



JOINT REGIONAL PLANNING PANEL
Sydney West Region

JRPP Reference No	2016SYW113 DA
DA No.	DA/436/2016
LGA	Parramatta
Proposed development	<p>Construction of a mixed use development comprising of three podium levels with two commercial office towers above, three levels of basement parking and the creation of new areas of public domain. Works also include rebuilding of the Darcy Street road way and retaining walls and associated re-instatement of services, landscaping and further public domain works surrounding the buildings. The proposal also provides a direct pedestrian connection into the Parramatta Railway Station Concourse connecting the Station to the new Parramatta Square.</p> <p>The tower of 4PS is proposed to be 32 storeys excluding plant (maximum 152.9m / RL164.10) above the podium (i.e. total of 36 storeys). The tower of 6PS is proposed be 27 storeys excluding plant (maximum 133.7m / RL144.85) above the podium (i.e. total of 31 storeys). The proposal has a GFA of 122,236m² (FSR of 9.58:1) comprising 117,926m² of commercial floor space and 4,310m² of retail floor space.</p> <p>The 3 basements levels below ground comprise a shared basement with parking for 552 cars (460 commercial and 92 public) extending beneath the future Parramatta Square with access from Smith Street to the east and through 3PS to the north to Macquarie Street.</p>
Address	4 and 6 Parramatta Square (12 - 38 Darcy Street, 14A and 21R Darcy Street, 160 – 162 Church Street, 119Z Macquarie Street and 1A Civic Place, Parramatta)
Applicant	Walker Corporation Pty Ltd
Owner	City of Parramatta Council (Note: site subject to Project Development Agreement) Sydney Trains – re: breakthrough to rail concourse

Date lodged	7 June 2016 Amended plans lodged 20 October 2016
Integrated Development	Proposal is integrated development under <i>Water Management Act 2000</i> – aquifer interference approval required
Other Approvals Required	<i>Airports Act 1996 (C'ltth)</i> – controlled activity approval required
Number of submissions	Two (2) (Note: both submitters made follow up submissions following notification re amendments to the proposal)
Recommendation	Approval subject to conditions of consent
Regional Development Criteria	Pursuant to Clause 4 of Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> , the development is Council related development with a capital investment value of more than \$5 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. 64 – Advertising and signage • State Environmental Planning Policy No. 55- Remediation of Land • 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
Documents submitted with this report for Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Design Jury report • Clause 4.6 variation request
Report by	Helena Miller, Director, MG Planning Pty Ltd (Independent Planner)
Date of report	9 November 2016

Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)?	Not applicable
Voluntary Planning Agreement Does the DA propose a voluntary planning agreement (S93F)?	Yes
Conditions Have draft conditions been provided to the applicant for comment?	No – will be undertaken prior to JRPP meeting

1. Executive summary

The proposal provides for the construction of a mixed use development comprising of three podium levels with two commercial office towers above, three levels of basement parking and the creation of new areas of public domain. Works also include rebuilding of the Darcy Street road way and retaining walls and associated re-instatement of services, landscaping and further public domain works surrounding the buildings. The proposal also provides a direct pedestrian connection into the Parramatta Railway Station Concourse connecting the Station to the new Parramatta Square. Construction of 3 basements levels below ground is provided for comprising a shared basement with parking for 552 cars extending beneath the future Parramatta Square and with access from Smith Street to the east and through 3PS to the north to Macquarie Street.

The proposed buildings have been design by Johnson Pilton Walker for the Walker Corporation. The site has previously been subject to design excellence competition and Johnson Pilton Walker prepared the design competition winning scheme. Although the proposed design has been amended from the design competition scheme it maintains a number of similarities including providing a high degree of connectivity between Parramatta Railway Station and the future Parramatta Square. The development has been certified as demonstrating design excellence by a majority report of the reconvened Design Jury that determined the original design excellence competition.

The proposed buildings generally comply with the majority of planning controls applying to the site. Subject to the application of the design excellence bonus, the site complies with the maximum permissible FSR and height and all proposed uses are permissible with consent. The bulk, height, scale and form of the proposed towers is considered to be appropriate and in line with Council's vision for the future development of Parramatta Square. The proposal also provides for a highly active edge to Parramatta Square, a high level of connectivity between the Square and Parramatta Station and a built form that represents design excellence and will not give rise to any amenity impacts.

The proposal does not comply with clause 7.10 of Parramatta LEP 2011 however it is considered that this is acceptable as the control is aimed at residential development on the adjacent 8PS (also known as Aspire) site. The control only applies due to a change which has occurred to development site boundaries post gazettal of the LEP. A clause 4.6 variation has been submitted to address the non-compliance and is considered justified.

The proposed development does not comply with all relevant provision of Parramatta DCP 2011 and most significant includes a 9.2 encroachment into the required 40m width of the future Parramatta Square where a maximum of 6.5m encroachment is allowed. In this respect the assessment concludes that the proposed non-compliance is acceptable in this instance as the encroachment is above the height of the nearby St Johns Church spire, will not impede views to the nearby heritage item St Johns Church and will provide for commercial floorplates which are in high demand within the area.

The proposal maintains Darcy Street as a one way vehicular roadway travelling north and provides for its reconstruction. The final design and levels of Darcy Street are to be subject to further detailed design and approval. Further detailed design is also required in relation to flooding and stormwater issues however it is considered that these matters can similarly be addressed via recommended conditions of consent.

Wind impact has been a significant issue in relation to the project and in particular consideration of the wind environment within the future Parramatta Square and adjacent to the proposed new

buildings. Detailed wind modelling which has been independently reviewed for Council has concluded that the proposed buildings (including proposed wind mitigation measures) will provide an appropriate wind environment immediately adjacent to the buildings suited to the proposed outdoor dining use. The modelling however indicates that further wind mitigation measures will be required within the design of Parramatta Square itself to ensure an appropriate environment for the proposed public use. Importantly it does however conclude that the buildings themselves do not exacerbate wind conditions within the Square.

The proposal includes a breakthrough into the Parramatta Railway Station concourse and also involves development with the potential to impact on the adjacent rail corridor. Sydney Trains has granted its concurrence to the development subject to the imposition of deferred commencement consent conditions which require further detail for its certification / approval. Operational conditions have also been recommended,

The proposed development is inextricably linked to the development of the Parramatta Square public domain and other development sites within the Precinct. Whilst the detail of all relevant matters is not yet available the information submitted with the application demonstrates an appropriate level of integration and illustrates compliance with relevant set out levels. Conditions are proposed to address interface issues.

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 is recommended.

2. Site description, location and context

The proposed development site is known as sites 4 and 6 Parramatta Square and comprises street addresses 12 - 38 Darcy Street, 14A and 21R Darcy Street, 160 – 162 Church Street, 119Z Macquarie Street and 1A Civic Place, Parramatta as shown in Figure 1 below. The site is located on the southern edge of the Parramatta Square Precinct, to the west of the existing Sydney Water building and to the east of future development site 8PS.

The proposed future Parramatta Square forms the northern part of the site with the proposed development blocks located to the south adjacent to Darcy Street. The site has its principal street frontage to Darcy Street to the south (which also forms part of the site) and is located to the north of Parramatta Railway Station and viaduct. The site also has frontage to Smith Street by virtue of the incorporation of Darcy Street into the site.

The site has an area of 12,753m² and comprises 16 different lots all of which are owned by City of Parramatta Council. Walker has entered into a Project Development Agreement with City of Parramatta Council for the development of the site.

The project also involves works breaking through the Parramatta Station railway concourse. Sydney Trains owner's consent has therefore also been provided.

The site formerly accommodated the Council administration building and library, adjacent shops fronting Darcy Street and the Connection Arcade fronting Church Street. The site has recently been cleared with all existing buildings demolished under a series of separate DAs (refer Figure 2 below).



Figure 1: Site location (Source: SEE, Walker Corp. June 2016)



Figure 2: Site location (Source: Nearmap, 9 September 2016)

3. The Proposal

The proposed development, as amended, comprises:

- Construction of two commercial towers (4PS and 6PS) above a 4 storey podium incorporating retail and commercial uses. The tower of 4PS is proposed to be 32 storeys excluding plant (maximum 152.9m / RL164.10) above the podium (total 36 storeys). The tower of 6PS is proposed to be 27 storeys excluding plant (maximum 133.7m / RL144.85) above the podium (total 31 storeys). The proposal also incorporates 3 basements levels below ground comprising basement car parking in the form of a shared basement.
- Total gross floor area of 122,236m² (FSR of 9.58:1) comprising 117,926m² of commercial floor space and 4,310m² of retail floor space
- Provision of below grade pedestrian access to Parramatta Railway Station concourse
- Development works within Darcy Street comprising service infrastructure diversions, rebuilding of Darcy Street roadway, kerb and footpaths, reinstatement of service and stormwater drainage, upgrade / reinstatement of retaining wall structures and support, hard and soft landscaping
- Earthworks associated with the excavation of 3 basement parking levels for the provision of a total of 552 car parking spaces (including 460 spaces for the commercial tenant and 92 spaces for City of Parramatta Council) and 650 bicycle storage spaces in a shared basement beneath the site and the future Parramatta Square.
- Earthworks associated with Category 1 remediation works
- Driveway access points from Smith Street / Darcy Street and Macquarie Street (via the existing access through 3PS), and
- Associated landscaping and public domain works [Note: only immediately adjacent to building and not on northern frontage] and provision / augmentation of physical infrastructure as required.

The proposed development is illustrated in Figures 3 – 16 below:



Figure 3: Aerial view from northwest (Source: JPW, Oct 2016) (Note: Future potential 8PS shown transparent)



Figure 4: View from Parramatta Square (Source: JPW, Oct 2016)



Figure 5: Darcy Street (Source: JPW, Oct 2016)

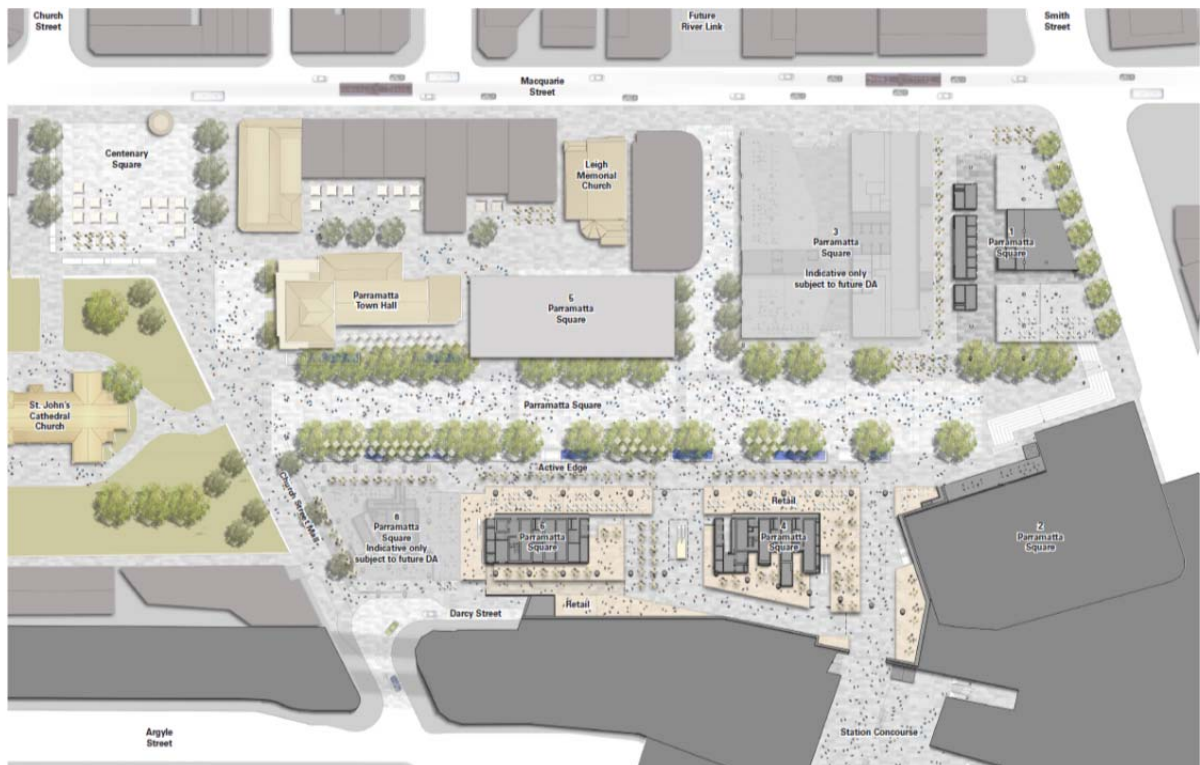


Figure 6: Parramatta Square Lower Ground Level (Source: JPW, Oct 2016)

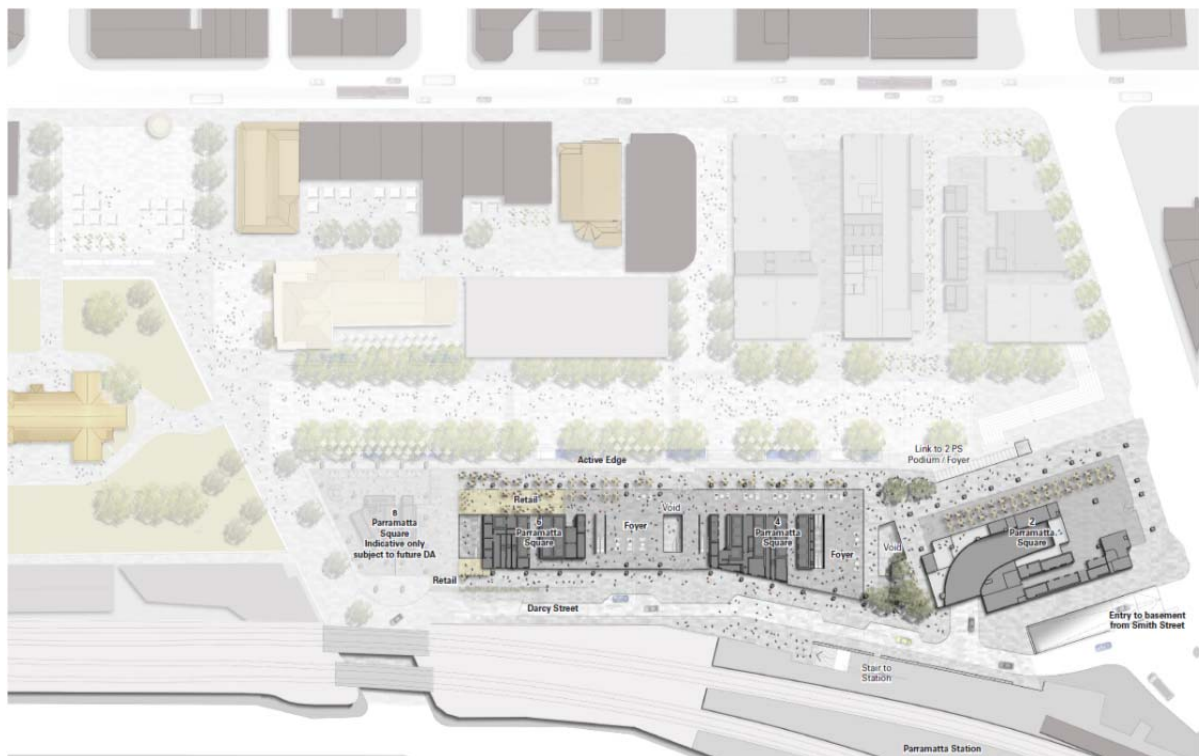


Figure 7: Darcy Street Upper Ground Level (Source: JPW, Oct 2016)

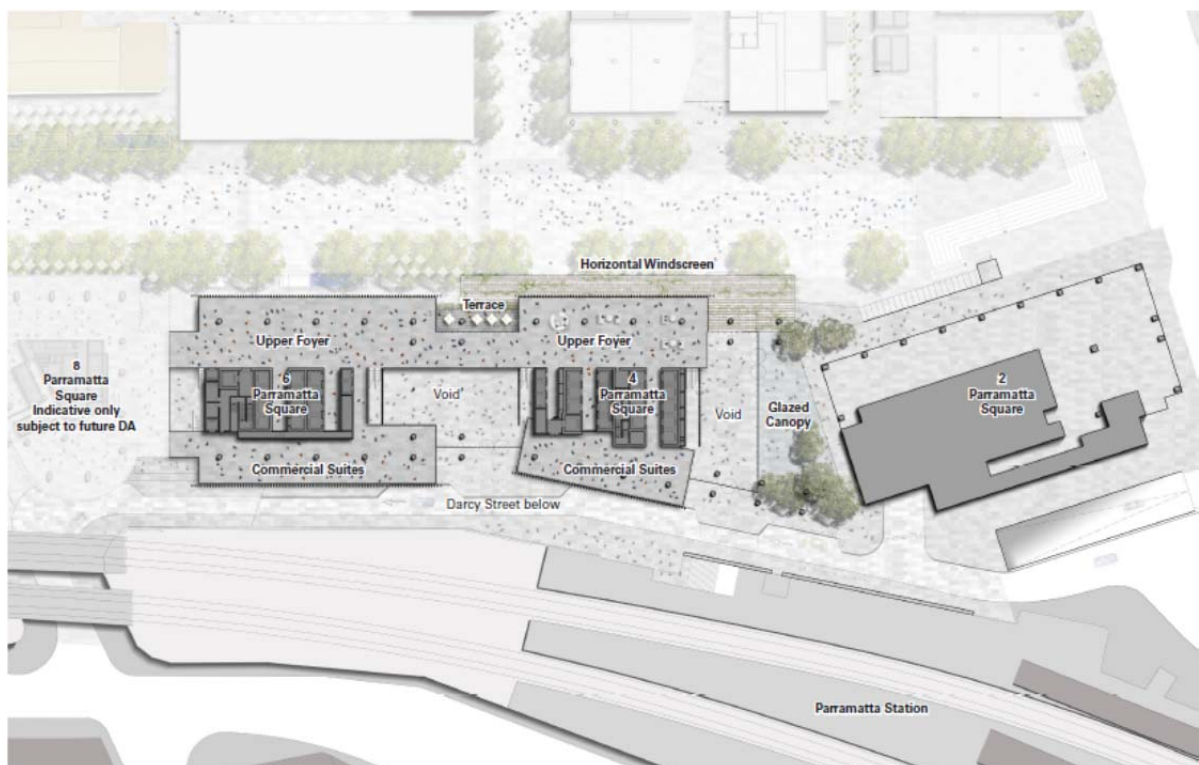
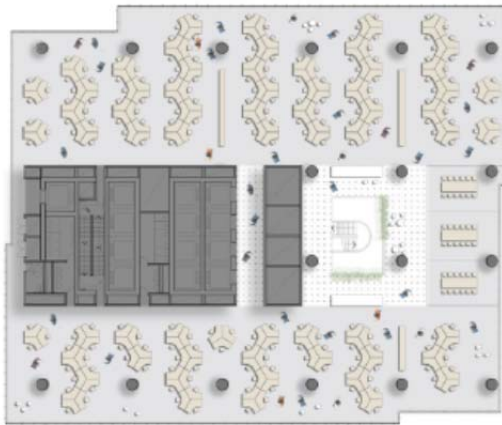


Figure 8: Podium Level (Source: JPW, Oct 2016)

6 Parramatta Square



4 Parramatta Square

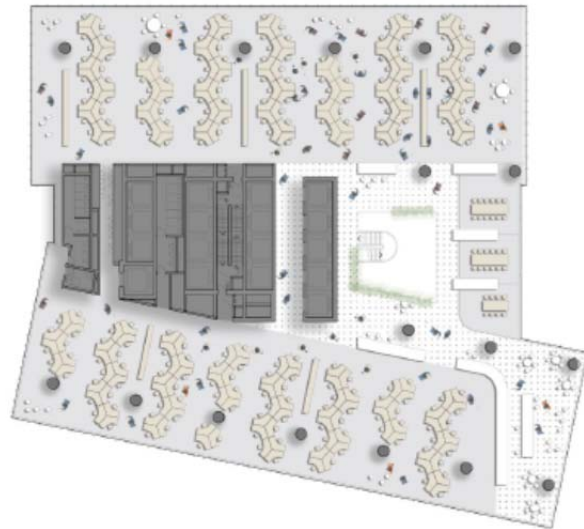


Figure 9: Typical Low Rise Floor (Source: JPW, Oct 2016)

6 Parramatta Square



4 Parramatta Square

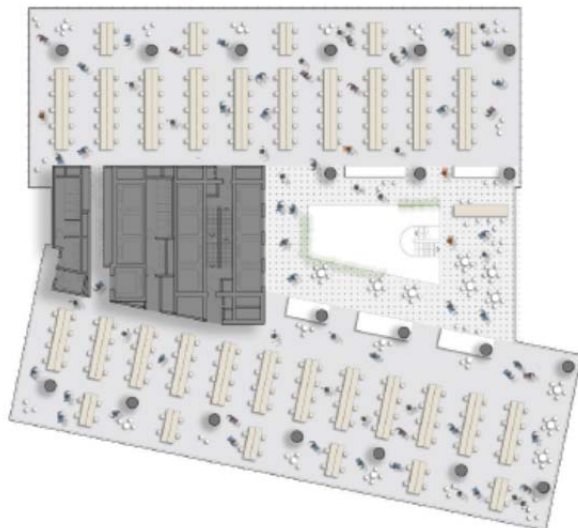


Figure 10: Typical High Rise Floor (Source: JPW, Oct 2016)

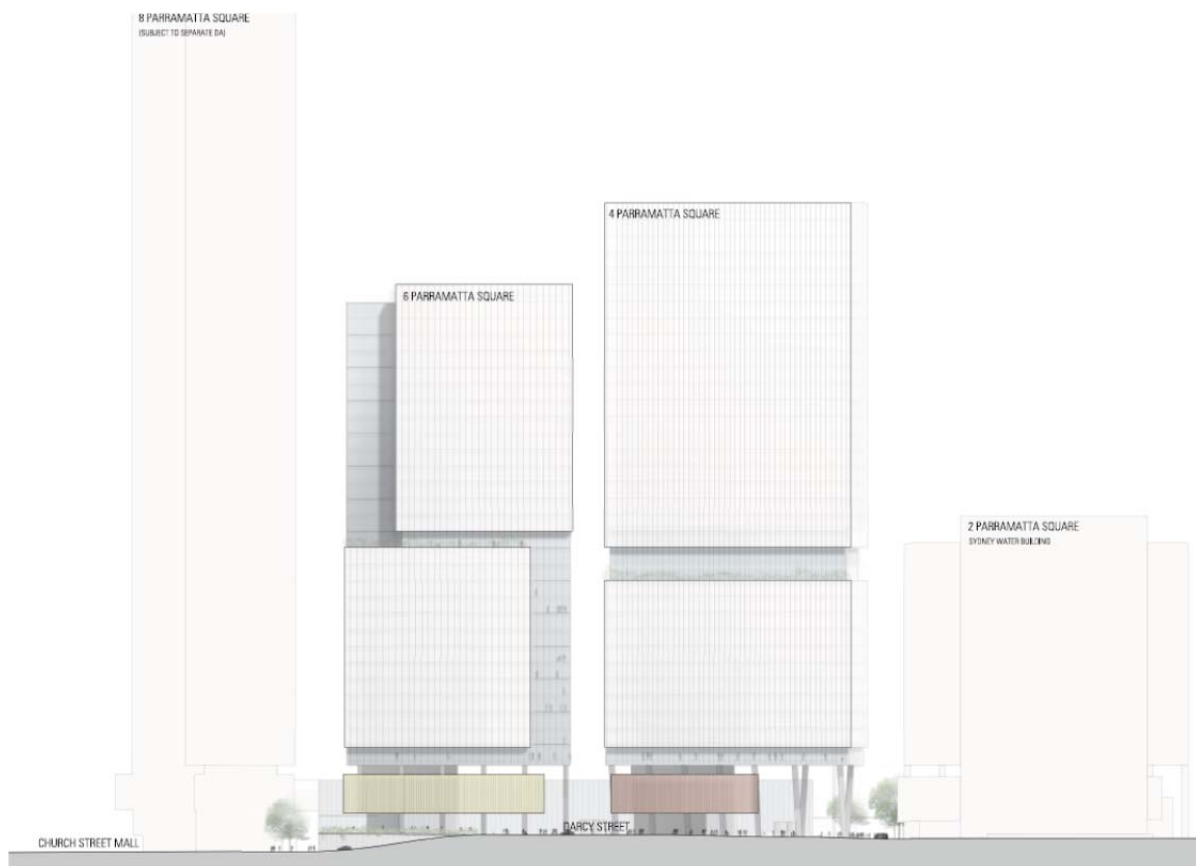


Figure 11: Darcy Street Elevation (Source: JPW, Oct 2016)

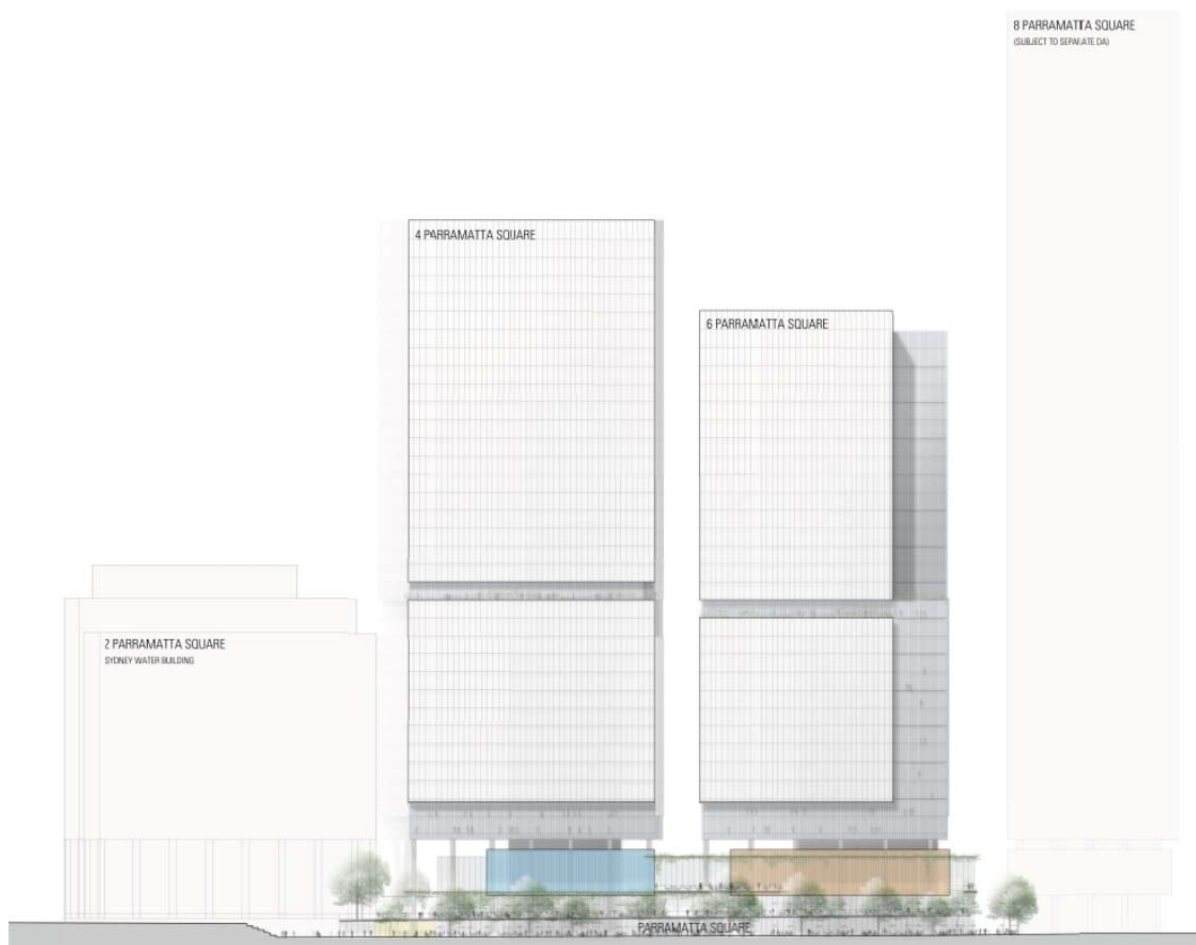


Figure 12: Parramatta Square Elevation (Source: JPW, Oct 2016)

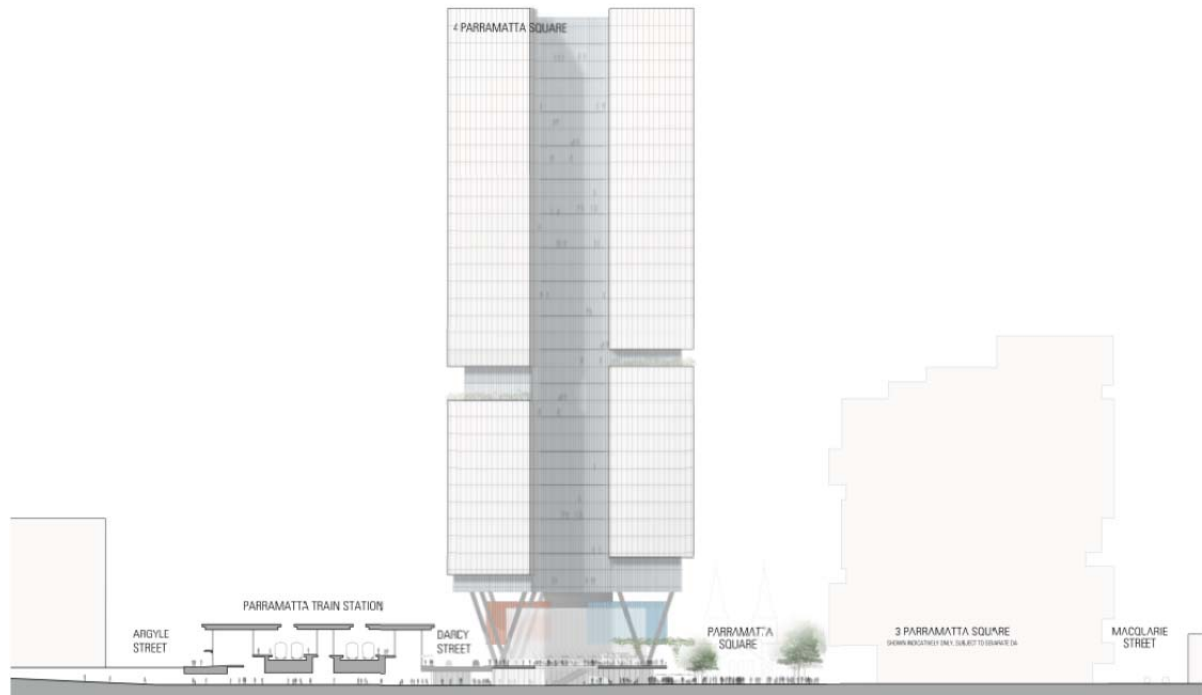


Figure 13: East Elevation 4PS (Source: JPW, Oct 2016)



Figure 14: West Elevation 6PS (Source: JPW, Oct 2016)



Figure 15: Section through 4PS (Source: JPW, Oct 2016)

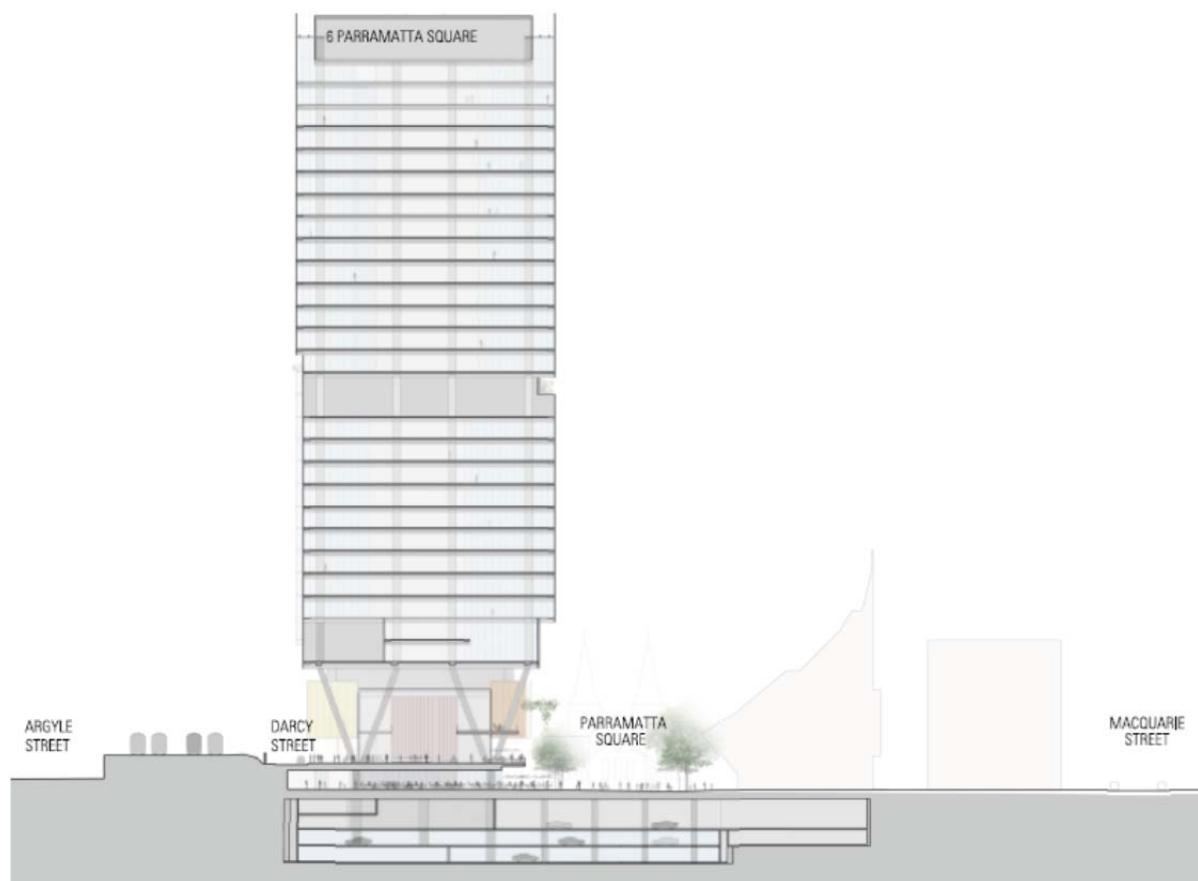


Figure 16: Section through 6PS (Source: JPW, Oct 2016)

The proposed development, as articulated by the architect, seeks to “capitalise on the unique location by creating a fine grained network of pedestrian links across two ground planes – one linked directly to Parramatta Square and the Station, and an upper level linked to Darcy Street and the building entrances. Both provide active edges to the Square, whilst the podium levels of the buildings are visually and physically permeable, integrating them into the broader urban fabric.”

The proposed design provides for angled columns which support the towers above whilst providing visual connectivity and permeability at the lower levels of the buildings. The towers are lifted above the podium level and cantilever out over the Square to enable larger commercial floorplates above the height of the St John’s Church Spires. The proposed podium design incorporates clear glazed facades and articulated boxes with special cladding systems for specific functions. This is intended to provide visual interest and a diversity of elements providing articulation and expression to the façade treatment.

A shared basement is proposed which is accessed off Smith / Darcy Street to the east and Macquarie Street via the basement of 3PS to the north, and which extends under the full extent of the site including the future Parramatta Square.

The application is Nominated Integrated Development under the *Water Management Act 2000*. The concurrence of Sydney Trains is also required under the Infrastructure SEPP 2007.

The application is to be determined by the Sydney West Joint Regional Planning Panel being Council-related development with a capital investment value of more than \$5 million.

4. Referrals

The following internal referrals were undertaken:

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

City Animation / Public Art	No objections – conditions required.
Development Engineer	No objections – conditions required (refer discussion at section 11.8 below).
Heritage	No objections (refer discussion at section 11.6)
Landscape Officer	No objections – condition required
Public Domain and Urban Design	No objection – conditions recommended
Independent Traffic Consultant	No objection – standard conditions required (refer discussion at section 11.5)
Waste	No objections – conditions required including detailed waste management plan for both construction and operation
Environmental Health – Acoustic	No objections – condition required
Environmental Health – Contamination	No objections – condition required
Social Outcomes	No objections – condition required
Environmental Outcomes Place Manager	No objections subject to appropriate conditions to ensure sustainability measures are met

Independent Wind Consultant	No objections – has provided advice that wind environment adjacent to proposed buildings will be acceptable, that proposed buildings do not make wind conditions in the Square any worse and that wind amelioration measures will be required in the Square to ensure an appropriate environment fit for purpose (refer discussion at section 11.7 below)
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The application was also referred to Council's Design Excellence Advisory Panel (DEAP) which provided comments as outlined in Table 2 below. The City Architect, with assistance of the Urban Design Unit, has reviewed DEAPs comments and has summarised the design issues into 4 key areas as follows, with detailed comments provided in Table 2. The City Architect has recommended that these matters be dealt with via condition.

1. Pedestrian Link between Parramatta Square and Parramatta Train Station

- a. The design of the main pedestrian thoroughfare connecting Parramatta Station to Parramatta Square must be designed as an unambiguously public space.

Recommendations of the Panel include:

- i. Ensuring adequate width and minimum obstructions (columns) along the connection
- ii. Facilitating appropriate levels of pedestrian flow based on projected pedestrian movements (2036/2056)
- iii. Improving the spatial quality of the link - with access to natural light and air
- iv. Building elevations that clearly articulate and define the entry to the connection

2. Public Domain

- a. Ensuring the public domain design of Darcy Street is pedestrian friendly with place making and activation opportunities at the ground level
- b. That the design of ground level spaces respond to environmental conditions such as wind, heat and rain.

3. Articulation of Building Elevations (Lower Levels)

- a. Improved articulation of ground level facades forming the southern edge to Parramatta Square

4. Wayfinding + Legibility

- a. Ensuring legible, safe and permeable public circulation throughout the lower ground levels of the development
- b. Clear definition between public and private spaces within the building podium

Table 2: DEAP comments

Comments	City Architect / Urban Design Architect Response
Overall Public Domain Framework	
1. The Panel strongly recommends that the main pedestrian thoroughfare connecting Parramatta Railway Station to the new Square is purposefully conceived and designed as an unambiguous public space. It should not be a quasi-public pedestrian pathway within a podium	The City Architect and the Urban Design Unit strongly agree with this comment. A condition of consent is recommended to ensure a true public threshold to Parramatta Train Station is delivered as part of the development.
2. This space must act as both connector and threshold between the station and square. It should be open to the sky, or at least feel like it is open to the sky. Its character could be that of a short public lane or street and possibly covered, however any cover should be well above	The City Architect and the Urban Design Unit agree that further detailed design needs to occur to resolve the link between the Station and the Square. Increasing the void to achieve a double height space over this link can be achieved without significant modification to the existing design. Similarly the design of the building elevation addressing

Comments	City Architect / Urban Design Architect Response
<p>the podium. There should be no building structural elements intruding on its public character. The design of the edges is most important: they must feel like facades that clearly articulate the public realm from the quasi-public podiums.</p>	<p>Parramatta Square needs to be articulated to clearly define the entry to Parramatta Square.</p> <p>It is recommended that these issues can be addressed via conditions of consent.</p>
<p>3. The major pedestrian connections and desire lines into the new Square from other parts of the surrounding public domain have not been adequately considered in either the 4-6PS master plan or JMD SK01-A. In particular the key desire lines from the Station to Leigh Place (Civic Place) giving access north beyond Macquarie St must be addressed. The alignment of PS3 on the Precinct Master Plan seems to be different from earlier drawings, and is impinging on the public domain.</p>	<p>Noted. Detailed design and use of Parramatta Square to be subject to separate development application.</p> <p>However, this feedback will be provided to the landscape architects so that it can be incorporated into the ongoing design development of Parramatta Square.</p>
<p>4. The Panel recommends that the seating areas along the northern edge of 4-6 PS are designed as an integrated area of public and tenant-controlled seating. This seating must be pleasant to use in adverse conditions (sun, rain and wind).</p>	<p>This issue will be addressed as part of the detailed design of Parramatta Square.</p> <p>The findings and recommendations of the Council led Microclimate Study will inform the most appropriate design approach for the outdoor seating adjacent to 4-6PS.</p>
<p>5. Facades forming the southern edge to the new square should be more articulated and diverse. They are presently too horizontal, monumental and lack human scale. There should be more prominent indents between PS4 and PS6, and PS 6 and PS8 to relieve this.</p>	<p>This comment is supported by the Urban Design Unit. Although there is articulation in massing and building form for some elements within the podium, the building elevations show that the first two ground levels have insufficient vertical articulation. The main locations for vertical articulation should be at key breaks between tower forms and at entrances to pedestrian thoroughfares. It is recommended that these issues be addressed via conditions of consent.</p>
<p>6. The Panel considers that the substantial over-hanging of the Square by large towers is likely to affect the creation of well-scaled public space. It would be better to extend the podiums out into the Square to address this, rather than having them recessed below these extremely large elements.</p>	<p>Noted. Although the Parramatta Square DCP allows overhangs of towers into PSQ. The additional overhang has been considered to achieve Design Excellence by the Competition Jury. All building forms that extend beyond the 6.5m DCP control are above the height of the St. Johns Church Spire (RL39.55m)</p>

Comments	City Architect / Urban Design Architect Response
Lower Ground Level (Main Square)	
7. The thoroughfare between the Station and the Square below the podium of 4PS is only 9m wide. It is constricted by the low soffit beneath Upper Ground podium level and retail frontages, and interrupted by structural columns that will interfere with pedestrian flow at peak periods. A small aperture allows for a connecting stair to the upper podium. Inconsistencies are evident between current and previous plans related to alignment of existing buildings with proposed retail envelopes.	The City Architect and the Urban Design Unit strongly agree with this comment. A condition of consent has been recommended to ensure a true public threshold to Parramatta Train Station is delivered as part of this development.
8. Clear, simple spaces are needed in this area with minimal obstruction to enable optimum pedestrian flow, way-finding and projected pedestrian volume increases that need to be accommodated in the future: <ul style="list-style-type: none"> - Immediate TfNSW consultation is recommended to ensure adequate provision for projected pedestrian movements - Suggested seating / planter configuration in JMD sketch design needs reappraisal to better define cross connection paths 	TfNSW has provided comment on the application and has not raised pedestrian capacity as an issue. Agreed that further work is required to define movements across the Square. This will be dealt with as part of the public domain design development.
9. General circulation patterns around the Lower Ground Level need more legibility, clarity and permeability, as well as resolution of interface between public and private space, CPTED issues, extent of access and impact on rear corridor along from 4PS past 6PS to 8PS. <ul style="list-style-type: none"> - Identification is needed of fully accessible 24/7 path into the station, and where security barriers/doors will be located. 	A wayfinding strategy should be developed in consultation with Council to ensure that public circulation within the Lower Levels is clear, identifiable and legible in response to each connections specific role and function. (condition recommended)
10. Cross site connections through 4-6PS and 8PS from Darcy Street into PSQ are convoluted and lacking in clear articulation and information that identifies their purpose and character. <ul style="list-style-type: none"> - Need to reinforce the main 4-2PS arcade as the primary public access, with the spaces between 4-6PS and 6- 	A wayfinding strategy should be developed in consultation with Council to ensure that public circulation within the Lower Levels is clear, identifiable and legible in response to each connection's specific role and function. (condition recommended)

Comments	City Architect / Urban Design Architect Response
<p>8PS as subsidiary but of same family.</p> <ul style="list-style-type: none"> - Better provision is needed for opening up the Upper Ground Level penetrations around stair and escalator connections to maximise light and air into the lower level with edges designed to better define the boundaries between public and private spaces. 	
<p>11.It is noted that environmental amenity in PSQ is still subject to clarification of wind conditions. Impacts from downdrafts off buildings and westerly winds from the open western end of the Square on all areas including the indicated outdoor dining zone are likely to require substantial amelioration. Permanent glazed screens will create an unavoidable sense of privatisation of public space unless carefully handled.</p> <ul style="list-style-type: none"> - Notwithstanding, provision for glazed screens around seating bays or alternatively retractable outdoor blinds supported off a framing grid from the u/s if the podium could provide for sun/rain protection under a range of weather conditions. A more permanent open structure could also be considered that reverts to public use at times when not used by tenants. - Upper level open canopies with vegetation need better definition to establish effectiveness in dealing with downdrafts, and information provided of how these will be maintained. 	<p>The design of the building has incorporated measures to address wind impacts. The architect claims that "Lifting the towers above the occupied ground planes creates pathways for wind to pass through the building above spaces occupied by people."</p> <p>The provision of glazed screens that are integrated into the outdoor dining zone are shown indicatively on the public domain plan.</p> <p>The design of SC01 Horizontal Windscreens are shown in the requested detailed sections of the façade. It is unclear how these metal framed louvre elements will allow for integrated planting that will flourish due to the wind effects.</p> <p>A condition is recommended that states that "the detail of the Horizontal Windscreens to be further developed in conjunction with more detailed wind testing, analysis and prototyping".</p>
<p>12.Selection of appropriate mature trees to green the new Square is still missing.</p> <ul style="list-style-type: none"> - Alternatives to proposed Livonstona Palms must contribute to shade and wind amelioration and should preferably be an evergreen species - Issue of bird nesting and droppings need consideration - Spacing and configuration must endeavour to complement PS character and perform in both plan and section. 	<p>Noted. Detailed design of Parramatta Square to be subject to separate development application.</p>
<p>13.The Panel required further information in</p>	<p>Noted. Detailed design and use of Parramatta</p>

Comments	City Architect / Urban Design Architect Response
<p>relation to the major event space/s in the PSQ, to determine range and intensity of events and implications for dealing with critical mass of 4000+ projected crowds in 'digital carpet' zone outside civic building.</p>	<p>Square to be subject to separate development application.</p>
Upper Ground Level + Above	
<p>14.The raking/splayed columns seem visually awkward and in some cases unresolved in their relationship with intersecting levels and elements. Whilst adding a complexity of geometry and dynamic spatial definition, they are sometimes incompatible with the foyer spaces and access paths.</p> <ul style="list-style-type: none"> - The commercial envelopes above and extensive intrusions into PSQ have dictated a structural grid that compromises outcomes at Ground and Lower Ground - Simplifications and relocation of some structural elements should be considered, and in particular over the public domain providing access to the station. 	<p>Noted. However the design of the columns has been subject to a Design Excellence process and is considered an acceptable design response. Alternative column arrangements have been considered by the applicant.</p>
<p>15.Darcy Street is a difficult space has been designated for vehicular service access needs and pedestrian thoroughfare access to commercial foyers. The Panel recommends that its urban design quality and character is reviewed for its entire length from Smith Street to the Church Street Mall.</p> <ul style="list-style-type: none"> - Better place-making and public – private legibility needs to be provided, possibly by including ground level street-edge service retail for building workers using public domain. 	<p>Agreed. Conditions of consent recommended to improve the design and legibility of Darcy St as a true 'public street'.</p> <p>The public domain team has provided detailed review, assessment and recommendations to assist Council in preparing conditions of approval.</p>
<p>16.Lack of vertical spatial connections between upper and lower podium levels limit scope for natural light and air to permeate lower levels, and visual continuity between levels.</p> <ul style="list-style-type: none"> - "Eatery" concept to activate and connect floors at interface of 2-4PS is well considered and could also be used as a model for activation and spatial qualities of the PS4 to PS6 separation zone. 	<p>Noted. Conditions of approval will ensure that improved vertical spatial connections occur along the connection between Parramatta Station and Parramatta Square.</p>

Comments	City Architect / Urban Design Architect Response
<p>17. Resolution is unclear for access and security to the exceedingly long, narrow terrace in front of 4-6PS overlooking PS, and how this will work based in CPTED and wind issues.</p> <ul style="list-style-type: none"> Review configuration of 4-6PS foyers, points of access and prospect for improving spatial permeability, increased natural light and pedestrian connections through to Lower Ground Level. 	<p>Councils City Architect and Urban Design Unit agree with DEAPs recommendation that the long terrace (upper ground floor) should not be designed as a public open space. The controlled use and access of this terrace will ensure that any CTPED issues are mitigated. A condition is recommended.</p> <p>The proposed pedestrian connections between the Lower Ground Level and Major Tenant Lobby is primarily by Lift and/or Escalator. Opportunities for increased voids and staircases between lower levels should be considered during design development specific to a particular major tenants requirements.</p>

The following external referrals were also undertaken:

Table 3 Section 79C(1)(a) considerations

Roads and Maritime Services	No objection subject to imposition of recommended conditions of consent
Railcorp / Sydney Trains	Concurrence provided subject to deferred commencement consent conditions requiring detailed matters to be addressed to the satisfaction of Sydney Trains within 12 months of the date of the consent. Operational conditions are also recommended.
NSW Police	No response received – assume no concerns
Endeavour Energy	No objection – standard conditions required
Office of Environment and Heritage	Confirmed not integrated. Condition required in relation to excavation permits for small part of site not covered by existing permits.
Sydney Water	No objection from water authority perspective – standard conditions required No comment provided as adjacent landowner
NSW Office of Water	General Terms of Approval provided as proposal is integrated development and requires an aquifer interference approval under Water Management Act 2000.
Sydney Metro Airports / Air Services Australia / CASA / Department of Infrastructure and Regional Development (C'lt)	Approval has been issued by the Department of Infrastructure and Regional Development (C'lt) under the <i>Airports (Protection of Airspace) Regulations 1996</i> subject to conditions. The proposed development will need to be undertaken in accordance with the conditions. No conditions required under development consent.
Transport for NSW	No objection to the proposed development subject to the imposition of recommended conditions of consent. Conditions relate to consultation in respect of the Parramatta Light Rail, requirements for alternate access as a result of the closure of Darcy Street during construction, preparation of construction pedestrian and traffic management plan, restriction on construction vehicles entering the

	site via the Argyle Street / Church Street intersection and amendment to the Darcy Street design to facilitate bus operations. It is recommended that these conditions be included in any consent. The advice from TNSW notes that issues in relation to the existing rail corridor, future rail corridor and rail interface are to be separately addressed by Sydney Trains (refer above).
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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.

The site has previously been cleared of all vegetation under separate demolition development consents. It is therefore considered that the proposal will not result in any impact on threatened species, populations or ecological communities or their habitats.

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 4: 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 8
Section 79C(1)(a)(iiia) - Planning agreement	Refer to section 9
Section 79C(1)(a)(iv) - The Regulations	Refer to section 10
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 11
Section 79C(1)(c) - Site suitability	Refer to section 12
Section 79C(1)(d) – Submissions	Refer to section 13
Section 79C(1)(e) - The public interest	Refer to section 14

6. Environmental planning instruments

6.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy No. 64 – Advertising and signage;
- State Environmental Planning Policy No. 55 - Remediation of land;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011; and
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

6.2 State Environmental Planning Policy No. 64 – Advertising and signage

SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP applies to all signage and requires that development consent must not be issued unless the consent authority has had regard to the matters for consideration.

The development application does not include any proposed signage although indicative signage zones have been shown on the architectural design report plans. Accordingly a condition of consent is required which provides that signage is not approved as part of the subject application and requiring a future development application for any proposed signage.

6.3 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. The subject land, and the broader Parramatta Square Precinct including sites 2, 3, 5 and 4 & 6 PS, is known to be contaminated. As such a Detailed Site Investigation Report (JBS&G, 27.05.2015) has been prepared as well as a Remediation Action Plan (JBS&G, 20.10.2015) and submitted with the application.

The proposed works will comprise Category 1 site remediation works as defined under the SEPP and therefore require development consent. Consent for the proposed remediation works is proposed as part of the subject application. Contamination comprises fill material impacted with lead and asbestos. Given the level of excavation proposed for the basement the proposed remediation strategy is off-site disposal. The RAP identifies the remediation scope of works and requirements for validation and contingency. It concludes that subject to the measures outlined in the report and the recommendations, the site can be made suitable for the intended uses and that the risks posed by contamination can be managed in such a way as to be adequately protective of human health and the environment during and following the works.

Council's Environment and Public Health Team has reviewed submitted documentation and has provided advice that the reports are satisfactory in their scope and detail and adequately address contamination concerns for the proposed development and specific remediation in accordance with SEPP 55. The referral concludes that the proposal satisfies the requirements of Council's controls and can be supported, subject to standard conditions of consent, provided that after completion of remediation works, a Validation Report, prepared by an appropriately qualified and experienced

environmental consultant is submitted to Council. This report must comply with the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites 2000, outline that the required remediation work has been completed and that the site is suitable for the proposed land use. Standard conditions of consent have been recommended.

Accordingly it is considered that the requirements of SEPP 55 have been satisfied.

6.4 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 the construction and operational phases.

6.5 State Environmental Planning Policy (Infrastructure) 2007

Clause 85 of the Infrastructure SEPP applies to development that is immediately adjacent to a rail corridor and that may have an adverse effect on rail safety, involves the placing of a metal finish or involves to use of a crane in air space above a rail corridor. It requires consultation with the rail authority and the consideration of any issues raised in the determination of the application.

Further Clause 86 of the Infrastructure SEPP generally provides that a consent authority may not grant consent to development within 25m (measured horizontally) of a rail corridor without first obtaining the concurrence of the rail authority. In determining whether to grant concurrence the rail authority is to consider:

- (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

Railcorp is technically the relevant rail authority however Sydney Trains is its authorised delegate in respect of these provisions.

Sydney Trains, as the relevant rail authority in respect of the adjacent rail corridor, has been consulted on the subject DA in respect of clause 85 and concurrence has been sought in respect of clause 86. Sydney Trains has provided its concurrence subject to the imposition of deferred commencement consent conditions which require detailed matters to be addressed for its certification / approval prior to the operation of the consent. Further detailed operational conditions have also been recommended.

In addition to the existing rail line, the site is also within the corridor of the Parramatta to Epping Rail Link (PERL). The PERL is the subject a Part 3A Major Project approval and is therefore a rail corridor within the meaning of the Infrastructure SEPP. Clauses 85 and 86 therefore similarly apply

to the proposal in respect of the PERL corridor. Accordingly Sydney Trains' comments and concurrence has also been sought in respect of the PERL corridor. Sydney Trains has as outlined above, issued its concurrence subject to the imposition of deferred commencement consent conditions which require detailed matters to be addressed prior to the operation of the consent. Recommended deferred commencement condition A2 relates specifically to the assessment of impact on the PERL.

Consistent with clause 104 (Traffic Generating Development) the application was referred to Roads and Maritime Services (RMS), who initially requested additional information. Additional information was provided by the applicant and a revised response was provided by RMS on 4 November 2016 which advised that it is satisfied that issues raised in its letter of 2 November 2016 with regard to the corrections required of the SIDRA model can be addressed as a condition of consent. It is considered that this is appropriate and accordingly the requested condition has been included in the recommended conditions of consent. RMS raised no other issues with the proposed development.

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

As this proposal comprises Council-related development with a Capital Investment Value of more than \$5 million, Part 4 of this Policy provides that the Joint Regional Planning Panel is the consent authority for the application.

6.6 Parramatta Local Environmental Plan 2011

Zoning and permissibility

The subject site is zoned part "B3 Commercial Core", part "B4 Mixed Use" and part "SP2 Railway Corridor" (refer Figure 3 below). The proposed buildings are defined as "commercial premises" and are permissible with consent within the B3 and B4 zones. Works within the SP2 Railway Corridor zone include services infrastructure, roadwork and landscaping. These works are permitted with consent in the SP2 zone being works that are incidental to a road which is specified as a use which is permitted with consent.

Zone objectives

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

- *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.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To 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.*
- *To create opportunities to improve the public domain and pedestrian links throughout the Parramatta City Centre.*
- *To provide for the retention and creation of view corridors.*
- *To protect and enhance the unique qualities and character of special areas and heritage values within the Parramatta City Centre.*
- *To protect and encourage accessible city blocks by providing active street frontages, and a network of pedestrian-friendly streets, lanes and arcades.*

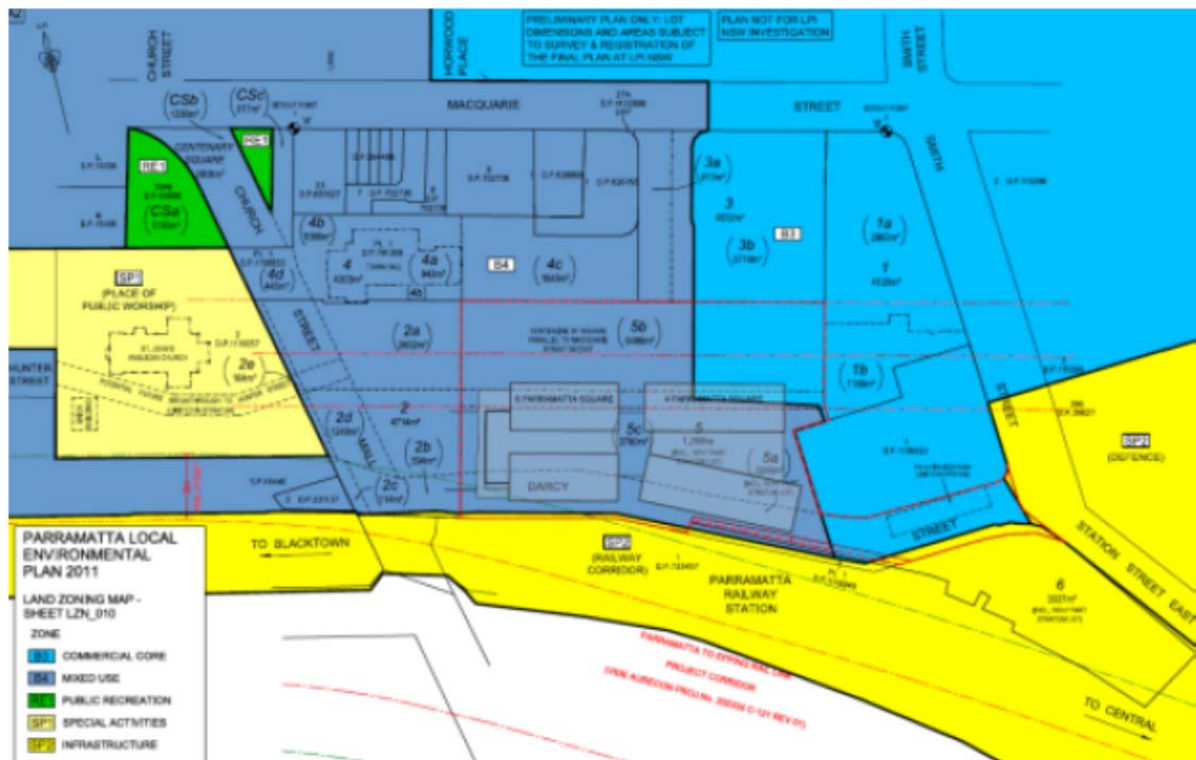


Figure 17: Site zoning (Note: site boundary shown red)

Further the objectives of the B4 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 encourage development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

Noting the assessment within this report, the proposal is considered to be consistent with the objectives of both the B3 and B4 zones.

The objectives of the SP2 zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

Works within the SP2 zone, which are limited to services infrastructure, roadwork and landscaping are similarly consistent with the zone objectives.

Remaining provisions

Consideration of the remaining provisions of the LEP which are relevant to this application are addressed in the following table:

Table 5: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	Demolition is not proposed as part of the subject application.	N/A
Clause 4.3 – Building height	<p>The maximum building height permissible on the southern part of the site where the towers are proposed is 200m as shown on the Height of Buildings map. The proposed buildings have a maximum height of:</p> <p>4PS – RL164.10 (152.9m – Parramatta Square level) 6PS – RL 144.650 (133.7m - Parramatta Square level)</p> <p>The maximum height applicable on the northern part of the site (Parramatta Square itself) is 54m. No structures are proposed in this zone.</p>	<p>Yes</p> <p>Yes</p>
Clause 4.4 FSR	<p>The maximum Floor Space Ratio that applies to the site is 8:1 as shown on the Floor Space Ratio map. Notwithstanding this clause 7.10(8) Design Excellence allows the consent authority to consent to a development that is the winner of a competitive design process with an FSR up to 25% greater than the maximum shown on the map in the B4 zone or up to 15% greater than the maximum shown on the map in the B3 zone. The subject land is zoned part B3 (3,004m²) and part B4 (9,460m²). The maximum permissible floor space is therefore:</p> <p>B3 site area = 3004 @ 9.2:1 (8:1 + 15% bonus) = 27,636.80 m²</p> <p>B4 site area = 9,460 @ 10.1(8:1 + 25% bonus) = 94,600 m²</p> <p>Total maximum GFA = 122,236.8m² / Max. FSR 9.8:1</p> <p><i>Note: site area of land zoned SP2 has not been included as commercial development is not permissible in the SP2 zone.</i></p> <p>The proposal provides for a gross floor area of 122,235m² which equates to an FSR of 9.8:1.</p>	Yes – subject to clause 7.10(8)
Clause 5.10 Heritage	<p>The site is located in close proximity to a number of heritage items including:</p> <p>I647 - Convict drain I650 - Parramatta Town Hall (and potential archaeological site) I653 - Warden's cottage (verger's cottage) I719 - Leigh Memorial Uniting Church I720 - Arthur Phillip High School (and potential archaeological</p>	Yes

Clause	Comment	Complies
	<p>site)</p> <p>I751 - Lancer Barracks group</p> <p>I00696 - Parramatta Railway Station</p> <p>I01805 - St John's Anglican Cathedral</p> <p>I01824 - 1st/15th Royal NSW Lancer Museum collection</p> <p>A heritage impact statement has been submitted with the application. Notably previous DAs (DA308/2016 and DA319/2016) have addressed removal of the convict drain which extends beneath part of the site. Refer to section 11.6.</p> <p>Clause 5.10(7) requires that prior to granting consent to development on an archaeological site, the consent authority must notify the Heritage Council of its intention to grant consent and take into account any response received from the Heritage Council within 28 days after the notice is sent. Whilst having the potential to contain archaeological relics the site is not defined as an archaeological site, being a place that contains one or more relics. There are no known relics on this site and as such this application is not required to be referred to the Heritage Council.</p> <p>Clause 5.10(8) requires that prior to granting consent to development on land which is an Aboriginal place of heritage significance; the consent authority must consider the effect on the heritage significance of the place and any Aboriginal object and must notify the local Aboriginal community. It must also take into account any response received from the Heritage Council within 28 days after the notice is sent. The site is not identified as an aboriginal place of heritage significance however it has Aboriginal archaeological potential. Accordingly an application for an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the <i>National Parks and Wildlife Act 1974</i> was submitted to the Office of Environment and Heritage (OEH) for the archaeological salvage and potential harm at the site. OEH issued the AHIP C0001413 on the 15.10.2015.</p> <p>All relevant Aboriginal communities were notified, and no submissions were received.</p>	<p>N/A</p> <p>Yes</p>
<p>Clause 6.1</p> <p>Acid sulphate soils</p>	<p>This clause provides that consent is required if a site is within 500 of Class 1, 2, 3 or 4 land and will lower the water table by more than 1m. If consent is required an ASSMP is required.</p> <p>The site comprises Class 5 ASS and is within 500m of Class 4 land. It is anticipated that the development will lower the water table by more than 1m therefore an ASSMP has been submitted.</p>	<p>Yes</p>
<p>Clause 6.2</p> <p>Earthworks</p>	<p>This clause provides that consent is required for earthworks and specifies the matters to be taken into account in determining whether to grant consent.</p>	<p>Yes</p>

Clause	Comment	Complies
	<p>The proposed development includes earthworks for the formation of the basement levels. Detailed geotechnical and contamination assessments have been submitted which address the potential impact of the proposed earthworks on relevant matters including surrounding development, contaminated soils, drainage and soil stability, etc. A detailed Project Management Plan has also been submitted which includes the proposed excavation methodology. Further in terms of impact on archaeology it is noted that excavation permits have previously been issued for the site in accordance with the National Parks and Wildlife Act 1974 and the Heritage Act 1977. Having regards to these reports, advice from relevant Council officers and subject to the imposition of relevant conditions of consent it is considered that the proposed earthworks will not result in any unacceptable adverse impacts.</p>	
<p>Clause 6.3 Flood Planning</p>	<p>This clause applies to land below the flood planning level and requires consideration of flood impacts. The subject site is identified as flood prone being affected by the Probable Maximum Flood level of the Parramatta River. The land is identified as having a low to medium risk of flooding.</p> <p>A flood risk assessment has been submitted with the application which identifies the recommended finished floor levels for the site and flood barrier protection at particularly locations. This includes basement driveways and stairwells and the railway concourse flood protection. Further no retail development is proposed below the flood planning level.</p> <p>The nominated matters for consideration have been assessed by the Development Engineer. A number of issues of concern have been raised however advice has been provided that subject to the imposition of recommended conditions of consent the proposal will meet Development Engineering Requirements. Refer to section 11.8 for further assessment.</p>	<p>Yes</p>
<p>Clause 6.10 Design Excellence</p>	<p>As noted above, the proposed development attracts a design excellence bonus as it is the result of a competitive design process and exhibits design excellence as certified by the majority Design Jury (refer further discussion at section 11.3.1 below).</p> <p>Having regard to this clause the total maximum GFA permissible on site is 122,236.8m² which equates to a maximum FSR of 9.8:1. The development provides for a gross floor area of 122,235m² which equates to an FSR of 9.8:1.</p>	<p>Yes</p>
<p>Clause 7.2 Floor space ratio</p>	<p>This clause provides a formula for FSR based on site area in essence allowing only sites over 1,800m² to achieve the maximum applicable FSR shown on the FSR map. The subject site has an area over 1,800m² therefore the applicable maximum FSR, before application of the design excellence bonus provided by clause 7.10 is 8:1.</p>	<p>Yes</p>

Clause	Comment	Complies
Clause 7.3 Car parking	This clause provides maximum car parking provision for City Centre. The amended proposal seeks approval for a total of 552 car parking spaces (including 460 spaces for the commercial tenant and 92 spaces for City of Parramatta Council). The maximum permissible is 1,222 based on a rate of 1 space per 100sq.m of commercial GFA. The proposed reduced provision is considered appropriate given the location of the site immediately adjacent to Parramatta Railway Station and Bus Interchange.	Yes
Clause 7.4 Sun access plane	This clause provides that council must take into account DCP sun access plane controls if it considers that a development will result in excessive overshadowing of Parramatta Square, the Lancer Barracks site and/or Jubilee Park. The proposal will not result in excessive overshadowing of Parramatta Square being located on the south side of the Square. Further it will not result in any impact on Lancer Barracks or Jubilee Park. Accordingly this clause does not apply.	N/A
Clause 7.6 Airspace Operations	This clause applies to "Area 3" and provides that approval may not be granted to development that is a 'controlled activity' under the Airports Act 1996 (C'lt) unless an approval has been issued for the controlled activity. Part of Building 6PS is within Area 3 however 6PS has a maximum height of 144.650m AHD and does not breach the Outer Horizontal Surface for Bankstown Airport. It is not therefore an controlled activity. Building 4PS does breach the OHS and is therefore a controlled activity however this clause only applies to land within Area 3.	N/A
Clause 7.7 Development on land at Church and Early Streets	This clause applies to land at 83 and 63 Church Street. The subject land is not identified as 'site 1' or 'site 2' to which this clause applies. However the Special Provisions Map – Sheet CL1_010 identifies the subject land as "Area B" and in relation to "Area B" refers to clause 7.7. This is considered to be an anomaly in the LEP.	N/A
Clause 7.8 Development on land at 160 – 182 Church Street	<p>This clause refers to the area identified as "Area 3" on the special provisions area map and provides that development consent must not be issued unless the consent authority is satisfied that the gross floor area of any resulting building will not be greater than 95,000m² and of the GFA: (a) not less than 10% will be used for common areas such as common rooms, communal gardens, corridors, foyers and recreation facilities (indoor); and (b) not less than 5% will be used for private open space.</p> <p>This provision relates primarily to the adjacent site at 8PS (formerly known as Aspire) however given boundary changes to the Parramatta Square lots, partly applies to the site of the now proposed 6PS. Legal advice has been obtained which indicates that the clause is to be interpreted as applying to any building (or</p>	Yes

Clause	Comment	Complies																				
	<p>part thereof) located on land. Accordingly as long as the building that is proposed on that part of the site shown on the map as Area 3 does not contain more than 95,000 m² of GFA it is permitted under this clause. This is the case with the proposal as 7,684m² of the GFA of 6PS is located within the area shown as 'Area 3'. Council will need to give further consideration on how to limit the total GFA within Area 3 to a maximum of 95,000m² however this is not strictly relevant to the subject application. In any event current plans for the 8PS tower show that the total GFA would remain below 95,000m².</p> <p>Further the legal advice indicates that provisions (a) and (b) are development standards which can be varied using clause 4.6. A clause 4.6 variation has been submitted as the proposal does not meet the requirements of 7.8(a) and (b). It is considered that the clause 4.6 variation is justified as the provisions relate to residential development and can be met through the development of 8PS.</p>																					
Clause 7.10 Design excellence	<p>This clause seeks to deliver the highest standard of architectural, urban and landscape design and contains provisions regarding design excellence and requirements for a competitive design process in certain circumstances. Where design excellence is achieved and a building is the winner of a design competition it allows the application of a design excellence bonus of generally 15% in relation to height or FSR in the B3 zone or in the case of non- residential development in the B4 zone 25%.</p> <p>The proposed building is the winner of a design competition (11.03.2014) however some changes have been made. To ensure that the currently proposed building is consistent with the competition winning scheme it has been referred to the reconvened Design Jury. The majority Design Jury has in its report (attached) undated confirmed that the proposal exhibits design excellence. Accordingly the proposal attracts the design excellence bonus as follows:</p> <table><tr><th>Site (m²)</th><th>Zone</th><th>Max FSR Incl. Design Excellence bonus</th><th>Allowable GFA (m²)</th></tr><tr><td>9,460</td><td>B4</td><td>10:1</td><td>94,600.00</td></tr><tr><td>3,004</td><td>B3</td><td>9.2:1</td><td>27,636.80</td></tr><tr><td>289</td><td>SP2</td><td>Nil</td><td></td></tr><tr><td></td><td></td><td></td><td>Total: 122,236.80</td></tr></table> <p>The proposal provides for a GFA of 122,236m² therefore it complies with this provision.</p>	Site (m ²)	Zone	Max FSR Incl. Design Excellence bonus	Allowable GFA (m ²)	9,460	B4	10:1	94,600.00	3,004	B3	9.2:1	27,636.80	289	SP2	Nil					Total: 122,236.80	Yes
Site (m ²)	Zone	Max FSR Incl. Design Excellence bonus	Allowable GFA (m ²)																			
9,460	B4	10:1	94,600.00																			
3,004	B3	9.2:1	27,636.80																			
289	SP2	Nil																				
			Total: 122,236.80																			

7. Draft Environmental planning instruments

There are no draft EPIs relevant to the subject application.

8. Development control plan

8.1 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 the subject proposal:

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

Compliance tables are provided below:

Table 6: 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 11.8• Groundwater impacts do not arise• Stormwater and water quality, both during and post construction can be suitably managed as advised by Council's Development Engineering section subject to the imposition of recommended conditions of consent.	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. An ASSMP has been submitted and is considered appropriate.• Salinity is not identified as a site constraint.	Yes
2.4.4 Land contamination	The site is subject to contamination. A Detailed Site Investigation and Remediation Action Plan have been submitted. These are considered appropriate and subject to conditions of consent it is considered that the site is appropriate for the proposed use (refer section 6.3 above and section 11.11).	Yes
2.4.5 Air quality	The subject site is affected by contamination and accordingly the proposed excavation and construction works have the potential to result in adverse air quality impacts. Accordingly a Project Management Plan (including construction management measures) has been submitted with the application. Further if recommended for approval appropriate standard conditions of consent would be applied to ensure that the proposed works do not result in adverse air quality impacts.	Yes

Provision	Comment	Complies
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 This provision is not applicable 	N/A
2.4.8 Public domain	This provision seeks to ensure that development has regard to and makes a positive contribution to the interface with the public domain. This matter is addressed in detail in section 11.3 below.	Yes

Table 7: DCP 2011 – Part 3, Development principles – compliance table

Provision	Comment	Complies
3.1 Preliminary building envelope	<ul style="list-style-type: none"> The proposed development complies with the LEP height control The height transition provision is not a relevant consideration given the setting and context of the site, and the prevailing LEP height controls. Notwithstanding the proposed buildings provide for the highest building in the precinct to be 8PS with the proposed buildings being lower in height than 8PS. The variance in building height also provides for visual interest in the skyline whilst at the same time as clearly land marking Parramatta Square as the centre of the Parramatta CBD. The setback provisions contained in this section are overridden by Part 4 of the DCP. 	Yes
3.2 Building elements	Form, massing and presentation are satisfactory. Refer to detailed discussion in section 11.3 below.	Yes
3.3 Environmental amenity	Landscaping in the vicinity of the buildings is to be subject to a landscape plan to be submitted for approval. The proposed treatment of Parramatta Square itself is subject to a future development application and is not included in the subject application.	Yes
3.4 Social amenity	<ul style="list-style-type: none"> Access for people with a disability is satisfactory. Refer to section 11.3.9 below The provision of public art is to be addressed by a condition Safety and security is satisfactory subject to conditions. Refer to section 11.9. 	Yes
3.5 Heritage	<ul style="list-style-type: none"> Heritage considerations have been addressed at section 11.6 below. Aboriginal and European archaeology has been addressed in previous DAs and relevant excavation permits have been issued in accordance with the <i>National Parks and Wildlife Act 1974</i> and the <i>Heritage Act 1977</i>. 	Yes
3.6 Movement and circulation	<ul style="list-style-type: none"> Car parking supply and access is satisfactory - refer to section 11.5 below. In this regard it is noted that significantly less parking than allowable is proposed given the location 	Yes

Provision	Comment	Complies
	<p>adjacent to the Parramatta Railway Station and Bus Interchange. This approach to travel demand is supported.</p> <ul style="list-style-type: none"> • Arrangements for service vehicle are satisfactory - refer to section 11.5 below. • The proposed supply of bicycle parking and end of trip facilities is considered to be satisfactory subject to conditions in relation to public facilities. 	
3.7 Residential subdivision	Not applicable	N/A

Table 8: 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 street frontage height and upper level setbacks does not apply – overridden by 4.3.3.7b below • The building depth and bulk provisions do not apply – overridden by 4.3.3.7b below • The separation between the proposed buildings is considered to be satisfactory (8-10m). The setback to the adjacent Sydney Water Building is a minimum of 6m to the building wall and 3m to the site boundary. The setback to the future 8PS is 6m to the site boundary and approximately 12m to the building. The DCP requires a minimum side setback of 6m for buildings over 54m in height. The proposal does not comply with this requirement. However, the setback to adjoining sites was considered appropriate by the majority Design Jury. • Building form and wind mitigation is addressed in detail in sections 11.3 and 11.7 below • Building exterior is satisfactory - refer to section 11.3.3 below. • No sun access planes apply to this site. 	<p>Yes / N/A</p> <p>No</p>
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 provides for a high quality link between Parramatta Station and Parramatta Square. Also the gap between the buildings aligns with the future Horwood Avenue Civic link. The proposal is consistent with the Parramatta Square Urban Design and Parking Plan which sets out the vision for a shared basement, links to the Station and public domain. • The design allows for active frontages to Darcy Street (Upper Ground Level) and Parramatta Square (Lower Ground Level) as well as along the through site link connecting the Station to the Square • The proposal provides for a new pedestrian connection directly connecting the Railway concourse level and Parramatta Square consistent with the provision 4.3.3.3c. • The proposal utilises colonnades to provide weather protection for pedestrians 	Yes

Provision	Comment	Complies
4.3.3.4 View and view corridors	<ul style="list-style-type: none"> The proposal will ensure views to St Johns Church from the east are maintained as it maintains the 40m wide east west corridor along the Square (refer detailed discussion at section 11.3 and 11.6 below). 	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 entries are clearly identifiable within the façade Barrier free access is provided to and within the buildings and will therefore meet relevant design standards for people with a disability 	Yes
4.3.3.6 Environmental management	<ul style="list-style-type: none"> The proposed levels immediately adjacent to the proposed buildings is considered to be satisfactory however a landscape plan is required to provide details of paving, tree planting etc. In this regard it is noted that the treatment of Parramatta Square itself is not proposed as part of the subject application but will be addressed via a separate DA. The proposal will target a 5 star Green Star rating – refer to sustainability under section 11.3.7. A condition of consent to this effect is considered appropriate. 	Yes
4.3.3.7b Parramatta Square	<p><u>Objectives</u></p> <ul style="list-style-type: none"> The proposal is consistent with the stated objectives for Parramatta Square including reinforcing the urban structure, reinforcing pedestrian routes, linking the Square and the Station, providing a balance of uses, activating the ground floor and public domain of the Square and providing for active uses. <p><u>Site objectives</u></p> <ul style="list-style-type: none"> The proposal is also consistent with the articulated site objectives including providing for public spaces that will cater for a variety of celebrations etc., providing a high level of pedestrian amenity, providing for buildings that overlook and activate the public space, recognising the scale of St Johns Church and protecting views to it and providing building that define the 'urban room' of Parramatta Square. C1 – the proposal provides for a width of 40m across Parramatta Square at the ground level as required. Further it complies with the 6.5 encroachment into the zone up to a height of RL31.85 however it provides for an encroachment of 9.2m into the zone above RL39.55. This matter has been considered by the reconvened Design Jury and found to be acceptable. C2 – the proposed buildings have adopted a podium height datum established by the adjacent Sydney Water building and continued this through 4PS and 6PS and this will ultimately also be extended to 8PS on the adjacent site. This will ensure a consistent approach adjacent to the public domain of Parramatta Square. C3 – The proposal will not result in any overshadowing of the area shown red ('sun box') as the buildings are located to the south of this area. C4 – the proposal will provide for the creation of a progression of spaces or squares within the greater 	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Provision	Comment	Complies
	<p>Parramatta Square defining its southern extent. The detailed design of the Square is however subject to a separate development application. The proposal is however consistent with the concept design as recently exhibited.</p> <ul style="list-style-type: none"> • C5 – The proposal will provide pedestrian connections and through site links consistent with those shown on Figures 4.3.3.7.3 and 4.3.3.7.4. Adequate natural light has not been provided to the through site link however it is considered that this matter can be addressed via a condition (refer Table 2 above). • C6 – Colonnades .are proposed to provide shade and shelter. • C7 – not applicable. <p><u>Building Form</u></p> <ul style="list-style-type: none"> • The proposal is consistent with the building form objectives. It will provide for a high quality architectural and urban design for both the buildings and the public domain. The buildings will achieve a high level of environmental performance and incorporate appropriate noise attenuation. In terms of wind appropriate measures are proposed to ensure the buildings do not adversely impact on the public space and that active areas are appropriate for the proposed use (refer section 11.3 below for further detail). • C1 – The proposed buildings will create a central public space with direct connection to the railway station. • C2 – The buildings are to be built directly to the Darcy Street frontage and the public domain. • C3 - 6 – not applicable • C7 – The proposal will not result in any overshadowing of the area shown red ('sun box') as the buildings are located to the south of this area • C8 – The development implements the relevant principles including sustainable development, safety by design and equal access. <p><u>Sustainability</u></p> <ul style="list-style-type: none"> • The proposal is generally consistent with the relevant sustainability objectives. It incorporates relevant measures to reduce heating, lighting and cooling and water sensitive urban design measures. It has also been design to reduce wind impacts and to provide pedestrian weather protection. • C1 – The proposal includes a 5 star Green Star Design target. Compliance can be addressed via condition. • C2 – Min 4.5 star base building and tenancy NABERS Energy rating can be addressed via condition. • C3 – 8 – not applicable (Note: recycled water and precinct energy infrastructure not available). Notwithstanding development should be future proofed to enable connection if it becomes available. This can be addressed via condition. <p><u>Access, Parking and Servicing</u></p> <ul style="list-style-type: none"> • The proposal is generally consistent with the relevant access, parking and servicing objectives. The new buildings will address Darcy Street (and Parramatta Square), provide limited vehicular access to the centre of the site and will ensure that Parramatta Square acts as the gateway to the 	<p>Yes/No</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>

Provision	Comment	Complies
	via condition.	
	<u>Utilities</u> <ul style="list-style-type: none"> • The proposal provides for utilities to be integrated within the buildings and the shared basement and not within the public domain as required. • C1 – Utilities are proposed to be shared between the buildings and located primarily with the basement to minimise any impact on the public domain as required • C2 - Service access points and substations have been located to minimise impacts on pedestrians, the public domain and the quality of the proposed buildings. • C3 – The buildings incorporate appropriate measures to accommodate current and future technologies subject to recommended conditions of consent. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

9. Planning Agreements

The subject application includes a draft voluntary planning agreement (VPA) in lieu of the 3% section 94A levy provided for under Parramatta City Centre Section 94A Contributions Plan. The VPA offer has an estimated value of \$11,781,430 based on an estimated cost of works of \$392,714,325 in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

The submitted letter of offer notes that the nature and extent of the provision to be made by the developer under the VPA relates to the Parramatta Square public domain works to be negotiated. The letter of intent notes that Council has recently released an enhanced concept design for the public domain which sets out the vision for a world-class public space that meets the needs of the residents, commuter and visitors to the City as well as Council's vision for a preeminent civic and ceremonial space fit for public events. The offer also notes that the VPA is to be updated to include the developments of 8PS and 3PS which are also being developed by Walker. A Draft VPA has been submitted with the application.

On the 10th October 2016 a report was presented to Council to seek endorsement to proceed with formal negotiations to enter into a VPA between Council and Walker Group Holdings Pty Ltd to provide material public benefits in lieu of Section 94A development contributions relating to this Development Application. The recommendation was as follows:

- (a) **That** Council proceed with negotiations for a Voluntary Planning Agreement (VPA) to be made in lieu of payment of Section 94A development contributions applicable to the Development Application for 4 and 6 Parramatta Square (ref DA/436/2016).
- (b) **That** Council grant delegated authority to the Interim General Manager to negotiate a VPA on behalf of Council.
- (c) **Further, that** the VPA be reported back to Council with a recommendation on whether the draft VPA should proceed to public exhibition.

Having regard to the above it is considered appropriate that a condition of consent be included regarding the proposed VPA.

10. The Regulations

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

- Clause 98 - Building works are to satisfy the Building Code of Australia.

11. The likely impacts of the development

11.1 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 appropriate and will provide appropriate site levels for the new Parramatta Square and a shared basement which will service all lots surrounding the Square and itself thus minimising potential vehicular impacts and potential pedestrian conflicts;
- Flooding constraints can be properly managed and flood mitigation measures incorporated into the design subject to further detail (condition recommended);
- 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 will provide for a high quality new commercial development on the southern side of Parramatta Square and will connect the Square to the Parramatta Railway concourse through a new high quality, activated and weather protected connection;
- Site planning provides for an activated frontage on both the Darcy Street and Parramatta Square frontages and appropriate pedestrians linkages both through and to the north and south of the buildings
- The proposed buildings will establish a new built form immediately adjacent to the Parramatta Railway Station and Bus Interchange, and Parramatta Square consistent with Council's vision for the area;;
- The scale, form and presentation of the building is acceptable as independently assessed by the majority Design Excellence Jury;
- 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 rather will provide for an integration of vehicular access and servicing requirements for the Square; and
- The values of heritage items adjoining the site, and in the wider visual catchment, are not diminished by the proposal. In particular in this regard it is noted that the proposal provides for the retention of appropriate views to St Johns Church along the 40m wide Parramatta Square corridor with encroachments into this width being above the established podium height datum of RL31.85 (6.5m encroachment) and RL39.55 (9.2m encroachment).

Having regard to the above assessment it is considered that the proposed buildings are compatible with their context and setting.

11.2 Site works

11.2.1 Excavation

Demolition does not form part of the subject application as this has previously been approved under separate development applications and is now largely complete.

Implementation of the proposal will however require excavation of the site to provide for the construction of the new 3 levels of shared basement and associated entry and exit points. This work will be undertaken following completion of archaeological excavation works similarly approved under separate DAs and in accordance with relevant excavation permits. It is however noted that a portion of the site is not covered by existing excavation permits. OEH has been consulted in relation to this area and it has advised that it is appropriate that the matter be conditioned as follows:

1. *Prior to any ground disturbance works commencing on site in this area an approval under s140 of the Heritage Act 1977 to remove historical archaeological relics in this area must first be approved by the Heritage Council of NSW or its delegate.*
2. *If test excavation within the area of the proposed basement extension between Parramatta Square Precinct 4 to the south identifies historical archaeological relics of state significance, the basement should be removed from this portion of the development as per previous agreement with the Heritage Division on behalf of the Heritage Council of NSW.*

It is agreed that this approach is acceptable and accordingly these conditions are recommended.

All waste material will be exported from site, will be classified in accordance with relevant requirements and disposed of to an authorised waste facility as required. The excavation works will be undertaken in accordance with the Project Management Plan provided and in accordance with relevant standards.

11.2.2 Utility services

The proposal provides for the extension / augmentation of all services to meet the anticipated demand loads of the development in accordance with service providers specifications. The Existing Infrastructure Services report (WS Parsons Brinckerhoff, 20.10.2016) submitted with the application considered the future development of all sites within Parramatta Square and indicates some areas of concern in this regard. In particular it notes the need for diversion of Telstra and Optus assets and the need for a new Endeavour Energy feeder. It is considered that this matter can be addressed via a condition of consent.

In terms of location of services it is generally proposed to relocate existing services in Darcy Street to the southern footpath. Council's Assets team has noted that further consultation with service providers will be required. This can similarly be addressed via a condition of consent.

11.3 Site planning and built form

11.3.1 Design Excellence

As noted above the proposed buildings have been designed by Johnson Pilton Walker, the winner of the previous design excellence competition held for the site in December 2013. In February 2015 Council wrote to NSW Government Architect seeking a waiver from the design competition requirement outlined in clause 7.10(5) of Parramatta Local Environmental Plan 2011 based on a previous amended scheme. The proposed waiver was sought on the basis that a previous design competition had been held for the site and design excellence granted. A waiver was granted subject to the use of an award winning architectural firm (equal to the field participating in the original competition) and the requirement that the competition jury be reconvened as a design review panel. The previously amended scheme was not proceeded with however in August 2015 Walker was confirmed as the developer of the site. It confirmed that it wished to continue with the original competition winning scheme architects and a two tower scheme. The Government Architect's Office then confirmed that this was considered to be a continuation of the original Design Excellence competition subject to the design being referred back to the Design Jury to ensure design excellence. The Design Competition Jury was reconvened on 13 April 2016 and 9 June 2016 to consider the revised proposal. The reconvened Jury comprised Mr Peter Poulet (NSW Government Architect), Mr Graham Jahn AM (Director City Planning, Development and Transport, City of Sydney) and Ms Kim Crestani (City Architect, City of Parramatta Council). Both Mr Peter Poulet and Mr Graham Jahn AM were members of the original Design Jury for the project.

Following consideration of the amended proposal, the Design Jury issued a majority report in November 2016 (Note: report undated) (refer attached). In summary the report provides that the majority of the Jury (Mr Peter Poulet and Ms Kim Crestani) concluded that:

the proposed design demonstrates design excellence consistent with the original competition winning scheme notwithstanding the proposed changes. It notes that the architectural design, language and materiality of the proposal are consistent with the competition scheme and reflect design excellence. It further noted that the scheme incorporates the following positive attributes:

- *High level of connectivity particularly between the Station and Parramatta Square*
- *Strong active contiguous edge to Parramatta Square*
- *Space between the buildings aligns with future Civic Link (Horwood Place)*
- *Retention of Darcy Street as a one way connecting street is preferable to the Competition Scheme treatment of Darcy Street and provides appropriate setback to railway line*
- *Good commercial floorplate which is highly sought after in the location and will meet the needs of future tenants.*

One member of the Jury, Mr Graham Jahn AM, registered a dissenting view primarily in respect of concerns regarding the encroachment of the building into the 40m set out line for the Square and potential adverse amenity impacts on the public domain (Parramatta Square) as a result of enclosure by building encroachment and wind impacts. The Jury majority noted the issues and recommended the urgent preparation of a wind and microclimate study for Parramatta Square taking into account all planned new buildings. The purpose of the study was identified as being to ensure that the Square will achieve a suitable wind environment fit for purpose.

Notwithstanding the views of Mr Jahn, the majority Jury concluded that the amended design demonstrates design excellence. As part of its decision the majority Jury identified the following caveats on design excellence:

- i. *FSR not as-of-right. The 9.2m cantilever into the square does not comply with the site specific DCP and therefore is also not as-of-right*
- ii. *Final clarification of 10m allocation of retail seating areas will need collaboration with final design of public domain proposition and layout*
- iii. *Design envelope splayed column language design, test a colonnade solution similar to east Circular Quay, and wind mitigation awnings and potential planting between both towers*
- iv. *City of Parramatta to engage animation company or architects to produce 3D animation's in colour of entire Parramatta Square project in relation to other building and the square.*

The City Architect (Ms Kim Crestani) has made the following comments in relation to the caveats above:

- i. *The FSR proposed in the design competition scheme has been reduced to comply with the relevant controls. Further design justification has been provided in relation to the 9.2m cantilever. Importantly it is noted that the additional projection beyond the 6.5m already allowed by the DCP occurs above the height of the St Johns Church spire. The 6.5 metre allowance in the DCP envisaged an underside to this projection of 18 metres. The proposal of an additional overhang of 2.7 metres is set higher as noted above- with the underside of this overhang at 30 metres.*
- ii. *Further work has been undertaken in this regard and a degree of calibration has occurred between the lower ground levels of 4 & 6PS and the public domain. This is reflected in the section below which shows that there will be a 4m publically accessible pedestrian circulation area, a 4m outdoor dining zone for paying customers and then a 2m zone also publically accessible for pedestrian access and wind mitigation as required.*



Figure 18: Proposed 4&6PS typical interface (Source: City of Parramatta)

iii. *The proposed colonnade approach has been tested and has been discounted for a number of reasons including that it may have prevented solar access into the solar protection zone. The current approach to the façade design development in the current development application is acceptable. Similarly further testing has also been undertaken of the proposed wind mitigation. A condition has been imposed to ensure further details of the wind mitigation are provided.*

iv. *Noted.*

It is also noted that a qualified wind consultant has been engaged, has reviewed the current project and will be working on the broader square as the public domain and other buildings are brought forward. A microclimate study is also underway the results of which will be incorporated into further design development.

As noted above the Design Jury gave particular consideration to the proposed building encroachment into the 40m Parramatta Square width which has increased from the design competition winning scheme. The current design provides for a 6.5m encroachment above RL32.10 (coinciding with the Sydney Water colonnade datum of RL31.85) and 9.2m above RL39.55. This matter is addressed in further detail below however as noted above the majority Jury considered that the proposed encroachment is acceptable having regard to the desire to provide larger commercial floorplates to align with tenant requirements.

It is also noted that the sites for 4PS and 6PS have been varied following the design competition given that Walker now proposes to develop the adjacent site to the west at 8PS. Walker's control over 8PS has enabled a reconsideration of building floorplates post the design competition and ultimately allowed for the boundary of 6PS to be moved 22.8m to the west into the former 8PS site (refer Figure 19 below). This change has similarly allowed the provision of larger floorplates within the development than those previously proposed in the design competition winning scheme.

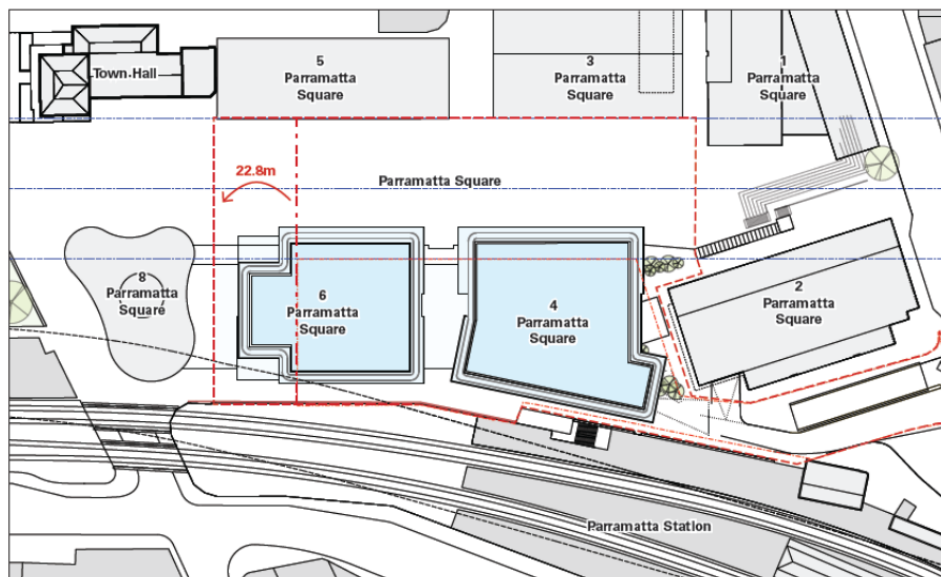


Figure 19: Site boundary change (Source: Architectural Design Report, JPW, October 2016)

Having regard to the findings of the majority Design Jury it is considered that the amended design demonstrates design excellence and therefore complies with the requirements of clause 7.10 of Parramatta LEP 2012.

11.3.2 Height, scale and setbacks

The proposed buildings 4PS and 6PS comply with the relevant height and floor space ratio controls and demonstrate a built form consistent with that which is envisaged under Parramatta LEP 2011 for the redevelopment of the Parramatta Square Precinct. The proposed buildings provide for 4PS (adjacent to the existing Sydney Water building) to be the higher building at a total of 36 storeys plus plant stepping down to 6PS to the west at 31 storeys plus plant. 6PS will ultimately be adjacent to 8PS (also being developed by Walker) which is intended to be the highest building in the precinct having a proposed height of 65 storeys above the podium plus 2 levels of plant (roof at RL249).

As noted above the proposed buildings provide for a clear width of 40m across Parramatta Square as required by Parramatta DCP 2011 at the ground level. However the DCP also provides that encroachments into this width up to 6.5m may be considered where justified by an agreed design excellence rationale. The proposal provides for an encroachment of 6.5m above RL31.85 (coinciding with the Sydney Water colonnade datum of RL31.85) and 9.2m above RL39.55 which is above the height of the St Johns Church spires (RL36.83 and RL36.77). The architectural design report argues that:

Given the strategic importance of Parramatta Square as one of the few sites that can deliver large, campus style floorplates, and add a new level of diversity to Parramatta's commercial stock, opportunities to cantilever the tower floorplates over the 40m wide zone defined by the St. John's Cathedral Church axis without compromising the public domain or the legibility of St. John's Cathedral Church spires within the Parramatta Square precinct (p.22).

The proposal increases the floorplates of the towers by lifting the towers up and cantilevering out over the Square. The architectural design report also argues that in addition to meeting market demand this allows for: better physical and visual connectivity between Darcy Street and Parramatta Square; a direct connection between the Station and Parramatta Square with views to the sky; more daylight to penetrate podium levels and to Darcy Street and retention of St John's Church as the focus for Parramatta Square. Figure 18 above illustrates the proposed arrangement.

Having regard to the findings of the majority Design Jury, it is considered that the proposed approach is appropriate notwithstanding the non-compliance with the DCP maximum 6.5m encroachment provision. It is agreed that as the 9.2m encroachment is at a height of approximately 30m above the level of the Parramatta Square the encroachment will not impact on the sense of space within the Square nor with views to St John's Church.

The proposed building siting responds appropriately to site opportunities and constraints and provides for an appropriate relationship with adjoining development. To the south the buildings are setback from the adjacent railway 3.3 (4PS) - 6m (6PS). In this regard it is noted that Sydney Trains has issued its concurrence to the proposed development subject to deferred commencement conditions of consent. It is therefore considered that Sydney Trains is of the view that the proposed setback is appropriate and will provide adequate space to allow maintenance of railway infrastructure and to ensure safety in the circumstance of a derailment. Further the setback distance is understood that have had regard to geotechnical and structural load considerations.

To the east a minimum setback of 3m is proposed to the boundary of the adjacent Sydney Water site (2PS) although it is noted that the alignment of the Sydney Water building is not perpendicular to Darcy Street (as are 4PS and 6PS) therefore the minimum setback only affects the corners of the building. The average setback is approximately 6.5m to the boundary with an average building separation of approximately 9.5m. This separation relates to the upper levels of the buildings however with the setback at the Darcy Street level being approximately 12.5m. This complies with the DCP requirement (which requires a min. 6m pedestrian link between 2PS and 4PS (Figure

4.3.3.7.3 Public Space Set Out). The Darcy Street level setback is also proposed to be covered by a glass awning primarily to ameliorate wind impacts.

Within the site the setback between the two towers is proposed to be 8m (Darcy Street end) to 10m (Parramatta Square frontage) and a separation of a minimum of 6m is provided from the boundary with 8PS to the west. This separation distance increases above Level 14 (with the exception of the core) to 18m to provide for adequate separation from future residential development within 8PS.

It is therefore considered that the height, scale and setbacks of the proposal are acceptable and generally consistent with Council's future vision for the Parramatta Square Precinct. The proposal will not result in any adverse impacts on adjacent development and is of a height suited to its location immediately adjacent to a major public transport hub. The siting of the proposed buildings is generally consistent with the Parramatta Square DCP 2011 requirement and will provide for an appropriate relationship with adjacent buildings and the public domain.

11.3.3 Built form and presentation

As illustrated by the perspectives submitted with the application, the proposal will provide a high quality built form albeit much higher than existing development in the vicinity. The form and presentation of the buildings demonstrates design excellence and is consistent with the Council's vision for the Parramatta Square precinct. The proposed buildings have been certified as representing design excellence by the reconvened majority Design Jury and are consistent with the principles established for the sites by the competition winning scheme.

The proposed materials and finishes are not indicated on the plans however the architectural design report (section 11 Materials and Finishes) identifies the intention for various components of the development. This includes a clean, simple ground plane comprising stone paving, non-slip finishes, clear glazed shopfronts etc. at the lower ground level, an extension of the Parramatta Square palette to the Darcy Street level and the incorporation of a range of materials into the building to express the core conceptual idea of the buildings as a community of high performance work spaces surrounded by a network of flexible social and circulation spaces within the podium and ground levels and throughout the towers. The external materials will include high performance glazing, a variety of mullion expressions, painted steel columns within the podium expressed with welded joints and a suite of podium materials and detailing strategies that articulate the diversity of forms and create interesting spaces to look in to and out of.

Façade treatments are illustrated in indicative form at section 9 of the Architectural Design Report. This includes examples of façade expressions and identification of facade treatments for various building components. The proposed approach is considered appropriate and will ensure a high quality built form demonstrating variety and interest while being functional. A further level of detail is however required to fully document the proposed façade treatments throughout the buildings. This matter can appropriately be dealt with by condition with the treatment to be consistent with the Architectural Design Report but to be signed off by the City Architect prior to the issue of a construction certificate.

Subject to the above it is considered that the proposal is appropriate in terms of built form and presentation.

11.3.4 Through site link

A key component of the proposal is the pedestrian connections from Darcy Street and the Parramatta Railway station to the south to the new Parramatta Square. The proposed design provides for a number of through site connections including a primary connection (9.2m in width) directly from the railway concourse to Parramatta Square at the lower ground level. An alternative connection is also provided from the concourse to the Square to the west via the retail arcade (7.2m width). These spaces are provided with natural light through voids to the upper ground level above and will remain accessible to the public 24 hours a day. A condition to this effect is proposed. As recommended by the Urban Design Architect, a further condition is also recommended to maximise natural light through increased voids and double height spaces in this area.

Pedestrian connections are also proposed from Parramatta Square through the building's central lobby area via a set of escalators to and from the Darcy Street Level. Stairs are also proposed to the east of 4PS between 4PS and the existing Sydney Water building and a further set of escalators within the retail space to the west of the 6PS core.

The proposed through site links are generally consistent with the requirements of Parramatta DCP 2011 and provide through site links that are convenient and match pedestrian desire lines. The connection between the buildings also aligns with the future Civic Place link to the north across Parramatta Square which is appropriate.

It is noted that Council's Design Excellence Advisory Panel (DEAP) raised concerns regarding the width of the primary through site link from the concourse to Parramatta Square (9m), the location of columns within the space, potential impacts on peak pedestrian flow from the station, consistency with desire lines and the need to clearly distinguish public from private space etc. (refer section 4 above).

The Transport Impact Assessment by GTA submitted with the application includes a Pedestrian Analysis, which provides an assessment of the capacity of the proposed link between the Square and the existing station concourse. The analysis uses historical survey data of pedestrians using the link between the former Council building and Sydney Water that connected Darcy Street to Macquarie/Smith Streets and combines it with anticipated demand from the new Parramatta Square buildings. The analysis concludes that all new access points in the scheme will achieve Level of Service (LOS) A. LOS is a qualitative measure of pedestrian comfort and crowding tolerance level with LOS A being the most tolerable and LOS F being the least.

An independent pedestrian assessment undertaken on behalf of Council has looked at the capacity of the main link through to the Square given the location of two columns within the space and the impact of the exit gates at the station working at capacity. The gap between the columns and the retail units is noted to be at least 6m. Utilising just this area would result in LOS B being achieved based on the GTA figures. Furthermore the columns, from a pedestrian movement perspective are capable of being navigated around without any major changes in preferred direction of travel.

Given the anticipated increasing number of commuters, the impact of the station exit gates working at capacity should be considered. Given the current split of exit and entry gates if all are being heavily utilised and half of the commuters choose to take the more direct north east link through to the Square then utilising only the 6m clear area a LOS C would be achieved at peak periods. LOS C is an acceptable standard for this location and it is advised would create a busy vibrant arcade experience.

The above however comprises a capacity analysis only. Concern has been raised by DEAP, the City Architect and Council's Urban Design team that additional work is required in conjunction with Transport for NSW to mark the entrance to the station and to ensure that a true public threshold to

Parramatta Train Station is delivered. Accordingly it is considered appropriate that a condition of consent be included to this effect. A way finding strategy should also be prepared to ensure that the public through site connections are legible and clearly identifiable as public space. A further condition to this effect is therefore also recommended.

11.3.5 Parramatta Station Interface

A key consideration in the subject application is the proposed direct connection from the development through to the Parramatta Railway Station concourse. Details plans of the proposed interface have been submitted with the application at the request of Sydney Trains.

As noted above Sydney Trains has issued its concurrence to the proposed development subject to deferred commencement conditions of consent. The conditions require the submission of further detail in relation to the rail interface for the certification / approval of Sydney Trains prior to the commencement of the consent. It is therefore considered that Sydney Trains considers that the proposed interface arrangements are generally acceptable subject to the further detail required.

11.3.6 Active edges

The proposed buildings provide a highly active edge to Parramatta Square with retail / outdoor dining at the Lower Ground Level extending the full width of the frontage along the southern edge of Parramatta Square. The Architectural Design Report includes three options for the outdoor dining interface to Parramatta Square. The final arrangement for this area would subject to further detailed design and approval. Further detail is also required in relation to wind mitigation measures, outdoor dining configuration and paving and public domain treatment. Accordingly a condition of consent to this effect is recommended.

At the Upper Ground Level the Parramatta Square frontage will also be highly active with an open terrace overlooking the Square extending the full length of the building frontages. Council's Urban Design and City Architects have raised concerns regarding this space and have recommended that the space not be designed as a public space but rather be for controlled use to mitigate any potential CPTED issues. A condition to this effect has been recommended. A retail space is also proposed at the western end providing for further activation.

The Darcy Street frontage is proposed as the commercial address to the development and will not therefore be as active at the Parramatta Square frontage primarily comprising lobby areas. Retail space is however proposed at the western end and a small kiosk is proposed at the eastern end adjacent to the Sydney Water Podium level. This is considered acceptable.

The relationship between 6PS and the future 8PS to the west is yet to be resolved however with a temporary wall proposed on the boundary. Given that Walker is also developing the adjacent site it is considered that this can be resolved as part of 8PS.

It is therefore considered that the proposal incorporates appropriate measures to ensure active edges given the site location.

11.3.7 Sustainability

The proposed development is being designed to meet BCA energy efficiency requirements through the Deemed –to-satisfy or Alternative Solutions Approach provisions in the BCA. The National Construction Code (NCC) Building Code of Australia (BCA) section J sets minimum energy performance requirements of all new development and which covers building fabric and glazing thermal performance, air-conditioning, ventilation, lighting, power and hot water.

Further development within Parramatta Square is required to achieve a minimum 5 Green Star Rating under the Green Building Council of Australia. The Ecologically Sustainable Development

Report submitted with the application includes sustainability measures that would result in a development that achieves a minimum 5 Star Green Star rating under the new Design and As Built V1 tool introduced in October 2014 instead of the Office V3 rating. This rating equates to 'Australian Excellence' in sustainable design. Further Parramatta DCP 2011 requires a 4.5 star National Australian Built Environment Rating System (NABERS) Energy rated building. The ESD report also notes that the proposed building is aiming for a 5 star NABERS Energy Base building rating representing 'excellent' performance.

Council's consultant has reviewed the proposed sustainability measures and has advised that the proposed sustainability measures are generally reasonable when considered against the DCP and LEP requirements. The applicant has however raised issues in relation to proposed conditions of consent which merely seek to enforce sustainability measures volunteered as part of the application. It is considered that as these measures were proposed as part of the application the recommended conditions are reasonable and will ensure that the proposal meets a high level of sustainability. Subject to recommended conditions of consent it is considered that the proposal is acceptable in terms of sustainability.

11.3.8 Landscape treatment

The proposal does not include a landscape plan as the detailed Parramatta Square public domain is subject to a future development application. In terms of the immediate curtilage of the buildings it is considered that generally the proposed levels are acceptable however a landscape plan is required as no detail has been provided. Council's Tree and Landscape Office has recommended a condition of consent requiring a landscape plan for Council approval. The plan is to provide details of landscape planting on lower and upper ground floors, streetscape treatment on Darcy Street, footpath treatment on Darcy Street, paving treatment for the thru-site walkways and outdoor dining zone along the Parramatta Square frontage and the proposed 'Green Awning' on Level 01 & 02. Subject to this requirement it is considered that the landscape treatment will be appropriate.

11.3.9 Accessibility

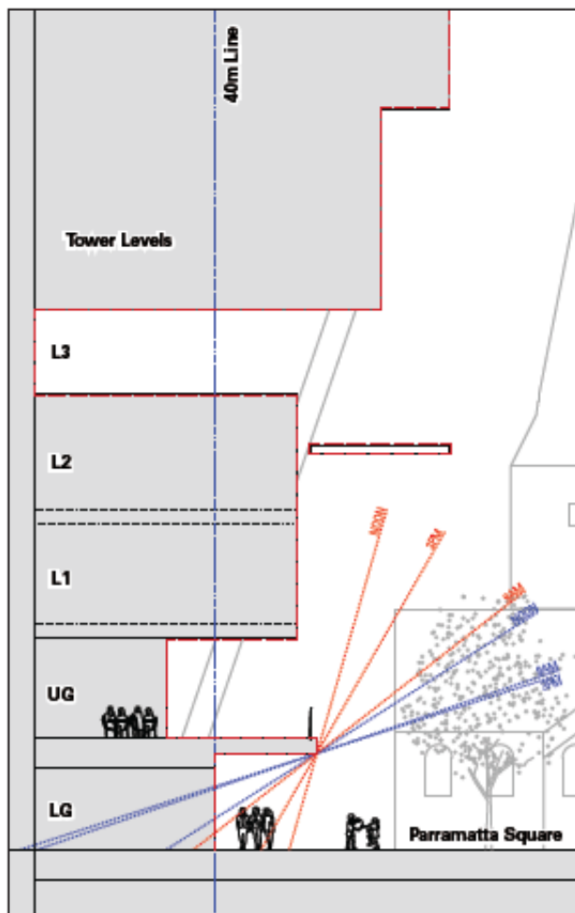
An accessibility report has been submitted with the application and has been reviewed by Council's independent access consultant who has advised that the report submitted provides a comprehensive report suitable for the development application. The referral notes that the report relies on significant detail being provided at the construction certificate stages. Whilst it raises some issues it concludes that the development has the ability to meet the requirements of the DDA, BCA 2015 including Parts D3, E3, F2 and the appropriate elements of Australian Standards for people with disability including AS/NZ 2890.6-2009, AS1428.1 Amendment 1, AS/NZ1428.4.1 2009 and elements of Australian Standards for people with disability. An appropriate condition of consent is recommended.

Accordingly it is considered that the proposal is acceptable in terms of accessibility subject to the imposition of standard conditions of consent.

11.3.10 Solar access

The proposed buildings are located to the south of Parramatta Square therefore they will not result in any adverse impact to the Square in terms of solar access and sunlight penetration. Shadow diagrams submitted with the application indicate that shadows cast by the proposed buildings will largely fall within the shadows of existing buildings and will not affect any significant public space.

In terms of solar access to the proposed outdoor seating areas on the northern face of the building, it is noted that the proposed building awnings have been designed to accommodate the prevailing sun angles providing for shade in summer and sun penetration in winter (refer Figure 20 below). This is considered appropriate.



Sun angles

Blue: Mid Winter - June 21

Red: Mid Summer - December 21

Figure 20: Sun angles (Source: p.55, Architectural Design Report, JPW, October 2016)

11.4 Subdivision and easements

The application does not seek approval for subdivision. Any future application to subdivide including stratum subdivision of the basement would be the subject of a future development application. Issues to be addressed by way of easements and/or rights of way are:

- 24 hour public pedestrian access from the Railway Station concourse to Parramatta Square;
- Sharing of the common basement driveways by the various development sites and the Council owned car park, and
- Access from Council's car park via the lifts in 4PS & Public lift at 6PS & escalators.

11.5 Access, parking and traffic

The proposal provides for the construction of a new shared basement with access off Smith / Darcy Streets and Macquarie Street (via 3PS) and the reconstruction of Darcy Street including raising the level of Darcy Street by some 4m. The application has been considered by an independent traffic consultant as well as by Council's traffic engineers.

11.5.1 Operational impacts

Following an initial review of the application the consultant provided the following advice:

- 1. The GTA traffic report has adopted traffic generation rates of 0.6 and 0.85 trips per parking space in the AM and PM peak periods based on the RMS TDT 2013/04a and their own surveys. These traffic generation rates are considered reasonable given the proximity of the site to the Parramatta Bus Rail Interchange.*
- 2. The traffic report estimates that the proposed development could generate 559 vph and 413 vph during the AM and PM peak periods respectively. The total traffic generation potential of all Parramatta Square sites is estimated at 902 vph and 681 vph for the AM/PM peaks respectively.*
- 3. The SIDRA traffic modelling in the traffic report assesses the Smith Street/Darcy Street and Church Street/Darcy Street intersections assuming a nett increase in peak hour traffic flows of 704 vph/581 vph in the AM/PM peaks respectively. This is more than would be generated by 4 and 6 PS, but less than would be generated by all PS sites.*
- 4. The traffic report does not provide any modelling of any intersections in Macquarie Street where the third driveway serving PS is to be located. Assuming that the traffic modelling was undertaken for all PS sites, the nett increase in traffic volumes not accounted for in the modelling is likely to have been assigned to the driveway proposed in Macquarie Street. This needs to be confirmed.*
- 5. Our review of intersection geometry and truck turning paths provided in Appendix B of the traffic report indicates that large 12.5m long HRV rigid trucks will mount the kerb when turning left from Darcy Street into Station Street.*

Having regard to this assessment additional information on a range of matters was requested from the applicant. This information was submitted and an updated assessment was provided on 24 October 2016. This advice continued to identify a number of areas of concern including issues with the public parking layout, loading arrangements and modelling for the intersection of Macquarie Street and Smith Streets.

In relation to the modelling for the intersection of Macquarie and Smith Streets the independent planner was provided with the 2013 traffic report by Traffix which was prepared as part of early Parramatta Square reporting on traffic impacts. Having reviewed this analysis the consultant is satisfied with the modelling done to date and notes that there will be very little change in the operational performance of the intersection. He concludes that the Traffix and GTA report both indicate that there will be very little change in the traffic volumes using this intersection, and the SIDRA results are consistent with that.

Council's Service Manager Traffic and Transport has advised that the remaining matters relating to public parking layout and loading arrangements can be addressed via conditions of consent. Appropriate conditions of consent have therefore been recommended. The consultant has advised that subject to the imposition of standard conditions of consent he is satisfied with the proposed arrangements.

11.5.2 Construction Impacts

In terms of construction traffic impact, Council's independent traffic consultant provided advice on construction impacts having regard to the submitted construction traffic overview which forms an appendix to the submitted project management plan. The consultant has concluded as follows:

The results of the SIDRA Capacity Analysis undertaken by GTA are considered to be satisfactory, noting that in practice construction vehicle traffic will be more dispersed throughout

the CBD road network because access to the construction site will be also available via Darcy Street (south east) and Church Street (south west).

The report raises some concerns regarding proposed truck layover areas however notes that this is a matter of detail for Council to determine. It also notes that the temporary construction impact assessment submitted provides a detailed assessment of bus and pedestrian diversions required for the closure of Darcy Street. This also confirms that additional vehicular access points for construction traffic will be available for 4&6PS via Darcy Street and Church Street. The advice notes that pedestrians are to be diverted around the work site in Darcy Street to the southern entrance of the station of Smith Street. Fruin modelling indicates that an acceptable Level of Service will be maintained albeit via a longer walking path.

In summary the independent traffic consultant has indicated that the proposal is satisfactory in terms of construction impacts subject to standard conditions of consent.

11.5.3 Detailed matters

In addition to review of the broad traffic issues arising from the proposal by an independent traffic consultant, Council's traffic section has also provided the following comments on matters of detail:

- In regards to the Darcy Street design there have been modifications during design development to achieve a satisfactory result for bus operations to provide appropriate grades and a pick up/set down on the railway side of the street. The current concept design is considered satisfactory but the development of the detailed design for items such as the pedestrian crossing, bike racks, the location of northern boundary alignment, and parking restrictions will require further liaison with Council and will be required to come back to Council for final approval.*
- End of trip facilities for active transport is excellent for the tenants of the buildings. There is a need for a Council operated facility in the shared basement. An area needs to be provided in the basement that Council could then use to install and fit out the public end of trip facilities. Council would fund this work. This area is to be provided at the eastern end of the shared basement. The developer shall prepare a design for Council to Council's satisfaction for the shared facility to accommodate 20 bicycle parking spaces and associated facilities [32 lockers, showers (2 for male 2 for female), toilets (2 male 2 female) and washbasins (1 male 1 female)].*
- The parking module to the north of the roundabout on basement 1 is intended be a short stay pick up/set down for Parramatta Square and the interchange. Further design development is required but extensive changes are not required i.e. no columns are impacted. It is intended that this module will be one-way westbound, one of the parking spaces would be relocated, the entry would be on the north-eastern departure side of the roundabout. This design will need to be to Council's satisfaction.*
- Bike rails will be required in Darcy Street and Parramatta Square. These will be included in the detailed design to Council's satisfaction. Note: adequate bicycle parking is proposed in the private car park to cater for the occupier of the building.*
- Car share is not required in the private car park because the occupier of the building would have a car pool arrangement. The public car park will be managed by Council and spaces will be available for carshare companies at commercial parking rates.*
- The shared car park and access ramps require an Operational Plan of Management to be provided to Council's satisfaction. A similar loading dock management plan for 4 and 6 PS is also required.*
- Pedestrian access from the Parramatta Railway Station western concourse to Parramatta Square should be open 24 hours per day, seven days a week. CCTV should be made available to authorities to Council's satisfaction.*

- *Prior to any occupation certificate being issued the vehicle access to the 4 & 6 PS basement must be constructed to the boundary of 3PS. Furthermore, pedestrian access, a minimum 3m wide is to be provided from the eastern railway concourse to the southern boundary with 1 PS at the western end of this site.*
- *Prior to any occupation certificate being issued that a pedestrian access, a minimum 3m wide be provided along Darcy Street from the railway station to the eastern boundary of the 8PS site (at the Darcy Street level).*
- *Requirements for the construction phase of the development have been set out in the conditions of consent.*

Conditions of consent reflecting the above comments, as well as standard conditions of consent, have been recommended and are included.

11.5.4 Parking supply

Clause 7.3 of Parramatta LEP 2011 prescribes a maximum parking supply rate for various uses within the city centre consistent with the plan aim: “(d) to *improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling*”. Based upon the proposed gross floor area (GFA) the proposed buildings generate a maximum parking requirement of 1,222 spaces. The amended proposal seeks approval for a total of 552 car parking spaces based on a rate of 1 space per 100sq.m of commercial GFA (including 460 spaces for the commercial tenants and 92 spaces for City of Parramatta Council). This is considered appropriate given the location of the site immediately adjacent to Parramatta Railway Station and Bus Interchange.

Having regard to the above, recommended conditions of consent and further information to be provided for approval, it is considered that the proposed development is acceptable in terms of traffic, parking and access arrangements and will not result in any adverse impacts.

11.6 Heritage

The proposed development is located in close proximity to a number of heritage items including:

- I647 - Convict drain
- I650 - Parramatta Town Hall (and potential archaeological site)
- I653 - Warden's cottage (verger's cottage)
- I719 - Leigh Memorial Uniting Church
- I720 - Arthur Phillip High School (and potential archaeological site)
- I751 - Lancer Barracks group
- I00696 - Parramatta Railway Station
- I01805 - St John's Anglican Cathedral
- I01824 - 1st/15th Royal NSW Lancer Museum collection

A heritage impact statement has therefore been submitted with the application. Notably previous DAs (DA308/2016 and DA319/2016) have addressed removal of the convict drain which extends beneath part of the site.

Council's heritage specialist has provided advice dated 21 October 2016 as follows:

Further to review of the available documents and site inspection,

The site of proposed development is not of heritage interest in its own right, however, it is in the vicinity of a number of listed items and in the area of High archaeological potential where any potentially found relics may be of State level of significance.

The design appears to adequately respond to the sensitive context, and to not impact on any significant views.

The level of proposed excavation is such that I would deem the application to be prescribed DA under the NSW Heritage Act 1977, i.e. to require approval under that Act.

Note that in case of any inconsistency in assessment under EPA Act (Local council) and the Heritage Act (NSW OEH), in heritage matters the assessment under the Heritage Act will prevail to the extent of the inconsistency (refer to NSW Heritage Act, Clause 68 - Consistency of approvals: "An approval given by a consent authority to a prescribed application is, to the extent of any inconsistency with the Heritage Council's determination of the application, void.")

Subject to the above, I have no objections to this proposal from heritage perspective.

Having regard to the above advice it is considered that the proposed development is acceptable from a heritage perspective. Whilst the proposal will be able to be seen from Old Government House which forms part of the World Heritage Listed cultural property known as Australian Convict Sites, it is not located within the Park Edge (Highly Sensitive Area) as defined in the DCP 2011 and in accordance with the Conservation Agreement, referral under the EPBC Act is not required. Further the building does not intrude on any of the protected views to or from Old Government House as detailed in the DCP.

The building will be seen as a backdrop to historic buildings or within their view sheds however it is considered that it is sufficiently separated from these such that it will not result in any adverse impacts. The design appears to adequately respond to the sensitive context and does not impact on any significant views.

In relation to excavation, as identified above, it is noted that excavation of the site (and the broader Parramatta Square) is already underway following the issue of relevant s140 and AHIP permits by the Office of Environment and Heritage. Further OEH has recommended conditions of consent in relation to a small part of the site not already covered by an excavation permit (refer section 11.2.1 above). OEH has also confirmed that the Convict Drain that runs through Parramatta Square is not a relic.

It is also noted that as part of the Sydney Trains concurrence requirements, a heritage impact statement will be required to assess the impact of the proposed development on the adjacent Parramatta Railway Station. This is considered appropriate although it is not anticipated that any adverse impact would result.

Having regard to the above, and the findings of the heritage impact statement submitted with the application, it is considered that the proposal is acceptable and will not give rise to any adverse heritage impacts.

11.7 Wind impacts

The wind environment adjacent to the proposed buildings and within the proposed Parramatta Square is a significant issue for the proposed development. It was raised by the Design Jury as a matter which required detailed consideration in the assessment of the subject application.

A number of wind reports have been prepared for the site and reviewed by Council's independent wind expert. Parramatta Square is highly susceptible to east west winds and ensuring that the Square provides a wind environment that is suitable for the proposed use has proven to be challenging. Whilst the design of the Square itself is ongoing, and not subject to the current development application, the below consideration focuses on the impact of the proposed 4PS and

6PS buildings both on the immediate wind environment surrounding the buildings and the broader Square and environs.

In summary Council's wind consultant has provided advice as follows:

- The wind climate is complex, as it comes from all directions, with prevailing winds from west and south-east quadrants.
- The orientation of the Square is open to the west with a row of tall buildings that channels the flow through the Square.
- Buildings 4PS and 6PS overall do not make the conditions significantly worse, but this is a combination of the huge reduction in winds from the south close to the buildings (due to the large buildings shielding the Square) and the increase in winds from the west (that are channelled between the larger buildings).
- The mitigation proposed is sufficient for locations close to 4PS and 6PS, but not for the remainder of the Square.
- Any ground level openings/through site links between the south building on the site are expected to be windy due to pressure driven flow (Flow around buildings generates a pressure distribution. The windward side will have a more positive pressure than the leeward side. Flow will go from the high pressure region to the low pressure region, hence there is likely to be significant flow through any open link. This flow can be faster than the approach flow.)
- The wind conditions around the Sydney Water building are already compromised. Between the Sydney Water building and 4PS and 6PS, the wind conditions do not appear to get any worse due to the relatively close proximity of the buildings.
- Trees can be used to ameliorate comfort issues, but should not be used if there are safety concerns. Palm trees are essentially useless in mitigating winds, and appropriate vegetation needs a dense evergreen crown.

Having regard to the above advice it is considered that the wind impact of the proposed buildings is acceptable and that the proposed mitigation measures (which include awnings and screens) will result in appropriate wind conditions immediately adjacent to the buildings ensuring that in particular the proposed area of outdoor seating will meet the intended use, subject to the implementation of wind mitigation measures.

In terms of Parramatta Square itself, the consultant has concluded that the proposed buildings do not make the wind environment within the Square any worse than it would be without the buildings (i.e. suitable for pedestrian walking rather than sitting), but further work will be required to ensure an appropriate wind environment within the Square itself. This matter can be further addressed in the future development application for the detailed design of Parramatta Square. In addition the consultant has recommended appropriate conditions of consent. Subject to the imposition of these conditions, it is therefore concluded that the proposed development is acceptable in terms of wind impacts.

11.8 Water management and civil works

The proposed flooding and stormwater management arrangements have been the subject of significant discussion and negotiation post DA lodgement. Additional information was sought from the applicant and amendments have been made to the design particular in respect of flooding management, levels and stormwater management. The following is a summary of advice provided by Council's Development Engineer in relation to the project.

The infrastructure, flood and rainwater management measures that support the development will almost all be newly designed and constructed. They are closely integrated with the design of Parramatta Square, Darcy Street and buildings within and adjoining the precinct. The infrastructure and public domain planning for the Square and the precinct is advancing quickly in conjunction with the DA. Consequently from an infrastructure viewpoint the DA may be seen as a concept DA

demonstrating viability which requires working details to be developed prior to construction in tandem with those for the Square and elsewhere.

A range of development engineering matters have been raised regarding the project post DA lodgement, the majority of which have been resolved to concept level in the current DA concept designs or are capable of being resolved through a process of further detailing subject to approval by Council's Service Manager DTSU prior to Construction Certificates or Council Construction Approvals. Alternatively this may be done through a deferred commencement mechanism if preferred.

Extensive consent conditions have been recommended to address the matters outlined in further detail below in addition to standard matters.

11.8.1 Flooding from rain or river water

The proposed development is required to manage flooding from rain or river water around and within the site to prevent nuisance, hazards and risks associated with major flooding. Major stormwater flows are required to be adequately managed and controlled provision made for public safety with flood emergency measures, refuge in place and safe egress/emergency access.

To address this matter the applicant wrote to Council on 04.11.2016 as follows:

"The Flood Planning Level (FPL) for habitable areas within the new buildings is the 100 year ARI overland flow level in Macquarie Street plus 500 mm freeboard. Where possible FFLs for habitable areas within each building have been set at or above the relevant FPL (10.9 m AHD for 4PS and 6PS). This is illustrated in Appendix E of the Civil Infrastructure Report.

Several retail tenancies on the lower ground floor of 4PS adopt FFLs that are below the FPL. These tenancies are accessed from the pedestrian area near the entry to the railway concourse, which has a surface level of 10.45m AHD. Raising the FFL for these tenancies to the FPL would result in the addition of steps at points of entry, which will restrict fitout flexibility as well as DDA access to certain locations.

These tenancies are still protected from flooding to the FPL given a solid pavement threshold has been incorporated along the building line to prevent water from entering this area.

These tenancies are also above the Q100 flood level in Macquarie Street.

The referenced sketch is attached showing proposed finished floor levels for the lower ground level and retail areas which are below the FPL (highlighted in purple).

Additional flood gates will also be installed between the retail areas to provide protection to the Parramatta River PMF".

Council's development engineer has advised that this is acceptable subject to recommended conditions of consent.

11.8.2 Rainwater and stormwater general

As well as managing flooding, the development will be required to use the rainfall as a resource where possible, including to support the landscape. Permanent measures are also to be provided to ensure satisfactory water quality. Relevant conditions of consent to this effect have been recommended.

11.8.3 Public domain design

The proposal is required to provide adequately for public domain areas in and around the site, including footways, roads, accessways, drainage, associated landscape and WSUD design and

utility services. Maintenance access by Council is also required to be addressed. Relevant conditions of consent to this effect have been recommended.

11.8.4 Darcy Street levels and design

The Application proposes to raise the level of Darcy Street by up to about 4m and it would then fall rapidly at about 16% grade to the lights at Church Street. Darcy Street is a bus route and accordingly the proposed design creates design detail problems at the sides and beneath this raised roadway and a steep drop for vehicles (buses) to a highly pedestrianised area of Church Street. The design also creates steep stormwater pipe gradients and the need to relocate services. This matter is a civil engineering concern and may in turn impact on other aspects of the development design and access.

Council's Assets team also expressed concern about construction of Darcy Street at the higher level, partly on a reinforced concrete slab, the risk of differential settlement, provision of sufficient space for services and future access to them.

In response to this issue the Applicant has advised as follows:

"BG&E structural drawings show the extent of the proposed retention wall beneath Darcy Street and the corridor available for future services between the retention wall and the boundary. Relevant drawings are attached which show widths of the highlighted corridor at key locations. Generally this corridor will be backfilled with compacted material with a footpath above (with the exception of the railway concourse connection between 4PS and Sydney Water). Maintenance requirements for any services along this corridor can be incorporated into the design of the overlying footpath slab.

Measures to prevent differential settlement of Darcy Street will also be accommodated into the design. For instance, areas of Darcy Street pavement to the south of the retention wall may incorporate a slab-on-ground below the pavement with a dowel joint to the structural slab.

Furthermore we confirm that only limited services will be reticulated back through Darcy Street. We provide a brief summary of Darcy St existing services status below:

- 1. Jemena have confirmed no gas provision is required to be reinstated back into Darcy St*
- 2. Telstra is being redirected out of Darcy Street, only requirement to allow provision of spare conduits*
- 3. Optus has been re-directed out of Darcy Street*
- 4. Water services to be reinstated in Darcy Street*
- 5. Street lighting / power to be re-instated*
- 6. Storm water to be re-instated at new Darcy St RL's"*

Council's senior development engineer has advised that this approach is acceptable subject to detailed conditions of consent. It is also noted that Transport for NSW has required a redesign of Darcy Street to meet bus requirements.

Broadly in relation to water management and civil works, Council's senior development engineer has advised that the proposal is acceptable subject to the imposition of conditions of consent as recommended including deferred commencement conditions and non-standard conditions requiring the submission of significant additional detail for Council's approval prior to the release of the construction certificate. Specifically additional information is to be required for approval in respect of:

- Stormwater/rainwater captured by buildings - rainwater harvesting and use
- Stormwater WSUD and design
- On Site Detention
- An updated Flood Management Plan
- Public Domain – Stormwater Drainage

- Road and Civil Works, and
- Construction phase management plan

Subject to the recommended conditions of consent it is considered that the proposal is acceptable in terms of water management as advised by Council's Senior Development Engineer.

11.9 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.

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

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

- Ensuring that all external and relevant internal areas of the development are well lit to the relevant Australian Standards. Lighting is particularly important at all access and entry points including lifts and stairwells, pedestrian pathways and car parking areas.
- The installation of CCTV cameras at entry both public and carpark entrances, access and egress points to areas within the development is recommended, including at access areas to car parks, building lobbies and lift areas, as well as the perimeter of the buildings.
- signage to show separation of public and private areas, and assist with legibility of the site given its mixed use nature.
- landscaping to deter malicious damage, provide amenity and show ownership of all elements of the site; lighting to deter opportunistic crime and provide safety for tenants and pedestrians at all times.
- active surveillance through the use of CCTV cameras at access points to the development and areas that are unlikely to receive passive surveillance, with particular focus on Darcy St and
- activation of open spaces to encourage resident community activity.

These matters are to be addressed by conditions.

11.10 Social and economic impacts

The proposal will not result in any adverse social or economic impacts rather it will provide significant social and economic benefits to Parramatta including through the creation of additional employment and investment (both during construction and ongoing), through the provision of a significant community benefit in the proposed through site connection and through works to create the future Parramatta Square. These are also consistent with Council's vision for the area and will assist Council to achieve its objective of establishing Parramatta as 'Australia's next great city'.

It is also noted that Council's Social Outcomes team has recommended a condition of consent requiring the preparation of a specific community engagement plan (using appropriately qualified community engagement experts) to cover the period of construction which considers the impacts of the development on key stakeholders. The plan is to reflect and consider the larger Parramatta Square development impacts and the relationship between those and the proposed development and identified measures to mitigate adverse impacts. A suitable condition is recommended.

11.11 Contamination and Acid Sulfate Soils

The subject land, and the broader Parramatta Square Precinct including sites 2, 3, 5 and 4 & 6 PS, is known to be contaminated. As such a Detailed Site Investigation Report (JBS&G, 27.05.2015) has been prepared as well as a Remediation Action Plan (JBS&G, 20.10.2015) and submitted with the application.

Contamination on site comprises fill material impacted with lead and asbestos. Given the level of excavation proposed for the basement the proposed remediation strategy is off-site disposal. The RAP identifies the remediation scope of works and requirements for validation and contingency. It concludes that subject to the measures outlined in the report and the recommendations, the site can be made suitable for the intended uses and that the risks posed by contamination can be managed in such a way as to be adequately protective of human health and the environment during and following the works.

Council's Environment and Public Health Team has reviewed submitted documentation and has provided advice that the reports are satisfactory in their scope and detail and adequately address contamination concerns for the proposed development and specific remediation. Their advice concludes that the proposal satisfies the requirements of Council's controls and can be supported, subject to standard conditions of consent, provided that after completion of remediation works, a Validation Report, prepared by an appropriately qualified and experienced environmental consultant is submitted to Council. The report is to comply with the NSW EPA 'Guidelines for Consultants Reporting on Contaminated Sites 2000', is to confirm that the required remediation work has been completed and that the site is suitable for the proposed land use. Accordingly standard conditions of consent have been recommended.

The site is also affected by Class 5 acid sulphate soils and is within 500m of Class 4 land. Given that the development will lower the water table by more than 1m an Acid Sulphate Soils Management Plan (ASSMP) has been submitted. A condition of consent is recommended to require implementation. It is therefore considered that the proposal is acceptable in terms of acid sulphate soils.

11.12 Waste management

11.12.1 Construction phase

This matter has been addressed in the Project Management Plan submitted with the application however a detailed Construction Waste Management Plan will be required as a condition of consent to ensure adequate waste management during construction.

11.12.2 Operation phase

Dedicated space for the storage and collection of waste is provided in the Basement Level B1. Waste servicing arrangements appear to be appropriate however it is noted that the operational waste management plan submitted with the application (Elephant's Foot, 30.6.2016) appears to refer to a previous iteration of the basement plan. Accordingly it is considered appropriate that an updated waste management plan be required for approval as a condition of consent.

11.13 Construction Impacts and Management

A project management plan has been submitted with the application which details the proposed development and construction methodology, traffic and pedestrian management, design procedures, project management plan and project programme.

It is however proposed that a detailed Construction Management Plan be required as a condition of consent for approval by Council prior to the issue of the construction certificate subject to detailed requirements outlined elsewhere in this report. It is considered that subject to the implementation of the approved CMP and standard conditions of consent the proposal will not give rise to any unacceptable construction impacts.

12. Site suitability

Subject to the conditions provided within the recommendation to this report the site is suitable for the proposed 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.

13. Submissions

The application was notified consistent with Appendix 5 of DCP 2011. Two submissions were received. Both submissions were followed up with supplementary submissions which reiterated concerns or raised additional issues. The issues raised in submissions are outlined in the table below:

Table 9: Summary of issues raised in submissions

	Issue	Response
1.	Concerns regarding provision of access to 181 Church Street	Issue not directly related to proposed development rather broader issue for consideration by Council in redevelopment of Parramatta Square. A proposal to allow for appropriate access to this property has been agreed through the Traffic Committee and the Council. There will be ongoing consultation with the owners in this regard.
2.	Tree removal in Church Street Mall	As above – not relevant to subject application
3.	Church Street Mall paving and width of Mall	As above – not relevant to subject application
4.	Church Street Mall security lighting	As above – not relevant to subject application
5.	Sun reflection from proposed Aspire Building and impact on 181 Church Street	As above – not relevant to subject application
6.	Inaccuracies in calculation of FSR	Agreed – applicant was advised and amended proposal submitted which corrected the FSR calculations
7.	Proposal seeks to incrementally increase the GFA through use of Clause 4.6 variation over and above design excellence bonus	Agree – applicant was advised that it is not possible to use clause 4.6 to vary the maximum FSR over and above that permissible utilising the design excellence bonus. The proposal was subsequently amended and now complies with the maximum FSR incorporating the design excellence bonus.

	Issue	Response
8.	Development represents an overdevelopment of the site resulting in adverse impacts on the public domain	This issue is addressed in detail at section 11.3 above. In summary it is considered that the proposal is acceptable and will not result in an adverse impact on the public domain.
9.	Development does not adequately assess traffic impacts within the communal basement and in particular potential impacts on vehicular access to approved 1PS basement	<p>Council's traffic engineers have provided the following response to this issue:</p> <p><i>It is proposed that an Operational Plan of Management (OPM) should be developed for the basement car park to address all known issues and remain live to address issues as they arise with the development of Parramatta Square.</i></p> <p><i>Insufficient information regarding the requirements of light rail is available at this time to include consideration of it into the development of the traffic operation of Parramatta Square. As light rail develops, the impact of the light rail on the Parramatta Square will be considered and the light rail project will address the issues at that time.</i></p> <p><i>The current plans are consistent with previous iterations of the basement plans. Traffic volumes in the basement can be expected to be generally tidal with entry in the morning and exit in the evening. The times and loading will vary for different parts of the development.</i></p> <p><i>The morning peak on the ramp from Macquarie Street will generally be inbound and any traffic with PS1 as a destination for traffic approaching from Macquarie Street will be able to make an unimpeded left turn into the parking area. The right turn will be impeded by approaching traffic. However, the operation of the traffic signals at Smith Street and Macquarie Road and the flow of pedestrians on Macquarie Street will provide gaps for vehicles to turn right into the parking area.</i></p> <p><i>The evening peak on the ramp from Macquarie Street will generally be outbound. This will require the traffic from PS1 turning right to Macquarie Street to give way before leaving the car park. Some gaps in the traffic stream may occur because of the operation of the security booms in the other parking areas. If these gaps are insufficient, then a left turn and then a U-turn at the roundabout would be one solution.</i></p> <p><i>The OPM could consider the possibility of providing internal traffic signals at this ramp junction should the U-turn option above become unworkable for some reason.</i></p> <p><i>On the basis that there are reasonable opportunities to achieve satisfactory access, the undertaking of further traffic modelling is not considered necessary.</i></p>

	Issue	Response
10.	The operational management of the communal basement and the implications on the entrance to the 1PS basement not considered	As outlined above, a condition of consent will be included requiring the preparation of an operational management plan for the shared basement.
11.	Any approval should include the requirement to soundproof the windows of properties in 181 Church Street which face Church Street Mall and Parramatta Square.	This is not directly relevant to this application, however, it will need to be addressed as part of 8PS which is located directly opposite this property.

Having regard to the above it is considered that issues raised in the submissions are either not relevant to the subject application, have been resolved post exhibition or can readily be addressed via conditions of consent.

14. 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.

15. Parramatta City Centre S94A development contributions plan

As the cost of works exceeds \$250,000 a 3% contribution would generally be required based on the cost of works under the Parramatta City Centre S94A Development Contributions Plan. However in accordance with the Project Development Agreement Walker has indicated its intention to enter into a voluntary planning agreement in accordance with section 93F of the Environmental Planning and Assessment Act 1979 in lieu of a section 94A contribution. Notwithstanding it is considered that to provide certainty a condition of consent should be included requiring the payment of a Section 94A contribution in accordance with the Parramatta City Centre S94A Development Contributions Plan in the event that agreement is not reached on a VPA.

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

That the Joint Regional Planning Panel as the consent authority grant a **deferred commencement** consent to Development Application No. DA/436/2016 for the construction of two commercial buildings (32 and 27 storeys respectively) above a 4 storey podium and 3 basements levels below ground at 4 - 6 Parramatta Square (12 - 38 Darcy Street, 14A and 21R Darcy Street, 160 – 162 Church Street, 119Z Macquarie Street and 1A Civic Place, Parramatta).

Upon strict compliance with the conditions appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, the deferred commencement consent shall become operational, inclusive of all conditions appearing in Schedule 2, pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979.