



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC087
DA Number	DA/560/2017
LGA	City of Parramatta Council
Proposed Development	Construction of a 48 storey mixed use tower comprising 382 residential units, 646sqm of retail floor space, 5354sqm of office floor space and 8 basement levels containing space for 237 cars, 223 bicycles, 18 motorcycles, storage, refuse and servicing; following demolition of existing buildings. The application is Nominated Integrated development under the Water Management Act 2000 and the National Parks and Wildlife Act 1974.
Street Address	7 Charles Street and 116 Macquarie Street, Parramatta (Lots 3 & 4 DP17466, Lot 12 DP706694)
Applicant	Statewide Planning Pty Ltd
Owner	Merchant Power Pty Ltd
Date of DA lodgement	29 June 2017
Number of Submissions	Five (5)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (at the time of lodgement), the development has a capital investment value of more than \$20 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Water Management Act 2000• National Parks and Wildlife Act 1974• SEPP (Building Sustainability Index: BASIX) 2004• SEPP (Infrastructure) 2007• SEPP (State and Regional Development) 2011• SEPP (Sydney Harbour Catchment) 2005• SEPP No. 55 (Remediation)• SEPP No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none">• Attachment 1 – Architectural Drawings• Attachment 2 – Landscape Drawings• Attachment 3 – Civil & Stormwater Drawings• Attachment 4 – Design Competition Jury Endorsement• Attachment 5 – Water NSW General Terms of Approval• Attachment 6 – Office of Environment and Heritage General Terms of Approval• Attachment 7 – Controlled Activity Approval• Attachment 8 – Architect Street Activation Justification• Attachment 9 – Applicant Wind Response on Child Safety
Report prepared by	Alex McDougall Executive Planner, City Significant Development
Report date	24 October 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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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
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Clause 4.6 Exceptions to development standards

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

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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1. Executive Summary

The proposal provides for construction of a 48 storey (12 storey podium with 36 storey tower above) mixed use building comprising 382 residential units, 2 retail tenancies and approximately 5,000sqm of office floor space.

The proposed building was awarded design excellence as the winning entry in a design competition. The proposed building generally follows the form for the site envisaged by Parramatta LEP 2011 and Parramatta DCP 2011 and is generally consistent with the requirements of the Apartment Design Guide and as such is considered to provide a high standard of accommodation for future occupants.

The site constraints include flooding, Aboriginal heritage, acid sulphate soils and contamination. However, it is considered that sufficient evidence has been provided that these risks can be managed appropriately.

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

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

2. Key Issues

Apartment Design Guide

- **Deep Soil** – None provided (7% of site area required).
- **Lifts** – Significant number of units sharing 4 lifts (88.8 units/lift).

Parramatta Development Control Plan 2011

- **Servicing** – Lack of space for large service vehicles.
- **Streetscape** – The Charles Street ground plane includes significant 'non-active' frontage.
- **Wind** – Impact on safety of school children.

Parramatta Civic Improvement Plan

- **Developer Contributions** – The applicant's Quantity Surveyor Report appears to underestimate the cost of works and as such lessens the applicable developer contributions.

3. Site Description, Location and Context

3.1 Site

The site is located on the north-western corner of the intersection of Macquarie Street and Charles Street in the east end of the Parramatta CBD. The site is composed of 3 allotments with a total area of 1,932.5m², has a Macquarie Street frontage of 21.32m and a Charles Street frontage of 83.51m. The site exhibits a moderate cross fall of approximately 1.2m from south-west to north-east. The site is located 500m to the east of Parramatta train station (7 minute walk).



Figure 1. Locality Map (subject site in red)



Figure 2. Subject site as viewed from the corner of Macquarie Street and Charles Street looking north-west

3.2 Surroundings Development

North – 11 storey commercial office building (occupied by Commonwealth Bank)
 East – 7 storey shop top housing building and 8 storey commercial office building
 South – Parramatta Public School (approved redevelopment for 4 storey public school)
 West – Arthur Philip High School (approved redevelopment for 17 storey vertical high school)

3.3 Site Improvements & Constraints

The site is occupied by 2 x 2-storey commercial office buildings which are currently vacant.

The adjoining site to the west contains the Convict Barracks Wall, an item of local heritage significance (I717).

The land may contain contamination and acid sulphate soils, is of high Aboriginal heritage and is flood affected.

The Parramatta Light Rail – Stage 1 preferred route runs along Macquarie Street.

3.4 Site History

A Planning Proposal relating to the site (Council Ref: RZ/3/2013) was gazetted on 23 September 2016 resulting in the following statutory changes to the classification of the land:

- Zoning – B3 ‘Commercial Core’ to B4 ‘Mixed Use’
- Height – 120m to 136m
- FSR – 10:1 to 19:1
- Clause 7.9A inserted requiring that, *“Development consent must not be granted to the erection of a building on land to which this clause applies unless the consent authority is satisfied that at least 6,000 square metres of the floor space of the building will be used for commercial premises”*.

A design competition was held for the site (Council Ref: LA/258/2014) and on 31 March 2017 a proposal by Stanisic Architects was awarded design excellence triggering the following bonuses under Clause 7.10(8):

- Height – 15% bonus (to 156.4m)
- FSR – 15% bonus (to 21.85:1)

Subsequently the applicant sought pre-lodgement advice (Council Ref: PL/202/2016). Council officers provided a list of issues to be resolved prior to submission of the application.

3.5 Statutory Context

The Parramatta CBD is undergoing significant redevelopment transitioning from its historic low to medium rise commercial development to high rise mixed use development.

The following development applications in the vicinity of the site are relevant to the proposal:

Site	Reference	Description / Details
80-100 & 175 Macquarie Street	State Significant Development 7237	80-100 Macquarie Street: 17 storey high school (2,000 students), 2-3 storey sports complex and playing fields 175 Macquarie Street: 4 storey public school building (1,000 students), conservation of heritage items and playing fields Approved 15 December 2016
89 George Street	DA/954/2017	27 storey hotel building comprising 300 rooms and ancillary restaurant/bar, outdoor terrace/pool, ballroom, and 69 above ground car parking spaces; landscaping works; demolition of existing buildings Approved 4 July 2018

130-150 George Street	DA/808/2017	33 storey commercial office building fronting Charles Street; 4 storey mixed use building fronting George Street comprised of retail, commercial offices and communal recreation facilities; modification to existing car park at 150 George Street including reduction in car parking spaces; pedestrian through-site link along western boundary of 140 George Street; and associated landscaping and public domain works; following demolition of existing car park at 140 George Street. Approved 2 May 2018
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4. The Proposal

The proposal involves the following:

- Consolidation of 3 allotments;
- Demolition of existing structures (2 x 2 storey commercial buildings);
- Public domain works including forecourt, upgraded footway and street tree planting.
- Construction of a 48 storey mixed use building, with an LEP compliant height and density of 156.4m and 41,837sqm, comprising:

Level	Contains
8 Basement Levels	<ul style="list-style-type: none"> • 237 below ground car parking spaces; <ul style="list-style-type: none"> ○ 191 residential ○ 27 residential visitor (inc. 1 car wash) ○ 9 commercial ○ 4 retail ○ 6 courier/loading ○ (inclusive of 15 accessible spaces) • 18 motorcycle parking spaces; • 223 bicycle parking spaces; and • Storage.
Ground Floor & Mezzanine:	<ul style="list-style-type: none"> • 2 x Retail tenancies with mezzanines • 2 x Residential Lobbies; • Commercial Lobby; • Loading Dock; and • Substation
Level 3 to 6:	<ul style="list-style-type: none"> • Commercial office tenancies
Level 7 and above:	<ul style="list-style-type: none"> • 382 residential units; <ul style="list-style-type: none"> ○ 86 x 1-bed; ○ 256 x 2-bed; ○ 34 x 3-bed; ○ 6 x 4-bed; ○ (inclusive of 21 x 2-bed dual key units, 39 adaptable units and 77 liveable units). • Podium top communal open space, gym, library and 'club room' at Level 13; and • Sky gardens at Levels 17, 22, 26, 32, 35, 40, 44.

The application is identified as Nominated Integrated Development pursuant to the provisions of Section 91 of the Environmental Planning and Assessment Act 1979 as an approval is required from:

- NSW Office of Water in accordance with the requirements of the Water Management Act 2000.
- NSW Office of Environment and Heritage in accordance with the requirements of the National Parks and Wildlife Act 1974

The application also requires concurrence from Sydney Trains under clause 86 of State Environmental Planning Policy (Infrastructure) 2007 due to the proximity of the site to the approved Parramatta Light Rail – Stage 1 route.



Figure 3. Photomontage of proposal as viewed from the corner of Macquarie Street and Charles Street looking north-west.

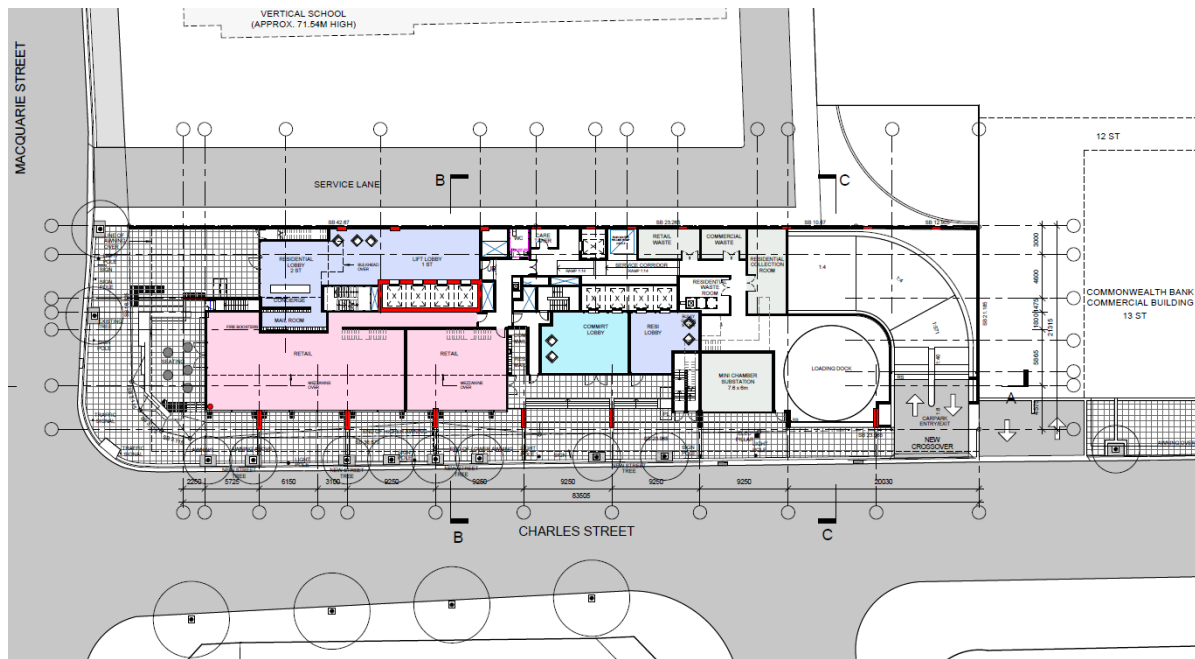


Figure 4. Proposed ground floor plan.

4.1 Summary of Amended Proposal

In response to concern's raised by the Design Competition Jury and Council officers the applicant submitted additional information and revised drawings which included the following changes:

- Increase in proportion of 3-bed units;
- Additional basement parking level for residential visitor parking and loading spaces;
- Additional wind amelioration (additional planting, screening, balustrades);
- Increase in size of commercial lift lobby;
- Provision of access to balconies from all parts of dual-key units;
- Modification of ground floor levels to accommodate flooding concerns;
- Amendments to unit layout to increase compliance with ADG; and
- Increased natural cross ventilation measures (required reduction of 3 x 1-bed units).

5. Referrals

The following referrals were undertaken during the assessment process:

5.1 Sydney Central City Planning Panel

Issues Raised	Comment
Briefing 1 (to then Sydney West Central Planning Panel) - 4 October 2017	
No evidence that design excellence has been achieved, therefore not evident that the FSR bonus 15% is justified, concerns include poor ground level, poor and inadequate communal space, and possibly excessive bulk and height.	<p>Council issued a letter to the applicant on 28 April 2016 stating, <i>"the winning mixed-use architectural project presented by Stanasic Architects was deemed by the jury to have achieved design excellence, and in accordance with the Director General's Design Excellence Guidelines, an increase of up to 15% in Floor Space Ratio and Height is allowed"</i>.</p> <p>However, it is still necessary for the consent authority to be satisfied the proposal constitutes design excellence. A recent jury review found the proposal would constitute design excellence subject to resolution of the wind concerns. This wind issue is addressed below.</p>

Sustainability of building in question.	The applicant submitted revised ESD information, which has been reviewed by Council's ESD expert and found to be appropriate, and in keeping with the Design Jury's expectations, subject to conditions.
<i>Council and Panel seek further information regarding agreed key concerns:</i>	
Concerns regarding wind impacts – wind study unresolved.	The applicant submitted a revised wind report which included the findings of additional wind tunnel testing. The revised wind report is considered to have adequately addressed Council officers concerns. See further discussion at the end of Section 9.1 below.
Floor Space Ratio of 21:1 too high for land area.	The Department of Planning, in approving a site specific planning proposal, was satisfied that an FSR of 19:1 was appropriate for the site. Subsequent to satisfying the consent authority that the proposal constitutes design excellence, cl.7.10 of the Parramatta LEP allows a 15% FSR bonus. As such the potentially allowable floor space on the site is 21.85:1. The proposal is in keeping with this ratio at 21.65:1.
Allocation of 3 bedroom units do not meet the 10% requirement designated in DCP.	The revised proposal meets the minimum 10% requirement for 3+ bedroom units.
Waiting upon aeronautical report.	The applicant submitted an aeronautical report which was forwarded to Air Services Australia, Civil Aviation Safety Authority and Bankstown Airport and was found to be acceptable subject to conditions.
Insufficient visitor car parking provided.	The revised proposal includes an additional basement level of visitor car parking. The proposal includes a total of 27 visitor car parking spaces which is considered to be acceptable given the public transport accessibility of the area.
Acoustic and traffic reports exclude light-rail, potential impacts need to be included in the assessment.	The applicant submitted revised acoustic and traffic reports which considered the impacts of light rail and recommended appropriate amelioration measures.
Access to communal open space is not available from all apartments.	The revised proposal includes an extension to the eastern lift core ensuring that all units have easy access to the communal open space.
Amenity of one-bedroom units needs improvement.	The revised proposal includes larger living rooms and balconies in the one-bedroom units. All now comply with the ADG.
Ground activation insufficient, key concerns being excessive services on Charles St frontage and southern forecourt public open space, concerns: lack of sunlight and high wind zone.	<p>The applicant submitted a substation report which demonstrated that moving the substation to first floor level would only result in 900mm of additional ground level activation but would require the removal or redesign of the awning at that point to allow for a hoist. As such the modest improvement in activation is not considered, on balance, to be necessary. The applicant also explored moving the servicing area to the basement. However, the ramping and turning areas required would not allow sufficient room for the many lift cores required to provide access to the building.</p> <p>The lack of complying winter solar access to the southern forecourt is considered to be an unavoidable consequence of the site shape, orientation and density. The revised wind report demonstrates that the area will not exceed the comfort criteria for 'short exposure' activities subject to the awning and tree planting proposed.</p> <p>See further discussion at the end of Section 9.1 below.</p>

Briefing 2 - 1 August 2018	
The Panel shares the Council's concern with lack of certainty about wind impact and agrees this should be clarified before proceeding further.	The applicant submitted a revised wind report which included the findings of additional wind tunnel testing. The revised wind report is considered to have adequately addressed Council officers concerns. See further discussion at the end of Section 9.1 below.
The Panel shares the Council's concern about inadequate loading facilities as a result of small site dimensions	The applicant has revised the drawings to include 6 additional small loading spaces at the first basement level. These spaces will provide ancillary loading space for couriers, small servicing vehicles and the like. Along with a condition requiring a loading dock management plan, the proposal is now considered to provide a level of servicing commensurate with the scale of development.
The Panel believes that achieving design excellence would require excellent amenity at street level, presently not demonstrated.	While not making any changes to the design, the applicant provided further justification from the architect for the street activation (see Attachment 7). Given the constraints imposed by the high density of development, the inability to service at basement level and flooding, the proposed street activation is considered to be acceptable. See further discussion at the end of Section 9.1 below.

5.2 Design Competition Jury

Issues Raised	Officer Comment
24 July 2018	
The Jury were briefed on, and generally satisfied with, the applicant's response to the Jury's pre-lodgement comments in regards the following items: <ul style="list-style-type: none"> • Building Planning and Massing: Podium and Tower • Podium: Expression • Public Art • Sustainability • Ten Best Practice Strategies • Flooding • Height • Streetscape • CPTED 	Noted
Shared concerns relating to wind; noted that they would be willing to consider, subject to further review, any changes to the built form that may be necessary to resolve this issue.	See above. No changes necessary to built form; further review not required.
The Jury are supportive of the amendments made to the dual key rooms, however, a condition be set that those units cannot be sold separately.	A condition is included to this effect.

5.3 Integrated Referrals

Authority	Comment
Water NSW (Integrated)	General Terms of Approval provided. See Attachment 5.
Office of Environment and Heritage - Aboriginal Archaeology (Integrated)	General Terms of Approval provided. See Attachment 6.

5.4 External

Authority	Comment
Office of Environment and Heritage – Archaeology Division	The site is considered to have low to moderate potential to contain historical archaeological. Acceptable subject to conditions.
Roads and Maritime Services	No objection subject to conditions including consultation with Light Rail team, and Construction Pedestrian Traffic Management Plan.
Transport for NSW (concurrence required under ISEPP)	Recommended a revised traffic report to consider light rail. The applicant has submitted an addendum traffic report which considers the impacts of light rail and finds them to be acceptable. Subsequent to approval of Parramatta Light Rail the application was referred to TfNSW for concurrence under the ISEPP. TfNSW has provided draft concurrence conditions which are included in the draft consent.
Endeavour Energy	No objection subject to recommendations and comments.
Sydney Water	Sufficient water and wastewater capacity. Conditions recommended.
Air Services Australia / Civil Aviation Safety Authority / Sydney Metro Airports	Approval granted subject to conditions requiring lighting at top of building and crane parameters.

5.5 Internal

Authority	Comment
Landscape / Tree Management	Acceptable landscape plan subject to conditions. No tree removal required.
Civil Assets	Acceptable subject to conditions.
Public Domain	Acceptable subject to conditions.
Development & Catchment Engineer	Acceptable subject to conditions.
Heritage Advisor	Acceptable subject to OEH conditions.
Social Outcomes	Acceptable.
Environmental Health - Contamination	Remedial Action Plan satisfactory. Conditions of consent recommended.
Environmental Health - Acoustic	Acoustic Report satisfactory. Condition included requiring compliance with report.
Environmental Health - Waste	Waste Management Report satisfactory. Condition included requiring compliance with report.
Traffic & Transport	Acceptable subject to conditions.
Public Art	Public Art Plan of high quality. Conditions recommended for further development through detailed design stage.
Environmental Sustainable Design (ESD)	Acceptable subject to conditions

6. Environmental Planning and Assessment Act 1979

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

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

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

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

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

6.3 Section 4.15: Evaluation

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

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

6.4 Section 4.46: Integrated Development

The application is Nominated Integrated Development under the Water Management Act 2000 and Integrated Development under the National Parks and Wildlife Act 1974. NSW Water and the Office of Environment and Heritage, respectively, have provided General Terms of Approval which are included in the draft consent. See Attachments 5 & 6 for the full responses.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

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

Compliance with these instruments is addressed below.

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

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

7.3 State Environmental Planning Policy (Infrastructure) 2007

The proposal is considered to constitute 'traffic generating development' (per Schedule 3 of the SEPP) as it proposes more than 300 dwellings. As such, the proposal was referred to Roads and Maritime Services (RMS), who did not raise any objection, subject to conditions of consent including consultation with Transport for NSW on Parramatta Light Rail and a Construction Pedestrian Traffic Management Plan.

The site is adjacent to the approved Parramatta Light Rail – Stage 1 route which runs along Macquarie Street to the front of the site. As such the proposal requires concurrence from Transport for NSW (per Clause 86 of the SEPP). As such, the proposal was referred to Transport for NSW who provided draft concurrence conditions of consent.

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

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

7.5 State Environmental Planning Policy (Sydney Harbour Catchment) 2005

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

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

A preliminary phase 1 site investigation report concluded that, due to a number of historical and current activities in and around the site, further detailed investigation was required to determine the extent of possible contamination.

A phase 2 site investigation was undertaken including sampling to determine the extent of any contamination. The results of the soil and water samples indicated that Polycyclic Aromatic Hydrocarbons (PAHs), in particular Benzoaperyene, were present to a level requiring remediation.

Subsequently the applicant submitted a Remediation Action Plan (RAP) which set out procedures to minimise the risk of pollutants to human health.

The RAP was reviewed by Council's Environmental Health team who determined that satisfactory evidence has been provided that the site can be made suitable for the proposed development subject to conditions of consent.

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

SEPP 65 applies to the development as the proposal is for a new building, is more than 3

storeys in height and will have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

Design Quality Principles

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

Requirement	Council Officer Comments
Principle 1: Context and Neighbourhood Character	<p>The proposed development is considered to make a positive contribution to the locality and improve the existing streetscape. The character of the locality is undergoing transition from low-medium scale commercial uses to high density mixed use developments. This proposal is consistent with that shift. The following can be noted:</p> <ul style="list-style-type: none"> · The existing character of this section of Parramatta is a mixture of commercial buildings and shop top housing. This is due to the transition of Council's desired future character for the area indicating strength in residential growth and infrastructure. The proposed development suits the future character of the area. · The site is in close proximity to Parramatta train station and the proposed Parramatta Light Rail and as such is well connected in terms of public transport.
Principle 2: Built Form and Scale	The height and location of the proposed building is consistent with the built form proposed under the Parramatta LEP and DCP.
Principle 3: Density	The proposal has a complying FSR and as such is considered to provide a density of housing in keeping with the desired future character of the area.
Principle 4: Sustainability	<p>A BASIX Certificate and relevant reports have been submitted with the development application. The certificates require sustainable development features to be installed into the development. The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices.</p> <p>The development achieves a good level of cross ventilation throughout the development with a majority of the proposed units having dual aspects or cross through ventilation.</p> <p>The application provides suitable provision of bicycle parking for both visitors (provided in accessible areas) and residents (provided in secure areas).</p>
Principle 5: Landscape	This development proposed is consistent with the objectives of the Parramatta DCP and provides appropriate on-structure planting and street planting to create an appropriate landscape setting.
Principle 6: Amenity	<p>Generally, the proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.</p> <p>A satisfactory wind assessment report has been provided which concludes that wind conditions around the site are expected to be suitable for pedestrian walking activities and short term exposure activities (i.e. window-shopping, standing or sitting in plazas) and pass the distress criterion under Lawson subject to provision of proposed awnings and street trees. Conditions are included securing these items.</p>
Principal 7: Safety	<p>The proposal is considered to provide appropriate safety for occupants and the public for the following reasons:</p> <ul style="list-style-type: none"> · The majority of units are orientated towards public streets creating passive surveillance. · Entry points into the building are clearly identifiable for ease of access with

Requirement	Council Officer Comments
	<p>residents and visitors.</p> <ul style="list-style-type: none"> Retail components at ground level will activate the precinct to further enforce a sense of passive surveillance.
Principal 8: Housing Diversity and Social Interaction	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements, providing additional housing choice, as well as dual-key apartments, within the area in close proximity to public transport.
Principle 9: Aesthetics	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area. Further, the development has received a design excellence designation.

Design Review Panels

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

Apartment Design Guide

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

Standard	Requirement	Proposal	Compliance
Part 3			
3B: Orientation	<p>Due to the city centre location and narrowness of the lot the podium has been designed to fill the entire site except for a small setback along Macquarie Street. The podium provides primarily blank walls on the western boundary up to level 6 with no setback as these lower levels are service levels or commercial floor space which have outlook to Charles Street and Macquarie Street.</p> <p>The tower form above has been set as far towards the south of the site as possible to provide a setback to the adjoining commercial building to the north, be generally in keeping with the alignment of the adjoining school tower, and provide northern outlook for the podium top communal open space and north facing units.</p>		
3C: Public Domain Interface	The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to residential/commercial foyers and retail units. The separation between the private and public domains is established by stairs, level changes, planting and paving material. Due to flooding issues the ground floor retail units are not able to open to Charles Street at grade.		
3D: Communal & Public Open Space	Min. 25% of site area (483m ²)	859m ² (44%) of communal open space inclusive of podium top (485m ²) and sky gardens (374m ²).	Yes
	Min. 50% direct sunlight to main communal open space for min. 2hrs 9am & 3pm, June 21 st (242m ²)	Approximately 500m ² (104%) of the required communal open space would receive the required solar access	Yes
	The proposal includes a large podium top communal area with seating, planting and a bbq area as well as a series of 7 'skygardens' spaces evenly throughout the tower providing ancillary open space areas with semi-indoor 'bio lounges' including green walls and outdoor seating areas, all accessible internally from lobbies. These areas are considered likely to provide good amenity to residents.		

Standard	Requirement	Proposal	Compliance
3E: Deep Soil	Min. 7% with min. dimensions of 6m for sites of 1500m ² or greater (135m ²)	0m²	No
	While the proposal provides no deep soil planting this is considered to be acceptable due to a high level of planting (planters, green walls, small trees) on the building, the constraints posed by a narrow site, and the inner city character of the area. The proposal provides additional planting in the public domain which will result in a net increase to the planting in the area.		
3F: Visual Privacy	Tower: 6m (non-habitable), 12m (habitable) [to adjoining boundary] OR 12m (non-habitable), 24m (habitable) [to adjoining building]	North: >12m West: 3m (to boundary), 23m – 26m (to school)	Yes No (minor)
	While the proposal does not provide a compliant setback from the adjoining school, it is considered to be acceptable in this instance for the following reasons: <ul style="list-style-type: none"> The extent of the non-compliance is minor The site is narrow in width, restricting the ability to set the building away from the adjoining site The portion of the school within 23m of the proposal does not contain habitable areas (i.e. lift cores, toilets). 		
3G: Pedestrian Access and Entries	A residential pedestrian access foyer is provided to each street frontage. The southern entry lobby, which provide access to the tower, is serviced by 4 lifts and fire stairs. The eastern entry lobby, which provides access to part of the podium, is serviced by 2 lifts and fire stairs. It is considered that suitable pedestrian access will be accommodated on site and will be in the form of grade ramps and lifts. Separate entries have been provided for pedestrian and vehicles.		
3H: Vehicle Access	The proposal incorporates a vehicular entry point and a separate loading dock to the north of the ground floor. The vehicular entry point is separated from building entry points to improve pedestrian safety and comfort. Waste collection is made from the loading dock. It is not possible to provide the loading dock underground as the required ramping and turning circles cannot be accommodated in the narrow site. However, 6 additional small loading spaces are provided in the basement for couriers, small servicing vehicles and the like.		
3J: Bicycle and car parking	<u>Car Parking</u> 0.4 per 1 bed (34.4) 0.7 per 2 bed (179.2) 1.2 per 3+ bed (48) Residential: 262 1 per 7 units for visitors: 55 Total: 317 [The site is within a B4 zone and within 800m of Parramatta train station. As such RMS rates apply. The site is in a CBD with high levels of employment and transport and as such lower rates apply. ADG definition of dwelling mix used.]	Res: 191 (73% of req'd) Visitor: 27 (49% of req'd) Total: 218 (69% of req'd)	No No No
	While the proposal would not provide a level of car parking in keeping with the minimum recommended in the RMS Guide to Traffic Generating Development, it is considered that the proximity to trains at Parramatta station, the future Parramatta Light Rail, the strategic direction of Council and the services provided in the CBD location, that the non-compliance is acceptable.		

Standard	Requirement	Proposal	Compliance
Part 4			
4A: Daylight / Solar Access	Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-winter (>269);	327 out of 382 apartments (85.6%)	Yes
	Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (<58)	37 out of 382 apartments (9.7%)	Yes
	<p>The proposal provides very good levels of solar access for a development of its size.</p> <p>The shadow diagrams submitted with the application demonstrate that adjoining and nearby properties would retain the required 2 hours of solar access at midwinter.</p>		
4B: Natural Ventilation	Min. 60% of apartments below 9 storeys naturally ventilated (>22)	23 out of 36 apartments (64%)	Yes
4C: Ceiling heights	Min. 2.7m habitable Min 2.4m non-habitable Min 3.3m for mixed use	2.8m 2.8m 3.3m	Yes Yes Yes
4D: Apartment size & layout	1B – Min 50m ² 2B – Min 75m ² (2 baths) 3B+ – Min 95m ² (2 baths)	1B – >50m ² (Avg. 56m ²) 2B – >75m ² (Avg. 81m ²) 3B – >95m ² (Avg. 120m ²)	Yes Yes Yes
	<p>All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.</p> <p>Habitable room depths max. 2.5 x ceiling height (7m)</p> <p>Max. habitable room depth from window for open plan layouts: 8m.</p> <p>Min. internal areas: Master Bed - 10m² Other Bed - 9m²</p> <p>Min. 3m dimension for bedrooms (excl. wardrobe space).</p> <p>Min. width living/dining: 1B – 3.6m 2B – 4m 3B – 4m Cross-through: 4m</p>	<p>Complies</p> <p>Up to 8.2m</p> <p>Up to 9.6m</p> <p>>9m² >9m²</p> <p>All bedrooms have a minimum dimension of 3m excluding wardrobes.</p> <p>>3.6 >4m >4.3 m 4m</p>	<p>Yes</p> <p>Partial</p> <p>Partial</p> <p>Partial Yes</p> <p>Yes</p> <p>Yes Yes Yes Yes</p>
	The dimensional non-compliances relate only to a small percentage of units. The non-compliances are considered to be minor and not compromise the amenity of future occupants.		
4E: Private open space & balconies	Min. area/depth: 1B – 8m ² /2m 2B – 10m ² /2m 3B – 12m ² /2.4m	>7m²/2m (6 non comply) >9m²/2m (6 non comply) >10m²/2.3m (1 non comply)	Partial Partial Partial

Standard	Requirement	Proposal	Compliance
	<p>apartment building.</p> <p>The dual key units with second kitchens providing options for families with live-in relatives or the option of renting out a second room. However, these secondary living spaces are not big enough in their own right to be dwellings and as such a condition will be included requiring that these rooms not be strata subdivided and a condition requiring a covenant be placed on the title of these units noting that they cannot be rented out separately.</p>		
4M: Facades	<p>The various uses in the podium are apparent from differing facade treatments.</p> <p>The proposal provides a clear and legible distinction between the podium buildings and the tower element. The podium is broken up with framing to reduce the horizontality of the façade.</p> <p>The double height sky gardens spaced evenly through the tower on the north-eastern and south-western corners help to break up the vertical mass of the building when viewed from any direction. The tower facades are sufficiently punctuated by openings to avoid large expanses of blank facades.</p> <p>Due to the scale of the building the façade design is considered to be of particular importance. The applicant has provided detailed section drawings, which have been received positively by the design jury, which suggest the façade will be of a high quality. To ensure quality it is considered that the design jury should review physical samples of the façade prior to the issue of a construction certificate. As such a condition is included to this effect.</p>		
4N: Roof design	<p>The proposed building is to have a flat roof which is considered to be appropriate given the horizontality of the design. Rooftop plant and lift overrun are to be suitably setback to ensure they are not visible from the street. A podium top communal open space has been incorporated into the building, increasing the amenity for occupants.</p>		
4O: Landscape Design	<p>The application includes a landscape plan which demonstrates that the proposed building will be adequately landscaped given its high density form. The proposal includes new street planting and well landscaped rooftop spaces which will provide ancillary open space for occupants. The proposed landscaping will also adequately provide habitat for local wildlife; contributing to biodiversity.</p>		
4P: Planting on structures	<p>The drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting.</p>		
4Q: Universal Design	20% Liveable Housing Guidelines Silver Level design features (>76)	77	Yes
	<p>The site is considered to be appropriately barrier free with level and lift access available from the street and lift access from the basement and to the upper residential floors of the development. Vehicular and pedestrian entries are well separated. It is considered that more than 20% of units as set out can achieve the Liveable Housing silver standards. A condition is included to this effect.</p>		
4S: Mixed Use	<p>The proposal provides for a ground floor retail interface with 4 levels of commercial above, helping to separate the residential units from the noisier street level. The proposal provides separate entries for the retail, commercial and residential uses.</p> <p>The proposal is considered to provide an appropriate public domain interface for commercial uses at ground level, by employing clearly delineated entrances, additional landscaping and varying materials. All commercial parking and service areas are located at the first basement level.</p>		
4T: Awnings and Signage	<p>Sun and rain protection is provided by a continuous awning around the ground floor. No signage is proposed.</p>		
4U: Energy Efficiency	<p>The BASIX Certificates demonstrates the development surpasses the pass mark for energy efficiency.</p>		
4V: Water management	<p>The BASIX Certificates demonstrates that the development achieves the pass mark for water conservation.</p>		

Standard	Requirement	Proposal	Compliance
4W: Waste management	Waste areas have been located in convenient discreet ground floor locations. Waste collection would occur within the loading dock. A construction waste management plan has been prepared by a qualified waste consultant adhering to council's waste controls. All units are provided with sufficient areas to store waste/recyclables.		
4X: Building maintenance	The proposed materials are considered to be sufficiently robust, eschewing the use of render and other easily stained materials.		

7.8 Parramatta Local Environmental Plan 2011

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

Development standard	Proposal	Compliance
2.3 Zoning B4 – Mixed Use	The proposed use is defined as ' <i>mixed use development</i> ' (residential flat building, commercial premises) which are permissible with development consent in the zone.	Yes
Zone Objectives	<p>The proposal is considered to be in keeping with the objectives of the B4 Mixed Use zone for the following reasons:</p> <ul style="list-style-type: none"> • The proposal provides an appropriate mix of land uses. • The proposal provides additional residential and commercial space in a highly accessible area. • The proposal provides upgrades to the public domain • The proposal provides 2 retail units to provide for the daily needs of the locality. 	Yes
4.3 Height of Buildings Map: 136m Design Comp Bonus: +15% Control: 156.4m	Max Height 156.4m	Yes
4.4 Floor Space Ratio Map: 19:1 Design Comp Bonus: +15% Control: 21.85:1 (42,225m²).	<p>Total GFA (not inc. wintergardens): 41,837m² (21.65:1)</p> <p>The proposal includes wintergardens at the lower levels to provide protection against street noise. While these wintergardens include operable windows, they can be permanently closed off and as such are considered to constitute floor space. The wintergardens add 265sqm to the GFA calculation.</p> <p>Total GFA (inc. wintergardens): 42,102m² (21.79:1)</p> <p>The upper level balconies have high balustrades (2.1m) to protect against wind and provide safety. However, they are fully glazed and permanently open above this level (up to 2.7m) and as such are not considered to be classified as floor space.</p>	Yes

Development standard	Proposal	Compliance
4.6 Exceptions to Development Standards		N/A
5.9 Preservation of trees or vegetation	The proposal does not include the removal of any trees. An arborist report is included demonstrating that the existing street tree within Macquarie Street can be retained. Conditions are included to this effect.	Yes
5.10 Heritage conservation	<p>There is sufficient separation between the proposal and the adjoining heritage items such that the proposal would not have a direct impact on their stability or immediate curtilage.</p> <p>Given the separation it is considered that the impact on significant views and on the significance of the items in general would be acceptable.</p> <p>The proposal includes an Aboriginal Archaeological Assessment report that concludes that it is highly likely that subsurface archaeological deposits are present on the site. The Office of Environment and Heritage requires an Aboriginal Heritage Impact Permit (AHIP) prior to work and an associated salvage methodology.</p> <p>As such the proposal is considered to have an acceptable heritage conservation impact.</p>	Yes
6.1 Acid Sulfate Soils Class 4/5	The application includes an acid sulphate soils investigation report which concludes that potential acid sulphate soils are present on the site and that more testing is required once the site is cleared and that an acid sulphate soils management plan should be prepared. As such a condition is included to this effect.	Yes
6.2 Earthworks	The application includes a geotechnical report which concludes that additional testing is required once the site is cleared but which nonetheless makes recommendations on excavation methodology and minimisation of impact on adjoining properties. A condition is included requiring compliance with the report.	Yes
6.3 Flood Planning	The site is subject to a 1:100 year flood risk, both from overland flow and from Parramatta River. The proposed building floor levels and driveway crest have been designed to be appropriately above the assumed flood level. Conditions are included to ensure the building will adequately respond to the risk.	Yes
7.3 Car Parking Control (Maximums): Commercial – 1/100m ² (49) Dwellings – 1/unit residents (382) + 0.2/unit for visitors (77) Shops – 1/30m ² (20)	<p>9</p> <p>191</p> <p>27</p> <p>5</p>	Yes

Development standard	Proposal	Compliance
7.4 Sun Access	The proposal would not overshadow Jubilee Park, Parramatta Square or Lancer Barracks during the solar protection window (i.e. 12pm – 2pm).	Yes
7.6 Air Space Operations	Requires the consent authority to not grant consent to a development that is a controlled activity within the meaning of Division 4 of Part 12 of the Airports Act 1996 of the Commonwealth unless the applicant has obtained approval for the controlled activity. The Bankstown Airport OLS of 156m AHD is breached (proposal tops out at 162.47m RL). An aeronautical report has been provided and forwarded to the relevant authorities who have found the proposal acceptable subject to conditions.	Yes
7.9A Development on land at 7 Charles Street and 116 Macquarie Street 6,000sqm of floor space must be commercial	Retail: 646m ² Office: 5,355m ² Total: 6,001m ²	Yes
7.10 Design Excellence	The proposal is the winning entry in a design competition and has received the designation of 'design excellence'. The design as submitted has been reviewed by the original design jury and found to be acceptable. Conditions will be included requiring a further review by the jury of the construction drawings and façade samples prior to commencement of works. As such the proposal is eligible for height and floor space bonuses of 15%.	Yes

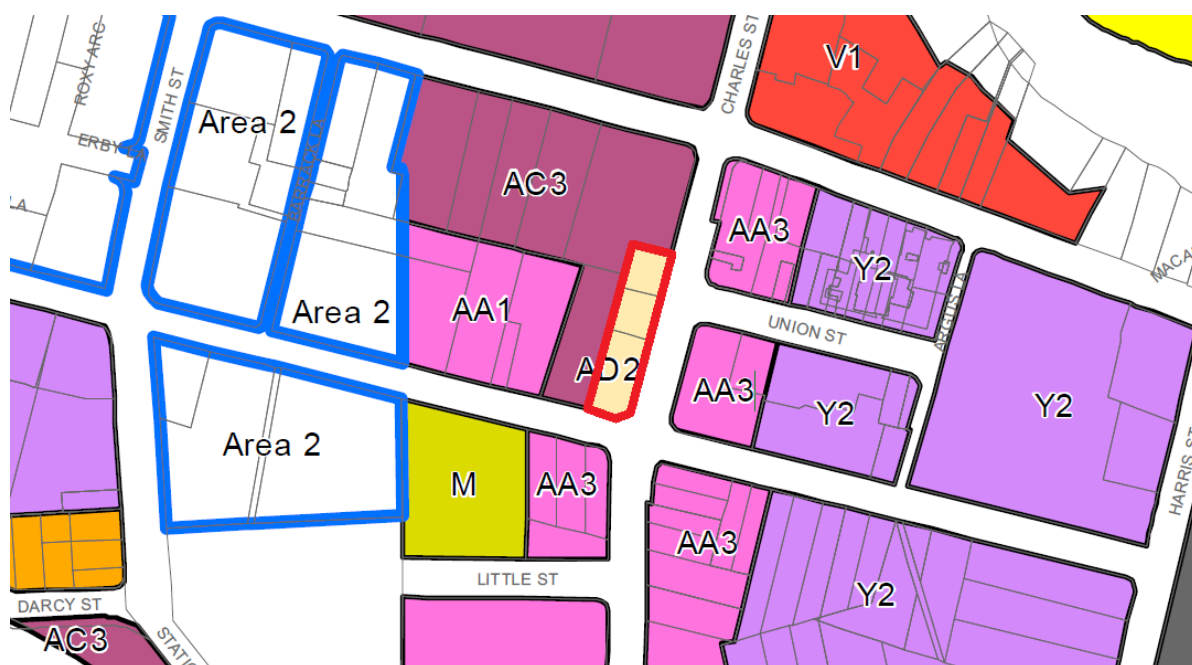


Figure 5. PLEP 2011 Height of Buildings map (subject site outlined in red).

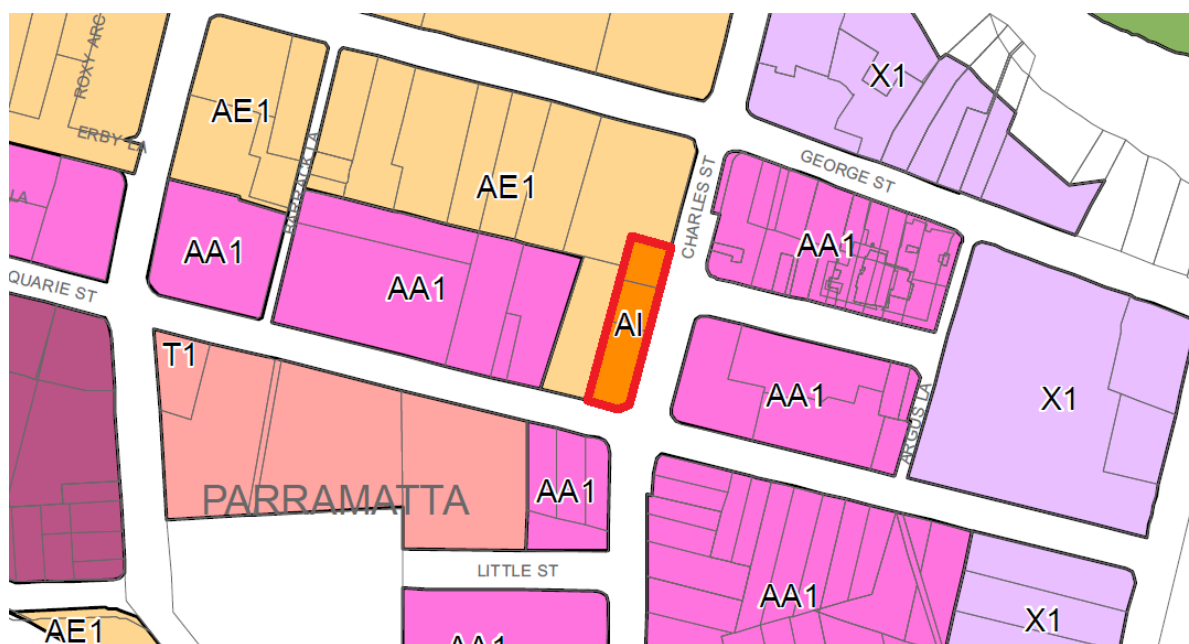


Figure 6. PLEP 2011 Floor Space Ratio map (subject site outlined in red).

8. Draft Environmental Planning Instruments

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

9. Development Control Plans

9.1 Parramatta Development Control Plan 2011

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

Development Control	Proposal	Comply
2.4 Site Considerations		
2.4.1 Views and Vistas	The site is not identified as having significant views and vistas by Appendix 2 and is not located in the Harris Park Conservation Area.	Yes
2.4.2.1 Flooding	See Flood section above.	Yes
2.4.2.2 Protection of Waterways	Other than the flooding impacts and stormwater runoff, which are discussed elsewhere in this report, the proposal would not directly impact on the Parramatta River or any other waterway.	Yes
2.4.2.3 Protection of Groundwater	The application was referred to NSW Office of Water who provided general terms of approval.	Yes
2.4.3.1 Soil Management	The erosion and sediment control plan submitted with the application is considered to be sufficient.	Yes
2.4.3.2 Acid Sulfate Soils	See assessment under section 7.8 above.	Yes
<i>Class 4/5 site</i>		
2.4.3.3 Salinity	The site is identified as being of moderate salinity potential. As such it is not considered that any special measures are necessary.	N/A
2.4.4 Land Contamination	As outlined under the SEPP 55 assessment above, the site is considered suitable for the proposed use subject to implementation of the remedial action plan and subsequent validation.	Yes

Development Control	Proposal	Comply
2.4.5 Air Quality	The application includes an air quality report outlining that testing was conducted on site and that the levels of air pollutants present were below the relevant standards.	Yes
2.4.6 Development on Sloping Land	The floor levels are dictated by the flood risk on the site. As such this clause is not considered to be applicable.	N/A
2.4.7 Biodiversity	The proposal does not require the removal of any trees and includes significant new on-street and on-structure planting. As such the proposal is considered to result in a net increase in biodiversity on the site.	Yes
2.4.8 Public Domain	<p>The proposal includes upgrades to the public domain including new pavement, new street trees, and a publicly accessible forecourt area.</p> <p>The proposed building provides adequate address to, and will permit passive surveillance of, the public domain.</p>	Yes
3.1 Preliminary Building Envelope		
Not applicable. See Section 4.3.3 'Parramatta City Centre' below.		
3.2. Building Elements		
3.2.1 Building Form and Massing	The height and scale of the proposal, while in excess the buildings in the immediate vicinity, is in keeping with the height and density allowable on the site. The building form is considered to have been adequately articulated to provide visual interest. The tower element (i.e. above the podium) is well setback from adjoining and nearby residential properties and as such will not unduly impact on their amenity.	Yes
3.2.2 Building Façade and Articulation	The proposal includes vertical recesses to break up the width of the building and horizontal recesses (in particular at the skygarden levels) to break up the height of the building. Visual interest is provided with the angled 'sun-catcher' apartments. The design has been reviewed by a Design Excellence Jury and found to be acceptable. The building entries address Macquarie Street and Charles Street	Yes
3.2.3 Roof Design	The proposed flat roof is considered to be acceptable as it is in keeping with the character of the area. The façade is extended to the roof level to obscure views of plant.	Yes
3.2.4 Energy Efficient Design	See Section 4.3.3.6 of the DCP below.	Yes
3.2.5 Streetscape	The proposal is considered to provide an acceptable streetscape given the significant constraints of the site. See further discussion at the end of this table.	Yes
3.3 Environmental Amenity		
3.3.1 Landscaping	See ADG assessment above.	Yes
3.3.2 Private and Communal Open Space	See ADG assessment above.	Yes
3.3.3 Visual Privacy 3.3.4 Acoustic Amenity >12m up to 3 storeys >18m 4+ storeys	The commercial and retail floor space have outlook primarily to Macquarie Street and Charles Street. The only commercial windows which face the school are off the lift lobby which is recessed from the boundary by 3.5m and are 23.6m from the adjoining school. As such the commercial levels are not considered likely to have an unacceptable impact on the amenity of the	Yes

Development Control	Proposal	Comply
	<p>adjoining school to the west. The nearest residential units are located to the north-east, away from the commercial and retail entrances. As such, the commercial and retail uses are not considered likely to have an unacceptable impact on nearby residents.</p> <p>For residential privacy see ADG assessment above.</p>	
<p>3.3.5 Solar Access</p> <p>Proposed units</p> <p>Adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June</p>	<p>See ADG assessment above.</p> <p>Due to the height of the building it will have a far reaching shadow. However, due to the north-south orientation of the tower, and its slender width, the shadow will be fast moving and would not impact on any individual property for more than a few hours in the midwinter. As such all affected units would still receive the required solar access.</p>	<p>Yes</p> <p>Yes</p>
<p>Cross Ventilation</p>	<p>See ADG assessment above.</p>	<p>Yes</p>
<p>3.3.6 Water Sensitive Urban Design</p> <p>Water Efficiency</p> <p>Stormwater Drainage</p> <p>Grey Water</p>	<p>The proposal includes rainwater harvesting with a 5,000 litre tank, water efficient fixtures and raingardens.</p> <p>The Applicant has modelled water quality outcomes from this system and these achieve Council's DCP 2011 targets. This approach is satisfactory.</p> <p>OSD has not been required because the site is surrounded by floodwaters in severe storms and OSD would either not work or would worsen local flooding behaviour.</p> <p>The proposal includes dual reticulation system for water to allow for future connection to recycled water service for all non-potable uses.</p>	<p>Yes</p>
<p>3.3.7 Waste Management</p>	<p>The applicant submitted a comprehensive operational waste management plan which demonstrates that the building can safely, quickly, and quietly store and remove waste.</p>	<p>Yes</p>
<p>3.4 Social Amenity</p>		
<p>3.4.1 Culture and Public Art</p>	<p>The proposal includes a draft public art plan which outlines how public art would be developed for the site. This is an on-going process which would be coordinated post-approval with Council's City Animation team. A condition is included to this effect.</p>	<p>Yes</p>
<p>3.4.2 Access for People with Disabilities</p>	<p>The proposal includes an access report which outlines that access for people with disabilities is generally compliant with the relevant standards subject to more detail at the construction certificate stage.</p> <p>Step free access is provided to the Macquarie Street frontage. However, due to flooding issues and site</p>	<p>Yes</p>

Development Control	Proposal	Comply
	constraints, a stair lift is provided to the Charles Street frontage. Notwithstanding, conditions are included requiring that the proposal comply with the relevant standards. A granting of consent under the EPAA would not alleviate the applicant from the requirement to comply with the provisions of the Disability Discrimination Act 1992.	
3.4.3 Amenities in Building Available to the Public	While the proposal would not include increased provision of facilities for women or parents this is not considered to be reason to refuse the application.	No
3.4.4 Safety and Security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour. Natural surveillance of the public domain would be significantly increased with the proposed level of occupancy.	Yes
3.4.5 Housing Diversity and Choice <ul style="list-style-type: none"> • 3 bed 10% - 20% • 2 bed 60% - 75% • 1 bed 10% - 20% • 10% adaptable units 	<ul style="list-style-type: none"> • 40 x 3+ bedroom apartments (10%) • 256 x 2 bedroom apartments (67%) • 86 x 0-1 apartments (23%) • 39 x adaptable (10%) <p>While the proposal slightly exceeds the recommended 1-bed units, given the proximity to the train station and university the site is considered to be attractive to individuals or young couples.</p>	Partial, acceptable
3.5 Heritage		
3.5.1 General	See assessment under section 7.8 above.	Yes
3.5.2 Archaeology	The site contains Parramatta Archaeological Management Unit 3182 and 3183 which states that the site has exceptional and no archaeological research potential respectively. The applicant has submitted an archeology report which makes recommendations on minimising the risk to any relics and outlining the investigations that should take place post demolition. This approach is supported by the Office of Environment and Heritage. A condition is included requiring compliance with the recommendations of the report.	Yes, subject to conditions.
3.5.3 Aboriginal Cultural Heritage	The application was referred to the Office of Environment and Heritage who found the proposal acceptable subject to General Terms of Approval.	Yes
3.6 Movement and Circulation		
3.6.1 Sustainable Transport		
Car Share 1 car share if over 50 units 1 car share if over 5,000sqm commercial Total - 2	1	No, acceptable subject to condition requiring 2 car share spaces

Development Control	Proposal	Comply
Green Travel Plan Required for >5,000sqm commercial	Not provided.	No, acceptable subject to condition requiring Green Travel Plan.
3.6.2 Parking and Vehicular Access		
Car Parking Control	See ADG assessment above.	N/A
Bicycle Parking Residential – 1 per 2 units (382 units) = 191 Commercial - 1 bicycle space per 200m ² of floor space (6,000m ²) = 30 Total: 221	Residential = 191 (57 @ Basement 3, 134 @ Basement 2) Commercial = 32 spaces @ Basement 1 Total: 223 A 56sqm 'end-of-trip facility' is located adjacent to the commercial bicycle parking spaces. While the layout is not specified it is considered that this area is large enough to accommodate an appropriate number of lockers, showers and change rooms. A condition is included requiring that a detailed fit-out be approved by Council officers prior to CC.	Yes
4.3.3 Strategic Precinct - Parramatta City Centre		
Objectives	The proposal is considered to be consistent with the objectives of the strategic precinct for the following reasons: <ul style="list-style-type: none"> • The proposal provides commercial floor space in an accessible location. • The building has achieved design excellence. • The proposal upgrades the public domain. • The proposal would not have an unacceptable impact on heritage. 	Yes
4.3.3.1 Building Form		
Street Frontage >20m	Macquarie Street – 22.3m Charles Street - 89.1m	Yes
Front Setback = 0m or in keeping with adjoining	Macquarie Street - 6.9m-13.7m (ground) - 1.3m-5.7m (upper) Charles Street – 0-1m The Macquarie Street setback is in keeping with the adjoining vertical school under construction to the west.	Yes
Street Frontage Heights Min 8 storeys/26m	12 storeys / 43m	Yes
Offices All GFA <12m from window	Office GFA <19.7m from window (64% of floor space on each floor complies) While the office space does not achieve this objective,	No, acceptable

Development Control	Proposal	Comply
	reducing its viability, the primary reason for the non-compliance is the lack of windows provided on the western elevation to avoid privacy impacts on the adjoining school site. It is considered that the non-compliant areas can be used for meeting rooms and other elements which do not require sunlight and as such is not reason to refuse the application.	
Residential Floor Plate <1,000sqm	Levels 7-12 – ~1,500sqm Level 14+ – ~1,175sqm While the proposal exceeds the recommended residential floor plate the design jury is satisfied that the building façades are sufficiently articulated and visually interesting to achieve the objectives of these controls.	No, acceptable
Side Setback Up to 26m height: 0m 26m+ height: 6m	<i>West:</i> 0m (up to 23m), 3m (above) <i>North:</i> 0m (up to 43.5m), 16m (above) While the upper level setback is not in keeping with the requirements of the control, the setback is considered to be acceptable given the narrow width of the site and the orientation of adjoining buildings.	No, acceptable
Wind Mitigation	The application is supported by a wind report which demonstrates that the proposed awnings and trees will ensure the proposal does not result in unacceptable wind impacts on pedestrians. See further discussion at end of this table below.	Yes
Buildings Exteriors	The Design Excellence Jury consider the proposed materials pallet to be in keeping with design excellence principles. A condition is included requiring the jury inspect samples of the façade system prior to construction certificate. A reflectivity analysis has been provided which outlines maximum reflectivity coefficients for glazing to ensure that the proposal would not result in unacceptable glare in the public domain or in adjoining/nearby properties. A condition is included requiring compliance with these standards. Some balconies protrude by up to 450mm into the airspace above the public domain. This is considered to be acceptable as it assists in articulating the building and does not include floor space.	Yes
Sun Access to Public Spaces	The proposal does not overshadow any of the protected areas.	Yes
4.3.3.2 Mixed Use Buildings		
Street Activation	The proposal provides 2 retail units at ground level wrapping around the Macquarie and Charles Street corner of the building. While the ground floor does not achieve the recommended 3.6m floor to ceiling height, the proposal includes a double height ground floor area with mezzanine above which will provide an attractive space for a variety of uses.	Yes
Entrances	The proposal provides activation to Charles and Macquarie Street through multiple residential entries, retail units and a commercial entry.	Yes

Development Control	Proposal	Comply
Servicing	The servicing area entry has been minimized in width while still providing for the servicing needs of the building. The servicing area is separated from the residential and commercial entrances by the substation.	Yes
4.3.3.3 Public Domain and Pedestrian Amenity		
Through Site Links	The DCP does not identify the site as requiring a through site link.	N/A
Active Frontages Min 50% Primary Min 40% Secondary	Primary (Macquarie Street) – 16m/22.3m = 72% Secondary (Charles Street) – 48m/89.1m = 53%	Yes
Active Frontages Ground Level	While the retail frontage to Macquarie Street has been designed at grade, it is not possible to achieve these levels on Charles Street due to flood risk.	No, acceptable
Multiple Entrances	The proposal provides entrances to each street.	Yes
Awnings	The proposal includes a continuous awning around the street frontages.	Yes
Forecourts	The forecourt along Macquarie Street will act as a natural extension of the residential lobby and the adjoining retail unit. It will be located flush with Macquarie Street and step down to the lower Charles Street. The awning will cover most of the forecourt providing protection from sun, wind and rain.	Yes
4.3.3.4 Views and View Corridors		
<i>Protect strategic views</i>	While the proposed tower would be visible from Old Government House, it is not within a view corridor as defined by the DCP.	Yes
4.3.3.5 Access and Parking		
Location of Vehicle Access	The proposal consolidates 3 existing vehicular entry points into 2 and as such is considered to result in a net improvement to the pedestrian environment. The vehicular entry points are located on the secondary street frontage; no lane access is available (Department of Education have indicated they will not allow access of their private lane to the rear). It is also not possible to consolidate entrances with the adjoining building to the north due to the presence of fire doors on the adjoining site.	Yes
Design of Vehicle Access	The vehicular access is perpendicular to the street with a door well setback from the façade (6m) allowing incoming vehicles to fully cross the footway before coming to a stop, in keeping with the control	Yes
Pedestrian Access and Mobility	The main residential and office entrances are demarcated by double height spaces with lighting features. While stairs are not ideal to the Charles Street frontage they are necessitated by the flooding risk on this side of the site. Appropriate alternative step-free access is provided.	Yes
Vehicular Driveways and Maneuvering Areas	While the driveway is only offset from the alignment of Union Street, opposite the site, by 4m as opposed to the 10m preferred, this is the only logical location of the driveway entrance for the following reasons: <ul style="list-style-type: none"> • Locating it to the southern side of the site is not possible due to conflicts with Light Rail. • Locating it on the south-western elevation would compromise the ability to activate the corner with active uses. • Locating it mid-block would reduce 	Yes

Development Control	Proposal	Comply
	<p>connectivity at ground level for internal servicing.</p> <p>The vehicular access is minimized in width, well separated and demarcated from pedestrian entrances, and is dimensioned in keeping with the relevant Australian Standards.</p>	
On-site Parking	<p>While the basement extends outside the footprint of the building, this is considered to be acceptable given the narrow site and inner-city location.</p> <p>The parking space size and layout complies with the relevant standards.</p>	Yes
Accessible spaces: 1-2% (3-5)	6% (15 spaces)	Yes
Motorcycle spaces: 4 per 50 car parking spaces (19)	18	No (minor)
4.3.3.6 Environmental Management		
Landscape Design	The proposal includes significant landscaping and green walls on roof terrace and 'sky terrace' levels. Street trees are provided in accordance with Council's Public Domain Guidelines.	Yes
Planting on Structures	Conditions are included to ensure sufficient soil depths are provided for on structure planting.	Yes
Green Roof	While the applicant has not specifically proposed a green roof, green bio lounges and landscaped roof top areas are provided which are considered to have a commensurate environmental benefit.	No, acceptable.
Energy and Water Efficient Design	<p>The applicant is targeting a 5-star Green Star rating and 5-star NABERS energy rating for the commercial component. The proposal also includes the following sustainability measures:</p> <ul style="list-style-type: none"> • Water-efficient fittings, fixtures and appliances to minimise water demand • Load reduction, passive design, energy-efficient building services and smart controls to reduce energy consumption • Promotion of active living through design and education strategies, including recreational and end-of-trip facilities • Green community areas incorporating biofiltration to improve air quality and enhance connections to nature • Selective procurement to consider the supply chain impacts of materials used in construction in terms of environmental and social responsibility, and to reduce embodied carbon • 11 dedicated electric vehicle charging bays and the ability to adapt all spaces to service electrical vehicles. • External horizontal solar shading is provided to the commercial façade. <p>A condition is included securing these measures.</p>	Yes, subject to condition.
Recycled Water	The proposal includes dual reticulation system for water to allow for future connection to recycled water service for all non-potable uses.	Yes

Development Control	Proposal	Comply
4.3.3.8 Design Excellence		
	The applicant has followed the design excellence competition process outlined in the DCP and the proposal has been granted design excellence by the jury. Conditions are included requiring further review of the application by the jury as the proposal proceeds through to detailed construction drawings, construction and occupation. Conditions are also included ensuring design excellence outcomes are achieved.	Yes
5 Other Provisions		
5.5 Signage	No signage proposed.	N/A

Wind

Any tall building has the potential to increase local wind speeds at ground level, impacting on the amenity of pedestrians in the vicinity of the site.

As wind speeds increase they have a progressively deleterious effect on pedestrian comfort and eventually become dangerous (i.e. knock people over).

The application includes a wind effects report which estimates the wind speed impacts based on physical modelling of the proposal in a wind tunnel. The report adopts a set of industry standards for wind comfort and safety and demonstrates that the proposal achieves those targets subject to the implementation of the recommended amelioration measures (i.e. trees, awnings, wind screens, etc).

Council has had the report independently reviewed by a third party wind consultant who is satisfied that the proposal would achieve the adopted standard subject to the recommended measures.

However, Council officers were concerned that the adopted comfort and safety criteria were based on able-bodied adults and as such raised concern that the proposal may affect the future safety of the children attending Parramatta Public School currently under construction to the south of the site, across Macquarie Street.

The applicant provided a response from their wind consultant responding to this concern. The response included further wind tunnel testing of locations around the school, as well as consideration of the ability of children to withstand the adopted wind criteria. The full response is available at Attachment 9.

While there is an entrance to the school at its north-east corner, directly opposite the proposed building, the primary entrance to the public school for children, including the 'kiss and drop zone' is located on the south-east corner of the school, further away from the proposed tower. The applicant's wind study demonstrated that this location would have much lower wind speeds (Point 109, 16.8m/s max gusts) as opposed to the north-east location (Point 108 in the report, 19.2m/s max gusts).

The wind report demonstrated that a 10 year old child could withstand a 19m/s gust with minimal bracing, and a 23m/s gust with *"some slight difficulty and bracing in walking... no signs of unbalance"*. As such the likelihood that a child would be blown over by these conditions is considered to be minor.

These gusts represent the worst conditions likely expected in a given year. The likelihood that this maximum condition would occur during the school pick up or drop off period, or some other time that children were outside the school, is low.

As such it is considered that the applicant has demonstrated that an extreme wind event is highly unlikely to affect the safety of children in the vicinity of the school, or the site more generally. As previously outlined the likely wind conditions are considered to be acceptable otherwise. As such it is considered that the applicant has demonstrated that the likely wind conditions are acceptable.

Streetscape

At a preliminary briefing, the Sydney Central City Planning Panel raised concern that the level of street activation was not adequate and raised particular concern that:

- a) The poor streetscape outcome on Charles Street resulting from the proposed unbroken servicing area to the north of the site consisting of the substation, servicing area and driveway (see Figure 7 below); and
- b) The lack of pedestrian amenity at the southern Macquarie Street forecourt due to lack of solar access and high winds.

The applicant has provided a response to these concerns which is provided at Attachment 8.

Servicing



Figure 7. Lower Charles Street Elevation (red represents 'inactive' frontage and green represents 'activated' frontage).

Charles Street is activated by the following (from south to north):

- Two retail units with bi-folding windows that will open to Charles Street providing for cafes/restaurants to provide vibrancy to the street;
- An entrance to the northern retail unit from Charles Street
- The commercial foyer.
- The residential foyer for 45 units.

Overall, the level of activation of Charles Street is considered to be acceptable for the following reasons:

- As outlined in the table above, the proposal complies with the required activation of both street frontages (Macquarie Street: 50% Required, 72% Provided; Charles Street: 40% Required, 53% Provided).
- The applicant demonstrated that moving the substation to first floor level would provide minimal benefit and that it was not possible to provide servicing of the basement as the constrained width of the site did not allow for the required ramping.
- The design excellence jury is satisfied that the streetscape impact is acceptable and, along with the remainder of the scheme, constitutes design excellence overall.
- While the inactive uses are grouped together, spreading them out is not feasible given the impact this would have on internal accessibility.
- The preliminary public art plan includes art works through the Charles Street entrances that will enhance the streetscape.

Forecourt

As outlined in Figure 8 below, the southern forecourt is composed of a residential forecourt and retail forecourt. The applicant has indicated that the retail forecourt could be used as an outdoor seating space for a potential future café/restaurant in the adjacent unit.

While overshadowed for most of the day, the level of activation of the Macquarie Street forecourt is considered to be acceptable for the following reasons:

- The area is protected by an awning which will provide wind and rain protection to the occupants of the forecourt.
- The preliminary public art plan outlines the provision of a perforated pattern wall on the western wall which encloses this space (see Figure 9 below).
- The alternative is no southern forecourt which would require the building be longer, which is an undesirable outcome.

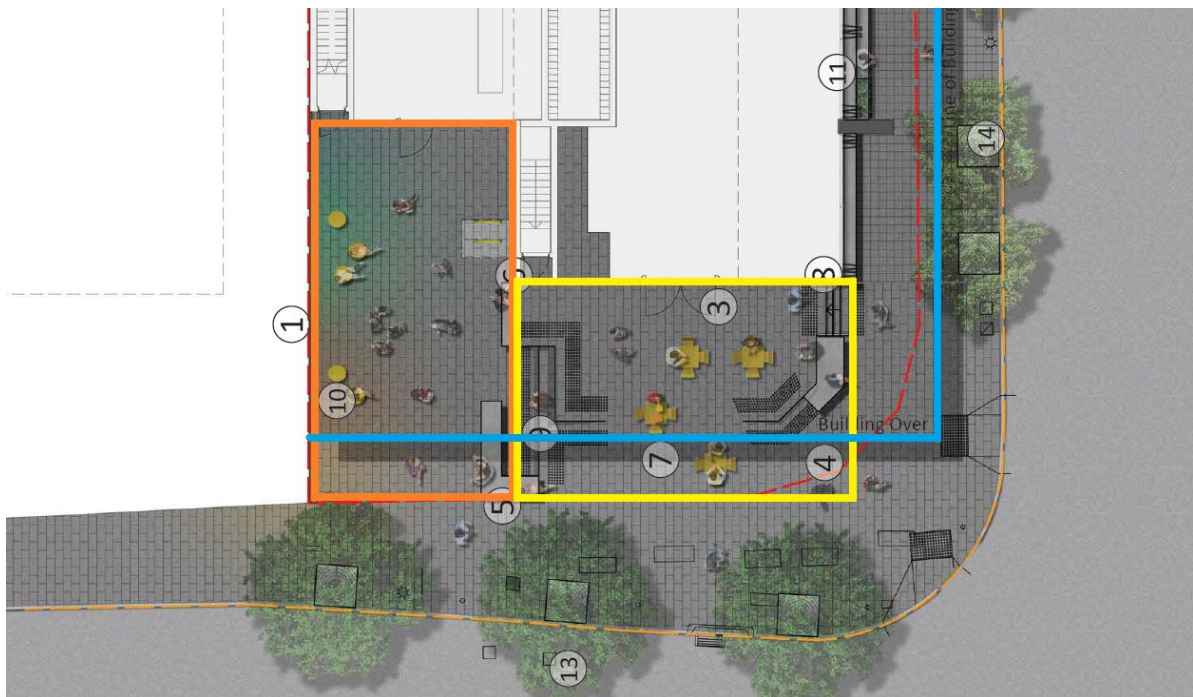


Figure 8. Extract from Landscape Report depicting Southern Forecourt (Orange is the residential forecourt, yellow is retail forecourt, blue represents the awning over).



Figure 9. Extract from Public Art Plan demonstrating public art to southern forecourt.

10. Planning Agreements

The subject application is not subject to a planning agreement.

11. The Regulations

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

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

12. The likely impacts of the development

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

13. Site suitability

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

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

The applicant has demonstrated that the proposal would not have an unacceptable impact on the historical significance of the adjoining heritage items.

Appropriate safeguards are in place for archaeological and Aboriginal heritage.

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

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

14. Submissions

The application was notified and advertised in accordance with Appendix 5 of DCP 2011 for a 30 day period between 20 July and 21 August 2017. Five (5) submissions have been received.

In summary, the issues raised in the public submissions relate to overdevelopment, amenity impacts, traffic impacts and public domain.

Submission and meeting issues are summarised and commented on as follows:

Issues Raised	Comment
<i>Excessive Floor Space Ratio</i>	The proposal complies with the Floor Space Ratio development standard for the site.
<i>Loss of Solar Access for adjoining properties</i>	The proposal includes shadow diagrams which demonstrate that the proposal would not have an unacceptable overshadowing impact on adjoining and nearby properties.
<i>Bulk, scale and height</i>	The proposal complies with the Building Height development standard for the site. The building is considered to be sufficiently articulated and detailed to minimise the appearance of bulk.
<i>Amenity impact on adjoining vertical school</i>	Separation to the new vertical school is considered to be acceptable given minor extent of non-compliance, the constraints of the site, and the non-habitable uses directly opposite the proposed windows.
<i>Poor public domain</i>	The proposed public domain treatment is in keeping with the requirements of Council's Public Domain Guidelines.
<i>Traffic Impact</i>	The proposal includes a traffic report which demonstrates that the proposal would not have an unacceptable impact on the traffic network.
<i>Loss of on-street parking</i>	On-street parking in the area is controlled by time restricted ticketed parking. As such, Council is able to control the availability of on-street parking through pricing.
<i>Poor precedent</i>	The proposal complies with all development standards and the majority of planning controls and as such is not considered to set a poor precedent.
<i>Loss of Privacy</i>	The proposal has been designed such that windows are offset, angled away, or sufficiently separated from the sensitive windows on adjoining and nearby sites.

<i>Poor waste management facilities, likely to result in amenity impacts</i>	A condition is included requiring the applicant develop a loading dock management plan to optimise the efficiency of the loading dock. A condition is included requiring that servicing not occur at anti-social hours. The waste management facilities cannot be moved to the basement as the narrow width of the site restricts large vehicle turning movements.
<i>Acoustic Impact</i>	The proposal is accompanied by an acoustic report which sets out limits for mechanical plant noise. A condition is included requiring that the development comply with these requirements. A condition is also included requiring a construction noise management plan be implement to minimise noise. It is considered that other noise produced by the development will be in keeping with the city centre character of the area.
<i>Inappropriate median in Charles Street, impact on intersection, traffic signals should be provided</i>	The proposed median in Charles Street is not supported by Council's traffic engineers are as such a condition is included requiring its removal from the drawings. The applicant's traffic report satisfactorily demonstrates that the proposal will have an acceptable impact on the function of the intersection. The volume of traffic is not sufficient to require signalisation at this time. If it becomes necessary in the future, it will be provided by Council.
<i>Excessive parking, not in keeping with Council's resolved reduction in rates</i>	Council's resolution related to new Design Competitions and Planning Proposals. The planning proposal and design competition relating to this site had already been completed prior to this resolution. The proposed parking complies with the relevant controls.
<i>Impact of light rail not considered in traffic report</i>	The applicant submitted a revised traffic report taking into consideration the implications of light rail. The report found that light rail would not result in the development having an unacceptable traffic impact.
<i>Lack of visitor parking</i>	The revised drawings include 27 visitor parking spaces. While less than recommended by the relevant controls, the level of provision is considered to be acceptable given the city centre location and the availability of alternative forms of transportation.
<i>Poor public domain activation</i>	The ability to active Charles Street is compromised by flood risk levels on the site, which do not allow for commercial uses at footpath level. Council officers are satisfied that the amount of servicing on this frontage has been minimised.
<i>Inappropriate units mix, insufficient 3-bed units</i>	The application has been revised to include additional 3+ bedroom units, meeting the minimum requirements for such units set out in the DCP.
<i>Lack of private open space for some units</i>	The minor deficiencies in private open space for some units are considered to be sufficiently offset by the overprovision and high accessibility of communal open space areas.

<i>Insufficient lifts</i>	The application is supported by a lift access report which demonstrates that the proposal would provide sufficient servicing time for occupants.
<i>Wind Impact</i>	The application is supported by a wind study which demonstrates that the proposal would not have an unacceptable impact on the public domain and adjoining/nearby sites.
<i>Heat Island Effect</i>	The proposal will result in an increase in vegetation on the site, includes external solar shading to the commercial levels, and a green roof is required by condition. As such the proposal is not considered to add to the heat island effect.
<i>No construction traffic management plan</i>	A construction traffic management plan is required by condition.

15. Public Interest

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

16. Disclosure of Political Donations and Gifts

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

17. Developer Contributions

Section 7.12 'Fixed Development Consent Levies' of the Environmental Planning and Assessment Act 1979 allows Council to collect monetary contributions from developers towards the provision, extension or augmentation of public amenities or public services in accordance with a contributions plan. The Parramatta Civic Improvement Plan (Amendment No. 4) contribution plan requires the payment of a levy equal to 3% of the cost of development. A detailed Cost Estimate was provided outlining the development cost to be \$106,994,147.00. Concern is raised that this figure is not commensurate with the scale of works proposed. The estimate is significantly lower than buildings of a similar scale and design excellence. As such an independent review of the Quantity Surveyors report was commissioned. The review estimated the cost of the works to be \$242,519,538. Based on this figure a monetary contribution of \$7,352,681.27 would be required. A condition of consent is included in the recommendation requiring the contribution be paid prior to the issue of the relevant Construction Certificate.

18. Summary and Conclusion

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

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

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

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

19. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority grant **Consent** to Development Application No. DA/560/2017 for construction of a 48 storey mixed use tower comprising 382 residential units, 646sqm of retail floor space, 5354sqm of office floor space and 8 basement levels containing space for 237 cars, 223 bicycles, 18 motorcycles, storage, refuse and servicing; following demolition of existing buildings at 7 Charles Street and 116 Macquarie Street, Parramatta NSW 2150 (Lots 3 & 4 DP17466, Lot 12 DP706694) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Appendix 1.