



SYDNEY PLANNING PANEL
Sydney West Central Region

SPP Reference No	2017SWC039
DA No.	DA/76/2017
LGA	City of Parramatta
Proposed development	<p>Construction of a multi storey commercial building with ground level retail floor space. The building will consist of 17 commercial levels (ground plus 16 levels) plus plant above 4 basement levels (previously approved under 3PS Early Works DA - DA/358/2015 and not the subject to this application). The proposed building has a maximum height of 83.5m (RL93) and total gross floor area of 46,188m² (FSR of 10.19:1) comprising 44,239m² of commercial floor space and 1,949m² of retail floor space on the ground floor level.</p> <p>The four basement levels which provide parking for a total of 214 cars and 230 bicycles and which are to be accessed off Macquarie Street (and internally from the Parramatta Square super basement) do not form part of the subject development application. These works were separately approved under development consent DA/358/2015 issued on 14 October 2015 and amended under DA/358/2015B issued on 14 July 2017.</p>
Address	3 Parramatta Square (153 Macquarie Street and 1A Civic Place, PARRAMATTA)
Applicant	Walker Corporation Pty Ltd
Owner	City of Parramatta Council (Note: site subject to Project Development Agreement)
Date lodged	31 January 2017 Amended plans lodged 24 May 2017 which notably removed the basement levels from the subject DA. Further amended plans were submitted on 7 July 2017.
Integrated Development	The proposal was originally considered to be integrated development under the <i>Water Management Act 2000</i> as an aquifer interference

	approval was required for the basement. The application has however been amended post submission to remove the basement levels. Accordingly the proposal is no longer considered to be integrated development.
Number of submissions	24 (including 23 proforma letters)
Recommendation	Approval subject to conditions of consent
Regional Development Criteria	Pursuant to Clause 4 of Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> , the development is Council related development with a capital investment value of more than \$5 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • State Environmental Planning Policy No. 64 – Advertising and signage • State Environmental Planning Policy No. 55- Remediation of Land • State Environmental Planning Policy (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
Documents submitted with this report for Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Design Jury report
Report by	Helena Miller, Director, MG Planning Pty Ltd (Independent Planner)
Date of report	28 July 2017

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

1. Executive summary

The proposal provides for the construction of a multi storey commercial building with ground level retail floor space. The building will consist of 17 commercial levels (ground plus 16 levels) plus plant above 4 basement levels (previously approved under 3PS Early Works DA - DA/358/2015 and not the subject to this application). The proposed building has a maximum height of 83.5m (RL93) and total gross floor area of 46,188m² (FSR of 10.19:1) comprising 44,239m² of commercial floor space and 1,949m² of retail floor space on the ground floor level.

The proposed development sits above four basement levels that provide parking for a total of 214 cars and 230 bicycles and are to be accessed off Macquarie Street and internally from the Parramatta Square super basement. These basement works do not form part of the subject development application and have been approved under separate development consent 3PS Early Works DA - DA/358/2015/B issued on 14th July 2017.

The proposed building has been designed by Johnson Pilton Walker for the Walker Corporation. The site has previously been subject to a design excellence competition and Johnson Pilton Walker prepared the design competition winning scheme. Although the proposed design has been amended from the design competition scheme it maintains a number of similarities including 16 levels above ground floor retail, provision of north south through site link, 'stacked box' design, architectural metal screen roof feature which houses cooling towers, well considered ground plane etc. The development has been certified as demonstrating design excellence by the reconvened Design Jury that determined the original design excellence competition. The Jury also confirmed unanimously that the proposal is consistent with the original Design Competition winning scheme.

The subject site is affected by a Planning Proposal by the City of Parramatta Council which sought to vary the permissible maximum height and GFA applicable to the land. The PP amendments to Parramatta LEP 2011 comprise:

- An increase in the maximum GFA to 46,200m² and
- Deletion of the maximum permissible height applying to the site of 54m and instead allow a maximum height permissible with the solar access provisions contained in clause 7.4 of Parramatta LEP 2011 (and the relevant sun access protection map).

The amendments to Parramatta LEP 2011 were gazetted on 14 July 2017. A new site specific provision (clause 7.11) has been included in the LEP and applies to the subject site (identified as Area 5). In addition to altering the maximum permissible GFA and height applying to the site as outlined above, the provision requires:

- that the design of any building to be approved under the clause is the result of a competitive design process
- that the consent authority be satisfied that the design exhibits design excellence
- that at least 90% of the floor space of the building will be used for business, office or retail purposes, and
- that no part of the building will be used for residential purposes.

The LEP amendment specifies that the provision takes effect on the date the amendment is published on the NSW legislation website. The amendment was published on 14 July 2017 and is therefore in effect.

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

2. Site description, location and context

The proposed development site is known as 3 Parramatta Square and comprises street addresses 153 Macquarie Street and 1A Civic Place, Parramatta as shown in Figure 1 below. The site previously accommodated the former Australia Post building however the building has been demolished under separate development consent.

The site is located on the northern edge of the Parramatta Square Precinct, to the west of the existing Western Sydney University building at 1 Parramatta Square and to north of the future public square. The site has its principal frontage to Macquarie Street and includes land previously known as Leigh Place.

The site has an area of 4,532m² and is wholly owned by the City of Parramatta Council. Proposed Lot 3 is the subject of a draft plan of subdivision (yet to be registered) and is made up of the following allotments:

Identification	Address
153 Macquarie Street	Lot 1, DP 863571
Part Civic Place	Part Lot 2, DP 1192394
Part Civic Place / Leigh Place	Lot 303, DP 502198

The Walker Corporation has entered into a Project Development Agreement with City of Parramatta Council for the development of the site.

As noted above, the site has recently been cleared with all existing buildings demolished under a series of separate DAs (refer Figure 2 below). Work has also commenced on the basement with the access ramp approved as part of DA/358/2015 already constructed and used to provide access to 1 Parramatta Square (1PS).



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

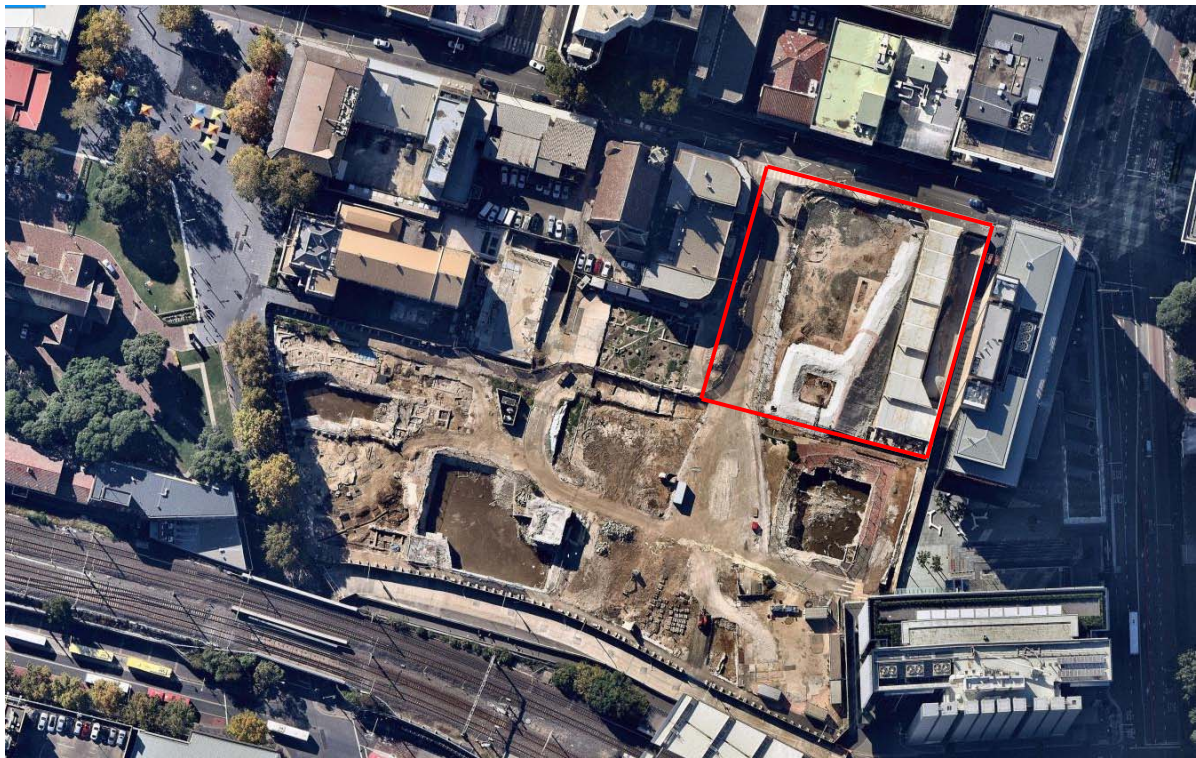


Figure 2: Site location (Source: Nearmap, image taken 7 May 2017)

3. The Proposal

The proposed development comprises:

- Construction of a commercial mixed use building comprising 17 levels (ground plus 16 levels) plus plant above 4 basement levels (subject of separate consent).
- A maximum height of 82.5m (RL93 to the top of the roof)
- A total gross floor area of 46,188m² (FSR of 10.19:1) comprising 44,239m² of commercial floor space and 1,949m² of retail floor space located on the ground floor
- Development works within Macquarie Street comprising service infrastructure diversions, kerb and footpaths, re-instatement of services and stormwater drainage, hard and soft landscaping, and
- Associated landscaping and public domain works and provision / augmentation of physical infrastructure as required.

The proposed development is illustrated in Figures 3 – 12 below:



Figure 3: Looking east along Parramatta Square (Source: JPW, May 2017) (Note: Proposed building with NAB signage)



Figure 4: View from Parramatta Square (Source: JPW, May 2017)



Figure 5: View from Macquarie Street (Source: JPW, May 2017)



Figure 6: Ground Level on Parramatta Square (Source: JPW, Jan 2017)



Figure 7: Ground Level (Source: JPW, May 2017)

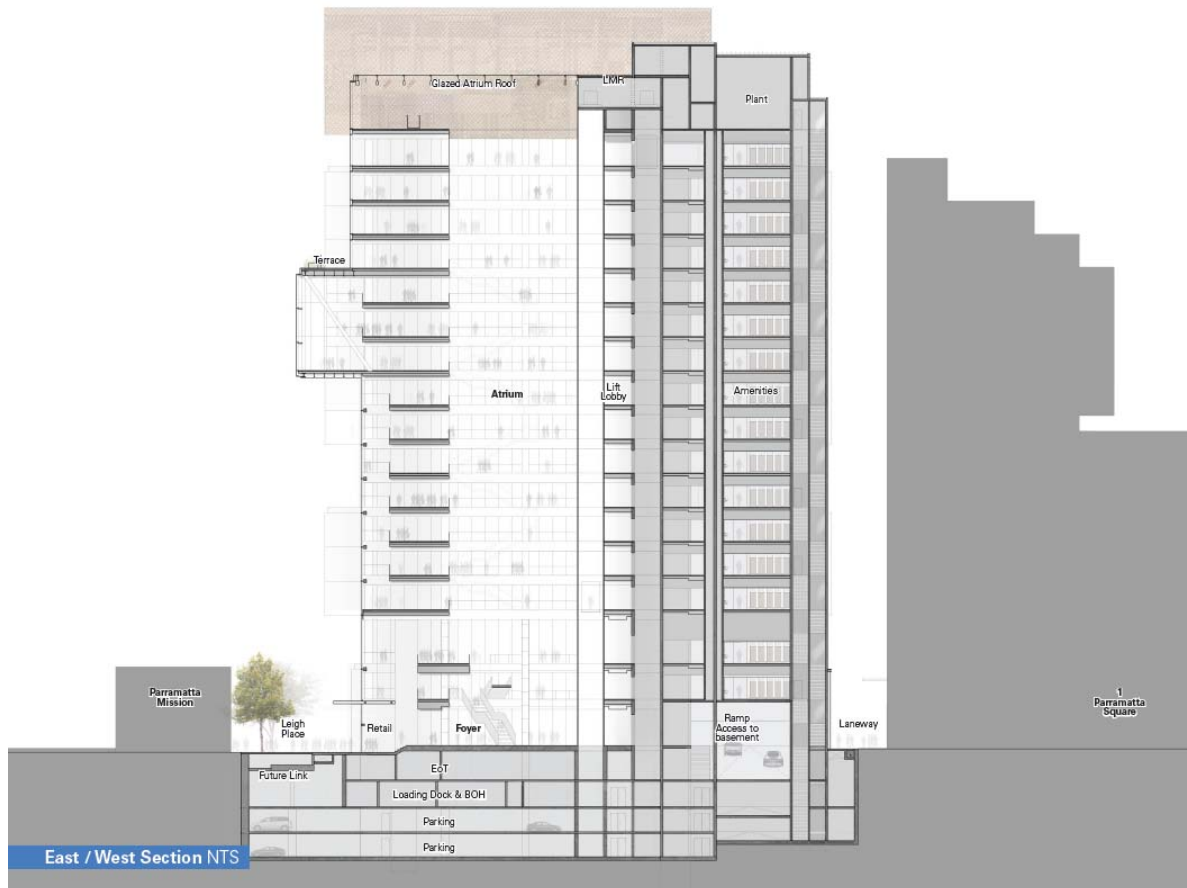


Figure 8: East west section (Source: JPW, May 2017)



Figure 9: North south section (Source: JPW, May 2017)

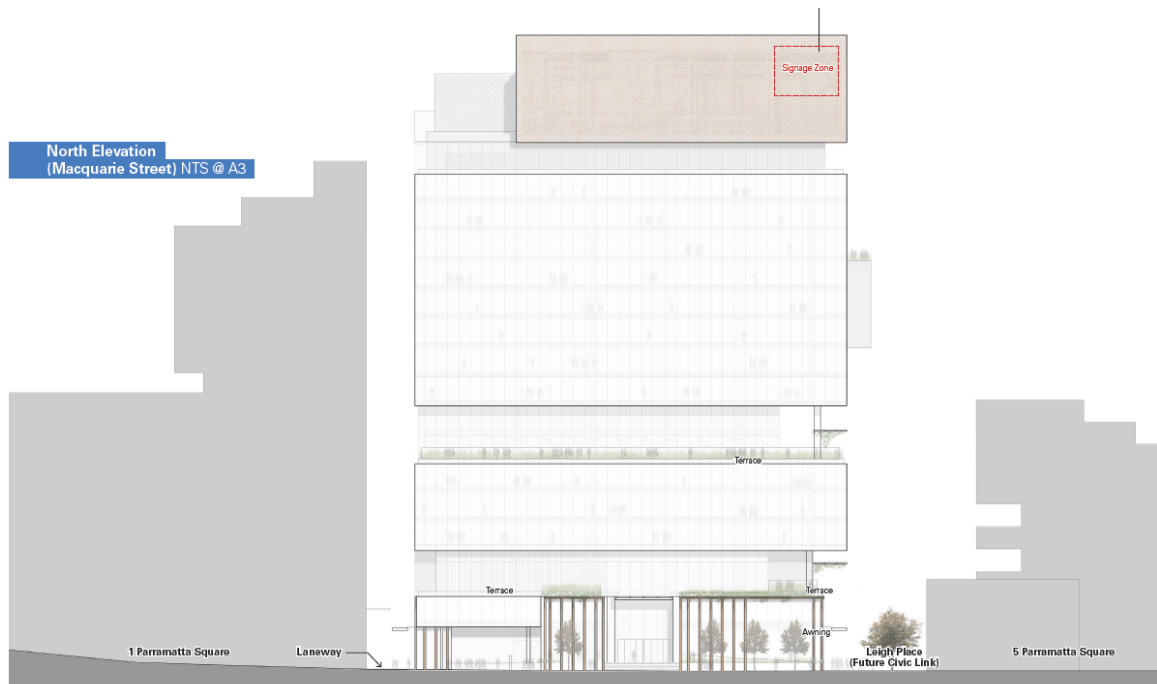


Figure 10: Macquarie Street Elevation (Source: JPW, May 2017)

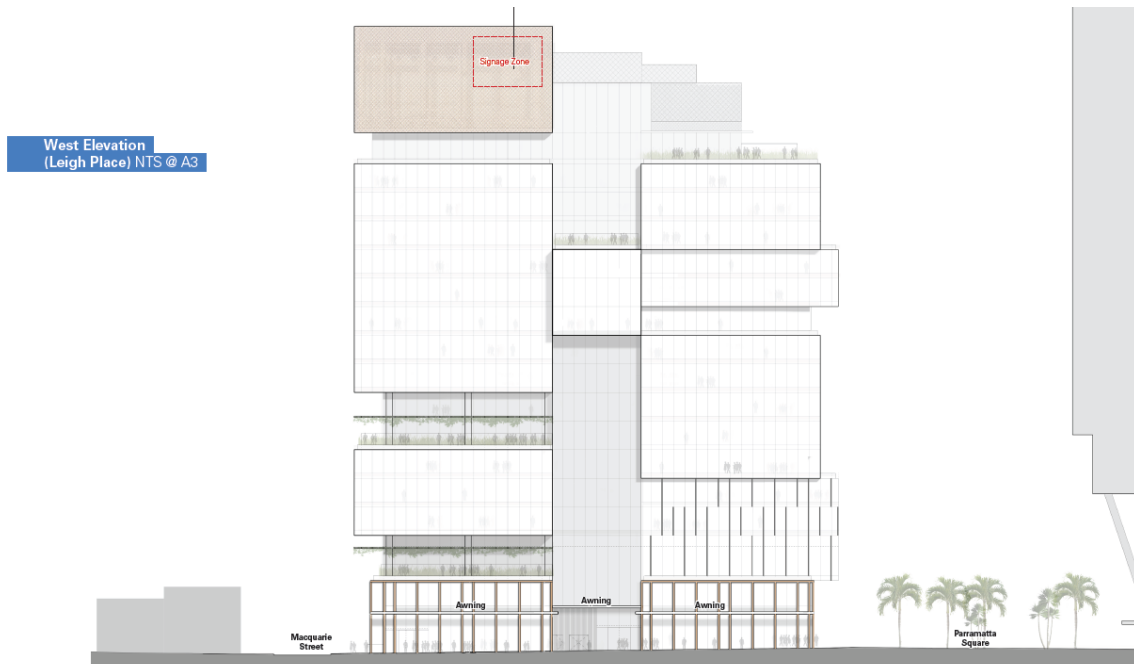


Figure 11: Leigh Place Elevation (Source: JPW, May 2017)

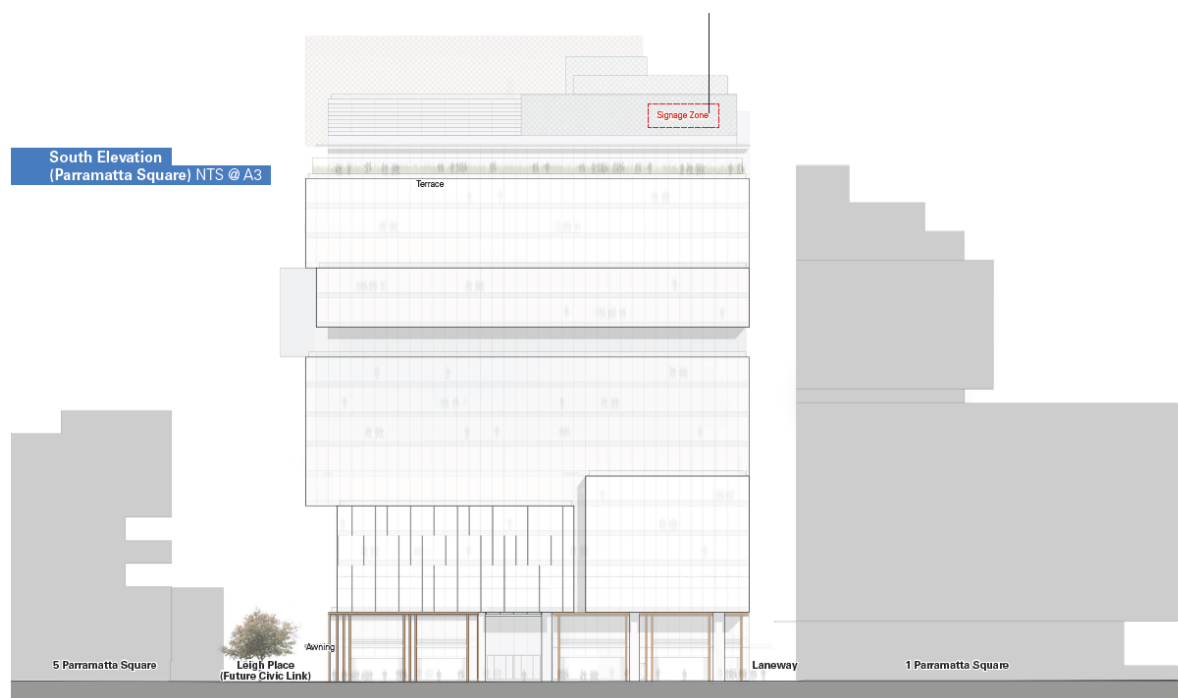


Figure 12: Parramatta Square Elevation (Source: JPW, May 2017)

As articulated by the architect the design composition of the building is considered as a “stacked series of boxes” which distinguishes the building from others in the precinct. The strategy is intended to break down the building form into smaller scale elements, rather than present unmodulated, lengthy facades to all sides. The form is also intended to respond to the solar control plane to Lancer Barracks without creating a built form that appears defined by this control. The plant areas are intended as a series of expressed elements that are integral to the overall composition.

The application was originally considered to be Nominated Integrated Development under the *Water Management Act 2000* however following amendment to delete the basement works component is not now considered to be.

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

4. Referrals

The following internal referrals were undertaken:

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

Development Engineer / Catchment Development Engineer	Referral dated 5 May 2017 - Satisfactory subject to recommended conditions of consent
Traffic Engineer	Referral dated 6 May 2017 – 2 items were raised and addressed as part of DA/358/2015. Recommended conditions were also dealt with as part of that development application.
Waste Management	Referral dated 26 May 2017 (completed 30 May 2017) – Satisfactory subject to recommended conditions of consent
Environmental Health – Acoustic	Referral dated 26 May 2017 (completed 31 May 2017) – Satisfactory subject to recommended conditions of consent
Environmental Health – Contamination	Referral dated 16 February 2017 - Satisfactory subject to recommended conditions of consent. Notwithstanding this referral

	the application has been amended to remove the basement levels (previously approved from the application). Accordingly it is considered that conditions of consent in relation to contamination are not required as this matter is addressed in the Basement DA consent (DA358/2015).
Public Domain and Urban Design	Referral dated 27/2/17 (updated 21/7/17) – Includes detailed recommendations regarding final paths of travel, tactile indicators, paving, lighting, access ramps, street trees etc. Notes proposal acceptable subject to recommended conditions of consent.
City Transformation Team	<p>Comments have been provided in respect of the relationship of the building to Leigh Place which is incorporated into Council's vision for a Civic Link connecting Parramatta Square to the riverbank.</p> <p>The Civic Link was identified as a strategic priority for the City in the Parramatta City Lanes Strategy (2010). The Parramatta DCP 2011 establishes principles for the Parramatta Square Strategic Precinct but does not provide detailed guidance on the interface between Parramatta Square and the Civic Link. The Civic Link Framework Plan (2017) advances these principles through more detailed site analysis, planning and design to ensure that the Link addresses the surrounding CBD and public domain context of Parramatta Square.</p> <p>The Framework Plan establishes Council's aspiration for the Civic Link - a continuous pedestrian boulevard and cultural spine connecting Parramatta Square to Riverbank and the foreshore. Critical to achieving this aspiration is a consistent building alignment, minimum width of 20m and continuous view corridors between Parramatta Square and Riverbank. The setout of the Civic Link corridor has been determined based on the alignment of the existing Roxy building, a state significant heritage asset, other local heritage items such as Dr. Pringles House and Willow Grove, and the existing Horwood Place alignment. Council acknowledges the impact of the Civic Link alignment on the development opportunity of sites such as 119A Macquarie Street (Mission Australia site) and will continue to work with local landowners to achieve their objectives as well as those outlined in the Civic Link Framework Plan.</p> <p>The consistency of the proposal with the Civic Link Framework Plan is addressed in section 11.3 below.</p>
Public Art	Condition of consent recommended that would require a Final Arts Plan for approval prior to the commencement of works on site.
Social Outcomes	Referral dated 6 April 2017 – The referral notes that the social impact assessment lodged with the application is lacking however considers that the development is satisfactory subject to recommended conditions of consent including preparation of community engagement plan to be reviewed and approved by Council.
Cultural heritage and tourism	Referral dated 23 March 2017 – advice provided on heritage interpretation requirements. Condition of consent recommended which requires the submission and approval of a heritage

	interpretation plan.
Independent Wind Consultant	Report dated May 2017 advises applicant's report generally sound with some anomalies. Modelling shows areas away from high rise tower suitable for standing activities. Having regard to the conclusions provided it is considered that the proposed design is appropriate from a wind perspective.
Independent Solar Reflectivity Consultant	<p>Report dated June 2017 notes that the report submitted with the application has been prepared to address Parramatta DCP 2011 and includes a recommendation that all glazing and other reflective material on the façade shall have a maximum normal specular reflectivity of visible light of maximum of 20%. This has been identified as reasonable. The report however notes that in terms of glare to motorists the report relies solely on a glare protractor approach and that the number of roadway receiver locations investigated is low and that some important locations may have been missed. It further recommends that a value of contrast should also be investigated and quantified to account for variations in background luminance.</p> <p>The applicant has responded to the above comments and the independent consultant has reviewed this information and advised that subject to recommended conditions of consent the proposal is acceptable.</p>
Independent Sustainability Consultant	Letter dated 5 April 2017 advises satisfactory subject to recommended conditions

The application was not referred to Council's Design Excellence Advisory Panel (DEAP) as the building was the subject of a design excellence competition (refer below) and comprises commercial and not residential uses.

The following external referrals were also undertaken:

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

Office of Environment and Heritage (Heritage Branch)	Letter dated 23 June 2017 – Some concerns raised which are addressed in section 11.6 below. In summary following additional information provided by the applicant's heritage consultant it is considered that the identified concerns have been satisfactorily addressed or are not relevant to the subject proposal.
Roads and Maritime Services	Letter dated 31 March – not in position to comment until commented on planning. A response has been provided by RMS (and TfNSW) on the planning proposal which notes that TfNSW has no specific issues with the planning proposal. A comment was made that if the planning proposal is proceeded with Council should review the development controls relating to parking provision on site with a view to ensuring vehicle movements can be accommodated on the road network. This matter has been addressed separately in the separately approved Basement DA (DA358/2015). Having regard to the above, and further requests for comment it is assumed that RMS has no comments on the proposal.

NSW Office of Water	<p>General Terms of Approval provided by letter dated 7 April 2017 as proposal is integrated development and requires an aquifer interference approval under <i>Water Management Act 2000</i>.</p> <p><i>Note: This is not technically relevant as the application has been amended post lodgement and does not now include below ground works. The recommended GTAs are not therefore required to be applied to the consent. It is noted that they were incorporated into DA/358/2015/B.</i></p>
Transport for NSW (Light Rail corridor)	<p>Letter dated 27 July 2017 – notes the proposed light rail stop on Macquarie Street and the future role of Parramatta Square as a key interchange between heavy and light rail. It further notes that Macquarie Street will be changed to run west to east and that the section of Macquarie Street between the proposed stop and Horwood Place is to be pedestrianised and open to local delivery and service / maintenance traffic only. Specific comments in relation to the proposal include:</p> <ul style="list-style-type: none"> • Supports 5m clear footpath width for full length of Macquarie Street on southern site. Also considers the Civic Link is a fundamental element to the success of Parramatta Square and there should be no further encroachment on the link so that the future expected volumes of people transferring from the railway into the CBD can be adequately accommodated. • Notes that the development includes provision for a future tunnel connection to Horwood Place to enable access to link to George Street. Indicates that this provision is supported as in the long term it would reduce the traffic demand at Macquarie Street in the vicinity of the Light Rail stop. • Recommends condition be included to require Construction Pedestrian and Traffic Management Plan to address cumulative impact of a number of construction projects (including Light Rail Project) occurring in the vicinity of the site concurrently. A copy should be provided to the Sydney Coordination Office. <p>The amended design provides for a 2.175m footpath setback on Macquarie Street. This, in addition to the road reserve width of approximately 3.5m will provide for a clear footpath width of approximately 5.675m consistent with TfNSW's recommendation and the adjacent footpath at 1 Parramatta Square. This has been considered to be appropriate by the Design Jury. The application of a condition of consent in relation to a CPTMP as recommended is considered appropriate.</p>
Endeavour Energy	<p>Email dated 2 May 2017 – no objection subject to recommendations and comments</p>

5. Environmental Planning and Assessment Act

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

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

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

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

5.2 Section 79C: Evaluation

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

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

<i>Provision</i>	<i>Comment</i>
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 6
Section 79C(1)(a)(ii) - Draft environmental planning instruments	Not applicable
Section 79C(1)(a)(iii) – Development control plans	Refer to section 8
Section 79C(1)(a)(iiia) - Planning agreement	Refer to section 9
Section 79C(1)(a)(iv) - The Regulations	Refer to section 10
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 11
Section 79C(1)(c) - Site suitability	Refer to section 12
Section 79C(1)(d) – Submissions	Refer to section 13
Section 79C(1)(e) - The public interest	Refer to section 14

6. Environmental planning instruments

6.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy No. 64 – Advertising and signage;
- State Environmental Planning Policy No. 55 - Remediation of land;

- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011; and
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

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

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

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

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

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. The issue of site contamination has been addressed in the 3PS Early Works DA (DA/358/2015) which deals with the earthworks and basement levels below the subject building. Conditions of consent have been applied to the consent to ensure that the site is suitable for the proposed development. Accordingly it is considered that the requirements of SEPP 55 have been satisfied subject to compliance with development consent DA/358/2015.

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

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during the construction and operational phases both in relation to the subject DA and the companion Early Works DA (DA358/2015).

6.5 State Environmental Planning Policy (Infrastructure) 2007

Consistent with clause 104 (Traffic Generating Development) the application was referred to Roads and Maritime Services (RMS), who initially advised that it was not in a position to comment on the application until such time as it had reviewed and commented on the concurrent Planning Proposal for the site. A response has been provided by RMS (and TfNSW) on the planning proposal which notes that TfNSW has no specific issues with the planning proposal. A comment was made that if the planning proposal is proceeded with Council should review the development controls relating to parking provision on site with a view to ensuring vehicle movements can be accommodated on the road network. This matter has been addressed separately in the separately approved Basement DA

(DA358/2015). Having regard to the above, and further requests for comment, it is assumed that RMS has no comments on the proposal.

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

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

6.7 Parramatta Local Environmental Plan 2011

Zoning and permissibility

The subject site is zoned part “B3 Commercial Core” and part “B4 Mixed Use” (refer Figure 3 below). The proposed building is defined as a “commercial premises” and is permissible with consent within the B3 and B4 zones.

Zone objectives

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

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

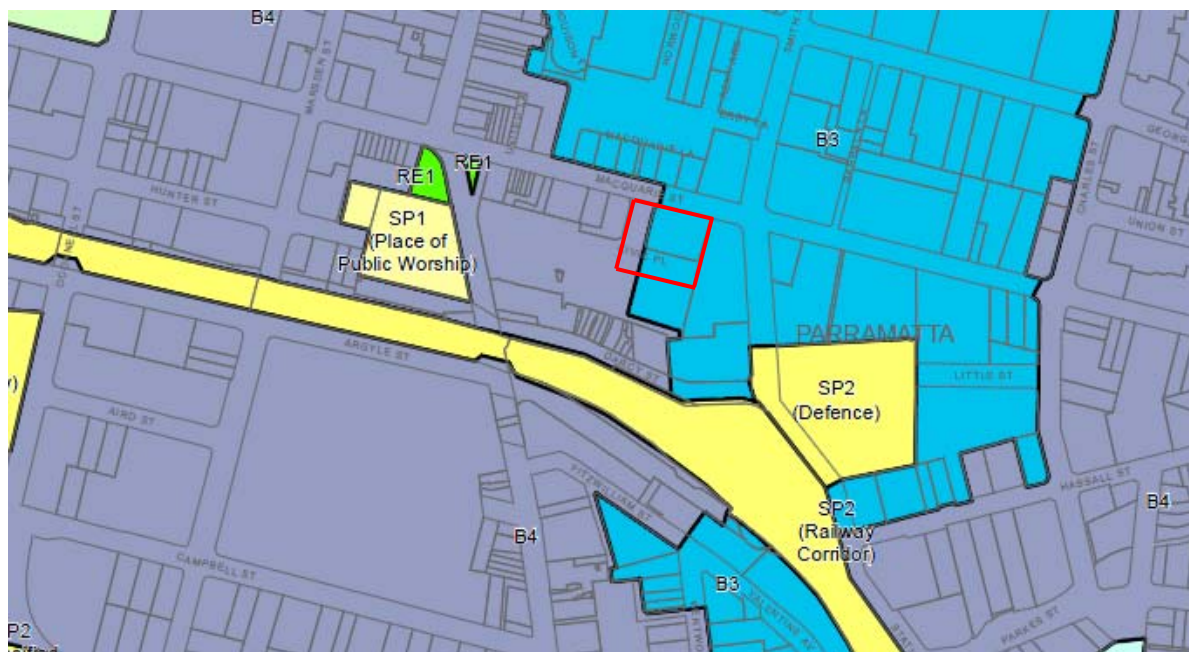


Figure 13: Site zoning (Note: site boundary shown red)

Further the objectives of the B4 zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

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

Remaining provisions

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

Table 4: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	Demolition is not proposed as part of the subject application.	N/A
Clause 4.3 – Building height	The maximum building height permissible on the site is the height determined by Clause 7.4 Sun access. No maximum numerical height applies to the subject site.	Yes – refer clause 7.4 below
Clause 4.4 FSR	The maximum Floor Space Ratio that applies to the site is 8:1 as illustrated on Floor Space Ratio map however site specific clause 7.11 provides for a maximum gross floor area of 46,200 m ² (refer	N/A

Clause	Comment	Complies
	clause 7.11 below).	
Clause 5.10 Heritage	<p>The site is located in close proximity to a number of heritage items including:</p> <p>I647 - Convict drain I650 - Parramatta Town Hall (and potential archaeological site) I653 - Warden's cottage (verger's cottage) I719 - Leigh Memorial Uniting Church I720 - Arthur Phillip High School (and potential archaeological site) I751 - Lancer Barracks group I00696 - Parramatta Railway Station I01805 - St John's Anglican Cathedral I01824 - 1st/15th Royal NSW Lancer Museum collection</p> <p>A heritage impact statement has been submitted with the application. Notably previous application DA414/2015 addressed removal of the convict drain which extends beneath part of the site (refer to section 11.6 below). This has already been approved and is not therefore considered in the subject report.</p> <p>Clause 5.10(7) requires that prior to granting consent to development on an archaeological site, the consent authority must notify the Heritage Council of its intention to grant consent and take into account any response received from the Heritage Council within 28 days after the notice is sent. The proposal does not include any below ground works which have been addressed in DA358/2015 therefore the application is not required to be referred to the Heritage Council. Notwithstanding the application was referred to the Heritage Council as it originally included below ground works. The comments of the Heritage Office are addressed above.</p> <p>Clause 5.10(8) requires that prior to granting consent to development on land which is an Aboriginal place of heritage significance; the consent authority must consider the effect on the heritage significance of the place and any Aboriginal object and must notify the local Aboriginal community. It must also take into account any response received from the Heritage Council within 28 days after the notice is sent. As noted above the proposed development does not include any below ground works which have been addressed in DA358/2015. Accordingly this provision is not considered relevant. Notwithstanding, as noted above the application was referred to the Heritage Council as it originally included below ground works. The comments of the Heritage office are addressed at section 11.6 below.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
Clause 6.1 Acid sulphate soils	This clause provides that consent is required if a site is within 500m of Class 1, 2, 3 or 4 land and will lower the water table by more than 1m. If consent is required an ASSMP is required.	N/A

Clause	Comment	Complies
	The site comprises Class 5 ASS and is within 500m of Class 4 land. The proposed development does not however include any below ground works which have been addressed in DA358/2015. Accordingly this provision is not considered relevant.	
Clause 6.2 Earthworks	<p>This clause provides that consent is required for earthworks and specifies the matters to be taken into account in determining whether to grant consent.</p> <p>The proposed development does not however include any below ground works which have been addressed in DA358/2015. Accordingly this provision is not considered relevant.</p>	N/A
Clause 6.3 Flood Planning	<p>This clause applies to land below the flood planning level and requires consideration of flood impacts. The subject site is identified as flood prone being affected by the 1:100 ARI (RL 10.15) and Probable Maximum Flood (PMF)(RL 11.79) level of the Parramatta River The subject site following archaeological works has levels of 11m AHD at the south eastern corner and 8.55m AHD in the north western corner. The land has therefore been identified as having a low to medium risk of flooding.</p> <p>The nominated matters for consideration have been assessed by the Development Engineer. A number of issues of concern have been raised however advice has been provided that subject to the imposition of recommended conditions of consent the proposal will meet Development Engineering Requirements. Refer to section 11.8 for further assessment.</p>	Yes
Clause 7.2 Floor space ratio	This clause provides a formula for FSR based on site area in essence allowing only sites over 1,800m ² to achieve the maximum applicable FSR shown on the FSR map. Notwithstanding, Clause 7.11 of the LEP provides a site specific maximum GFA of 46,200m ² therefore this provision does not apply.	N/A
Clause 7.3 Car parking	This clause provides a maximum car parking provision for the City Centre. The proposal provides for a total of 44,239m ² of commercial floor space and 1,949m ² of retail floor space. Under these provisions the maximum permissible is number of car parking spaces allowed for the proposal would be 507 spaces based on a rate of a maximum of 1 space per 100sq.m of commercial GFA (44,239/100=442) and 1 space per 30sq.m of retail GFA (1,949/30=65). Under DA358/2015 a total of 214 car spaces have been approved in the basement car park. Accordingly this is less than the permissible maximum number of 507 spaces. The proposed reduced provision is considered appropriate given the location of the site within close proximity of the Parramatta Railway Station and Bus Interchange and immediately adjacent to the proposed future Parramatta Light Rail stop.	Yes

Clause	Comment	Complies
Clause 7.4 Sun access plane	<p>This clause provides that council must take into account the DCP sun access plane controls if it considers that a development will result in excessive overshadowing of Parramatta Square, the Lancer Barracks site and/or Jubilee Park. It requires consideration of the sun access plans specified in section 4.3.3 of the Parramatta Development Control Plan to determine whether a proposal will result in excess overshadowing of the relevant public open space.</p> <p>The proposal has the potential to result in overshadowing of Parramatta Square and the Lancer Barracks and accordingly has been designed to comply with the sun access planes established by section 4.3.3 of the Parramatta Development Control Plan. The proposal does not result in any shadowing of the 'solar protection zone' identified within Parramatta Square between 12 midday and 2pm as the shadow from the proposed building falls to the west of the designated area. In relation to Lancer Barracks the proposal will not result in any additional shadow within the grounds of the Lancer Barracks between 12 midday and 2pm in mid winter as required. For clarity the shadow analysis does show some shadow cast by 3PS within the grounds at 2pm however the shadow falls within the existing shadow cast by the existing 1PS building therefore no <u>additional</u> shadow will result. It is therefore considered that the proposal complies with this provision.</p>	Yes
Clause 7.10 Design excellence	<p>This clause seeks to deliver the highest standard of architectural, urban and landscape design and contains provisions regarding design excellence and requirements for a competitive design process in certain circumstances. Where design excellence is achieved and a building is the winner of a design competition it allows the application of a design excellence bonus of generally 15% in relation to height or FSR in the B3 zone or in the case of non- residential development in the B4 zone 25%. This provision does not however apply to the subject proposal as a separate maximum FSR has been applied to the site by recent Planning Proposal (refer clause 7.11).</p> <p>The proposed building is the winner of a design competition (19 July 2016) however some changes have been made. To ensure that the amended building is consistent with the competition winning scheme it has been referred to the reconvened Design Jury. The Design Jury has in its review (attached) dated 26 July 2017 confirmed that the proposal exhibits design excellence.</p>	Yes
Clause 7.11 Development on land at 153 Macquarie Street and part of 1A Civic Place	<p>This site specific clause was included in LEP 2011 on 14 July 2017 and applies to the subject site. It provides that the consent authority may grant consent to a new building etc. if:</p> <ul style="list-style-type: none"> (a) The design of the building or alteration is the result of competitive design process, and (b) The consent authority is of the opinion that the building or alteration exhibits design excellence with regard to the specified criteria, and 	Yes

Clause	Comment	Complies
	<p>(c) The development does not result in a building with a GFA that exceeds 46,200m², and</p> <p>(d) At least 90% of the floor space of the building will be used for business, office or retail premises, and</p> <p>(e) No part of the building will be used for residential purposes, and</p> <p>(f) The development does not result in any additional overshadowing on the land shown with blue hatching on the Sun Access Protection map between 12 noon and 2pm on 21 June in each year.</p> <p>The proposed building complies with all the above requirements with the Design Jury having confirmed that the proposal is consistent with the winning design competition scheme and exhibiting design excellence. The proposal also provides for less than 46,200m² (total of 46,188m²) and all floor space will be business, office or retail with no residential uses proposed. Further the proposed design does not result in any additional overshadowing within the blue hatched areas shown on the Sun Access Protection Map. These matters are discussed in further detail below.</p>	

7. Draft Environmental planning instruments

There are no draft EPIs relevant to the subject application.

As noted above the subject proposal was accompanied by a concurrent Planning Proposal and relevant amendments to Parramatta LEP 2011 have been gazetted as discussed above.

8. Development control plan

8.1 Parramatta Development Control Plan 2011

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

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

Compliance tables are provided below:

Table 5: DCP 2011 – Part 2, Site Planning – Compliance table

Provision	Comment	Complies
2.4.1 Views and vistas	<ul style="list-style-type: none"> • Views of significant topography, key landmark buildings or sites of historical significance are not impacted by the proposal • The building reinforces the landform of the city and strengthens areas of the highly visible city core. • Issue of view sharing with adjacent sites does not arise • Views to and from the public domain are protected with highest part of the building set towards the Macquarie Street 	Yes

Provision	Comment	Complies
	frontage to minimise impacts on views to / from St Johns Church.	
2.4.2 Water management	<ul style="list-style-type: none"> The site is flood affected – refer to section 11.8 Groundwater impacts do not arise as the proposal does not include any works below ground. These are the subject of separate development consent DA358/2015. Stormwater and water quality, both during and post construction can be suitably managed as advised by Council's Development Engineering section subject to the proposed finishes floor levels, proposed flood mitigation measure and the imposition of recommended conditions of consent. It is noted that to provide a good relationship to the public domain parts of the ground floor (entry areas) are set below the flood planning level. This has been agreed by Council's engineers and is considered appropriate. 	Yes
2.4.3 Soil management	<ul style="list-style-type: none"> Sedimentation controls during construction have been addressed by conditions of consent on DA358/2015. The site has an Acid Sulphate Soils classification of 5. An ASSMP has been submitted as part of on DA358/2015. Salinity is not identified as a site constraint. 	N/A
2.4.4 Land contamination	Site contamination has been addressed as part of DA358/2015 and subject to compliance with relevant conditions of consent it is considered that the site will be suitable for the proposed use.	N/A
2.4.5 Air quality	As noted above the subject site is affected by contamination and accordingly the proposed excavation and construction works have the potential to result in adverse air quality impacts. This matter has been addressed as part of DA358/2015. If recommended for approval appropriate standard conditions of consent would be applied to ensure that the proposed works do not result in adverse air quality impacts during construction of the ground and above ground works.	Yes
2.4.6 Sloping land	Not applicable	N/A
2.4.7 Biodiversity	<ul style="list-style-type: none"> The site is not identified on any of the relevant LEP maps This provision is not applicable 	N/A
2.4.8 Public domain	This provision seeks to ensure that development has regard to and makes a positive contribution to the interface with the public domain. This matter is addressed in detail in section 11.3 below.	Yes

Table 6: DCP 2011 – Part 3, Development principles – compliance table

Provision	Comment	Complies
3.1 Preliminary building envelope	<ul style="list-style-type: none"> The proposed development complies with the LEP height control which in relation to the subject land does not specify 	Yes

Provision	Comment	Complies
	<p>a height in metres rather provides that any development shall not result in any additional overshadowing on land shown with blue hatching on the LEP Sun Access Protection Map between 12 noon and 2pm on 21 June in each year. Plans have been provided which confirm that the proposal complies with this requirement.</p> <ul style="list-style-type: none"> • The height transition provision is not a relevant consideration given the setting and context of the site, and the prevailing LEP height controls. Notwithstanding the proposed building provides for the highest part of the building to be located adjacent to the Macquarie Street frontage to limit potential overshadowing impacts and to minimise potential view impacts particularly in relation to St John's Church. Further the variance in building height within the Parramatta Square Precinct provides for visual interest in the skyline whilst at the same time clearly land marking Parramatta Square as the centre of the Parramatta CBD. • The setback provisions contained in this section are overridden by Part 4 of the DCP. 	
3.2 Building elements	Form, massing and presentation are satisfactory. Refer to detailed discussion in section 11.3 below.	Yes
3.3 Environmental amenity	Landscaping proposed as part of the subject DA is limited to immediately adjacent to the building. The plans indicate that landscaping of Leigh Place is not included in the proposed works. Further the proposed treatment of Parramatta Square itself is subject to a future development application and is not included in the subject application. Street tree planting is shown on the plans along Macquarie Street (in the form of 4 new trees) however otherwise only paving is illustrated on the submitted alignment plan (DA-3-A-0075). No landscape plan has been provided and the landscape treatment of proposed terraces has not been illustrated. It is considered that this can be address via conditions of consent.	Yes
3.4 Social amenity	<ul style="list-style-type: none"> • Access for people with a disability is considered to be satisfactory. Refer to section 11.3.9 below • The provision of public art is to be addressed by condition • Safety and security is satisfactory subject to conditions. Refer to section 11.9. 	Yes
3.5 Heritage	<ul style="list-style-type: none"> • Heritage considerations have been addressed at section 11.6 below. • Aboriginal and European archaeology has been addressed in previous DAs and relevant excavation permits have been issued in accordance with the <i>National Parks and Wildlife Act 1974</i> and the <i>Heritage Act 1977</i>. 	Yes
3.6 Movement and circulation	<ul style="list-style-type: none"> • Car parking supply and access is satisfactory as approved as part of 3PS Early Works DA - DA358/2017. In this regard it is noted that significantly less parking than allowable is proposed given the location within close proximity of the Parramatta Railway Station and Bus Interchange and the proposed new Parramatta Light Rail. This approach to travel demand is supported. • Arrangements for service vehicle are satisfactory - refer to 	Yes

Provision	Comment	Complies
4.3.3.5 Access and parking	<ul style="list-style-type: none"> The location and design of the vehicle access point and driveway is considered to be satisfactory. Parking and servicing is addressed in DA358/2017. The building entries are clearly identifiable within the façade Barrier free access is provided to and within the buildings and will therefore meet relevant design standards for people with a disability. As presently designed access off Leigh Place is not barrier free. Given the significance of this entry as articulated in the Design Jury report it is considered that barrier free access should be provided notwithstanding that the entry would be categorised as a secondary entrance. A condition of consent to this effect is therefore recommended. 	Yes
4.3.3.6 Environmental management	<ul style="list-style-type: none"> The proposed levels immediately adjacent to the proposed building are considered to be satisfactory however a landscape plan is required to provide details of paving, tree planting etc. In this regard it is noted that the treatment of Parramatta Square itself and Leigh Place is not proposed as part of the subject application but will be addressed separately by others. The proposal will target a 5 star NABERS Energy rating for the commercial office component and a Green Star Office Design & As Built rating – refer to sustainability under section 11.3.7. A condition of consent to this effect is considered appropriate. 	Yes
4.3.3.7b Parramatta Square	<p><u>Objectives</u></p> <ul style="list-style-type: none"> The proposal is consistent with the stated objectives for Parramatta Square including reinforcing the urban structure, reinforcing pedestrian routes, linking the Square and the Station, providing a balance of uses, activating the ground floor and public domain of the Square and providing for active uses. <p><u>Site objectives</u></p> <ul style="list-style-type: none"> The proposal is also consistent with the articulated site objectives including providing for public spaces that will cater for a variety of celebrations etc., providing a high level of pedestrian amenity, providing for a building that overlooks and activates the public space, and that defines the 'urban room' of Parramatta Square. C1 – the proposal provides for a width of 40m across Parramatta Square at the ground level as required. The development does not encroach into the 40m zone. C2 – the proposed building provides a consistent approach to the public domain having regard to the adjacent 1PS (UWS) building. The building design and articulation will ensure a clear definition of the Square's 'urban room'. C3 – The proposal will not result in any overshadowing of the area shown red ('sun box') within Parramatta Square. C4 – the proposal will provide for the creation of a progression of spaces or squares within the greater Parramatta Square defining its northern extent and that of Leigh Place. The detailed design of the public domain does not however form part of the application. The proposal is however consistent with the concept design as recently exhibited. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Provision	Comment	Complies
	<ul style="list-style-type: none"> • C5 – The proposal will provide pedestrian connections and through site links consistent with those shown on Figures 4.3.3.7.3 and 4.3.3.7.4. • C6 – Colonnades are proposed to provide shade and shelter. • C7 – not applicable. 	<p>Yes</p> <p>Yes</p> <p>N/A</p>
	<p><u>Building Form</u></p> <ul style="list-style-type: none"> • The proposal is consistent with the building form objectives. It will provide for a high quality architectural and urban design for both the building and the public domain. The building will achieve a high level of environmental performance and incorporate appropriate noise attenuation. • C1 – The proposed building will defined the northern extent of Parramatta Square and facilitate a direct connection to the railway station from areas to the north (via Leigh Place). • C2 – The building is predominantly built to the public domain alignment. However, the scheme is not consistent with the 'build to line' shown on Figure 4.3.3.7.3 Public Space Set Out in reference to Leigh Place. See comments from the City Transformation Team at Table 1 above and section 11.3 below. • C3 – additional footpath width is provided on Macquarie Street as requested by Design Jury and TfNSW • C4 – the development has been determined to demonstrate design excellence by the Design Jury having regard to Macquarie Street context • C5 – Not applicable • C6 – Not applicable • C7 – The proposal will not result in any overshadowing of the area shown red ('sun box') within Parramatta Square • C8 – The development implements the relevant principles including sustainable development, safety by design and equal access. 	<p>Yes</p> <p>Yes</p> <p>Yes/No</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
	<p><u>Sustainability</u></p> <ul style="list-style-type: none"> • The proposal is generally consistent with the relevant sustainability objectives. It incorporates relevant measures to reduce heating, lighting and cooling and water sensitive urban design measures. It has also been design to reduce wind impacts and to provide pedestrian weather protection. • C1 – The proposal includes a 5 star Green Star Design target. Compliance can be addressed via condition. • C2 – Min 4.5 star base building and tenancy NABERs Energy rating can be addressed via condition. 5 star target proposed. • C3 – 8 – not applicable (Note: recycled water and precinct energy infrastructure not available). Notwithstanding development should be future proofed to enable connection if it becomes available. This can be addressed via condition. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
	<p><u>Access, Parking and Servicing</u></p> <ul style="list-style-type: none"> • Not applicable – addressed in 3PS Early Works DA (DA358/2017) 	<p>N/A</p>
	<p><u>Heritage</u></p> <ul style="list-style-type: none"> • The proposed is considered to be acceptable from a heritage 	<p>Yes</p>

Provision	Comment	Complies
	viewpoint. A detailed heritage impact statement has been submitted with the application. Comments on the proposal have been provided by the NSW Heritage Office and are addressed in detailed at section 11.6 below.	
	<u>Public Art</u> <ul style="list-style-type: none"> • A plan for a public art plan has been submitted with the application. Council's Manager City Animation Marketing & City Identity has indicated that the plan is appropriate subject to relevant conditions of consent which will require a final Arts Plan prior to the commencement of works on site. • C1 - 3 – Public art provision in accordance with the Parramatta Square Public Art Masterplan can be addressed via condition (as above). 	Yes Yes
	<u>Utilities</u> <ul style="list-style-type: none"> • The proposal provides for utilities to be integrated within the building and the shared super basement and not within the public domain as required. • C1 – Utilities are proposed to be shared and located primarily with the basement to minimise any impact on the public domain as required • C2 - Service access points and substations have been located to minimise impacts on pedestrians, the public domain and the quality of the proposed building. • C3 – The building incorporates appropriate measures to accommodate current and future technologies subject to recommended conditions of consent. 	Yes Yes Yes Yes

9. Planning Agreements

The subject application includes a draft voluntary planning agreement (VPA) in lieu of the 3% section 94A levy provided for under Parramatta City Centre Section 94A Contributions Plan. The VPA offer has an estimated value of \$4,404,408 based on an estimated cost of works of \$146,813,623 in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

The submitted letter of offer notes that the nature and extent of the provision to be made by the developer under the VPA relates to the Parramatta Square public domain works to be negotiated. The letter of intent notes that Council has recently released an enhanced concept design for the public domain which sets out the vision for a world-class public space that meets the needs of the residents, commuter and visitors to the City as well as Council's vision for a preeminent civic and ceremonial space fit for public events. The offer also notes that the VPA is to be updated to include the developments of 8PS and 4&6PS which are also being developed by Walker. A Draft VPA has been submitted with the application.

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

10. The Regulations

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

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

11. The likely impacts of the development

11.1 Context and setting

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

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

Response

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

- Site works and alterations to the ground profile are appropriate and will provide appropriate site levels for the new Parramatta Square;
- Flooding constraints can be properly managed and flood protection measures incorporated into the design subject to further detail (condition recommended);
- Appropriate arrangements are able to be achieved for the collection and disposal of stormwater;
- Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network (Note: subject to separate DA);
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- The proposal will not generate noise, or cast shadows, that would be to the detriment of adjacent and surrounding sites.

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

Response

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

- It will provide for a high quality new commercial development on the northern side of Parramatta Square and will connect the Square to the River, to the north, through the proposed Civic Link (Leigh Place) connection;
- Site planning provides for an activated frontage on both the Macquarie Street and Parramatta Square frontages and appropriate pedestrians linkages both through the building and to the east and west;
- The proposed building will establish a new built form immediately adjacent to Parramatta Square consistent with Council's vision for the area;
- The scale, form and presentation of the building is acceptable as independently assessed by the reconvened Design Jury;
- The built form does not result in any adverse impacts for adjacent sites;
- The operation of the car park does not result in any adverse impacts for adjacent sites or the wider locality rather will provide for an integration of vehicular access and servicing requirements for the Square (subject to separate DA); and
- The values of heritage items in the vicinity of the site, and in the wider visual catchment, are not diminished by the proposal. In particular in this regard it is noted that the proposal will not result in any additional shadowing over Lancer Barracks in accordance with the prevailing solar access plane controls.

Having regard to the above assessment it is considered that the proposed building is compatible with its context and setting.

11.2 Site works

Not applicable – the proposal applies to the ground floor of the building and above only as DA358/2017 applies to the basement levels.

11.3 Site planning and built form

11.3.1 Design Excellence

As noted above the proposed building has been designed by Johnson Pilton Walker, the winner of the previous design excellence competition held for the site in May 2016. The Jury report (dated 16 July 2016) notes that the JPW design was unanimously recommended as the winning scheme and awarded design excellence because of key design criteria as outlined in Table 7 below. The Table provides an assessment of whether the amended design proposal continues to achieve these criteria.

Table 8: Assessment of consistency with Key design criteria from Competition Scheme

Key Design Criteria	Amendment proposal compliance (Yes / No)
The north-south linkages through create a hierarchy of linkages and access through the site from Parramatta Square to Macquarie Street and provide legible permeability	Yes
The ground plane expresses a strong relationship with Parramatta Square as it is a legible, clear space and will allow for clear and logical paths of travel	Yes
The dual cores provide good separation between public and private commercial uses of the building, providing delineation between these uses	Yes (to Level 2 as per competition scheme)
The third entrance on the western façade creates a strong axial relationship with the new laneway to the west and ties in with the existing street pattern	Yes
Open café forecourt to the south-eastern portion of the building will provide a breakout space and an extension to Parramatta Square that will have a successful relationship with the Western Sydney University Building at 1 Parramatta Square. The Jury notes that the usability of this space is dependent on detailed design in regards to wind, lighting etc.	No
The scheme mediates between the unmodulated rectilinear form of 1 Parramatta Square and the sculptural form of 5 Parramatta Square	Yes
The exposure of building elements created through the modulation of the façade creates opportunities for green spaces and usable open air areas which must be maintained in the design	Yes
The diaphanous shrouded screen on the roof of the building for screening building plant/equipment should be further explored	Yes
The simple structural approach to the building allows for manipulation of the façade surface and is considered a successful design component	Yes
The atrium needs to be a minimum width of 12m and glazing to the western façade must be retained	No – atrium 9m proposed Yes - glazing to western

Key Design Criteria	Amendment proposal compliance (Yes / No)
	façade retained
The materiality of the facades and soffits must be retained	Yes – 1:20 wall/facade details will be stamped as per the materials schedule and photomontages. The Jury will review all CC documentation to ensure materiality is carried through to construction
The closed cavity system with triple low-e coating is to be retained for the northern and western facades with a high performing triple low-coated double glazed system for the other facades	Yes – refer above

The reconvened Design Jury considered the amended design at its meeting on 25 January 2017 (Pre Lodgement Meeting) and recommended that the following matters be addressed prior to DA approval:

- *The third entrance on the western facade adjacent to Leigh Place / Civic Link should be retained and provided as part of the NAB design,*
- *The Jury supports the introduction of a cycle lane into the basement,*
- *Recommends the provision of minimum 6m ground level setbacks to Macquarie Street as per the original design competition scheme. Ground level setbacks are to be minimum 2 storeys in height and no columns should impact on the public domain. This is to enable street tree planting along Macquarie Street and the provision of appropriately scaled public domain adjacent to the future Light Rail line and Parramatta Square Station.*
- *Ensure all ramping and steps are moved to the inside the glassline of the building. A comparable example includes the Hilton approach (off Pitt Street),*
- *The Jury supports the proposed RLs of the laneway retail to match the levels of 1PS.*
- *It is recommended that all ground floor retail levels are lowered to match the existing ground levels of the public domain (Parramatta Square, Civic Link/Leigh Place and Macquarie Street). Of particular concern is the proposed RL's of retail tenancies with an address to Parramatta Square,*
- *The Jury is concerned that some of the spatial diversity of the original proposition may have been rationalised out of the current scheme,*
- *The proposed treatment of terraces, particularly those that are of smaller than useable dimension, need further attention and design resolution to ensure they don't end up as under utilised and unattractive spaces,*
- *As part of the DA documentation, 1:20 sections through all typical elevations and terraces must be provided,*
- *All photomontages must reflect the typical elevations and will be stamped as part of DA approval,*
- *The Jury requires that all facade systems need to be prototyped (1:1 scale) prior to CC approval,*
- *All panelised metal soffits to be retained. Panelisation and joints are to be carefully controlled with details to be shown in 1:20 sections, and*
- *The Jury supports the concept of night / day differentiation of expanded mesh / rooftop feature.*

Further in its request for further information Council provided the following comments in relation to design excellence:

- *The required level of detail does not appear to have been provided and materials, finishes and colours have been shown as indicative. The Jury in its report required that the following information be provided:*
 - *Key cross sections, partial plans and partial elevations through external walls and other key external detail. Drawings are to be fully annotated at a scale of 1:50 or if necessary 1:20 showing details, materials, finishes and colours, so that the detailed and materiality of the external facades are clearly documented.*
- *The width of the Macquarie Street footpath needs to be addressed as the requested 6m has not been provided*
- *Levels: the relationship between the public domain and the required internal floor levels has not been resolved. Council is willing to accept some floor space below the flood planning level at the entrances to facilitate a better connection with the public domain.*
- *It is noted that the western entry has been reinstated however it does not appear to be given the prominence envisaged by the Competition Scheme or as suggested by the Jury at its January briefing. This should be reconsidered.*
- *The Jury also raised concern regarding detailing / treatment of the terraces. No detailed information as requested appears to have been provided.*

These matters were considered by the applicant and amended plans were submitted on 24 May 2017. Following consideration of the amended plans the reconvened Design Jury has provided the following comments on the amended proposal by report dated 26 July 2017:

- *The Jury has reviewed the amended architectural drawings and amended documents submitted by the applicant dated 24th May 2017.*
- *The Jury accepts the changes made, agreeing that they reflect the Jury's Pre Lodgement Application comments (Dated: Wednesday, 22nd February, 2017 / D04644247) and is consistent with the original Design Competition Criteria.*
- *Following our meeting reviewing the submitted Development Application, the Jury supports the applicant's response to these Jury comments.*
- *The Jury unanimously agree that the Development Application is consistent with the original Design Competition winning scheme.*

Having regard to the above findings of the reconvened Design Jury, it is considered that the amended design is consistent with the original Design Competition winning scheme and demonstrates design excellence and therefore complies with the requirements of clauses 7.10 and 7.11(b) of Parramatta LEP 2011.

11.3.2 Height, scale and setbacks

The proposed building complies with the relevant height and gross floor area controls (as provided for under clause 7.11 of Parramatta LEP 2011) and demonstrates a built form consistent with that which is envisaged for the redevelopment of the Parramatta Square Precinct. The building has an appropriate relationship with the adjacent 1PS (UWS) building and proposed new Council building to be located at 5PS to the west. The building also provides for a clear width of 40m across Parramatta Square as required by Parramatta DCP 2011.

On the western side of the building the site incorporates Leigh Place. The proposal provides for a setback of 13.5m at the ground level from the site boundary (existing Mission Australia Building on the western edge of Leigh Place) and setbacks varying between 7.3m and 10.5m at the upper levels. In this regard it is noted that Part 4.3 of Parramatta DCP 2011 which applies to the Parramatta

Square Strategic Precinct does not specify a width for the future public domain in this location although a 'build to line' is shown on Figure 4.3.3.7.3.

A number of public submissions raise the concern that the proposed width for Leigh Place was always intended to be a minimum of 20m and that this is the historical separation between the existing Mission Building to the west and former Australia Post building to the east. The DCP does not however provide any formal guidance on the required width of the space.

Leigh Place forms part of the 'Civic Link' that was identified as a strategic priority for the City in the Parramatta City Lanes Strategy (2010). Civic Link is intended to form a continuous pedestrian boulevard and cultural spine connecting Parramatta Square to Riverbank and the foreshore. On 10 July 2017 Council endorsed the Civic Link Framework Plan which provides a detailed site analysis and planning and design guidelines to ensure that the Link addresses the surrounding CBD and public domain context of Parramatta Square.

The Civic Link Framework Plan identifies that critical to achieving the Link is a consistent building alignment, minimum width of 20m and continuous view corridors between Parramatta Square and Riverbank. The setout of the Civic Link corridor is outlined based on the alignment of the existing Roxy building, a state significant heritage asset, other local heritage items such as Dr. Pringles House and Willow Grove, and the existing Horwood Place alignment. The Plan therefore effectively supercedes the DCP provisions particularly in relation to the future Civic Link implementation and the required building alignment adjacent to the Link.

In relation to Leigh Place the Framework Plan provides for a building alignment on its eastern side 14.5m east of the existing Mission Australia site's western boundary. To achieve the 20m link width it therefore effectively provides that redevelopment of the Mission Australia site would be setback 5.5m from its current alignment. The proposed 3PS building is 13.5m from the Mission Australia site boundary at the ground level therefore resulting in a 1m inconsistency. Whilst the proposal is not therefore strictly consistent with the Framework Plan alignment, it is noted that the Framework Plan was not finalised upon lodgement of the current application and has been amended a number of times since. It is also noted that at the southern end of Leigh Place the western edge of the Link will be formed by the future 5PS Council building. Current plans for this building provide for a width of greater than 20m from the proposed 3PS building alignment both at the main building wall and at the ground floor level.

Having regard to the above, it is considered that the proposed 13.5m setback at ground level is appropriate in terms of pedestrian accessibility and urban design notwithstanding the minor inconsistency proposed with the Civic Link Framework Plan building alignment. Further it is considered that the overhanging of the space in part at the upper levels of the building will not adversely affect the functioning of the space nor the primary view corridor which extends north south. It is assumed that the Design Jury concur with this view having awarded it design excellence.

The proposed building siting responds appropriately to site opportunities and constraints and provides for an appropriate relationship with adjoining development. To the east the building is setback 3m from the boundary with 1PS providing for a 6m separation between the two buildings. This is considered appropriate notwithstanding non-compliance with the setback control which requires a 6m setback (from the site boundary) for buildings greater than 54m in height.

The height of the proposal, whilst taller than the planned 5PS building and the recently constructed 1PS (UWS) building, is within the solar access plane control established for the Lancer Barracks and through the 'stacked boxes' concept, is broken down into smaller scale elements thus reducing the perceived height.

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

11.3.3 Built form and presentation

As illustrated by the perspectives submitted with the application, the proposal will provide a high quality built form. The form and presentation of the building demonstrates design excellence and is consistent with the Council's vision for the Parramatta Square precinct. The proposed building has been certified as representing design excellence by the reconvened Design Jury and is consistent with the principles established for the site by the competition winning scheme.

Façade treatments are illustrated at section 7 of the revised Architectural Design Report (dated 22 May 2017). This includes façade expressions and identification of facade treatments for various building components. Façade types include:

- F01 Tower Primary – High performance glazing, reflective (Max 19%)
- F02 Tower Secondary – simple, transparent clear glazing with high visible light transmittance (VLT) and enclosed roof system and frit patterned glass panels
- F03 Tower Special 1 – Modelled transparent clear glazing with high VLT and potential for opening / operable elements
- F04 Tower Special 2 – Expressed glazing with integrated performance shading elements
- F05 Tower Special 3 – Expanded mesh with louvres / solid wall behind
- P01 Podium Shopfront – Special shopfront with glass / custom metal framing
- F07 Core East – Architectural Precast

Soffits are to comprise metal soffits coordinated with façade modules. As required by the Design Jury detailed plans of the facades have been provided in the amendment plan set.

The proposed approach is considered appropriate and will ensure a high quality built form demonstrating variety and interest while being functional.

It is therefore considered that the proposal is appropriate in terms of built form and presentation.

11.3.4 Through site links

A key component of the proposal is the provision of pedestrian connections from Macquarie Street (linking to the River in the north) along Leigh Place (also known as the future Civic Link) to the west of the building and between the proposed building and 1PS (UWS building) to the east via a new laneway. A connection will also be possible through the building itself.

As outlined above the proposed design provides for the primary link (Leigh Place) to have a width of 13.5m to the site boundary at the ground level (to a height of approximately 15m) although it is noted that the building overhangs this space above with varying setbacks to different elements of 7.3m and 10.5m (refer Architectural Plans North Elevation DA-3-A-2000 for further detail).

The proposed through site links are generally consistent with the requirements of Parramatta DCP 2011 and recently endorsed Civic Link Framework Plan and provide through site links that are convenient and match pedestrian desire lines. The alignment of the building's western edge along with the future Civic Link connection to the north, and the proposed separation between 4 and 6PS to the south across Parramatta Square, is considered to be appropriate.

11.3.5 Active edges

The proposed building provides a highly active edge to Parramatta Square with five proposed retail tenancies fronting the Square at the Ground Level extending for the majority of the frontage along the northern edge of Parramatta Square. The only exception to this is the centrally located foyer entry. The tenancies on the corners also wrap around the corners into Leigh Place to the west and the newly proposed laneway to the east.

A large retail tenancy is also proposed in the north western corner of the building extending along Leigh Place with its entry off the pedestrian link. A centrally located entry to the building foyer is also located off Leigh Place which will also assist to ensure activation of the pedestrian link and to reinforce the future east west link to the rear of the future civic building to the rear of the existing town hall (known as 5PS).

The Macquarie Street frontage is not proposed to be as active as the Parramatta Square frontage with the majority of the frontage taken up by entry foyers, the pedestrian access and car park ramps. This is considered acceptable in this instance however given flood level requirements with the street level sitting generally a bit over 1m below the required finished floor level of the building. Retail tenancies are located at the eastern and western ends of the frontage however with access off the adjacent pedestrian link which will provide some activation of this frontage. Further it is noted that the Parramatta Light Rail stop is proposed to be located on Macquarie Street adjacent to the building therefore the street is likely to be highly active.

The eastern laneway between the building and 1PS (UWS building) will be activated by the retail tenancies proposed at the northern and southern ends which represents approximately 45% of the building frontage (24m / 53m). The floor level of this retail is also lowered to the laneway level to ensure activation.

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

11.3.6 Sustainability

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

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

Council's consultant has reviewed the proposed sustainability measures and has advised that the proposed sustainability measures are generally acceptable when considered against the DCP and LEP requirements. Subject to recommended conditions of consent it is considered that the proposal is acceptable in terms of sustainability.

11.3.7 Landscape treatment

The proposal does not include a landscape plan however alignment plans have been provided as well as public domain works plans. In terms of the immediate curtilage of the building it is considered that generally the proposed levels are acceptable and Councils Public Domain team have recommended conditions of consent in relation to public domain detail. However regards to landscaping within the building no landscape detail has been provided. A landscape plan is therefore required for the proposed terraces. A condition of consent is recommended requiring a landscape plan for the proposed terraces for Council approval. Subject to this requirement it is considered that the landscape treatment will be appropriate.

11.3.8 Accessibility

An accessibility schematic design review has been submitted with the application which notes that detailed design documentation and compliance assessment will be undertaken as the design develops. The review makes recommendations to ensure that the proposal will comply with the BCA and the DDA and generally indicates that subject to these recommendations the proposal is able to achieve compliance.

Having regard to the accessibility schematic design review submitted with the application it is considered that the proposal is able to comply with relevant legislation in terms of accessibility and that to ensure this occurs standard conditions of consent should be applied to any approval. It is however noted that barrier free access is not currently provided to the Leigh Place entry. Given the significance of this entry, as articulated in the Design Jury report, it is considered that barrier free access should be provided notwithstanding that the entry would be categorised as a secondary entrance. A condition of consent to this effect is therefore recommended.

11.3.9 Solar access

The proposed building is located to the north of Parramatta Square and has been designed to ensure no additional shadow impacts to Lancer Barracks or the sun box' both of which are identified by blue hatching on the Parramatta LEP 2011 Sun Access Protection Map. Shadow diagrams submitted with the application confirm that the proposal will comply with the requirement of no additional shadow to these areas between the hours of 12 noon and 2pm on 21 Jun (refer section 19 shadow analysis of Architectural Design Report, JPW, May 2017).

11.4 Subdivision

The application does not seek approval for subdivision. Any future application to subdivide including stratum subdivision of the basement would be the subject of a future development application.

11.5 Access, parking and traffic

The proposal provides for access to the approved basement car park off Macquarie Street at the north eastern corner of the site in the location of the existing car park ramp which provides access to the adjacent 1PS to the east. A separate bicycle access is also provided. Council's traffic engineers have considered the proposed access arrangements and construction impacts of the proposal and have indicated that they are satisfactory subject to recommended conditions of consent.

As noted above the subject development application does not include below ground works which have been separately approved as part of the 3PS Early Works DA (DA/358/2015).

11.6 Heritage

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

- I647 - Convict drain

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

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

The NSW Heritage Office has provided comments on the proposal, in addition to broader comments regarding the Parramatta CBD. The specific comments, relevant to subject proposal, are outlined below:

Table 9: NSW Heritage Comments and response

NSW Heritage Comment	Response
1. SOHI does not address impact on 'Convict Drain on site	Additional information provided by applicant's Heritage Consultant and considered acceptable. Note: No below ground works are proposed as part of the subject application. Notwithstanding it is noted that relevant permits have been obtained for the removal of that part of the drain located within the subject site.
2. Proposal likely to create adverse impacts upon the setting of and views to the State significant St John's Anglican Cathedral	Additional information provided by applicant's Heritage Consultant. The advice indicates that in the context of other development in the vicinity (notably 1PS and 4&6 PS) and design measures proposed to minimise impacts the proposal will not result in further detrimental visual impact to St Johns Church.
3. SoHI states proposed building will be designed with a podium that responds to the scale of Parramatta Town Hall and is consistent with other buildings within Parramatta Square. This design element is supported.	Noted
4. Proposed building would be partially visible above the tree canopy of Parramatta Park from the main entry to Old Government House. Consideration should be given to avoiding or mitigating such impact.	Additional information provided by applicant's Heritage Consultant. Notes Figure 36 of SoHI addresses this matter and that given the extent of development in the Parramatta CBD the proposed development would add no further detrimental visual impact than that currently visible above the tree canopy of Old Government House and Domain.
5. Heritage Council has issued archaeological approvals at the subject site under s140 and 144 of	Not applicable as proposed

NSW Heritage Comment	Response
<p>the Heritage Act 1977. The approvals permitted the removal of state significant archaeology and included conditions requiring the submission of a Final Excavation Report and Heritage Interpretation Plan. To ensure that all conditions are satisfied, it is recommended that the following condition be placed on any development consent that may be issued for the site:</p> <p><i>Prior to the issue of any Occupation Certificate for the development at 153 Macquarie Street & 1A Civic Place, Parramatta, the applicant must satisfy all conditions of the s140 and s144 archaeological approvals (2013/S140/19, 2015/S140/17, and 2015/S144/04) issued by the Heritage Council under the Heritage Act 1977.</i></p>	<p>development does not include any below ground works.</p>

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

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

Having regard to the above, and the findings of the heritage impact statement submitted with the application (and additional information provided to response to the NSW Heritage Office's comments), it is considered that the proposal is acceptable and will not give rise to any adverse heritage impacts.

More broadly it is proposed that a condition of consent should be applied to require the submission of a heritage interpretation plan for the site as recommended by Council's Cultural Heritage and Tourism team.

11.7 Wind impacts

The wind environment adjacent to the proposed building and within the proposed Parramatta Square is complex. Accordingly Council engaged an independent wind consultant to review the submitted wind report.

In summary Council's wind consultant concludes:

The review of the Report indicates the wind tunnel modelling techniques are for the most part, sound, with a few flaws inherent in the chosen boundary layer profile.

Additionally, the presentation and interpretation of results could be improved for clarity. The failure of the Report to provide a simple means for determining the suitability of a measurement location for various activities is a shortcoming, which would inhibit the ability to

optimise the utilisation of available spaces. The lack of a clear definition of the criteria being assessed, comfort or safety, on the wind directionality plots also hinders the interpretation of the results.

Despite the above concerns, the results presented in the Report are considered as expected for a development within the Parramatta CBD. Previous CPP studies in the surrounding area indicate general wind conditions away from high-rise towers tend to be suitable for pedestrian standing type activities.

Having regard to the above advice it is considered that the wind impact of the proposed building is acceptable and that the proposed mitigation measures included in the building design will result in appropriate wind conditions immediately adjacent to the building.

11.8 Water management and civil works

Council's Senior Development Engineer has reviewed the subject application and indicated that it is appropriate subject to recommended conditions of consent particularly in relation to on site detention and water sensitive urban design.

Flooding has been identified as a particular issue with the subject site and in this regard Council's Senior Development Engineer has provided the following advice:

Flooding

The 3 Parramatta Square (3PS) site is at least partially subject to fluvial flooding from the Parramatta River in the 1% AEP event (predicted RL 10.14m AHD). The 5% event is only 30mm less (RL 10.11m AHD).

The predicted 1% AEP overland flow (pluvial) flood level is RL 10.4m AHD. As this is higher than the fluvial flood level, Council has decided that this higher level should determine the flood planning level for this site which is therefore 10.9m AHD (10.4m AHD plus 500mm freeboard). All habitable floor levels must be set at or above this level.

The predicted PMF fluvial flood level is 11.8m AHD which is used for this development.

Council is particularly concerned to protect the extensive basement system below the development and across Parramatta Square from catastrophic flood water inundation and a number of conditions are proposed to address this, including requiring passive (structural form) and mechanical flood exclusion and a comprehensive flood emergency response plan.

Flooding and subterranean rooms

There are several rooms being proposed within basement levels, below the flood planning level. Council's policy explicitly requires that all habitable floor levels be set above the FPL. The NSW Floodplain Development Manual defines a habitable floor space for an industrial or commercial situation as 'an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood'.

The storage rooms within the basement can be considered non-habitable, provided that they not be used to store valuable items that are susceptible to flood damage in the event that floodwaters penetrated the basement levels. A condition has been proposed to place a restriction on the property title, restricting the use of these store-rooms accordingly.

The end of journey facilities can like-wise be considered non-habitable, as they do not involve the storage of valuable assets and they are not office space where people may spend a significant amount of their time. In this case therefore, these rooms within the basement level are acceptable.

Flood emergency response plan

This development (like any new development proposed within the CBD) will need to address large scale evacuation, emergency access and shelter in place strategies where emergency access and egress are impossible.

As overland flow flooding in Parramatta square may occur extremely rapidly, evacuation off-site may not be practical. In this case shelter in place facilities must be provided above the PMF flood level. Such equipment that may be required to be stored in these spaces would be emergency food and water supplies, electrical generators, defibrillators and other medical supplies etc. The design of this facility must address how a fire will be fought if it coincided with a significant flood event including PMF.

The emergency response strategy for this development must also consider management of members of the public using the public domain within Parramatta Square and its surrounds. The shelter in place facilities within this development must therefore be designed to have capacity for members of the public using the public domain in the vicinity of the building.

Notwithstanding the above comment Council's Senior Development Engineer has concluded that "the proposed stormwater management concept is clear, functional and can be designed to comply with current Council stormwater disposal policy. Flood risk has been affectively addressed up to the 1% AEP pluvial level, and further flood protection measures up to the PMF level may be conditioned. No other engineering related issues were detected".

Having regard to the above, and subject to the recommended conditions of consent, it is considered that the proposal is acceptable in terms of water management as advised by Council's Senior Development Engineer.

11.9 Safety, security and crime prevention

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

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

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

- Ongoing consultation to be undertaken in the design of the external public areas to ensure seamless integration with the design of Parramatta Square
- Integrated signage to show separation of public and private areas, and assist with legibility of the site given mixed use nature.
- Integrated pedestrian circulation paths and laneways
- landscaping to deter malicious damage, provide amenity and show ownership of all elements of the site;
- lighting to deter opportunistic crime and provide safety for tenants and pedestrians at all times.
- active surveillance through the use of CCTV cameras including Macquarie Street, Leigh Place, the perimeter of the building facing the public domain and 1PS.

These matters are to be addressed by conditions.

11.10 Social and economic impacts

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

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

11.11 Contamination and Acid Sulfate Soils

These matters have been addressed in the separate 3PS Early Works DA (DA/358/2015) and are not relevant to the subject application.

11.12 Waste management

This matter has been addressed in the Project Management Plan submitted with the application. Council's Environmental Health Officer has provided advice that the proposal is appropriate in terms of waste subject to recommended conditions of consent. In this regard it is noted that appropriate waste facilities have been provided in the basement levels under the separate 3PS Early Works DA (DA/358/2015).

11.13 Construction Impacts and Management

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

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

12. Site suitability

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

- It is an appropriate "fit" for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- The site attributes are conducive noting natural constraints/hazards; ecological and heritage impacts are able to be properly managed.

13. Submissions

The application was notified consistent with Appendix 5 of DCP 2011. Twenty four (24) submissions were received. Issues raised in the submissions are outlined in the table below:

Table 9: Summary of issues raised in submissions

	Issue	Response
1.	Proposed building envelope encroaches on Leigh Place public domain and will reduce separation distance to Mission Australia site (formerly 20m) and a reduction in the quality of the public domain at the primary northern entry to Parramatta Square	As discussed above the planning controls do not specify a minimum width for the future Leigh Place although the recently endorsed Civic Link Framework Plan identifies a 20m width. The proposal provides for a setback of 13.5m at the ground level (to a height of approx. 15m) from the site boundary (existing Mission Australia Building on the western edge of Leigh Place) and setbacks varying between 7.3m and 10.5m at the upper levels. The proposed 13.5m width is considered appropriate in terms of pedestrian accessibility and urban design (refer sections 11.3.2 and 11.3.4 above for further discussion). It is noted that the proposed alignment is not consistent with the Civic Link Framework Plan alignment which would require that the building be setback 14.5m from the Mission Australia building. However notwithstanding this inconsistency it is considered that the proposed alignment is appropriate.
2.	The proposed development is non-compliant with the desired configuration of building alignments and open space within Parramatta as outlined in the Parramatta DCP. This results in a compromised and undesirable public domain outcome	It is noted that the proposal does not adhere to the 'build to line' outlined in Figure 4.3.3.7.3 of the DCP however this provision is a guideline only and it has been superseded by the recently endorsed Civic Link Framework Plan. The proposal has been assessed as representing design excellence by the Design Jury, an assessment that extends to the impact of the proposal on the public domain. Having regard to all relevant considerations it is considered that the proposed public domain outcome is appropriate (refer sections 11.3.2 and 11.3.4 above for further discussion).
3.	The development results in adverse impacts on the built form character of the locality due to excessive building bulk created by the proposed additional floor space	As noted above the Design Jury has provided advice that the proposed building represents design excellence and is appropriate for the site. It is not considered that the proposal will result in an excessively bulky building given architectural design measures utilised to break up the massing and form of the building and to provide visual interest.
4.	The building height is not consistent with Clause 7.4 of Parramatta LEP	Not applicable having regard to clause 7.11 of the LEP which following gazettal now prevails.
5.	The public exhibition of the DA and Planning proposal provided a limited time period to comment on the DA	As noted above the application was notified consistent with Appendix 5 of DCP 2011. An extension time was granting to the submittor who raised this issue and all objections received, including those received after the closing of the official notification period, have been considered on this report.

14. Public interest

No circumstances have been identified to indicate this proposal would be contrary to the public interest.

15. Parramatta City Centre S94A development contributions plan

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

Summary and conclusion

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

RECOMMENDATION

That the Sydney Planning Panel as the consent authority grant consent to Development Application No. DA/76/2017 for the construction of a commercial building above a podium with ground level retail floor space consisting of 17 commercial levels (ground plus 16 levels) plus plant above 4 basement levels (previously approved under 3PS Early Works DA - DA/358/2015 and not the subject to this application) at 153 Macquarie Street and 1A Civic Place, PARRAMATTA (3 Parramatta Square).