

SYDNEY PLANNING PANEL

Sydney Central City Region

SPP Reference No	2017SWC106
DA No.	DA/758/2017
LGA	City of Parramatta
Proposed development	<p>Construction of a six storey Council facility including partial demolition of the Parramatta Town Hall and demolition of an existing external amenities block. The proposal seeks consent for construction and use of one basement level and one mezzanine basement level.</p> <p>The development application seeks approval for construction of the overall structure and exterior built form only. The use, signage and internal fitout would be subject to a separate development application/s.</p>
Address	5 & 7 Parramatta Square (1A Civic Place, Lot 2 DP 1192394, PARRAMATTA)
Applicant /Owner	City of Parramatta Council
Lodged	1 September 2017 Amended plans lodged 14 November 2017 and 16 January 2018
Integrated Development	The proposal was originally considered to be integrated development under the section 90 of the <i>National Parks and Wildlife Act</i> however an AHIP has previously been issued for the site. Accordingly the proposal is no longer considered to be integrated development.
Number of submissions	3 (including National Trust)
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 Excellence Jury report • Independent heritage report
Report by	Helena Miller, Director, MG Planning Pty Ltd (Independent Planner)
Date of report	24 January 2018

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)?	Not applicable
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 development of a new six storey Council facility including partial demolition of the Parramatta Town Hall and demolition of an existing external amenities block on land within Parramatta Square generally known as 5PS and 7PS (existing Parramatta Town Hall site). The proposal comprises new Council chambers, customer service centre, public library, experience centre and cultural and community facilities. It includes the adaptive reuse of the adjoining Town Hall building which is a locally listed heritage item. It also comprises one basement level which connects to the Parramatta Square super basements (previously approved) and provides drop off and loading facilities as well as services.

The development application seeks approval for construction of the overall structure and exterior built form only. The proposal has a maximum GFA of 9,231m² and maximum height of 42.8m at the highest point of the proposed retractable spire. The proposal does not provide for any car parking in its own right however is connected to the existing Council car park within the super basement approved as part of DA/436/2016 for 4&6PS. The use, signage and internal fitout are subject to a separate development application/s and do not form part of the current application.

The proposed building has been designed by Manuelle Gautrand Architecture, Design Inc. and Lacoste + Stevenson architects for the City of Parramatta Council. An international design competition was held for the new Council facilities at Parramatta Square in March 2016 with the subject scheme unanimously recommended by the Design Jury. The winning design comprised a contemporary glass building of sweeping triangular form, stepping in two directions and rising up to a pinnacle form.

In February 2017 Council instructed the architects to undertake a review of the scheme to ensure that the proposal complies with the Parramatta DCP 2011 particularly in respect of solar access requirements to the future Parramatta Square public domain and proposed changes to Parramatta LEP 2011. Compliance with this requirement resulted in a reduction in the overall height of the building and some reconfiguration of the building floor plates from the competition winning scheme (including a reduction on the floorplate of the Council chambers cantilevering over the Town Hall and the need to cantilever over the northern laneway). In March 2017 a Citizen Jury (made up of community representatives) was also held for the proposal. The proposed design incorporates the comments of the Citizen Jury. The Design Jury considered that revised scheme on 23 August 2017 and 14 September 2017 who unanimously confirmed on 14 September 2017 that the scheme retains the spirit and intent of the original competition winning scheme and exhibits design excellence.

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 5 and 7 Parramatta Square and comprises street addresses 1A Civic Place (Lot 2 DP 1192394) Parramatta as shown in Figure 1 below. The site accommodates the existing Parramatta Town Hall and formerly the Parramatta Council which has been demolished under separate development consent.

The existing Parramatta Town Hall (7PS) is located on the western edge of the Parramatta Square Precinct with frontage to Church Street Mall to the west. 5PS is located to the east of the Town Hall and immediately to the north of the future Parramatta Square public domain. It adjoins Leigh Place (Civic

Link) to the east and 3PS further to the east. It is to the south of existing commercial buildings fronting Macquarie Place and immediately to the south of the future northern laneway which separates the site from these buildings. It is also to the north of 8PS and to the north west of future development approved for sites 4 & 6 PS under DA436/2016.

The site has an area of 3,858m² and is wholly owned by the City of Parramatta Council. The land is currently made up of the following allotments:

- Part Lot 2 DP 1192394
- Part Lot 1 DP 1158833
- Part Lot 1 DP 791300

The site areas are as set out below:

- 5PS – 1,852m²
- 7PS – 2005.3m²

As noted above, the 5PS site has recently been cleared with all existing buildings demolished under a series of separate DAs (refer Figure 1 below).

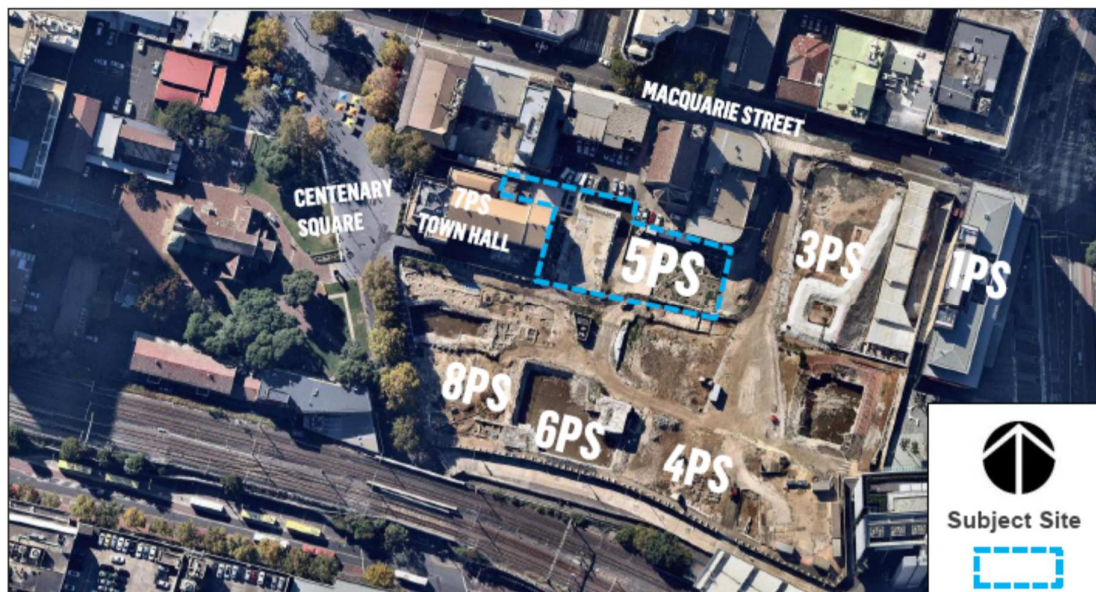


Figure 1: Site location (Source: SEE, Urbis, 30 August 2017)



Figure 2. Aerial view of locality (general location of subject site 5PS and 7PS shown in red) (Source: Nearmap, image from 19 October 2017)

3. The Proposal

The proposed development seeks consent for the construction of a six storey building with a total height of 42.8m (to highest point on the retractable spire). The building will comprise the following uses:

- New Council Chambers, a Public Library, Experience Centre, Cultural and Community facilities, associated offices, retail and café uses.

Works are also proposed to the existing Parramatta Town Hall building to facilitate the integration with and adaptive reuse of the local heritage listed Town Hall.

The application seeks consent for:

- Alterations and minor demolition works to the existing Town Hall building and demolition of an existing external amenities block
- Construction of the overall structure and exterior built form of the building including the interior of the basement level one and basement level one mezzanine only.

Development consent for the internal fitout and layout will be sought under a separate future development application.

The proposal has a site area of 3,858m² and provides for a total gross floor area of 9,231m² (FSR of 2.4:1). No vehicle parking is proposed as part of the subject application however 28 bicycle parking spaces are proposed within the basement level.

The design comprises a contemporary glass building of sweeping triangular form, stepping in two directions and rising up to a pinnacle form.

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



Figure 3: View looking north east (Source: Urbis, August 2017)



Figure 4: View looking south west (Source: Urbis, August 2017)

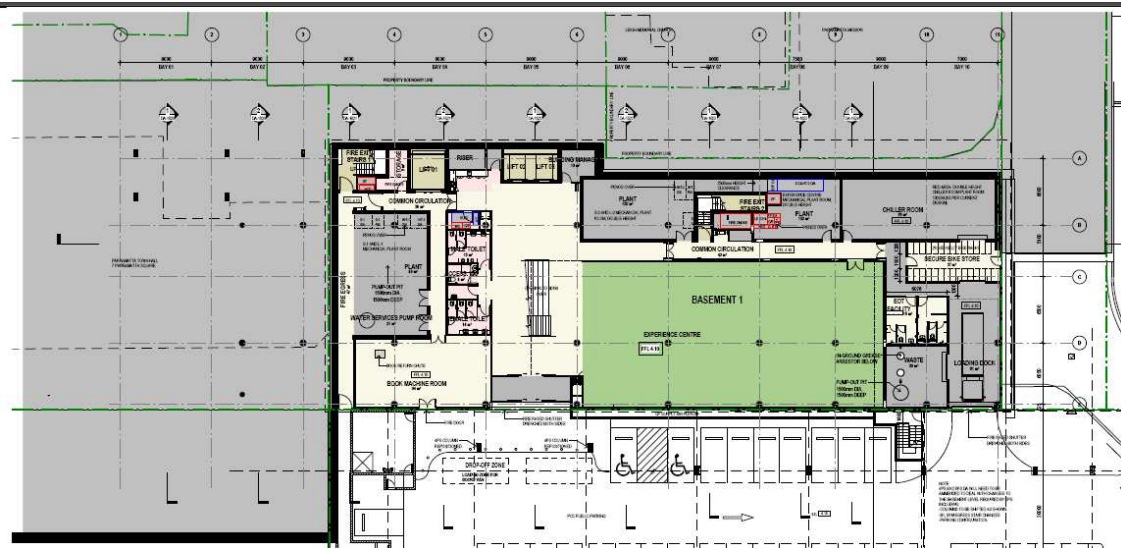


Figure 5: Basement Level 1

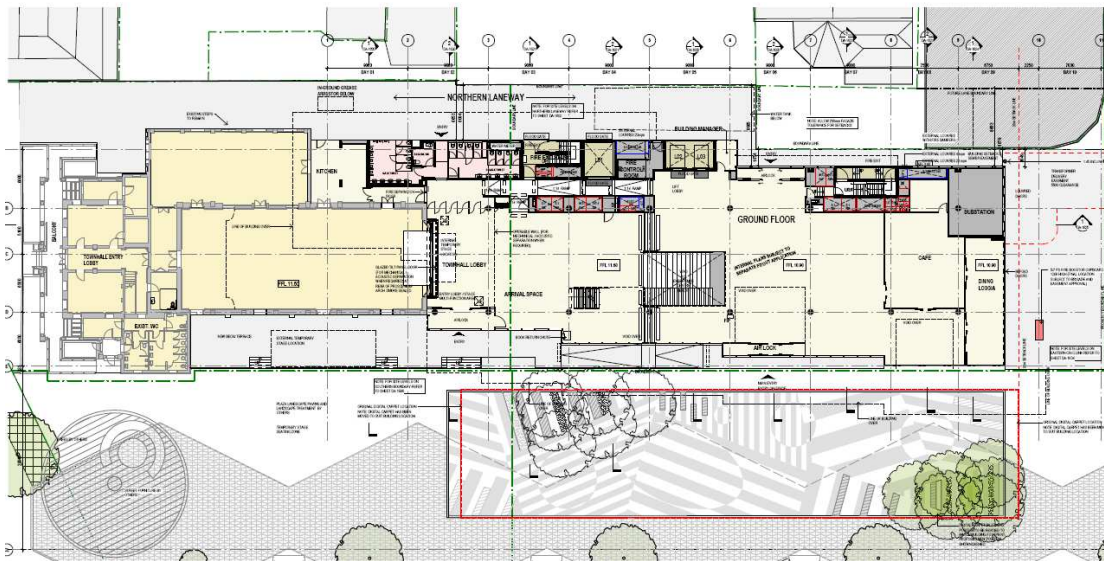


Figure 6: Ground Floor

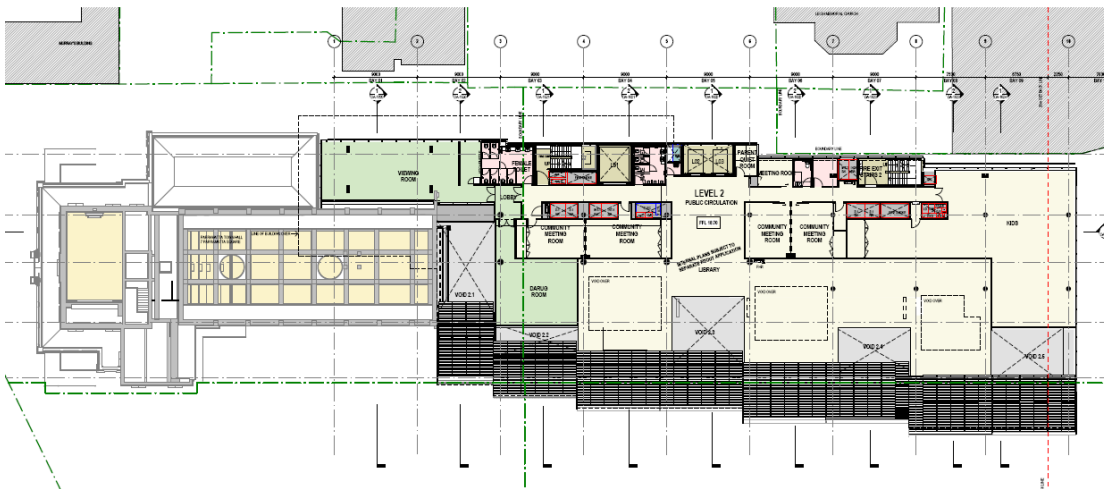


Figure 7: 2nd Floor

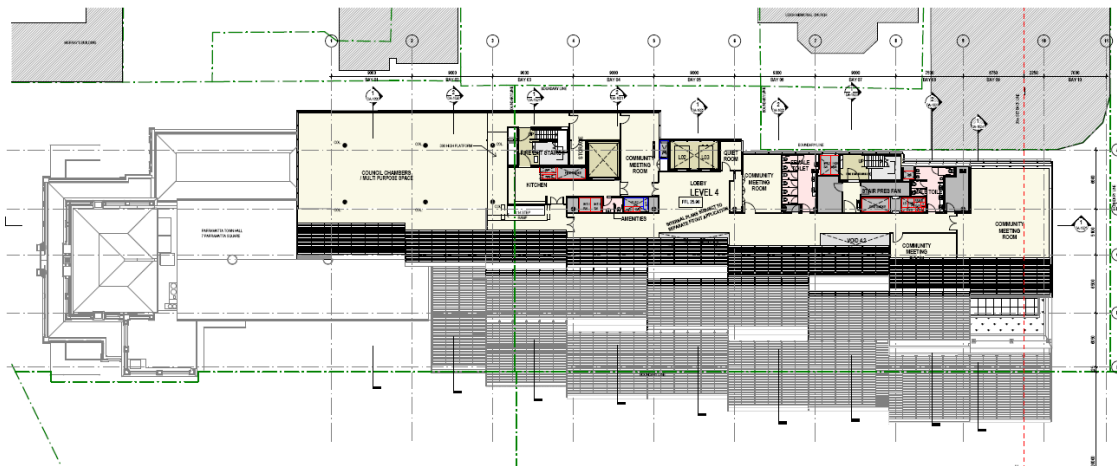


Figure 8: Fourth Floor

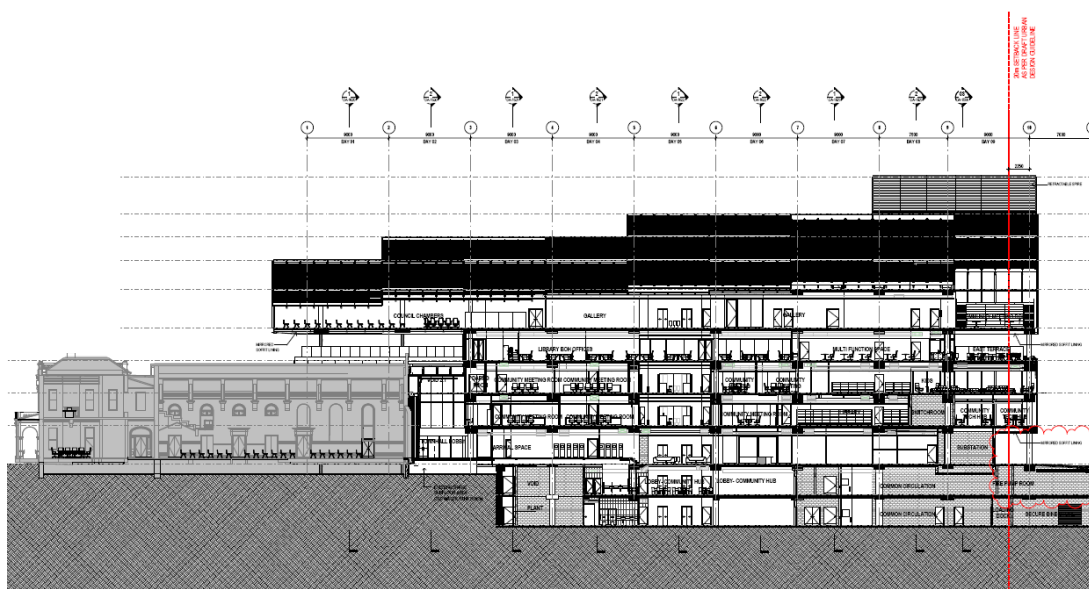


Figure 9: Building section

As articulated by the architect the design composition of the building has been developed based on the sun path with the building form rising from Parramatta Square to allow generous sun penetration. The building form is intended to create an intermediate scale: a human scale that is open to guide people to its entrance. It is transparent, active and permeable. The upper part of the building volume has been designed to emphasise the symbolic nature of the civic centre and is intended to become a memorable landmark. Other key design objectives on which the building has been based, as articulated by the design architects, include:

- *Creating a civic spire, which is contextually significant with Parramatta's church spires*
- *To physically engage with the Town Hall by building over it and literally embracing it*
- *Stepping the building respectfully from the East down to the Town Hall on the West*
- *To scale the building floor by floor with blocks that course diagonally up the façade, in lengths closer to the scale of the Town Hall, giving it a human scale*
- *Attaching to the Town Hall with a hybrid volume that is in the shape of the old stage, but in the contemporary materials of the new addition*
- *Touching the existing brickwork lightly, expressing the transition through the transparent volumes of spaces, and*
- *Creating a contemporary functional connection that will bring new life into the old town hall building through the flexible new Lobby/multifunctional Stage zone.*

The application is to be determined by the Sydney Central City 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 19 January 2018 – has regard to amended plans submitted 18 January 2018 and amended Stormwater Plans of the same date. The advice notes that the application is now, as amended and having regard to the additional information submitted,
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	<p>satisfactory subject to recommended standard and special conditions of consent.</p> <p><u>Flooding</u></p> <p>In relation to flooding the advice notes that there have been extensive discussions about flood responses and that the resulting building design now meets these requirements. No habitable rooms/floors are proposed in the below-ground levels (basement and basement-mezzanine). The advice further notes that non-habitable rooms/uses proposed in the below ground levels are: plant and utility rooms, lifts, waste rooms, loading dock, book sorting room and 'Experience Centre' (a shell space for interactive digital displays which is not a meeting room and will contain no valuable property). These are not considered to be habitable floors/rooms.</p> <p><u>Stormwater</u></p> <p>Additional stormwater details were provided at the request of Council which show the OSD tank in an amended location, with a different configuration and including a water quality treatment chamber. OSD and rainwater tanks have also been separated, which is supported. Some concerns have been raised in relation to stormwater drainage for the northern laneway and potential impact on the Town Hall, accordingly a condition of consent is proposed requiring an amended plan prior to CC.</p> <p><u>WSUD</u></p> <p>The proposal meets Council's requirements in relation to WSUD.</p> <p><u>Geotechnical</u></p> <p>Concerns have been raised regarding the proposed retaining wall and shoring construction particularly given the location of significant heritage buildings of traditional construction in the vicinity of the site. A condition is proposed requiring tanking of the basement given the high water table and large groundwater inflows at the site. A revised shoring and basement geotechnical-structural design and construction plan will therefore be required prior to CC, proposing a diaphragm wall and/or secant pile wall, generally in accordance with those plans approved for this site under DA/206/2017.</p>
Traffic Engineer	Referral dated 25/01/2018 – Satisfactory subject to a recommended condition of consent.
Waste Management	Referral dated 13 September 2017 – Satisfactory subject to recommended conditions of consent
Environmental Health – Acoustic	Referral dated 19 September 2017 – Satisfactory subject to recommended conditions of consent
Environmental Health – Contamination	Referral dated 19 September 2017 - Satisfactory subject to recommended conditions of consent.
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.
Public Art	Address via standard condition of consent.

Urban Design – Public Domain	Additional information requested in referrals dated 27 September and 1 December 2017. Outstanding to be addressed via conditions of consent.
Social Outcomes	Referral dated 26 September 2017 – Supported noting proposed development will have a positive social impact.
Environmental Outcomes	Concerns raised (referral not dated) – This matter is to be addressed via conditions of consent requiring further detail to be provided for approval prior to the issue of the construction certificate.
Civil Assets	Concerns related to raising of ground level by 500mm and in particular impact on vents to Town Hall. Identified need for longitudinal sections of Northern Laneway from western end of Town Hall to Leigh Place. Additional information has been submitted by the applicant however this has not adequately addressed concerns raised. Accordingly it is proposed that the public domain levels surrounding the building not be approved as part of the subject application and be subject to a condition of consent requiring submission of detailed public domain alignment plans for the approval prior to the issue of the construction certificate. These levels can then be coordinated with the adjoining public domain.
High Performing Buildings	Referral dated 19 September 2017 – Raised outstanding issues regarding the façade treatment. These matters are to be addressed via conditions of consent requiring further detail to be provided for approval prior to the issue of the construction certificate.
City Architect	Reviewed design against Design Jury comments. Noted a number of recommendations have not been addressed or resolved. Recommends further detail be provided on the facade system for approval prior to the issue of a construction certificate. Conditions of consent to this effect are proposed.
Independent Heritage Consultant	Report dated 11 December 2017 (refer Attachment 2) – Concludes generally that the proposal is appropriate however recommends additional work be undertaken in relation to the junction between new and old and the use of the Town Hall auditorium which as currently proposed forms a transit or access through to the new building which may dilute its interpretation. Further concern is raised regarding the heritage impact of the loss of the existing Town Hall stage. Conditions of consent are proposed which require redesign of the junction between the new and the old buildings, design refinements to minimise the impact of the loss of the stage (including provision for a temporary stage in or under the proscenium), archival recording and heritage interpretation. Revised plans are to be approved by the City Architect and independent heritage advisor prior to the issue of a construction certificate.
Independent Façade Review	Advice received 21 December 2017 provides recommended conditions of consent in relation to environmental performance however notes lack of resolution of façade shading system for main sloping glass roof. Conditions of consent are proposed to require further detailed resolution of the façade shading system prior to the issue of a construction certificate. These conditions address both the

	aesthetic and design quality of the system as well as environmental performance.
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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	It was originally considered that the application was integrated development however an AHIP has previously been issued for the 5PS site as part of previous development consents. In relation to 7PS no excavation works required. Council has therefore determined that the application is not integrated. Subject to Council decision that the application is not integrated OEH has advised that it has no comments to make on the application.
RMS	Letter dated 21 September 2017 advised that RMS has no objections to the application subject to recommended conditions of consent which relate to consultation in relation to the PERL corridor and the requirement for a Construction Pedestrian Traffic Management Plan (CPTMP).
Sydney Water	Email dated 5 October 2017 – no objections subject to recommended conditions of consent
Endeavour Energy	Email dated 20 September 2017 – standard information provided

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	Refer to section 7
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. 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.

Insufficient information has been provided in relation to the proposed digital façade treatment and it is therefore considered that this component of the development cannot be adequately assessed as part of the current application. Further it is noted that the proposed digital carpet within the Parramatta Square Public Domain is illustrated on a number of the plans submitted with the application. This does not form part of the subject site and cannot therefore be considered as part of the subject application. Accordingly a condition of consent is proposed to clarify that neither the proposed digital façade nor the digital carpet is approved as part of the subject application.

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 DA/206/2017 which deals with the early works and bulk excavation. 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/206/2017.

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 and Earthworks DA (DA206/2017).

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), which advised that it had no objections to the proposal subject to

recommended conditions of consent requiring consultation in relation to the Parramatta to Epping Light Rail (PERL) Corridor and the preparation of a construction pedestrian traffic management plan (CPTMP).

The application is not within 25m of a rail corridor therefore it was not required to be referred to the rail authority in accordance with clause 86 (Excavation in, above, below or adjacent to rail corridors).

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 “Mixed Use” under Parramatta LEP 2011(refer Figure 10 below). The proposed building is defined as a “community facility” and is permissible with consent within the B4 zone. A community facility is defined under the LEP as follows:

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and*
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

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 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.*

The proposal is considered to be consistent with the objectives of the B4 zone and in particular is compatible with surrounding land uses, will contribute to an active, vibrant and sustainable Parramatta Square Precinct, will improve the quality of the public domain and provide for appropriate pedestrian links and will protect and enhance the Parramatta City Centre.

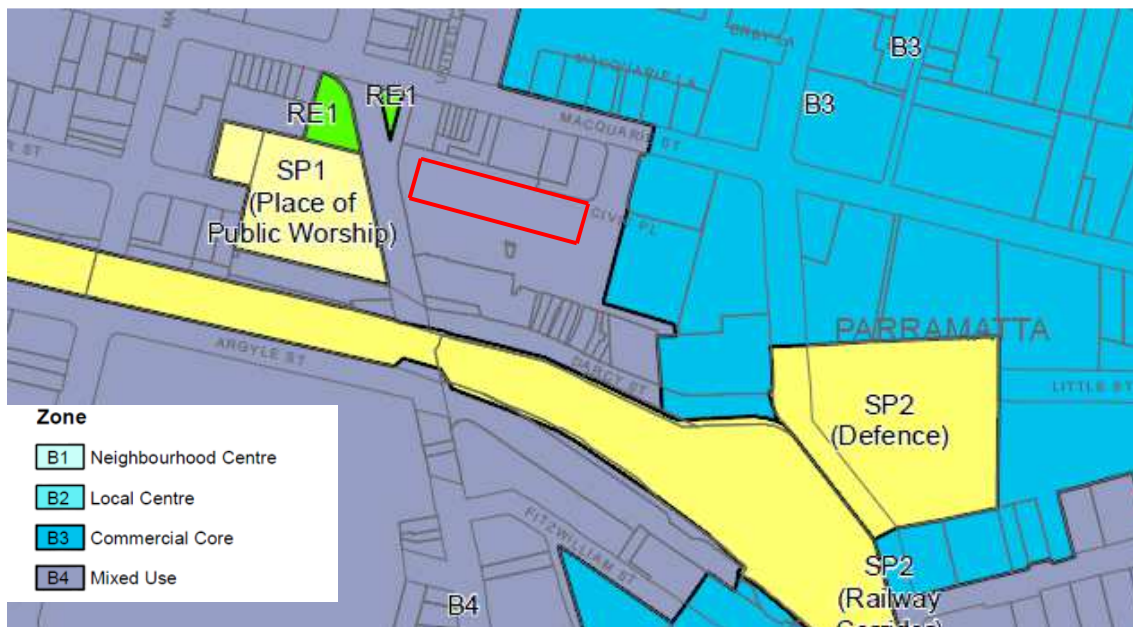


Figure 10: Site zoning (Note: site boundary shown red)

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 2.6 Subdivision	Land may not be subdivided without development consent. No subdivision is proposed as part of the subject application. A condition of consent to this effect is proposed.	N/A
Clause 2.7 Demolition	Partial demolition of the rear of Parramatta Town Hall is proposed as part of the subject application. Consent is sought for the subject works.	Yes
Clause 4.3 – Building height	The maximum building height permissible on the site is 54m (Area Y2). The maximum height of the proposed development is 42.8m to the highest point on the retractable spire.	Yes
Clause 4.4 FSR	The maximum Floor Space Ratio that applies to the site is 8:1 as illustrated on Floor Space Ratio map. The proposed new building has a GFA of 9,220m ² equating to an FSR of 2.4:1.	Yes
Clause 5.10 Heritage	The Parramatta Town Hall is identified as a heritage item and potential archaeological site (Item I650) of local significance under Parramatta LEP 2011. Further the site is located in close proximity to a number of other heritage items including: I647 - Convict drain I653 - Warden's cottage (verger's cottage)	Yes

Clause	Comment	Complies
	<p>I719 - Leigh Memorial Uniting Church I652 – Murray’s Building (and potential archaeological site) I654 – Centennial Memorial Clock I651 – Bicentennial Square and adjoining buildings I01805 - St John’s Anglican Cathedral</p> <p>A heritage impact statement has been submitted with the application. Notably the 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 below ground works have been addressed in DA206/2017 therefore the application is not required to be referred to the Heritage Council.</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 below ground works have been addressed in DA206/2017. Accordingly this provision is not considered relevant.</p>	<p>N/A</p> <p>N/A</p>
Clause 6.1 Acid sulphate soils	<p>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.</p> <p>The site comprises Class 5 ASS and is within 500m of Class 4 land. The proposed development does not however include any earthworks which have been addressed in DA206/2017. Accordingly this provision is not considered relevant.</p>	N/A
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 earthworks which have been addressed in DA107/2016 (DA relating to excavation of existing slabs to facilitate archaeological investigations and removal of convict drain) and DA206/2017 (5PS Early Works Application). Accordingly this provision is not considered relevant.</p>	N/A
Clause 6.3 Flood Planning	This clause applies to land below the flood planning level and requires consideration of flood impacts. The subject site is	Yes

Clause	Comment	Complies
	<p>identified as flood prone being affected by the 20 year, 100 year (10.4m RL) and Probable Maximum Flood (11.6m RL) levels of the Parramatta River. The Flood Planning Level (FPL) for the site has been set at 10.9m RL (1:100 Year ARI plus 500mm freeboard). The ground level of the proposal has been set at the FPL however Basement 1 and the Basement 1 Mezzanine are below this level (FFL of 4.10m AHD and 7.5m AHD respectively). The applicant has advised that given the uses proposed in the basement and basement mezzanine are not considered to be habitable floor space as defined under the Floodplain Development Manual. Habitable rooms are defined as “an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood”.</p> <p>The uses proposed below the FPL include ‘Experience Centre’, plant, waste, loading dock, book machine room etc. in the basement level and community meeting rooms and lobby in the basement mezzanine level. It should be noted that the fitout of these levels does form part of the subject application whilst the upper levels of the building will be the subject of a future development application. The proposed uses comply with the non habitable room requirement with the exception of the proposed meeting rooms and bicycle storage rooms which do not comply and which are considered to be habitable. It is proposed that a final flood emergency management plan be prepared by the building operators that will formalise flood intelligence with respect to flood behaviour and hazard, flood evacuation planning and relevant procedures in accordance with the submitted preliminary plan. Proposed flood management measures proposed include implementation of a shelter in place strategy and implementation of a Flood Emergency Management Plan.</p> <p>Council’s Development Engineer has provided advice that the proposal is appropriate in terms of flood impacts subject to the submission of an amended stormwater plan for approval and recommended conditions of consent.</p>	
<p>Clause 7.3 Car parking</p>	<p>This clause provides a maximum car parking provision for the City Centre. The proposal does not provide for any car parking however is connected at the basement level to the approved Council car park which forms part of the Parramatta Square super basement. The proposal will require the loss of 4 car parking spaces within the Council car park to provide for the proposed drop off bays. This is addressed in section 11.5 below.</p>	<p>N/A</p>
<p>Clause 7.4 Sun access plane</p>	<p>This clause provides that the consent authority 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</p>	<p>Yes</p>

Clause	Comment	Complies
	<p>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 however has been designed to comply with the sun access plane established by section 4.3.3 of the Parramatta Development Control Plan (and proposed amendments to Parramatta LEP 2011 which will require no overshadowing of the solar protection zone between 12 midday and 2pm at any time of the year). The proposal does not result in any shadowing of the 'solar protection zone' identified within Parramatta Square between 12 midday and 2pm with the exception of shadow cast by the proposed retractable spire. The proposal provides that the spire would be retracted at all times between 12:00 and 2:00pm throughout the year when its shadow would project into the sun protection zone. Subject to a condition of consent to this effect it is considered that the proposal complies with this provision. Further a condition is proposed requiring that prior to the issue of a CC a 1:1 manufactured working prototype of the retractable spire, is submitted to the satisfaction of the Design Excellence Jury. Further the prototype is to be exhibited for an agreed period, to ensure that ongoing maintenance and durability can be assessed.</p>	
<p>Clause 7.10 Design excellence</p>	<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. This provision is not however relevant to the subject application as it is well below the maximum height and FSR applicable without a design excellence bonus.</p> <p>The proposed building is the winner of a design competition however some changes have been made including reduction in the overall height and scale of the development to ensure solar access compliance to the 'sun protection zone' within Parramatta Square. To ensure that the amended building is consistent with the competition winning scheme it has been referred to the reconvened Design Jury on a number of occasions (14/11/2016, 1/2/2017, 24/4/2017, 23/8/2017 and 19/1/2018). The Design Jury has in its review (refer Attachment 1) dated 23 January 2018 confirmed that the proposal exhibits design excellence and that it unanimously supports the scheme. Detailed conditions of consent have been proposed specifically in relation to the façade treatment which requires further approval prior to the issue of a construction certificate. The conditions are aimed at ensuring design excellence is achieved and that the building performance meets ESD requirements.</p>	<p>Yes</p>

7. Draft Environmental planning instruments

There are a number of planning proposal which have been through gateway which the Department of Planning and Environment has required, as a gateway condition, be altered to amend clause 7.4 Sun Access of Parramatta LEP 2011. The required amendment is intended to require that no additional overshadowing occur in the protected area of the public domain within Parramatta Square between 12pm-2pm at any time of the year. The proposal has been redesigned to be consistent with this requirement.

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 through its unique design quality the highly visible city core albeit being of a reduced scale from recently approved development.• The issue of view sharing with adjacent sites does not arise as a result of the proposal• Views to and from the public domain are protected through the transparent nature of the building design. The building will improve views to the public domain of Parramatta Square and minimise impacts on views to / from nearby heritage items including St Johns Church and the Leigh Memorial Uniting Church. The building will block views to the rear of the Leigh Memorial Uniting Church from Parramatta Square however these views were previously not available with the former Council Chambers building on the site. Views to the rear of the Church will however be available from within the new Council building and from the newly created northern laneway and Civic Link (Leigh Place).	Yes
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 earthworks. These works have previously been approved under DA206/2017.• 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. In particular it is proposed to include a condition of consent requiring the submission of revised plans for stormwater in	Yes

Provision	Comment	Complies
	<p>respect of the northern laneway and demonstrating full tanking of the basement for council's approval prior to CC.</p> <ul style="list-style-type: none"> It is noted that the basement and basement levels are set below the flood planning level. This has been agreed by Council's engineers and is considered appropriate subject to recommended conditions of consent (refer section 11.8). 	
2.4.3 Soil management	<ul style="list-style-type: none"> Sedimentation controls during construction have been addressed by conditions of consent on DA206/2017. The site has an Acid Sulphate Soils classification of 5. An ASSMP has been submitted as part of on DA206/2017. Salinity is not identified as a site constraint. 	N/A
2.4.4 Land contamination	Site contamination has been addressed as part of DA206/2017 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 excavation and construction works have the potential to result in adverse air quality impacts. This matter has been addressed as part of DA206/2017. 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.	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. In summary the proposed public domain alignment levels have not been agreed and are not therefore proposed to be approved as part of the subject application. Rather a condition is proposed requiring amended plans for the approval prior to the issue of a construction certificate.	No

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 specifies a maximum height in metres of 54m. The proposal has a maximum height of 42.8m and has been reduced in height from the competition winning scheme to ensure that it does not result in 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 (sun protection zone) with Parramatta Square. Plans have been provided which confirm that the proposal complies with this requirement with the exception of the proposed retractable spire. 	Yes

Provision	Comment	Complies
	<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 at the eastern end adjacent to 3PS and scaling down to the west where it adjoins the historic Town Hall. Further the building scales up to the north from the Parramatta Square frontage towards Macquarie Street to provide for solar access to the Square. This also provides for a human scale on the Square frontage. 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	<p>Landscaping proposed as part of the subject DA is limited to landscaping of the terraces within the building. A deep soil zone is proposed on the ground level adjacent to the eastern end of the building that is to form part of the future Civic Link (Leigh Place). Three trees are shown in this zone although no detail is provided. No detailed landscape plan has been provided and the landscape treatment of proposed terraces has not been illustrated in detail. It is considered that this can be addressed via conditions of consent.</p> <p>The proposed treatment of Parramatta Square itself does not form part of the subject application.</p>	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"> No car parking is proposed as part of the subject development however the building is connected at the basement level to the Parramatta Square super basement and is immediately adjacent to the approved Council car park. It is considered that no parking provision is appropriate 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. The proposal will result in the loss of 4 car parking spaces within the approved Council car park to provide for two loading zones for book vans. Further the location of columns within the car park will need to be amended to accommodate the loading bays. The current plans for the adjacent basement which includes this loading area, show the removal of these spaces and the relocation of these columns. Arrangements for service vehicle are satisfactory - refer to section 11.5 below. The proposal provides bicycle parking for 28 bicycles and end of trip facilities. This provision is considered to be satisfactory. Council's Engineer has confirmed that the location of the end 	Yes

Provision	Comment	Complies
	of trip facilities in the basement is acceptable notwithstanding being below the flood planning level.	

Table 7: DCP 2011 – Part 4.3.3 Special Precincts (Parramatta City Centre) compliance table

Provision	Comment	Complies
4.3.3.1 Building form	<ul style="list-style-type: none"> This provision requires that development parcels have a minimum street frontage of 20m. This provision is not relevant to the subject site given its unique siting and use. The development is however consistent with the objectives of the clause as required and provides for a development with suitable proportions. The street frontage height and upper level setbacks do not apply – overridden by 4.3.3.7b below The building depth and bulk provisions do not apply – overridden by 4.3.3.7b below The proposal does not comply with the location of the public domain as set out in Figure 4.3.3.1.1 which shows the public domain running through the building in a north south direction. It is considered that the layout of Parramatta Square has been progressed since adoption of the DCP as demonstrated in the Parramatta Square Reference Design (adopted by Council in August 2017) and is appropriate notwithstanding this non-compliance. The building complies with the requirement regarding a 6m laneway width to the north at ground level however the proposed Council chambers at Level 4 cantilevers over the laneway and reduces the width to a minimum of 2.9 - 3.45m widening to the east. This matter is addressed in detail at section 11.3.2 below. Building form and wind mitigation is addressed in detail in sections 11.3 and 11.7 below Building exterior is satisfactory subject to conditions requiring further design resolution of the façade treatment - refer to section 11.3.3 below. 	<p>N/A</p> <p>N/A</p> <p>No</p> <p>No</p>
4.3.3.2 Mixed use buildings	<ul style="list-style-type: none"> As required uses proposed within the ground floor (including Library, Café etc.) will provide for activation of the adjacent public domain on the Leigh Place and Parramatta Square frontages. Reduced activation is proposed on the northern laneway frontage at the ground level given the need to locate service areas along this side of the building. Some activation is however proposed in the form of a building entry. Further the location of the proposed substation on the corner of the northern laneway and Leigh Place reduces the activation of the areas of public domain. A condition of consent is proposed requiring further consideration of alternate substation locations. The floor to ceiling height of the Ground Floor complies with the minimum requirement of 3.6m having a height of 4.2m. Service entries comply with requirements being located within the basement level accessed from the shared super basement. Facilities and services have generally been integrated into the building. 	Yes
4.3.3.3		Yes

Provision	Comment	Complies
Public domain and pedestrian amenity	<ul style="list-style-type: none"> The proposal provides for the required public domain links in the form of Leigh Place and Parramatta Square The design allows for active frontages to the Parramatta Square frontage in the form the proposed library and café at ground level. The proposal will also activate the Civic Link (Leigh Place) frontage with a proposed dining loggia fronting the link (with the exception of the proposed substation – refer above). Both frontages are activated for greater than the 50% minimum required for primary streets and 40% minimum required for secondary streets. Weather protection is provided for pedestrians in the form of building overhangs on the Parramatta Square, Civic Link and Northern Laneway frontages. 	
4.3.3.4 View and view corridors	<ul style="list-style-type: none"> The proposal will not impact on any identified views. The proposal will provide an appropriate view corridor along Leigh Place between Parramatta Square to the south and Civic Link and the Parramatta River to the north. Further it provides for the highest parts of the building to be set toward the Macquarie Street frontage to minimise potential impacts on views to / from St John's Church. 	N/A Yes
4.3.3.5 Access and parking	<ul style="list-style-type: none"> The building entries are clearly identifiable within the façade Barrier free access is provided to and within the new building and will therefore meet relevant design standards for people with a disability. The first floor of the existing Town Hall Building is not accessible and relies on the preparation of a performance / alternative design statement as does the provision of a fold down grab rail within the USAT as part of the existing Town Hall building. This is considered acceptable given the existing and historic nature of this building as advised by Council. 	Yes
4.3.3.6 Environmental management	<ul style="list-style-type: none"> The proposed levels immediately adjacent to the building are not considered to be satisfactory and accordingly are not proposed to be approved as part of the subject application. A condition of consent is proposed in this regard requiring submission of amended plans for approval prior to the issue of a construction certificate. Minimal landscaping is proposed within terrace areas only. No detailed landscape plans have been provide. This matter can be addressed via a condition of consent. The submitted documentation notes that the proposal will target a NABERS Energy rating and a Green Star Office Design & As Built rating – refer to sustainability under section 11.3.7 and identifies sustainability initiatives to be considered. The assessment does not however identify the measures to be incorporated into the building nor does it identify the target ratings. The DCP requires that non- residential developments should be designed to meet a minimum rating of 5 Green Star Office Design. Further it requires that dual reticulation (dual pipe) systems should be installed in new commercial, industrial and mixed use buildings, with the dual reticulation system being of sufficient size to supply all non-potable water uses of the building. Condition of consent to this effect are proposed. 	No – condition proposed Yes Yes – conditions proposed

Provision	Comment	Complies
4.3.3.7b Parramatta Square	<u>Objectives</u>	
	<ul style="list-style-type: none"> The proposal is consistent with the stated objectives for Parramatta Square including reinforcing the urban structure, establishing a legible hierarchy of public domain spaces, retaining a civic focus, reinforcing pedestrian routes, providing a balance of uses, activating the ground floor and public domain of the Square and providing for active uses. 	Yes
	<u>Site objectives</u>	
	<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. 	Yes
	<ul style="list-style-type: none"> 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. 	Yes
	<ul style="list-style-type: none"> C2 – the proposed building provides a consistent alignment to Parramatta Square having regard to the approved development on 3PS (eastern side of Leigh Place). The building design and articulation however is unique and will create an iconic 'showpiece' of modern architecture which will differentiate itself from surrounding development. This is considered appropriate given the nature of the proposed development. 	No
	<ul style="list-style-type: none"> C3 – The proposal will not result in any overshadowing of the area shown red ('sun box') within Parramatta Square with the exception of from the retractable spire. It is proposed that this will be retracted at all times when it would result in a shadow impact. 	Yes
	<ul style="list-style-type: none"> 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 for the square as recently exhibited. 	Yes
	<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. 	Yes
	<ul style="list-style-type: none"> C6 – Colonnades are proposed to provide shade and shelter. C7 – not applicable. 	Yes
	<u>Building Form</u>	N/A
	<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. 	Yes
	<ul style="list-style-type: none"> C1 – The proposed building will define the northern extent of Parramatta Square and will not impede pedestrian access to the railway station. 	Yes
	<ul style="list-style-type: none"> C2 – The building is proposed to be built to the public domain alignment. 	Yes
	<ul style="list-style-type: none"> C3 – Not applicable C4 – Not applicable C5 – Not applicable C6 – Not applicable 	Yes

Provision	Comment	Complies
	<ul style="list-style-type: none"> C7 – The proposal will not result in any overshadowing of the area shown red ('sun box') within Parramatta Square with the exception of shadow cast by the retractable spire. The spire is proposed to be retracted at all times when shadow impacts would result between 12:00 midday and 2:00pm throughout the year. C8 – The development implements the relevant principles including sustainable development, safety by design and equal access. 	<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 subject to recommended conditions of consent. It identifies relevant measures to be considered 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 does not identify a Green Star Design target. A 5 Star target and As Built rating is required. Compliance can be addressed via condition. C2 – Min 4.5 star base building and tenancy NABERs Energy rating can be addressed via condition. No star target rating proposed. C4 – 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 – conditions proposed</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p><u>Access, Parking and Servicing</u></p> <ul style="list-style-type: none"> C1 – The new Northern laneway is consistent with the desired pedestrian access identified on Figure 4.3.3.7.5 and connects to Civic Link (Leigh Place) as required. C5 – commuter bicycle parking is provided on site 	<p>Yes</p> <p>Yes</p>
	<p><u>Heritage</u></p> <ul style="list-style-type: none"> A detailed heritage impact statement has been submitted with the application and has been reviewed by an independent heritage expert, Tasman Storey of Tropman and Tropman. The proposal is considered to be acceptable from a heritage viewpoint subject to conditions of consent which require redesign of the junction between the new and the old buildings, design refinements to minimise the impact of the loss of the stage (including provision for a temporary stage in or under the proscenium), archival recording and heritage interpretation. Revised plans are to be approved by the City Architect and independent heritage advisor prior to the issue of a construction certificate. The heritage impacts of the proposal are addressed in detailed at section 11.6 below. 	<p>Yes</p>
	<p><u>Public Art</u></p> <ul style="list-style-type: none"> The applicant has indicated that the proposed digital facade to front downwards towards Parramatta Square will provide an interactive and innovative form of Public Art that will contribute to the public domain design including the 'digital carpet'. No referral has been received from Council's Public Art section 	<p>Yes – condition proposed</p>

Provision	Comment	Complies
	<p>however it is considered that this can be addressed via condition of consent.</p> <ul style="list-style-type: none"> • C1 - 3 – Public art provision in accordance with the Parramatta Square Public Art Masterplan can be addressed via condition (as above). <p><u>Utilities</u></p> <ul style="list-style-type: none"> • The proposal generally provides for utilities to be integrated within the building and the shared super basement and not within the public domain as required, however a substation is proposed in the north eastern corner of the building adjacent to Leigh Place. A fire booster cabinet is also proposed on this frontage. These are not considered appropriate. The proposed fire booster cabinet and substation are to be required to be moved via a recommended condition of consent with the new locations to be approved prior to the issue of a construction certificate. • 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 have generally been located to minimise impacts on pedestrians, the public domain and the quality of the proposed building. However the location of the proposed fire booster cabinet and substation fronting Leigh Place is inconsistent with this provision. A condition of consent is recommended requiring the relocation of these. • C3 – The building will incorporate appropriate measures to accommodate current and future technologies subject to recommended conditions of consent. 	<p>Yes</p> <p>Yes / No Condition proposed</p> <p>Yes</p> <p>No – condition proposed</p> <p>Yes</p>
5.5 Signage	Insufficient detail of the proposed digital façade signage has been provided to enable assessment as part of the subject application. Accordingly this is to be the subject of a future development application and will not form part of any consent issue for the subject application.	N/A

9. Planning Agreements

There are no planning agreements relevant to the subject application.

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, Civic Link (Leigh Place) and northern laneway;
- 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 (subject to a condition of consent requiring redesign of the stormwater plan for the northern laneway);
- 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 community facility comprising Public Library, meeting room, Council Chambers / Multi-Purpose space on the northern side of Parramatta Square connected to the existing and historic Parramatta Town Hall. The building will be an iconic building, an example of modern architectural excellence that has been designed to give primacy to preservation of solar access to, and the amenity of, the future Parramatta Square public domain. The building will be at once both elegant and expressive as well as transparent and engaging. The design provides for a built form which is unlike any other structure in the Precinct but which provides a civic focus for Parramatta and will be open and engaging. The building has been designed to slope up to the east towards the higher building approved on 3PS and down towards the historic Town Hall to the west. In this way it is responsive to the emerging built form context albeit that its expression will be distinctly different from surrounding development;
- Site planning provides for an activated frontage on both the Parramatta Square and Civic Link (Leigh Place) frontages and appropriate pedestrians linkages both through the building and to the north, south and east;
- The proposed building will establish a new built form that is iconic and will become a symbol of Parramatta Square immediately adjacent to the 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 proposed building will be adequately serviced by the approved super basement car park which connects to the building at the basement level. 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; and
- The values of heritage items including on site (Parramatta Town Hall) and in the vicinity of the site (and in the wider visual catchment) are not diminished by the proposal subject to recommended conditions of consent. Council's independent heritage advisor has advised that subject to a redesign of the transition between the old and the new building and provision of further detail to minimise the impact of the Town Hall itself, the proposal is appropriate and will enhance the usability of the Town Hall and improve its accessibility both in terms of its visibility from Parramatta Square and from the new Council building.

Having regard to the above assessment it is considered that the proposed building is compatible with its context and setting. The proposed new building is not considered to be 'consistent' with the existing surrounding context given its radical modernistic design, rather it is considered to be 'compatible' with the context and setting as required.

11.2 Site works

Not applicable – the proposal applies to the construction of the building only as the required early works and earthworks were previously approved under DA206/2017.

11.3 Site planning and built form

11.3.1 Design Excellence

As noted above the proposed building has been designed by an association of three architectural firms: French architect Manuelle Gautrand Architecture; DesignInc and Lacoste + Stevenson architects, the winners of an international design competition held for the site in March 2016. The Jury report (dated 13 July 2016) notes that the design was unanimously recommended as the winning scheme and awarded design excellence. The Jury report summarises the assessment of the Scheme as follows:

- *The scheme was considered to provide an iconic building of outstanding architectural quality that will be instantly recognisable and associated with Parramatta. The building has potential to be an architectural landmark not only within Australia, but also internationally, alignment with Parramatta's aspiration to be an internationally recognised CBD in its own right.*
- *The integration of LED digital lighting into the building façade, to create a canvas for public art was considered to be unique in Australia, creating opportunities to showcase local, national and international art in Parramatta and demonstrating Parramatta's credentials as a Smart City.*
- *The City's present and future functional requirements are readily met by a building that provides a range of flexible spaces that are readily compatible with the range of civic activities within the building. The scheme responded to the functional and design objectives of the brief and translated these well in the spatial arrangement.*
- *The scheme provides the best option for the augmentation and integration of the existing Town Hall building, providing for a unified civic facility that will allow the City to flexibly program a diverse range of activities within the overall building,*
- *The outdoor terrace spaces on Levels 4, 5 and 6 provide the opportunity for a range of ceremonial and public events within the building that take advantage of the building's positioning at the heart of Parramatta Square.*
- *Whilst the upper glazed blade structure protrudes marginally above the nominal sun plane identified in the DCP, the Jury was satisfied that the glazing would be sufficiently transparent to allow sunlight onto the square and comply with the objective of the control.*

- *Notwithstanding the intricate sloping façade, the building presents as highly rational from a buildability perspective with a series of stacked rectangular floor plates.*

In recommending the design the Jury identified the following ongoing requirements:

- *The architectural team comprising DesignInc, Manuelle Gautrand Architecture and Lacoste + Stevenson Architects are to be retained throughout the construction process to ensure continuity and realisation of the competition design intent*
- *The façade design of digital art and multi-media iconography embedded into the glass is quintessential to the building's presence in Parramatta Square. Accordingly, design development of a superior quality is required and should be peer reviewed by experts in the field of façade design.*
- *Façade detailing, in particular the external sun shading system, is required to be a sophisticated solution and should be peer reviewed by façade engineers.*
- *The 'incursion' into the public domain of approximately 6.5m at the south-east corner requires further design resolution, and consideration should be given the addressing the alignment of the eastern edge of the building with the public domain.*
- *The transparent cascading roof form requires further resolution to test the overshadowing impacts over the Parramatta Square public domain sun access zones.*
- *The relationship to the existing Parramatta Town Hall and the cantilevered structural solution should be peer reviewed by heritage and structural experts.*

Following the design competition the Design Jury reviewed the scheme, through detailed design development, on four separate occasions: 14 November 2016, 1 February 2017, 24 April 2017 and 23 August 2017. Notably the design was altered from the competition scheme to comply with solar access requirements to Parramatta Square. This resulted in a reduction in the overall height and scale of the development and some alterations to the built form. However the proposal primarily retained the overall concept embodied in the competition scheme.

On 23 August 2017 following consideration of the development application plans, the Design Jury issued its report on the proposal advising as follows:

- *The Jury unanimously endorse the pre-lodgement design presented as exhibiting Design Excellence*
- *The Jury recommend that the design as presented is submitted as a Development Application for assessment by City of Parramatta Council (or its nominated delegate)*
- *Due to the complex nature of the project and its governance to date, the Jury has divided its comments into 3 categories:*
 - *General comments (specific to design)*
 - *Items to be addressed by the design team as part of ongoing Design Development*
 - *Items for City of Parramatta Council to consider prior to approval of a Development Application.*

The comments provided by the Design Jury are addressed in Table 8 below:

Table 8: Design Jury Comments compliance

Jury Comments	Assessment
General	
Confirm that the DA to be submitted will be for a "base build" only, but this will include built elements such as basements, cores, stairs, voids, balustrading, structural cantilevers and all facades/external materials	Confirmed – condition proposed to make clear
Support for the proposed building envelopes, including the eastern setback to the approved 3PS development	Noted

Jury Comments	Assessment
Proposed retractable spire is supported in principle. Recommend exploring a retractable option so that the spire does not cross over the Parramatta Mission property boundary	Confirmed – proposed spire does not cross over boundary
Recommend the location of the Darug meeting room is shown on all approved plans	Noted on plans however internal fitout and use subject to future DA. Condition proposed to require future DA to show location of Darug meeting room.
Cooling towers (located on 5 th floor) to be shown on northern boundary elevation	Confirmed – cooling towers shown
Items to be addressed by the design team as part of ongoing Design Development	
The design of the ground floor must be integrated with the revised design of the Digital Carpet (as part of Parramatta Square public domain to be delivered by Walker). The updated design is to be incorporated into final plans to be stamped for approval.	Confirmed – design of ground floor integrated with proposed digital carpet location (minor amendment to align with building) which is subject to a future DA.
The proposed location of the fire hydrants within the Parramatta Square public domain to be reviewed. Final location must ensure a 3m wall enclosure is not required, and is appropriately integrated within the design of Parramatta Square.	Confirmed – fire booster room to be relocated via condition.
The Jury recommends that Council's façade engineer (FLUX) is engaged to work with the design team in the development of the external façade system. Attached to these Jury comments are additional ESD comments provided by FLUX and Council's internal ESD consultant.	Confirmed – FLUX has reviewed that proposal and provided recommended conditions of consent. Their approval will also be required following further detailed design development.
The Jury have previously requested that benchmarking with other similar faced systems (e.g. Aurora Place) and a long term maintenance regime be developed to ensure the ongoing cost/approach to maintenance of 5PS.	Confirmed – details have been provided and reviewed by FLUX. Conditions of consent are recommended.
Ensure that internal services (hot water, cold water, stormwater etc.) are integrated into the evolving structural design if the base DA.	Confirmed – internal services are integrated into the building.
Items for City of Parramatta Council to consider prior to the approval of a Development Application	
Confirm support that Darren Wood (Manager Asset Strategy and Property Development, CoPC) has been nominated as the client representative for the remainder of the approval and delivery of 5PS.	Noted
<p>The Jury recommends that Council engage an independent façade engineer to establish the potential ongoing financial implications of the current design:</p> <ul style="list-style-type: none"> • Resource costs – energy model of electricity / gas consumption, HVAC etc. • Maintenance costs – façade operability, physical maintenance + replacement etc. 	Confirmed – FLUX has been engaged and involved in the ongoing assessment of the façade system.

Jury Comments	Assessment
Council to verify the planning implications of cantilevering the Council Chambers over the proposed northern laneway. The Jury defer a position on this matter until Council planners confirm acceptance of such an approach. The Jury defers all comments regarding suitability of the proposed façade and shading system until additional information (listed above) is requested by Council.	Noted – cantilevering of the Council Chambers addressed at section 11.3.2 below. Façade and shading system to be addressed via condition.
Council to ensure that the 5PS design team are consulted during the design development of both the Civic Link and Digital Carpet.	Council to note.

In summary the Design Jury concluded that:

.... The Jury are in full support of the scheme presented, and unanimously agree that the current design retains the 'spirit and intent of the original competition winning scheme. The Jury however recommend that Council undertake more detailed studies to ensure that the building as proposed is the most suitable environmental and financially appropriate solution for the City of Parramatta.

The Jury endorse the design as presented to be submitted as a Development Application. If the plans submitted to Council are consistent with the current design, these plans do not need to be referred back to the Jury for comment. However, Council are required to notify the Jury if plans are changed or amended during the DA assessment process.

As outlined above, the Design Jury raised some concerns regarding the facade treatment, environmental performance of the building and ongoing maintenance costs etc. Additional information in respect of these matters was prepared by the applicant and presented to the Jury on 19 January 2018. The Jury has reviewed conditions of consent recommended for specific issues including the façade system and shading, heritage impact, public domain alignment etc. and prepared a supplementary report following this meeting and indicated that it supports the recommended conditions of consent. Further the Jury noted:

In addition, the Jury provide Council with the following comments regarding the built form and massing of the proposal.

- *Building Setbacks* – *The Jury are supportive of:*
 - *the overall bulk and scale of the proposal,*
 - *setback dimensions of southern overhang (which have reduced significantly through design development)*
 - *eastern setback – minimum 17m separation / glassline to between 3PS boundary*
 - *eastern setback – minimum 21517 separation / ground floor to 3PS boundary*
 - *northern laneway – variable setbacks that allow for northern laneway*
- *The building setbacks of the proposal are generally consistent with the intent of the Civic Link Framework Plan, Parramatta Square DCP and the setbacks presented to the planning panel at the 3PS determination meeting.*
- *Building Overhangs* – *The Jury are supportive of the proposed building overhangs over the northern laneway. The Jury has recommended that a condition of consent is applied to the approval that limits the extent of the overhang across the laneway, and another condition that limits structural interventions to the heritage listed Parramatta Town Hall. The overhang itself contains a public use (council chambers) and has been integrated into the design of the northern elevation.*

Having regard to the comments of Design Jury, it is considered that subject to the recommended conditions of consent 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(3) and (4) 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 4.4 of Parramatta LEP 2011) and demonstrates a built form that is compatible with that which is envisaged for the redevelopment of the Parramatta Square Precinct albeit that the building is unique and modern in its expression and lower in scale than recently approved buildings within the Precinct. The building generally has an appropriate relationship with the historic Town Hall to which it will be connected (subject to redesign of the interface as required by condition) and the approved new building at 3PS to the east. It provides for adequate separation to the rear of buildings, including the Leigh Memorial Church, fronting Macquarie Street to the north and also provides for a clear width of 40m across Parramatta Square as required by Parramatta DCP 2011.

The building is located to the west of the new Civic Link (Leigh Place) and provides for a separation of 21.517m at the ground level from the glassline to the site boundary of 3PS however at the upper levels the building cantilevers out over the ground floor and provides for a minimum separation distance of 17m. This is inconsistent with the Civic Link Framework Plan which provides for a 20m setback line (refer below). 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 which aligns with the existing Parramatta Mission site boundary. The proposed building line is setback further than this build to line at both the ground and upper levels.

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 supersedes the DCP provisions particularly in relation to the future Civic Link implementation and the required building alignment adjacent to the Link.

Given the approved alignment of 3PS the proposed 5PS building alignment adjacent to Leigh Place would therefore provide for Leigh Place to have a width of greater than 21m at the ground level (to a height of approximately 4.2m) but reducing to a minimum of 17m at the upper levels of the building where both the proposed 5PS and approved 3PS step out over their respective ground floors. The majority of the building is at the 17m line with increased setbacks at the ground and Level 3 only therefore it is considered that the width of Leigh Place will 'read' as 17m rather than greater. Further it is noted that the plans indicate that the setback could be increased or reduced by plus or minus 200mm subject to façade design development and specification therefore the ultimate width could be between 16.8 and 17.2m.

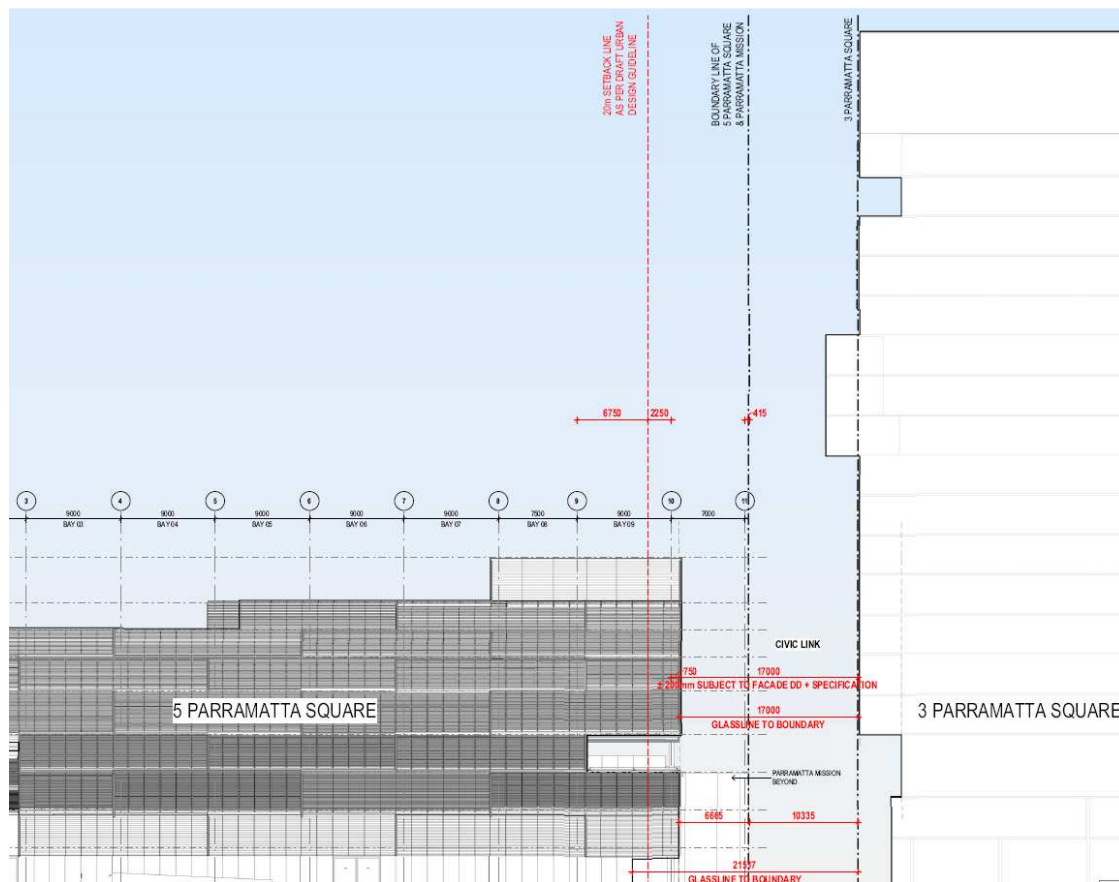


Figure 11: Leigh Place setbacks (Source: extract of DA-1601)

This is inconsistent with the Civic Link Framework Plan adopted by Council. Further it is noted that the assessment report for 3PS identified that at the time of writing it was understood that the setback to the proposed Council building at 5PS would be greater than 20m at the ground level and all levels of the building. It is therefore considered that this factored in to the Sydney Panel Panels decision to allow for a lesser setback on the 3PS building.

Notwithstanding the above, the Design Jury has provided advice which specifically notes that it is supportive of the eastern setback of minimum of 17m glassline to 3PS boundary and 21.517m ground floor to 3PS boundary (refer above). The Jury has indicated that “it considers that the building setbacks are generally consistent with the intent of the Civic Link Framework Plan, Parramatta Square DCP and the setbacks presented to the planning panel at the 3PS determination meeting”.

Having regard to the advice provided by the Design Jury, it is considered that the proposed alignment of 5PS at ground level and at the upper levels is appropriate in terms of pedestrian accessibility and urban design notwithstanding the minor inconsistency proposed with the Civic Link Framework Plan building alignment subject to a requirement that the separation between the main building wall of 3PS and 5PS is not less than 17m as recommended by the Design Jury. A condition to this effect should be applied to any development consent. 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.

The proposed building siting responds appropriately to site opportunities and constraints and provides for an appropriate relationship with adjoining development. To the north the building provides a laneway width of 6m from the building line to the boundary of buildings to the north however at a height of 15m (Level 4) the proposed 2 storey Council Chambers element (at Levels 4 and 5) overhangs the

laneway by 3.25m with the resultant setback being between 2.9 – 3.44m (refer Figures 12 and 13 below). This element extends for 35% of the length of the elevation or 12% of the total northern elevation (refer Figure 14). The 6m laneway width is a requirement of clause 4.3.3.1 Building Form of Parramatta DCP 2011.

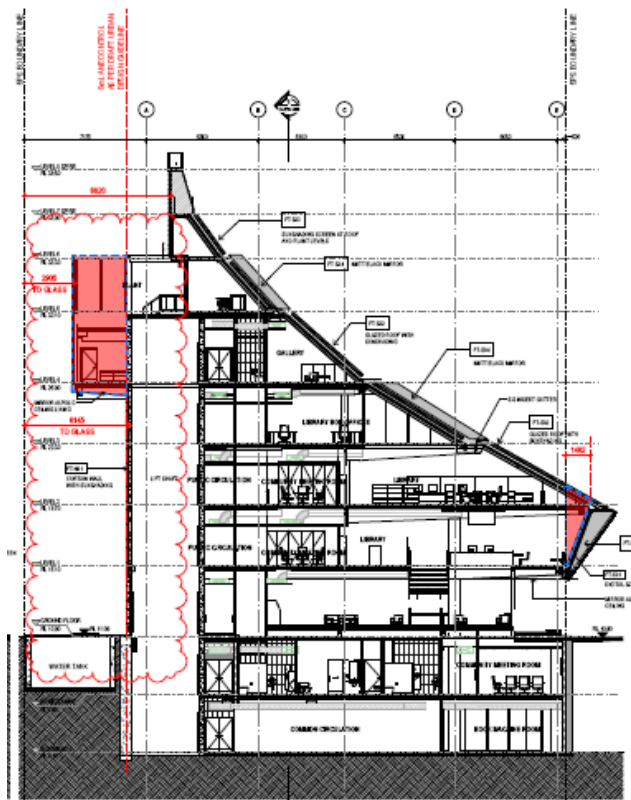


Figure 12: Northern Laneway Overhang – worst case scenario 2.905m setback (Bay 04) (Source: extract of DA-1621)

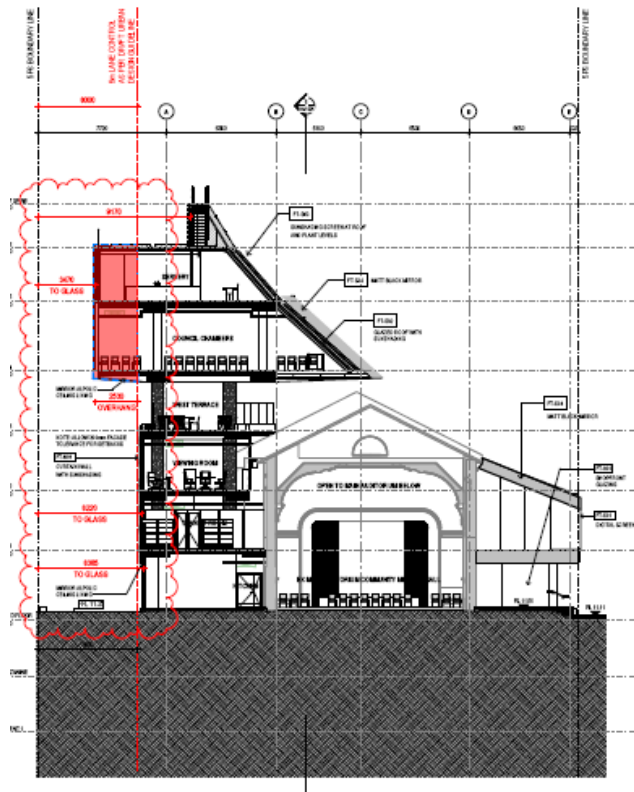


Figure 13: Northern Laneway Overhang – best case scenario 3.470m setback (Bay 01) (Source: extract of DA-1620)

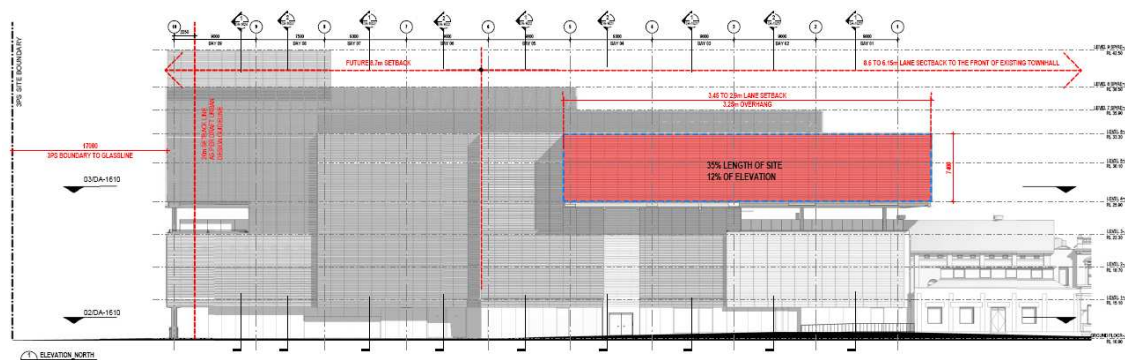


Figure 14: Northern Elevation showing laneway overhang as proportion of façade (Source: extract of DA-1610)

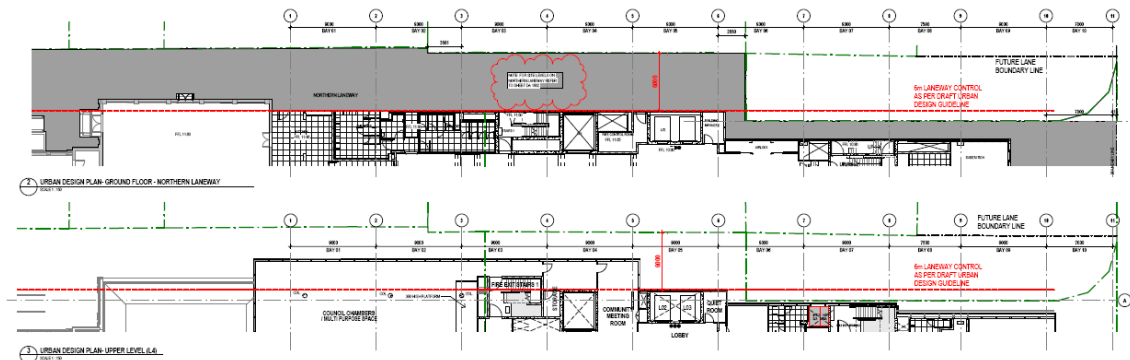


Figure 15: Northern laneway alignment at ground and upper level with overhang (Source: extract of DA-1610)

Council's urban designers have provided advice that the proposed laneway overhang is not acceptable and that the full 6m width of the laneway should be open to the sky. However it is considered that given:

- the Design Jurys comments (which indicate that they consider the variable setback to the northern laneway to be acceptable)
- the public nature of the Council chambers part of the building which results in the overhang
- the fact that the reduced setback is 15m in the air and only located eastern end of the building, and
- the widening of the laneway to a width greater than the required 6m at the western end

it is concluded that the proposed overhang is acceptable.

Further the proposed digital screen component of the design overhangs Parramatta Square along the building's southern façade for a variable width of between 1.462m at the western end to a maximum of 5.363m at the eastern end of the building at a height of approximately 7.7m. This element is a key component of the design of the building as highlighted by the Design Jury and will be a minor protrusion into the airspace over the Square. Accordingly it is considered acceptable given its significant contribution to the design quality of the building.

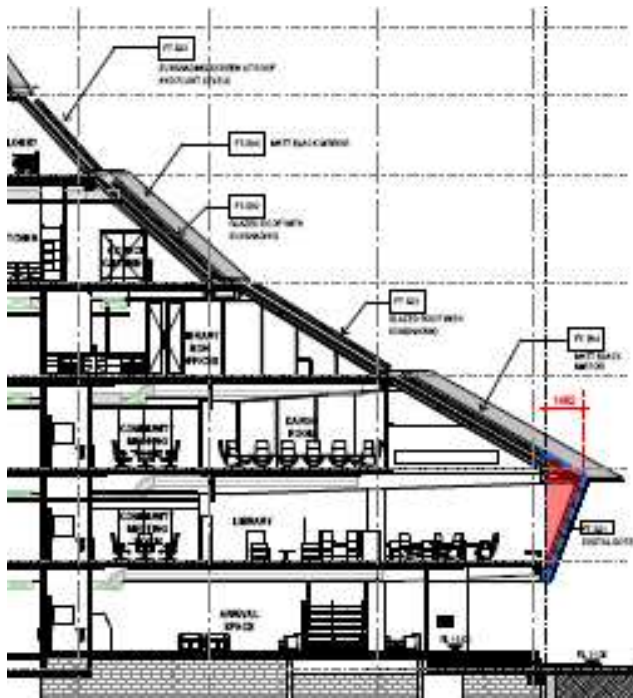


Figure 16: Parramatta Square Digital Screen overhang – best case scenario width of 1.462mm at Bay 03 (Source: extract of DA-1621)

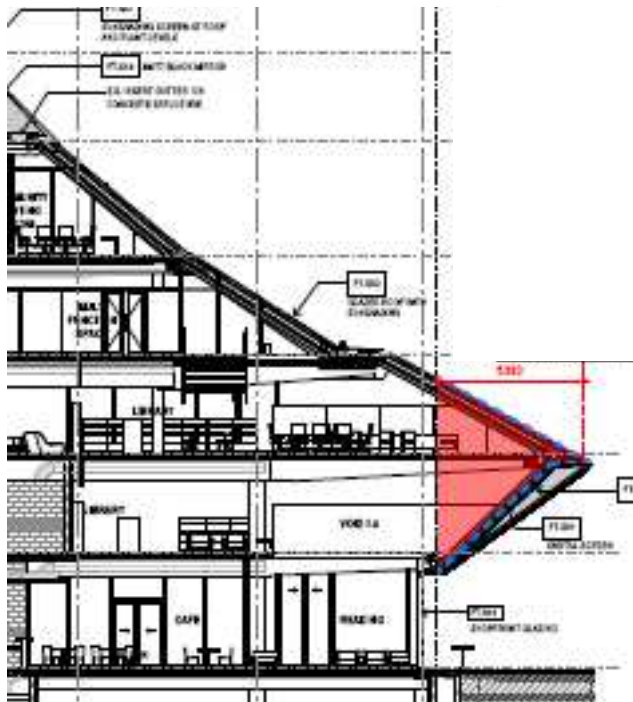


Figure 17: Parramatta Square Digital Screen overhang – worst case scenario width of 5.363mm at Bay 08 and 09 (include extract of DA-1623)

The height of the proposal is within the solar access plane control established by the sub protection zone within Parramatta Square and will provide for an appropriate transition from the lower historic Town Hall to the west to the higher approved building ay 3PS to the east. Whilst the height is significantly lower than other approved buildings within the precinct is provides an appropriate design response to adjacent buildings and the requirements for sun protection to the public domain of the future Parramatta Square.

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 notwithstanding some non-compliances. 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 the historic Parramatta Town Hall. 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 an iconic modern building of design excellence that will become a landmark building within the new Parramatta Square which is to form the central civic focus of the City of Parramatta. Central to the design is a stack of transparent glass that gradually rises to the north-east with a large LED screen for public art projections along the southern facade. 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 Design Jury and is consistent with the principles established for the site by the competition winning scheme.

As outlined in the design statement the façade is generally conceived in three distinct types: glazed roof with operable screens, curtain wall systems and planar glass walls. The structure consists of post-tensioned bands and slabs, supported by reinforced concrete columns. Lateral stability is proposed through a reinforced concrete core and shear walls that continue down to the lower basement level. The southern façade is proposed to be a series of sloped and stepped glazing panels overlain by a louvered system. These panels are supported by steelwork spanning between each slab level. Façade treatments are illustrated in the Design Statement (undated).

Key elements of the design, as identified by the architects, include:

- Upper level public roof garden
- Integration with Town Hall by cantilevering Council Chambers over
- Civic Spire and digital LED screen
- Multiple public vertical living rooms
- Lobby and café visible from Plaza
- Seamless connection through to Public Square
- Steel structure supporting metal sun shade over glass roof
- Mirrored soffits
- LED Digital Screen at Library windows
- Projectable façade for special events
- Increased ground level setback to Leigh Place
- Black reflective glass to east and western façade.

Having regard to the Design Jury's comments it is considered that the built form and presentation of the building represents design excellence and will be a significant addition to both the built form and civic function of Parramatta Square. The building is considered to be open and generous in its relationship with the Parramatta Square Public Domain and will provide a public building that will significantly contribute to the quality and character of the Square and Parramatta City more broadly. The design approach meets Council's functional brief and will ensure a high quality built form which adds variety and interest to the Precinct whilst being highly functional and activating the public domain.

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 east of the building and to the north of the building 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 21.517m to the site boundary with 3PS at the ground level but an overall width of 17.0m above to the primary building wall. (refer Architectural Plans Urban Design – South Site Elevation DA-1601 for further detail). This is considered to be appropriate having regard to the comments of the Design Jury.

The width of the northern laneway is proposed to be 6m at ground level consistent with DCP requirements however the proposed Council Chambers will cantilever over the space at a height of 15m (RL 25.90) reducing the width of the laneway to between 2.9 and 3.45m. This is similarly considered to be appropriate having regard to the comments of the Design Jury (refer section 11.3.2 above).

The proposed through site links are generally consistent with the requirements of Parramatta DCP 2011 and recently endorsed Civic Link Framework Plan with some exceptions as outlined above and provide through site links that are convenient and match pedestrian desire lines. The alignment of the building's eastern edge along with the future Civic Link connection to the north, and the proposed northern laneway width, is considered to be appropriate.

11.3.5 Active edges

The proposed building provides a highly active edge to Parramatta Square with the building itself being highly transparent and visually permeable and with the location of the proposed library and café with outdoor dining area fronting the Square and Leigh Place. The proposal will also activate the southern frontage of the existing Parramatta Town Hall with the addition of a new deck and terrace in front of the building and the inclusion of new door openings to the main auditorium.

The northern laneway is not proposed to be active with the location of much of the service areas fronting the laneway (e.g. lifts, fire stairs, storage etc.) however this is considered unavoidable in the circumstances. An additional entrance is however proposed on this frontage which will provide for some activation.

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

Council's consultant has reviewed the proposed design and recommended conditions of consent in relation to sustainability. Subject to the imposition of these conditions of consent it is considered that the proposal is acceptable in terms of sustainability.

11.3.7 Landscape treatment and public domain alignment

The proposal does not include a detailed landscape plan however only minimal landscaping is proposed at the ground level to the east of the building in Leigh Place and in the external terraces. The proposed landscape is considered acceptable subject to the preparation and approval of a detailed landscape plan. This can be addressed via conditions of consent.

As noted above Council's Urban Design team has raised concerns regarding the proposed levels for the public domain and the lack of detailed alignment plans. Accordingly it is proposed that the public domain levels not be approved as part of the subject application and be the subject of a condition of consent requiring the submission of further plans for approval prior to the issue of a construction certificate. This is considered appropriate.

11.3.8 Accessibility

An access report has been submitted with the application in addition to a disabled access and egress design statement prepared by iAccess Consultants. The Design Statement notes that all recommendations and requirements of the Access Report have been incorporated into the Development Application Documentation and that the proposal therefore will satisfy requirements of Part D3 of the National Construction Code 2016 and the Disability Discrimination Act 1992. The report does note that it relies on the preparation of performance / alternative design statement in respect of:

- Non provision of accessible access to the First Floor of the existing Town Hall Building; and
- Provision of a fold down grab within the USAT provided as part of the existing Town Hall Building.

Council has advised that the proposed accessibility is acceptable given the heritage significance of the existing Town Hall.

Having regard to the access report and design statement 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. Condition of consent to this effect are also 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 the sun protection zone' identified within the Square between the hours of 12:00 midday and 2:00pm throughout the year, which is 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 shadow to this areas between the hours of 12 noon and 2pm subject to the retractable spire being retracted at all times specified. A condition of consent to this effect is recommended.

11.4 Subdivision

The application does not seek approval for subdivision. A condition of consent is proposed in this regard.

11.5 Access, parking and traffic

The proposal provides for vehicular access to be provided to the building via the approved basement super basement car park at the basement level. No parking is proposed as part of the proposal however the building is located immediately adjacent to the approved Council public car parking identified within the super basement. Loading, waste and drop off facilities are provided within the basement level access via the super basement. A secure bicycle storage facility for 28 bikes is also provided which is to be access via the shared entry driveway.

The proposal will result in the loss of 4 car parking spaces within the adjacent Council public car park to provide for the proposed drop of zones within the basement. This will reduce the number of car parking spaces within the public car park by 4 spaces and is considered to be acceptable. It will also require the amendment of the existing consent for the Council car park area of the shared basement. Current plans submitted for the new commercial development at 6 & 8 Parramatta Square have incorporated these changes.

Council's traffic engineers have considered the proposed access arrangements and have indicated that they are satisfactory subject to recommended conditions of consent.

11.6 Heritage

The proposed development includes works to the existing historic Parramatta Town Hall (and potential archaeological site) which is listed as a local heritage item under Parramatta LEP 2011 (Item I650). It is also located in close proximity to a number of other heritage items including:

- I647 - Convict drain (previously removed on the site as part of DA107/2016)
- I653 - Warden's cottage (verger's cottage)
- I719 - Leigh Memorial Uniting Church
- I652 – Murray's Building (and potential archaeological site)
- I654 – Centennial Memorial Clock
- I651 – Bicentennial Square and adjoining buildings
- I01805 - St John's Anglican Cathedral

A heritage impact statement has therefore been submitted with the application.

Given the proposed works to the historic Parramatta Town Hall, and the fact that Council is the applicant for the proposal, an independent heritage expert Tasman Storey of Tropman and Tropman has been engaged to provide a heritage assessment of the proposal. The heritage assessment is provided in full at Attachment 2. In summary the assessment concludes as follows:

The factors considered have been:

- *The Design Brief and Council aspirations*
- *The architect's design statements and the Heritage Consultants Heritage Impact Report with its supportive rationale and argument*
- *The site location adjacent many important heritage relics and urban areas. The Town Hall building is an important historic building and an integral part of the physical and cultural makeup of Parramatta and its surrounding suburbs.*
- *The St Johns' Anglican Cathedral with its early Colonial spires is a treasure of Parramatta and of State significance. It is however at a distance from the new development and more affected by other surrounding developments.*
- *The Leigh Memorial Church with its buttressed bell tower awaiting a spire*
- *And of course the Town Hall building which is of local heritage and the item most affected by the new works.*
- *We have also reviewed comparable local and international examples of similar project requirements.*

It is important to note, that on the face of it, some matters in the DCP and the Burra Charter have not been addressed in the design and while this is an easy criticism to make in isolation; other factors are to be considered in this particular project.

The bulk and scale issues should be viewed in the larger context and the Council model clearly shows that the new development is moderate by comparison to the approved or intended buildings immediately around it.

Matters of greatest concern are the junction between new and old and the use of the Town Hall as a transit or access through to the new building which may dilute its interpretation. Many examples can be found of heritage buildings being preserved intact in new innovative developments while new work makes a profoundly dynamic and individual response.

This philosophical stance is likely to draw a negative response from conservative assessors. Urbis has concluded that the common good is better served by making a bold architectural statement for the new work than a modest and low key design.

The stage of the Town Hall provides an interpretation opportunity for the reuse of the old equipment in the transition space and better reference to the cultural heritage may be made here.

The design has responded to the brief and the heritage issues albeit in an unconventional way.

We see this project being spiritedly debated as to its merits but ultimately it will provide Parramatta with an international standard Australian design within the principles espoused in the Design Brief and therefore commend it with taking into account the recommendations we have made within this report.

The report therefore recommends a redesign of the junction between the new and the old building and further suggests that the use of the auditorium be better defined and potentially be converted to a library reading room capable of being used as an auditorium if needed. The stage interpretation provides an opportunity to reuse the old equipment in the transition space and better reference to the cultural heritage may be made here. These matters have been addressed via recommended conditions of consent.

Having regard to the above independent assessment prepared by Tropman and Tropman, and the findings of the heritage impact statement submitted with the application, it is considered that the proposal is acceptable and will not give rise to any adverse heritage impacts subject to the imposition of recommended conditions of consent.

11.7 Wind impacts

The wind environment adjacent to the proposed building and within the proposed Parramatta Square is complex. A pedestrian wind assessment prepared by Windtech was submitted with the application. The report notes that wind conditions in and around the site are expected to benefit from shielding effects caused by the massing and orientation of various upcoming Parramatta Square development sites. However in some instances it is also expected that the subject [site] will be exposed to adverse wind effects generated by the prevailing North-Easterly, Westerly and Southerly winds. The reports includes recommendations to mitigate these effects including recommendations regarding landscape planting to protect the ground level pedestrian footpath areas, ground level external café seating areas and Level 3 Communal Terrace. Subject to these recommendations it concludes that “it is expected that the wind conditions for all outdoor trafficable areas within and around the North Site will be acceptable for their intended uses.”

Council's independent wind expert has reviewed the wind report and has raised some concerns with the detail of the modelling and the proposed wind amelioration measures. It is proposed that these

matters be addressed via the inclusion of a condition of consent which requires the submission of an updated wind report for the approval of Council and the independent wind consultant prior to the issue of a construction certificate. The report is to address the final landscaping solution and future uses of the building and outdoor spaces.

Having regard to the above advice it is considered that the wind impact of the proposed building is acceptable subject to recommended conditions of consent.

11.8 Water management and civil works

Council's Senior Development Engineer has reviewed the subject application and indicated that the flooding report is satisfactory subject to conditions of consent. In relation to stormwater advice has been provided that the proposed stormwater plan for the northern laneway is not acceptable. Accordingly a condition of consent has been recommended requiring that the plan be redesigned for Council approval prior to the issue of a construction certificate (refer section 4 Table 1 above for further detail).

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. In summary the report concludes that the proposed development is appropriate within the context of the subject site and is consistent with the NSW Department of Planning and Infrastructure guidelines on minimising crime risk.

To ensure a suitable outcome is achieved, consistent with other consents issued for development fronting Parramatta Square 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 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, and
- active surveillance through the use of CCTV cameras including Macquarie Street, Leigh Place, the perimeter of the building facing the public domain and the northern laneway.

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 a new iconic public building providing a public library, new Council Chambers, community meeting rooms etc. The proposal will also improve the usability of the existing Parramatta Town Hall and will provide additional employment and investment (both during construction and ongoing). It will also provide significant community benefits in the form of the proposed pedestrian connections (Leigh Place and Northern Laneway). These are consistent with Council's vision for the area and will contribute to the achievement of Council's vision of establishing Parramatta as 'Australia's next great city'.

Council's Social Outcomes team has advised that the proposal will have a significant positive social impact, by providing essential social infrastructure to support the social sustainability of the Parramatta CBD community. Further it recommends that to maximise the positive social impact of the proposed development the floor space breakdown be clearly stated in the DA. In this regard it is noted that the DA does not include the internal use and fitout rather this would be the subject of a future DA following further detailed design development. This is considered appropriate.

Social Outcomes has also advised that if the existing amenity block is taken offline before the new public toilets in 5 Parramatta Square are operational, temporary accessible toilets and baby change facilities, open for at least 12 hours a day, should be installed in Centenary Square to meet the needs of the community. It is considered that this is a matter for Council and is not relevant to the subject DA.

11.11 Contamination and Acid Sulfate Soils

These matters have been addressed in the separate Early Works DA (DA206/2017) and are not relevant to the subject application.

11.12 Waste management

Operational waste has been addressed in the Waste 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 Basement Level 1 and that appropriate arrangements will be in place for waste collection via the Parramatta Square super basement.

In relation to demolition and construction waste the application notes that a waste management plan for demolition and construction works will be submitted prior to works commencing. A standard condition of consent is proposed in this respect.

11.13 Construction Impacts and Management

A construction management plan has been submitted with the application which details site establishment works, public and property protections measures, environmental management measures (including noise, dust, vibration, food, stormwater, contamination etc.) waste management, traffic and pedestrian management, construction sequencing and methodology etc. The plan is high level and sets out principles to be applied but not detailed construction arrangements, requirements etc.

Notwithstanding the submitted CMP it is recommended 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. Subject to the implementation of an approved CMP and standard conditions

of consent it is considered that 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. Three (3) submissions were received including two from members of the public and one from the National Trust. Issues raised in the submissions are outlined in the table below:

Table 9: Summary of issues raised in submissions

	Issue	Response
1.	Concerns regarding notification process and location of sign on site	It is understood that the application was notified in accordance with Council's policy
2.	Impact on historic Parramatta Town Hall	Addressed in section 11.6 above and independent heritage assessment at Attachment 2. Whilst the proposal adopts an unconventional approach to the heritage values of the site and the Parramatta Town Hall, it is considered that it responds appropriately to the heritage issues.
3.	Impact on vistas to Town Hall, St John's Cathedral and Leigh Memorial Church	Addressed in Table 5 above. Whilst the proposal will alter existing views and vistas to key heritage items, it protects and preserves key views and will provide adequate opportunity for appreciation and interpretation of these items. The heritage assessment notes that the views to the St John's Cathedral and the Leigh Memorial Church are not obscured by this development. The former buildings now demolished obscured those vistas.
4.	Impact on Leigh Memorial Church	Addressed in section 11.6 above and independent heritage assessment at Attachment 2. As outlined above the heritage assessment notes that views to the Leigh Memorial Church are not obscured by the proposed development rather these were obscured by the previous buildings on site. The proposal will provide for views to the Church along the northern laneway and Leigh Place.
5.	Concerns regarding the digital façade and digital carpet and associated light spill, noise, peace and quiet and consumption of electricity	The timing and programming of the digital façade will be the subject of a future development application and is not proposed to be approved as part of the current application. The proposed façade is however generally considered to be consistent with Council's vision for Parramatta Square and its vision of making Parramatta the next great city. The proposal digital carpet does not

	Issue	Response
		form part of the subject application.
6.	Internal impacts on Town Hall in particular removal of the stage and connection to new building.	<p>The proposal will improve the functionality of the Town Hall albeit that the removal will have some adverse heritage impact. The independent heritage assessment has recommended interpretation of the former stage (to be removed) including the opportunity to reuse the old equipment in the transition space. Further the heritage architect for the project has recommended the design of a temporary stage for use in the proscenium area. This is supported and will form a condition of consent.</p> <p>In relation to the connection between the Town Hall and the new building the independent heritage assessment has recommended further work to resolve this interface. A condition of consent to this effect is proposed.</p>
7.	Design only allows for 2 hours of sunlight (midday to 2pm) in mid winter and deprives public of sun in Square at other times.	The proposal complies with relevant controls in respect of solar access.

The National Trust has raised concerns regarding the proposal particularly in the light of its “*Building over the Airspace of Heritage Items and Areas*” Position Paper. The Trust has advised that the Position paper applies to all situations but particularly development in Town Centres and Central Business Districts where the impacts of major new buildings can have massive adverse impacts on historic buildings of modest size and scale. They have raised further concerns regarding the argument put forward in the application is relation to breaches of the Parramatta Development Control Plan 2011 Heritage Design Principles. It has advised that it maintains its view that:

- *In NSW many bizarre developments in the airspace above historic buildings have, and continue to occur, which significantly disrupt the setting and impact adversely on the presentation of those buildings*
- *Subdivision of a heritage place should:*
 - *Reflect the pattern of development in the streetscape or precinct, whichever is most relevant to the place.*
 - *Maintain an appropriate setting to the significant or contributory building.*
 - *Not provide for future development which will visually disrupt the setting and impact on the presentation of the significant or contributory building.*

In summary the National Trust has advised that it believes that the development proposal is obtrusive and not in keeping with the heritage significance of the Parramatta Town Hall and the important public space in the heart of the Parramatta Central Business District.

It further notes that “whilst there have been modifications to reduce its impacts, those impacts due to its “building over” the historic Town Hall are unacceptable and create negative precedents which are contrary to the provisions of the Parramatta DCP Heritage Design Controls and will negatively impact on the heritage significance of the State Heritage Register listing building and the view-lines from adjoining State Heritage Register listed buildings.”

The National Trust’s submission incorrectly refers to the Parramatta Town Hall as being listed on the State Heritage Register. The site is not listed on the State Heritage Register rather it is listed on Council’s LEP as a local item. The site is however also within a heritage conservation area under the LEP and in the vicinity of a number of other heritage items including the State listed St John’s Anglican Cathedral. The issues raised by the National Trust have been addressed by Council’s independent heritage consultant Tropman and Tropman at section 2.2 of their report. The report notes that the Trust

is a private community group which while being admired for its respected expertise, does not have any approval capacity. It further states that:

While The National Trust has focused on the overhanging of the new Council Chamber above the old Town Hall, the designers explain this as being an integral part of the design and a conscious element in the composition of the form.

The winning entry has designed the overlay of new and old as a representative symbol of government in Parramatta.

The heritage assessment states that the proposal is not consistent with some heritage design principles outlined in the Parramatta DCP 2011 nor with the Burra Charter (refer section 2.7) however also notes that “in terms of the overall scale, if the Parramatta Town Hall were allowed to stand alone in the new Square, it would be small and insignificant. The new civic building as designed provides an intermediate scale to the old building. It holds it to the past and joins it to the future.” The assessment goes on to review a number of both local and international examples of buildings where the interface of the historic facades and juxtaposed disruption of new and old, challenges the conservative view of adaptive reuse and the “low key additions” philosophy in respectful acknowledgement of the relics. It concludes that contrary to the opinion of the National Trust overhanging of the Town Hall can be successfully done and that there are many local and international examples which demonstrate this. The assessment states:

The bulk and scale issues should be viewed in the larger context and the Council model clearly shows that the new development is moderate by comparison to the approved or intended buildings immediately around it.

Matters of greatest concern are the junction between new and old and the use of the Town Hall as a transit or access through to the new building which may dilute its interpretation.

The balance of the argument as to the heritage impact of the winning scheme on the Parramatta Town Hall and its environs rests more with the context of the “New Parramatta” as a global city than with the singular preservation of the Town Hall itself. It is clearly understood that with the exception of the stage and some extended windows the Town Hall is untouched as a building.

In summary the heritage assessment concludes that subject to additional work in relation to the junction between old and new (which is proposed to be addressed via condition) the proposal is well proportioned having regard to future surrounding development and responds appropriately to the heritage issues on site albeit in an unconventional way. In light of this the assessment commends the proposal subject to the recommendations contained in the 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

It is not proposed to require a section 94A contribution in accordance with the Parramatta City Centre S94A Development Contributions Plan as the application related to Council development of a community facility to be funded using section 94A levies.

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, subject to the attached conditions of consent, to Development Application No. DA/758/2017 for the construction of a six storey Council facility including partial demolition of the Parramatta Town Hall and demolition of an existing external amenities block. The proposal seeks consent for construction and use of one basement level and one mezzanine basement level. Further the proposal seeks approval for construction of the overall structure and exterior built form only. The use, digital façade, signage and internal fitout would be subject to a separate development application/s. The proposed development is on land at 1A Civic Place, Lot 2 DP 1192394, PARRAMATTA also known as 5 & 7 Parramatta Square.