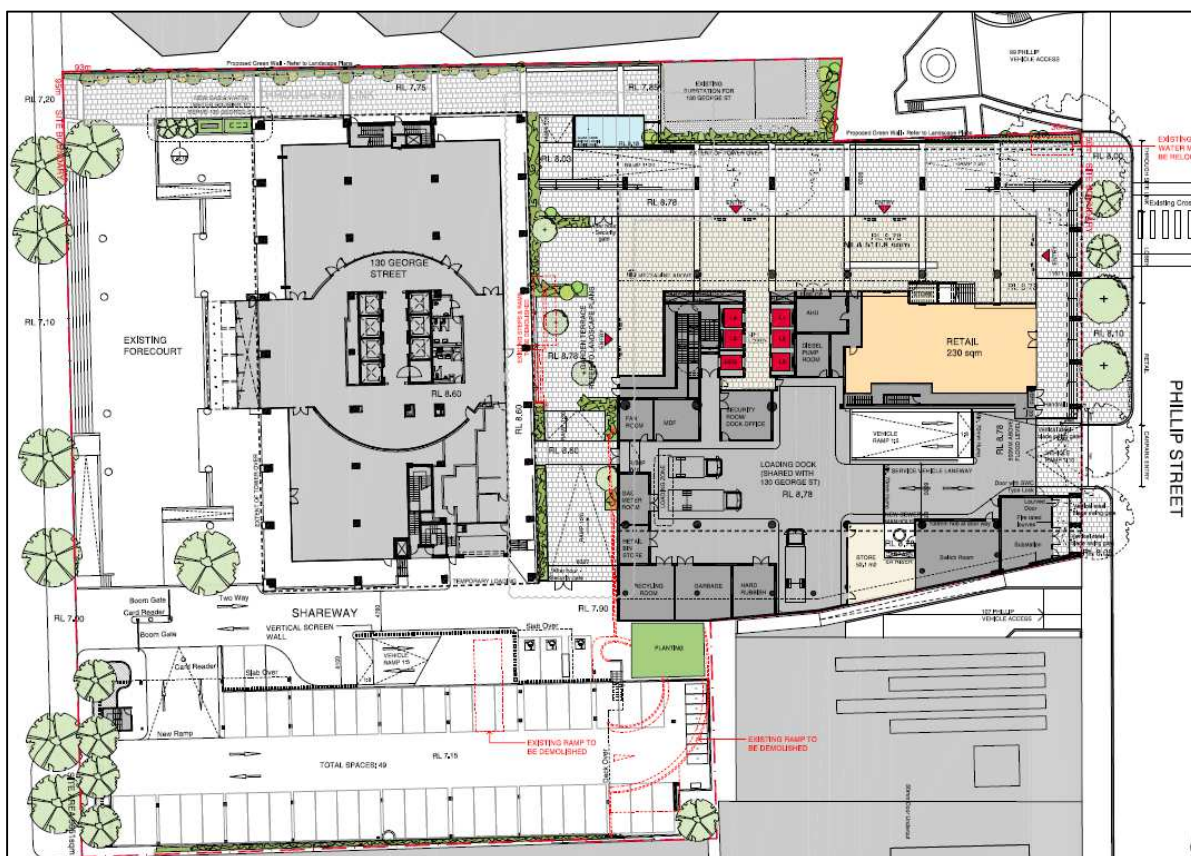
The key elements of the proposal are:

- **Demolition** of some structures over the northern part of the site, noting the existing

- basement is to be retained, removal of 2 street trees and all vegetation over the northern portion of the site;
- **Construction** of a new 13 storey commercial building, with a gross floor area of 26,825m², which comprises:
 - One ground floor retain tenancy;
 - A rooftop recreation area/staff room/multi-purpose room;
 - A through site link along the western edge of the site incorporating the existing heritage item (convict drain);
 - Re-configuration of existing parking areas and rationalisation of vehicles access arrangements; and
 - Landscape works.
- **Occupation** and use of the building by the NSW Department of Education; and
- **Stratum subdivision** to create 2 allotments.



Figure 5: Montage of Phillip Street frontage of proposed building



4. Referrals

The following internal referrals were undertaken:

Table 1: Section 79C(1)(a) considerations

City Animation	No objections – conditions required.
Development Engineer	No objections – conditions required.
Heritage	No objections – conditions required
Landscape Officer	No objections – conditions required
Public Domain	No objections – conditions required
Traffic Engineer	No objections – conditions required.
Urban Design	Refer to sections 9.3 and 9.6 - conditions required.
Waste	No objections – conditions required

5. Environmental Planning and Assessment Act

The sections of this Act which require consideration are addressed below:

5.1 Section 5A: Significant effect on threatened species, populations or ecological communities, or their habitats

This section requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

Council's Landscape and Tree Officer has considered the arborist report provided with application, and raises no objection to the extent of tree removal.

5.2 Section 79C: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

Table 2: Section 79C(1)(a) considerations

Provision	Comment
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 6
Section 79C(1)(a)(ii) - Draft environmental planning instruments	Not applicable
Section 79C(1)(a)(iii) – Development control plans	Refer to section 7
Section 79C(1)(a)(iiia) - Planning agreement	Not applicable
Section 79C(1)(a)(iv) - The Regulations	Refer to section 8

Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 9.
Section 79C(1)(c) - Site suitability	Refer to section 10
Section 79C(1)(d) - Submissions	Refer to section 11
Section 79C(1)(e) - The public interest	Refer to section 12

6. Environmental planning instruments

6.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy No. 55;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy (Parramatta North) 2015; and
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

6.2 State Environmental Planning Policy No. 55 – Remediation of land

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. In considering this matter it is noted:

- The existing basement parking level occupies most of the site, and essentially the whole of the area to be occupied by this proposal;
- The application does not seek to change the commercial use of the site;
- Consent has previously been granted to DA 1698/00 for a commercial building in the same location as now proposed.

Those circumstances are sufficient to satisfy the requirements of clause 7 of this policy without the need for the preparation of a Phase 1 preliminary investigation report.

6.3 Deemed State Environmental Planning Policy(Sydney Harbour Catchment) 2005

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the

foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during construction and operational phases.

6.4 State Environmental Planning Policy (Infrastructure) 2007

Consistent with clause 104 of this Policy (Traffic Generating Development) this application was referred to Roads and Maritime Services (RMS), who did not raise any objection, nor recommend that any conditions be imposed.

6.5 State Environmental Planning Policy (State and Regional Development) 2011

As this proposal has a Capital Investment Value of more than \$20 million, Part 4 of this Policy provides that the Joint Regional Planning Panel is the consent authority for this application.

6.6 Parramatta Local Environmental Plan 2011

Zoning and permissibility

The site is zoned “B3 Commercial Core”. The proposal is defined as “commercial premises” which is a permitted use within that zone.

Zone objectives

Clause 2.3(2) of the Plan requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the *B3 Commercial Core* zone are to:

- *Provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *Encourage appropriate employment opportunities in accessible locations.*
- *Maximise public transport patronage and encourage walking and cycling.*
- *Strengthen the role of the Parramatta City Centre as the regional business, retail and cultural centre, and as a primary retail centre in the Greater Metropolitan Region.*
- *Create opportunities to improve the public domain and pedestrian links throughout the Parramatta City Centre.*
- *Provide for the retention and creation of view corridors.*
- *Protect and enhance the unique qualities and character of special areas and heritage values within the Parramatta City Centre.*
- *Protect and encourage accessible city blocks by providing active street frontages, and a network of pedestrian-friendly streets, lanes and arcades.*

Noting the assessment within this report, the proposal is consistent with those objectives.

Remaining provisions

Consideration of the remaining provision of the Plan which may be relevant to this application is addressed in the following table:

Table 3: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	The application seeks consent for the required demolition works.	Yes
Clause 4.3 – Building height	The mapped control is 120m. The building has a maximum height of 54m.	Yes
Clause 4.4 FSR	The mapped control is 10:1. The proposed FSR for the whole site is 5:1. The FSR for proposed Lot 1 (existing building) is 3.5:1. For proposed Lot 2 (new building) the FSR is 7.6:1	Yes
Clause 5.9 Trees	The application seeks consent to remove all vegetation over the northern portion of the site, and 2 street trees.	Yes
Clause 5.10 Heritage	The site includes a listed heritage item, being a portion of a convict drain. The scheme retains and displays the convict drain within the through site link. Refer to section 9.3	Yes
Clause 6.1 Acid sulphate soils	The site is class 4 ASS. Only limited site works are proposed due to retention of existing basement.	N/A
Clause 6.2 Earthworks	Only limited site works are proposed due to retention of existing basement. No issues arise relative to the nominated matters for consideration.	Yes
Clause 6.3 Flood Planning	The site is flood affected. The nominated matters for consideration have been assessed by the Development Engineer. No issues of concern arise. Refer to section 9.9 for further assessment.	Yes
Clause 7.2 Floor space ratio	This clause over-rides clause 4.4. However in this instance the FSR remains 10:1.	Yes
Clause 7.3 Car parking	The parking supply complies with the LEP maximum. However, the allocation of parking between the two buildings as a consequence of the subdivision would result in the existing building having a surplus. Refer to section 9.5	Yes
Clause 7.4 Sun access plane	The site does not affected by any of the building envelope controls designed to protect nominated public open spaces	N/A
Clause 7.10 Design excellence	The proposal does not exceed any of the nominated thresholds that would trigger the need for a design competition.	N/A

7. Development control plan

7.1 Parramatta Development Control Plan 2011

The purpose of this DCP is to supplement the Parramatta LEP 2011 and provide more detailed provisions to guide development. The following parts of the DCP are relevant to this proposal:

- Part 2 - Site planning
- Part 3 - Development principles
- Part 4 - Special precincts (Parramatta City Centre)

Compliance tables are provided below:

Table 4: DCP 2011 – Part 2, Site Planning – Compliance table

Provision	Comment	Complies
2.4.1 Views and vistas	<ul style="list-style-type: none"> • Views of significant topography, key landmark buildings or sites of historical significance are not impacted • The building reinforces the landform of the city and strengthens areas of the highly visible city core. • Issue of view sharing with adjacent sites does not arise • Views to and from the public domain are protected. 	Yes
2.4.2 Water management	<ul style="list-style-type: none"> • The site is flood affected – refer to section 9.9 • Groundwater impacts do not arise • Stormwater and water quality, both during and post construction will be suitably managed 	Yes
2.4.3 Soil management	<ul style="list-style-type: none"> • Sedimentation controls during construction will be addressed by conditions • The site has an Acid Sulphate Soils classification of 5. No issues arise • Salinity is not identified as a site constraint. 	Yes
2.4.4 Land contamination	No issues arise - refer to section 6.2	Yes
2.4.5 Air quality	Not applicable	N/A
2.4.6 Sloping land	Not applicable	N/A
2.4.7 Biodiversity	<ul style="list-style-type: none"> • The site is not identified on any of the relevant LEP maps • Threatened species is addressed at section 5.1 	Yes

2.4.8 Public domain	Refer to sections 9.3 and 9.6	Yes
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Table 5: DCP 2011 – Part 3, Development principles – compliance table

Provision	Comment	Complies
3.1 Preliminary building envelope	<ul style="list-style-type: none"> The LEP height control is satisfied Height transition is not a relevant consideration given the setting and context of the site, and the prevailing LEP height controls. 	Yes
3.2 Building elements	Form, massing and presentation are satisfactory. Refer to section 9.3	Yes
3.3 Environmental amenity	Landscaping is satisfactory subject to conditions.	Yes
3.4 Social amenity	<ul style="list-style-type: none"> Access for people with a disability is satisfactory. Refer to section 9.3 The provision of public art is addressed by a condition Safety and security is satisfactory subject to conditions. Refer to section 9.10 	Yes
3.5 Heritage	Heritage considerations, including Aboriginal and European archaeology, have been fully addressed. Refer to section 9.8	Yes
3.6 Movement and circulation	<ul style="list-style-type: none"> Car parking supply and access is satisfactory - refer to section 9.5 Arrangements for service vehicle are satisfactory - refer to section 9.5 Supply of bicycle parking and bicycles is satisfactory 	Yes
3.7 Residential subdivision	Not applicable	N/A

Table 6: DCP 2011 – Part 4.3.3 Special Precincts (Parramatta City Centre) compliance table

Provision	Comment	Complies
4.3.3.1 Building form	<ul style="list-style-type: none"> The site achieves the minimum street frontage of 20m The design does not comply with the street frontage height and upper level setbacks - but is satisfactory on merit – refer to section 9.3 Building exterior is satisfactory - refer to section 9.3 No sun access planes apply to this site. 	Yes
4.3.3.2 Mixed use buildings	Not applicable	N/A
4.3.3.3 Public domain and pedestrian amenity	<ul style="list-style-type: none"> Site planning retains the existing through site link The design allows for activity frontages to Phillip Street and the through site link The site is not required to provide a continuous street awning 	Yes

4.3.3.4 View and view corridors	<ul style="list-style-type: none"> Nominated view corridors are not impacted 	Yes
4.3.3.5 Access and parking	<ul style="list-style-type: none"> The location and design of the vehicle access points, driveways, manoeuvring and parking areas is satisfactory The building entry is clearly identifiable within the façade Barrier free access is provided to and within the building meet relevant design standards for people with a disability 	Yes
4.3.3.6 Environmental management	<ul style="list-style-type: none"> The proposed landscape, which includes a green roof element, treatment is satisfactory The proposal will achieve a 5 star Green Star rating – refer to section 9.3 	Yes

8. The Regulations

The recommendation of this report includes conditions to ensure the following provisions of the Regulation will be satisfied:

- Clause 92 - Demolition works are to satisfy AS 2601 - 1991; and
- Clause 98 - Building works are to satisfy the Building Code of Australia.

9. The likely impacts of the development

9.1 Context and setting

The Land and Environment Court planning principle on “compatibility with context” as established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites ?

Response

This proposal will not result in any adverse physical impacts as follows:

- Site works and alterations to the ground profile are limited;
- Flooding constraints are properly managed;
- Appropriate arrangements are able to be achieved for the collection and disposal of stormwater;
- Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network;
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- The proposal will not generate noise, or cast shadows, that would be to the detriment of adjacent and surrounding sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

Response

This proposal will have a satisfactory relationship with its context for the following reasons:

- It maintains the current use of the land;
- Site planning allows for the existing through site link to be retained, and enhanced with a high standard treatment. That outcome is acceptable as an offset for the loss of the mature trees across the site;
- The scale, form and presentation of the building is acceptable as independently assessed by Council's Design Excellence Advisory Panel;
- The built form does not result in any adverse impacts for adjacent sites;
- The operation of the car park does not result in any adverse impacts for adjacent sites or the wider locality; and
- The values of heritage items adjoining the site, and in the wider visual catchment, are not diminished.

9.2 Site works

Demolition and diversion of utility services

Implementation of the proposal will require the demolition of all ground level elements over the northern portion of the site, as well as within that part of the basement which is located within proposed Lot 2 of the stratum subdivision. Sewer lines will be diverted, and the redundant lines demolished. No issues of concern arise.

Tree removal

All 27 trees within the northern portion of the site where the development is to be located, and 2 of 4 adjacent street trees, are identified for removal. All trees at the southern end of the site, along George Street, are retained.

The application is supported by an arborist report which provides recommendations for the protection of the 2 street trees that are to be retained. Council's Tree Management and Landscape Officer has reviewed that report and concurs with its recommendations. Implementation of appropriate tree protection measures is addressed by conditions in the recommendation to this report.

Council's Design Excellence Advisory Panel (DEAP) noted that a stand of mature melaleuca trees in the north east corner of the site provides excellent visual screening of the adjacent development and a welcome sense of "green" in this area. DEAP recommended those trees should be retained if at all possible, or that the applicant should otherwise investigate the feasibility of relocating those trees elsewhere within the site.

The applicant subsequently advised transplanting of that species of trees is largely unsuccessful, and in any case a significant planting area of continuous deep soil and good

solar access would be required, and such a space is not available within the site. Council's Tree Management and Landscape Officer concurs with that opinion.

9.3 Site planning and built form

Height, scale and setbacks

The proposal achieves compliance with the LEP controls for building height and floor space ratio, even allowing for lot sizes arising from the proposed subdivision. Council's DEAP stated *"The Panel is generally supportive of the overall form and mass of the tower element, including its height and proposed setbacks from boundaries."*

Built form and presentation

A key consideration with this application is the built form to Phillip Street, which departs from the DCP by not providing a podium element (4 storeys/14m) with a 6m setback for any tower above. The applicant contends the tenant requires particular floor plates that could not be achieved with strict DCP compliance.

Council's Urban Design team has provided the following comments on this matter:

"From an urban design perspective it is very important to have a cohesive and appropriately scaled street wall – cumulatively the lack of a street frontage setback worsens wind downdraft and reduces the amount of sky visible from ground level. The proposed variation of the street frontage height further introduces yet another datum in an already fragmented streetscape, no matter how excellent the architecture."

Notwithstanding, the Urban Design team is prepared to defer to the conclusions of the DEAP on this matter stating:

"We also acknowledge the commercial realities of floor plate size, the desire of the applicants to avoid the design competition height threshold and the strategic importance of generating quality commercial floor space within the city centre."

The DEAP considered this application at a meeting on 11 May 2016 and concluded:

"Whilst the proposed zero set-back to the street boundary is non-compliant, it is considered acceptable given that there is little consistency in setbacks for adjacent and nearby existing developments, and this is likely to remain so into the future. The proposed footpath widening will also create adequate space for new tree planting canopies clear of this facade."

"For similar reasons, the Panel accepts the architect's alternative proposition to the DCP requirement for a podium as a scaling device within the street. In this instance the proposal is for an inversed, or negative space to a typical podium height, creating excellent visual access into the site frontage and visual integration with the proposed through-site link along the western boundary."

In deferring to the DEAP conclusion, the Urban Design requested, that:

- i. Any decision to vary the street wall condition be quarantined to this DA and not be used as a reference for any subsequent development on adjoining sites and to the north of Phillip St.
- ii. Any revisions (including S96) to the scheme should not increase the street frontage height.
- iii. Any subsequent new DA on this site should use the DCP controls and should not be allowed to use the approved street frontage height used in this DA as a reference or a given.

This project will not be benched marked as a precedent for future proposals, as each matter will be assessed on its merits, with the opportunity for comment at that time by the Urban Design team and DEAP. The DEAP raised no concerns regarding possible adverse wind effects.

Through site link

Parramatta DCP 2011 requires the existing through site link along the western edge of the site, connecting George and Phillip Streets, to be maintained. This application has always sought to do that - the issue for DEAP and Council's Urban Design and Public Domain teams has been to ensure the form, function and presentation of the link are appropriate.

The following table provides a summary of the issues raised by DEAP, and the adequacy of the revised submission lodged by the proponent:

Table 7: Response to DEAP issues

DEAP Comments	
<p>The cumulative requirements for access and servicing of this and adjacent developments means that there is a significant amount of street frontage given over to driveways, exits and utilities – the quality and safety of pedestrian experience should be further considered, and the street cross-overs and car-park entries designed to a very high standard of finish and materiality. The eastern side of the George street frontage of the site appears to be particularly afflicted, and an effort to improve this should form part of the scope for this re-development.</p>	<p>Applicant response Street cross-overs and car park entries to Phillip Street will be designed to a high standard of finish and materiality. Vertical steel blade gates will tie into the overall vertical expression of the facade and screen off the services access and driveways.</p> <p>CoP Urban Design/Public domain response Treatment of public domain on George and Phillip Streets to be addressed through Alignments and Public Domain plans review. Details on CoP requirements can be found in the Public Domain Guidelines.</p> <p>Conclusion No works are proposed for the George Street frontage of the site. Resolution of the final details for Phillip Street is addressed by conditions of consent.</p>

<p>Consistency with proposed pavements and landscape treatment of the Barrack Lane upgrade to the south.</p>	<p>Applicant response The landscape elements at street level will tie into the current Barrack Lane upgrade</p> <p>CoP Urban Design/Public domain response The paving design appropriately references Barrack Lane without undermining its unique qualities. The scheme satisfies this comment. Phillip Street is programmed for a streetscape upgrade, which will include granite flagstone paving, which should be allowed for.</p> <p>Conclusion Nominated materials to be ensured via condition of consent.</p>
<p>Design consideration of the link as one unified space between the buildings on this site and the Octagon. This would require removal of boundary fences and any strip planting, and matching up with ground levels. There is an informal stand of palms within the Octagon site, perhaps this could be extended to unify this section of this new north-south pedestrian link.</p>	<p>Applicant response None provided</p> <p>CoP Urban Design/Public domain response Levels between the subject site and the landscape around the Octagon are not integrated. Compliance with this comment would require significant redesign of levels and setout in through-site link.</p> <p>Conclusion The need for such a significant redesign to achieve the outcome suggested by DEAP is not warranted as the public domain treatment is otherwise satisfactory</p>
<p>Restriction of ramped level changes to flatter than 1:20 grades, in order to avoid handrails, tactile pavers and the like.</p>	<p>CoP Urban Design/Public domain response The scheme satisfies this comment.</p>
<p>Activation through provision of a Lobby café at the rear opening out to the link should be provided. This would encourage pedestrian and worker visitation, assist with CPTED requirements, and activate the Lobby beyond its functional requirements.</p>	<p>CoP Urban Design/Public domain response The scheme satisfies this comment.</p>

<p>A focus on interpretation of the heritage drain through lighting and perhaps integrated seating along its edges. The architects have suggested this in the most recent plans, and there is further opportunity to create a small, intimate public space mid-block with the drain interpretation as its centrepiece. This space would allow the offset plan alignments and required level change within the link to be seamlessly resolved.</p>	<p>Applicant response Pedestrian paths around the drain have been simplified to provide 1:20 ramps, with a set of generous stairs leading down to the central courtyard. The landscape plan includes seating nooks on the western edge of the through site link to provide a breakout space and thru-site link activation</p> <p>CoP Urban Design/Public domain response Latest modifications to the scheme have significantly improved the public domain design and focus on heritage element as centrepiece in the midpoint of the link. No details on the glass viewing prism have been provided to date. These details, including finished levels and any sitting structures are to be submitted with Alignments Plan. It is recommended that additional bench seating is also provided in this area. No detail on lighting has been provided to date. It is recommended that this is addressed as part of the Public Domain Plan submission.</p> <p>Conclusion Plans detailing the final form of the glass prism will be addressed via conditions of consent.</p>
<p>The existing sub-station is a prosaic structure that should be re-located or architecturally transformed if the link is to meet its design potential and amenity.</p>	<p>Applicant response Relocation of the substation is not viable. The amended design diverts pedestrian away from the substation and provides perimeter planning to screen the structure wherever possible.</p> <p>CoP Urban Design/Public domain response Earlier iterations of the scheme indicated that the substation would be treated with a vertical timber cladding. This appears to be excluded from the latest scheme. Exclusion of vertical timber cladding to substation is not in line with DEAP comment and not supported by Urban Design.</p> <p>Conclusion The timber cladding treatment is addressed by conditions of consent.</p>

<p>The detailed design of the link should accentuate its width and public qualities, through extension of the pavement into the lobby and provision of public seating, lighting and furniture along its length. The space is well oriented for lunchtime solar access, and could continue to provide the public amenity that this part of the site currently offers.</p>	<p>Applicant response Paving (including banding) from the pedestrian path is to be extended into the foyer.</p> <p>CoP Urban Design/Public domain response Detailed design including lighting, furniture, paving and other materials and finishes to be submitted with Public Domain Plan. Urban Design notes the high quality of materials proposed thus far and will require these to be carried through the design stages.</p> <p>Conclusion Nominated materials to be ensured via condition of consent.</p>
<p>Any stairs within the link should be generous – 300mm x 125mm treads and risers.</p>	<p>Current external stairs are at 300mm x 156mm treads and risers. This is considered to be a generous stair which complies with the accessible requirements. To make the stairs shallower would require an additional tread and riser which would be less desirable for the pedestrian traffic within the space.</p> <p>CoP Urban Design/Public domain response This comment to be addressed through Alignments Plan submission</p> <p>Conclusion To be addressed by conditions.</p>
<p>High-quality integrated public lighting should be provided to address safety requirements and create a high quality public environment in the evenings.</p>	<p>Applicant response A condition of consent could be imposed to require high quality lighting</p> <p>CoP Urban Design/Public domain response No detail on lighting has been provided to date. Lighting levels should be designed to P2 category by a qualified Lighting Engineer. Location of poles and wall mounts to be shown in Alignments Plan. Specifications and details for lamps, luminaires, fittings, etc to be included in Public Domain Plan.</p> <p>Conclusion To be addressed by conditions.</p>

Other matters relating to this link are:

- 24 hour public access will be ensured by way of an easement; and
- The re-enforce the function of the link, this report recommends the walkway be given a formal name.

Sustainability

The application is supported by a technical report nominating a suite of measures to enable the building to achieve:

- Compliance with section 4.3.3.6 of DCP 2011 and Section J of the National Construction Code (BCA); and
- A 5 Star Green star rating per the Green building Council of Australia rating tool.

Landscape treatment

Council's Tree Management and Landscape Officer is generally satisfied with the landscape treatment, and has provided conditions for inclusion in any approval.

Accessibility

The application is supported by a technical report which concludes the proposal is able to achieve compliance with the requirements of the BCA and the Access to Premises Standard, subject to resolution of nominated design matters. Those matters are minor and can be addressed at the time of the Construction Certificate.

9.4 Subdivision

The application seeks to create a stratum subdivision of the allotment and basement level to separate this proposal from existing development already on the site. Issues to be addressed by way of easements and/or rights of way are:

- 24 hour public pedestrian access along the through site link from George to Phillip Streets;
- Sharing of the basement driveways by tenants of both buildings.

Council is agreeable to the applicant's request for registration of the subdivision to occur prior to construction works.

9.5 Access, parking and traffic

Access

The single basement level parking area is presently served by driveways from both George and Phillip Streets. Both of those basement ramps will be demolished, with access instead to be via a new ramp from Phillip Street. The George Street access will be retained however it will only serve the above ground two storey parking area at the southeast corner of the site.

The design of the new access from Phillip Street has been refined to resolve concerns raised by Council's Traffic Engineer regarding sight distances and geometry, and is now satisfactory.

Parking supply

Clause 7.3 of Parramatta LEP 2011 prescribes a maximum parking supply rate for various uses within the city centre. Based upon the proposed gross floor area (GFA) and land use mix the proposed building generates a maximum parking requirement of 268 spaces. In combination with the existing building, the total site generates a maximum parking requirement of 488 spaces.

Existing parking on site is 356 spaces. As a consequence of the re-configuration of part of the existing basement, and the two level parking area at the southeast corner of the site, that supply will reduce to 294 spaces (i.e 62 spaces less), allocated as follows:

Table 8: Parking supply and allocation

	GFA	LEP Max. parking supply	Proposed parking supply
Proposed building	26,824m2	268 spaces	50 spaces
Existing building	22,000m2	220 spaces	244 spaces
Totals		488 spaces	294 spaces

In terms of the total parking supply for the whole of the site, 294 spaces equates to 60% of the LEP maximum. The proposal therefore satisfies the LEP. On merit, a supply of 60% of the maximum is satisfactory noting:

- The objectives of the LEP, which specifically includes *“To improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling”*. This is achieved as the site is within 400m of the Parramatta railway station and bus interchange, and 140m of the Parramatta River ferry wharf;
- The applicant will be required to prepare a Travel Plan to implement measures to encourage sustainable travel outcomes and avoid unnecessary car journeys; and
- The proposal includes the required bike parking supply and associated end of trip facilities.

In terms of the allocation of that onsite parking:

- The supply of 50 spaces for the proposed building equates to 19% of the LEP maximum. That outcome is acceptable noting the objectives of the LEP and also given:
 - The building is designed for a specific, long term tenant; and
 - The proximity of the site to a range of public transport options
- For the existing building at No. 130 George Street the parking supply is in excess of the LEP maximum by 24 spaces. That circumstance is able to be considered, without reliance upon clause 4.6 of the LEP, by virtue of clause 7.3(3) of the LEP which states:

- (3) *The consent authority may approve additional car parking spaces in excess of the number of car parking spaces calculated under subclause (2), but only if the additional car parking spaces approved are to be included as part of the building's gross floor area, whether the space is below or above ground level (existing).*

The excess 24 spaces equates to an additional floor area of 312m². Noting the above clause, No. 130 George Street would achieve a GFA of 22,312m², giving an FSR for proposed Lot 1 of only 3.55:1. This remains significantly below the 10:1 permitted under the LEP. Accordingly no concerns arise.

Traffic generation

As noted the total onsite parking supply reduces by 62 spaces, with a subsequent reduction in traffic generation as compared to the present situation. Neither Council's Traffic Engineer, nor RMS, raise any concerns relative to traffic generation or management.

Parking design

Council's Traffic Engineer is satisfied the design and geometry of the parking areas demonstrates consistency with relevant Australian Standards.

Service vehicle access

Council's Traffic Engineer is satisfied that the geometry and design of the area for service vehicles, including height clearances and the swept paths of vehicle manoeuvres, is satisfactory.

9.6 Relationship with public domain

Generally

The relationship with public domain is satisfactory given:

- The suitable outcome for the through site link as previously noted;
- The design of the undercroft space to Phillip Street, which provides a suitable outcome in terms of design, function and pedestrian amenity; and
- Activation is achieved to both Phillip Street and western edge of the site along the link.

Public art

Consistent with DCP requirements the application is supported by a public art strategy outlining the process for incorporating art into the development. Council's City Animation team advises that, as a high level document, the strategy is satisfactory, however is to be further refined within a final plan. Suitable conditions are included in the recommendation of this report.

9.7 Relationship with adjacent sites

Overlooking

All immediately adjacent buildings are commercial and no concerns arise with regard to overlooking. Some of the buildings opposite the site, north across Phillip Street, include residential apartments. The separation afforded by the 20m road reserve, the likely hours of use of the subject building and the CBD context of the site are such that an adequate level of amenity will remain for those apartments.

Overshadowing

There are no planning controls which nominate minimum levels of solar access for the adjacent commercial buildings. Shadowing of the public domain will be limited as a consequence of the existing building at the southern end of this site, and which has a greater height than this proposal.

Operational noise

Enclosed space for mechanical plant is provided in the basement, on each floor of the building and at the roof level. Residential apartments are located opposite the site on the northern side of Phillip Street. The recommendation of this report therefore includes conditions to regulate noise emissions from the operation of mechanical plant and equipment.

Lighting

Adequate lighting of street frontages and the through site link will be necessary for pedestrian amenity and safety. The recommendation includes condition to ensure such lighting will be to relevant standards, while also designed to avoid nuisance.

9.8 Heritage

The site is a listed heritage item in Schedule 5 of PLEP 2011 as a consequence of a remnant of a convict drain, which is located centrally on the allotment in proximity to the western site boundary. That item is of local significance. At present a portion of that drain is exposed, interpreted and protected by an awning structure.

This proposal retains that item as a key element of the through site link as previously noted.

Council's Heritage Advisor has raised no objection to the proposal. Included in the recommendation are conditions to protect the drain during construction works.

9.9 Water management

Flooding

Council's Development Engineer confirms:

- Most of the northern part of the site is impacted by the 1% Annual Exceedence

Probability flooding (1% AEP or 1 in 100 year flood event) flood level. The design responds to that constraint by adopting the identified Flood Planning Level (FPL) of 8.78m AHD for the ground floor and the basement access ramp;

- Fire egress staircases provide opportunities for floodwater to enter the basement however that circumstance is resolved by conditions. Further, due to the high risk associated with basement parking levels Council seeks to achieve a higher level of flood protection than just to address the 1% AEP. The applicant will therefore be required to install self-operating and self-propelled flood gates at the driveway crest to prevent ingress of floodwaters;
- Under the 1% AEP the site has a medium flood hazard. Emergency access and egress using neighbouring land to George Street is readily available up to the FPL. In a PMF the mezzanine will be about 2m above the Probable Maximum Flood (PMF) providing shelter in place for person visiting the site;
- The through site link will function as an overland flow path. An easement and restrictions on the title will be required;
- The flood storage capacity taken up by the volume of the new building is offset by the capacity of the proposed OSD system.

Stormwater collection and disposal

Council's Development Engineer confirms that the OSD system, which drains to Phillip Street is satisfactory, subject to nominated condition of consent.

Water quality during construction

This matter is addressed by conditions in recommendation to this report.

9.10 Safety, security and crime prevention

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard has been given to those considerations.

To ensure a suitable outcome is achieved, the recommendation includes conditions which require the following measures:

- Internal and external lighting to Australian Standards;
- Installation of CCTV to the basement entry;
- Way finding measures within the basement level;
- No after-hours access to the courtyard between the existing and proposed building; and
- The roller door to the basement /service entry to be closed after hours.

These matters are addressed by conditions.

9.11 Social and economic impacts

No adverse impacts have been identified.

9.12 Waste management

Construction phase

This matter will be addressed within a Construction Management Plan.

Operation phase

Dedicated space for the storage and collection of waste is provided on the ground floor. That space is screened from the public domain, and its design is appropriate for use by required service vehicles.

9.13 Construction Management

To minimise nuisance during the construction period the recommendation to the report requires the preparation of a construction management plan addressing the following matters:

- Dilapidation reports;
- Demolition and removal of hazardous materials;
- Sediment and erosion control and water quality during construction;
- Construction traffic management plan;
- Hours of works;
- Construction noise and vibration;
- Material delivery and storage;
- Safety fencing;
- Traffic and pedestrian safety;
- Dust control;
- Protection of the heritage item; and
- Tree protection.

9.14 Utility services

All utility services are available to the site by virtue of the existing development. Those services will be augmented as necessary to meet the requirements of relevant service providers.

10. Site suitability

Subject to the conditions provided within the recommendation to this report the site is suitable for this development given:

- It is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and

- The site attributes are conducive noting natural constraints/hazards; ecological and heritage impacts are able to be properly managed.

11. Submissions

The application was notified consistent with Appendix 5 of DCP 2011. No submissions were received.

12. Public interest

Subject to resolution of the issues of concern as addressed by the recommendation of this report, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

13. Parramatta city Centre S94A development contributions plan

As the cost of works exceeds \$250,000, the need for payment of a 3% contribution as required by this Plan is addressed by way of a condition of consent.

14. Summary and conclusion

The application has been assessed relative to section 79C of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval of the development application is recommended.

RECOMMENDATION

- A. **That** the Joint Regional Planning Panel as the consent authority grant consent to Development Application No. DA/120/2016 for demolition, construction of a 13 storey commercial building over an existing basement level, stratum subdivision and occupation of the new building by the Department of Education at Nos 126-130 George Street Parramatta, being Lot 12 in DP 1095329 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1.