



**SYDNEY CENTRAL CITY PLANNING PANEL**

**COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2017SWC009
<b>DA Number</b>	DA/1263/2016
<b>LGA</b>	City of Parramatta Council
<b>Proposed Development</b>	Construction of a 23 storey mixed use development comprising 113 residential units with 3 levels of basement parking. The application is Nominated Integrated development under the Water Management Act 2000.
<b>Street Address</b>	12A Parkes Street, Harris Park (Lot 1 DP623527).
<b>Applicant</b>	Coronation Parramatta Pty Ltd
<b>Owner</b>	FJMT Architects
<b>Date of DA lodgement</b>	23 December 2016
<b>Number of Submissions</b>	First Notification period – One (1) Second Notification period - One (1)
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act) at the time of lodgement in 2016.</b>	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (at the time of lodgement), the development had a capital investment value of more than \$20 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li><li>• Water Management Act 2000</li><li>• SEPP (Building Sustainability Index: BASIX) 2004</li><li>• SEPP (Infrastructure) 2007</li><li>• SEPP (State and Regional Development) 2011</li><li>• SEPP (Sydney Harbour Catchment) 2005</li><li>• SEPP No. 55 (Remediation)</li><li>• SEPP No. 65 (Design Quality of Residential Apartment Development) &amp; Apartment Design Guide</li><li>• Parramatta Local Environmental Plan 2011</li><li>• Parramatta Development Control Plan 2011</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"><li>• Attachment 1 – Architectural &amp; Landscape Plans</li><li>• Attachment 2- Internal Floor Plans</li><li>• Attachment 3 – Design Competition Jury Endorsement</li><li>• Attachment 4 – Water NSW General Terms of Approval</li><li>• Attachment 5– Architect's Building separation justification.</li></ul>
<b>Report prepared by</b>	Deepa Randhawa Senior Development Assessment Planner
<b>Report date</b>	1 July 2019

**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

This report considers a proposal for construction of a 23 storey residential flat building comprising of 113 residential units over three levels of basement car parking.

The proposed building has been awarded design excellence as the winning entry in a design competition and is subject of an approved planning proposal. The proposed built form is considered to exceed the design intent of the competition-winning scheme, follows a form envisaged under the Parramatta LEP 2011 and Parramatta DCP 2011, and is generally consistent with the requirements of the Apartment Design Guide.

Pursuant to Clause 7.10 – Design Excellence – Parramatta City Centre of the Parramatta Local Environmental Plan 2011, the proposed development achieves a maximum height in excess of 55 metres, as such, the proposal has been subject to an architectural design competition, and consequently the building has been awarded design excellence.

A Planning Proposal (Council Ref: RZ/22/2014) was approved recently for the site and the amendments to the Parramatta LEP 2011 was gazetted on 23 August 2019, resulting in the following statutory changes to the controls applicable to the land:

- Increase in the FSR from 4:1 to 8:1;
- Inclusion of a site-specific clause to achieve the following:
  - Exemption from Clause 7.2 of the PLEP 2011, which relates to floor space application to small sites (known as a sliding scale provision).
  - Application of a maximum car parking rate in accordance with the CBD Strategic Transport Study
  - A requirement that the development address floodplain risk management.

With the Design Competition bonus under Clause 7.10 (8), the Floor Space and Height standards are revised to result in:-

- FSR from 8:1 plus Design Excellence Bonus of 15% to = 9.2:1
- Height from 72m plus Design Excellence Bonus of 15% to =82.8m

The constraints applicable to the site include flooding, site isolation and limited vehicular access opportunities. Nevertheless, sufficient evidence have been provided which confirms that the flooding risks can be managed appropriately and that the development achieves an appropriate built form notwithstanding the site constrains.

The amenity impacts on adjoining and nearby properties are considered reasonable based on the high-density character of the area and the built forms envisaged by the controls.

The application has been assessed pursuant 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, the development application is recommended for approval.

## 2. Site Description, Location and Context

### 2.1 Site

The subject site is legally described as Lot 1 in DP 623527 and is commonly known as 12A Parkes Street, Harris Park. The development site is irregular in shape with frontage to

Wigram, Parkes and Charles Streets measuring 31.6m, 10.5m and 17.2m respectively. The total area of the site is 888.6 m<sup>2</sup>.

There is a 1.88m wide easement for stormwater drainage adjacent to the northern boundary. Due to the open channel, the site is effectively isolated from the remaining parcels north of the site within the block. The site falls from south to north by approximately 0.9m at average gradient of 3.4%.

The site is located in close proximity to Parramatta CBD, the transport interchange, Harris Park railway station, local schools and the future developments at Parramatta square. The site is highly constrained to a small footprint bounded by Clay Cliff Creek, which is open concrete culvert and watercourse to the north, Charles Street along the western boundary, Parkes Street and Wigram Street to the southern and eastern boundaries respectively.

The site is approximately 350 metres walking distance from Parramatta railway station. Given its CBD location, the context of the site is comprised of a wide variety and scale of commercial, retail, residential and public infrastructure), which notably is:

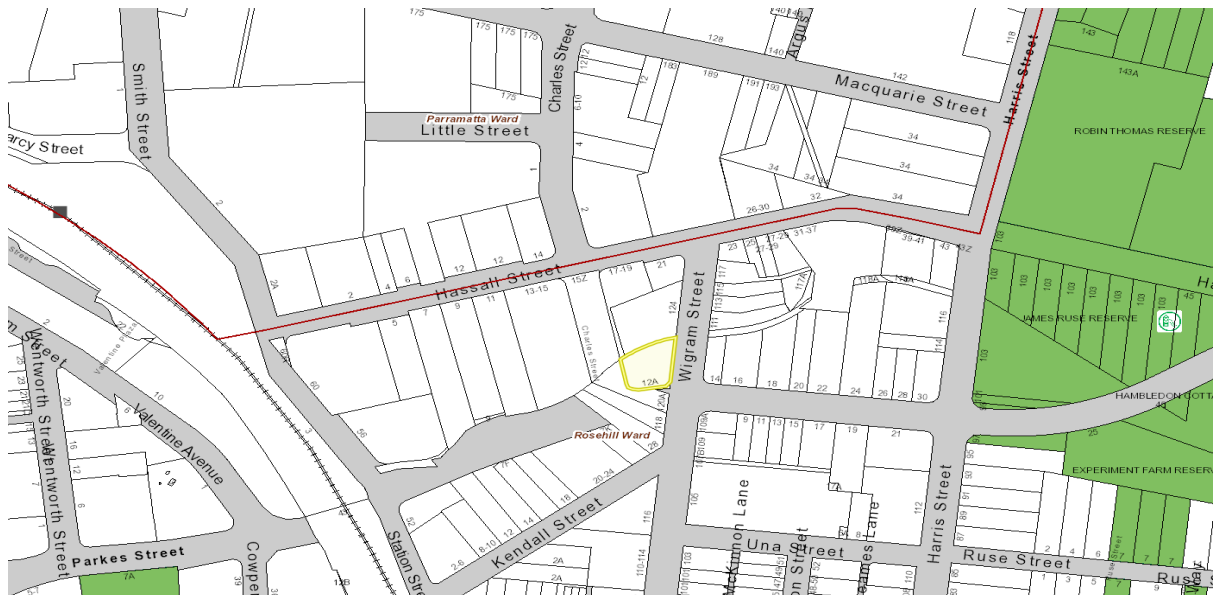
- NORTH – Clay Cliff Creek an open concrete channel is located along the northern boundary of the site.
- SOUTH – Five (5) storey commercial development is located on the opposite side of Parkes Street, at 20-24 Parkes Street and adjacent is a four storey commercial building at No. 7k Parkes Street.

In addition, there is a small open space (pocket park) located across the street opposite the site on the south-western corner at the intersection of Wigram and Parkes Street.

- EAST – Five-(5) storey commercial development is located on the opposite side of Wigram Street at No.14-16 Parkes Street, Harris Park.
- WEST – Adjacent to the western boundary of the site is the Charles Street Bus Layover, having layover spaces for buses provided on both sides of Charles Street.

Opposite Charles Street a sixteen (16) storey mixed use development is located with a street address of No. 13-15 Hassall Street.

No direct vehicular access is provided to the site from Charles Street frontage, however a pedestrian access is provided to the site from Charles Street.



**Figure No. 1 –Lot and DP map of subject site (yellow border) and surrounding context.**



**Figure No. 2 – The site (red border) in its local context**

## 2.2 Site History

This site has been the subject of a number of development applications. A few recent approvals are Development Application DA/251/2014 approved for the construction of an eight storey (26 metre) residential flat building, consisting of 40 apartments over two levels of basement car parking (totalling 32 car spaces) and DA/120/2017 approved for demolition of existing structures and construction of a temporary residential sales office/display unit.

On 14 December 2015, Council considered a report on a planning proposal for the subject site. Council endorsed the planning proposal subject to it being amended to provide a base Floor Space Ratio of 10:1 with a maximum height up to 88m.

On 17 June 2016, a Gateway determination was issued by the Department of Planning, Industry and Environment allowing a maximum FSR of 8:1 with no exemption from clause 7.2 FSR (sliding scale provision) of the Parramatta Local Environmental Plan (LEP) 2011. The determination also contained the following condition of relevance:

*Prior to exhibition, the flood impact assessment report is to be updated and Council is to be satisfied that sufficient information is available to ensure consistency of the planning proposal with Section 117 Direction 4.3 Flood Prone Land. If applicable, Council is to obtain the agreement of the Department's Secretary regarding any inconsistency with the requirements of Section 117 Direction 4.3 Flood Prone Land.*

On 29 November 2016, a revised Gateway determination was issued, which provided for a maximum FSR of 8:1 (plus design excellence) as well as an exemption from the sliding scale provision of the Parramatta LEP 2011.

On 22 December 2016, the current Development Application was lodged for the site seeking a development density in line with a revised Planning Proposal and the revised Gateway determination for the site.

On 21 September 2017, a further revised Gateway determination was issued, removing a condition for mesoscopic traffic modelling and replacing it with an amendment to adopt the CBD Strategic Transport Study (STS) parking rates.

In February 2017, a revised flood impact assessment report was submitted by the applicant in response to the Gateway condition requiring consistency of the planning proposal with Section 117 Direction 4.3 for Flood Prone Land.

On 11 April 2018, an independent flood assessment report confirmed that the subject site satisfactorily addressed the Section 117 (currently referred to as Section 9.1) Direction 4.3 Flood Prone Land.

On 23 August 2019, the Planning Proposal was approved and the amendments to the Parramatta LEP 2011 was gazetted.

### **3. The Proposal**

The amended proposal involves then construction of a 23 storey residential flat building, comprising of 113 apartments over three levels of basement car parking:

<b>Level</b>	<b>Contains</b>
3 Basement Levels	<ul style="list-style-type: none"> <li>• 48 car parking spaces, which include 12 accessible spaces;</li> <li>• 1 motorcycle parking space;</li> <li>• 24 bicycle parking spaces;</li> <li>• Storage;</li> <li>• 2 Lifts area;</li> <li>• A car lift bay; and</li> <li>• Services and plant rooms</li> </ul>
Ground Floor:	<ul style="list-style-type: none"> <li>• A two way access driveway via Wigram Street accommodating a turn table to service trucks ;</li> <li>• Substation fronting Wigram Street;</li> <li>• Pedestrian entry via Charles and Parkes Street;</li> <li>• Refuse collection area;</li> <li>• Services and plant rooms</li> </ul>
Terrace Floor	<ul style="list-style-type: none"> <li>• Communal Open spaces;</li> <li>• Gymnasium for the residents;</li> <li>• Swimming pool;</li> <li>• Shower rooms, change room and locker area;</li> <li>• Services and plant room.</li> </ul>

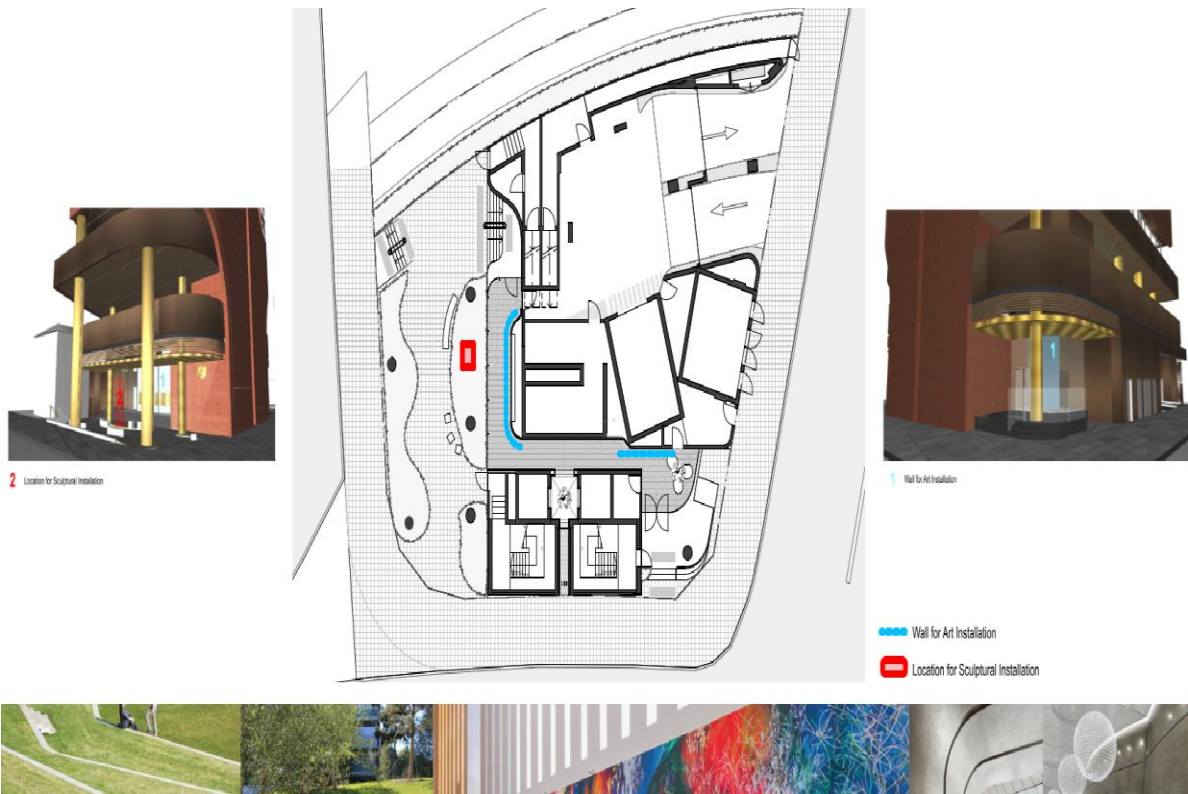
Level 2	<ul style="list-style-type: none"> <li>• 2x 2-bedrooms</li> <li>• 1x 3-bedrooms</li> <li>• Total = 3 apartments</li> </ul>
Levels 3-4	<ul style="list-style-type: none"> <li>• 6x Studio</li> <li>• 6x 1-bedroom</li> <li>• 2x 2-bedrooms</li> <li>Total = 14 apartments</li> </ul>
Levels 5-7	<ul style="list-style-type: none"> <li>• 6x Studio</li> <li>• 6x 1-bedroom</li> <li>• 3x 2-bedrooms</li> <li>• 3x3- bedrooms</li> <li>Total = 18 apartments</li> </ul>
Levels 8-18	<ul style="list-style-type: none"> <li>• 11x Studio</li> <li>• 33x 1-bedroom</li> <li>• 22x 2-bedrooms</li> <li>Total = 66 apartments</li> </ul>
Level 19	<ul style="list-style-type: none"> <li>• 1x Studio</li> <li>• 4x 2-bed</li> <li>Total = 5 apartments</li> </ul>
Level 20	<ul style="list-style-type: none"> <li>• 1x 2-bed</li> <li>• 3x 3-bed</li> <li>Total = 4 units</li> </ul>
Level 21	<ul style="list-style-type: none"> <li>• 1x 1-bed</li> <li>• 1x 3-bed</li> <li>• 1x 4-bed</li> <li>Total = 3 apartments</li> </ul>
	Grand total apartments =113
Level 22	<ul style="list-style-type: none"> <li>• Roof plant</li> </ul>
Level 23	<ul style="list-style-type: none"> <li>• Roof top open to roof plant</li> </ul>

#### Public Domain works

Footpath paving proposed along Charles, Parkes and Wigram Streets and street trees along the Charles Street frontage.

#### Public Art works

Public arts installation including floor patterns and art work to the Charles Street and Parkes Street frontages.



**Figure No. 3 Public Art works source FJMT Architects**

The application is identified as Nominated Integrated Development pursuant to the provisions of Section 4.44 of the Environmental Planning and Assessment Act 1979 as an approval is required from NSW Office of Water in accordance with the requirements of the Water Management Act 2000.



**Figure No. 4 –Photomontage -Looking east along Parkes Street**



Figure No. 5 –Photomontage -Looking north along Wigram Street

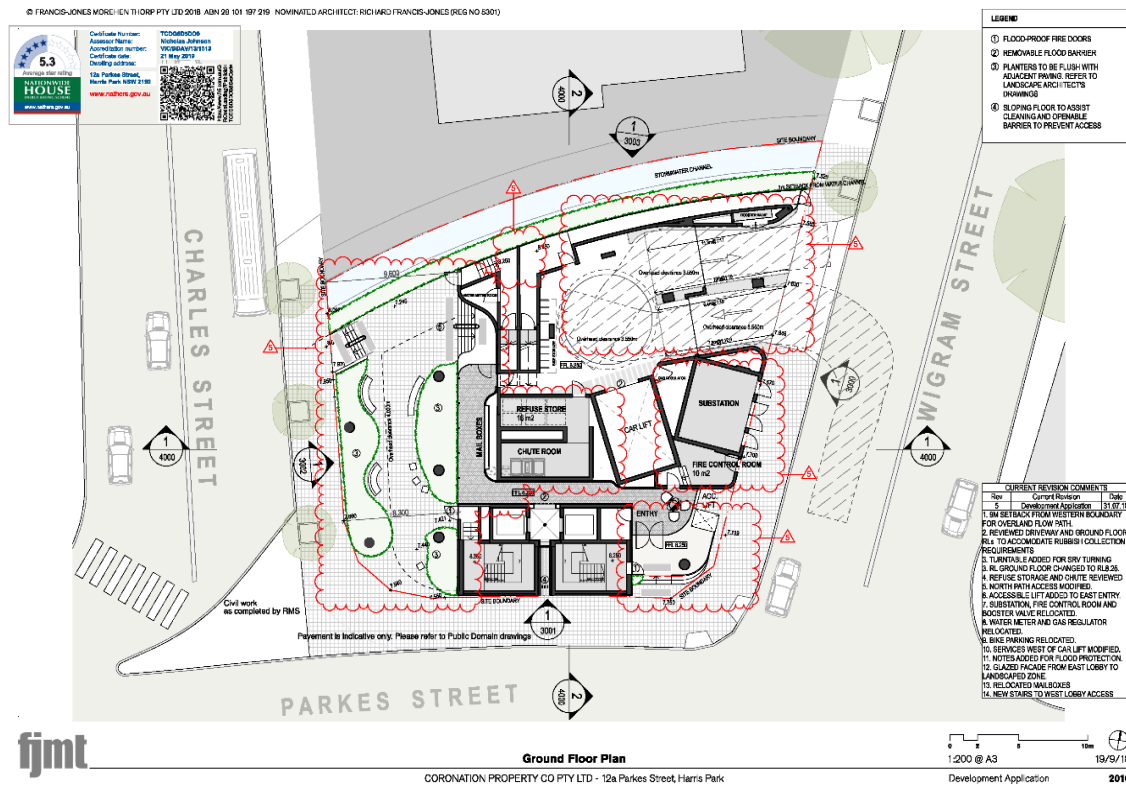


Figure No. 6 – Proposed Ground Floor Plan

4. Referrals

## 4.1 Sydney Central City Planning Panel Briefing

The matters raised by the Panel at its briefing meeting is addressed below:

Issues Raised	Comment
<b>Briefing – 3 April 2019</b>	
<p>Panel raises a concern in relation to the building separation to the northern boundary and the likely impact upon any future development on the adjoining lot to the north. The applicant is required to demonstrate and justify that the proposed separation/setback to the northern boundary is appropriate.</p>	<p>The applicant has provided a detailed assessment of the building separation in relation to the adjoining sites and has prepared a concept plan for potential future development at the adjoining site to the north, i.e. 124 Wigram Street.</p> <p>The concept plan for No.124 Wigram Street demonstrates that despite the proposed reduced setback to the northern boundary, this site can be redeveloped to the maximum FSR potential with an ADG-compliant scheme from a building separation perspective.</p> <p>Refer to assessment under Apartment Design Guide- Part 2F- Building Separation.</p>
<p>The Panel suggests that Council in its assessment of the application take into account the impact of the proposed separation distances on any future development on the adjoining property to the north.</p>	<p>For a detailed assessment of the building separation distances and the likely impact undertaken by Council refer to assessment under Apartment Design Guide- Part 2F- Building Separation.</p>
<p>The Panel understands that a preliminary submission has been provided by the applicant in relation to the proposed reduction in separation distances and that this submission will be made available to Panel members as part of the development application assessment.</p>	<p>The preliminary justification and the addendum to the justification for the building separation is attached herewith the assessment report. See attachment No. 5</p>
<p>The Panel understands that the application has been a subject of design competition and that the outcome of the Council Design Excellence Advisory Panel will be provided to the Panel to assist in the assessment of the application.</p>	<p>The design has been reviewed and endorsed by a Design Excellence Jury. See attachment No. 3.</p>
<p>The Panel notes the site is affected by the large stormwater channel and flooding. Council advised that the application is designed to meet the required 1:100year flood standard with flood gates also to be installed.</p>	<p>Noted – Conditioned</p>
<p>The development assessment of the application needs to take into account the potential impact of over shadowing in particular, in terms of any impact from the future redevelopment of the site to the north considering the</p>	<p>Addressed in the discussion under Building Separation.</p>

proposed reduced separation from the northern boundary of the development site.	
---	--

## 5. Environmental Planning and Assessment Act 1979

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

### 5.1 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 when the application was lodged).

### 5.2 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:

<i>Provision</i>	<i>Comment</i>
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)(iiia) - 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

### 5.3 Section 4.46: Integrated Development

The application is Nominated Integrated Development pursuant to the Water Management Act 2000 and consequently the NSW Office of Water has provided General Terms of Approval which is included in the draft consent. See Attachment 4.

## 6. Environmental Planning Instruments

### 6.1 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.

### 6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX)

**2004**

The amended application was accompanied by BASIX certificate that lists all the sustainability commitments to comply with BASIX's requirements. Council's Environmental Sustainable Design consultant has reviewed the application and is satisfied that the requirements outlined in the BASIX certificates have been applied in the design of the proposal.

Nevertheless, a condition is imposed to ensure such commitments are fulfilled during the construction of the development.

### **6.3 State Environmental Planning Policy (Infrastructure) 2007**

The provisions of ISEPP have been considered in the assessment of the development application.

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

The section of Parkes Street fronting the site does not form part of classified RMS State road and as the proposal is for less than 300 apartments, as such, Clauses 101 & 104 of the ISEPP.

The application is subject not to clause 102 of the SEPP as the average daily traffic volume of Parkes Street is more than 20,000 vehicles.

Transport for NSW (Parramatta Light Rail) reviewed the proposed development and raised no objections, subject to the Sydney Coordination Office (SCO) reviewing a Construction Pedestrian and Traffic Management Plan (CPTMP) including no work zones permitted along Charles and Parkes Street, which will form part of any Notice of Determination.

Further, Roads and Maritime Services (RMS) reviewed the proposed development and raised no objections to the development, subject to conditions.

### **6.4 State Environmental Planning Policy (State and Regional Development) 2011**

At the time of lodgement, the proposed works had a Capital Investment Value of more than \$20 million and therefore the Sydney Central City Planning Panel is the consent authority for this application.

### **6.5 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. To ensure improved water quality outcome, suitable conditions to address the collection and discharge of water during construction and operational phases is recommended.

### **6.6 State Environmental Planning Policy No. 55 – Remediation of land**

A preliminary Investigation report and phase 2 Environmental Site Assessment report was

submitted by the applicant. The report outlines the history of the site, noting that:

- the site was used for residential purposes from the 1940's and between the 2002 and 2015 aerial photographs, the site structure was demolished and was vacant land.
- Council records indicated that the residential dwelling present on the site from the 1940s was demolished in 2011;
- The site and surrounding properties are not reported as being subject to regulation in relation to environmental impacts, as documented in the NSW EPA/OEH public registers;
- The site walkover inspection indicated that the site was predominantly undeveloped, except for the presence of a derelict sales office/ display unit building at the eastern end of the site.

Remaining site areas were covered by gravel/recycled aggregate, with vegetation present surrounding the allotment perimeter. Evidence of gross contamination, UPSS, or ASTs was not identified during the inspection. It was noted that filling is likely to have been utilised as backfill materials surrounding the engineered channel of Clay Cliff Creek, which delineates the northern site boundary;

- While the site walkover inspection did not identify areas of environmental concern, and no evidence of chemical or fuel storage or manufacturing onsite was reported for the site, potential contamination sources, including previous use of fill of unknown origin for site levelling, and potential burial of Asbestos Containing Materials from demolition of former site structures are possibly present.

The investigation confirms that no asbestos was detected in samples analysed, however elevated concentrations of copper, nickel and zinc was encountered.

Council's Environmental Health team has reviewed the phase 2 site investigation report and concluded that the results are not foreseen to be an issue and that satisfactory evidence has been provided to demonstrate that the site can be made suitable for the proposed development subject to conditions of consent.

Therefore, in accordance with Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land, the land is suitable for residential use.

#### **6.7 State Environmental Planning Policy ( SEPP) No. 65 (Design Quality of Residential Apartment Development)**

State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) applies to the development as the proposal is for a new building that is more than 3 storeys in height and will have more than 4 apartments. SEPP 65 requires that residential flat buildings satisfactorily address the nine (9) design quality principles, be reviewed by a Design Review Panel, 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 being consistent with the design principles for the reasons outlined below:

Requirement	Council Officer Comments
<b>Principle 1: Context and Neighbourhood Character</b>	<p>The proposed development is considered to make a positive contribution to the locality and improve the existing streetscape. The character of the locality is undergoing transition from low-medium scale commercial uses to high density mixed use developments and is consistent with the transition in the locality. The following can be noted:</p> <ul style="list-style-type: none"> <li>· The existing character of this part of Parramatta is a mixture of commercial buildings and shop top housing. This is due to the transition of Council's desired future character for the area indicating strength in residential growth and infrastructure. The proposed development suits the future character of the area.</li> <li>· The site is in close proximity to Parramatta train station and the proposed Parramatta Light Rail and as such is well connected in terms of public transport.</li> </ul>
<b>Principle 2: Built Form and Scale</b>	<p>The height and location of the proposed building is consistent with the built form permitted in the zone pursuant to the Parramatta LEP and DCP controls.</p>
<b>Principle 3: Density</b>	<p>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.</p>
<b>Principle 4: Sustainability</b>	<p>A BASIX Certificate and relevant reports have been submitted with the development application. The certificates require sustainable development features to be installed into the development. The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices.</p> <p>The development achieves a good level of cross ventilation throughout the building with a large number of the proposed apartments having dual aspects or cross through ventilation.</p>
<b>Principle 5: Landscape</b>	<p>This development proposed is consistent with the objectives of the Parramatta DCP and provides appropriate planting within the building and street planting to create an appropriate landscape setting.</p> <p>The landscaping to common outdoor areas, in particular, has a careful consideration in order to maximise the amenity available to residents while contributing to the long- term social and ecological sustainability of the project.</p>
<b>Principle 6: Amenity</b>	<p>Generally, the proposal is considered to be satisfactory in this regard, optimising 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.</p> <p>The built form maximises access to sun-light and views. The facade treatment, tower articulation and massing and broad northerly aspect extract maximum benefit from the sunlight available.</p>

Requirement	Council Officer Comments
	<p>Access to views is critical on inner-urban sites and the proposal exploits the views available with most apartments enjoying a pleasant outlook.</p> <p>Further, acoustic privacy is adequately achieved within individual apartments via the provision and careful placement of buffers between bedrooms and living spaces, i.e. quiet zones and noisy zones. These design mechanisms include internal wardrobes, bathroom placement, centralised services / lifts and setback entries to public circulation spaces.</p> <p>All balconies are recessed into the built form to reduce solar impact in summer whilst taking full advantage of the low winter sun.</p> <p>The apartment levels and publicly accessible ground level areas are fully accessible to people with limited mobility.</p> <p>Ample storage is provided both within apartments and in the basements levels.</p> <p>A satisfactory wind assessment report has been submitted by the applicant which concludes that wind conditions around the site are expected to be suitable for pedestrian standing and sitting at the ground floor level and as well as terrace levels.</p>
<p><b>Principal 7: Safety</b></p>	<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"> <li>• The majority of units are orientated towards public streets creating passive surveillance.</li> <li>• Entry points into the building are clearly identifiable for ease of access for residents and visitors.</li> <li>• The ground floor level will activate the precinct to further enforce a sense of passive surveillance.</li> <li>• The residential lobby provides a consistent active presence on all street frontages and onto the terrace facing west.</li> <li>• Full height glazing to the lobbies maximises visibility to and from the active entries.</li> </ul>
<p><b>Principal 8: Housing Diversity and Social Interaction</b></p>	<p>This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements, providing additional housing choice, with a good unit mix within the area in close proximity to public transport.</p>
<p><b>Principle 9: Aesthetics</b></p>	<p>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.</p>

## Design Review Panel

As the proposal was reviewed by a design excellence jury, therefore it is not considered necessary to have the proposal reviewed by Council's Design Excellence Advisory Panel.

## Apartment Design Guide

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

Standard	Requirement	Proposal	Complies
<b>Part 2</b>			
<b>2F: Building Separation</b>	<u>Up to 4 storeys</u> <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> <li>• 9m habitable and non-habitable rooms</li> <li>• 6m non-habitable rooms</li> </ul>	<u>North*</u> <p>The adjoining property to the north (124 Wigram St) currently contains a 4 storey residential flat building that has a setback ranging between 4.5m - 6m to the shared boundary with the subject site.</p> <p>The ground floor and the terrace floor (non-habitable) of the proposed development has a 6m setback to the northern boundary and fully comply with the required share of the building separation to the existing residential flat building at No. 124 Wigram St.</p> <p>Level 2 (3<sup>rd</sup> storey- habitable storey) proposes a 6m setback to the northern boundary and complies with its 6m share of the required 12m building separation to the existing and potential residential flat building at 124 Wigram St.</p> <p>Level 3 (4<sup>th</sup> storey) proposes a 9m setback to the northern boundary and will comply with the required 6m share of building separation to the existing and potential residential flat building at 124 Wigram St.</p>	Yes
	<u>Up to 5-8 storeys</u> <ul style="list-style-type: none"> <li>• 18m between habitable</li> </ul>	<p>The proposed development has a 9m setback to the northern boundary for 5 to 8 stories, which will be compliant</p>	Yes

Standard	Requirement	Proposal	Complies
	rooms/balconies <ul style="list-style-type: none"> <li>• 12m between habitable and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> </ul> <u>Over 9 storeys or 25m</u> <ul style="list-style-type: none"> <li>• 24m between habitable rooms/balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable rooms.</li> </ul>	with any future redevelopment at No.124 Wigram Street.  9 <sup>th</sup> floor and above, the proposed has a 9m setback, which is not likely to comply with the building separation for any future residential development on this site.	No, however acceptable, refer to discussion below.
	<p>Note*:The subject site is bounded by Charles Street to the west, Parkes Street to the south and Wigram Street to the east, therefore building separation is assessed in relation to No.124 Wigram Street, Harris Park (north elevation).</p> <p>Note*:The adjoining property to the north (124 Wigram St) currently contains a 4 storey residential flat building that has a setback ranging between 4.5m - 6m to the shared property boundary.</p> <p>Note*: No.124 Wigram Street is yet to be developed to the height &amp; density potential permitted under PLEP 2011,i.e FSR of 6:1 and a 72m height limit, so potentially a built form of 20 storeys in the future. Accordingly, the proposed setback distances is assessed based on the half share of the required building separation distances.</p> <p><u>Discussion</u></p> <p>The applicant has submitted a building separation study, noting the following justification for the non-compliant building separation for any future development at No.124 Wigram Street, Harris Park:-</p> <p><i>A detailed assessment of the building separation in relation to the adjoining sites and has been undertaken and a concept plan for potential future re-development of 124 Wigram Street (the site to the north) has been prepared.</i></p> <p><i>The concept plan for No.124 Wigram Street is prepared to demonstrate that the site can be re-developed to the maximum FSR and height potential with an ADG-compliant scheme (in terms of building separation) despite the proposed subject development's reduced setback to the northern boundary.</i></p> <p><i>The concept plan show a building envelope with an FSR of 6:1 and height of &lt;72m, which complies with LEP controls. As demonstrated by the indicative floor plan, the core is located on the south side of the building, resulting in a southern façade that is non-habitable for ADG</i></p>		

Standard	Requirement	Proposal	Complies
	<p><i>building separation purposes. The north, east and west facades are habitable. This layout is an expected design outcome given the need to maximise solar access to the dwellings.</i></p> <p><i>ADG building separation</i></p> <p><i>The concept plans for 124 Wigram Street show a tower setback of 9m from the southern boundary in accordance with ADG requirements for a non-habitable facade. The proposed development at 12a Parkes Street provides a setback of 9m from the north boundary (adjoining 124 Wigram Street). Therefore, the total separation between towers is 18m in accordance with the ADG separation requirement for habitable to non-habitable facades.</i></p> <p><i>Visual privacy</i></p> <p><i>Adequate visual privacy is achieved through the provision of ADG-compliant total building separation, as outlined above. Given this compliance, it is considered that no additional mitigation measures are required.</i></p> <p><i>Solar access</i></p> <p><i>A solar access study that assesses the overshadowing impacts of the 124 Wigram Street concept scheme onto the proposed development at 12a Parkes Street has been prepared. The study demonstrates that 79% of apartments at 12a Parkes Street achieve the required two hours of solar access even after 124 Wigram Street is redeveloped, which is well above the 70% ADG minimum.</i></p> <p><i>It is evident, therefore, that the proposed development's reduced setback from the north boundary does not affect the building's solar access to an unacceptable degree.</i></p> <p><u>Council Assessment</u></p> <p>While the development provides for a fully compliant scheme in relation to the current residential flat building at No.124 Wigram Street, an assessment is carried out to consider any future redevelopment of this site to ensure minimal privacy impacts and reasonable solar access is provided to the subject development and to any redevelopment of the neighbouring site.</p> <p>The application fully complies with the recommendations of the ADG with respect to the building separation between subject site and No. 124 Wigram Street with building setback of 6m from ground level to the fourth storey, 9m from fifth storey to the eighth storey. However, the proposed 9m from ninth storey and above falls short by 3m of the required 12m setback to the northern boundary.</p> <p>Pursuant to the current controls it is considered that any future redevelopment at No.124 Wigram Street is likely to result in a building height of 72m and a maximised north facing habitable floor space as demonstrated in the concept plans submitted by the applicant (<i>refer to</i></p>		

Standard	Requirement	Proposal	Complies
	<p><i>attachment 5– Architect’s Building separation justification).</i></p> <p>The concept plans for 124 Wigram Street indicates a tower setback of 9m to the southern boundary resulting in a building separation of 18m against the required 24m separation between the two buildings.</p> <p>Although the separation distances do not fully meet the recommended Design Criteria of the ADG set out in Part 2F – Building Separation and fall short by 3m setback distance, the proposed distances are considered to satisfy the aims of Part 2F which states the following:</p> <ul style="list-style-type: none"> <li>• <i>to ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings;</i></li> <li>• <i>to assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook; and</i></li> <li>• <i>to provide suitable areas for communal open spaces, deep soil zones and landscaping.</i></li> </ul> <p>The proposed setbacks and potential separation distances is considered in keeping with the above objectives and can be supported in this instance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed development supports the desired further character and massing of buildings as envisioned in the controls of the Parramatta City Centre DCP;</li> <li>• The subject site is small and narrow in width, restricting the ability to set the building away from the adjoining site;</li> <li>• The separation distances are based on an equitable share of 9m setbacks for the subject site and the neighbouring property to the north and therefore does not burden any re-development potential of the neighbouring site;</li> <li>• No.124 Wigram Street can be redevelop up to the maximum height and FSR with an ADG-compliant scheme (in terms of building separation) despite the proposed development's reduced setback from the northern boundary. The concept plan submitted by the applicant for No.124 Wigram Street demonstrates a compliant 12m setback to its northern boundary to take advantage of the northerly aspect.</li> <li>• 70% of apartments at 12a Parkes Street will achieve the required two hours of solar access even after 124 Wigram Street is redeveloped, which complies with the ADG requirement.</li> <li>• The proposed development will not result in any overshadowing impacts upon the residential development at No.124 Wigram Street.</li> <li>• In terms of the visual privacy impacts, the separation distances that apply to first four storeys given that the residential building at</li> </ul>		

Standard	Requirement	Proposal	Complies
	<p>124 Wigram Street, Harris Park is a 4 storey building.</p> <p>The issue of privacy will need to be re-examined when the adjoining site is proposed for redevelopment and that given the orientation of the site, it is likely that most non- habitable rooms will be proposed along the shared boundary of the site in which case the proposed separation distances will comply.</p> <p>In any instance where future habitable rooms/ balconies of No.124 Wigram Street is proposed along the shared boundary between the two properties, it is considered that reasonable levels of external and internal visual privacy can be achieved through the offsetting of openings, angled orientation of openings, and installation of visual privacy screening devices.</p> <ul style="list-style-type: none"> <li>The proposed development ensures all of the apartments within the development will receive acceptable amenity in respect to visual and acoustic privacy, natural ventilation, sunlight and outlook.</li> <li>The proposed separation was considered deemed acceptable at design competition stage due to the merits of the design.</li> </ul>		

<b>Part 3</b>			
<b>3B: Orientation</b>	<p>The building has been designed to respond to all three street frontages within an appropriately slender massing of the tower to relate to a human scale relevant to the public domain at the street levels.</p> <p>The ground floor level and terraces present an elaborate facade articulation which adds interest and variety at street level with the help of softer materials proposed here to foster this.</p> <p>Setbacks are carefully aligned with existing neighbouring developments to enhance and reinforce existing geometries. Deep recesses are carved between building forms to bring the contrast between them into greater relief. A legible arrangement of openings, voids and solids at the tower levels establish the building's identify, access, entry and address.</p> <p>The tower form above has been set as far towards the south of the site as possible to provide a setback to the adjoining building to the north and provide northern outlook for the podium top communal open space and north facing units.</p>		
<b>3C: Public Domain Interface</b>	<p>The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to the foyers/ lobbies. Due to flooding issues, the ground floor level is not at grade with Charles Street and Parkes Street alignment.</p>		
<b>3D: Communal &amp; Public Open Space</b>	<p>Min. 25% of site area (222.15m<sup>2</sup>)</p> <p>Min. 50% direct sunlight to main communal open space for min. 2hrs 9am &amp; 3pm, June 21<sup>st</sup></p>	<p>225m<sup>2</sup> (25%) of communal open space is provided at the terrace level facing north.</p>	<p>Yes</p>

	(112.5m <sup>2</sup> )	More than 50% of the majority of the primary usable part of the communal open space area (i.e. that area adjacent to the swimming pool) achieves direct sunlight throughout the morning and early afternoon hours.	Yes
<p>The proposal includes a large podium top communal area with seating, planting and a BBQ area as well as evenly throughout the outdoor seating areas, all-accessible internally from lobby. These areas are considered likely to provide good amenity to residents.</p>			
<b>3E: Deep Soil</b>	<p>Min. 7% with min. dimensions of 3m for sites of 650m<sup>2</sup> -1500m<sup>2</sup> or greater (62.20m<sup>2</sup>) .</p> <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure</p>	<b>0m<sup>2</sup></b>	No, however acceptable, refer to discussion below.
<p>The proposal provides for no deep soil. In accordance with the design guidance under 3E-1, this is considered acceptable for the following reasons:</p> <p>The site is located in a central business district in a constrained urban context;</p> <p>The development provides for non-residential uses at ground level;</p> <p>Acceptable stormwater management has been provided for the development; and</p> <p>The development features high quality landscaping both at two terraces.</p> <p>While the proposal provides no deep soil planting this is considered to be acceptable due to the constraints posed by a narrow site, and the inner city character of the area. The proposal provides additional planting in the public domain which will result in a net increase to the planting in the area.</p>			
<b>3G: Pedestrian Access and Entries</b>	<p>A residential pedestrian_access is provided via Charles Street and Parkes Street frontage and an accessible chair lift is also provide to the Wigram Street frontage. These entries open into a lobby that provides access to the tower and is serviced by two lifts and fire stairs. It is considered that suitable pedestrian access is accommodated on site</p>		

	<p>and is in the form of grade ramps and lifts.</p> <p>Separate entries have been provided for pedestrian and vehicles.</p>		
<b>3H: Vehicle Access</b>	<p>The subject site has frontage to Charles Street to the west, Parkes Street to the south, Wigram Street to the east, and a stormwater channel to the north.</p> <p>The Parkes Street frontage to the site forms part of RMS regional road and no access or parking is permitted on Parkes Street.</p> <p>Charles Street is a local road that travels in a north-south direction. The southern section of Charles Street (including that immediately adjacent to the site) operates one-way (northbound) only and accommodates a single northbound general traffic lane on the western side (with an additional auxiliary right turn pocket at the intersection), and storage for buses on the eastern side.</p> <p>Wigram Street is a local road that travels in a north-south direction, along the eastern boundary of the site.</p> <p>Wigram Street has a four-lane, two-way undivided cross-section, however the kerbside lanes are used for parking to the north of the site (clear of intersections and property accesses). Wigram Street frontage is the only possible access point for vehicular access to the site.</p> <p>The proposal incorporates a two-way vehicular entry point with a turntable for loading to Wigram Street frontage. The vehicular entry point is separated from building entry points to improve pedestrian safety and comfort. Waste collection is by way of a turntable that can accommodate a small rigid vehicle on the two-way driveway.</p>		
<b>3J: Bicycle and car parking</b>	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>•0.1 space / studio 24 units = 2.4 spaces</li> <li>•0.3 space /1 bed x 46 units = 13.8 spaces</li> <li>•0.7 space /2 bed x 34 units =23.8 spaces</li> <li>•1space/3 bed x 8 units = 8 spaces</li> <li>•Assuming 1 space / 4-bed* x 1 unit = 1 space</li> </ul> <p>Total maximum =49 spaces</p> <p>Motorcycle parking = 1 car parking space, as a minimum, for every 50 car parking spaces provided, or part thereof.</p> <p>Bicycle parking = 1 bicycle space per 2 dwellings</p>	<p>48 car parking spaces provided within the site, which does not exceed the maximum number of car parking spaces (49 spaces) required for this proposal</p> <p>1 motorcycle parking space comply with the requirements in accordance with PLEP 2011 and PDCP 2011.</p> <p>The 24 bicycle parking spaces provided within the site do not comply with the minimum requirement according to PDCP 2011 and is deficient by 33</p>	<p>Yes</p> <p>Yes</p> <p>No</p>

		bicycle parking spaces.	
	Car parking is based on the Parramatta LEP 2011 (Clause 7.16 Car parking for certain land in Parramatta City Centre).		
	*Note: PLEP 2011 and RMS does not specify parking rate for a 4-bedroom unit.		
<b>Part 4</b>			
<b>4A: Daylight/ Solar Access</b>	Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-winter (79 apartments);	95 out of 113 apartments (84%)	Yes
	Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (17 apartments)	16 out of 113 apartments (14%)	Yes
The proposal provides good levels of solar access for a development of its size.			
The shadow diagrams submitted with the application demonstrate that adjoining and nearby properties would retain the required 2 hours of solar access at midwinter.			
<b>4B: Natural Ventilation</b>	Min. 60% of apartments below 9 storeys naturally ventilated (32 apartments)	34 out of 53 apartments (64%)	Yes
<b>4C: Ceiling heights</b>	Min. 2.7m habitable	2.7m	Yes
	Min 2.4m non-habitable	3.0m	Yes
<b>4D: Apartment size &amp; layout</b>	Studio – Min 35m <sup>2</sup>	Studio - >35m <sup>2</sup> (Avg. 42m <sup>2</sup> )	Yes
	1B – Min 50m <sup>2</sup>	1B – >50m <sup>2</sup> (Avg. 56m <sup>2</sup> )	Yes
	2B – Min 75m <sup>2</sup> (2 baths)	2B – >75m <sup>2</sup> (Avg. 81m <sup>2</sup> )	Yes
	3B+ – Min 95m <sup>2</sup> (2 baths)	3B – >95m <sup>2</sup> (Avg. 101m <sup>2</sup> )	
	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.	Complies	Yes
	Max. habitable room depth from window for open plan layouts: 8m.	Up to 8m	Yes
Min. internal areas: Master Bed - 10m <sup>2</sup> Other Bed - 9m <sup>2</sup>	>10m <sup>2</sup> >9m <sup>2</sup>	Yes Yes	
Min. 3m dimension for bedrooms (excl. wardrobe space).	All bedrooms have a minimum dimension of 3m excluding wardrobes.	Yes	
Min. width living/dining: 1B – 3.6m 2B – 4m 3B – 4m	>3.6 >4m >4.3 m	Yes Yes Yes	

	Cross-through: 4m	4m	Yes
<b>4E: Private open space &amp; balconies</b>	Min. area/depth: Studio – 4m <sup>2</sup>	3-4m <sup>2</sup> – Units 303,403,503, 603 & 703 (5 out of 24 –non compliant)	Partial
	1B - 8m <sup>2</sup> /2m 2B - 10m <sup>2</sup> /2m 3B - 12m <sup>2</sup> /2.4m  The minimum balcony depth to be counted as contributing to the balcony area is 1m.	7m <sup>2</sup> /1m (19 out of 46 non comply) >9m <sup>2</sup> /1m (11 out of 34 non comply) >12m <sup>2</sup> /2m	Partial Partial Yes
Although most apartments comply with minimum area required for the balconies, a number of apartments are non-compliant in terms of the depth of the balconies. The provision of good quality and evenly spaced communal open space areas is considered to be sufficient to ensure the amenity of future applicants.			
<b>4F: Common circulation &amp; spaces</b>	Max. apartments –off circulation core on single level: 8 - 12	4-6 one level services by 2 lifts	Yes
	Max. apartments sharing single lift: 40  Corridors >12m length from lift core to be articulated.	Corridors articulated	Yes
<b>4G: Storage</b>	0B - Min 4m <sup>3</sup> 1B – Min 6m <sup>3</sup> 2B – Min 8m <sup>3</sup> 3B+ – Min 10m <sup>3</sup>	All the units have more than 50% storage volume inside the apartment and only 42 units need additional storage in the basement to get the 100% of volume required.  Units 201, 301-1901, 306, 307-407, 506-1806, 1905,2001,2002, 2004 and 2103 require additional storage in the basement.	Yes
<b>4H: Acoustic Privacy</b>	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 also located away from bedrooms when possible.		
<b>4J: Noise and pollution</b>	The application includes an acoustic report which recommends construction methods / materials / treatments to be used to meet the criteria for the site, given both internal and external noise sources, light rail, traffic and the CBD location. A condition is included requiring that the recommendations in the report be implemented.		

<b>4K: Apartment Mix</b>	<p>The proposal includes a unit mix of up of 24 x studio, 46 x1 x bed , 34 x 2 bed, 8x 3 bed and 1x4 bedroom apartments.</p> <p>The ADG states that, a variety of apartment types is to be provided The apartment mix should take into consideration:</p> <ul style="list-style-type: none"> <li>• the distance to public transport, employment and education centres</li> <li>• the current market demands and projected future demographic trends</li> <li>• the demand for social and affordable housing</li> <li>• different cultural and socioeconomic groups</li> </ul> <p>The development has the following bedroom mix:-</p> <ul style="list-style-type: none"> <li>• 24 x studio apartments (21%)</li> <li>• 46 x 1 bedroom apartments (41%)</li> <li>• 34 x 2 bedroom apartments (30%)</li> <li>• 8 x 3 bedroom apartments (7%)</li> <li>• 1 x 4 bedroom apartments (1%)</li> </ul> <p>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.</p>		
<b>4M: Facades</b>	<p>The various uses in the podium are apparent from differing facade treatments.</p> <p>The proposal provides a clear and legible distinction between the podium buildings and the tower element. The podium is broken up with framing to reduce the horizontality of the façade.</p>		
<b>4N: Roof design</b>	<p>The proposed building is to have a flat roof, which is considered to be appropriate given the horizontality of the design. Rooftop plant and lift overrun are to be suitably setback to ensure they are not visible from the street.</p>		
<b>4O: Landscape Design</b>	<p>The application includes a landscape plan, which demonstrates that the proposed building will be adequately landscaped given its high-density form. The proposal includes well-landscaped terraces, which will provide ancillary open space for occupants.</p>		
<b>4P: Planting on structures</b>	<p>The drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting.</p>		
<b>4Q: Universal Design</b>	20% Liveable Housing Guidelines Silver Level design features (22)	17	No
<p>Although, the proposal does not fully comply with the number of adaptable units, the site is considered to be appropriately barrier free with level and lift access available 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. It is considered all the adaptable units as set out can achieve the Liveable Housing silver standards. A condition is included to this effect.</p>			
<b>4T: Awnings and Signage</b>	<p>Sun and rain protection is provided by a continuous awning around the ground floor. No signage is proposed.</p>		

<b>4U: Energy Efficiency</b>	The BASIX Certificate demonstrates the development surpasses the pass mark for energy efficiency.
<b>4V: Water management</b>	The BASIX Certificate demonstrates that the development achieves the pass mark for water conservation.
<b>4W: Waste management</b>	Waste areas have been located in convenient discreet ground floor locations. A construction waste management plan is required to be prepared by a qualified waste consultant adhering to council's waste controls. All units are provided with sufficient areas to store waste/recyclables.
<b>4X: Building maintenance</b>	The proposed materials are considered to be sufficiently robust, eschewing the use of render and other easily stained materials.

## 6.8 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.

<b>Development standard</b>	<b>Proposal</b>	<b>Complies</b>
<b>2.3 Zoning</b> B4 – Mixed Use	The proposed use is defined as residential flat building, which are permissible with development consent in the zone.	Yes
<b>Zone Objectives</b>	The proposal is considered to be in keeping with the objectives of the B4 Mixed Use zone for the following reasons: <ul style="list-style-type: none"> <li>• The proposal provides an appropriate mix of land uses.</li> <li>• The proposal provides additional residential in a highly accessible area.</li> <li>• The proposal provides upgrades to the public domain.</li> </ul>	Yes
<b>4.3 Height of Buildings</b>  Map: 82.8m The height of buildings (HOB) map identifies the site as subject to a maximum height of 72m.  With eligibility for a Design Excellence Bonus of 15% (82.8m).	Max Height proposed = 82.042m	Yes

Development standard	Proposal	Complies
<p><b>4.4 Floor Space Ratio</b></p> <p>Council has endorsed a Planning Proposal (PP) for the site that permits a maximum FSR to 8:1 and with eligibility for a Design Excellence Bonus of 15%, the permissible FSR is 9.2:1.</p> <p><math>888.6\text{m}^2 \times 9.2:1 = 8175,12\text{m}^2</math></p>	<p>Floor space ratio proposed is = 8175m<sup>2</sup> or 9.2:1</p>	<p>Yes</p>
<p><b>4.6 Exceptions to Development Standards</b></p>	<p>No variations sought</p>	<p>N/A</p>
<p><b>5.10 Heritage conservation</b></p>	<p>The site is not identified as a heritage item and is not located within a heritage conservation area.</p> <p>The site is not of heritage interest in its own right, however, it is in the vicinity of several listed items in the PLEP 2011. The immediate area of works is not of heritage concern, and was identified in PCC heritage maps as having moderate archaeological potential. The Aboriginal study noted site as having low Aboriginal sensitivity.</p> <p>Given the separation between location of development activities and the listed items and given adequate design response to the context, the nature of the proposal which is in keeping with planning controls, it is deemed that heritage values will not be adversely impacted as a result of this proposal.</p> <p>The applicants have also submitted a due diligence report, confirming that Aboriginal values will not be impacted.</p>	<p>Yes</p>

Development standard	Proposal	Complies
<p><b>6.1 Acid Sulfate Soils</b></p> <p><b>Class 2</b></p>	<p>A Preliminary Acid Sulphate report prepared by Environmental Investigations Australia was submitted with the application. The report states that the field tests conducted for actual or potential acid sulphate soils does not indicate any presence of the acid sulphate soils.</p> <p>The report has been reviewed by the Council's Environmental Health Officer, who considers that the risk of any acid sulphate soils is very low and the preparation of an Acid Sulphate Soil Management Plan is therefore not required.</p>	<p>Yes</p>
<p><b>6.2 Earthworks</b></p>	<p>The application includes a geotechnical report, which makes recommendations on excavation methodology and minimisation of impact on adjoining properties. A condition is included requiring compliance with the report.</p>	<p>Yes</p>
<p><b>6.3 Flood Planning</b></p>	<p><u>Flooding</u></p> <p>The site is flood affected and lies within the floodway of Clay Cliff Creek. According to Council's adopted flood modelling, the site is surrounded by 'High Hazard' flow conditions in a 1% AEP event.</p> <p>The applicant has carried out a remodelling of the flooding environment to account for the new bridge built across Clay Cliff Creek at Charles Street since Council's modelling was previously carried out in 2005.</p> <p>The new modelling has been reviewed by an independent consultant and ensures that the development does not obstruct the floodway.</p> <p>This new modelling indicates that the flood conveyance can be achieved around the building by provision of an 8-9m wide surface flow path parallel to the western (Charles Street) boundary within the site.</p> <p>The building footprint has been amended to achieve the 8-9m setback to Charles Street up to a height of 4m above ground to allow free passage of both floodwaters and water-borne debris.</p> <p>The predicted 1% AEP flood levels for the site from Council's adopted flood levels range from RL 7.59 to 7.75 m AHD. It should be noted that the flood levels under the new modelling remain unchanged.</p> <p>The flood planning level for this site ranges from RL 8.09 m AHD to RL 8.25m AHD.</p>	<p>Yes, subject to conditions</p>

Development standard	Proposal	Complies
	<p>While there are no 'habitable rooms' on the ground floor, its finished floor level is RL 8.250m AHD which is equal to the higher of the flood planning levels. All finished floor levels on higher floors are above the flood planning level and satisfactory.</p> <p>The predicted PMF levels for this site from Council's adopted flood levels range from RL 9.43m AHD to 9.59 m AHD.</p> <p>Minimum finished floor levels of residential floors are set at 13.7m AHD, which is over 4 metres above the PMF and so is satisfactory.</p> <p>The flood escape to an internal shelter/refuge in place above the PMF level is to be addressed as part of the required flood emergency response plan.</p> <p><u>Flood protection of the basement</u></p> <p>There is no driveway ramp and a car lift is used for conveying vehicles down to the basement.</p> <p>The application proposes flood doors to the fire stairs, and removable flood barriers to the lift and car lift to prevent floodwaters entering the basement.</p> <p>The ground floor level is RL 8.25m AHD and the PMF is up to 9.59m AHD. Flood doors and barriers will need to be approx. 1.34m high, which is feasible, and conditions are recommended to ensure more permanent and automatic arrangement for the flood barriers.</p> <p>Conditions are included to ensure the building will adequately respond to the risk.</p>	
<b>7.4 Sun Access</b>	The proposal would not overshadow Jubilee Park, Parramatta Square or Lancer Barracks during the solar protection window (i.e. 12pm – 2pm).	Yes
<b>7.10 Design Excellence</b>	The proposal is the winning entry in a design competition and has received the designation of 'design excellence'. The design as submitted has been reviewed by the design jury and found to be acceptable. As such the proposal is eligible for height and floor space bonuses of 15%.	Yes

Development standard	Proposal	Complies
<p><b>7.16- Development on land at 12A Parkes, Harris Park</b></p> <p><b>7.16 (2) Flooding</b> In addition to matters mentioned in clause 6.3, the consent authority shall satisfied that the building is</p> <p>(a) contains an area that is</p> <p>(i) located above the probable maximum flood level, and</p> <p>(ii) connected to an emergency electricity and water supply, and</p> <p>(iii) of sufficient size to provide refuge for all occupants of the building (including residents, workers and visitors),</p> <p>(b) has an</p>	<p>The proposed development is designed to ensure that habitable areas and the emergency access point are located above the predicted 1% AEP flood levels of RL 7.59 to 7.75 AHD.</p> <p>The flood planning level for this site ranges from RL 8.09 m AHD to RL 8.25m AHD.</p> <p>In addition to each individual apartments the communal terrace on the podium level is to serve as the refuge area. The communal terrace floor level is at RL 13.7 which is well above the PMF level of RL 9.59 and so is each apartment within the development.</p> <p>The communal terrace is connected to emergency electricity and water supply.</p> <p>The terrace on the podium level will act a refuge area which has a gross floor area is 243m<sup>2</sup> (which excludes circulation space within the lobby).</p> <p>The total number of occupants estimated to be in the building at any given time is 214 persons. calculated as follows:</p> <p>113 total apartments x 2.3 persons per household = 260 persons</p> <p>75% occupancy (given the fact that the building will not be 100% occupied at any given time) = 195 persons.</p> <p>+ 10% for visitors</p> <p>= 214 total building occupants</p> <p>Therefore, the terrace provides space at a rate of at least 1m<sup>2</sup> per occupant, which is considered sufficient and exceeds standard requirements for places of public assembly.</p> <p>The applicant has provided a marked up ground</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Development standard	Proposal	Complies
<p>emergency access point to the land that is above the 1% annual exceedance probability event, and</p>	<p>floor plan demonstrating an emergency access point at the southeast corner of the building located above the 1 % AEP level of RL 7.75.</p>	
<p>(c) is able to withstand the forces of floodwaters, debris and buoyancy resulting from a probable maximum flood event.</p>	<p>The applicant has provided correspondence from an accredited structural engineer confirming that the development can withstand the forces of the floodwaters, debris and buoyancy in a PMF event. Council's Catchment Engineer has reviewed the application and is satisfied that the proposal complies with the requirements of Clause 7.16 of the PLEP</p>	<p>Yes</p>
<p><b>7.16 (4) Car Parking</b></p> <p>0.1 x studio 0.3 x 1 bed 0.7x2 bed 1 x 3 bed Maximum required:49</p>	<p>A maximum of 48 car spaces have been provided</p>	<p>Yes</p>

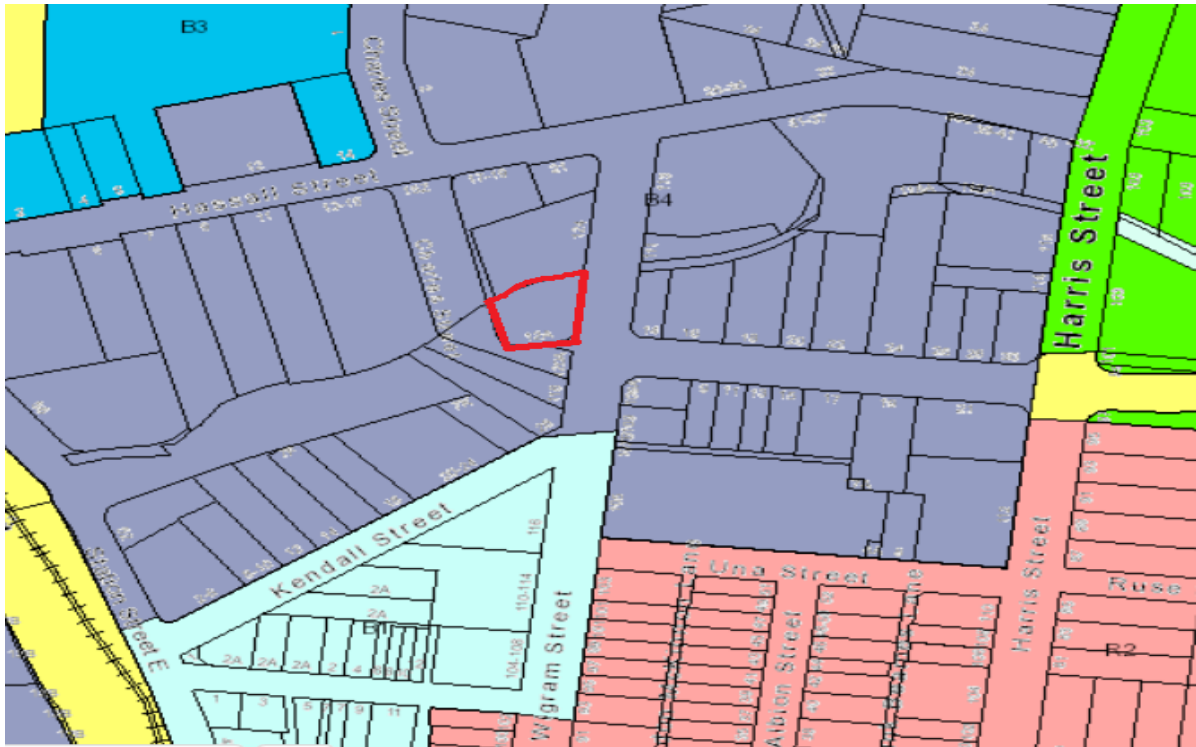


Figure No.7 - PLEP 2011 Zoning map (subject site outlined in red). The site is zoned B4 – Mixed Use zone



Figure 1 - PLEP 2011 Floor Space Ratio map (subject site outlined in red). The site is classified AC – 8 FSR.



Figure No.9 - PLEP 2011 map (subject site outlined in red). The site is classified AA4 – 72m height limit.

**7. Draft Environmental Planning Instruments**

There are no draft environmental planning instruments relevant to the subject application.

**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.	Yes
2.4.2.1 Flooding	See Flood section 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 Soil Management	The erosion and sediment control plan submitted with the application is considered to be sufficient.	Yes
2.4.3.2 Acid Sulfate Soils Class 2	See assessment under section 6.8 above.	Yes
2.4.3.3 Salinity	The site is identified as being of moderate	N/A

Development Control	Proposal	Comply
	salinity potential. As such it is not considered that any special measures are necessary.	
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	<p>The proposed building is not likely to result in atmospheric pollutants which require the submission of an air quality report.</p> <p>Appropriate conditions are recommendation for dust control during construction.</p>	Yes
2.4.6 Development on Sloping Land	The site is not subject to any steep gradients and the floor levels are dictated by the flood risk on the site..	Yes
2.4.7 Biodiversity	The proposal does not require the removal of any trees and 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, and will permit passive surveillance of, the public domain.</p>	Yes
<b>3.1 Preliminary Building Envelope</b>		
Not applicable. See Section 4.3.3 'Parramatta City Centre' below.		
<b>3.2. Building Elements</b>		
3.2.1 Building Form and Massing	The height and scale of the proposal, while in excess the buildings in the immediate vicinity, is in keeping with the height and density allowable on the site. The building form is considered to have been adequately articulated to provide visual interest. The tower element (i.e. above the podium) is well setback from adjoining and nearby residential properties and as such will not unduly impact on their amenity.	Yes
3.2.2 Building Façade and Articulation	<p>The building entries address Charles Street, Parkes Street and Wigram Street.</p> <p>The proposal includes vertical recesses to break up the width of the building and horizontal recesses (in particular at the terraces levels) to break up the height of the building. The design has been reviewed by a Design Excellence Jury and the Jury is highly supportive of the proposal and are of the view</p>	Yes

Development Control	Proposal	Comply
	that the original design intent of the competition winning scheme has not been lost, but has in fact has been refined even more at DA stage.	
3.2.3 Roof Design	The proposed flat roof is considered to be acceptable as it is in keeping with the character of the area. The façade is extended to the roof level to obscure views of plant.	Yes
3.2.4 Energy Efficient Design	See Section 4.3.3.6 of the DCP below.	Yes
3.2.5 Streetscape	The proposal is considered to provide an acceptable streetscape given the significant constraints of the site.	Yes
<b>3.3 Environmental Amenity</b>		
3.3.1 Landscaping	See ADG assessment above.	Yes
3.3.2 Private and Communal Open Space	See ADG assessment above.	Yes
3.3.3 Visual Privacy 3.3.4 Acoustic Amenity	For residential privacy see ADG assessment above.	Yes
3.3.5 Solar Access  Proposed units  Adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June	See ADG assessment above.  Due to the height of the building it will have a far reaching shadow. However, due to the north-south orientation of the tower, and its slender width, the shadow will be fast moving and would not impact on any individual property for more than a few hours in the midwinter. As such all affected units would still receive the required solar access.	Yes  Yes
Cross Ventilation	See ADG assessment above.	Yes
3.3.6 Water Sensitive Urban Design	Refer to 'Council's Catchment and Development Engineer' has reviewed the application and has provided the following comments:  <i>"An On Site Detention is not required because of the location of the site within the floodway.  The Applicant has proposed a WSUD water quality treatment system using 6x690 PSORB Cartridge Stormfilters by Stormwater 360. This has been modelled using 'MUSIC' and is satisfactory for this development."</i>	Yes
3.3.7 Waste Management	The applicant submitted a comprehensive operational waste management plan which demonstrates that the building can safely,	Yes

Development Control	Proposal	Comply
	quickly, and quietly store and remove waste.	
<b>3.4 Social Amenity</b>		
3.4.1 Culture and Public Art	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
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 standards subject to more detail at the construction certificate stage.</p> <p>Due to flooding issues and site constraints, a stair lift is provided to the Parkes Street frontage.</p> <p>Notwithstanding, conditions are included requiring that the proposal comply with the relevant standards.</p>	Yes
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	The proposal does not result in the provision of any increased opportunity for criminal or anti-social behaviour. Natural surveillance of the public domain would be significantly increased with the proposed level of occupancy.	Yes
<p>3.4.5 Housing Diversity and Choice</p> <p>-3 bed 10% - 20%</p> <p>-2 bed 60% - 75%</p> <p>-1 bed 10% - 20%</p> <p>-10% adaptable units</p>	<p>The development has the following bedroom mix:-</p> <ul style="list-style-type: none"> <li>• 24 x studio apartments (21%)</li> <li>• 46 x 1 bedroom apartments (41%)</li> <li>• 34 x 2 bedroom apartments (30%)</li> <li>• 8 x 3 bedroom apartments (7%)</li> <li>• 1 x 4 bedroom apartments (1%)</li> </ul> <p>• 17 adaptable units</p>	<p>The proposed unit mix is considered acceptable given the proximity to the train station and university and is considered to be attractive to the relevant demographics.</p> <p>Yes</p>
<b>3.5 Heritage- See assessment under PLEP 2011.</b>		
<b>3.6 Movement and Circulation</b>		
<b>3.6.2 Parking and Vehicular Access</b>		

<b>Development Control</b>	<b>Proposal</b>	<b>Comply</b>
Car Parking Control	See ADG assessment above.	N/A
Bicycle Parking  Residential – 1 per 2 units (113 units) = 57	Provided 24  Additional 33 bicycle parking spaces are to be provided within the site to comply with the total requirement of 57 bicycle parking spaces. Dimensions of bicycle spaces are to be marked on the basement plans complying with AS 2890.3-2015	Yes, subject to conditions.
<b>4.3.3 Strategic Precinct - Parramatta City Centre</b>		
Objectives	The proposal is considered to be consistent with the objectives of the strategic precinct for the following reasons: <ul style="list-style-type: none"> <li>• The building has achieved design excellence.</li> <li>• The proposal upgrades the public domain.</li> </ul>	Yes
<b>4.3.3.1 Building Form</b>		
Street Frontage >20m	Wigram Street – 31.6m (Driveway via Wigram Street) Parkes Street - 10.5m Charles Street - 17.2m	Yes
Front Setback = 0m or in keeping with adjoining	Wigram Street – 0m Parkes Street - 0m Charles Street – 8.3m – 9.6m  The Charles Street setback is for the overland flows.	Yes
Street Frontage Heights Min 8 storeys/26m	Building form and setbacks are consistent with the original planning proposal, design competition brief and winning competition scheme. Refer design report and architectural drawings for further detail.	Yes
Wind Mitigation	The application is accompanied by a wind report, which demonstrates that the proposal does not result in unacceptable wind impacts on pedestrians.	Yes
Buildings Exteriors	The Design Excellence Jury consider the proposed materials palette to be in keeping with design excellence principles.  The Jury is highly supportive of the proposition for a brick high-rise apartment building with curved glass and framing. The use of 'Capitol Red Brick' provides a great interface between the City and the heritage significance of Harris Park.  The Jury request that a materials schedule is submitted that forms part of drawings submitted for Construction Certificate	Yes

Development Control	Proposal	Comply
	<p>approval.</p> <p>.A condition is included requiring compliance with these standards.</p>	
Sun Access to Public Spaces	The proposal does not overshadow any of the public areas.	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.	N/A
Active Frontages Ground Level	While it is not possible to have a ground floor designed at grade due to flooding issues, the building has been designed to ensure active street address to all three streets which includes include entries, lobbies with clear glazing to the street.	Yes
Multiple Entrances	The proposal provides entrances to each street.	Yes
Awnings	Awnings are provided to lobby entry at Wigram Street	Yes
4.3.3.4 Views and View Corridors		
Protect strategic views	The proposed tower would be visible from Old Government House; however it is not within a view corridor as defined by the DCP.	Yes
4.3.3.5 Access and Parking		
Location of Vehicle Access & on Site Parking	Vehicle access along Wigram Street is satisfactory. Council's Traffic and Transport Engineer has reviewed the proposal and raises no objections to the proposed development on traffic and parking grounds subject conditions.	Yes
4.3.3.6 Environmental Management		
	Adequate energy and water efficient design measures are incorporated in the proposal. The podium terraces provide for landscape plantings that ameliorates heat bank effects of the building.	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 the designed to be carried through to detailed construction drawings, construction and occupation. Conditions are also included ensuring design excellence outcomes are achieved.	Yes

## **9. Planning Agreements**

The subject application is not subject to a planning agreement.

## **10. The Regulations**

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

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

## **11. The likely impacts of the development**

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 can be made suitable for the proposed development in terms of contamination and acid sulphate soils.

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 for a 30 day period between 18 January 2017 and 21 February 2017. One (1) submission was received in response.

The amended plans were notified and advertised in accordance with Appendix 5 of DCP 2011 for a 30 day period between 12 June 2019 and 3 July 2019. One (1) submission was received in response and one enquiry was received during this time.

Issues raised in the submissions are summarised and addressed below:

Issues Raised	Comment
<i>The proposed height is excessive and will result in loss of solar access to the adjoining buildings at Hassall Street.</i>	<p>The proposal complies with the Building Height development standard for the site. The building is considered to be sufficiently articulated and detailed to minimise the appearance of bulk.</p> <p>The proposal includes shadow diagrams that demonstrate that the proposal will not have an unacceptable overshadowing impact on any adjoining and nearby properties.</p>
The proposed building will result in loss of the current Homebush Bay and city views.	As has been addressed in this report, the subject site is not within an area that contains significant views, as identified by Appendix 5 of the DCP. The proposed development is designed to respect the relevant height and building envelope applicable to the site.

#### 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 development. A detailed Cost Estimate was provided outlining the development cost to be \$1,375,399.35. A condition of consent is included in the recommendation requiring the contribution be paid prior to the issue of the relevant Construction Certificate.

#### 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 provide for acceptable levels of amenity for future occupants. It is considered that the proposal successfully minimises any adverse impacts on the amenity of neighbouring properties and the road network. Hence the development is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant 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/1263/2016 for construction of a 23 storey mixed use development comprising 113 residential units with three (3) levels of basement parking at 12a Parkes Harris Park, NSW 2150 for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Appendix 1.
- B. That those who made a submission be advised of the Panel's decision.