



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYW247
DA Number	DA/1066/2016
LGA	City of Parramatta
Proposed Development	55-storey mixed use tower comprising 314 residential apartments, 260 hotel rooms with associated function/conference facilities, and 9 levels of basement parking; demolition of existing commercial building at 10 Phillip Street, part demolition and adaptive reuse of existing church hall buildings; and retention of church building. The application is Nominated Integrated development under the Water Management Act 2000 and the National Parks and Wildlife Act 1974. The application is to be determined by the Sydney Central City Planning Panel.
Street Address	2 - 10 Phillip Street, PARRAMATTA NSW 2150 (Lots 1 & 2 DP 986344 and Lot 1 DP 228697)
Applicant/Owner	Coronation Parramatta Pty Ltd
Date of DA lodgement	14 November 2016
Number of Submissions	Advertisement 1: Eighteen (18) Advertisement 2: Three (3) [1 new submitter] Total: Nineteen (19) unique submissions
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (at the time of lodgement), the development has a capital investment value of more than \$20 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environment Planning and Assessment Act 1979• Environment Planning and Assessment Regulation 2000• SEPP (Building Sustainability Index: BASIX) 2004• SEPP (Infrastructure) 2007• SEPP (State and Regional Development) 2011• SEPP (Sydney Harbour Catchment) 2005• SEPP No. 55 (Remediation)• SEPP No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide• Parramatta LEP 2011
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Architectural Drawings Attachment 2 – Civil Drawings Attachment 3 – Landscape Drawings Attachment 4 – Design Competition Jury Response Attachment 5 – Water NSW Integrated Approval Attachment 6 – Controlled Activity Approval
Report prepared by	Alex McDougall Executive Planner, City Significant Development
Report date	18 June 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

1. Executive Summary

The proposal provides for construction of a 55 storey mixed use building comprising a 260 room hotel and 314 residential units. The building is based on the winning entry in a design competition, is considered to constitute design excellence and thus benefits from height and density bonuses. The proposed building generally follows the form for the site envisaged by Parramatta LEP 2011 and Parramatta DCP 2011 and is generally consistent with the requirements of the Apartment Design Guide and as such is considered to provide a high standard of accommodation for future occupants.

The site constraints include heritage, flooding, archaeology and contamination. It is considered that sufficient evidence has been provided that these risks can be managed appropriately.

While the proposal results in the loss of heritage fabric on the site this is considered to be acceptable as the applicant has demonstrated sensitive retention and integration of key heritage elements and a commitment to an appropriate heritage interpretation strategy.

Vehicular access to the site would be from a lane off Phillip Street which is considered to be the most appropriate location given the constraints of the site.

While the proposal would result in isolation of the adjoining site, 101 Marsden Street, this is considered to be acceptable as that site is already developed to its full potential.

The likely amenity impacts on adjoining and nearby properties are considered to be reasonable, subject to conditions, based on the high-density character of the area and the built forms envisaged by the controls. It has been demonstrated that the increase in traffic would not compromise the efficient function of the local road network.

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval is recommended.

2. Key Assessment Issues

SEPP BASIX

- **Thermal Comfort** – Applicant's submission considered to be overly optimistic. Additional measures are conditioned to increase thermal comfort of proposed residential units.

SEPP 65 & Apartment Design Guide

- **3D – Communal Open Space** – Underprovided and shared with hotel. Considered to be acceptable given inner city context and amount of public open space in vicinity.
- **3E – Deep Soil** – None provided. Considered to be acceptable given inner city context and provision of alternative stormwater management.
- **4A – Solar Access** – Number of complying units slightly deficient. Considered to be acceptable given inner city context.
- **4D – Apartment Size & Layout** – Various non-compliances. Considered to be acceptable given minor extent of breaches.

Parramatta Local Environmental Plan 2011

- **Section 5.10 – Heritage** – Proposal would result in substantial demolition of a heritage listed building. Considered to be acceptable subject to protection of retained elements and development of interpretation strategy.

- **Section 6.3 – Flooding** – Proposal relies on a powered flood gate in basement which is less desirable. Considered to be acceptable given visual amenity impacts of large gates at street level.

Parramatta Development Control Plan 2011

- **Clause 3.3.4 – Acoustic Amenity** – Proposal does not include specific measures to ensure acceptable noise levels. Conditions included requiring proposal comply with acceptable noise levels.
- **Clause 3.4.5 – Dwelling Mix** – Under provision of 3-bed units and over provision of 1 and 2 bed units. Considered to be acceptable given inner city context.
- **Clause 3.7.2 – Site Isolation** – Proposal would isolate adjoining site at 101 Marsden Street. Considered to be acceptable as adjoining site is already developed to full potential.
- **Clause 4.3.3.7 – Building Envelope** – Slight exceedance of envelope. Considered to be acceptable as provides additional visual interest.

3. Site Description, Location and Context

3.1 Site, Improvements & Constraints

The site has a frontage of 49.23m to Phillip Street (southern boundary), 42.22m to Marsden Street (western boundary) and 45.59m to a Council owned informal and unnamed lane to the east of the site. The site has a total area of 2,307m². The site exhibits a slight fall of approximately 1.1m from a height of 9.9m AHD on the south-western corner of the site to a low of 8.8m AHD on the eastern side of the site.

There are a mixture of uses in the locality – residential (north), retail (east and south-east) and government (south and south-west). The site is located within the Parramatta CBD.

The site contains a church building, a series of connected church hall buildings and a 5 storey commercial office building. The former church and hall buildings are in use as a restaurant. The office building contains various office tenancies.



Figure 1. Aerial view of site and locality (subject site in red).

The church and hall buildings (see Figure 2 below) are subject to a local heritage listing. The site is surrounded by a significant number of heritage items (see Figure 3 below). Of particular interest is Old Government House and Parramatta Park which are located 500m and 200m to the west of the site respectively. Old Government House is recognised in local, state, federal and world heritage listings.

The site is also identified by Council mapping to be of potential archaeological and Aboriginal cultural heritage significance. Parramatta River is nearby, to the north of the site, and as such the site is affected by flooding and acid sulphate soils. The site is subject to 1:20 year floods, has a high Probable Maximum Flood level and up to Medium Hazard Flood speed risk.



Figure 2. Subject site as viewed from the corner of Marsden Street and Phillip Street.

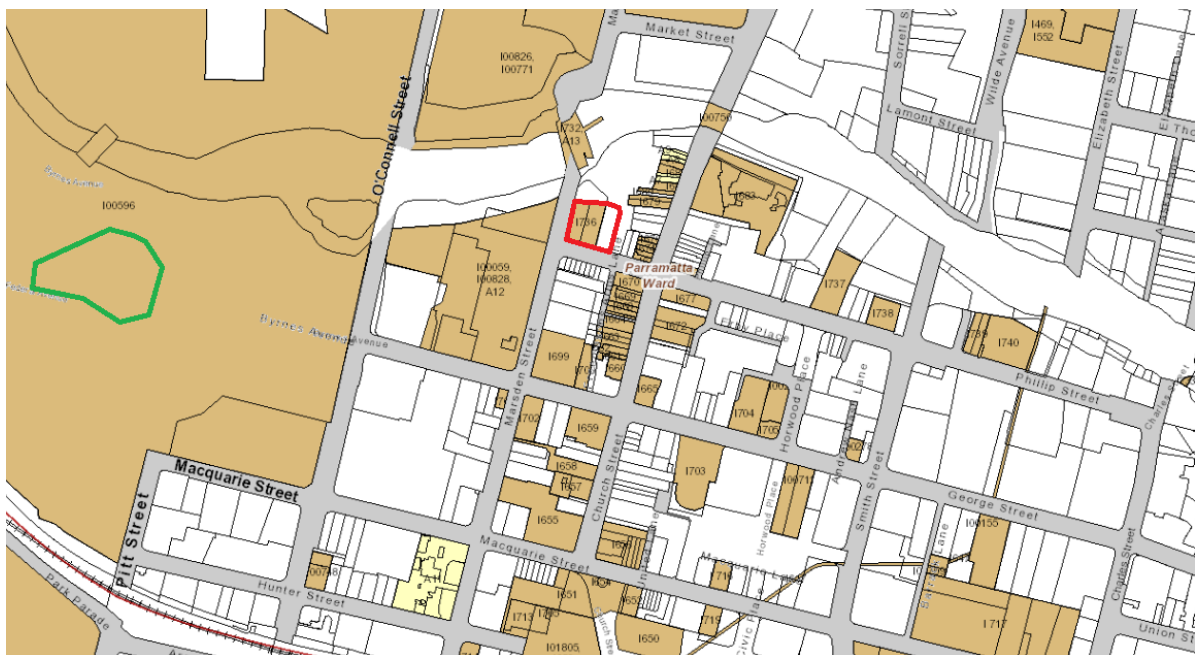


Figure 3. Heritage items in the vicinity of the site (heritage items in yellow, subject site in red, Old Government House buildings in green)

3.2 Site History

A Planning Proposal relating to the site (Council Ref: RZ/13/2014 / Parramatta LEP 2011 Amendment No. 28) was gazetted on 15/06/2018 resulting in the following statutory changes to the classification of the land:

- Inclusion in Special Provision Area
- Subjection to Clause 7.6 'Airspace Operations'
- Height map modification – 80m to 192m
- FSR map modification – 6:1 to 10:1
- Subjection to Clause 7.13 'Development on land at 2-10 Phillip Street, Parramatta' – Site specific controls allowing up to 5.5:1 additional commercial FSR, requiring at least 1:1 commercial FSR, and maximum parking restrictions.

Assessment of this Planning Proposal ran concurrently with this Development Application.

A design competition was held for the site (Council Ref: DC/14/2016) and on 10 October 2016 a proposal by Woods Bagot Architects was awarded design excellence triggering the following development bonuses under Clause 7.10(8):

- Height – 15% bonus (up to 220.8m)
- FSR – 15% bonus (additional 1.5:1)

3.3 Nearby / Related Development

Reference	Address	Development	Status
MP 10_0171	330 Church Street	55 storey building: retail, residential and serviced apartments	Complete
DA/171/2014	12-14 Phillip Street & 331A – 339 Church Street	<p>41 storey mixed use building: retail, discovery centre and cafe, conference centre and residential.</p> <p>Notes:</p> <ul style="list-style-type: none"> • The site is owned by Council. • The site is subject to a PDA with a private developer for the above works. • The access handle to Phillip Street is currently used to access parking on the subject site and services the rear of the adjoining Church Street properties. • As part of the PDA, the access handle (shown in pink below) will remain in Council ownership as a public lane. 	Under Construction

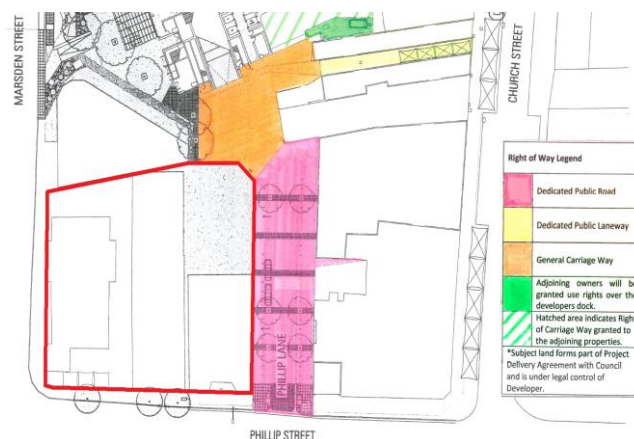


Figure 4. Approved design, use and ownership of Unnamed lane.

DA/171/2014/A	12-14 Phillip Street & 331A – 339 Church Street	s4.55 application for modifications to approved building (see above) including 3 additional residential levels and additional car parking.	Under Assessment
RZ/14/2014	295 Church Street	Amendment of the Parramatta Local Environmental Plan 2011 to a maximum building height of 185m and a maximum FSR of 18:1 (~55 storey tower)	Under Assessment

4. The Proposal

The proposal includes the following:

- Demolition of existing commercial building at 10 Phillip Street;
- Part demolition of existing church hall (front façade and part western wall retained);
- Excavation of 9 storey basement to provide:
 - 177 car parking spaces (160 residential, 17 hotel/commercial);
 - 14 motorcycle parking spaces
 - 2 service spaces
 - 168 bicycle parking spaces
 - Residential storage
- Construction of 55 storey mixed use tower comprising the following:
 - Ground: Hotel lobby, residential foyer
 - Level 1 – 3M: Hotel function/conference facilities
 - Level 4 – 17: **260 hotel rooms**
 - Level 17M: Hotel Spa/Gym
 - Level 18: Hotel/Residential Pool and Hotel Restaurant
 - Level 19 – 53: **314 residential apartments** (56 x studio, 85 x 1-bed, 147 x 2-bed, 26 x 3-bed)
 - Level 54 – 54M: Hotel Terrace, Bar and Restaurant
- Landscaping & Public Domain upgrades

The church building would remain fully intact and would retain its current retail use.

The application was submitted as integrated development under the Water Management Act 2000 and the National Parks and Wildlife Act 1974.



Figure 5. Photomontage of proposal as viewed from corner of Phillip Street and Freemasons Arms Lane.

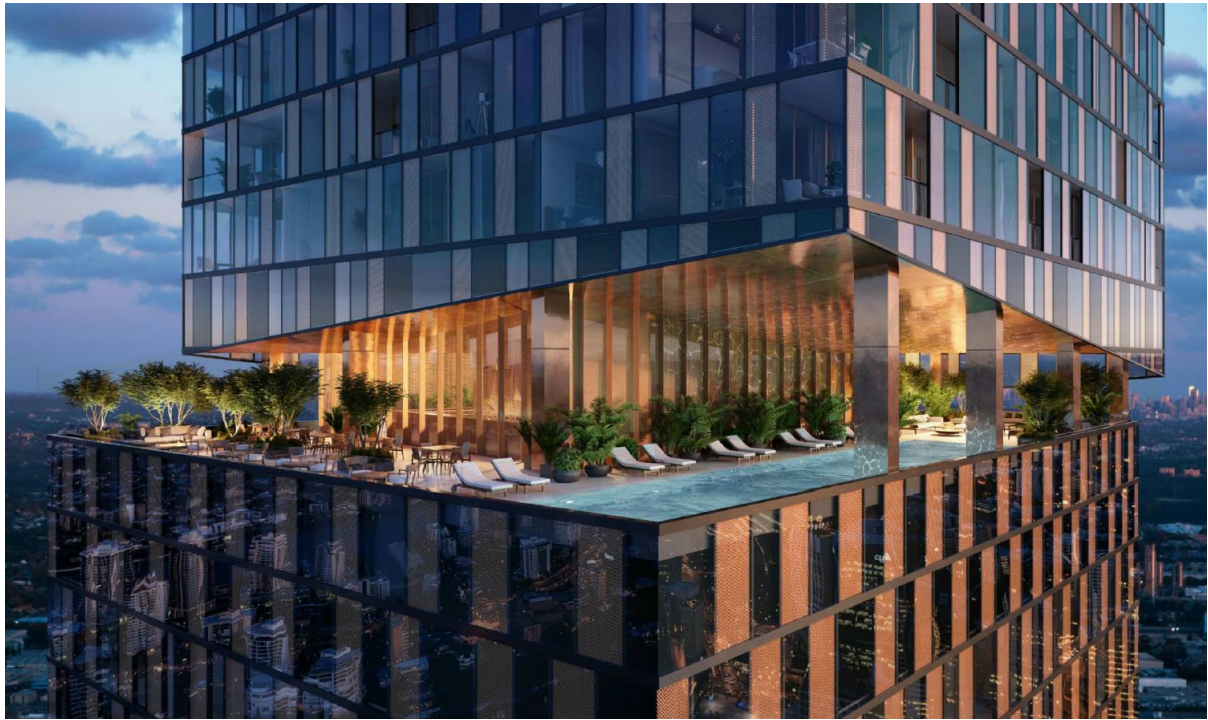


Figure 6. Photomontage of mid-tower open space.



Figure 7. Photomontage of architectural roof feature and roof top bar



Figure 8. Photomontage of proposal as viewed from forecourt of justice precinct (left) and from site forecourt on Phillip Street (right).



Figure 9. Photomontage of typical residential unit interior.

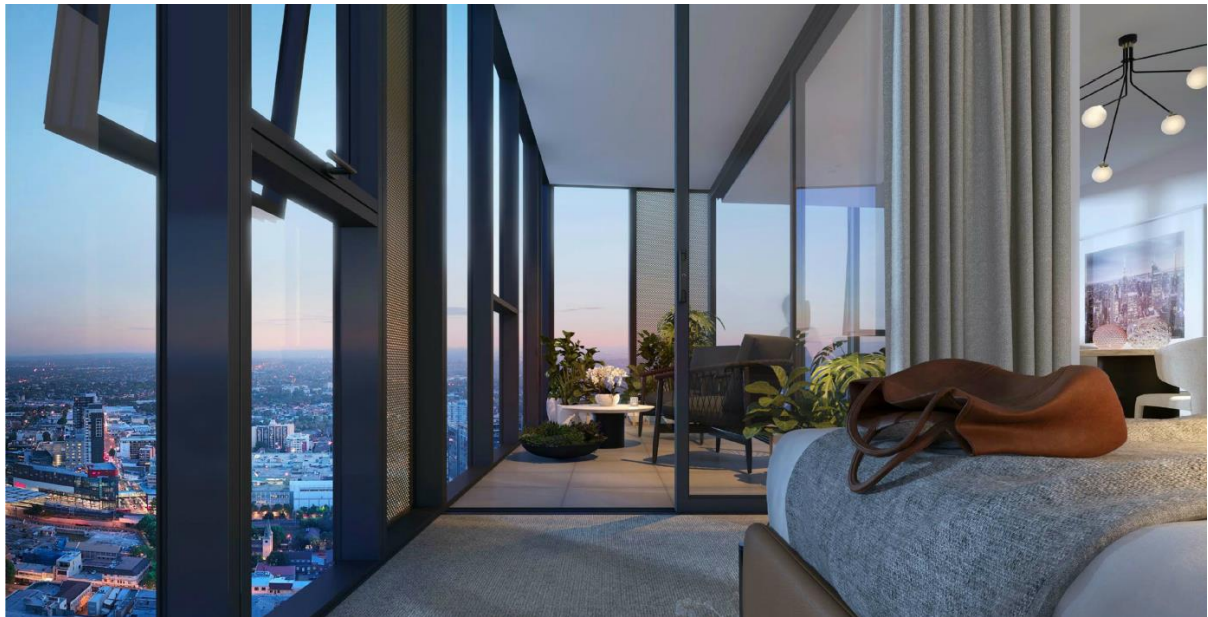


Figure 10. Photomontage of typical residential unit interior.

4.1 Summary of Amended Proposal

During the course of assessment, in response to concerns raised by Council officers and external consultants, the applicant revised the proposal as follows:

- Reduced building height (overall) from 199.7m to 198.0m (-1.7m);
- Modified location of driveway from Marsden Street to Unnamed Lane;
- Undertaking to maintain retained heritage hall facade on site, in situ, during construction as opposed to removal and reinstatement;
- Provision of additional flood proofing measures to the basement car park;
- Refined internal tower layout to improve ADG compliance;
- No demolition of rear outrigger of heritage church building;
- Deletion of valet zone in Phillip Street and Unnamed Lane;
- Deletion of retail unit to rear (necessitated by modification of driveway location).
- Increased thermal comfort measures for residential units.
- Reduction in car parking from 226 to 177 spaces (-49);

The applicant also included the following revisions at their own behest:

- Revision from 305 residential apartments (29 x studio, 94 x 1-bed, 156 x 2-bed and 26 x 3-bed) to 314 residential apartments (56 x studio, 85 x 1-bed, 147 x 2-bed, 26 x 3-bed); and
- Revision from 252 to 260 hotel rooms (+8).

5. Referrals

The following referrals were undertaken during the assessment process:

5.1 Sydney Central City Planning Panel

Issues Raised	Comment
Briefing 2 May 2018	
A rezoning is necessary for this proposal and the Panel notes the Planning proposal is not gazetted, but is understood to be imminent.	The Planning Proposal has now been gazetted (See Section 3.2 above).

Two local listed heritage items – the proposal includes partial demolition of the hall. The Panel wants careful review of the plans for the new development which show details of the parts of the hall that will be preserved and the interface with the proposed tower so that the Panel can be satisfied that the DCP's relevant provisions are complied with.	Council's Heritage Consultant has reviewed the detailed drawings outlining retention of the hall and finds them acceptable subject to conditions.
The panel notes that five heritage experts have been involved, with various opinions about the extent of conservation needed.	Noted.
With respect to heritage matters, the Panel notes the Council's intention to give weight to the DCP which will provide an objective basis for assessment. The Panel agrees with this approach.	Noted.

5.2 Design Competition Jury

The original Design Excellence Competition Jury reconvened to considered the application on 11 May 2018. The Jury support the proposal and are satisfied that it is consistent with the original Design Competition winning scheme and constitutes 'design excellence' subject to conditions requiring the continued engagement of the project architect and review by the jury through the detailed design and construction phases as well as specific conditions relating to the thermal comfort of residential units. The Design Excellence Jury's full comments are included at Attachment 4. Subsequent to the Jury's agreement, further refinement of thermal comfort conditions were agreed between Council's ESD consultant and the applicant.

5.3 Integrated

Authority	Comment
Water NSW	General Terms of Approval provided (see Attachment 5).
Office of Environment and Heritage (Aboriginal Archaeology)	Does not require integrated approval as there are no known Aboriginal objects. A separate AHIP application has been submitted for test digs on the site. If any objects are found a separate AHIP would be required which can be assessed outside the EPAA process.

5.4 External

Authority	Comment
Roads and Maritime Services	No objection to vehicular access from Unnamed Lane. Acceptable subject to conditions.
Endeavour Energy / Ausgrid	Acceptable subject to standard conditions.
NSW Police	No response received.
Sydney Water	Acceptable subject to standard conditions.
Transport for NSW	Acceptable subject to condition requiring loading dock management plan and construction management plan.
Independent Heritage Expert	Acceptable subject to conditions.
Australian Dept. of Infrastructure, Regional Development and Cities	The proposed development would not affect any sector or circling altitude, nor any instrument approach or departure procedure at Bankstown aerodrome or Westmead Hospital Helicopter Landing Sites. A separate application is required for cranes to temporarily breach these height limits.

Office of Environment and Heritage (Archaeology)	Acceptable subject to conditions.
Traffic Consultant	Proposal will have an acceptable impact on the traffic operation of the Phillip Street / Unnamed Lane intersection. Outstanding concerns can be resolved by way of conditions.
Wind Consultant	Acceptable impact on comfort and safety subject to implementation of recommendations in report.
Environmentally Sustainable Development Consultant	Acceptable subject to conditions.

5.5 Internal

Authority	Comment
Development & Catchment Engineer	Acceptable subject to conditions.
Environmental Health (Acoustic)	Acceptable subject to conditions.
Environmental Health (Contamination)	Acceptable subject to conditions.
Environmental Health (Food)	Raised concern the proposal does not provide detail of individual commercial food kitchen. It is considered that this information can be required by way of condition.
Landscape and Tree Officer	Acceptable subject to conditions.
Waste	Acceptable subject to conditions.
Public Domain	Acceptable subject to conditions.
Public Art	Acceptable subject to standard conditions. Noted that the detailed consideration of the night appearance of the site, and how artworks might relate to this experience, is to be applauded.
Social Outcomes	Raised concern that proposed dwelling mix not in keeping with DCP, living room sizes not in keeping with ADG. The dwelling mix and sizes are considered to be acceptable as per the assessment below.

6. Environmental Planning and Assessment Act 1979

The relevant sections of the Environmental Planning and Assessment Act 1979 which require consideration are addressed below:

6.1 Section 1.7: Application of Part 7 of Biodiversity Conservation Act 2016

The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

6.2 Section 2.15: Function of Sydney District and Regional Planning Panels

The Sydney Central City Planning Panel is the consent authority for this application as the proposal has a Capital Investment Value of more than \$20 million (criteria at time the application was lodged).

6.3 Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 7
Section 4.15(1)(a)(ii) - Draft environmental planning instruments	Refer to section 8
Section 4.15(1)(a)(iii) – Development control plans	Refer to section 9
Section 4.15(1)(a)(iia) - Planning Agreement	Refer to section 10
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 11
Section 4.15(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15(1)(b) - Likely impacts	Refer to section 12
Section 4.15(1)(c) - Site suitability	Refer to section 13
Section 4.15(1)(d) – Submissions	Refer to section 14
Section 4.15(1)(e) - The public interest	Refer to section 15

Table 2: Section 4.15(1)(a) considerations

6.4 Section 4.46: Integrated Development

The application is Nominated Integrated Development under the Water Management Act 2000. NSW Water have provided General Terms of Approval which are included in the draft consent. See Attachment 5 for full response. While the applicant nominated the proposal as Integrated Development under the National Parks and Wildlife Act 1974, the Office of Environment and Heritage determined that an integrated approval was not necessary.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011
- SEPP (Sydney Harbour Catchment) 2005
- SEPP No. 55 (Remediation)
- SEPP No. 65 (Design Quality of Residential Apartment Development)
- Parramatta Local Environmental Plan 2011

Compliance with these instruments is addressed below.

7.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is accompanied by a BASIX certificate that lists sustainability commitments by the applicant. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

However, Council's ESD consultant considers that the thermal comfort modelling used by the applicant (i.e. NATHERs) is overly optimistic. The residential units are composed of all glass facades and many are exposed to unshaded northern and western sunlight. In collaboration with the design excellence jury the following additional measures were required:

- Glazing with a higher thermal comfort specification.
- The area of unobstructed window openings in each room be equal to at least 5% of the floor area served.
- Corner units to have at least 1 operable window on each elevation to provide for additional cross ventilation (ability to purge hot air).
- Internal blinds provided as standard to all glazing.
- Gold glass panels and façade panels adjacent to structural columns have solid wall backings to reduce solar heat gain.

These measures were included in revised drawings and/or are included in conditions.

7.3 State Environmental Planning Policy (Infrastructure) 2007

The proposal constitutes 'traffic generating development' as it includes more than 300 residential units. As such the proposal was referred to Roads and Maritime Services (RMS) per the requirements of the SEPP. RMS raised no objection to the proposal subject to conditions.

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

The proposed development has a Capital Investment Value (CIV) of more than \$20 million, therefore, Part 4 of this Policy (at the time of lodgement) provides that the Sydney Central City Planning Panel (SCCPP) is the consent authority for this application.

7.5 State Environmental Planning Policy (Sydney Harbour Catchment) 2005

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome would be achieved through the imposition of suitable conditions to address the collection and discharge of water during construction and operational phases.

7.6 State Environmental Planning Policy No. 55 – Remediation of Land

The applicant conducted a detailed site investigation including testing of samples from 8 boreholes. Contamination has been identified on the site with exceedances over the human health investigation levels (HIL) for both residential and open space and ecological investigation levels in the form of Carcinogenic PAH, Chrysolite asbestos, Zinc, Copper and B(α)P. In response the applicant commissioned a Remedial Action Plan which outlines the following 5 step process to remediate the site to a level suitable for the proposed use:

- Stage 1 – Site preparation (including site demolition)
- Stage 2 – Data gap closure investigation and fill waste classification
- Stage 3 – Removal of fill for appropriate offsite disposal
- Stage 4 – Site validation and waste classification for natural soils
- Stage 5 – Validation report preparation

The proposal was reviewed by Council's Environmental Health team who determined that satisfactory evidence has been provided that the site is suitable for the proposed development subject to conditions requiring site validation prior to construction.

As such the proposed use is considered to satisfy the requirements of SEPP 55.

7.7 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)

SEPP 65 applies to the development as the proposal is for a new building, is more than 3 storeys in height and would have more than 4 residential units. SEPP 65 requires that residential section of the building satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel or Design Jury, and consider the recommendations in the Apartment Design Guide.

Design Quality Principles

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be consistent with the design principles for the reasons outlined below:

Requirement	Council Officer Comments
Principle 1: Context and Neighbourhood Character	The proposed development is considered to make a positive contribution to the locality and improve the existing streetscape. The character of this locality is undergoing transition from low-medium scale commercial uses to high density mixed use developments. This proposal is consistent with that shift.
Principle 2: Built Form and Scale	The height and location of the proposed building is consistent with the built form envisaged under the Parramatta LEP and DCP.
Principle 3: Density	The proposal has a complying FSR and as such is considered to provide a density of housing in keeping with the desired future character of the area.
Principle 4: Sustainability	<p>A BASIX Certificate and relevant reports have been submitted with the development application. The certificates require sustainable development features to be installed in the development.</p> <p>The proposal incorporates ESD features in the building including water efficient fixtures and energy saving devices. Additional ESD measures are to be conditioned.</p> <p>The application provides suitable provision of bicycle parking for both visitors and residents (provided in secure areas).</p>
Principle 5: Landscape	This development proposed is consistent with the objectives of the Parramatta DCP and provides appropriate on-structure planting and street planting to create an appropriate landscape setting.
Principle 6: Amenity	The proposal is considered to be satisfactory as it optimises internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.
Principle 7: Safety	<p>The proposal is considered to provide appropriate safety for occupants and the public for the following reasons:</p> <ul style="list-style-type: none"> The proposal would increase passive surveillance of the public domain. Entry points into the building are clearly identifiable for ease of access with residents and visitors.
Principle 8: Housing Diversity and Social Interaction	The proposal provides a range of housing types and sizes in an accessible location, in close proximity to services and transportation, and includes sufficient opportunity for social interaction.
Principle 9: Aesthetics	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area. Further, the development has received a design excellence designation.

Apartment Design Guide

The relevant provisions of the ADG are considered within the following assessment table:

Standard	Requirement	Proposal	Compliance
Part 2			
2F: Building Separation	<p><i>North -</i> 101 Marsden Street (12m) Future 12-14 Phillip Street Tower (24m) South (12m) West (12m-24m) <i>East -</i> Existing Church Street (12m) Future World Tower (24m)</p> <p>While the proposal doesn't provide the recommended separation from the low-rise residential flat building to the north of the site it is considered to be acceptable for the following reasons:</p> <ul style="list-style-type: none"> The adjoining building has been built in close proximity to the boundary, thereby constraining the subject site. The primary outlook from those units is to the west and north, away from the proposed tower. The adjoining building is significantly smaller than the proposal and as such the proposal would not result in the appearance of crowding. 	<p>7m</p> <p>>28.9m >24.5m >33.3m >18.7m >24.0m</p>	<p>NO</p> <p>Yes Yes Yes Yes Yes</p>
Part 3			
3B: Orientation	The building is located on the eastern side of the site to reduce the impact on the heritage church building and the tower form has been oriented in such a way as to optimise solar access for residential units.		
3C: Public Domain Interface	The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to the residential and hotel foyers.		
3D: Communal & Public Open Space	<p>Min. 25% of site area (577m²)</p> <p>Min. 50% direct sunlight to main communal open space for min. 2hrs 9am & 3pm, June 21st (289m²)</p>	<p>400m² (Level 18 amenity level)*</p> <p>143m² (Level 18 amenity level)*</p> <p>*shared with the hotel</p>	<p>18 No</p> <p>18 No</p>
	<p>While the proposal would not provide the required communal open space this is considered to be acceptable for the following reasons:</p> <ul style="list-style-type: none"> The site has good access to off-site open space including a foreshore park, the riverside walkway and Parramatta Park. The difficulty of providing such space in the city centre and on a site containing heritage items. The residents would also have access to the rooftop terraces during hotel operating hours. Residents would also have access to a gym and meeting room on Level 18. <p>A condition is included requiring the residential units have access to the shared facilities.</p>		
3E: Deep Soil	<p>Min. 7% with min. dimensions of 6m for sites of 1500m² or greater (161m²)</p>	<p>0m²</p>	<p>No</p>
	<p>While the proposal would not provide any deep soil planting this is considered to be acceptable for the following reasons:</p>		

Standard	Requirement	Proposal	Compliance
	<ul style="list-style-type: none"> The proposal is located in a high density urban environment. The site is constrained by the presence of a heritage item on the site. A condition is included requiring alternative Water Sensitive Urban Design measures to reduce run off from the site including dual flush piping, rainwater collection for toilets and cooling towers, and water efficient fixtures. 		
3F: Visual Privacy	9 storeys and over: <ul style="list-style-type: none"> 12m (Non-Habitable) 24m (Habitable) 	>24m	Yes
	The residential units start at level 19, well above the habitable windows on the adjoining residential flat building to the north. The tower would be set back more than 24m from the tower under construction to the north-east and any other future tower in the vicinity.		
3G: Pedestrian Access and Entries	The proposal includes clearly differentiated entrances for the residential units and the hotel off of the primary frontage (Phillip Street). Level access would be provided to each entrance through grading of the forecourt.		
3H: Vehicle Access	The proposal incorporates vehicular access from the Unnamed Lane to the rear of the site. This is considered to be appropriate as it would have the least direct impact on the primary road network in the CBD, the least visual impact on the building and retained heritage items and is less prone to flooding. The vehicular entry point is separated from building entry points to improve pedestrian safety and comfort. Garbage collection would be on site at the first basement level loading dock. A small fence would be required to the northern side of the driveway to prevent pedestrians from falling into the ramp. A condition is included to this effect.		
3J: Bicycle and car parking	Not applicable (see site-specific development standard, PLEP 2011 Clause 7.13)	N/A	N/A
Part 4			
4A: Daylight / Solar Access	Min. 2hr for 70% of 204 out of 314 No apartments living & POS 9am apartments (65.0%) & 3pm mid-winter (>219);		
	Max 15% apartments 38 out of 314 Yes receiving no direct sunlight apartments (12.1%) 9am & 3pm mid-winter (<48) The analysis above takes into consideration the adjoining approved tower to the north at 12-14 Phillip Street. The proposed non-compliance with solar access is considered to be appropriate in this instance as solar access is difficult to protect at higher densities, a better design would not increase compliance and the number of units receiving no solar access is minimised.		
4B: Natural Ventilation	Unit unobstructed window openings: >5%	>5%	Yes
	Residential units below level 10 - 60% cross ventilated	0 units below level 10	N/A. Cross ventilation is provided to all corner units regardless.
	Residential units level 10 and up: Open balconies	Open balconies	Yes

Standard	Requirement	Proposal	Compliance
4C: Ceiling heights	Min. 2.7m habitable, 2.4m non-habitable for residential	2.8m	Yes
	3.3m for mixed use	4.3m	Yes
4D: Apartment size & layout	Min. internal areas:		
	0B – 35m ²	>39m ²	Yes
	1B – 50m ²	>50m ²	Yes
	2B – 75m ² (2 bathrooms)	>74m ² (66 fail)	Partial (minor)
	3B – 95m ² (2 bathrooms)	>93m ² (6 fail)	Partial (minor)
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	Unit Types 04, 05, 07, 09 have habitable rooms without external windows (91 fail)	Partial
	Habitable room depths max. 2.5 x ceiling height (2.5 x 2.8 = 7m)	<7.0m	Yes
	Max. habitable room depth from window for open plan layouts: 8m.	4.0 - 8.0m	Yes
	Min. area 10m ² for master bedroom	9m ² – 28m ² (41 fail)	Partial
	9m ² for others (excl. wardrobe space).	9m ² – 12m ²	Yes
	Min. 3m dimension for bedrooms (excl. wardrobe space).	>3m	Yes
	Min. width for living/combined living & dining:		
4E: Private open space & balconies	0B – 3.6m	3.1m – 3.9m (38 fail)	Partial
	1B – 3.6m	3.4m – 4.3m (10 fail)	Partial
	2B – 4m	3.7m – 4.6m (50 fail)	Partial
	3B – 4m	4.0m – 7.6m	Yes
	The windowless rooms in unit Types 4 and 5 have knock on impacts on undersized bedrooms and balconies. As such a condition is included requiring these rooms be removed.		
	The windowless rooms in Units 7 & 9 do not result in other non-compliances and are fairly open. To reduce the likelihood that they are converted to bedrooms in the future a condition is included requiring these spaces be fitted with desk and cabinet joinery.		
	Subject to a condition requiring these changes the proposed units are considered to be of adequate quality.		
	Min. area:		
	0B – 4m ²	3.7m ² –4.4m ² (25 fail)	Partial
	1B – 8m ² /2m	6.8m ² –10.0m ² (65 fail)	Partial
	2B – 10m ² /2m	10.0m ² – 13.2m ²	Yes
	3B – 12m ² /2.4m	12.2m ² – 21.2m ²	Yes
	Min. depth:		
	0B – N/A	N/A	N/A
	1B – 2m	2.0m – 2.8m	Yes
	2B – 2m	2.0m – 3.0m	Yes
	3B – 2.4m	2.0m – 3.5m (6 fail)	Partial (minor)

Standard	Requirement	Proposal	Compliance
	Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms. The changes listed above under clause 4D are considered to adequately resolve the non-compliances.		
4F: Common circulation & spaces	Max. apartments off circulation core on single level: 12	4 - 11, wide corridors, natural light, articulated	Yes
	Corridors longer than 12m length from lift core to be articulated.	>12m & Articulated	Yes
4G: Storage	Min. 50% internal storage areas:		
	0B – 2m ³	1.0m ³ – 3.1m ³ (18 fail)	Partial
	1B – 3m ³	0.8m ³ – 7.8m ³ (29 fail)	Partial
	2B – 4m ³	3.4m ³ – 9.8m ³ (25 fail)	Partial
	3B – 5m ³	2.8m ³ – 6.7m ³ (10 fail)	Partial
	Total storage areas:		
	0B – 4m ³ (x56)	Internal	Total: Yes
	1B – 6m ³ (x85)	~1,550m ³	
	2B – 8m ³ (x147)	Basement*	Total:
	3B – 10m ³ (x26)	~680m ³	
	Total: 2,170m ³	Total: 2,230m ³	
		*storage rooms on basement levels 3-9	
	While storage within many units is limited, it is considered that this is made up for by the provision of sufficient space in the basement. A condition is included requiring all units have a total amount at least equal to the minimum.		
4H: Acoustic Privacy	The proposal has generally been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible. Noisier areas such as kitchens and laundries are designed to locate away from bedrooms when possible. It is considered that flipping the layout of Apartment type 23 would further increase acoustic privacy and as such is conditioned.		
4J: Noise and pollution	The residential units start at level 19 and as such would be well separated from the primary noise sources at ground level. The majority of plant would be located at Levels 17, 17M, 54 and 54M, and the outdoor amenity areas are located at Levels 18, 54 and 54M, which are well above adjoining sensitive receptors.		
4K: Apartment mix	The application includes an acoustic report which makes recommendations on construction methods / materials / treatments to be used to meet the criteria for the site, and ensure an acceptable impact on adjoining properties. Conditions are included requiring compliance with the report and with standard noise limits. The development has the following dwelling mix:- <ul style="list-style-type: none"> • 56 x studio apartments (18%) • 85 x 1 bedroom apartments (27%) • 147 x 2 bedroom apartments (47%) • 26 x 3 bedroom apartments (8%) These units vary in size, amenity, orientation and outlook to provide a mix for future home owners. A variety of apartments are provided across all levels of the apartment building.		
4M: Facades	While the façade design is fairly simple in that it consists primarily of a curtain wall glazing system of varying opacity/colour with little depth it is considered to be appropriate in this instance as the primary design competition ethos, of providing a mid-tower opening with twist in the tower form, is considered to be sufficient to provide visual interest. The façade includes gold coloured metal mesh interlay and gold coloured glass as feature glazing panels throughout the façade. These panels add to the visual interest of the façade.		

Standard	Requirement	Proposal	Compliance
4N: Roof design	As demonstrated by Figure 7 above, the proposal includes an architectural roof feature comprised of a two storey metallic framed glass enclosure surrounded by terraces and encased by a sculptured glass frame. This feature is considered to be appropriate given the size and prominent location of the building.		
4O: Landscape Design	The application includes a landscape plan which demonstrates that the proposed building would be adequately landscaped given its high density form. The proposal includes landscaping at ground level to enhance the front forecourt and well landscaped rooftop spaces which would provide ancillary open space for occupants. The proposed landscaping would also provide habitat for local wildlife; contributing to biodiversity.		
4P: Planting on structures	The drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting.		
4Q: Universal Design	20% total apartments (63)	61 apartments (19.4%).	No (acceptable subject to condition requiring compliance)
4S: Mixed Use	The site is considered to be appropriately barrier free with wheelchair access possible from the street and lift access from the basement and to the upper residential floors of the development. Vehicular and pedestrian entries are well separated. The proposal is considered to provide an appropriate public domain interface for commercial and residential uses at ground level, by employing clearly delineated entrances. Provision of an active frontage to the Unnamed Lane is not considered to be viable given the necessity to have vehicular and substation access from this lane.		
4T: Awnings and Signage	Hotel servicing occurs primarily in the first two basement levels with residential parking and storage in the 7 lower basement levels. An awning is not provided to the residential entrance as it is framed by a heritage façade. An awning wraps around the south-eastern corner to provide amenity for pedestrians accessing the hotel. The 3m eastern setback, to be a public right of way, is partly protected by an awning. A gap is proposed to provide views to/from the internal feature staircase. As this is not a primary pedestrian frontage this gap is considered to be acceptable.		
4U: Energy Efficiency	No signage is proposed. A condition is included requiring separate consent for signage. The BASIX Certificates demonstrates the development exceeds the pass mark for energy efficiency (26 proposed, 20 required).		
4V: Water management and conservation	The BASIX Certificates demonstrates that the development achieves the pass mark for water conservation. Stormwater would pass through a filter system before entering the stormwater main system.		
4W: Waste management	All units are provided with sufficient areas to store waste/recyclables internally prior to disposal via a waste chute system to the basement. The waste chute system is a dual garbage and recycling system. Commercial and residential waste storage is provided at first basement level. All collection would also occur at this level. A waste management plan has been prepared by a qualified waste consultant adhering to Council's waste controls.		
4X: Building maintenance	The proposed materials are considered to be sufficiently robust, eschewing the use of render and other easily stained materials. While window cleaning would be required by specialist contractors, this is considered to be standard for high rise development.		

7.8 Parramatta Local Environmental Plan 2011

The relevant objectives and requirements of the Parramatta Local Environmental Plan 2011 have been considered in the assessment of the development application and are contained within the following table.

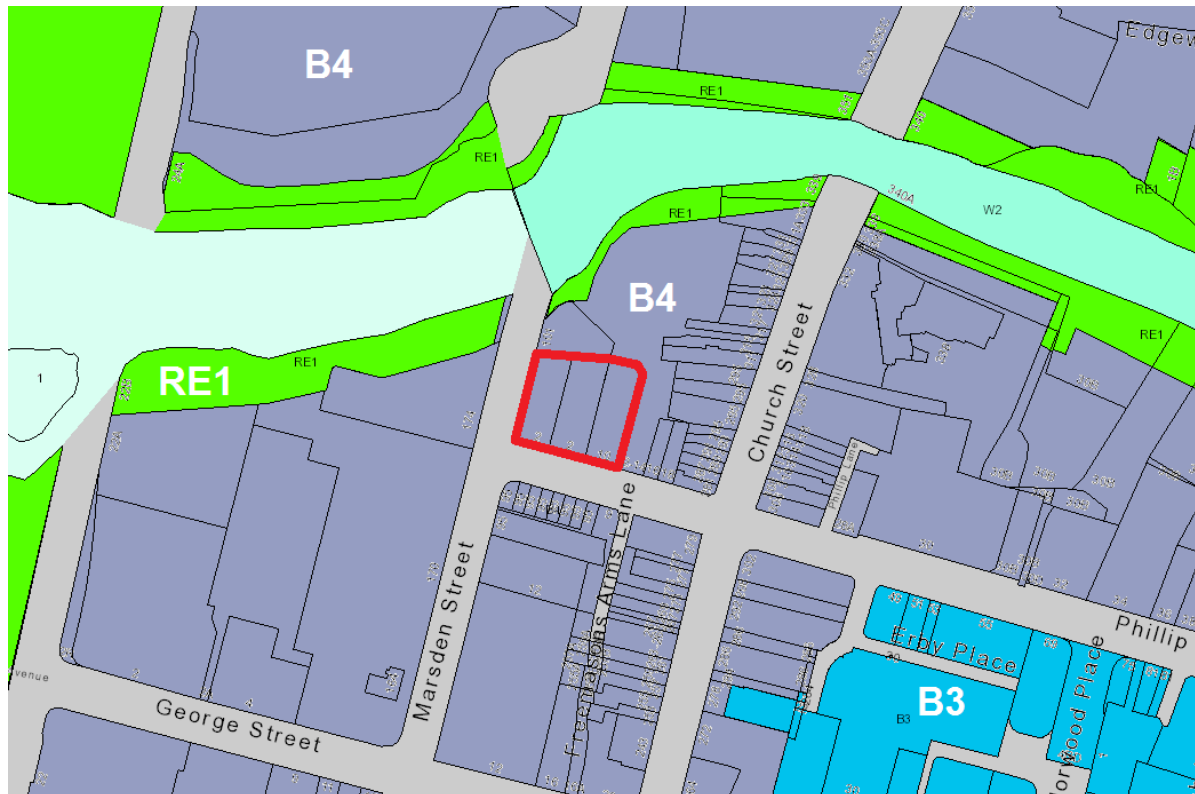


Figure 11. Zoning map of site and locality (subject site in red).

Part 2 – Permitted/Prohibited Development		
Clause and control	Proposal	Complies
Clause 2.3 Zone objectives and Land Use Table B4 – Mixed Use	The uses, residential flat building and hotel accommodation, are permissible with consent in the zone.	Yes
Zone Objectives	<p>The proposal is considered to be consistent with the zone objectives for the following reasons:</p> <ul style="list-style-type: none"> • The uses are compatible with the existing mix of uses in the area. • The site is located in an area of high public transport accessibility and includes compliant bicycle parking to encourage sustainable transport. • The hotel and its ancillary uses will contribute to an active, vibrant and sustainable neighbourhood. • The proposal provides increased pedestrian amenity in the form of the open forecourt and side setback. • The hotel use will support the B3 zone by providing temporary accommodation for visiting workers. 	Yes

	<ul style="list-style-type: none"> To proposal maintains sufficient heritage fabric on the site and thus maintains the special character of the city centre. 	
Clause 2.7 - Demolition Requires consent	Demolition works are included in the application.	Yes
Part 4 – Principal development standards		
Clause and control	Proposal	Complies
Clause 4.3 – Building height <i>LEP map: 192m</i> <i>With Design Comp 15% bonus: 220.8m</i>	190.5m (not including architectural roof feature)	Yes
Clause 4.4 - FSR <i>LEP map: 10:1</i> Design Comp 15% bonus: 1.5:1 Commercial bonus: 5.5:1 Total: 17:1 [39,219m²]	Heritage Church: 541m ² (0.23:1) Residential: 24,198m ² (10.49:1) Hotel: 14,099m ² (6.11:1) Total: 38,838m² (16.79:1)	Yes
Part 5 – Miscellaneous provisions		
Clause and control	Proposal	Complies
Clause 5.9 - Trees Consent is required to remove trees	The proposal includes removal of 3 street trees from Phillip Street and 1 site tree adjacent to the church. The proposal includes planting of 6 new street trees (3 on Marsden Street and 3 on Phillip Lane) and 17 on-site trees. The proposal results in a net increase in trees on the site and in the road reserve and as such is considered to be acceptable.	Yes
Clause 5.10 - Heritage The site includes a locally listed heritage item	The scheme retains the heritage church and the front and western façades of the hall building. See further discussion at end of table.	Yes, subject to conditions
Part 6 – Additional local provisions		
Clause and control	Proposal	Complies
Clause 6.1 – Acid Sulfate Soils	The site is class 4 Acid Sulfate Soils. The proposal includes a 9 storey basement. The applicant has submitted an acceptable Acid Sulfate Soils Management Plan.	Yes, subject to conditions
Clause 6.2 - Earthworks	The proposal includes excavation of a 9 storey basement. The applicant has submitted a Geotechnical Report which provides recommendations for minimising impacts on adjoining/nearby properties. A condition is included requiring compliance with this report.	Yes, subject to conditions
Clause 6.3 – Flood Planning	The proposed ground level and basement driveway crest are at or above the 1:100 year flood planning level. See further discussion at end of table.	Yes

Part 7 – City centre provisions		
Clause and control	Proposal	Complies
Clause 7.2 – Floor space ratio (sliding scale based on site area)	The site is large enough to attain the maximum floor space.	Yes, see Clause 4.4 above.
Clause 7.3 – Car parking	Control superseded by Clauses 7.13 subsections (6) and (7), see below.	N/A
Clause 7.4 – Sun access plane	The proposal would not overshadow Lancer Barracks or Jubilee Park.	Yes
Clause 7.6 – Airspace operations	A controlled activity approval, for penetration of the prescribed airspace of Bankstown Airport, has been received from the Australian Department of Infrastructure, Regional Development and Cities. A condition is included requiring compliance with the requirements of the approval	Yes
Clause 7.10 – Design excellence	The proposal is the winner of a design excellence competition. Subject to conditions the proposal is considered to exhibit design excellence. As such the proposal qualifies for height and density bonuses. See further discussion at end of table below.	Yes
Clause 7.13 – Development on land at 2 – 10 Phillip Street, Parramatta		
(2) Up to 5.5 Additional Hotel or Commercial FSR	The proposal includes 5.29:1 commercial FSR above the LEP map allowable FSR (10:1) and design competition bonus FSR (1.5:1).	Yes
(3) Minimum 1:1 Commercial FSR	The proposal contains 6.35:1 commercial FSR (0.23:1 Heritage Church Retail, 6.11:1 Hotel)	Yes
(4) The same floor space cannot satisfy subclauses (2) and (3)	The first 1:1 commercial FSR satisfies subclause (3), the remaining 5.35:1 commercial FSR satisfies subclause (2).	Yes
(6) Maximum Residential Car Parking 0.1/studio x 56 studio = 5.6 0.3/1-bed x 85 1-bed = 25.5 0.7/2-bed x 147 2-bed = 102.9 1/3-bed x 26 3-bed = 26 Max Total = 160	160	Yes, notwithstanding a condition is included for clarification
(7) Maximum Commercial Car Parking (G x A) / (50 x T) where G = commercial GFA A = site area T = total GFA Max Total = 17	17	Yes, notwithstanding a condition is included for clarification

Flooding

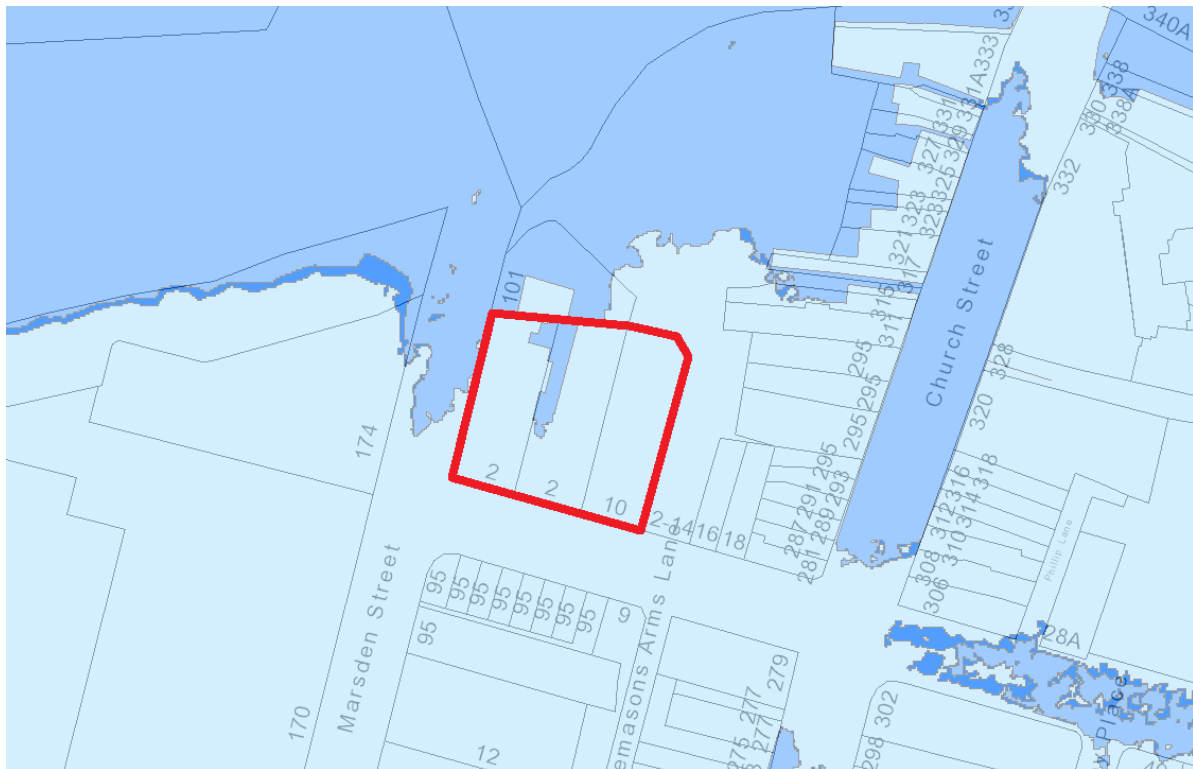


Figure 12. Flood Affection Map (light blue represents Probable Maximum Flood affected, medium blue represents 1:20 year flood affected, dark blue represents 1:100 flood affected)

The site is subject to flooding, primarily from the Parramatta River but also from overland flow in the CBD (see Figure 12 above). The adopted 1:100 year flood planning level for the site is 9.0m AHD. The ground floor and driveway crest have been designed to be protected to this level. The vehicular access is located on the lesser flood affected side of site which is also desirable.

The Probable Maximum Flood level for the site is approximately 13m AHD. A 4m flood gate at ground level is not considered to be a practicable solution to protect the basement. The applicant proposes a powered flood gate to seal the driveway entrance at first basement level. While Council officer's preference is for a self-propelling gate, the proposed solution is considered to be acceptable in this instance due to the high hazard and hydrological constraints of a self-propelled gate in such a location. A restriction is recommended on the title requiring maintenance of the flood gate and granting the ability for Council to inspect the gate if required. Conditions are also included requiring water seals to all ground floor stairwells and lifts. A flood evacuation management plan would also be required by condition.

Heritage

The heritage listing on the site is singular (i.e. is for the church and the hall as a group, the hall is not listed separately). The statement of significant for the site is as follows,

*Former St Andrew's Church and Hall group is of significance for the local area for historical and aesthetic reasons and as a representative example of a mid-20th Century church. It is a rare example of this age and quality in the local area. The site is also associated with previous uses and has high archaeological potential. **The church makes a major contribution to the Parramatta townscape** and, like the site, has potential to further contribute to an understanding of early urban development in Parramatta. (emphasis added)*

The planning proposal and design competition process developed detailed tower envelope controls for the new tower to minimise impacts on the heritage fabric and significance of the church and hall. The envelopes were informed by extensive heritage studies. These controls are included in the site specific DCP which are discussed in Section 8.1 below.

While the proposal would result in significant demolition of the hall, the front and western side wall are to be retained. To minimise impacts to the heritage significance of the retained hall elements, the front facade is to be kept on site in-situ during construction. A structural engineering report has outlined a construction methodology that would support the façade during basement excavation. Due to the requirement to pile between the heritage hall and church, the side wall of the hall would need to be removed from the site and reconstructed following construction of the tower element. Council's Heritage consultant applauds the retention strategy for the front section of the hall and considers that the applicant has demonstrated that the side wall can be appropriately reconstructed.

Overall, it is considered that the proposal would have an acceptable impact on the heritage significance of the site subject to the following conditions:

- Photographic archival of the hall prior to any demolition works.
- A schedule of conservation works prior to any demolition works.
- A heritage interpretation strategy be developed to ensure the historic importance of the site can be appreciated during the future use of the site.
- A conservation maintenance schedule be developed to ensure the retained elements are regularly maintained.
- The front windows of the retained hall façade should not be covered, or have any installation (including signage or mailboxes) directly behind them.

Sustainability

Clause 7.10(8) of the Parramatta LEP 2011 states that the consent authority may grant consent to erection of a new building with a height and floor space bonus only if the consent authority is satisfied that the building exhibits design excellence. In considering whether a development exhibits design excellence, Clause 7.10(4)(d)(vii-viii) requires that the consent authority consider whether development has regard to, *“environmental impacts, such as sustainable design, overshadowing and solar access, ... and reflectivity and the achievement of the principles of ecologically sustainable development”*.

The applicant has proposed some ESD commitments, such as 5-star Green Star design, rainwater tank for irrigation, LEDs throughout and energy efficient fixtures. However, this is considered to be a fairly standard offer. Qualification for Design Excellence bonuses necessarily requires the achievement of standards above and beyond that which are normally required by the development controls (i.e. Best Practice) as a way of offsetting the increased environmental impacts of additional height and FSR.

It is the view of Council's ESD consultant and the Design Excellence Jury that the following additional measures must be required by condition to achieve design excellence:

- The building will be designed and constructed to operate at a minimum NABERS Hotel Energy rating of 4.5 stars without accounting for any Green Power used in the building and a corresponding Commitment Agreement be entered into with NSW Office of Environment and Heritage.
- A dual reticulation (dual pipe) system is to be installed of sufficient size and capacity to supply all potable and non-potable water uses for the building including single connection point at the boundary of the site for connection to a future recycled water scheme.

- Rainwater collection and reuse is to be installed and suitably sized to serve toilets, urinals and cooling towers.
- 95% of all timber is used on the project is to be FSC Certified under the Forest Stewardship Council certification system.
- Limit the use of PVC with minimum replacement of 60% (by cost) compared to standard practice.
- All lifts must be gearless with regenerative drives. Passenger lifts to have destination control.
- Electric Vehicle fast charging is required to be provided to 18 car parking bays (10% of bays).

These measures are consistent with other recent buildings approved with design excellence bonuses.

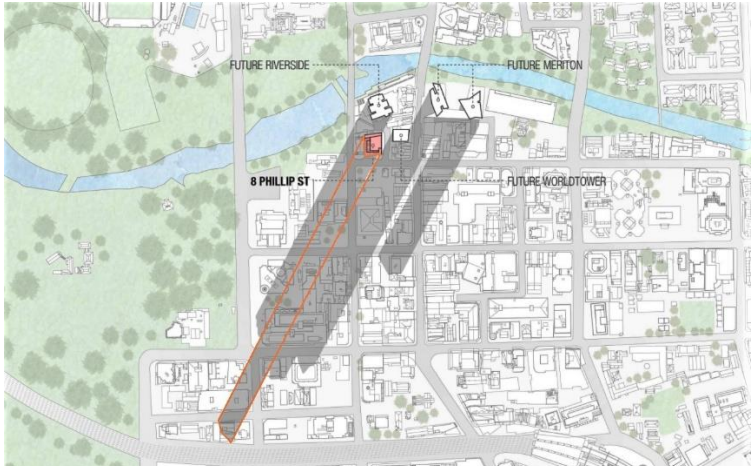
8. Development Control Plans

8.1 Parramatta Development Control Plan 2011

An assessment of the proposal against the relevant controls in the Parramatta Development Control Plan 2011 is provided below:

Development Control	Proposal	Comply
2.4 Site Considerations		
2.4.1 Views and Vistas	The site is not identified as having significant views and vistas by Appendix 2 and is not located in the Harris Park Conservation Area. Views within the City Centre are discussed in clause 4.3.3.4 below.	N/A
2.4.2.1 Flooding	See Flood discussion under Section 7.6 above.	Yes
2.4.2.2 Protection of Waterways	Other than the flooding impacts and stormwater runoff, which are discussed elsewhere in this report, the proposal would not directly impact on the Parramatta River or any other waterway.	Yes
2.4.2.3 Protection of Groundwater	The application was referred to NSW Office of Water who provided General Terms of Approval.	Yes
2.4.3.1 Sedimentation	The proposal includes a construction erosion and sediment control plan. Notwithstanding, sediment control conditions are included in the recommendation.	Yes
2.4.3.2 Acid Sulfate Soils <i>Class 4 site</i>	The proposal includes significant excavation. A preliminary Acid Sulfate Soils Management Plan has been submitted. The plan recommends that an Acid Sulphate Soil assessment be undertaken at the site following demolition works, noting that earlier investigations assume that potential acid sulfate soils or acid sulfate soils may be present. The Provisional Management Plan sets out the applicable management/treatment options for the proposal. A condition is included requiring compliance.	Yes
2.4.3.3 Salinity	The site is identified as being of moderate salinity potential. As such it is not considered that any special measures are necessary.	Yes
2.4.4 Land Contamination	As outlined under the SEPP 55 assessment above, the site is considered suitable for the proposed use subject to implementation of the remedial action plan and subsequent validation.	Yes
2.4.5 Air Quality	The residential units are located well above ground level and as such are not considered likely to be affected by poor air quality.	Yes
2.4.6 Development on Sloping Land	The site is generally flat.	N/A

2.4.7 Biodiversity	The proposal includes significant new on-street and on-structure planting. As such the proposal is considered to result in a net increase in biodiversity on the site.	Yes
2.4.8 Public Domain	<p>The proposal includes upgrades to the public domain including new pavement, new street trees, and a publicly accessible forecourt area.</p> <p>The proposed building provides adequate address to the public domain, and would permit passive surveillance of the public domain, including the space between the church building and the tower.</p>	Yes
3.1 Preliminary Building Envelope		
The site is subject to a site-specific DCP clause which sets a detailed building envelope for the proposal. An assessment against this envelope is provided in clause 4.3.3.7(g) below.		
3.2 Building Elements		
3.2.1 Building Form and Massing	See comments under Apartment Design Guide assessment above, Clause 4.3.3.1 'Parramatta City Centre' and Clause 4.3.3.7(g) '2-10 Phillip Street' below.	Yes
3.2.2 Building Façade and Articulation		
3.2.3 Roof Design		
3.2.5 Streetscape		
3.2.4 Energy Efficient Design	See comments under Clause 4.3.3.6 'Environmental Management'.	Yes
3.3 Environmental Amenity		
3.3.1 Landscaping	There are no remarkable natural features present on the site. Council's Landscape and Public Domain officers are satisfied the proposed plant species are appropriate. See additional comments under Apartment Design Guide assessment above.	Yes
3.3.2 Private and Communal Open Space	See comments under Apartment Design Guide assessment above.	N/A
3.3.3 Visual Privacy >12m up to 3 storeys >18m 4+ storeys	<p>The adjoining residential flat building to the north, 101 Marsden Street, contains 4 units each with 1 bedroom window that would be in close proximity to and face the proposed tower.</p> <p>Up to the first 3 storeys the only habitable space within the proposed building that is within 12m of the adjoining windows are commercial kitchens associated with the hotel function spaces. The fourth level includes the hotel ballroom which would be within, at its closest, 9m of the adjoining windows.</p> <p>The kitchen and ballroom windows within the development include external vertical fins. However, the fins would not be sufficiently dense to restrict views to these bedrooms. As such a condition is included requiring that an additional vertical full height fin be added at the center point between each fin for the extent of the privacy separation (see example for ballroom level in Figure 13 below). This would also have the added benefit of reducing light intrusion into the adjoining windows.</p>	Yes

	 <p>Figure 14. Solar shadow diagram 9am June 22nd (mid-winter, longest shadows) [subject shadow in orange].</p> <p>The tower would overshadow the eastern parkland of Parramatta Park, which surrounds Old Government House, only in the very early morning (sunrise to 9am) during the late autumn, winter and early spring (Figure 14 above demonstrates that there would no longer be overshadowing by 9am at the winter solstice).</p> <p>As such the proposal is considered to have an acceptable overshadowing impact.</p>	
Cross Ventilation	<p>As outlined in the Apartment Design Guide comments under section 7.7 above the residential units are considered to be adequately ventilated.</p> <p>The hotel rooms are fully climate controlled and as such do not have operable windows.</p>	Yes
3.3.6 Water Sensitive Urban Design Water Efficiency Stormwater Drainage Grey Water	<p>The proposal includes the following WSUD measures:</p> <ul style="list-style-type: none"> • Rainwater harvesting for landscape irrigation • Water efficient fixtures. • The proposal includes filter cartridges to manage water quality. <p>The applicant satisfactorily demonstrated that an on-site detention system is not appropriate given the flood affectation of the site.</p> <p>A condition is included requiring dual piping and rainwater collection for use in toilets and cooling plant.</p>	Yes, subject to conditions.
3.3.7 Waste Management	<p>The applicant submitted a comprehensive construction and operational waste management plan which demonstrates that the proposal would safely, quickly, and quietly store and remove waste. Conditions are included specifying further waste storage and collection requirements.</p>	Yes
3.4 Social Amenity		
3.4.1 Culture and Public Art	See clause 4.3.3.7(g)(C2) below.	Yes
3.4.2 Access for People with Disabilities	<p>The proposal includes an access report which outlines that access for people with disabilities is generally compliant with the relevant standard subject to more detail at the construction certificate stage. The public domain to the front of the site would be graded such that step-free access is provided to all pedestrian entrances (not including the heritage church which would retain its existing access arrangements).</p>	Yes

	Notwithstanding, conditions are included requiring that the proposal comply with the relevant standards. A granting of consent under the EPAA would not alleviate the applicant from the requirement to comply with the provisions of the Disability Discrimination Act 1992.	
3.4.3 Amenities in Building Available to the Public	While the proposal would not include increased provision of facilities for women or parents this is not considered to be reason to refuse the application.	No
3.4.4 Safety and Security	<p>The built form is not considered likely to contribute to the provision of any increased opportunity for criminal or anti-social behavior. The proposal would result in increased activation of the site and passive surveillance of the area and as such is likely to disincentivise crime.</p> <p>The bar, restaurant and function spaces ancillary to the hotel would be subject to liquor licensing requirements to provide appropriate security. Further, as outlined previously, a condition is included requiring a Hotel Plan of Management be developed and implemented at all times.</p>	Yes
3.4.5 Housing Diversity and Choice	<p>56 x studio apartments (18%) 85 x 1-bed apartments (27%) 147 x 2-bed apartments (47%) 26 x 3-bed apartments (8%)</p> <p>While the proposal is skewed to smaller units this is considered to be acceptable given the CBD location (higher proportion of students and young professionals) and lack of communal open space for families.</p>	No
Adaptable (10%)	31 (10%)	Yes
3.5 Heritage		
3.5.1 General	See Heritage assessment under Section 7.8 above. Further, see clause 4.3.3.7 below outlining how the proposal responds to site-specific heritage curtilage controls which have been developed as part of the planning proposal and design competition process.	Yes
3.5.2 Archaeology	The application includes a Historical Archaeological Assessment which outlines the history of the site and assesses the site as having moderate archeological potential and outlines methods for recording and salvaging any findings. The application was referred to the Office of Environment and Heritage who had no objection subject to conditions requiring separate approvals under the Heritage Act 1977.	Yes
3.5.3 Aboriginal Cultural Heritage	The application includes an Aboriginal Cultural Heritage Assessment Report which outlines that test excavation should be undertaken to assess the likelihood of relics on the site. The application was referred to the Office of Environment and Heritage as Integrated Development under the National Park and Wildlife Act 1974. The Office of Environment and Heritage stated the proposal does not require an integrated approval but outlined that the applicant was engagement in procurement of the relevant Aboriginal Heritage Impact Permits for testing prior to any excavation on the site. Conditions are included outlining the applicant's obligations if any relics or remains are found.	Yes
3.6 Movement and Circulation		
3.6.1 Sustainable Transport	The drawings do not reference a car share space. A condition is included requiring at least 2 car share spaces.	Yes, subject to conditions.

1 car share if 50+ dwellings + 1 car share if 5,000sqm business 2 required	A Green Travel Plan has not been provided. As the proposal includes a commercial use with limited on-site parking it is considered appropriate to require such a plan be developed for employees. A condition is included to this effect.	
3.6.2 Parking and Vehicular Access	See comments under clause 4.3.3.5 below.	Yes
3.6.3 Accessibility and Connectivity	A through site link is not required by the DCP and, regardless, is not considered to be feasible on the site.	Yes
3.7 Residential Subdivision		
3.7.2 Site Consolidation and Development on Isolated Sites	The proposal is not considered to result in unacceptable site isolation of any adjoining sites. See further discussion at end of this table below.	Yes
4.3.3 Strategic Precincts - Parramatta City Centre		
Objectives	<p>The proposal is considered to be consistent with the objectives of the strategic precinct for the following reasons:</p> <ul style="list-style-type: none"> • The proposal provides a mix of appropriate uses in an accessible location. • The building is the winner of a design excellence process. • The proposal upgrades the public domain. • The proposal is not considered to have an unacceptable impact on heritage. 	Yes
4.3.3.1 Building Form		
Minimum Building Street Frontage <i>1 of >20m</i>	49.23m - Phillip Street (southern boundary), 42.22m - Marsden Street (western boundary) 45.59m – Unnamed Lane (eastern boundary)	Yes
Street Setback Maintain Existing	Existing setbacks are maintained or increased. Increase is commendable as it provides greater visibility of heritage items and increased public domain.	Yes
Setbacks & Separation	The site is subject to a site-specific DCP clause which sets a detailed building envelope for the proposal. An assessment against this envelope is provided in clause 4.3.3.7(g) below.	Yes
Building Depth and Bulk <i>Floorplate <1000m²</i>	960m ²	Yes
Wind Mitigation	A satisfactory wind assessment report has been provided which concludes that wind conditions around the site are expected to be suitable for pedestrian walking activities and pass the distress criterion under Lawson subject to provision of appropriate awnings. The awnings are shown on the plans. The report also outlines the requirement for amelioration at the Level 18 outdoor amenity level to achieve safety criteria. This treatment is not shown on the drawings. A condition is included requiring details and further testing to ensure safety of occupants.	Yes, subject to conditions
Building Exteriors	<p>The building exterior is composed of grey spandrels, clear glass, gold coloured glass, gold coloured mesh interlay glass and brass coloured cladding. These materials are considered to be of sufficient quality and variance to ensure visual interest.</p> <p>Plant is adequately screened from public view in mid-tower and roof top enclosures.</p> <p>The application includes a reflectivity report which outlines that the building will not result in unacceptable glare. This report is not considered to adequately justify these claims. A condition is included requiring an updated report be prepared.</p>	Yes, subject to conditions

4.3.3.2 Mixed Use Buildings		
Street Activation	The proposal retains the existing retail use of the former church building and introduces residential and hotel lobbies to support street level activation.	Yes
Floor Heights <i>Ground – 3.6m</i> <i>Above – 2.7m</i>	Ground – 4.3m Above – 2.8m	Yes
Servicing	The vehicular and servicing entry is located to the rear, off a lane, which is desirable.	Yes
4.3.3.3 Public Domain and Pedestrian Amenity		
Through Site Links	The DCP does not identify the site as requiring a through site link. Notwithstanding, the proposal provides a 3m publicly accessible eastern setback which would expand on the through site link provided by the lane, providing additional amenity for pedestrians.	Yes
Active Frontages <i>Commercial: Min 50% Primary (Phillip Street)</i> <i>Commercial: Min 40% Secondary (Lane)</i>	<p>Commercial component (hotel): 15.1m/18.9m = 80% Primary entrance is directly from the street and at footpath level.</p> <p>Commercial component (hotel): 19.4m/27.0m = 72% While there is not a secondary entrance to the hotel lobby off the lane this is considered to be acceptable given it would be difficult to achieve at grade access given the existing levels of the lane.</p> <p>The residential entrance is directly from the street, at grade, and makes adaptive reuse of an existing heritage door to be retained.</p> <p>A condition is included to ensure the front heritage windows of the development are restored and not covered, adding to activation.</p>	Yes
Awning <i>Required to Phillip Street</i>	Due to the building setback required to provide curtilage to the heritage items it is not feasible to provide an awning which extends into, and provides protection for, the public domain in Phillip Street.	Yes
Forecourts	The forecourt to the hotel is necessitated by the requirement to set back the ground floor façade behind the retained heritage hall façade. The forecourt is at footway level and is activated by planters and informal seating.	Yes
4.3.3.4 Views and View Corridors		
<i>Protect strategic views</i>	While the proposed tower would be visible from Old Government House, it is not within a view corridor as defined by the DCP.	Yes
4.3.3.5 Access and Parking		
Location of Vehicle Access	The proposal provides a single consolidated vehicular access off a lane and replaces an existing crossover.	Yes
Design of Vehicle Access	The vehicular entrance is not parallel to the street, the security doors would be located down the ramp and out of view and the ramp would have high quality finishes. A condition is included requiring a fence secure the northern side of the ramp for pedestrian safety.	Yes, subject to conditions
Pedestrian Access and Mobility	The building entries are clearly identifiable within the façade. Barrier free access is provided to and within the buildings.	Yes
Vehicular Driveways and Maneuvering Areas	The driveway is located more than 10m from an intersection, is more than 3m from the pedestrian entrance, all vehicles can enter in a forward direction and meets the relevant grades in the Australian Standards.	Yes

On-site parking		
<i>Hotel</i>	17 spaces are provided for the hotel. The DCP does not specify parking rates for hotel accommodation. The applicant has specified that they would provide a valet service for any spill over guest parking to off-site car parking spaces. Any valet parking would need to occur either within the basement or within on-street no parking zones. There is space in the basement level 2 hotel servicing zone to accommodate valet. Given the city centre nature of the site and the restriction on on-street parking it is not considered likely that spill over demand would impact on on-street parking. A condition is included requiring a hotel management plan which must include methods for encouraging the use of public transport for guests.	Yes
<i>Motorcycle</i>		
1 car parking space (2 motorcycles) for every 50 car parking spaces (7 motorcycle spaces).	14 motorcycle parking spaces.	Yes
<i>Bicycle</i>		
Residential: 1 per 2 dwellings (157)	168 spaces	Yes
Commercial: Not specified	30 spaces and end of trip facilities (Basement Level 1). The level of provision is considered to be commensurate with the hotel's likely staff numbers. While it is unlikely that a significant number of guests would cycle to the site, they can share these spaces.	Yes
4.3.3.6 Environmental Management		
Landscape Design	<p>The proposal includes a landscaped forecourt which would provide planting and ancillary seating.</p> <p>The proposal would result in a net increase of 3 street trees, including replacement of 3 existing street trees with more shade resistant species. The inter-building space would also be provided with new planting.</p> <p>While the driveway and basement extend outside the building footprint this is considered to be acceptable in this instance due to the constrained size of the site, the undesirability of excavating under the heritage church, and the competing objective of providing maximised active frontage.</p>	Yes
Planting on Structures	The applicant has provided detailed sections demonstrating that planter boxes on structures would have sufficient depth and volume to sustain the proposed flora. Notwithstanding, conditions are included setting minimum requirements for such planters.	Yes, subject to conditions
Green Roof	A green roof is not proposed as the roof is fully occupied by terraces, plant and solar hot water panels.	N/A

Energy and Water Efficient Design	<p>Energy and Water Efficiency for the residential element are discussed in the Apartment Design Guide comments under section 7.7 above.</p> <p>Sustainability for the hotel element is discussed in the LEP comments under section 7.8 above.</p>	Yes, subject to condition
Recycled Water	While the applicant has not specifically proposed dual piping it is considered to be necessary to achieve 'design excellence'.	Yes, subject to condition
4.3.3.7 City Centre Special Areas		
<i>(g) 2 – 10 Phillip Street</i>		
Desired Future Character & Site Objectives	<p>The proposal is considered to be consistent with the desired future character and site objectives for the following reasons:</p> <ul style="list-style-type: none"> • The proposal would provide an iconic 'gateway' building to Parramatta when arriving from the north. • The proposal generally retains the recommended heritage fabric. • The proposal is generally within the recommended envelope, ensuring appropriate views of the church. 	Yes
C.1 Heritage Fabric	<p>The DCP recommends retention of the front façade of the Hall building to a depth of approximately 14m from the street.</p> <p>The proposal includes 'in-situ' retention of the front (southern) side of the façade up to 13.5m from the street plus an additional 16.5m of the side (western) facades of the Hall building.</p> <p>While the depth of the front façade is slightly less than recommended, retention of the side façade, which is not required by the controls, is considered to sufficiently offset this non-compliance.</p> <p>Council's Heritage Advisor considers the applicant has demonstrated that the retained heritage elements would be adequately protected and integrated with the new building.</p>	Yes
C.2 Interpretation	The proposal includes a draft public art plan which outlines how public art would be developed for the site. This is an on-going process which would be coordinated post-approval with Council's City Animation team. A condition is included to this effect.	Yes, subject to conditions.
C.3 Archaeology	An archaeology report has also been submitted with the application that outlines that excavation may encounter items of archaeological significance. The report has been reviewed by the Office of Environment and Heritage and found to be acceptable subject to conditions. A condition is included which states that any archaeological finds during construction would be assessed for potential inclusion in a publicly viewable display on site.	Yes
C.4 Future uses	<p>The church building would maintain its current adaptive reuse as a restaurant.</p> <p>The hall would be reused as the entrance for the residential lobby and the hotel's rooftop bar/restaurant. The applicant has demonstrated that the existing openings are sufficient for this purpose. A condition is included stating that any changes to the entrances require Council sign off.</p>	Yes, subject to conditions.
C.5 Core Location	The core has been located sufficiently to the rear and east of the retained elements of the hall building to ensure it would not impact on the heritage fabric and is sufficiently setback so as not to impede views of the church from key vantage points.	Yes
C.6 Vehicular Access	Vehicular access is from the Unnamed Lane to the east of the site as recommended. See further discussion at end of table.	Yes

C.7 Views	The proposed tower is adequately setback from the church and hall so as to maintain key views of it.	Yes
C.8 Development in the vicinity of the heritage items	The lower 6 floors of the proposed tower are an 'inverted' glazed podium, well setback from the church and front façade of the hall building. The cantilevered elements above do not intrude on the airspace above the church. Views of the church and hall would be improved from the corner of Phillip Street and the Unnamed Lane. The proposal maintains the required ground floor northern and eastern setbacks.	Yes
C.9 Development Envelopes Controls	The proposal is generally compliant with the DCP envelope controls. The non-compliances are considered to be minor. See discussion at end of table.	Yes
4.3.3.8 Design Excellence		
	The applicant has followed the design excellence competition process outlined in the DCP and the proposal has been granted design excellence by the jury. Conditions are included requiring further review of the application by the jury as the proposal proceeds through to detailed construction drawings, construction and occupation. Conditions are also included ensuring design excellence outcomes are achieved.	Yes
5 Other Provisions		
5.5 Signage	No signage proposed.	N/A

Vehicular Access

The application originally included vehicular access exclusively from Marsden Street. During the course of assessment of this application, and the associated Planning Proposal, adjoining residents and Council officers raised several concerns with this approach including, but not limited to:

- The location of the vehicular access on Marsden Street was the most flood affected part of the site.
- The width of the driveway would require demolition of part of the rear of the heritage church outrigger.
- The driveway would be immediately adjacent to 8 bedroom windows on the adjoining site at 101 Marsden Street.
- Due to the volume of parking an associated median would have been required in Marsden Street restricting vehicular movement to the site to left-in/left-out. The median would have the following knock on impacts:
 - Require Marsden Street itself be expanded to the west;
 - Limit vehicular access to 101 Marsden Street to left-in/left-out; and
 - Require all vehicles to complete at least a 1km loop north of the river to get back in to the site.
- Two driveways side by side would exacerbate the possibility of pedestrian conflict.
- Restricting internal site permeability.
- Potential conflict between service vehicles entering the site while vehicles are attempting to exit, requiring queuing on Marsden Street.

Vehicular access off of the Unnamed Lane, as now proposed, is considered to be acceptable for the following reasons:

- The PDGP 2011 recommends vehicular access off lanes where possible;
- The site specific DCP identifies the lane as the appropriate access point;
- No demolition of Church building required;
- Minimises amenity impact on residents of 101 Marsden Street;
- No change to configuration of Marsden Street;
- Minimises traffic impact on Marsden Street;

- Less visual impact on more significant street;
- Would not require traffic generating loop of city for re-entry; and
- Allows for more ground level activation around church building.

Development Envelope

The tower contains some elements not within the envelope defined by the DCP (See Figure 15 below).



Figure 15. Elements of proposed tower not complying with prescribed envelope (blue represents areas not containing floor space, yellow represents areas containing floor space).

The non-compliances with the building envelope controls are considered to be acceptable in this instance for the following reasons:

- The non-complying elements are primarily architectural glazed features which do not contain floor space and are used to add to the visual interest of the building.
- The non-compliances do not result in a reduction in visibility of the church or hall from any public area.

Section 4.3.3.7(g) of the DCP requires consideration of the *Principles for Site Specific Development Control Guidelines*, by TKD Architects, dated 2016 (The Principles). While many of the principles in this document informed the site specific controls and envelopes in the DCP, they also elaborate on the extent that internal fabric within the hall should be retained. While the proposal retains the front and side elevations of the hall it would retain very little internal fabric. The applicant has undertaken various heritage interpretation strategies. However, Council's heritage advisor does not consider that they are sufficiently developed to achieve the outcomes envisaged in The Principles. For example, it is not clear how the proposal would retain the internal 'spatial characteristics' of the hall. As such a condition is included requiring that the heritage interpretation strategy be further developed and reviewed by Council prior to demolition.

Site Isolation

Clause 3.7.2 of the DCP requires that isolation of an adjoining site not reduce the development potential of that site. Further, if a proposal would reduce the development potential of an adjoining site, reasonable offers to incorporate that site must be made and refused before the proposal can progress.

The adjoining site, 101 Marsden Street, would be isolated by the proposal.

While the applicant and owners of 101 Marsden Street provided anecdotal reports that offers had been made by the applicant to buy the property and incorporate it in the

development site, the applicant does not consider that the proposal unreasonably isolates the adjoining site.

101 Marsden Street has a site area of approximately 600sqm and an effective allowable FSR (per PLEP 2011 clause 7.2) of 4:1. As the building contains approximately 5 storeys of residential units and covers almost the entire site, there is little redevelopment potential on the site. In other words, the site is already developed to its full potential.

As such the proposal is not considered to result in unacceptable site isolation.

9. Planning Agreements

The subject application is not subject to a planning agreement. The associated Planning Proposal included a voluntary planning agreement that required a 3m publicly accessible eastern setback be provided. This setback has been provided and a condition is included requiring a public right of way be registered on the title.

10. The Regulations

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

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

11. The Likely Impacts of the Development

The likely impacts of the development have been considered in this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework. The impacts that arise are acceptable.

12. Site Suitability

The subject site and locality is affected by flooding. Council's Engineering Department have assessed the application and considered the proposal to be satisfactorily designed to minimise risk to human safety and property.

Suitable investigations and documentation has been provided to demonstrate that the site is suitable for the proposed development in terms of contamination and acid sulphate soils subject to remediation.

The applicant has demonstrated that the proposal would not have an unacceptable impact on the historical significance of the heritage church building or its curtilage.

Appropriate safeguards are in place for archaeological and Aboriginal heritage.

No other natural hazards or site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site is considered to be suitable for the proposed development.

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

13. Submissions

The application was notified and advertised in accordance with Appendix 5 of DCP 2011.

The initial advertisement ran for a 30-day period between 1 December 2016 and 12 January 2017. Eighteen (18) submissions were received.

Subsequent to receipt of revised drawings the application was re-advertised for a 30-day period between 19 April 2018 and 21 May 2018. Three (3) submissions were received during this notification – 2 from previous objectors, 1 new objection.

As per Council resolution, as there were more than 7 objections a recommendation was made to the applicant to partake in a Council facilitated conciliation with the objectors. A conciliation meeting was held 04/05/18, attended by the applicant and 3 objectors. During the course of the conciliation the applicant answered questions and agreed to provide additional information including a draft Construction Traffic Management Plan, a revised Traffic Report and a condition requiring conferring with the geotechnical engineers of an adjoining construction site prior to construction.

The public submission issues are summarised and commented on as follows:

Issues Raised	Comment
<i>Demolition of heritage item inappropriate</i>	As outlined above, subject to conditions, the proposal is considered to have an acceptable impact on the significance of the heritage item.
<i>Unacceptable impact on retained heritage, including overshadowing of church and inappropriate bulk</i>	The planning controls specify a building envelope for the site to which the proposed tower generally complies. This envelope was developed based on extensive consultation with heritage experts and the city architect. As such the bulk impact is considered to be acceptable. The church building would maintain a good degree of solar access in the afternoon and evening and as such this impact is considered to be acceptable. Council's Heritage consultant is satisfied the retained heritage fabric of the hall would be sensitively integrated into the new tower.
<i>Impact on structural integrity of adjoining/nearby basements/buildings. Impacts not appropriately considered.</i>	The application is accompanied by specialist reports by structural and geotechnical engineers outlining that, subject to appropriate construction techniques, that the heritage items and adjoining sites/buildings would not be at undue risk of failure. The applicant would be responsible for addressing any damage caused. A condition is included requiring the applicant engage with the engineers of the adjoining construction site to the northeast.
<i>Unnamed laneway design not in keeping with approved concept</i>	The application includes no works to the lane other than a vehicle crossover. A condition is included to this effect.
<i>Vehicular access traverses adjoining site (12-14 Phillip Street)</i>	The application has been revised to provide vehicular access to an area to owned by Council and as such would not affect a private owner.
<i>Cannot use turning circle in adjoining site (12-14 Phillip Street) to turn around</i>	A public right of way shall exist over this land and as such vehicles entering the lane would have the option of using this space to turn around.

<i>Unacceptable flood risks to human life and property</i>	The application has been reviewed by Council's flood engineer and has been found not to pose an unacceptable level of risk to human life and property. The proposed floor levels and driveway crest are at or above the flood planning level and the basement is protected to the probable maximum flood with a flood gate. Additional flood measures are required by condition.
<i>Tower would result in unacceptable wind impacts on pedestrians</i>	The applicant has submitted a wind study which demonstrates the proposal would have an acceptable impact on pedestrian level wind conditions subject to implementation of recommendations. These recommendations are enforced by conditions in the draft consent.
<i>The proposal results in unacceptable isolation of the adjoining site (101 Marsden Street)</i>	As discussed in this report the proposal is not considered to result in unacceptable site isolation as 101 Marsden Street is currently developed to its full potential.
<i>Driveway access from Marsden Street would have unacceptable impact on adjoining driveway (101 Marsden Street) and Marsden Street</i>	The vehicular access has been directed to the Unnamed Lane and as such would not impact on the adjoining driveway.
<i>The vehicular access should be from Marsden Street as originally proposed.</i>	For the reasons outlined in Section 8.1 above, the most appropriate location for vehicular access is considered to be from the Unnamed Lane.
<i>Unacceptable air quality impact on adjoining and nearby properties from proposed vehicular access</i>	The vehicular access has been directed to the Unnamed Lane and as such traffic movements would not pass the habitable windows on the adjoining site.
<i>Increased crime in area</i>	There is no evidence to suggest that the proposal would result in increased crime. The proposal would result in increased passive surveillance of the area and as such would disincentivise crime.
<i>Unacceptable increase in traffic, too much parking and impact on emergency response times</i>	As outlined above the proposal is considered to have an acceptable traffic impact. The proposal complies with the more stringent parking rates applied under the site specific LEP provisions and is significantly below the allowable parking rates in the CBD more generally. The impact on emergency response times is considered to be negligible.
<i>Unacceptable acoustic impact on adjoining and nearby properties from vehicles and new late night uses</i>	As outlined above the proposal is considered to have an acceptable acoustic impact subject to compliance with conditions.
<i>Unacceptable privacy impact on adjoining and nearby properties</i>	As outlined above the proposal is considered to have an acceptable privacy impact subject to compliance with conditions.
<i>Unacceptable overshadowing of adjoining and nearby properties</i>	The proposal primarily overshadows commercial land uses in the Parramatta CBD. No single building would be overshadowed by more than a few hours each day. As such the overshadowing impact is considered to be acceptable.
<i>Negative impact on mental health of adjoining residents (construction and operation)</i>	The proposal is considered to have an acceptable impact on the amenity of adjoining/nearby properties. As outlined below, construction management plans are required demonstrating how construction impacts would be minimised.

<i>Impact on birds during construction</i>	There is no evidence to suggest the proposal would have an unacceptable impact on birds during construction. The proposal would result in a net increase in flora on the site and as such would increase habitat for bird species.
<i>Waste storage impacts</i>	Sufficient waste storage has been provided at basement level. All waste removal occurs at the basement level. As such there would be minimal waste storage impacts at ground level or for adjoining/nearby occupants.
<i>Impact on telecommunications</i>	There is no evidence to suggest the proposal would have an unacceptable impact on telecommunications.
<i>Building not in keeping with character of area</i>	The proposal is considered to be in keeping with the desired future character of the area, a high rise contemporary city centre.
<i>Construction amenity impacts (noise, dust, traffic) on adjoining properties</i>	Conditions are included requiring construction management plans which would include, but not be limited to, measures to minimise noise, dust and traffic impacts.
<i>Impact of multiple developments at same time, construction should be staged</i>	There are no legislative requirements or measures relating to staging of construction. The construction management plans would be required to take into account adjoining and nearby developments.
<i>Proposed layby would reduce on-street police parking on Phillip Street.</i>	The originally proposed layby on Phillip Street has been removed from the proposal. The proposal would not reduce on-street parking on Phillip Street.
<i>The applicant is selling the proposed units prior to approval</i>	This is not a planning matter.
<i>Cheap building materials are a risk to human life, a quick build is likely to result in defects.</i>	Conditions are included requiring the building (including cladding) meet relevant BCA and fire safety regulations.
<i>The applicant should submit a Historical Archaeological Assessment and Aboriginal Cultural Heritage Assessment prior to determination and should be required to attain associated permits prior to works.</i>	The applicant has submitted both reports and a condition is included requiring such permits.
<i>The proposed driveway will not have appropriate sightlines, risking pedestrian safety</i>	A condition is included requiring appropriate sightlines.
<i>The driveway cannot accommodate the required vehicles and vehicles passing one another.</i>	The driveway design has been reviewed by Council's traffic engineer and found to be acceptable subject to a condition requiring a traffic signal system be implemented.
<i>Valet and car sharing should not occur in lane</i>	The proposed determination would not include approval for use of the lane for these functions.
<i>Lack of hotel parking, hotel parking insufficient dimensions</i>	Conditions are included requiring that the required hotel parking be provided and comply with the relevant Australian Standards.
<i>The adjoining development site, 12-14 Phillip Street, has exclusive access to the lane which the applicant is depending on for construction.</i>	The lane currently functions informally as a public lane. The subject site, as well as a number of Church Street properties, currently require the lane for vehicular access. If the applicant cannot establish a legal access to the lane they will either need to access directly from Phillip Street or wait until the PDA works are completed.

<i>Construction traffic management plan (CTMP) contains inconsistencies, unworkable arrangements and is incomplete</i>	The applicant has provided a draft CTMP. A condition is included requiring that a full CTMP be developed prior to construction. A clause is included in the condition requiring the applicant confer with the development managers of the adjoining construction site to the northeast.
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14. Public Interest

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

15. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

16. Developer Contributions

Section 7.12 'Fixed Development Consent Levies' of the Environmental Planning and Assessment Act 1979 allows Council to collect monetary contributions from developers towards the provision, extension or augmentation of public amenities or public services in accordance with a contributions plan. The Parramatta Civic Improvement Plan (Amendment No. 4) contribution plan requires the payment of a levy equal to 3% of the cost of a development where this cost exceeds \$250,000. A detailed Cost Estimate was provided outlining the development cost to be \$238,718,242.00. This figure is commensurate with the scale of works proposed. As such a monetary contribution of \$7,161,547.26 is required.

Normally payment of this level is required prior to any Construction Certificate is issued. The applicant has requested that payment of the contribution be deferred and staged as follows:

- Demolition and site establishment: 0%
- Early works CC including shoring and excavation: 5%
- Structure to ground level including services: 5%
- Structure to top of hotel: 10%
- Hotel fit-out: 20%
- Tower structure: 30%
- Residential fit-out: 30%

The Parramatta Civic Improvement Plan contribution plan states that (emphasis added):

Deferred or periodic payments may be permitted in the following circumstances:

- ***Where there is hardship demonstrated; or***
- *For development in the B3 Commercial Core zone or B4 Mixed Use zone that meets all criteria below:*
 - (a) Predominantly commercial development (other than ground floor retail); and***
 - (b) No residential component, and***
 - (c) Has undergone an architectural design competition (in accordance with Council's LEP); and*
 - (d) Achieves a '5 star' energy rating (NABERS or Green Buildings Council of Australia or similar); and*
 - (e) Achieves an 'A grade' property rating (Property Council Criteria or*

similar).

Where a deferred or periodic payment is accepted, 50% of the required contribution would be required to be paid prior to the issue of a construction certificate and the remaining 50% to be paid prior to the issue of any occupation certificate (interim or final) otherwise determined by Council.

The proposal does not meet the criteria in bold above and as such is not considered to be appropriate. A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of the relevant Construction Certificates.

17. Summary and Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval of the development application is recommended.

The proposed development is appropriately located within a locality earmarked for high-rise mixed use redevelopment, however some variations (as detailed above) in relation to SEPP 65 and PDOP 2011 are sought.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents and hotel occupants. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties, the road network and heritage items. Hence the development, irrespective of the departures noted above, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

18. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority grant **Consent** to Development Application No. DA/1066/2016 for a 55-storey mixed use tower comprising 314 residential apartments, 260 hotel rooms with associated function/conference facilities, and 9 levels of basement parking; demolition of existing commercial building at 10 Phillip Street, part demolition and adaptive reuse of existing church hall buildings; and retention of church building at 2 - 10 Phillip Street, Parramatta NSW 2150 (Lots 1 & 2 DP 986344 and Lot 1 DP 228697) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Appendix 1.