SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC126		
DA Number	DA/888/2017		
LGA	City of Parramatta		
Proposed	28 storey commercial office building with ground floor retail, 4		
Development	levels of podium car parking and 2 pedestrian through-site links along southern and western boundaries, respectively. The application is to be determined by the Sydney Central City Planning Panel.		
Street Address	32 Smith Street & 93-95 Phillip Street, PARRAMATTA NSW		
	2150		
	(Lot 1 DP 541289, Lot 2 DP 566617 and Lot 4 DP 564000)		
Applicant	GPT Group Pty Ltd		
Owner	GPT Group Pty Ltd		
Date of DA lodgement	13 October 2017		
Number of	Nil		
Submissions			
Recommendation	Approval subject to conditions		
Regional Development	Pursuant to Clause 3 of Schedule 4A of the Environmental		
Criteria (Schedule 4A	Planning and Assessment Act 1979, the development has a		
of the EP&A Act)	capital investment value of more than \$20 million.		
List of all relevant	Environmental Planning and Assessment Act 1979		
s79C(1)(a) matters	 Environmental Planning and Assessment Regulations 2000 		
	SEPP (Infrastructure) 2007		
	SEPP (State and Regional Development) 2011		
	SEPP (Sydney Harbour Catchment) 2005		
	SEPP No. 55 (Remediation)		
	Parramatta Local Environmental Plan 2011		
	Parramatta Development Control Plan 2011		
List all documents	Attachment 1 – Architectural Drawings		
submitted with this	Attachment 1 – Architectural Drawings Attachment 2 – Design Report		
report for the Panel's	Attaoriment 2 – Design Neport		
consideration			
Report prepared by	Matthew Di Maggio		
, , , , , , , , , , , , , , , , , , , ,	Development Assessment Officer, City Significant		
	Development		
Report date	15 February 2018		
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Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the	Yes
Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the	Yes
consent authority must be satisfied about a particular matter been listed, and relevant	
recommendations summarized, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the	N/A
LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Does the DA require Special infrastructure Continuutions Conditions (394EF)!	NO
Conditions	
Have draft conditions been provided to the applicant for comment?	Yes

1. Executive summary

Consent is sought for demolition and construction of a twenty-eight (28) storey commercial office building on the corner of Smith and Phillip streets, respectively, with two ground floor retail tenancies, four (4) levels of podium parking and two (2) pedestrian through-site links along the southern and western boundaries.

The proposal is based on the winning entry by Fender Katsalidis in a design competition process that was awarded design excellence on 10 July 2017. The proposed building generally follows the form for the site envisaged by Parramatta LEP 2011 (PLEP 2011) and Parramatta DCP 2011 (PDCP 2011) and as such is considered to provide a high standard of accommodation for future occupants.

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

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

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.

2. Site description, location and context

Site

The site is located at the south eastern corner of the intersection of Smith and Phillip Street in the eastern part of the Parramatta central business district (CBD). It comprises of three (3) allotments with a combined area of 2,452m², a Smith Street frontage of approximately 48.3m and an irregular Phillip Street frontage of approximately of 42.3m. It is generally flat with a slight cross fall from east to west. It is located 400m west of the Parramatta Ferry Stop, 450m north of the proposed Light Rail Stop on Macquarie Street and 850m north of Parramatta Station (10-minute walk).

Site Improvements & Constraints

The site contains the following structures which are proposed to be demolished:

- Two x three storey office buildings (93-95 Phillip Street);
- One x two storey building used a function centre (95 Phillip Street);
- One x two storey building used as a place of public worship (32 Smith Street); and
- One x two storey building used an office and retail premise (32 Smith).

The subject site is not a heritage item in its own right, although, it is in the vicinity of the following heritage items:

- 44 Phillip Street, local item I738 St. George's Terrace (and potential archaeological site);
- 64-66 Phillip Street, local item I739 Barnaby's Restaurant (and potential archaeological site); and
- 68A and 70 Phillip Street, local item I740 Office (and potential archaeological site).

Approximately 81sqm of the site's Smith street western frontage is zoned 'SP2 Infrastructure' for the purposes of a 'strategic bus corridor' under the PLEP 2011.

The land is likely to contain acid sulphate soils, is of high Aboriginal and European archaeological sensitivity and is flood affected.



Figure 1. Aerial view of locality (subject site in blue) (Source: Nearmap).



Figure 2. Subject site as viewed from Phillip Street looking south-west. (Source: City of Parramatta).

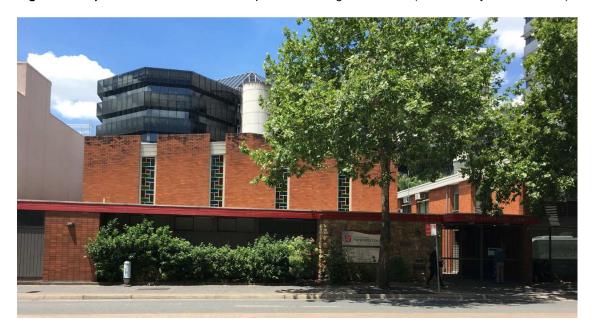


Figure 3. Subject site as viewed from Smith Street looking east. (Source: City of Parramatta).

Surroundings Development

- North 5 storey commercial office building.
- East 7 storey commercial office building.
- South 14 storey commercial office building.
- West 9 storey commercial office building.

Site History

A design competition was held for the site (Council Ref: DC/1/2017) in July 2017. On 10 July 2017 a proposal by Fender Katsalidis Architects was awarded design excellence triggering the following bonuses under Clause 7.10(8) of the PLEP 2011:

- Height 15% bonus (from 120m to 138m).
- FSR 15% bonus (from 10:1 to 11.5:1).

Subsequently, the applicant sought pre-lodgement advice (Council Ref: PL/154/2017) prior to the lodgement of the subject application. The competition jury was reconvened and found the change to the design competition winning scheme to be acceptable in principle. Council officers reviewed the revised scheme and provided a list of issues that should be resolved prior to submission of the application.

Statutory Context

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

The following development applications are in the vicinity of the site:

Site	Reference	Description / Details	
105 Phillip Street	DA/120/2016	Demolition of existing structures over the northern part of the site (adjacent to Phillip Street) and construction and use of a 13 storey commercial building over existing basement car parking (to be known as No. 105 Phillip Street Parramatta), landscaping and Stratum Subdivision to create two lots. **Approved 6 July 2016 (under construction).**	
130-150 George Street	DA/808/2017	Construction of 33 storey commercial office building fronting Charles Street; 4 storey mixed use building fronting George Street comprised of retail, commercial offices and communal recreation facilities; modification to existing car park at 150 George Street including reduction in car parking spaces; pedestrian through-site link along western boundary of 140 George Street; and associated landscaping and public domain works; following demolition of existing car park at 140 George Street. Currently under assessment.	

3. The proposal

The proposal involves the following:

• Demolition of all existing buildings and structures on-site;

- Site preparation works;
- Construction of 28 storey commercial office building comprised of:

Level	Proposed
Ground Floor	Lobby/reception area, restaurant (241sqm) with kitchen (20sqm), retail tenancy (32sqm), loading dock, vehicle ramp, vehicle turn table, building services; eastern laneway with bike parking (James Lane) and southern laneway with bike maintenance station (William Lane). Note: Approval is not recommended for use and fit-out of retail tenancies or outdoor dining, as insufficient information has been provided to undertake a full assessment. Therefore, a condition of consent is recommended to require future applications for the fit-out and uses of the retail tenancies and any ancillary outdoor dining uses.
Level 1	Substation, building services, pump room, void over lobby and vehicle ramp.
Level 2	Office premises (764.3sqm), building services and vehicle ramp.
Levels 3-6	Landscaping (level 3 only), end of trip facilities (243.6sqm & level 6 only) and car parking for 115 spaces.
Level 7	Office premises (1,096.8sqm) and outdoor landscaped terrace (410sqm).
Levels 8-24	Office premises (24,007.1sqm).
Level 25	Office premises (1,222.8sqm) and outdoor landscaped
	terrace (208sqm).
Levels 26-27	Plant.
Level 28	Roof.

- Construction of two laneways on the eastern (James Lane) and southern (William Lane) sides of the site, which connect to create a through-site-link;
- Removal of six (6) trees within the Phillip Street frontage;
- Retention of three (3) street trees within the Smith and one (1) within the Phillip Street frontages, respectively;
- Landscaping on Level 3 (green roof) and within terraces on Levels 7 and 25, respectively; and
- Public domain works including upgraded footway and planting of twelve (12) new street trees.

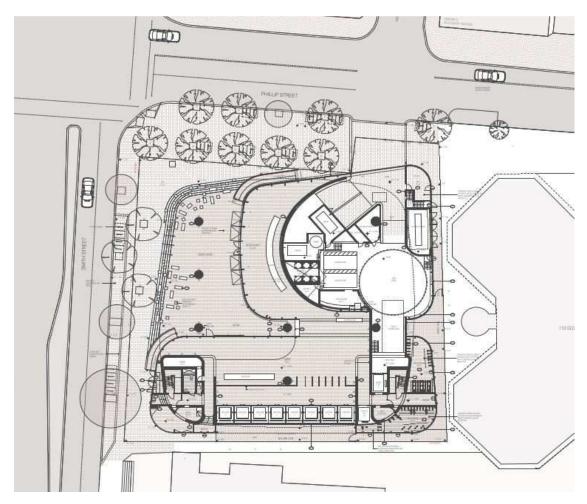


Figure 4. Proposed ground floor plan. (Source: Fender Katsalidis).

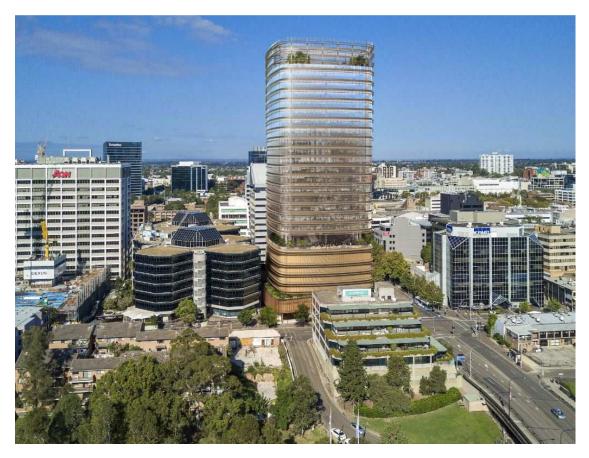


Figure 5. Photomontage of proposal as viewed from the north. (Source: Fender Katsalidis).

Summary of Amended Proposal

In response to concerns raised by Council officers the applicant submitted revised drawings which included the following changes:

- Removal of the future bus corridor along Smith Street, as this is to be provided by Roads and Maritime Services and not the proponent;
- Removal of kerb ramp servicing Smith Street to improve pedestrian safety;
- Retention of three (3) street trees within the Smith and one (1) within the Phillip Street frontages, respectively;
- Extension of ground floor restaurant façade-line to provide further wind mitigation;
- Addition of bike maintenance/repair station servicing William Lane to increase activation;
- Relocation of bike parking servicing William Lane to Smith Street frontage to allow a 3m clear path of travel and to provide further activation;
- Relocation of sunset gates servicing laneway;
- · Retail unit façade line amended;
- Amendments to select motorcycle and car spaces to ensure satisfactory vehicular movement;
- Sliding seats servicing ground floor steps changed to fixed seats;
- Amendment of pavement tiles to align with Council's public domain guidelines;
- Addition of intercom points and boom gates to service the proposed vehicular entry/carpark;
- Amendments to horizontal sunshades to ensure satisfactory shading;
- Removal of median within the public domain; and

 Vertical garden soil beds servicing laneways reduced in size to improve pedestrian/cyclist movement.

4. Referrals

The following referrals were undertaken during the assessment process:

Sydney Central City Planning Panel

Briefing 06/12/2017

The Sydney Central Planning Panel (SCCPP) was briefed on the application. Issues raised at the briefing were discussed as follows:

- Archaeology Potential archaeological impacts on both European and Aboriginal remains and the Office of Environment & Heritage's (OEH) view on these impacts. Correspondence from OEH is discussed below under 'External' heading.
- Substation location Endeavour Energy's concern regarding the location of the substation on level 1. Further correspondence from Endeavour Energy was requested and is discussed below under 'External'.
- Setback variations This issue is discussed in further detail below under 'Development control plan' and 'The likely impacts of the development' headings, respectively.
- Wind impacts This issue is discussed in further detail below under 'External' and 'Development control plan' headings, respectively.
- SP2 zoning FSR implications caused by the SP2 zoning and this
 issue is discussed in further detail below under 'Parramatta Local
 Environmental Plan 2011' heading. In addition, Roads and Maritime
 Services views were sought and this issue is discussed in further
 detail below under 'External' heading.
- Street tree retention Street tree retention. This issue is discussed in further detail below under 'Parramatta Local Environmental Plan 2011'.

Design Competition Jury

Review 14/02/2018

The Design Excellence Jury was reconvened to review the status of the subject application with Council officers.

 The Jury were briefed on the following design items, and made the following comments:

Urban Room

- The Urban room area has been reduced with the extension of ground floor restaurant façade-line to provide further wind mitigation.
- The Jury are satisfied that the size, scale and proportions of the Urban Room are "in the spirit" of the original design competition winning scheme.

Public Domain / Laneways

 Council officers outlined the close consultation with the applicant in regards to the design development of the public domain + new laneways.

- The Jury are supportive of the following measures:
 - Urban Room steps have been realigned to reflect coordination with the landscape architects;
 - Bikes from William Lane have been removed to allow a clear 3m path of travel behind the lift shaft;
 - Removal of the future bus corridor along Smith Street, as this is to be provided by Roads and Maritime Services and not the proponent;
 - Retention of three (3) street trees within the Smith Street and one (1) within the Phillip Street frontages, respectively;
 - Addition of bike maintenance/repair station servicing William Lane to increase activation;
 - Sliding seats servicing ground floor steps changed to fixed seats:
 - Amendment of pavement tiles to align with Council public domain guidelines;
 - Addition of intercom points and boom gates to service the proposed vehicular entry/carpark;
 - o Removal of median within the public domain; and
 - Vertical garden soil beds servicing laneways reduced in size to improve pedestrian/cyclist movement.

Substation

- The applicant is in continued negotiations with Endeavour Energy to secure the location of the substation on Level 01.
- Due to the timing of this application, a condition of consent will be included to ensure that further time is provided to negotiate with Endeavour Energy prior to the issue of the relevant Construction Certificates.
- The Jury were supportive of this approach, and reiterate the importance of the elevated substation being retained as the DA moves to construction. The Jury request that they are notified of any amended plans, should the substation be relocated to street level.

Summary

- The Jury are supportive of the Development Application as presented, and are satisfied that it is consistent with the original Design Competition winning scheme.
- The City Architect requests that Council's standard conditions of approval in relation to Design Excellence are included in this consent.
- The Jury look forward to reviewing the design prior to the issue of any relevant S96 and/or Construction Certificates for this development.

External

Authority Comment	Authority	Comment
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Office of Environment & (Aboriginal Heritage)	Heritage	No objection raised.
(Aboliginal Helitage)		Note: The response provided by OEH also stated that input on Aboriginal cultural heritage matters is only provided for Integrated Development Applications (IDA). The applicant has not chosen for the application to be determined through the IDA pathway. Notwithstanding, conditions are recommended to ensure the protection of Aboriginal archaeology. Matters related to Aboriginal archaeology are discussed in further detail below under 'Parramatta Local Environmental Plan 2011' heading.
Office of Environment & (European Heritage)	Heritage	Supported subject to conditions.
Roads and Maritime Services (F	RMS)	Supported subject to conditions.
Endeavour Energy		Supported subject to conditions, except location of substation on level 1.
		Note: The applicant has indicated that they are in negotiations with Endeavour Energy with respect to the substation location and are seeking to resolve the matter post determination. Therefore, a condition of consent has been recommended requiring the final location of the substation to be coordinated between the proponent, Endeavour Energy and the Council's City Architect prior to the issue of the relevant construction certificate.
Sydney Water		No response received within prescribed timeframe. Notwithstanding, standard conditions have been recommended requiring the proponent to obtain relevant certificates and information from Sydney Water during the pre and post construction phases.
Transport for NSW (TFNSW)		No response received within prescribed timeframe.
		Note: There is no statutory requirement to consult with TFNSW, given the site's significant distance from planned or existing transport infrastructure. Correspondence was sent for information purposes only.
Wind Consultant		No objection raised.
Solar reflectivity Consultant		No objection raised.
Environmentally Sustainable De Consultant	evelopment	Supported subject to conditions.

Internal

Authority	Comment	
Development & Catchment Engineer	Supported subject to conditions.	
Tree & Landscape Officer	Supported subject to conditions.	
Traffic & Transport	Supported subject to conditions.	
Transport – Cycling	All aspects of the proposal supported, except for width of the laneways.	
	Note: Laneway widths are satisfactory and	

Authority	Comment
	discussed in further detail below under 'Development control plan' heading.
Environmental Health – Acoustic	Supported subject to conditions.
Environmental Health – Contamination	Supported subject to conditions.
Environmental Health – Waste	Supported subject to conditions.
Social Outcomes	Supported subject to conditions.
Civil Assets	Supported subject to conditions.
Urban Design	Supported subject to conditions.
Public Art	No response received. Notwithstanding, an appropriate arts plan has been provided and will be adopted through recommended consent conditions.
Heritage	No objection raised.
Heritage Interpretation	No response received within prescribed timeframe. Notwithstanding, standard conditions are recommended.

5. Environmental Planning and Assessment Act

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

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

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

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:

Provision	Comment
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

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

6. Environmental planning instruments

6.1 Overview

The instruments applicable to this application comprise:

- SEPP (Infrastructure) 2007;
- SEPP (State and Regional Development) 2011;
- SEPP (Sydney Harbour Catchment) 2005;
- SEPP No. 55 (Remediation); and
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

6.2 State Environmental Planning Policy (Infrastructure) 2007

The proposal is considered to constitute 'traffic generating development', as it proposes more than 10,000sqm of additional commercial floor space. As such, the proposal was referred to Roads and Maritime Services (RMS), who did not raise any objection, subject to conditions

As discussed previously, approximately 81sqm of the site's western frontage is zoned 'SP2 Infrastructure' under the PLEP 2011 for the purposes of a 'strategic bus corridor'. RMS acknowledged the zoning and nomination for future acquisition. Further, RMS requested that Council ensure that Clause 5.1A of the PLEP 2011 is satisfied, namely, that the land zoned as SP2 is free from any built structure or element and sufficient setbacks are provided to the Smith Street boundary. This has been confirmed by Council (refer to Parramatta Local Environmental Plan 2011' heading below).

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

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

6.4 State Environmental Planning Policy (Sydney Harbour Catchment) 2005

This Policy, which applies to the whole of the Parramatta LGA, 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 recommendation of suitable conditions to address the collection and discharge of water during construction and operational phases.

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

The development includes no major excavation works, as above ground parking is proposed. However, excavation extending approximately 4 metres below the ground is required to accommodate building services and lift cores. Deeper excavations will be required for pile foundations only.

A SEPP 55 compliance statement was provided by Douglas Partners. It acknowledged that fill materials identified on site are an area of environmental concern, albeit not a significant one. Recommendations were provided to undertake a detailed site investigation should redevelopment proceed. It concluded that the site can be made suitable for the proposed commercial uses. As such, the site is considered to satisfy the requirements of SEPP 55.

As noted previously, the application was reviewed by Council's Environmental Health officer and recommended conditions of consent have been provided which require site investigations and site audit statements to be undertaken to ensure the safe and proper removal of site fill and for general environmental protection.

6.6 Parramatta Local Environmental Plan 2011

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

Development standard	Proposal	Compliance
2.3 Zoning B3 – Commercial Core	The proposed uses are defined as <i>commercial premises</i> and are permissible with development consent in the zone.	Yes
2.7 Demolition	Consent is sought for demolition of all structures currently on site. Conditions of consent have been recommended to ensure safe demolition practices and environmental protection.	Yes
Zone Objectives	The proposal is considered to be in keeping with the objectives of the B3 Commercial Core zone for the following reasons: The proposal provides an appropriate mix of land uses; The proposal provides additional employment opportunities in a highly accessible area; The proposal provides upgrades to the public domain; The proposal does not adversely affect heritage; and The proposal provides new laneways.	Yes
4.3 Height of Buildings Control: 138m [subject to clause 7.10(8)	Max Height: 112.8m	Yes
4.4 Floor Space Ratio Control: 11.5:1 (28,198m²) [subject to clause 7.10(8]	Total GFA: 28,086m² (11.45:1) Note: Advice has been provided by Council's Land Use team confirming that the portion of the site zoned 'SP2 Infrastructure' can be used for the purpose of calculating FSR, as the PLEP 2011 does not exclude land zoned 'SP2 Infrastructure' from FSR calculations.	Yes
4.6 Exceptions to Development Standards	An exception to a development standard is not being sought.	N/A
5.1 Relevant Acquisition Authority	The relevant acquisition authority for the SP2 Infrastructure "Strategic bus corridor" is RMS. RMS have been notified and provided correspondence that a review is being undertaken of corridor reservations within the Parramatta CBD and the site should be reserved for potential future acquisition.	Yes

Development standard	Proposal	Compliance
5.1A Development on land intended to be acquired for public purposes	Plans demonstrate that the corridor will remain free of buildings/structures. Minimum 3.5m setback has been provided from the building edge to the corridor.	Yes
5.3 Development near zone boundaries	The site is located adjacent to 'B4 Mixed Use' zone. Notwithstanding, the proposed uses are permissible within both the 'B3 Commercial Core' and 'B4 Mixed Use' zones, respectively.	N/A
5.9 Preservation of trees or vegetation	The proposal includes the removal of six (6) trees from the Phillip Street Frontage, which were identified as of being low to medium landscape value within the accompanying Arboricultural Impact Assessment Report provided with the application. Tree removal in this instance is required to facilitate stormwater and public domain works associated with the proposal. To mitigate the loss of biodiversity, twelve (12) trees in total are proposed to be planted within the Phillip and Smith Street frontages, respectively, in addition to the provision of green roofs and	Yes
5.10 Heritage conservation	Induscaping within the terraces and laneways. There is sufficient separation between the proposal and the nearby heritage items such that the proposal would not have a direct impact on their stability or immediate curtilage. Given the separation it is considered that the impact on significant views and on the significance of the items in general would be acceptable. The site is listed as 'high sensitivity' in terms of Aboriginal and European archaeology. The application was accompanied by Historical & Aboriginal Archaeological reports that conclude the site may contain archaeological relics or Aboriginal objects. As discussed above, the proposal was referred to OEH and conditions were provided in terms of European archaeology, including requirements for the applicant to obtain permits and undertake testing prior to commencement of works. Similarly, appropriate conditions of consent are recommended with respect to Aboriginal archaeology. Given the above, the proposal will have an acceptable heritage conservation impact, subject to conditions.	Yes

Development standard	Proposal	Compliance
6.1 Acid Sulphate Soils Class 4	The proposal includes excavation that will extend approximately 4m below the natural ground level. An Acid Sulphate Soil Management Plan accompanied the application and conditions of consent have been recommended to ensure the safe handling and disposal of acid sulphate soils.	Yes
6.2 Earthworks	Minimum excavation, limited to new piling, building services and lift cores. The level of excavation is not likely to have an unacceptable impact on drainage patterns or waterways. Minor fill works are proposed. Council's engineers are satisfied that the proposal will not affect the stability of adjoining/nearby properties. As such the proposed earthworks are considered to be acceptable.	Yes
6.3 Flood Planning	The site is subject to a 1:5-year, 1:20-year and 1:100-year flood risk, both from overland flow and the Parramatta River. The proposed building floor levels have been designed to be appropriately above the assumed flood level, which have been confirmed by Council's catchment engineer. Conditions are recommended to ensure the building will adequately respond to the risk.	Yes
6.4 Biodiversity Protection	The proposal would result in a net increase in flora on the site and as such is considered likely to have a positive impact on biodiversity.	Yes
6.5 Water Protection	The site is upstream of the Parramatta River. A geotechnical report by Douglas and Partners was provided with the application and concluded that excavation may intercept the groundwater table. The application was not nominated by the applicant as integrated under the Water Management Act 2000. Notwithstanding, appropriate conditions of consent have been recommended to ensure the applicant obtains appropriate licenses from Water NSW for the purposes of dewatering. In addition, conditions are recommended to ensure the proposal does not result in erosion or sedimentation to waterways.	Yes
7.3 Car Parking Control (Maximums): Commercial – 1/100m² (280) Total – 280	115 spaces proposed.	Yes
7.4 Sun Access	The proposal would not overshadow Jubilee Park, Parramatta Square or Lancer Barracks during the solar protection window (i.e. 12pm – 2pm).	Yes

Development standard	Proposal	Compliance
7.6 Air Space Operations	The Bankstown Airport OLS of 156m AHD is not breached. As such, an aeronautical referral is not required.	N/A
7.10 Design Excellence	The proposal is the winning entry in a design competition and has received the designation of 'design excellence'. The design as submitted has been reviewed by the original design jury and found to be acceptable. Conditions are recommended requiring a further review by the jury of the construction drawings prior to commencement of works. As such, the proposal is eligible for height and floor space bonuses of 15%.	Yes



Figure 6. PLEP 2011 Height of Buildings map (subject site outlined in yellow) (Source: GIS).



Figure 7. PLEP 2011 Floor Space Ratio map (subject site outlined in yellow) (Source: GIS).

7. Draft Environmental planning instruments

On 11 April 2016, Council adopted the draft Planning Proposal (PP) for the Parramatta CBD to seek a Gateway Determination from the NSW Department of Planning and Environment (DOPE). At this stage, the PP is still under assessment.

Once finalised, the determination will outline whether the PP can proceed (with or without variation) and will be subject to certain conditions. These conditions may require further studies, public consultation, public hearings and agency consultation to be undertaken.

It is expected that following its acceptance, the PP will be publicly exhibited (subject to Council satisfying all conditions). Submissions received during public exhibition will be considered and reported to Council along with any amendments to the planning controls.

In regards to the subject application, the proposal does not seek to rely on the additional uplift and built form opportunities of the PP. Notwithstanding, Council endorsed the recommendations of the Parramatta CBD Strategic Transport Study on 10 April 2017. The study recommended that City of Sydney Council car parking rates be included as part of the Parramatta CBD Planning Proposal. While this Planning Proposal has not yet been exhibited, it was resolved that these rates should be applied to all future design competitions and planning proposals.

Using City of Sydney rates, and taking into account the amount of commercial floor space proposed, the subject site would be able to accommodate a maximum of 49 spaces. It is considered appropriate to adhere to a compromise between the PLEP rates (max 280 spaces) and the City of Sydney rates (max 49 spaces). The proposal, at 115 car parking spaces, is less than half of the difference between the two rates and as such is considered acceptable.

Further, the proposal includes podium parking with floor to ceiling heights that enables future retrofitting to commercial floor space and a reduction in car parking, subject to future development consent. This supports the intent of the PP to promote the use of sustainable transport and maximise opportunities for commercial floor space within the Parramatta CBD.

8. Development control plan

8.1 Parramatta Development Control Plan 2011

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

Development Control	Proposal	Comply
2.4 Site Considerations		ı
2.4.1 Views and Vistas	The site is not identified as having significant views and vistas by Appendix 2 and is not located in the Harris Park Conservation Area.	Yes
2.4.2 Water Management	See PLEP 2011 Flood Planning section above. The proposal is not considered likely to impact on the quality of Parramatta River due to the provision of sufficient on-site drainage and its distance relative to the river. The application includes minimal excavation and as such is considered unlikely to have an unacceptable impact on groundwater.	Yes
2.4.3 Soil Management	The Stormwater Management Plan outlines a general erosion and sediment control plan. It is considered that standards conditions of consent would be sufficient to ensure the objectives of the control are achieved. See PLEP 2011 Acid Sulphate Soils section above. The site is identified as being of moderate salinity potential. Minimal excavation is proposed. As such, it is not considered that any special measures are necessary.	Yes
2.4.4 Land Contamination	See SEPP 55 section above.	Yes
2.4.5 Air Quality	Subject to standard conditions of consent the proposal is not considered likely to result in unacceptable air quality impacts.	Yes
2.4.6 Development on Sloping Land	The site is generally flat.	N/A
2.4.7 Biodiversity	The proposal requires the removal of several trees but includes significant new on-street and on-structure planting. As such, the proposal is considered to result in a net increase in biodiversity on the site.	Yes
2.4.8 Public Domain	The proposal includes upgrades to the public domain including new pavement, new street trees, and a publicly accessible forecourt area. The proposed building provides adequate address to the public domain and will permit passive surveillance.	Yes
3.1 Preliminary Building E	nvelope	
See Section 4.1.6 below.		

Development Control	Proposal	Comply
3.2. Building Elements 3.2.1 Building Form and Massing	While the proposed building has a large footprint and is in close proximity to adjoining towers it is considered to be acceptable given the office use and CBD location of the proposal. The building has been awarded design excellence.	Yes
3.2.2 Building Façade and Articulation	The primarily glazed façade is considered to be in keeping with the character of the area and its predominant use (office).	Yes
3.2.3 Roof Design	The building is terminated by a triple height plant and services zone and roof terrace encased in glazing. The transparency of the terrace area will create a distinct top to the building while maintaining a generally clean flat roof form in keeping with the character of the area.	Yes
3.2.4 Energy Efficient Design	The proposed building is considered to achieve energy efficiency objectives as the applicant has committed to 5 star NABERS Energy and 5 star GreenStar Design ratings, respectively. Specific initiatives include, but are not limited to, external solar shading, rainwater harvesting for landscape irrigation, solar power generation and the use of sustainably sourced materials. However, as discussed above, the proponent is reluctant to enter into formal agreement with OEH regarding NABERS certification. Notwithstanding, conditions of consent have been recommended to ensure the minimum NABERS rating can be achieved without the need for a formal agreement.	Yes
3.2.5 Streetscape	The proposal improves the existing streetscape given the tower's exemplary design, ground plane activation through the provision of retail tenancies, laneways and public seating and the use of high quality building materials.	Yes
3.3 Environmental Ame		
3.3.1 Landscaping	As outlined above, the proposal is considered to provide sufficient landscaping.	Yes
3.3.3 Visual and Acoustic Privacy	The proposal is in close proximity to predominately office buildings. However, given the less sensitive nature of the use, the level of separation is considered to be acceptable. An outdoor play area servicing a child care centre at 100 George Street is located directly south of the site. However, the southern side of the building contains the lift core, bathrooms and services, thereby maintaining a satisfactory level of privacy for the child care users. In terms of noise, the primary noise emanating from the site will be from plant and equipment. This plant will be fully enclosed and set back from the facades of the building. A standard condition relating to noise amenity is considered to be sufficient to ensure acoustic privacy.	Yes
3.3.4 Acoustic Amenity	The nearest residential uses are located approximately 80 metres north-east, on the opposite side of Phillip Street. Given the existing dense nature of the Parramatta CBD, the proposal will not result in a	Yes

Development Control	Proposal	Comply
	discernable increase in noise for nearby residential receivers.	
3.3.5 Solar Access		
Adjoining residential units to receive a minimum of 2 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June	Due to the height of the building it will have a far reaching shadow. However, there are no residential properties directly to the south of the building and as such the shadow would not affect any single dwelling more than a few hours in midwinter. As such, all affected units would still receive the required solar access.	Yes
3.3.6 Water Sensitive Urban Design	The proposal includes rainwater harvesting for landscape irrigation.	Yes
	Water efficient fixtures are included.	
	An OSD tank is included.	
	The applicant has modelled water quality outcomes from this system and these achieve Council's DCP 2011 targets. This approach is satisfactory.	
3.3.7 Waste Management	The applicant has submitted a waste management plan which details estimated waste volumes for the demolition stage, based on a survey of the current site. The waste generated from the construction phase of the development is yet to be finalised, however satisfactory conditions are recommended to ensure	Yes
	safe handling and disposal. The ongoing waste management has been addressed by the provision of waste storage room, which is located adjacent to the loading dock for easy removal. The waste management plan is considered to be acceptable.	
3.4 Social Amenity		
3.4.1 Culture and Public Art	The application is accompanied by a preliminary Public Art Strategy which outlines a process for selection of artists and consequent design development. The Public Art Strategy is considered to be acceptable subject to a condition requiring further development with Council through the detailed design and construction phases of development.	Yes
3.4.2 Access for People with Disabilities	The application is accompanied by an Access Compatibility Statement which concludes that the proposal can comply with the relevant access requirements. The architectural drawings demonstrate that there is an accessible path of travel to all areas of the building	Yes

Development Control	Proposal	Comply
	including level thresholds at ground level and ramps of appropriate gradient. Conditions are recommended to ensure compliance.	
3.4.4 Safety and Security	 The proposal is not considered likely to contribute to the provision of any increased opportunity for criminal or anti-social behavior for the following reasons: The primary building entrance is easily identifiable from the street; Natural surveillance of the public domain would be significantly increased with the proposed level of occupancy; Glass will be used extensively to facilitate passive surveillance of the public domain and laneways; The private areas are clearly delineated; The proposal includes the provision of two interconnected laneways, servicing both Smith and Phillip Streets, respectively. The laneways will be activated during the day by bike parking/storage areas, secondary entries and a retail tenancy. In the evenings/night, the laneways are to be well lit and serviced by security gates, which will be locked after business hours; and CCTV is proposed. 	Yes
3.5 Heritage		
3.5.1 General 3.5.2 Archaeology	Refer to PLEP 2011 discussion above. A European Archaeological Assessment accompanies the application and concluded the site has low to moderate potential for archaeological remains. The application was referred to the European Archaeological section of OEH who raised no concerns with the level of excavation proposed, subject to	Yes Yes
	conditions for testing to be carried out prior to the commencement of works.	
3.5.3 Aboriginal Cultural Heritage	An Aboriginal Cultural Assessment accompanies the application and concluded the site may contain items of high Aboriginal archaeological significance and requested that an Aboriginal Heritage Impact Permit (AHIP) be sought from OEH for test excavations. The application was referred to the Aboriginal Archaeological section of OEH who did not provide a formal comment. Notwithstanding, conditions are	Yes
26 Mayamant and Circuit	recommended requiring the applicant to obtain relevant permits from OEH to undertake testing prior to commencement of works.	
3.6 Movement and Circu		
3.6.1 Sustainable Transpor	l .	

Development Control	Proposal	Comply
Car Share 1 car share if over 5,000sqm commercial	1	Yes, condition recommend ed to ensure compliance .
Green Travel Plan Required for >5,000sqm commercial	A satisfactory Green Travel Plan has been provided.	Yes
3.6.2 Parking and Vehicular Car Parking Control	See Parramatta City Centre section below.	N/A
Bicycle Parking 1 bicycle space per 200m² of floor space (28,198m²) = 141	141 within laneway and Smith Street frontage. Satisfactory end of trip facilities, including change rooms, showers and lockers provided within the building.	Yes
3.6.3 Accessibility and Conr Through Site Links min. width 3m	nectivity >1.5m (James Lane) and 3m (William Lane). Adjacent site immediately east at 110 George once redeveloped will be required to provide a 1.5m laneway along its western boundary, which will connect with the proposed 1.5m wide James Lane, ensuring a 3m width envisioned by the PDCP 2011.	Yes
4.3.3 Strategic Precinct - Pa	arramatta City Centre	
Objectives	The proposal is considered to be consistent with the objectives of the strategic precinct: The proposal provides commercial floor space in an accessible location; The building has achieved design excellence; The proposal upgrades the public domain; and The proposal would not have an unacceptable impact on heritage.	Yes
4.3.3.1 Building Form	<u> </u>	
Street Frontage >20m	Smith Street – 42.3m; and Phillip Street – 42.3m.	Yes
Front Setback = 0m or in keeping with adjoining	Smith Street –3.93m – 9.5m (ground/podium) & 4.7m (tower above). Phillip Street – 0m – 4.5m (ground/podium), in-keeping with adjoining development & 0m to 6m (tower above).	No, satisfactory on merit. Refer to impacts discussion below.
Street Frontage Heights Phillip - 4 storeys/14m or 20m publicly accessible forecourt Smith – Min 8 storey/26m	The proposal includes street wall heights of 3 storeys/11m for both Phillip and Smith Streets, respectively. Notwithstanding, the proposal still meets the objectives of the control, as it maintains a consistent podium alignment along Phillip Street. The adjacent building on Smith street does not include a podium/tower design. In addition, a comfortable street environment will be	No, satisfactory on merit.

Development Control	Proposal	Comply
	achieved in terms of daylight access, scale and sense of enclosure, given the building's minimal overhang, generous front setbacks and lower street frontage height.	
	The design was unanimously endorsed by the Design Excellence Jury and no concerns were raised with respect to this issue.	
Building length <45m	41m	Yes
Offices All GFA <12m from window	Office GFA < 80% of the office floorplate achieves this target. Notwithstanding, the building incorporates expansive panels of glazing for the majority of the façade, thereby increasing light penetration.	No, however satisfactory on merit.
Side Setback		No,
Phillip Street: 6m	Phillip Street Northern – 1.3m to 6m	satisfactory on merit.
Smith Street: 6m	East – 4.7m to 6m	Refer to impacts
[Setbacks measures to existing buildings]	Smith Street Western – 4.7m to 6m South – 2.5m to 3.2m	discussion below.
Wind Mitigation	The application is supported by a wind report which demonstrates that the proposal would not result in unacceptable wind impacts on pedestrians and building occupants. Building façade elements including the use of timber battens, vertical offset fins and screening are recommended to mitigate unsafe wind conditions. Tree planting is recommended for the proposed terrace areas to increase user comfort.	Yes
	With respect to pedestrian impacts within and around the building, the report concluded that the proposed façade treatments ensure that the development satisfies the safety limit for pedestrians. Notwithstanding, additional street tree planting was recommended to increase pedestrian comfort.	
	The report was reviewed by an independent wind consultant who concurs with its findings.	
	Conditions have been recommended to secure the above mentioned building treatments and tree planting.	
Buildings Exteriors	The Design Excellence Jury consider the proposed materials pallet to be in keeping with design excellence principles. A condition is included requiring the jury inspect samples of the façade system prior to the issue of a construction certificate.	Yes
	A reflectivity analysis has been provided which outlines maximum reflectivity coefficients for glazing to ensure that the proposal would not result in unacceptable glare in the public domain or in adjoining/nearby properties. A condition has been recommended to this	

Development Control	Proposal	Comply
	effect.	
Sun Access to Public Spaces	The proposal does not overshadow any of the protected areas.	Yes
4.3.3.2 Mixed Use Building:		T
Street Activation	The proposal will provide satisfactory street activation through a mix of uses including retail tenancies, lobby entrances, bicycle parking and expanses of glazing.	Yes
Floor Heights Ground – 3.6m	6.3m	Yes
Above – 2.7m	3.75m (min)	res
Servicing	A service entry is provided within Phillip Street frontage. Substation location to be finalised through recommended condition of consent.	Yes
4.3.3.3 Public Domain and	Pedestrian Amenity	<u>I</u>
Site Links	Council's Public Domain team have reviewed the proposed through site links and consider them to satisfactorily respond to the Parramatta Public Domain Guidelines subject to conditions. The laneways will be activated with landscaping, bike parking/maintenance station, a retail tenancy and secondary office entries.	Yes
Active Frontages	70% Phillip & 75% Smith.	
Primary 50% (Phillip) Secondary 40% (Smith)	Active ground floor frontages are proposed with the use of retail tenancies, an undercroft with seating, commercial lobbies and expansive glazing.	Yes
Awnings	Not required by PDCP in this location.	N/A
Forecourts	An active forecourt is proposed within the undercroft of the building, which incorporates generous floor to ceiling heights and is it activated through seating and a retail tenancy. The forecourt is not the same level as the street, as it	No, however satisfactory on merit.
	is raised slightly higher to mitigate flooding. Notwithstanding, the proposed forecourt is acceptable in its current form.	
4.3.3.4 Views and View Co		1
Protect views along George Street to Parramatta Park gatehouse and trees.	The subject site is not located on this map.	N/A
4.3.3.5 Access and Parking		. Vaa
Location of Vehicle Access	The proposal includes one (1) vehicular access from Phillip Street. The proposed vehicular access location and design was considered satisfactory by Council's traffic and transport engineer.	Yes
Design of Vehicle Access	The proposal includes one (1) crossover to service the vehicular entry and exit, which was supported by Council's traffic and transport engineer.	Yes
Pedestrian Access and Mobility	The main commercial entry is clearly identifiable from both street frontages through the use of expansive glazing. An Accessibility Report accompanying the application concluded the proposal is capable of	Yes

Development Control	Proposal	Comply
	complying with relevant standards to ensure satisfactory pedestrian access and mobility.	
Vehicular Driveways and Maneuvering Areas	All vehicles will be able to enter and exit the site in a forward direction, including delivery trucks, as a turn table has been provided. Pedestrian and vehicular entries are clearly differentiated. Council's traffic and transport engineer has confirmed parking spaces and driveways meet relevant standards.	Yes
On-site parking		
Motorcycle 1 motorcycle parking space per 50 car parking spaces (2)	Five (5) motorcycle spaces are provided.	Yes
Above ground parking design	Above ground parking is concealed with the use of timber fins, which are integrated with the broader architectural design and is supported by the Design Excellence Jury.	Yes
4.3.3.6 Environmental Mana		•
Landscape Design	The proposal includes landscaped terraces, green roofs and substantial street planting. Street trees are provided in accordance with Council's Public Domain Guidelines.	Yes
Planting on Structures	Conditions are recommended to ensure sufficient soil depths are provided for on structure planting.	Yes
Green Roof	Green roofs are provided at the top of the reverse podium on level 3.	Yes
Energy and Water Efficient Design	See ESD assessment above.	Yes
Recycled Water	While dual reticulation is not proposed, rainwater harvesting is to be used for landscaping irrigation. Rainwater collection will be secured by condition	Yes
4.3.3.8 Design Excellence		
	The applicant has followed the design excellence competition process outlined in the DCP and the proposal has been granted design excellence by the jury.	Yes

9. Planning Agreements

The subject application is not subject to a planning agreement.

10. The Regulations

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

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

11. The likely impacts of the development

Fire safety and Building Code of Australia compliance will be addressed by way of appropriate conditions.

The likely impacts of the development have been considered in this report. Notwithstanding, further discussion is required with respect to the following:

Setbacks

The design competition control envelope prescribed the required setbacks for the proposal, which are demonstrated below in figure 8. The proposal has been designed to incorporate the prescribed setbacks within the design competition brief and not the DCP. Notwithstanding, the proposal does comply with the DCP in certain instances.

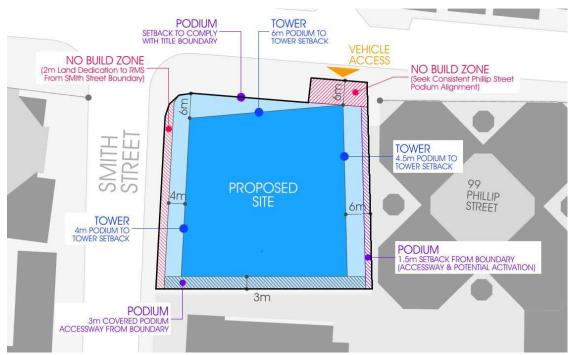


Figure 8. Design competition reference control envelope plan (Source: City of Parramatta).

Ground floor/podium front setbacks:

The proposed ground floor front setbacks are as follows:

- Smith Street –3.93m 9.5m; and
- Phillip Street 0m 6m (ground) & in-keeping with adjoining development.

In regards to the Smith Street front setback, the minimum front setback for a small portion of the south western corner is 3.93metres and a 700mm variation is sought. The front setback along Smith Street increases as the building curves towards Phillip Street. The curved elements of the building were a key feature of the winning design excellence scheme and are unique for the Parramatta CBD. The current design including the setback variations were supported upon review by Council's city architect team and the design excellence panel.

In terms of impacts, the variation does not have a negative implication on the public domain, as sufficient space is provided for pedestrian access, bike parking and street tree planting. The setbacks were reviewed by Council's urban design team and no objection was raised in this regard.

Tower Side setbacks:

The proposed tower side setbacks are as follows:

- Phillip Street:
 - o Northern 1.3m to 6m; and
 - o East 4.7m to 6m.
- Smith Street:
 - o Western 4.7m to 6m; and
 - South 2.5m to 3.2m.

The curved form of the building causes the proposal to vary the required design envelope setbacks. The variations occur towards the midpoints of each respective side of the building, as it curves inwards. This is demonstrated in figure 9 below.

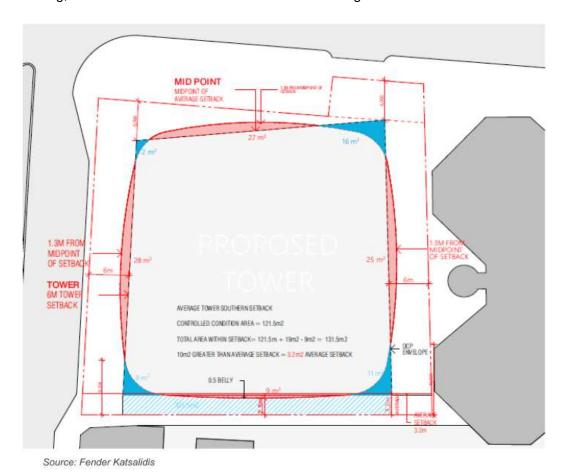


Figure 9. Tower envelope plan (Source: Fender Katsalidis).

The following justification is provided for the setback variations:

• Given the site's 'B3 Commercial Core' context, the variations to tower setbacks will not cause unacceptable impacts on privacy to neighbouring buildings given that the predominant uses are commercial in nature;

- The curved nature of the facades improves the building separation at the corners, improving natural light and ventilation to the laneways and enhancing view angles from adjacent buildings;
- The adjacent commercial building on Phillip Street includes expansive glass atriums and is of an octagon shape, which will allow it to receive satisfactory sunlight access, notwithstanding the variations;
- The existing tower at 100 George Street is setback approximately 25m from the site's northern boundary and given this significant separation potential for impacts are minimised;
- The lift core, services and amenities are located on the southern side of the building, thereby reducing the potential for overlooking opportunities on the adjacent child care centre located at 100 George Street;
- The setback variations do not preclude the future redevelopment of neighbouring sites for the purposes of high density, commercial office towers with large floorplates, given their existing, generous site areas;
- The variations will not be perceivable from the public domain, as the proposal includes a softened façade that provides visual interest; and
- The setback variations were supported by Council's city architect and the design excellence jury.

12. Site suitability

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

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

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

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

13. Submissions

The application was notified and advertised in accordance with Appendix 5 of PDCP 2011 for a 21-day period between 25 October and 15 November 2017. In response, no submissions were received.

14. Public interest

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

15. Disclosure of Political Donations and Gifts

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

16. Parramatta S94A development contributions plan

As the cost of works exceeds \$200,000 a Section 94A development contribution of **3.0%** is required. A Capital Investment Value Report was provided which estimated a development cost of \$115,094,459. This amount is considered to be acceptable given the works proposed.

A standard condition of consent has been recommended requiring the contribution to be paid prior to the issue of the relevant Construction Certificates.

17. Summary and conclusion

The application has been assessed relative to section 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.

The proposed development is appropriately located within a locality earmarked for highdensity commercial development, however some variations (as detailed above) in relation to Parramatta DCP 2011 are sought.

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

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

18. Recommendation

A. That the Sydney Central City Planning Panel as the consent authority grant Consent to Development Application No. DA/888/2017 for demolition of all existing structures, tree removal and construction of a 28 storey commercial office building comprised of ground floor retail, 4 levels of podium car parking and 2 pedestrian through-site links along the southern and western boundaries at 32 Smith Street and 93-95 Phillip Street, Parramatta NSW 2150 (Lot 1 DP 541289, Lot 2 DP 566617 and Lot 4 DP 564000) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Appendix 1.

APPENDIX 1 – Architectural Plans

APPENDIX 2 – Design Report