



Parramatta City Council

File No: DA/730/2016

S79C ASSESSMENT REPORT Environmental Planning & Assessment Act 1979

SUMMARY

DA No: 2016SYW162 (Council Ref: DA/730/2016)

Property: Lot 511 DP 866023, 5-7 Parkes Street, PARRAMATTA NSW 2150

Proposal: Demolition of existing structures and construction of a 24 storey mixed use development containing 173 residential apartments and ground floor retail and commercial area, four levels of basement car parking and associated subdivision for road dedication. The proposed development is identified as Nominated Integrated Development for the purposes of the Roads Act 1993 and the Water Management Act 2000. The determining authority for the subject application is the Sydney West Central Planning Panel.

Date of receipt: 9 August 2016

Applicant: Dyldam Developments Pty Ltd

Owner: Parkmeng Pty Ltd

Is the property known to be owned by a Council employee or Councillor? No

Political donations/gifts disclosed: None disclosed on the application form

Submissions received: **First notification:** three (3) with one confidential submission.
Second notification: two (2) with one confidential submission.

Recommendation: Approval

Report author: Stan Fitzroy-Mendis

Legislative requirements

Zoning: B4 Mixed use Parramatta LEP 2011

Additional Legislation: Roads Act 1993 and the Water Management Act 2000

Other relevant Environmental Planning Instruments (EPIs)	BASIX SEPP, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 33, SEPP 55, SEPP 65 and Apartment Design Guide
PCC Planning Controls & Policy	Section 94A Contributions Plan, Parramatta Development Control Plan 2011, Policy for the handling of unclear, insufficient and amended development applications
Aboriginal Heritage Study -	Low Sensitivity
Acid sulphate soils 2011	Class 5
Additional Local Provisions	City Centre PLEP2011
B4 Mixed Use	B4 Mixed Use PLEP2011
Controls City Centre	Jubilee Park
FLOOD PRONE	Yes
Maximum Building Height 72 metres	Maximum Building Height 72 metres
Maximum Floor Space Ratio 6.5:1	Maximum Floor Space Ratio 6.5:1
Parramatta Development Control Plan 2011	Parramatta Development Control Plan 2011
Parramatta History Archaeological Landscape Man Study	Archaeological Landscape Man Study
Parramatta Local Environmental Plan 2011	Parramatta Local Environmental Plan 2011
Planning Proposal	LRA Amendment Add LRA LEP2007
Planning Proposal LRA	B4 Zone LEP2007
Planning Proposal LRA	Amendment General Condition
Planning Proposal LRA	Amendment SP2 Zone B LEP2007
Section 94A	City Centre 2007
SEPP (Urban Renewal) 2010	Strategic Bus Corridor (SP2) Reservation
Integrated development	Yes

Designated development	No
Crown development	No
Delegation	SWCPP
Relevant site history	Approval has previously been granted on 13 April 2012 for the construction of a five (5) storey mixed use commercial/residential building. This building comprises ground floor commercial tenancies and 56 residential dwellings with a maximum height of 18 metres and an FSR of 2.86:1 (DA/948/2010).

EXECUTIVE SUMMARY

Approval is sought for demolition of existing structures and construction of a 24 storey mixed use development containing 173 residential apartments and ground floor retail and commercial area, four levels of basement car parking and associated subdivision for road dedication. The proposed development is identified as Nominated Integrated Development for the purposes of the Roads Act 1993 and the Water Management Act 2000. The zoning for the site is B4 Mixed Use under Parramatta Local Environmental Plan 2011. The proposal is permissible as a mixed use development comprising commercial and residential uses as shop top housing.

With a Capital Investment Value of \$52,072,106 the application requires determination by the Sydney West Central Planning Panel as the capital investment value exceeds \$20 million.

A Planning Proposal increasing the FSR and height of the site has been approved by the NSW Department of Planning and reflected in amendments to Parramatta LEP 2011. A Voluntary Planning Agreement has also been entered into and endorsed by Council for the dedication of land adjoining Jubilee Park, embellishment works to the park, and the dedication of a two bedroom affordable housing unit with car space to Council.

The proposal has also been subject to a Design Excellence Jury assessment process both prior to submission and again when amendments were required by Council during the assessment of this DA. The proposal complies with the FSR development standard for the site. Achieving design excellence allowed an extra 15% increase in the maximum height development standard.

The application was advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties for 28 days between 1/9/16 and 3/10/16 and received three submissions. Issues raised included solar access, height, setbacks, land use compatibility, impacts on trees, and the size of floor plates.

During the course of assessment amended plans were received addressing flooding, tree retention, car parking configuration, façade changes, setbacks, equitable access, solar access, landscaping, and amended elevations. No additional height was sought.

The amended plans and documents were renotified for 28 days between 9/3/17 and 10/4/17 and received two submissions. Issues raised include land use compatibility, solar access, height, southern setback, floor plate, and future development potential of an adjoining site.

There is a departure in the rear setback control which is discussed in the body of the report.

The site is suitable for the proposed development, has satisfactory impacts on its surroundings, and is in the public interest. This report recommends that the application be approved subject to standard conditions of consent.

REASON FOR REFERRAL TO SWCPP

The proposed development has a Capital Investment Value of \$52,072,106. The application requires determination by the Sydney West Central Planning Panel as the capital investment value exceeds \$20 million.

BACKGROUND

The DA before Council is the result of recent amendments to the LEP height and FSR development standards, Design Excellence Competition and voluntary planning agreement (VPA).

RZ/2/2014 - Planning Proposal

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

- Increasing the maximum FSR of the site from 4:1 to 6.5:1 (7.475 with design excellence); and
- Increasing the maximum height from 18m to 72m (24 storeys) which then allowed a 15% increase in height to 76m if design excellence is achieved;

The planning proposal amending the Parramatta City Centre LEP 2007 increasing the maximum floor space ratio from 4:1 to 6.5:1 and to increase the maximum building height from 18m to 72m (24 storeys) was endorsed by Council and forwarded for Gateway determination by the Department of Planning and Environment in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

At the time Council granted delegated authority to the CEO to negotiate the VPA on behalf of Council. During this time the Council proceeded with negotiations for a VPA with the landowner in relation to the planning proposal.

The negotiated outcome of the VPA was reported to Council for consideration prior to its public exhibition with the planning proposal.

Council then advised the NSW Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this planning proposal as authorised by Council on 26 November 2012.

Further, the Council authorised the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.

Amendment 10 to Parramatta LEP 2011 consolidating Parramatta City Centre LEP 2007 and Parramatta LEP 2011, came into effect on 18 December 2015. Therefore, whilst the subject planning proposal was introduced under Parramatta City Centre LEP 2007 it was finalised under Parramatta LEP 2011.

VOLUNTARY PLANNING AGREEMENT

Council on 22 September 2014 endorsed the CEO to proceed with VPA negotiations on behalf of Council with the landowner of the subject site. Council also resolved that the outcome of the negotiations be reported back to Council prior to its public exhibition.

The final VPA offer was made on 10 July 2015 and provided for the following public domain embellishments in the vicinity of the site:

- Land dedication to allow for road widening of the Parkes Street frontage of the site;
- Land dedication of a 3m strip on the eastern boundary of the site adjoining Jubilee Park to allow for embellishment of the Park;
- Embellishment works, estimated at \$150,000, for land to be dedicated and on the edge of Jubilee Park. The embellishment works provides for high quality landscaping and public domain elements, including sandstone walls, lighting, furniture, high-quality paving and public art. The detailed design for the embellishments were subject to the concurrence of Council's Open Space and Natural Resources Unit and the outcome of a design competition for the building;
- Provision of a two-bedroom affordable housing dwelling and car parking space, valued at \$750,000. This includes the estimated cost fit out of the unit of \$92,285. In addition, a dishwasher, washer and dryer are required for this dwelling.

The embellishment works for land to be dedicated and on the edge of Jubilee Park and the construction and fit out of the affordable housing unit would be undertaken by the proponent prior to the issue of a final occupation certificate for development on the subject site. While the unit would be dedicated to Council, the ongoing management of the unit including the tenant application and management would be undertaken by an approved community housing provider engaged by Council. The proposed embellishment works and the construction of affordable housing unit are the subject of this Development Application.

This VPA offer is in addition to the Section 94A contributions applicable to the proposed future development. The offer was reported to Council at the 27 July 2015 Council Meeting where Council resolved the following:

(a) That Council endorse the matters for inclusion in a draft Voluntary Planning Agreement (VPA) as detailed in this report, in relation to a planning proposal to increase the maximum floor space ratio and maximum building height for the site.

(b) That the draft VPA be publicly exhibited concurrently with the planning proposal, in accordance with Council's Planning Agreements Policy.

(c) That the outcomes of the public exhibition of the draft VPA be reported back to Council.

(d) Further, that delegated authority be given to the CEO of Council to prepare the draft VPA on behalf of Council.

The VPA was the subject of lengthy negotiation and was exhibited concurrently with the planning proposal.

GATEWAY DETERMINATION

A Gateway Determination was issued by the Department of Planning and Environment on 27 November 2014. The Gateway Determination authorised the Planning Proposal to proceed with conditions, including a requirement to consult with a number of government agencies.

DESIGN COMPETITION

As part of the approved process for evolving the development concept for the site a design competition was held on 12 October 2015 by Council's Land Use team. A perspective view of the winning design scheme is shown in Figure 1.



Figure 1: Rendered elevation of the proposal as viewed from Parkes Street. Jubilee Park is to the left.

The jury's comments on this scheme were:

This proposal is comprised of slender tower forms capped by open coloured frames, creating a silhouetted skyline, particularity when viewed from a distance. It addresses the park with slender proportioned balconies in the lower levels and fine display columns with pointed tops in the terrace pergolas.

The winning scheme was also designed to comply with the sun access plane shown in Figure 4.3.3.1.14 Sun Access Plane Diagram - Jubilee Park of Parramatta DCP 2011. Mid-

winter shadow diagrams have been prepared for this scheme and are discussed in the body of the report. The scheme will also inform detailed plans for the embellishment of the edge of Jubilee Park as provided for in the VPA.

The Planning Proposal and draft VPA were exhibited concurrently from Wednesday, 18 November 2015 to Tuesday, 5 January 2016. Public notice of the exhibition was published in the Parramatta Advertiser on 18 November 2015. Exhibition material was placed on Council's website, at the Parramatta Central Library and Council's Administration Building.

The Planning Proposal exhibition material included:

- The Planning Proposal and relevant appendices (including the Urban Design Study, Flood Risk Assessment Report and Traffic Impact Assessment Report) Gateway determination; and
- Council report and minutes from 22 September 2014 Council Meeting relating to Item 7.16.

The draft Voluntary Planning Agreement exhibition material included:

- Draft Voluntary Planning Agreement;
- Explanatory Note; and
- Council report and minutes from 27 July 2015 Council Meeting relating to Item 7.9.

Approximately 1200 notification letters of the exhibition were sent to surrounding landowners for the area generally between the Railway Line, Valentine Avenue, Fitzwilliam Street, Church Street and Marion Street.

As instructed by the Gateway determination, Council consulted with the following government agencies:

- Office of Environment and Heritage;
- Transport for NSW - Roads and Maritime Services;
- Transport for NSW - Sydney Trains;
- Transport for NSW;
- NSW State Emergency Service;
- Sydney Water;
- Endeavour Energy; and
- Telstra.

Regarding the RMS submission, during assessment of a Development Application for a 5 storey mixed use development on the site (DA/948/2010) advice was received from the NSW Land and Property Management Authority that the public transport corridor as envisaged in SREP 18 had been successfully delivered and was now operational and there were no longer any plans to acquire any portion of the subject parcel. Subsequently, the Development Application received consent in April 2012 without making provision for the public transport corridor reservation for part of the site.

The public transport corridor reservation had implications for the winning scheme of the design competition held in October 2015 as the proposed building is partially located over the reservation. The issue of whether any part of the site is required for a bus corridor was resolved by consultation with the RMS at the Development Application stage.

After considering the submissions, received no change was made to the publically exhibited Planning Proposal.

On 23 December, Council resolved to review its policy on Voluntary Planning Agreements. The resolution states in part:

(b) That while the review of the Policy is being undertaken, all VPAs associated with development proposals in the CBD, should seek to deliver public benefit contributions for the River Foreshore Strategy and associated projects, Council's major improvement projects, upgrades and delivery of new public domain and open spaces in the CBD, with a preference for River Foreshore Strategy projects.

The subject VPA for 5 - 7 Parkes Street partly accords with Council's resolution to the extent that it provides for the upgrade and embellishment of Jubilee Park. As the matter was endorsed by Council (27 July 2015) negotiated and placed on public exhibition prior to the Council providing the direction for VPAs on 23 December 2015 Council endorsed the VPA despite the variation from Council's position of 23 December. At the time Council did not consider it fair to the applicant to require amendment to (and re-exhibition of) the VPA in this case to ensure compliance with Council's latest position.

Amendments to Height and FSR development standards for the site

Parramatta LEP 2011 (Amendment No. 17) was gazetted on 11 July 2016. The Amendment is for 5 – 7 Parkes Street, Parramatta and includes the following changes:

- Increases the maximum height from 18m to 72m (24 storeys).
- Increases the maximum floor space ratio from 4:1 to 6.5:1.

Planning Comment: The newly gazetted height and FRS controls are the subject of this assessment as detailed in the assessment below.

SECTION 79C EVALUATION

PERMISSIBILITY

The site is zoned B4 Mixed Use under the provisions of LEP2011. The proposed development is defined as a mixed use development comprising commercial and residential uses as shop top housing. All of these land uses are permissible subject to development consent under Parramatta Local Environmental Plan 2011.

PROJECT DESCRIPTION:

Approval is sought for demolition of all structures on site and the construction of a six (6) to twenty four (24) storey mixed use development comprising:

- Four levels of basement car parking;
- five(5) retail/commercial units at ground level;
- ground level communal open space; and
- 173 residential dwellings comprising 57 x 1 bedroom dwellings, 108x 2 bedroom dwellings, and 8 x 3 bedroom dwellings.

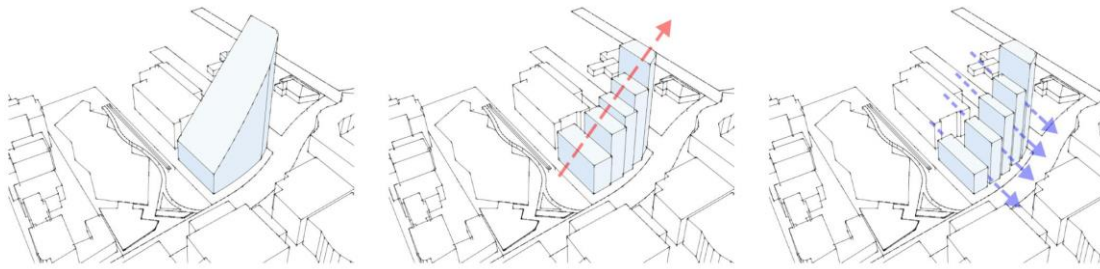


Figure 2: Scaling and design context for the winning Design Excellence Competition design showing a building designed to minimise overshadowing to Jubilee Park.



Figure 3: Photomontage of the proposal as viewed from Jubilee Park.

Design Excellence

The proposal is subject to a Planning Proposal increasing the maximum floor space ratio from 4:1 to 6.5:1 and the maximum building height from 18m to 72m. Pursuant to Clause 7.10(8) of the Parramatta local Environmental Plan 2011 (PLEP), the consent authority may grant development consent to a new building exceeding the maximum building height and the maximum FSR by up to 15% if it is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence.

A Design Excellence Competition was held for the site and the winning design has achieved Design Excellence by letter issued by Council on 12 November, 2015.

In order to ensure that design excellence is maintained for the DA submission, the application was reviewed by the Jury when the DA was lodged. Their comments on the DA submission are as follows:

Jury recommendation	Jury comment on DA submission
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1. The windows shown in the southern elevation in the tower walls 3m from the boundary and the eastern façade adjoining the southern boundary, are supported in principle, but require reconsideration to avoid future visual privacy issues to neighbouring developments, and to avoid impacts on internal apartment planning and useability. Methods include using frosted glass (as proposed at the presentation, which is preferred), and masonry recesses, or a combination, to visually articulate the walls and assist in a reading of the building in-the-round, while allowing future neighbouring buildings particularly at the lower levels to be built against the boundary.	Complies. Uses frosted glass.
2. The ground floor residential lobbies require more generous dimensions and window openings to the public domain where possible.	Continuous wide lobby provided from Anderson Street to Jubilee Park.
3. East facing apartments maximise the view to the park from living areas, while providing, on upper level terraces at least the minimum amount of communal open space required by the ADG.	Upper level communal open space provided.
Inclusion of internal community space(s) opening onto the external terraces in at least one location. Rooms of this type can be used by residents for gatherings, children's parties etc. and are considered a valuable social asset in a development of this scale.	A communal open space area and kitchenette are provided on one upper level terrace on level 15.
5. The connection between the ground level terraces and the park to the east needs to be improved and the practicality of the recessed grill and consequent under croft. The jury does not support the raised set back ground floor address to the park. A stepped interface, with increased depth to external terracing and reduced internal retail is considered a more appropriate response to this important park frontage.	
6. A landscaped podium roof to the southern courtyard should be provided.	Complies. Landscaped podium provided.
7. Pre-cast concrete be considered the preferred façade construction method, to achieve the proposed splayed concrete forms and sharp edges.	Complies. Precast concrete provided.
8. Aluminium cladding accentuate selected vertical blades.	Complies. Aluminium cladding provided.
9. The DA submission include key cross sections, partial plans and partial elevations through external walls, balconies, pergolas and other key external details	Complies. Sections provided.

Amended Plans

During the course of assessment and after the first notification period amended plans and information were submitted to address the following:

- Façade changes;
- A revised arts plan;
- Tree retention;
- building setbacks;
- Equitable access.

- Revised stormwater, water treatment, and flood mitigation information including changes to floor levels to accommodate the new flood levels;
- Revised shadow diagrams;
- Amended public domain plans;
- Amended landscape plans;
- Amended basement car parking configuration;
- Amended elevations showing further modulation on some facades and a reduction in the height and scale of the architectural roof features;

No change to the overall height occurred in the amended plans.

Design Excellence Competition relationship to the DA under assessment

As described in the background section, the Design Competition discussed above for 5-7 Parkes Street, Parramatta was held on 12 October 2015 (LA/152/2015). The competing architects were selected by the proponent Dyldam and the winning architects were Tony Caro Architects/Aleksander Design Group/Order Architects.

The winning mixed-use proposal was deemed by the jury to have achieved design excellence, and in accordance with the Director General's Design Excellence Guidelines, and Clause 7.10 of PLEP an increase of up to 15% in Floor Space Ratio is allowed to be incorporated into the DA submission to be lodged with Council.

Amended plans

- Council requested amended plans during assessment to address the following:

These plans were also assessed by the Design Excellence Jury to ensure that design excellence was achieved. The amended plans were assessed and the design Jury made the following comments on the amended plans:

City of Parramatta has received an amended DA design for this site following the Design Excellence Competition and the original submission of the DA. The DA design amendment is in response to correspondence received from the City of Parramatta and the Sydney West Planning Panel in relation to public submissions on the DA. The applicants presented the amended design to the Design Jury on 8th February 2017, and the Design Jury comments are:

1.0 Flooding

Following the Design Competition, Council flood engineers requested that the ground floor be raised further to meet potential future flooding requirements. In response to this request, the architect has raised the ground floor level while maintaining the overall building height below the solar access plane to Jubilee Park. The architect explained that the visibility of the steel mesh screen between the ground and the ground level floor slab would be minimised, by recessing the steel mesh screen. It is the Jury's view that the ground floor design would be improved in terms of minimising level changes for pedestrians and minimising the visibility of the undercroft space, if the ground floor level height was minimised. The Jury recommends that Council's flooding engineers set the lowest possible height to meet future flooding requirements.

Planning Comment: Council's Stormwater and Flood Engineer is satisfied subject recommended standard conditions of consent.

2.0 Building setbacks from the southern side boundary

This is an Issue that has arisen due to the City of Parramatta requiring the retention of existing fig trees on the adjoining property to the south. Also, the Sydney West Planning Panel requested a rationale for side boundary setbacks based on the SEPP 65 Apartment Design Guide. The Design Jury considered this Issue In relation to:

- *Land use zoning;*
- *The retention of the existing fig trees;*
- *Upper level setbacks from the southern side boundary;*
- *Safety and access;*
- *Communal open space;*
- *The design of ground level facades.*

2.1 land Use Zoning

The Holiday Inn site is currently zoned B5 Business Development. City of Parramatta has confirmed that the site will be zoned B3 Commercial Core In the future zoning of the site following the CBD Planning Proposal. Residential uses are prohibited in both of these zones. The SEPP 65 Apartment Design Guide does not contain recommendations for building separation distances between residential and commercial development.

2.2 Retention of existing fig trees

Council requires that the existing fig trees on the Holiday Inn site are to be retained. This requirement has resulted in the original DA design being amended to set back the south-eastern corner of the building further from the southern boundary. The proposed setback is In the Basement levels, Ground Floor and Levels 1-6 and has resulted in a reduction of floor area on these levels. The design is an acceptable outcome to retain the trees.

2.3 Upper level setbacks from the southern side boundary

The proposed upper level setbacks are acceptable in relation to the existing Holiday Inn building, as the Holiday Inn is a hotel with a blank end wall set back substantially from the side boundary, and there are no Issues of privacy resulting from the proposed setback.

The applicant's architect has prepared an indicative design for the re-development of the Holiday Inn site should residential development be permitted on the site sometime in the future. The indicative design retains the fig trees and allows for north-facing windows to habitable rooms in the future residential on the Holiday Inn site. These windows would comply with the SEPP 65 ADG, as the proposed building separations are 19.5m and 20.5m between windows to habitable and non-habitable rooms. The separation between windows to habitable rooms would be 25m.

The Holiday Inn site is a large site and there are a range of possible layouts that could be proposed in the future, all of which would comply with the ADG. The proposed building setbacks and window design on the 5-7 Parkes Street site are acceptable In terms of building setback from the southern boundary and building separation.

2.4 Safety and access

The public domain of Jubilee Park must be separated from the communal open space of the 5-7 Parkes Street development, in the S-E corner. A fence is to be located in close proximity to the eastern boundary, allowing for the provision of the public footpath in the 3m setback area. A boundary fence is necessary between 5-7 Parkes Street and the Holiday Inn site. It

would be preferable that a new fence replaces the existing fence, and that the applicant approaches the owners to the Holiday Inn site to resolve this.

The design of the front fence to the park and the side fence, is to be of a high quality, that is integrated into the new development, complementing its materials and colours. It is recommended that the landscape architect and architect work together to create a high quality fence design that addresses Jubilee Park and the adjoining neighbour.

Planning Comment: Amended plans were submitted in response to the Design Excellence Jury request improving the landscape configuration of this area. These included a sight line and twelve (12) new window openings on the south-eastern corner of the site. The large plate window opening in the retail tenancy in particular provides a high degree of passive surveillance to the landscaped area beyond. The landscape configuration facilitates a through site link in the future.

2.5 Communal open space

The communal open space that is created near the 5-E corner of the site should be well landscaped and accessible from the proposed building. It is recommended that windows from Retail 05 look onto the space and the fig trees, for the benefit of the retail and also to provide overlooking of the communal open space for safety. The landscape design of this space should be designed to allow for a possible through site link on the Holiday Inn site in the future.

2.5 The design of ground level facades

The ground level facades of this proposal along the southern boundary will be highly visible from the public domain, as the existing Holiday Inn building is set back substantially from the side boundary. Also, any future development on the Holiday Inn site will need to be set back due to the existence of the fig trees. It would be desirable that a through site link from Anderson Street to Jubilee Park is created in any future development of the Holiday Inn site. The ground level facades of 5-7 Parkes Street should therefore be designed with window openings where possible and with visual interest, through the use of high quality materials and the creation of patterns that complement the proposed upper tower level. The loading bay area and ramp should have either windows with frosted glass or materials and patterns that complements the levels above. The Retail 05 should have window openings onto the communal open space.

Planning Comment: Amended plans were submitted showing the revised window openings and a landscape element which could form part of a future through site link. The window opening proportions and spacing complement the proposed upper tower level. A condition is recommended requiring frosted glass for all the windows on the ground floor south – east elevation, excluding the retail tenancy, so that passive surveillance at ground level can be maintained to the landscaped area between the two sites.

3.0 Conclusion

The Design Jury recommends that the proposed design amendments be approved subject to the detailed design recommendations above being approved by the City of Parramatta as part of the Development Application approval.

Planning Comment: The Design Excellence Jury reviewed the amendments requested by Council during assessment. In particular the jury were satisfied with the course of amendments and remain of the view that the amended building achieves Design Excellence. The amended plans and documents were renotified and are the subject of this report.

The amended plans and information were renotified in accordance with PDCP 2011. The amended plans and information are the subject of this report.

SITE & SURROUNDS

The site is described at Lot 511 in DP 866023 and is known as 5-7 Parkes Street, Parramatta. It is located on the south-eastern corner of the intersection of Parkes and Anderson Streets and has an area of 2,016sqm and is irregularly shaped. The site is currently vacant.

The site is located on the edge of the Auto-Alley Precinct and the south eastern edge of the Parramatta CBD. It is surrounded by retail, commercial and residential developments and open space areas.

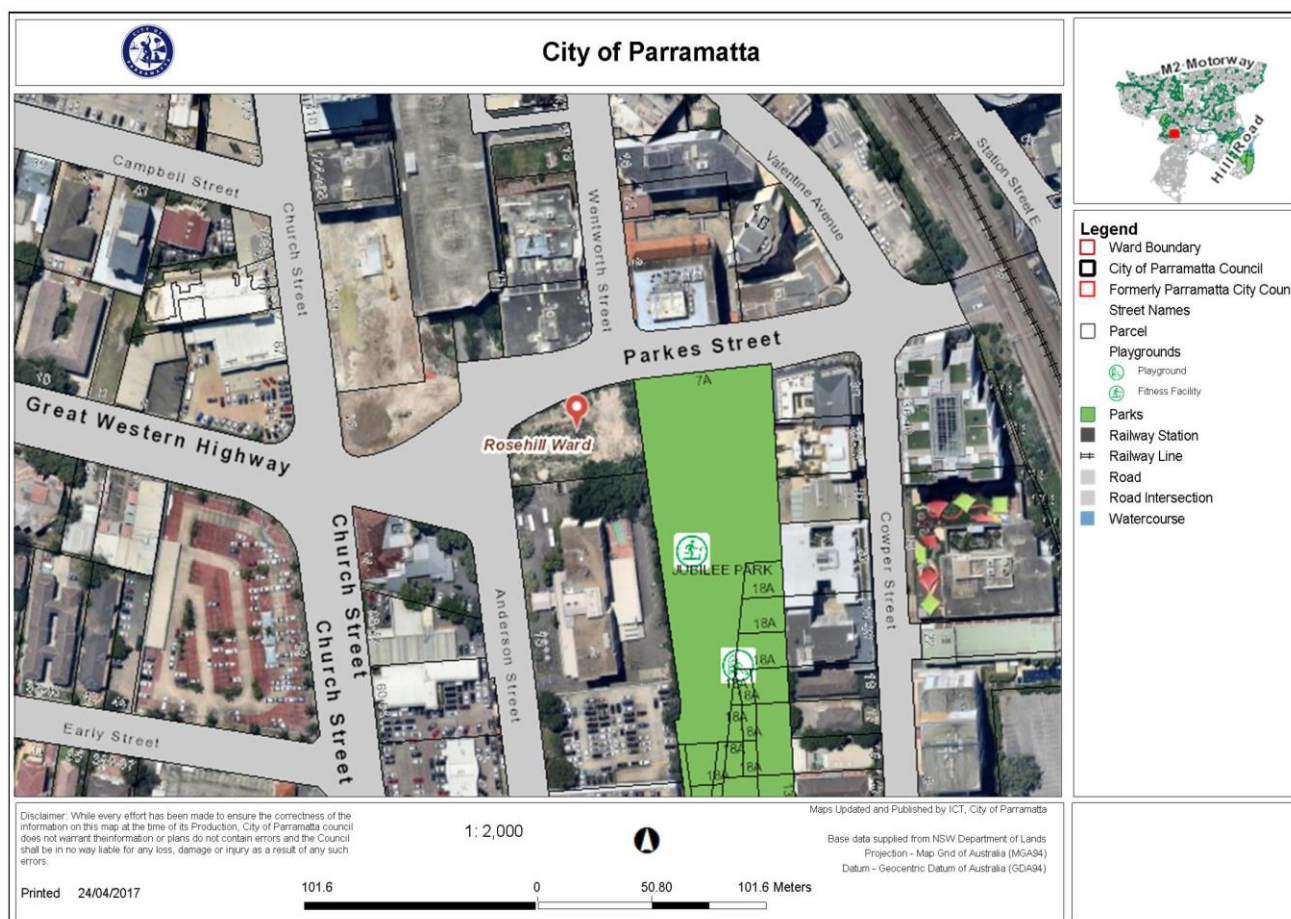


Figure 4: The site marked in red outline and the shaded area is the development area.

Site Boundaries

Boundary	Frontage	Dimension
North	Parkes Street	54.5m
East	Anderson Street	17.9m
South	Rear (Holiday Inn) site	59.07m

West	Jubilee Park side boundary	37.5m
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Adjoining Development:

North	Beyond Parkes Street to the north are commercial buildings approximately seven (7) commercial storeys in height, a two storey warehouse style building, and thirteen (13) storey commercial building to the north east;
South	To the south is a seven storey multi storey building providing hotel accommodation. This building is known as the Holiday Inn;
East	Adjoining the site to the east is Jubilee Park. Beyond this is a multi-storey mixed use commercial and residential building.
West	To the west beyond Anderson Street is a two storey pub fronting Parkes Street and Great Western Highway;

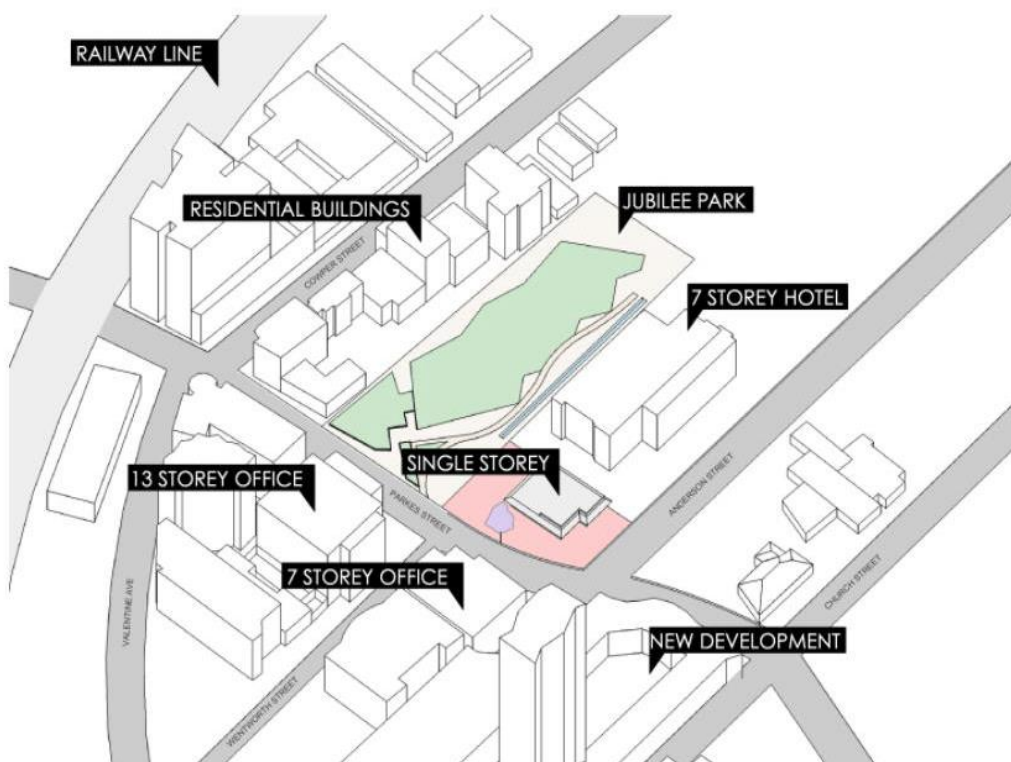


Figure 5: Isometric diagram showing the site context.

Until recently the site was affected by a SP2 Strategic Bus Corridor which traversed part of the site fronting Parkes Street (see figure below). This corridor was no longer required by Roads and Maritime and removed by LEP amendment adopted by Council on 10 April, 2017.



Figure 6: Roads and Maritime Services (RMS) diagram showing the SP2 Strategic Bus Corridor affeaction on the site applicable at the time of lodgement. The RMS constraint was removed by Council through an LEP amendment in agreement with the RMS during the course of assessment and no longer applies to the site.

The nearest waterway is approximately 110m south east of the subject site, being Clay Cliff Creek. Amended stormwater management and levels plans were submitted during the course of assessment addressing stormwater and flood management. This is discussed further below.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

Summary

The site is not identified in Council's records as being contaminated however a historical analysis and site inspection of the development site reveals it was used for residential purposes since at least 1920 until 1957. Council owned a portion of the north-western

corner of the site between 1966 and 1973 and a strip of land on the eastern boundary from 1964 and 1990. During this time three residential dwellings were demolished and a building erected on the eastern portion of the site. This building accommodated a building used as a restaurant. A preliminary Site Investigation Report was required and a report dated August 2007 by Douglas Partners, Phase 1 Contamination Assessment was submitted to Council.

Council's Environmental Health (Contamination) Officer found the report satisfactory and following special condition recommended:

Soil excavated from the site shall be classified in accordance with the EPA Waste Classification Guidelines prior to disposal.

Reason: To ensure appropriate management and disposal of excavated material.

Assessment

An assessment of the application has been undertaken on the basis of Clause 7(1), 7(2) and 7(3) of SEPP 55 and the Managing Land Contamination Planning Guidelines 1998 for assessing potential contamination of a site. The following is a checklist for the evaluation:

- Is the planning authority aware of any previous investigations about contamination on the land? What were the results including any previous evaluations?

Planning Comment: Council records show no evidence in previous investigations for contamination of the land the subject of this application.

- Do existing records of the planning authority show that an activity listed in Table 1 has ever been approved on the subject land? (The use of records held by other authorities or libraries are not required for an initial evaluation).

Planning Comment: Council and applicant records show that no uses identified in the table below that may result in contamination were present on the site.

Acid/alkali, plant and formulation	Landfill sites
Agricultural/horticultural activities	Metal treatment
Airports	Mining and extractive industries
Asbestos production and disposal	Oil production and storage
Chemicals manufacture and formulation	Paint formulation and manufacture
Defence works	Pesticide manufacture and formulation
Drum re-conditioning works	Power stations
Dry cleaning establishments	Railway yards
Electrical manufacturing (transformers)	Service stations
Electroplating and heat treatment premises	Sheep and cattle dips
Engine works	Smelting and refining
Explosives industry	Tanning and associated trades
Gas works	Waste storage and treatment
Iron and steel works	Wood preservation

Table 1: Some Activities that may cause contamination

- Was the subject land at any time zoned for industrial, agricultural or defence purposes?

Planning Comment: The current zoning for the site is zoned B4 Mixed Use under Parramatta Local Environmental Plan 2011. Council's records show that the site was used for residential purposes prior to being used for a restaurant.

- Is the subject land currently used for an activity listed in Table 1 above?

Planning Comment: Council records and a site inspection reveal that the land is not currently used for a purpose identified at Table 1 above.

- To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation any activity listed in Table 1?

Planning Comment: No.

- Are there any land use restrictions on the subject land relating to possible contamination such as notices issued by the EPA or other regulatory authority?

Planning Comment: No.

- Does a site inspection conducted by the planning authority suggest that the site may have been associated with any activities listed in Table 1?

Planning Comment: A number of site inspections were undertaken during the course of assessment. No activities in Table 1 were identified.

- Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject land which would affect the subject land?

Planning Comment: No. The adjoining sites are currently being used for high density residential development.

- Has the applicant for development consent carried out the investigation required by subclause 7(2) of SEPP 55 and provided a report on it to the consent authority.

Planning Comment: Yes.

Summary: In view of the above evaluation, and considering the requirements of SEPP55 and the Managing Land Contamination Planning Guidelines 1998, a Stage 1 Preliminary Assessment was submitted and assessed by Council's Environmental Health Officer. Subject to standard and special conditions, the site is suitable for its proposed use and Clause 7 of SEPP 55 is satisfied.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

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

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Parkes Street is less than 40,000 vehicles.

Notwithstanding the above the application was referred to Roads and Maritime Services for comment as the site incorporates a SP2 Strategic Bus Corridor. As part of the planning proposal for the site Council wrote to RMS requesting that the SP2 zone be removed. RMS subsequently wrote to Council on 24 February, 2017 advising they have no objection to the removal of the SP2 Zone on the site from the LEP maps. Council subsequently amended its LEP removing this zone from the site on its Council meeting of 10 April, 2017.

SYDNEY REGIONAL ENVIRONMENTAL PLAN 18 (TRANSPORT CORRIDORS)

A small parcel of land previously identified for acquisition under Sydney Regional Environmental Plan No 18 – Public transport Corridors. This reservation was carried over into PLEP 2011 when a consolidation amendment was completed in Dec 2015.

Council's Land use planning section is including this amendment in the LEP housekeeping amendment to avoid any potential unnecessary delay for the site specific planning proposal.

Roads and Maritime Services (RMS) is the relevant acquisition authority. RMS advised the Council in writing on 24 February 2017 that the reservation is no longer required. Council's Land Use section indicates they do not require this reservation.

Approval is sought for the amendment to the Parramatta Local Environmental Plan 2011 as it applies to the subject site as follows:

Amend Sheet 10 of the Land Reservation Acquisition Map of the Parramatta LEP 2011 to

match the parcel boundary of Lot 511 DP 866023 (i.e. Removal of SP2 Strategic Bus Corridor at 5-7 Parkes Street, Parramatta).

Roads and Maritime have reviewed the submitted material and raise no objection to the abovementioned amendments to the planning controls associated with the Planning Proposal.

Planning Comment: The RMS have no objection to the removal of the SP2 Strategic Bus Corridor on the subject site. This enabled Council to remove the constraint on the site by house keeping LEP amendment on 10 April, 2017.



- Local Road Widening (R2)
- Local Road Widening (B1)
- Local Road Widening (B2)
- Local Road Widening (B3)
- Local Road Widening (B4)
- Local Road Widening (B6)
- Local Open Space (RE1)
- Local Environmental Conservation (E2)
- Classified Road (SP2)
- Strategic Bus Corridor (SP2)

Figure 7: RMS Land acquisition map. During the course of assessment RMS advised Council by letter that they no longer required the SP2 zone for the site.

STATE ENVIRONMENTAL PLANNING POLICY (URBAN RENEWAL) 2010

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

The key principle of the SEPP is to integrate land use planning with existing or planned infrastructure to create revitalised local communities, greater access to public transport and

a broader range of housing and employment options. This is also sometimes referred to as transit oriented development.

The site is identified as being within a precinct identified for renewal and revitalisation. Assessment against the relevant provisions of the SEPP are as follows:

Section 3 outlines the aims for the SEPP. The aims of the policy are to establish a process for assessing and identifying sites for urban renewal that are accessible by public transport. The site is located in the Parramatta CBD precinct nominated as an urban renewal precinct.

Sections 10(2) to 10(3) requires the consent authority to be satisfied that the development is consistent with the objective of developing the potential precinct for urban renewal. The proposal transforms a vacant CBD lot into a high density, multistorey mixed use residential building complex. This proposal is close public transport and is consistent with the stated aims above of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

SEPP 65 applies to the development as the building is more than 3 storeys in height and contains a residential component.

DESIGN QUALITY PRINCIPLES

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principle in the following way:

ADG design quality principle	Response
1. Context	<p>The site is:</p> <ul style="list-style-type: none"> located in the Parramatta City Centre in walking distance from the Parramatta train station. surrounded by a mix of commercial and residential buildings. The majority of the buildings to the north, south and west of the site are commercial office buildings ranging in height from 2-13 storeys. The Holiday Inn is located to the south of the site. The majority of the residential buildings are located across Jubilee Park to the east. These range in height from 3-18 storeys. The architectural character of the immediate area is defined by heavy concrete and glass office buildings from the 1980s, particularly to Parkes Street. This is contrasted by more modern residential developments to the east of Jubilee Park. <p>The site is currently vacant. There is limited informal landscaping</p>

	<p>existing on site.</p> <p>The site is flood affected requiring the ground level to exceed the 1 in 100 year flood level. The topography of the area slopes from west to east down towards Jubilee Park.</p> <p>The site is defined by its proximity to Jubilee Park. which has tree coverage to its perimeter with open lawns inside. The potential built form is subject to the Sun Access Plane Diagram as set out in the Parramatta DCP. The access plane restricts the building height at different setbacks to allow solar access to the park to be maintained.</p> <p>As part of the VPA a portion of the site is to be dedicated. This includes 3m to the boundary with Jubilee Park, and a portion of the site facing Parkes Street to form a road widening.</p> <p>The future context of Parramatta is changing with higher density developments within the environment of this site.</p>
<p>2. Built form and scale</p>	<p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form denies the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. The built form of the proposed building is appropriate to the site in terms of building alignment, proportion and building type.</p> <p>The proposed built forms address the requirements set out in the council's planning controls and respond to the future context of the site.</p> <p>The design for the subject site has fundamental obligation to establish a positive benchmark in terms of the interpretation of Council's planning objectives for the area.</p> <p>The development defines the public and private domain and contributes in a positive manner to the character of the desired future streetscape.</p> <p>The building has been articulated into podium / base and defined upper levels. The recessed balconies provide depth to the facades, while also creating articulation. The podium/base levels provide a human scale, which addresses the streets.</p> <p>The development responds to the objectives of good design in a number of ways including:</p> <ul style="list-style-type: none"> • variety of material used;

	<ul style="list-style-type: none"> • diversity of apartments types; • providing views for residents; • providing adequate solar access and natural ventilation; • ensuring privacy and security; <p>In addition, a mixture of colours, materials and textures were adopted reflecting the urbanised location, which creates a contemporary building of high architectural quality in accordance with the aims of SEPP 65.</p> <p>The building achieves an appropriate built form having regard to the site's opportunities and the building's purpose. The building alignment, proportions and elements define the public domain, contribute to the character of the streetscape including views and vistas as well as providing internal amenity and outlook.</p>
3. Density	<p>The site's location is ideal in terms of accessibility to shops, transport and services and is appropriate for the form of development and density proposed.</p> <p>The density is governed by the LEP. The proposal suggests a ratio of 7.4:1 which consist of design excellence bonus.</p> <p>Good design has a density appropriate for a site and its context in terms of floor space ratio and number of units.</p> <p>The proposed density is sustainable and consistent with the stated desired future density in the area. The density proposed. together with the objectives of the LEP and DCP is sustainable in terms of its regional context. availability of infrastructure. public transport. community facilities and environmental quality.</p>
4. Sustainability, resource, energy & water efficiency	<p>The proposed development makes efficient use of natural resources.</p> <p>The design incorporates the principles of passive design in order to achieve desirable energy balance. These principles include:</p> <ul style="list-style-type: none"> • optimised solar access to residential apartments for climate control and reduced energy consumption; • maximising number of units with direct sun access; • minimising number of south facing units; • the building incorporate water efficient fillings and rain water

storage;

- modular unit design allows future flexibility and potential adaptive reuse to meet future demand;
- natural light and ventilation in units to reduce energy use;
- all lobbies naturally ventilated to minimise energy consumption;

Further economies of scale are achieved by use of modular bathrooms. Laundry and kitchen designs and partially repetitive floor plates to minimise waste.

5. Landscape

Approximately 67% of the total site area will be communal open space. SEPP 65 asks for a minimum of 25% of site area. The communal open space includes an active and passive open space and it is 1,358m² in area that comprising paved areas, lawns, planting beds, barbecues and shade structures.

The proposed development has been designed to improve Jubilee Park in terms of amenity, access and usage so that the interface between internal and landscape areas is integral to the experience of the building.

Landscape areas are located in ground level which forms part of the public domain and connects the podium base level with the Jubilee Park. In addition four (4) levels of communal open spaces are designed in upper levels where natural light and vistas are accessible for the comfort of residents.

This approach has created physical and visual connection between the building and Jubilee Park in varied levels and scales within this development.

The development will extensively contribute to air quality and biodiversity. The landscape strategy is based on three (3) categories one of which addresses and enriches the public domain; another one is communal gardens in ground level, Level OS, Level 11 and Level 15 for recreational activities. Lastly, having private courtyards for individual units on these levels.

Public Domain

Public domain area is limited to ground level through the addition of new street trees and paving material with similar approach to Jubilee Park. The perimeter planting is proposed along the street frontage to enhance visual amenity and streetscape. Also to create a sense of enclosure and wind protection.

	<p>Private Courtyards</p> <p>This area provides useable entertaining outdoor space for residents. The plantings are introduced within on-structure planters.</p>
<p>6. Amenity</p>	<p>The proposed design incorporates efficient layouts, maximising the positives attributes of the site including the northern, eastern and western solar access, the opportunities for natural cross ventilation, screening and design to provide individuality. security and privacy for the occupants.</p> <p>Access is available from the carpark and from the street for entry to the residential units. Entries rely on security intercoms for access. Lift access is private and only available by swipe card, which allows access to the individual storey only. Indoor and outdoor spaces as well as the Jubilee Park and services areas are available to the occupants of the building.</p> <p>The development does not unreasonably impact adjoining properties in terms of privacy, views or overshadowing. having regard to the expectation arising from the zoning and planning controls.</p> <p>The apartments have been designed with efficient floor areas on a grid providing adequate living and bedroom areas. Habitable spaces all have 2.7m floor to ceiling height, access to sunlight, natural ventilation, visual and acoustic privacy, indoor and outdoor space, outlook and ease of access for all age groups and degrees of mobility.</p> <p>72% of the units receive at least 2 hours of sunlight in accordance with the Apartment Design Guide. Also 82% of units are naturally cross ventilated to reduce energy consumption and increase amenity of internal spaces.</p> <p>Given the site location the site will be subject to significant noise intrusion from passing traffic. Accordingly the dwellings are designed to ameliorate such noise impacts to provide a reasonable level of internal amenity. An acoustic report was submitted with the application and subject to recommended standard conditions the proposal will be satisfactory.</p> <p>Subject to the above the proposal represents good design that provides amenity throughout the physical, spatial and environmental quality. The following issues were considered and achieved in the design:</p> <ul style="list-style-type: none"> • natural light and ventilation to apartments and lobbies; • mix of types;

- unit depths'0- 8m' glass to glass to maintain reasonable daylight access;
- kitchens less than 8m away from windows;
- 2.7m ceiling heights in habitable areas;
- generous storage spaces per unit;
- private balconies min 2.0m wide;
- public open space within the development;
- activation of street frontage through retail areas;
- maximise if views and outlooks from all units;
- adaptable floor plans. allowing for variety of uses and future adaption of the building ensuring longevity;
- consolidation of useful areas of open spaces and substantial planting;
- defining a clear hierarchy of private and public open spaces and commercial and residential spaces.

The proposed design subject of the above recommendation satisfies these design principles of the Apartment Design Guide.

7. Safety & security

Safety and security has been a fundamental consideration to the design of the development, with particular regard to the principles 'Safer by Design'. Aspects such as casual surveillance and controlled access, have all been taken into consideration.

The building design follow the following principles to provide safety and security:

- the street frontage has been activated to maximise activity on street level;
- the main entrance to residential portion is provided via secured lobbies;
- the design provides a clear distinctions between communal and private;
- areas through secured access to lifts and lobbies; and
- the building has been designed with a degree of passive surveillance.

In respect of the public domain this is achieved by maximising

	<p>overlooking of public and communal open spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing quality public spaces, providing lighting appropriate to the location and desired activities and clear definition between public and private spaces.</p>
<p>8. Social dimensions/housing affordability</p>	<p>Given the site's location particularly on a main road and the Parramatta CBD, it is envisaged that most demand will be for 1 and 2 bedrooms. The proposed development provides 52 x 1 bedroom apartments. 113 x 2 bedroom apartments and 8 x 3 bedroom apartments.</p> <p>The proposed development offers a wide range of benefits to the community in Parramatta and contributes to the changing character of the area by:</p> <ul style="list-style-type: none"> • providing a range of unit options to offer affordable accommodation • offering a mix of adaptable apartments to suit a range of demographic types; • delivering a residential hub of activity for the community; and • creating a positive aesthetic benchmark in the streetscape. <p>The design subject to the above. responds to the social context and need of the local community in terms of lifestyle, affordability, and access to social facilities and transport.</p>
<p>9. Aesthetics</p>	<p>The building is of contemporary stylistic expression influences by its urban environment and the proponents to provide a positive architectural and aesthetics contribution to the character of the area. The building mass is broken up into distinct elements by the use of a mixture of materials such as rendered and painted external walls with metal elements to bring in the light. This coupled with the use of vertical blades, decks and the articulated building. This reduces the perceived visual bulk of the building by exploiting the effects of light and shade whilst providing visual interest to the observer.</p> <p>The building has been designed with reference to the following principles:</p> <ul style="list-style-type: none"> • built form articulated by the solid podium base; • appropriate proportioning of solids and voids; • facade segmented by rhythmic frames and articulation;

- facade composition which breaks the building components into smaller elements;
- use of light weight materials as external sun shading;
- a mixture of modern metallic cladding. screens and frames add to the new modern character of the area;
- quality materials were used throughout to achieve a high level of finish;

Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development. The development's compliance with the ADG is assessed below:

APARTMENT DESIGN GUIDE

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
PART 2 Building envelopes			
Separation - Building separation is measured from the outer face of building envelopes which includes balconies			
Separation	Up to 4 storeys (approximately 12m): <ul style="list-style-type: none"> 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms 	A 4.7m setback is provided to the southern boundary at the interface with the neighboring hotel development. While this is not strictly half of the required separation distance (6m) the adjoining building is set back 16m from the boundary, resulting in a 20.7m separation distance. Additionally, vegetation screening is proposed on the site.	YES
	5 to 8 storeys (approximately 25m): <ul style="list-style-type: none"> 18m between habitable rooms/balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms 	The neighboring hotel development is 7 storeys in height. The development retains a 4.7m setback to the southern boundary at the interface with the neighboring hotel development. While this is not strictly half of the required separation distance (9m) the adjoining building is set back 16m from the boundary, resulting in a 20.7m separation distance.	No (refer to discussion below)

	<p>9 storeys and above (over 25m):</p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms 	<p>Furthermore, the only development adjoining the site is a hotel building to the south (the Holiday Inn). This building is not a residential use and as such does not provide a habitable interface. The Holiday Inn building orients usable spaces towards the park and as such provides an interface with the site that comprises a blank wall and windows to a corridor.</p>	<p>No (refer to discussion below)</p>
	<p>At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</p>	<p>The adjoining areas are not zoned lower density residential.</p>	<p>N/A</p>

Separation to potential future Development on the neighbouring property

It is noted that the adjoining property at 18-40 Anderson Street (the Holiday Inn) may be redeveloped in the future commensurate with the growth of the Parramatta CBD. The site is currently zoned B5 Business development and is proposed to be zoned B3 Commercial Core under the CBD Planning Proposal. These zones both prohibit residential development and as such it can be assumed that the future development on the site will be for non-residential uses.

The future redevelopment of the Holiday Inn site may locate a building envelope closer to the northern boundary, encroaching on the existing building separation provided by the proposed development. The retention of the large fig trees on the Holiday Inn site required by Council will influence the location of any building envelope resulting in a setback of approximately 16m from the northern boundary. While this setback results in a non-compliance with the ADG building separation design criteria (raised in the submission prepared by the owners of the Holiday Inn), the southern façade of the proposed development is characterised by non-habitable spaces and includes frosted glass windows and blank wall facades to mitigate any potential direct views or visual privacy impacts. In this regard the interface should be treated as non-habitable and therefore may be provided with a reduced setback to the boundary. This design strategy was confirmed with the Design Excellence Jury in both their preliminary and final assessment of the amended plans. Furthermore, the non-residential nature of the adjoining site is not expected to give rise to any adverse visual or amenity impacts.

PART 3 Siting the development			
Communal open space			
<ul style="list-style-type: none"> COS should have a minimum dimension of 3m. Where COS cannot be provided at ground level, it should be provided on a podium or roof. 			
	Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	The proposal complies with the Design Criteria and is consistent with the objective.	YES
Communal open space	Communal open space has a minimum area equal to 25% of the site or 504 sqm.	1,358m ² of communal open space provided. This is equivalent to 67% of the site area.	YES
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	The communal open space has been designed to ensure that a minimum of 50% has direct sunlight in accordance with the Design Criteria.	YES
	Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	The proposal complies with the Design Criteria and is consistent with the objective.	
Deep Soil	<650m ² - minimum of 7%, no minimum width 650m ² – 1,500m ² - minimum of 7%, 3m in width >1,500m ² - minimum of 7%, 6m in width	The development provides 240m ² of deep soil which is equivalent to 11% of the site area in accordance with the Design Criteria and the design guidelines. It is noted that the proposed site boundary is to be reduced, resulting in deep soil comprising 6% of the site area.	YES YES (EXCEPTIONS CLAUSE) This site is zoned B4 and is located in the CBD.

			<p>The ADG provides that achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) <p>there is 100% site coverage or non-residential uses where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.</p>
<p>Visual privacy</p> <ul style="list-style-type: none"> Separation between windows and balconies is provided to ensure visual privacy is achieved. Adjoining a different zone with a less density, add 3.0m. Retail, office spaces and commercial balconies, use habitable room separation. No separation is required between blank walls. 			
Visual privacy	<ul style="list-style-type: none"> Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. 	The proposal complies is consistent with the objective.	NO (Acceptable departure) While the building envelope isn't set back strictly in accordance with the design criteria, the development does not provide any opportunities for direct views to habitable interfaces through the use of frosted windows and blank wall screening elements.
	<ul style="list-style-type: none"> Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as 	Furthermore, the only development adjoining the site is a hotel building to the south (the Holiday Inn). This building is not a residential use and as such does not provide a habitable interface.	YES

	follows: ▪ Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.	The Holiday Inn building orients usable spaces towards the park and as such provides an interface with the site that comprises a blank wall and windows to a corridor.													
	<table><tr><td>Building Height</td><td>Habitable rooms and balconies</td><td>Non-habitable rooms</td></tr><tr><td>Up to 12m (4 storeys)</td><td>12</td><td>6</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>18</td><td>9</td></tr><tr><td>Over 25m (9+ storeys)</td><td>24</td><td>12</td></tr></table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	12	6	Up to 25m (5-8 storeys)	18	9	Over 25m (9+ storeys)	24	12		
	Building Height	Habitable rooms and balconies	Non-habitable rooms												
	Up to 12m (4 storeys)	12	6												
Up to 25m (5-8 storeys)	18	9													
Over 25m (9+ storeys)	24	12													
	At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m		N/A												
Parking and Bicycle storage															
Note: The car parking needs for a development must be provided off street.															
Parking and bicycle storage	For development in the following locations: On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car		YES (Refer to traffic and parking assessment for further details)												

	parking requirement prescribed by the relevant council, whichever is less.		
PART 4 Designing the building			
Solar and daylight access	Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	<p>The proposal complies with the Design Criteria and is consistent with the objective.</p> <p>The proposed development has been carefully designed to achieve a high level of amenity with each apartment to benefit from solar access. This is also balanced with the requirements to satisfy the ADG and thermal comfort requirements.</p> <p>As demonstrated in the Shadow Diagram prepared by Aleksandar Design Group the proposal achieves a minimum of 2 hours solar access to both</p> <p>the private open space and the living rooms to 72% of the units (i.e. 126/173 units). A maximum of 13% of units (22 out of 173 units) receive no direct sunlight between 9am and 3pm mid-winter. This is detailed in the Apartment Design Guide.</p> <p>The design enhances daylight access to the private open space and living areas</p>	YES

		by providing staggered setbacks to the built form, openings in the tops and sides of the balcony coverings, and the shorter balcony separations.	
	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.	72% of units achieve solar access in accordance with the design criteria.	YES
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	A maximum of 12% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	YES
Natural ventilation	Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	The proposal complies with the Design Criteria and is consistent with the objective.	YES
	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	82% of the proposed units are naturally cross ventilated within the first 9 storeys, in accordance with the design criteria.	YES

	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No cross over or cross through apartments exceed 18m in depth, in accordance with the design criteria.	
Ceiling Heights	Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	The proposal complies with the Design Criteria and is consistent with the objective.	YES
Note: Measured from finished floor level to finished ceiling level	Habitable rooms 2.7m	The development provides minimum ceiling heights of 2.7m, in accordance with the design criteria.	YES
	Non-habitable 2.4m		
	For 2 storey apartments 2.7 main living area, 2.4 second floor where it does not exceed 50% of the apartment.	N/A	
	Attic spaces 1.8m at edge of room with a 30 degree minimum ceiling slope.	N/A	
	Located in mixed use areas 3.3m for ground and first floor to promote future flexibility of use.	4.2 metres for retail ground floor.	
Apartment size and layout			
Note: The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each.			
Apartment size and layout	Objective 4D-2 Environmental performance of the apartment is maximised	The proposal complies with the Design Criteria and is consistent with the objective.	YES

	<p>Studio 35m²</p> <p>1 bedroom 50m²</p> <p>2 bedroom 70m²</p> <p>3 bedroom 95m²</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)</p> <p>Habitable room depths are limited to a maximum of 2.5 x ceiling height.</p> <p>2.5 x 2.7 = 6.75m</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p>Master bedrooms have a minimum area of 10m²</p>	<p>Dwellings are provided generally in accordance with the minimum internal area requirement. Minor non compliances of 1m² in apartments 1.07, 1.08 and 6.08 are considered reasonable as these apartments all provide two bathrooms and meet the minimum area requirements.</p> <p>All habitable rooms are provided with appropriately sized windows to external walls, in accordance with the design criteria.</p> <p>The development generally does not provide dwellings with a depth that exceeds 2.5 x the ceiling height. In instances where room depths do exceed this, they are provided in an open plan layout and do not exceed 8m from a window, as required below.</p> <p>Dwellings are provided with depths of not more than 8m from a window in open layout apartments.</p>	<p>YES</p> <p>YES</p>

	and other bedrooms 9m2 (excluding wardrobe space).	The development provides bedrooms in accordance with the design criteria minimum areas. The development provides bedrooms in accordance with the design criteria minimum dimensions. The development provides living rooms in accordance with the design criteria minimum dimensions. The cross-through apartments all have a minimum width of 4m, in accordance with the design criteria.	
	Bedrooms have a minimum dimension of 3m.		
	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.		
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		
Private open Space and balconies			
Note: Storage areas on balconies are additional to the minimum balcony size.			
Private open space and balconies	Studio = 4m ²	All dwellings provide balconies that meet or exceed the minimum area and depth requirement in accordance with the design criteria.	YES
	1 Bedroom = 8m ² X 2m		YES
	2 Bedroom = 10m ² X 2m		YES
	3 Bedroom = 12m ² X 2.4m		YES

	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	No ground level apartments are provided.	YES
Storage Note: Storage is accessible from either circulation or living areas. Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.			
Storage	Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	The proposal complies with the Design Criteria and is consistent with the objective.	YES
	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <ul style="list-style-type: none"> • Studio 4m2 • 1 bedroom 6m2 • 2 bedroom 8m2 • 3 bedroom 10m2 	Dwellings are provided with appropriate storage areas with at least 50% of the required storage provided within the apartment, in accordance with the design criteria. Storage in kitchens isn't included.	YES
	At least 50% of the required storage is to be located within the apartment. Left over space such as under stairs is used for storage		
	Design Guidance Developments achieve a benchmark of 20% of	20% of units will be liveable, therefore	YES

	the total apartments incorporating the Liveable Housing Guideline's silver level universal design features	they meet the universal requirements.	
Common circulation and spaces	Objective 4Q-1 to promote flexible housing for all community members	The proposal complies with the Design Criteria and is consistent with the objective.	YES
	The maximum number of apartments off a circulation core on a single level is eight.	The development generally provides 8 dwellings from a circulation core on a single level. In some instances 9 apartments are provided with circulation from a single core. Notwithstanding this minor non-compliance the corridor is provided with natural light and ventilation in two areas hence enabling a high level of amenity in the circulation corridor.	Partial
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	There are two lift cores each with two lifts servicing various parts of the building.	YES

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is 72 metres. (Note: Clause 7.10 of the LEP allows a 15% increase which is 76m)	Yes	The recent Planning Proposal introduces a maximum building height for the site being 72m. If this height is introduced, in accordance with Clause 7.10 of the PLEP, the proposed development can exceed 72m by 15% subject to Council's approval, resulting in a maximum building height of 82.8m. As such, the proposed maximum building height of the development is 76m.
4.4 Floor Space Ratio Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 6.5:1.	Yes	The recent Planning Proposal introduces a maximum FSR for the site, being 6.5:1. However, in accordance with Clause 7.10 of the PLEP, the proposed development can exceed 6.5:1 by 15% subject to Council's approval, resulting in a maximum FSR of 7.475:1. As such, the proposed maximum FSR of the development is 7.4: 1.
4.6 Exceptions to development standards	N/A	Pursuant to Clause 7.10(8) of the Parramatta local Environmental Plan 2011 (PLEP), the consent authority may grant development consent to a new building exceeding the maximum building height and the maximum FSR by up to 15% if it is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence. No Clause 4.6 variation is required in these circumstances.
5.1 and 5.1A Development on land intended to be acquired for public purposes Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?	No	At the time of the DA lodgement a 29sqm portion of the north eastern edge of the site was designated as 'Strategic Bus Corridor (SP2)' under the Land Reservation Acquisition Map affecting the proposal as shown in Figure 7 above. The RMS wrote to Council during the DA assessment advising that they no longer required the land. Subsequently the Land Reservation was lifted by Council resolution on 10 April, 2017.
5.6 Architectural roof features	Yes	Architectural roof features are proposed over each staggered level of the proposal. These were reduced in height during the course of assessment to ensure that the building height or shadow planes to Jubilee Park were maintained. These roof features are integral to the design and provide visual interest but do not

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
		breach the height limit or shadow plane and are satisfactory.
5.9 Preservation of trees	N/A	No tree removal proposed. There are a number of trees that require retention on the adjoining site and park. Amended plans and an arborist report were requested during the course of assessment. These included an increased setback to allow for the existing root system for the trees. Subject to recommended conditions the trees will be retained and healthy during and after construction (see Council's Landscape Officer comments for further detail).
5.10 Heritage Conservation	Yes	According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.
5.10.8 Aboriginal Places of Heritage Significance	Low	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. The proposal will not impact an aboriginal place of heritage significance.
6.1 Acid sulfate soils Is an Acid Sulfate Soils Management Plan Required?	Yes	The site is identified as containing Class 5 Acid Sulfate Soil. It is not proposed to lower the water table and therefore an acid sulfate soils management plan is not required. The proposal is satisfactory
6.2 Earthworks Are the earthworks associated with the development appropriate?	Yes	A Geotechnical Engineering Report is provided addressing the proximity of excavation works to Council's road assets, adjoining private properties and the NSW Roads and Maritime roads assets (Parkes Street). The Report details appropriate methodologies on how excavation is to be managed and also identifies that water is present at depths of 2.5m to 3.6m below ground surface. As the proposed development involves excavation at depths of approximately 14m, the proposal will encounter the water table requiring dewatering. The proposed development will require a dewatering licence from the NSW Office of Water, therefore, is classified as Integrated Development pursuant Section 91 (3) of the Water Management Act. 2000. Conditions have been supplied by the NSW Office of Water during the course of assessment. The proposed development will not disrupt the existing drainage patterns and soil stability in the locality. The proposed development will not affect the amenity of the adjoining properties. Drinking water, any watercourse and any environmentally sensitive areas will not be adversely impacted by the proposed development.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
6.3 Flood planning Is the site flood prone?	Yes	<p>The site is located with a flood affected area and is therefore must satisfy the requirements of this clause. Amended plans were submitted during the course of assessment adjusting the building levels but not changing the overall height of the proposal. The amended plans ensure the development proceeds in an appropriate manner, and not have adverse impacts on the surrounding area subject to recommended standard conditions.</p>
6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?	N/A	<p>The site is not identified on this map.</p>
6.5 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?		<p>The site is not identified on this map.</p>
6.6 Development on landslide risk land Is the site identified as being landslide risk land on the 'Landslide Risk Map'?	N/A	<p>The site is not identified on this map.</p>
6.7 Affected by a Foreshore Building Line	N/A	<p>The site is not located in the foreshore area.</p>
7.2 Floor Space Ratio (1) Despite clause 4A, the maximum floor space ratio for buildings on land for which the maximum floor space ratio shown on the Floor Space Ratio Map Is specified In Column 1 of the table to this subclause Is the amount specified opposite that floor space ratio in: (c) If the site area for the development Is equal to or greater than 1,800 square metres--Column 4 of the table.	N/A	<p>Refer to Clause 7.10 below.</p>

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION										
<p>7.3 Car Parking</p> <p>(1) If development for a purpose set out in Column 1 of the table to this subclause includes a car parking space in connection with that use, the development must provide no more than the number of car parking spaces specified opposite that use in Column 2 of that table.</p> <p>Multi dwelling housing (1, 2 and 3 bedrooms): A maximum of 1 parking space to be provided for every dwelling plus 1 parking space to be provided for every 5 dwellings for visitors</p> <p>(3) The consent authority may approve additional car parking spaces in excess of the number of car parking spaces calculated under subclause (2), but only if the additional car parking spaces approved are to be included as part of the building's gross floor area, whether the space is below or above ground level (existing).</p> <p>Commercial premises: A maximum of 1 parking space to be provided for every 100 square metre of gross floor area</p>	<p>Yes</p>	<p>The proposed 491m2 of Retail/commercial units are provided with 5 car parking spaces in the basement 1 level. This ratio complies with Clause 7.3.</p> <p>The PDCP provisions residential car parking. Please refer to the PDCP Compliance Table at Appendix 1 detailing the proposed car parking. For reference, the proposed car parking is detailed in the table below:</p> <table><tr><th>Type Proposed</th><th>Number</th></tr><tr><td>Residential Car Parks</td><td>135</td></tr><tr><td>Visitor Car Parks</td><td>17</td></tr><tr><td>Retail Car Parks</td><td>5</td></tr><tr><td>Total</td><td>157</td></tr></table>	Type Proposed	Number	Residential Car Parks	135	Visitor Car Parks	17	Retail Car Parks	5	Total	157
Type Proposed	Number											
Residential Car Parks	135											
Visitor Car Parks	17											
Retail Car Parks	5											
Total	157											
<p>7.10 Design excellence</p> <p>(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</p>		<p>On 12th October 2015, the Design Excellence Competition was awarded to Tony Caro Architecture, The Aleksandar Design Group, and Order Architects by Council's Architectural Excellence Design Jury. The jury considered that the scheme achieves Design Excellence, subject to addressing some specific Issues. A response to each of the issues have been addressed by Aleksandar Design Group as discussed elsewhere in this report.</p>										

ZONE OBJECTIVES

ZONE OBJECTIVES

The site is zoned B4 Mixed Use pursuant to the Parramatta local Environmental Plan 2011 (PLEP). Land to the north is also zoned B4 Mixed Use whilst land to the north east of the intersection of Wentworth and Parkes Streets is zoned 83 Commercial Core. Land to the south of the site along Anderson Street is zoned B5 Business Development. Figure 8 indicates the site within the context of the PLEP Land Zoning Map.

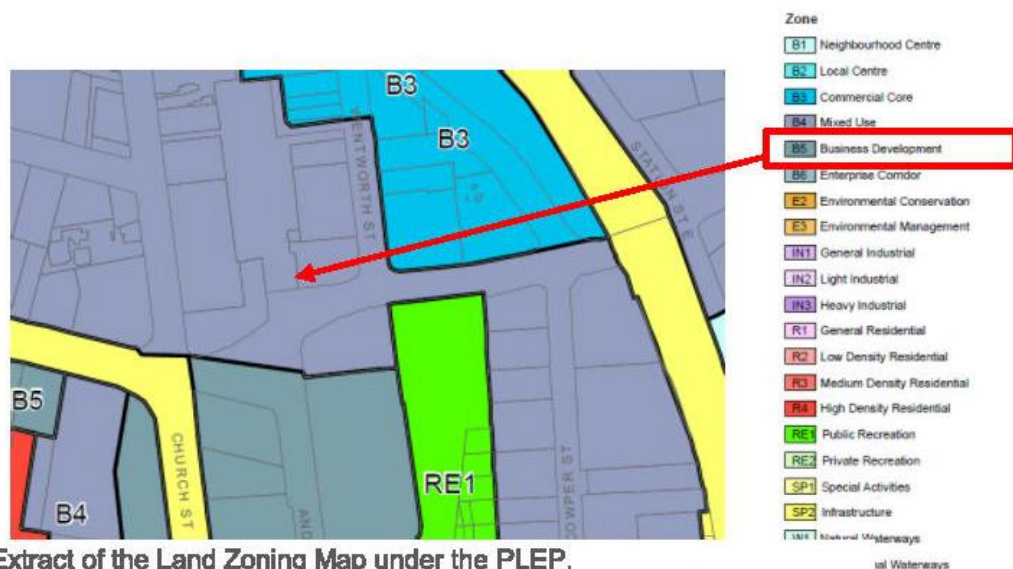


Figure 9. Extract of the Land Zoning Map under the PLEP.

The proposal is for a mixed use development comprising retail uses and residential uses. The following definitions from the Dictionary to the PLEP are therefore relevant:

“mixed use development means a building or place comprising 2 or more different land uses.”

“commercial premises means any of the following:

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.”*

“retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,*
- (b) cellar door premises,*

(c) food and drink premises,

(d) garden centres,

(e) hardware and building supplies,

(f) kiosks,

(g) landscaping material supplies,

(h) markets,

(i) plant nurseries,

(j) roadside stalls,

(k) rural supplies,

(l) shops,

(m) timber yards,

(n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises. ..

“shop top housing means one or more dwellings located above ground floor retail premises or business premises.”

The Land Use Table for the B4 Mixed Use- zone nominates that the proposed retail commercial premises and shop top housing are permissible uses subject to consent.

Zone objectives

The objectives of the zone include:

- Clause 2.3(2) of the PLEP provides that Council must have regard to the zone objectives when determining a development application. The objectives of the B4 Mixed Use Zone are:
- *"To provide a mixture of compatible land uses;*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;*
- *To 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."*

The proposed development is consistent with the above objectives of the B4 Mixed Use zone in that:

- The proposal provides a mix of residential and non-residential land uses which are compatible with each other and existing neighbouring sites;
- The proposal facilitates a residential development on an appropriate site in close proximity to public transport;
- The proposal ensures a building form, type and scale compatible with the character of existing and future surrounding built environment and does not detract from the amenity enjoyed by the nearby workforce and residents or the existing quality of the environment;
- The proposal has been designed to protect and enhance Jubilee Park; and
- The proposal responds to the changing character of the area and facilitates the retention of retail space on the ground floor to address the street, with residential uses above.

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

DEVELOPMENT CONTROL	COMPLY?	DISCUSSION
2.4.1 Views and Vistas		
Preserve significant features and areas of high visibility	Yes	<p>There are no heritage items identified in the vicinity of the site.</p> <p>The building has been designed to protect views to and from the public domain and Jubilee Park through the increased setbacks to the upper floor levels.</p>
2.4.2.1 Flood affectation	Yes	<p>The development is supported by a Flood Assessment which was refined in concert with Council's Engineering team. The nearest relevant flood levels are in the Holiday Inn site and fall from RL 10.7m AHD in the west (Anderson Street) to RL 9.7m AHD in the east (Jubilee Park).</p> <p>There is also a small area of flood affectation at the northern boundary to Parkes Street. The amended design of the building incorporates floor levels and measures to ensure that it proceeds in an appropriate manner, and not have adverse impacts on the surrounding area.</p>
2.4.2.2 Protection of Waterways Does the site adjoin a waterway?	Yes	Subject to recommended conditions the proposal will not adversely impact on surrounding waterways.
2.4.2.3 Protection of Groundwater Is a basement car park proposed?	Yes	The Geotechnical Investigation Report submitted with the report details the mitigation measures proposed to protect ground water quality 2.5m to 3.6m below existing ground level. This report was assessed by Council's Engineers and the NSW Office of Water. Both are satisfied subject to recommended conditions.
2.4.3.1 Soil Management Are there adequate erosion control measures?	Yes	An erosion and sedimentation plan has been submitted with the application and is satisfactory subject to recommended conditions.
2.4.3.2 Acid sulfate soils	Yes	Refer to LEP table above.
2.4.3.3 Salinity Moderate, high or known salinity potential?	Yes	The site is of low salinity potential and accordingly salinity is unlikely to impact on the development. The landscaping is appropriate for the salinity hazard and appropriate

DEVELOPMENT CONTROL	COMPLY?	DISCUSSION
		conditions are recommended.
2.4.4 Land Contamination	Yes	The Stage 2 Environmental Site Assessment by Environmental detailing that the site soils and groundwater present a low risk to human health, the environment or the aesthetic enjoyment of the land, and is suitable for the proposed mixed use development.
2.4.5 Air Quality Will demolition and construction contribute to increased air pollution?	Yes	Standard conditions of consent are recommended.
2.4.6 Development on Sloping Land. Does the design of the development appropriately respond to the slope of the site?	Yes	Standard conditions of consent are recommended.
2.4.6 Biodiversity Is vegetation removal appropriate?	Yes	The site has a number of trees either on the site or on adjoining property constraining the site. Landscape Plans and an Arborist report have been submitted and assessed by Council's Landscape Officer and are satisfactory subject to recommended conditions.
2.4.7.2 Does the land abut the E2 Environmental Protection zone or W1 Natural Waterways zone	n/a	The site does not adjoin land zoned E2 or W1.
2.4.7 Public Domain Does the building address the public domain, provide appropriate passive surveillance opportunities, and have appropriate public domain enhancements?	Yes	A 3m wide strip is provided to Council along the eastern boundary and includes embellishments to create an active edge to Jubilee Park. The site is accessed via Retail unit 5, Parkes Street and Jubilee Park. This provides passive surveillance to the building.
3. Preliminary Building Envelope		
Frontage Minimum 18m if the development is more than 10 metres in height.	Yes	The proposed development complies with the 'Business Zones' table with reference to the General B4 Zone. Note the front setback is in accordance with Part 4 of this DCP.
Front Setback Ground floor consistent with predominant street setback?	Yes	
Residential component to be set back an additional two		

DEVELOPMENT CONTROL	COMPLY?	DISCUSSION
metres.		
Side Setback Dependent on amenity impacts on adjoining developments.	Yes	The subject site has frontages to Jubilee Park, Parkes Street and Anderson Streets which all meet the DCP control. Refer to the previous ADG assessment for the discussion on the setback to 18-40 Anderson (Holiday Inn) site to the south.
Deep Soil and Landscaping Required to the rear setback if the site adjoins residential development or otherwise on merit.		Refer to previous ADG assessment.
3.2. Building Elements		
3.2.1 Building Form and Massing Height, scale and bulk consistent with existing or planned building patterns in the street?	Yes	The proposed development complies with Part 4 of the DCP.
3.2.2 Building Façade and Articulation Does the building exceed the building envelope by more than: <ul style="list-style-type: none"> • 800mm for balconies and eaves: • 600mm for Juliet balconies and bay windows Are the building facades modulated in plan and elevation to reduce building bulk? Are Multiple stair lift/cores provided to encourage multiple street entries?	Yes	No balconies and eaves project more than 800mm beyond the building envelope.
3.2.3 Roof Design Does that roof form minimise the bulk and scale of the building, and respond to the existing or planned form?	Yes	The proposal incorporates a staggered design resulting in repeating parapet roof elements incorporating architectural roof elements. This design reduces the perceived bulk and scale as well as overshadowing impacts to Jubilee Park.
3.2.5 Streetscape Does the development respond to the existing or planned	Yes	Active retail uses with at-grade pedestrian access is provided at ground floor level. No awnings are proposed.

DEVELOPMENT CONTROL	COMPLY?	DISCUSSION
<p>character of the street?</p> <p>Are garages and parking structures dominant?</p> <p>Are pedestrian or vehicular laneways activated?</p> <p>Are the mail boxes visually integrated within the built form and conveniently accessed?</p> <p>Does the development provide for active non-residential uses with at grade pedestrian access?</p> <p>Minimal solid walls used on the ground floor shop front.</p>		
<p>3.2.6 Fences</p> <p>Front fence a maximum height of 1.2metres?</p>	N/A	
3.3 Environmental Amenity		
<p>3.3.1 Landscaping</p> <p>Natural features retained and incorporated?</p> <p>Minimum soil depth of 1m provided above basement?</p>	Yes	A minimum soil depth of 1m is provided, measured from the top of the slab.
<p>3.3.2 Private Open Space</p> <p>Minimum of 10m² private open space with minimum dimensions of 2.5m per unit?</p>		The proposed private and communal open space compiles with the ADG.
3.3.2 Common Open Space		Refer to previous ADG assessment.
<p>Swimming Pool proposed?</p>	N/A	A swimming pool is not proposed.
<p>3.3.3 Visual Privacy</p> <p>Do balconies face the street or another element of the public domain such as a park?</p> <p>Is a minimum building separation of 12m provided between habitable rooms/ balconies?</p>	Yes	All balconies face either Anderson street. Parkes Street or Jubilee Park except for the centrally located dwellings which face south. This is satisfactory.

DEVELOPMENT CONTROL	COMPLY?	DISCUSSION
3.3.4 Acoustic Amenity Does the dwelling adjoin a noise-generating land use?	Yes	An acoustic report submitted with the application was assessed by Council's Health Unit and found to be satisfactory subject to standard conditions.
3.3.5 Solar Access (refer also to RFDC section) Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?	Yes	The proposal will result in overshadowing to Refer to section below on sun access to public spaces.
Cross Ventilation Minimum floor to ceiling height ground (3.3 metres) and upper levels (2.7m) Are 80% of dwellings naturally cross ventilated? Are single aspect apartments limited in depth to 8m from a window? Does the building have a maximum depth of 18m?		<p>The proposed development complies with the minimum floor to ceiling heights.</p> <p>See previous ADG assessment.</p>
3.3.6 Water Sensitive Urban Design On-site detention system appropriately designed?	Yes	See Engineers comment in Referrals section.
3.3.7 Waste Management Is the waste management plan satisfactory? Is the bin room appropriately sized for the number of bins required? Will a private contractor be required to minimise bins on the street for pickup?		A waste management submitted with the application is satisfactory subject to standard conditions.
3.4 Social Amenity		

DEVELOPMENT CONTROL	COMPLY?	DISCUSSION
Less than 10 units = 1 10-20 units =2 More than 20 units = 10%	Yes	bedroom dwellings reflect the location in the heart of the building in the Parramatta CBD. 10% or 18 of the apartments are adaptable dwellings.
3.5 Heritage and Archaeology Refer to the Heritage referral section.		
3.6.2 Sustainable Transport Is a publicly accessible car share parking space required and provided, with evidence of an offer to car share providers?	Yes	The proposal is for more than 50 units within a 800m radial catchment of Parramatta railway station with a service frequency of an average of 15 minutes or less during the morning peak (7 am - 9 am) to the Sydney -CBD. One (1) car share parking space is provided in lieu of 3 car parking spaces.
3.6 Parking Provision Refer to the Traffic referral section.		
3.6.3 Accessibility and Connectivity Is a 3m wide pedestrian through link required and provided?	Yes	The through site link is required as part of the VPA for the site.
Part 4.3.3.1 Building Form This clause requires a 0m setback along Parkes and Anderson Streets and a 3m setback from the Jubilee Park boundary.	Yes	The proposed setbacks comply with Figure 15 in the DCP shown below. The setbacks are appropriate within the context of the site being within the Parramatta City Centre just outside the edge of the commercial core. The proposed setbacks provide a built form that is generally as anticipated under the PLEP and PDCP.

DEVELOPMENT CONTROL

COMPLY? DISCUSSION

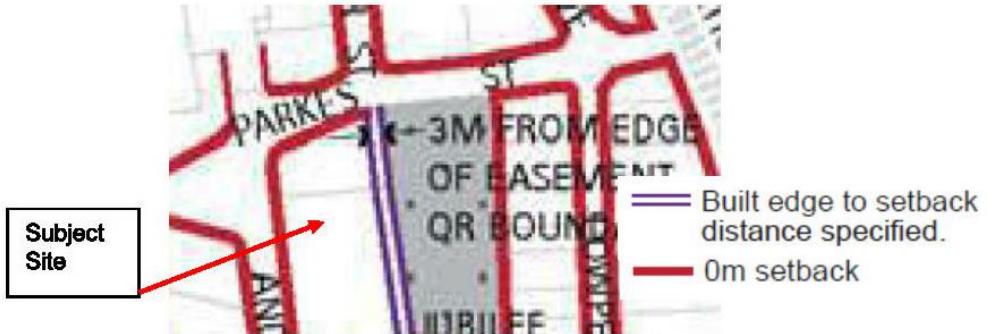


Figure 15. Extract from Section Part 4.3.3.1 'Building Form' of the PDCP, detailing the required building setbacks at the site.

Figure 4.3.3.1.14 Sun Access Plane Diagram – Jubilee Park and Figure 4.3.3.1.15 Aerial View of Sun Access Planes on Jubilee Park and Lancer Barracks in PDCP 2011. Controls

C.1 All new buildings and additions or alterations to existing buildings are to comply with the following sun access plane control established for the Lancer Barracks site and Jubilee Park, irrespective of the existing height of nearby buildings.

C.2 A building should not be permitted above the sun access plane unless that part of the building is a minor architectural roof feature (refer to Figures 4.3.3.1.13 to 4.3.3.1.15).

NOTE: Refer to section 4.3.3.7b) Parramatta Square for the required sun access controls for this site.

Yes

The building has been designed with consideration to these diagrams. The stepped building form allows for the sun to access Jubilee Park between 12noon to 2pm as shown on the shadow plans below.

DEVELOPMENT CONTROL

COMPLY? DISCUSSION



21st June - 9:00 am



21st June - 12:00 pm



21st June - 2:00 pm



21st June - 3:00 pm

PROPOSED SHADOW
 NEIGHBORING SHADOW
 JUBILEE PARK

REFERRALS

Internal Referrals	
BCA	BCA satisfactory subject to standard conditions
Health (contamination)	<p>Stage 2 contamination report assessed as satisfactory and following special condition recommended:</p> <p><i>Soil excavated from the site shall be classified in accordance with the EPA Waste Classification Guidelines prior to disposal.</i></p> <p><i>Reason: To ensure appropriate management and disposal of excavated material.</i></p>
Health (acoustic)	<p>Satisfactory subject to following condition:</p> <p>1. <i>The recommendations outlined in the Traffic Noise, Mechanical Plant and Construction Noise & Vibration Management Plan (acoustic report) prepared by Rodney O Stevens with reference number R150436R1 dated January 2016 shall be incorporated into the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.</i></p> <p><i>Reason: To ensure a suitable level of residential amenity.</i></p>
Health (Waste)	satisfactory subject to conditions.
Traffic -	satisfactory subject to conditions.
Heritage	Having reviewed the submitted information, I have no further objection to this proposal from heritage perspective. The necessary conditions are those included in the NSW OEH consent letter, and should be mirrored in any eventual DA consent.
Engineering/ Stormwater/ Flooding	<p>Overview</p> <p>It was concluded that OSD would adversely impact flooding in the area and also the entire site is subject to the 1% AEP flood so on both counts OSD is not required.</p> <p>The internal drainage system was reviewed on the 12/01/17. Council raised concerns regarding the drainage layout, treatment train and filtration tank and these were addressed by the applicant on the 18/01/16.</p> <p>Within Revision B of the 'Civil Development Application Report,' there was no indication of the drainage system, only the location of the filtration tank. This was amended within Revision C, through the inclusion of the 16 page, Stormwater Drainage plan by Green Arrow hydraulics.</p>

Stormwater Treatment Train

The treatment train of 4 Enviropods and 10 Stormfilters was analysed and assessed. The following results were achieved through MUSIC modelling.

	DCP Requirements (% removal)	MUSIC model
Gross Pollutants	90	100
Total Suspended Solids	85	86
Total Nitrogen	45	61.5
Total Phosphorous	60	81.9

Council questioned the level of hydrocarbon run-off from the 4 levels of basement car park. Due to the number of vehicles accessing the property, it was recommended that an oil/water separator be implemented. The applicant responded by demonstrating the Stormfilter systems capacity to remove 64% of hydrocarbons from stormwater with concentrations of 7-96 mg/L, and 76.9% of hydrocarbons from stormwater with concentrations of 5-14.3 mg/L. Additionally, the Applicant noted that "70% of oils are associated with solids," which will be removed by the Enviropod system (Walker, Allison, Wong, 1999). It was verified that Stormwater360 were satisfied with the treatment train and based on these factors, Council was satisfied that the proposed treatment train was satisfactory.

The revised stormwater drainage system includes a relocated filtration tank. This is connected to the kerb inlet pit located on the frontage of Parkes Street. The 'Stormwater Plan and Sections' by at&l, (drawing DAC015) illustrates the drainage connection into the Council kerb inlet pit. The levels of the filtration tank enable satisfactory fall of the drainage line across the Council footway.

Details regarding connection into the kerb inlet pit must be provided to Council's Civil Assets Team for assessment and approval, prior to the issue of a construction certificate.

Renewal of the Street Frontage and boundary with Jubilee Park.

The street frontage of the property and the area adjoining and within Jubilee Park alongside the site are required to be renewed to the satisfaction of Council's Development Engineers, Civil Assets and Urban Design Teams. In this regard the kerb and gutter is to be reconstructed in accordance with the standard drawings from Councils Civil Assets department and approved alignments and levels. The Council footway shall be renewed including the footway, street trees and other general street amenities, as determined by Council's Urban Design and Assets Teams.

Drainage system

Evidence verifying that a Council stormwater pipeline does not traverse 5-7 Parkes street shall be provided to Council's Civil Assets and Development Engineering prior to the issue of a Construction Certificate. If the pipe is found to traverse the site, a proposal to relocate the pipeline shall be provided to Council's Civil Assets and Development Engineering, for assessment and approval prior to the issue of a Construction Certificate

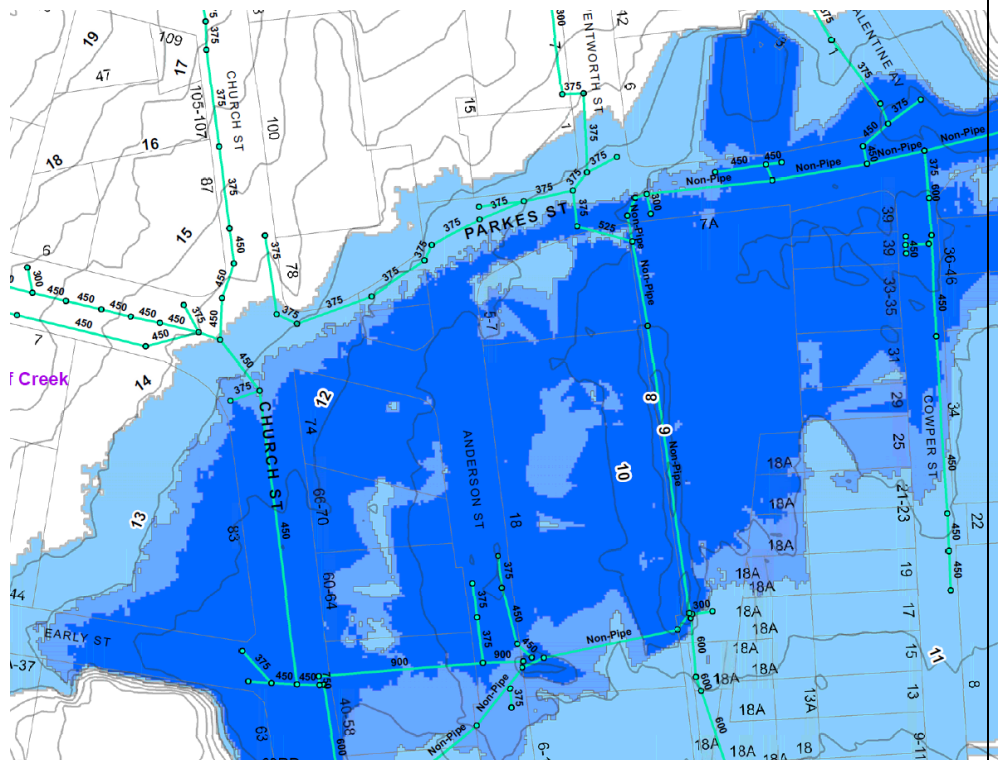
The site drainage system must drain into Council's pipeline within the site or the road reserve and is not to connect directly into the Jubilee Park (Clay Cliff Creek) culvert.

Subdivision

The land is being subdivided into a 'residual lot' in order to dedicate a section of the site to Council as part of a VPA. Hence standard subdivision conditions have been included.

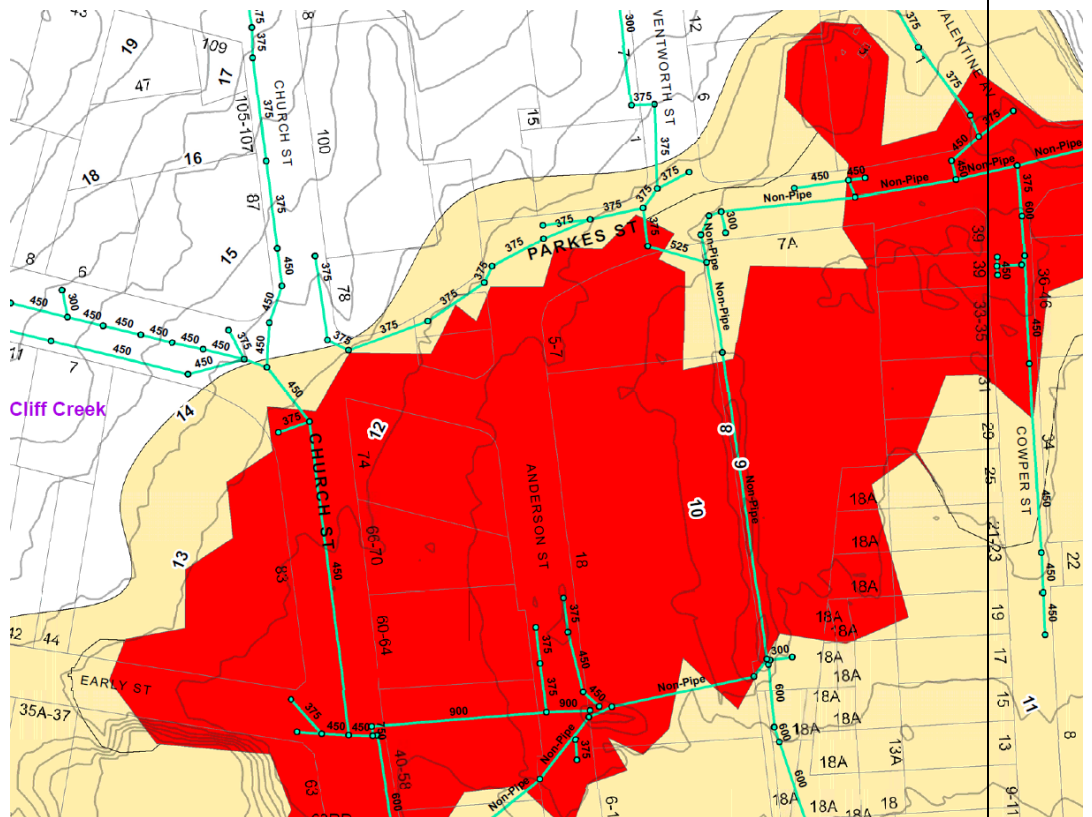
Flooding

The site is substantially affected by flooding from Clay Cliff Creek. Below is an extract from Council's adopted flood levels map.



The site is also subject to High Hazard flooding. Below is Council's adopted flood hazard map. (Red is 'high hazard' where velocity x depth $> 0.4 \text{ m}^2/\text{second}$. In this area it is considered impossible for most adults

and all children to stand in such a flood.)



These are Council's and the Community's adopted flood levels and govern Council's statutory role in controlling and managing flood plain development in accordance with the NSW Flood Policy and the NSW Floodplain Development Manual.

In 2011 a review of the predicted flood levels and other factors for this site by Bewsher Consulting resulted in a confirmation for this site that the 1% AEP flood level is 11.28m AHD and adding 500mm freeboard (and rounding up) the Flood Planning Level should be set at 11.8m AHD - which is the minimum habitable floor level.

Also the basement should be protected against ingress of floodwaters by a passive crest and bund system and flood doors to the Flood Planning Level of 11.8m. This crest is proposed to be the loading dock. In addition higher levels of protection should be pursued for those using the basement by using self-operating flood gates at the top of the driveway etc up to the PMF (13m AHD).

The minimum *residential* floor level should be above the PMF level of 13m AHD.

The Applicant has modified the design to respond to these minimum levels

REASONS SUPPORTED

The amended proposal now satisfies all Catchment and Development Engineering issues.

	<p>CONCLUSION</p> <p><i>The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent.</i></p>
Urban Design (public domain)	<p>summary of referral:</p> <ul style="list-style-type: none"> • Removal of existing street tree fronting Parkes Street closest to Anderson Street on clearance grounds; • Sufficient soil depth required for new street tree plantings using a structural cell system like 'StrataVault' or a suspended paving design; • Enlarged tree pits with no parking lane subject to CBD Tree and Pole Masterplan; • Street tree species and planting species require input from Council; <p><u>Planning Comment:</u> A landscape/public domain plan was submitted showing details to the satisfaction of the public domain team. Subject to recommended conditions this is satisfactory.</p>
Property	<p>The proposed development at 5-7 Parkes Street in Parramatta (DA/730/2016) proposes to build/develop a 6 to 24 storey mixed use building adjoining Jubilee Park.</p> <p>This site is subject to a Voluntary Planning Agreement (VPA) which commits the applicant to dedication of a 3m wide strip of land along the eastern boundary for incorporation into Jubilee Park and to undertake embellishment works within the park consistent with an Indicative Concept Plan (Schedule 4). This dedication is at no cost to Council. It is noted that the VPA provides for <i>'reasonable variations resulting from the detailed design phase as agreed between both parties'</i>.</p> <p>In addition to the above the Voluntary Planning Agreement (VPA) commits the applicant to dedication to Council of a 3m wide strip of land along the northern boundary <i>"as a public road under section 9 of the Roads Act 1993"</i>. The developer is to "ensure that the land to be dedicated under this Agreement is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges), when the Developer dedicates that land to the Council under this Agreement.</p> <p>Clause 6.8 of the VPA states that <i>"the Council acknowledges that this Agreement does not require the Developer to carry out any work in relation to Dedication 03"</i>. In the VPA under 'Definitions and Interpretations – Dedication 03 is defined as <i>"means the land for road widening marked in the Dedication Drawing as D03"</i>.</p> <p>Property have the following comments:</p> <p>1. <u>Architectural Plans – TRIM Ref: D04349740</u></p> <p>The Building is shown as being outside of the existing property boundary – Page 3 of 15 – along both Parkes & Anderson Streets, which is not supported. The proposed development needs to remain within its property boundaries.</p>

The Building is shown outside of the proposed boundary to be dedicated as a public road. No encroachment onto or over the road is agreed or supported. The building must remain fully within the property boundaries (including the proposed boundaries). No easement will be endorsed supporting any encroachments over the current road or over the proposed road dedication.

2. Floor Plans – TRIM Ref: D04349743

Page 1 and Page 5 of 20 show the proposed development outside of the current and proposed property boundary along Parkes & Anderson Streets, Parramatta – and no encroachment onto or over the road is supported. Page 5 to Page 19 of 20 show proposed window blades (window louvres) outside the current and proposed property boundary along both Parkes & Anderson Streets. The overhang outside the current and proposed property boundary is not supported and no easement over the road will be supported.

3. Landscaping Plans – TRIM Ref: D04349670

Page 4 to Page 7 of 8 show the proposed development encroaching over/onto the current road and road proposed for dedication. This includes the window blades (window louvres). No encroachment or overhang is supported.

4. Survey Plan – TRIM Ref: 04349677

The survey plan does not show the area/land that is to be dedicated as 'open space' which adjoins 'Jubilee Park'.

Both areas to be dedicated should be shown (can be separate plans).

Only the proposed road dedication is shown and I understand from the VPA that an area of 'Open Space' adjoining 'Jubilee Park' is to be dedicated by the developers.

The plan highlights the Sydney Water (stormwater easement) channel in Jubilee Park. Any proposed development over the existing stormwater channel requires the consent of Sydney Water (approval).

Troy Holbrook's comments (CoP Open Space Unit) with respect to the stormwater channel should be noted and incorporated into the advice provided to the developer.

Troy's advice with respect to the Sydney Water Stormwater Channel stated;

"A significant Sydney Water stormwater asset is located within Jubilee Park along the western boundary and is subject to the proposed park embellishment works. Any works over or adjacent this Sydney Water infrastructure will need to be designed and constructed in accordance with Sydney Water Technical Guidelines for Building Over and Adjacent to Pipe Assets (2015). The detailed construction plans will also require Sydney Water approval as per the Sydney Water Building Over and Adjacent to

	<p><i>Sydney Water Stormwater Assets Policy (2015) and be certified by a structural engineer.”</i></p> <p>5. Architectural Plans – TRIM Ref: D04349740</p> <p>The proposed boundary facing ‘Jubilee Park’ as shown on Page 3 of 15 – shows encroachments over/onto the area to be dedicated as ‘Open Space’ between the development and ‘Jubilee Park’ (i.e. within the set back from the existing boundary).</p> <p>The stairs, railings and steps facing ‘Jubilee Park’ leading to/from the subject development need to remain ‘wholly’ within the ‘proposed’ property boundary and ‘totally’ outside the land proposed to be ‘dedicated’ as ‘open space’ (3m wide strip fronting Jubilee Park).</p> <p>Planning Comment: The encroachments restricted by recommended conditions.</p>
Open Space	<p>This site is subject to a Voluntary Planning Agreement (VPA) which commits the applicant to dedication of a 3m wide strip of land along the eastern boundary for incorporation into Jubilee Park and to undertake embellishment works within the park consistent with an Indicative Concept Plan (Schedule 4). It is noted that the VPA provides for <i>‘reasonable variations resulting from the detailed design phase as agreed between both parties’</i>.</p> <p>The site is subject to Sun Access Controls (Clause 4.3.3.1 h) of the Parramatta Development Control Plan 2011 requiring solar access to Jubilee Park between 12noon and 2pm. This has been achieved through stepped down building heights towards the park interface; however the 24 storey maximum height of the proposed development will result in significant afternoon overshadowing (particularly during winter months). Therefore to maximise the success of plantings in the proposed park embellishment, these works will need to utilise a palette of shade tolerant species.</p> <p>The submitted Landscape Plan (SK01 – Revision F) reflects the Indicative Concept Plan and we are therefore generally supportive of the proposed park embellishment works; however make the following specific comments:</p> <p>Stormwater Channel (Sydney Water)</p> <p>A significant Sydney Water stormwater asset is located within Jubilee Park along the western boundary and is subject to the proposed park embellishment works. Any works over or adjacent this Sydney Water infrastructure will need to be designed and constructed in accordance with <i>Sydney Water Technical Guidelines for Building Over and Adjacent to Pipe Assets</i> (2015). The detailed construction plans will also require Sydney Water approval as per the <i>Sydney Water Building Over and Adjacent to Sydney Water Stormwater Assets Policy</i> (2015) and be certified by a structural engineer.</p> <p>Materials & Landscaping Palette</p> <p>Materials and landscaping to be used in the park embellishment works</p>

	<p>are to be consistent with the existing Jubilee Park treatments to ensure a consistent public domain; including:</p> <ul style="list-style-type: none"> - Seating Walls (as per the existing sandstone entry treatment) - Supplementary Planting (08) species need to be shade tolerant and consistent with existing planting palette e.g. ferns, philodendron, clivia, etc. - Park furniture (as per the existing Jubilee Park furniture design specifications) <p>Pontoon</p> <p>This hard surface area provides important recreational opportunities for impromptu ball games e.g. handball. Tables are to be removed to maximise flexibility and seating to be installed around the perimeter.</p> <p>Park Embellishment</p> <p>To ensure that the proposed park embellishment works meet Council standards and requirements, detailed design plans will need to be submitted and approved by Councils Open Space delegate prior to issue of the construction certificate. Works as executed plans will also need to be signed off by Councils Open Space delegate prior to issue of occupation certificate to ensure that any problems or issues can be identified and rectified satisfactorily. The following conditions are therefore recommended:</p> <p><i>Prior to Issue of Construction Certificate</i></p> <p><i>The applicant is to engage an appropriately qualified project landscape architect to prepare all park embellishment works plans and ensure that they are in accordance to the relevant Australian Standards.</i></p> <p><i>The applicant must submit a detailed park embellishment plan that is to be approved by Council's Open Space delegate prior to the issue of the Construction Certificate. The embellishment plan must include details of levels, drainage, earthworks, landscape plantings, pathway treatments, seating and tree planting. Embellishment of the park must occur in accordance with this embellishment plan prior to the issue of the occupation certificate.</i></p> <p><i>Prior to Issue of Occupation Certificate</i></p> <p><i>The applicant is to engage an appropriately qualified project landscape architect to prepare and supervise all park embellishment works to ensure that they are constructed in accordance with the approved park embellishment plan.</i></p> <p><i>On completion of the park embellishment works, the project landscape architect is to submit Works as Executed plans. They are also to provide a statement to certify that:</i></p> <p><i>the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,</i></p> <p><i>the Works as Executed plans are true and correct record of what has been built.</i></p> <p>Maintenance Period</p> <p>A 5 year maintenance period is generally required following the practical completion of embellishment works to ensure that the high quality of park is maintained during the implementation of future phases of the</p>
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development. This is consistent with precedents from similar open space land dedications and embellishment works. The following conditions are therefore recommended:

Conditions (Prior to Issue of Occupation Certificate):

- ***The applicant must enter into an appropriate legal agreement to the satisfaction of the City of Parramatta Council ensure that the maintenance of the park embellishment works is provided for by the applicant for a period of 5 years from the issue of the Occupation Certificate.***
- ***The applicant must prepare maintenance plan that is to be approved by Council's Open Space delegate prior to the issue of the Occupation Certificate. The maintenance plan must include details of frequency of watering, rubbish removal, furniture and plant maintenance.***

Tree Protection

The proposed development and park embellishment works are located in proximity to trees within the public reserve which must be protected for the duration of the proposed works. The following conditions are therefore recommended:

General

A Project Arborist is to be appointed in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification throughout the development process.

Reason: To ensure protection of significant trees and minimise the impacts of the development.

To minimise disturbance to nearby reserve trees, no excavation shall take place within the critical root zone (CRZ)*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)*, but only by hand under the supervision of an experienced arborist. In the event that major structural or feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, the project arborist is to implement appropriate measures to ensure the long term retention of the tree. (Note: Council's Tree Management Officers maybe contacted for advice regarding appropriate tree protection measures).

- critical root zone = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).
- primary root zone = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk).

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

Prior to Commencement of Works

Tree protection fencing must be erected around significant trees within the park embellishment area and is to be retained for the duration of works in accordance the following requirements:

- i) The tree fencing must be contiguous and constructed of 1.8 metre 'cyclone chainmesh fence' and must be erected in

	<p>accordance with AS 4970-2009 (4.3 - Fig.3).</p> <p>ii) Tree fencing may be repositioned to facilitate required park embellishment works only where appropriate branch protection is implemented in accordance with AS4970 (Section 4.5) under the direction of the project arborist.</p> <p><i>Reason: To ensure protection of trees and minimise the impacts of the development.</i></p> <p>During Construction or Works</p> <p>No excavation (for services and other works), change of soil level (cut or fill), parking (vehicles or plant), or placement of building materials (including disposal of cement slurry and waste water) or siting of temporary structures is permitted within the Tree Protection Zone (AS 4970-2009) of trees located within the adjoining council reserve.</p> <p><i>Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.</i></p> <p>Public Reserve Protection</p> <p>Public access and use of Jubilee Park (excluding the embellishment works area) must be maintained throughout the duration of works. Trees and other public assets within the park must also be protected for the duration of works, with temporary fencing to be erected along the site boundary (as per the submitted Landscape Site Plan SK00 - Revision C) prior to the commencement of works and must remain in place for the duration of works. The following conditions are therefore recommended:</p> <p>General</p> <p>No materials, vehicles, refuse skips and the like are to be placed or stored in the adjoining public reserve outside the park embellishment area as indicated in the Landscape Site Plan SK00 (Revision C).</p> <p><i>Reason: To ensure public safety and protect the amenity of public land.</i></p> <p>No vehicular access is permitted through or into the adjoining reserve outside the park embellishment area as indicated in the Landscape Site Plan SK00 (Revision C) during works without the prior written consent of Council.</p> <p><i>Reason: To ensure public safety and protect the amenity of public land.</i></p> <p>Prior to Commencement of Works</p> <p>The applicant is to install 1.8m high temporary fencing along the boundary of the park embellishment area prior to the commencement of works to prevent public access to the site. The temporary fencing is to be maintained for the duration of works and details demonstrating compliance is to be submitted to the Principal Certifying Authority.</p> <p><i>Reason: To ensure public safety and protect the amenity of public land.</i></p> <p>Clay Cliff Creek</p> <p>The proposed development will involve works over and in proximity to Clay Cliff Creek. The following conditions is therefore recommended:</p> <p>General</p> <p>All works must be carried out so that:</p> <ol style="list-style-type: none"> No materials are eroded, or likely to be eroded, are deposited,
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	<p>or likely to be deposited, on the bed or shore or into the waters of Clay Cliff Creek; and</p> <p>ii. No materials are likely to be carried by natural forces to the bed, shore or waters of Clay Cliff Creek.</p> <p>Any material that does enter Clay Cliff Creek must be removed immediately.</p> <p><i>Reason: To ensure protection of waterways.</i></p> <p><u>Planning Comment:</u> The flood and stormwater management is satisfactory subject to recommended conditions.</p>
Arts planning comments	<p>During the course of assessment Further information required on the art work</p> <ul style="list-style-type: none"> - along the north east corner; - The Arts Plan makes mention of the opportunity, indeed an identified and pre-existing strategy, of engaging with the park along the boundary. The document however say that the park's "interface with the development is constrained by "Clay Cliff Creek culvert". A site drawing indicating such a constraints would be useful in allowing better assessment of this point; - clarification sought on how the arts plan interacts with the VPA; - clarify how many artworks are proposed. <p><u>Planning Comment:</u> The arts plan is satisfactory subject to recommended conditions.</p>
Landscape	<p>Arborist report will be submitted from applicant – canopy and root protection issues on the previous approval.</p> <p>Arborist Report (development and adjoining sites)</p> <p>An Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) prepared by an AQF Level 5 arborist must be provided upon lodgement of the development application. The AIA shall identify all trees equal to or greater than five (5) metres in height located within the subject site and adjoining properties where located within three (3) metres of the common property boundary or where a tree protection area extends into the development site. The report must identify all trees proposed to be retained or removed as a result of the proposed works and quantify any potential impacts incurred.</p> <ul style="list-style-type: none"> (a) The arborist report must provide a tree removal/retention plan at 1:100 or 1:200 scale showing the location of all trees equal to or greater than five (5) metres in height located within the subject site and all affected trees and located on the adjoining properties within three (3) metres of the common property boundary. (b) The plan must include survey detail and show the existing ground levels at the base of each tree, the actual canopy spread to scale, the location of and diameter at breast height (DBH) of the trunk of the tree and a tree number (All trees shall be plotted by a registered surveyor). (c) A schedule documenting botanical and common name, age class, dimensions inclusive of, height, canopy spread, trunk diameter at breast height (DBH), calculated Tree Protection Zone (TPZ), Structural Root Zone (SRZ), calculated development incursions (if any), the health, structure, condition of the tree and provide

	<p>recommendations in relation to retention values in accordance with AS4970-2009 Protection of Trees on Development Sites.</p> <p>(d) The report must include a tree protection plan where trees are proposed to be retained. The tree protection plan shall identify the tree protection area for each tree and clearly identify the percentage of development encroachment to the root system and canopy of the tree. The tree protection plan shall be site specific and show all proposed development works, including the location of the above and below ground structures and services.</p> <p>(e) The report must list all documentation referenced during the assessment process and demonstrate due consideration to the development in its entirety. The report must address all likely impacts of the proposed development on all trees recommended for retention, and particularly any tree that may require site specific protection measures to minimise impact. Potential development impacts will include all above and below ground structures and services and any potential impacts to the tree canopy. [DO NOT include generic tree protection information that is not site specific].</p> <p>(f) Detail methodology that has been used to evaluate the health and condition of the trees; determine retention values and determine tree protection zones.</p> <p>Where retained trees have a development setback and tree protection zone established, a recommended tree protection specification and diagram must be provided in accordance with AS4970-2009 Protection of Trees on Development Sites. All site plans are to be amended to indicate the tree protection zone requirements as set forth in the arborist's report along with any other note requirements that the arborist deems necessary to ensure the long term health and sustainable retention of the trees.</p> <p><i>Note: if Consideration has not been given to retain and provide for mature vegetation, particularly large and medium sized trees, in accordance with Development Control Plan 2011 section 3.3.1., or consideration has not been shown to minimise impacts to existing mature trees or screening vegetation located within tree protection zones of vegetation on adjoining properties, Council may request design changes to minimise impacts to existing trees and vegetation.</i></p> <p>I have reviewed the architectural plans and drawings for this application and advise that the trees located on adjoining properties are an undeniable constraint to the development proposed which have not been considered by the Applicant. The current proposal will incur a significant impact to trees on adjoining properties and therefore cannot be supported without providing sufficient tree protection setbacks defined by an AQF Level 5 Arborist. It is noted that the previous approved Development Application had sufficiently considered the trees located on the adjoining properties.</p> <p>An Arboricultural Impact Assessment Report was requested on 11 August 2016 which does not appear to have been provided.</p> <p>In relation to Lin Yang's comment concerning the street tree on the corner of Anderson/Parkes Streets – I am assuming the tree(s) referred to are the proposed street tree(s)? if this is correct – I agree and a referral from traffic may be required to determine whether any of the proposed street</p>
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	<p>tree plantings along the Park Street frontage are achievable.</p> <p><u>Planning Comment:</u> The amended public domain plan and accessibility documents are satisfactory subject to recommended conditions.</p>
	<p>External Referrals</p>
RMS	<p>Since the proposed development does not require any new or removal of access from a classified State Road it does not trigger Roads and Maritime's concurrence under the Roads Act 1993. Hence, Roads and Maritime has reviewed this application in accordance with Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007.</p> <p>Roads and Maritime support this application as the SP2 zone affectation of the site is no longer needed and amended in Council's recent house keeping LEP.</p> <p><u>Planning comment:</u> The RMS no longer need the SP2 zone which was removed from the site by Council in a recent LEP amendment. Subject to recommended standard conditions the proposal is satisfactory.</p>
Endeavour Energy	<p>As shown in the below site plan from Endeavour Energy's G/Net master facility model there no easements over the site benefitting Endeavour Energy (indicated by red hatching). There are both low and high voltage (11,000 volt / 11 kV) underground cables to the road frontages of the site. Please note the location of any electricity infrastructure, boundaries etc. shown on the plan is indicative only and this plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the <u>Electricity Supply Act 1995</u> (NSW).</p> <p>Whilst Endeavour Energy has no objections to the Development Application, its recommendations and comments are as follows:</p> <ul style="list-style-type: none"> • Network Capacity / Connection <p>In due course the applicant for the future proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required pad mount or indoor / chamber substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:</p> <p>http://www.endeavourenergy.com.au/</p> <p>Endeavour Energy's Capacity Planning section whilst not having</p>

	<p>undertaken a detailed load assessment, have provided the following advice:</p> <ul style="list-style-type: none"> ○ As the plans show a substation room and this would need to be to Endeavour Energy standards. ○ There is feeder capacity (at the moment) and the feeder is located on the eastern side of Anderson Street. ○ The applicant should note that Endeavour Energy does not reserve capacity and therefore cannot provide firm commitments to enquires. In cases where augmentation works are required this may involve considerable lead times for design, environmental assessment, approvals and construction. <ul style="list-style-type: none"> • Excavation <p>The applicant should be advised of the following object of Section 49A 'Excavation work affecting electricity works' of the of <u>Electricity Supply Act 1995</u> (NSW) covering the carrying out or proposed carrying out of excavation work in, on or near Endeavour Energy's electrical infrastructure.</p> <hr/> <p>Electricity Supply Act 1995 No 94</p> <p>Current version for 8 January 2016 to date (accessed 30 March 2016 at 08:12) Part 5 > Division 2 > Section 49A</p> <p>49A Excavation work affecting electricity works</p> <p>(1) This section applies if a network operator has reasonable cause to believe that the carrying out or proposed carrying out of excavation work in, on or near the electricity works concerned</p> <ul style="list-style-type: none"> (a) could destroy, damage or interfere with those works, or (b) could make those works become a potential cause of bush fire or a potential risk to public safety <p>(2) In those circumstances, a network operator may serve a written notice on the person carrying out or proposing to carry out the excavation work</p> <ul style="list-style-type: none"> (a) to modify the excavation work, or (b) not to carry out the excavation work, but only if the network operator is of the opinion that modification of the excavation work is necessary to prevent interference with, the electricity works concerned or in preventing those works becoming a potential cause of bush fire or a potential risk to public safety <p>Asbestos</p> <p>Endeavour Energy's G/Net master facility model indicates that the site is a location identified or suspected of having asbestos or asbestos containing materials (ACM) present. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.</p> <p>When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required</p>
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	<p>whenever construction works has the potential to impact asbestos or ACM.</p> <p>The company's potential locations of asbestos to which construction / electricity workers could be exposed include:</p> <ul style="list-style-type: none"> o customer meter boards; o conduits in ground; o padmount substation culvert end panels; and o joint connection boxes and connection pits. <p>Further details are available by contacting Endeavour Energy's Health, Safety & Environment via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.</p> <ul style="list-style-type: none"> • Vegetation Management <p>The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Accordingly only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the <u>Electricity Supply Act 1995</u> (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.</p> <ul style="list-style-type: none"> • Demolition <p>Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected i.e. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site e.g. street light columns, power poles, overhead and underground cables etc.</p> <ul style="list-style-type: none"> • Dial before You Dig <p>Before commencing any underground activity the applicant is required to obtain advice from the Dial before You Dig 1100 service in accordance with the requirements of the <u>Electricity Supply Act 1995</u> (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical infrastructure across the sites, but also to identify them as a hazard and to properly assess the risk.</p> <ul style="list-style-type: none"> • Public Safety
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	<p>As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:</p> <p>http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures</p> <ul style="list-style-type: none"> • Emergency Contact <p>In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note Emergencies Telephone is 131 003 which can be contact 24 hours/7 days.</p> <p><u>Planning comment:</u> Noted.</p>
Water NSW	<p>The proposal attracts the NSW Aquifer Interference Policy – including the need for the applicant to provide a thorough hydrogeological assessment of the predicted impacts of the proposed development and calculations of the volumes likely to be extracted. As defined in that policy, such requirements apply to activities interfering with all aquifers, including low yielding and saline groundwater systems.</p> <p><u>Planning comment:</u> General Terms of Approval were also given and form part of the recommendation.</p>

PUBLIC CONSULTATION

PUBLIC NOTIFICATION:

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011 owners and occupiers of surrounding properties were given notice of the application for a 28 day period between 1 September and 3 October 2016. In response three (3) submissions were received with one objector requesting their details be withheld. Details are as follows:

(Request that this address be suppressed)
PARRAMATTA NSW 2150

- 18-40 Anderson Street (Holiday Inn to the rear)
PARRAMATTA NSW 2150

Issues raised are as follows:

Solar Access

Concern was raised that the height of the building will result in unacceptable shadow impacts to Jubilee Park, the child care centre adjoining the park, and No 39 Cowper Street. An objector suggested a reduction in the height of the building to the same height as the Holiday Inn buildings located at 18-40 Anderson Street, Parramatta.

Planning Comment: The proposal was subject to a design excellence competition. This identifies solar access to the park as a design constraint. The winning design incorporates a stepped building designed to minimise overshadowing to the park. There were a number of other setback controls and constraints that required the building to be repositioned.

Height

Concern is raised that the height of the proposal is in excess of the height development standard for the site. There is another development application under consideration in proximity to the subject site that is ten (10) storeys in height (DA/738/2016). Concern is raised that Council is inconsistently applying the height control.

Planning Comment: The proposal has been subject to a design excellence competition, amendments to the height and FSR development standards in LEP 2011, and a VPA. These processes have been conducted independently of this DA assessment and have been exhibited.

The submission from 18-40 Anderson Street was written on the basis that the land owner is investigating potential development options for their site due to the recent Gateway determination of the Parramatta CBD Planning Proposal increasing the maximum permissible height and FSR. Issues raised are as follows:

Setbacks

The development is subject to the provisions of the NSW Apartment Design Guide (ADG). Parramatta Development Control Plan (PDCP) 2011 controls have setback controls specific to the Parramatta City Centre. The PDCP 2011 requires 6m setbacks to side boundaries and 12m setbacks to rear boundaries, whilst the ADG requires:

- 3m to non-habitable rooms and 6m to habitable rooms, up to 12m in height (4 storeys);
- 4.5m to non-habitable rooms and 9m to habitable rooms, up to 25m in height (5 - 8 storeys); and
- 6m to non-habitable rooms and 12m to habitable rooms, above 25m in height (9+ storeys).

Planning Comment: The proposed development as lodged had unsatisfactory setbacks to 18-40 Anderson Street. At the boundary between the two sites, the proposal provides a 0m - 1m setback at the Jubilee Park end, and only 3m at the Anderson Street end.

The setbacks vary within the centre of the site, varying between 4.5m - 10m, and these are to habitable rooms/balconies.



Figure 1: Elevation from Holiday Inn with setbacks.

Concerns over design excellence conclusions on land use compatibility

The Design Jury Report notes that the setbacks to 18-40 Anderson Street are sufficient as the zoning of the site would not permit future residential development. Concern is raised that this disregards the potential for adjoining landowners to explore their own planning proposals permitting residential development. Even if residential uses are not proposed the key objective for the control under Objective 3F-1 of the ADG and specific Design Guidance states:

- "For residential buildings next to commercial buildings, separation distances should be measured as follows:
- For retail, office spaces and commercial balconies use the habitable room distances;
- For service and plant areas use the non-habitable room distances.

The objector is of the view that that regardless of the neighbouring uses, either the prescribed habitable or non-habitable ADG setbacks should be applied depending on the circumstances. As such, the provision of substantially reduced setbacks should not be accepted by Council. Of particular concern is the proposed 24-storey building component set back only 3m from the property boundary. Assuming rooms within this portion of the building are non-habitable, this setback needs to be increased to an absolute minimum of 6m from the boundary. Should the rooms be habitable, the setback should be increased to be greater than 6m above 25m in height.

Planning Comment: A greater setback was required during assessment to satisfy ADG and Council DCP controls. A greater setback was also required for tree protection measures (see below).

Impact on trees

The Holiday Inn site contains two significant trees close to the boundary with 5-7 Parkes Street located near Jubilee Park. There is concern that the works proposed as part of the subject development will have a serious impact on these trees, particularly as the basement will be excavated to the property's boundaries. No arborist report has been submitted to date.

Planning Comment: An arborist report was requested from the applicant to address this issue.

Bulk/Floor plate.

Concern is raised about the floor plates for the proposal.

Planning comment: The PDCP 2011 prescribes that on land *not* zoned B3 Commercial Core, the preferred maximum floor plate area of a residential or serviced apartment is 1000 square metres above a street frontage height of 26m. The SEE submitted in support of the DA states that this control does not apply as the development is 'mixed use'.

The floor plates range up to 1200sqm at its maximum above 26m. Whilst not a major concern on its own, in conjunction with the reduced setbacks this magnifies the proposal's bulk relative to adjoining sites including The Holiday Inn site.

AMENDED PLANS SUBMITTED	YES
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Summary of plan amendments:

During the course of assessment and after the first notification period amended plans and information were submitted to address the following:

- Façade changes;
- A revised arts plan;
- Tree retention;
- building setbacks;
- Equitable access.
- Revised stormwater, water treatment, and flood mitigation information including changes to floor levels to accommodate the new flood levels;
- Revised shadow diagrams;
- Amended public domain plans;
- Amended landscape plans;
- Amended basement car parking configuration;
- Amended elevations showing further modulation on some facades and a reduction in the height and scale of the architectural roof features;

No change to the overall height occurred in the amended plans.

AMENDED PLANS RENOTIFIED?	Yes
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In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011 owners and occupiers of surrounding properties were given notice of the application for a 28 day period between 9 March and 10 April 2017. In response Two (2) submissions were received with one objector requesting their details be withheld. Details are as follows:

- (details and address suppressed)
PARRAMATTA NSW 2150
- 18-40 Anderson Street (Holiday Inn to the rear)
PARRAMATTA NSW 2150

Issues raised are as follows:

Reduction in Solar Access to Jubilee Park

Concern is raised that the proposal will result in a loss of solar access to Jubilee Park.

Planning Comment: The building has been designed with consideration to these diagrams. The stepped building form allows for the sun to access Jubilee Park between 12noon to 2pm as shown on the elevation plans. The sun plane has been through a Design Excellence Jury and Urban Design assessment and complies with Figure 4.3.3.1.14 Sun Access Plane Diagram – Jubilee Park and Figure 4.3.3.1.15 Aerial View of Sun Access Planes on Jubilee Park and Lancer Barracks in PDCP 2011.

Height

Concern is raised that the proposal is of an inconsistent height relative to surrounding development.

Planning Comment: The height for the site was subject to a Planning Proposal and VPA. The design of the building was subject to a Design Excellence Process, which allowed for a 15% increase in the height of the winning design if design excellence could be achieved. Design Excellence was achieved in both the submitted plans and the subsequent amendments during the assessment of this application. No increase in height beyond the maximum 15% allowable in the PLEP occurred during the course of amendment.

Southern Setback

Concern is raised that the southern setback does not comply with Objective 3F-1 of the Apartment Design Guideline (ADG). Concern is raised that retention of trees on the site to the south of the subject site and the use of obscure glazing on the southern elevation are inadequate justifications for varying the ADG setback control. The departure identified is as follows:

Location	Proposed in amended plans (DA/730/2016)	Minimum ADG Requirement*	Non-compliance
1. Central portion (habitable façade)	9-10m setback up to 20 storeys	12m setback required at storeys 9+	2-3m non-compliance at storeys 9+
2. Western portion (non-habitable façade)	3m setback for the full building height	4.5m required at storeys 5-8	1.5m non-compliance at storeys 5-8
		6m required at storeys 9+	3m non-compliance at storeys 9+

The objection notes that the greatest degree of departure occurs on the western side of the subject site, where the trees are located more to the eastern side of the boundary between the subject site and the adjoining site. The objector however acknowledges:

- 1) the importance of retaining significant trees where possible; and
- 2) the obscure glazing will reduce visual privacy impacts.

The objection notes that the intent of the building separation control is to not only ensure visual privacy an amenity to adjoining sites but is also to provide appropriate massing and spacing between buildings.

Planning Comment: The departure in the ADG setback requirements was identified in the preliminary assessment and raised with the applicant and Council's Design Excellence Jury. The adjoining property at 18-40 Anderson Street (the Holiday Inn) may be redeveloped in the future commensurate with the growth of the Parramatta CBD. The site is currently zoned B5 Business development and is proposed to be zoned B3 Commercial Core under the CBD Planning Proposal. These zones both prohibit residential development and as such it can be assumed that the future development on the site will be for non-residential uses.

The future redevelopment of the Holiday Inn site may locate a building envelope closer to the northern boundary, encroaching on the existing building separation provided by the proposed development.



Figure 9: showing the subject site, constraints such as the exiting trees and through site link and an indicative massing model of the Holiday Inn site to the south. This massing model was considered by the Design Excellence Jury when reviewing the amended plans prior to re-exhibition.

The through site link required as part of development in this locality and the retention of the large fig trees on the Holiday Inn site required by Council will influence the location of any building envelope resulting in a setback of approximately 16m from the northern boundary. While this setback results in a non-compliance with the ADG building separation design criteria, the southern façade of the proposed development is characterised by non-habitable spaces and includes frosted glass windows and blank wall facades to mitigate any potential direct views or visual privacy impacts. In this regard the interface should be treated as non-habitable and therefore may be provided with a reduced setback to the boundary. This design strategy was confirmed with the Design Excellence Jury in both their preliminary and final assessment of the amended plans. Furthermore, the non-residential nature of the adjoining site is not expected to give rise to any adverse visual or amenity impacts.

Solar access impacts to the Holiday Inn site adjoining the south

Concern was raised that the proposal will result in solar access impacts to the site due to the departure in the southern side setback control. The objector acknowledges that some overshadowing to the site to the south is inevitable.

Planning Comment: The building under assessment was subject Design Excellence Competition. The building design has a stepped form to minimise overshadowing to Jubilee Park and adjoining sites. The amended plans including the departures to the ADG setback requirements were subject to scrutiny by Council's Design Excellence Jury. Noting that the adjoining Holiday Inn site is a commercial use defined as a *hotel or motel accommodation* in the Parramatta LEP the shadow impacts are acceptable.

Bulk/Floor plate size

Concern is raised that the amended plans show one non-compliant floor plate with the maximum 1000s sqm floor plate under section 4.3.3 of the PDCP. The objector issues that falls from this is the contribution to bulk and scale and impact of views and solar access to the north facing façade of the Holiday Inn site.

Planning Comment: The building was designed for stepped arrangement and was subject Design Excellence Competition. The building design has a stepped form to minimise overshadowing to Jubilee Park and adjoining sites. The departure from the DCP floor plate control is a reflection of the overall design. Northerly views from the Holiday Inn site over the subject site are to the Council Car Park and commercial buildings fronting Parkes Street and beyond this the Parramatta CBD. These views are not significant for the hotel land use on the site.

Future Development of the Holiday Inn site

Concern is raised about the massing study submitted by the applicant during the course of assessment and shown at Figure 9 above. The objection notes that a separation of this nature cannot be assumed because:

- overland stormwater flow would be subject to technical flood study;
- any redevelopment of the Holiday Inn site does not require a through site link in the position identified as requirement of Council.

Planning Comment: The massing model was used to demonstrate the tree constraints on the subject site and the effect of setback departures on possible development on the Holiday Inn site. These trees are located on the Holiday Inn site and are two large fig trees.

The holiday Inn site is appreciably longer than the subject site. This inherently makes redevelopment opportunities on this site away from the northern boundary possible, and indeed

more likely. At the time of writing this report there are no Planning Proposals with Council for the Holiday Inn Site to the immediate south.

Response to SWCPP briefing minutes

The matters raised by the Panel at its Briefing meeting are addressed below:

Issue 1 - David Ryan declared a conflict of interest and did not attend the meeting;

Noted.

Issue 2 - Southern setback to comply with the ADG and simultaneously retain the trees on adjoining property;

Amended plans and an arborist report were submitted to the satisfaction of Council's Landscape Officer ensuring the protection of the trees on adjoining site. The ADG departures have been reviewed by the Design Excellence Jury and discussed above in this report.

Issue 3 RMS to either agree to removing the bus zone or the building be set away from it;

The RMS have agreed to the removal of the bus zone and the SP2 Zone affecting the site has been adopted to be removed by resolution of Council on 10 April, 2017.

Issue 4 No height changes above 15% maximum to accommodate any stormwater management;

No change in the maximum height of the building or the solar access plane to Jubilee Park resulted from the stormwater amendments.

Issue 5 - No issue around permissibility of shop top housing definition;

Noted.

Issue 6 - Floor plates to satisfy the maximum 1000 sqm Council control;

In the amended plans one floor plate does not comply with the DCP control. The proposal is for a stepped building. This is to minimise shadowing to adjoining Jubilee Park. The stepping results in a departure for one floor. This is discussed in the body of the report.

Issue 7 - Amendments then to be tested to satisfy overshadowing control to Jubilee Park.

Amended shadow diagrams were submitted and satisfy complies with Figure 4.3.3.1.14 Sun Access Plane Diagram – Jubilee Park and Figure 4.3.3.1.15 Aerial View of Sun Access Planes on Jubilee Park and Lancer Barracks in PDCP 2011.

PARRAMATTA s94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for development exceeds \$250,000 a Section 94A development contribution of 3.0% in the Parramatta CBD is required to be paid. A Detailed Cost Estimate was provided with a development cost of \$57,279,317.00. A condition of consent will require payment of a contribution of \$1,718,379.50 prior to issue of the Construction Certificate.

A condition of consent will require payment of a contribution of 1,718,379.50 prior to issue of the Construction Certificate.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions.

SUMMARY & CONCLUSION

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

Conditional consent

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

RECOMMENDATION A – APPROVAL SUBJECT TO CONDITIONS

- A. That pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 the Sydney West Central Planning Panel grant consent to Development Application DA/730/2016 subject to the conditions in **Attachment A**.

Physical commencement is to occur within five (5) years from the date on the Notice of Determination.

Report prepared by

Stan Fitzroy-Mendis
Team Leader

Peer Review:

I have read the Section 79C assessment worksheet and endorse the manner in which the development application has been assessed. I concur with the recommendation.

Claire Stephens
Service Manager Development Assessment Services

Signature:

Date:

Peer Review:

I have read the Section 79C assessment worksheet and endorse the manner in which the development application has been assessed. I concur with the recommendation.

I authorise the Development Assessment Officer whose name appears above to sign all plans and paperwork in relation to this determination.

Mark Leotta
Manager Development and Traffic Services Unit

Signature:

Date:
