



REPORT TO SYDNEY CENTRAL CITY PLANNING PANEL

Panel Reference	2018CCI007 DA
DA Number	DA/47/2018
LGA	City of Parramatta Council
Proposed Development	56 storey commercial tower including plant and function centre
Street Address	The subject site was previously known as 6 & 7 Parramatta Square (now known as 6&8 Parramatta Square), Parramatta and comprises Lots 2, 3 and 4 in DP 1234735
Applicant/Owner	Walker PS2 Developments Pty Ltd Lot 2 in DP 1234735 – Parramatta Square Property No. 6 Pty Ltd Lot 3 and 4 in DP 1234735 - City of Parramatta Council
Date of DA lodgement	19 January 2018 (amended plans submitted post lodgement on various occasions). Final plans submitted 30 November 2018.
Number of Submissions	Two (2)
Recommendation	Approval with conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Pursuant to Clause 4 of Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> , the development has a capital investment value of more than \$5 million (\$594,740,031) and Council is the landowner of part of the land (Lots 3 and 4 DP 1234735). The Sydney Central City Planning Panel is therefore the consent authority.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• State Environmental Planning Policy No. 55 – Remediation of Land• Deemed 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• Environmental Planning and Assessment Regulation 2000
List all documents submitted with this report for the Panel's consideration	Attachment 1 Conditions Attachment 2 Clause 4.6 Variation Requests Attachment 3 Legal advice– CONFIDENTIAL Attachment 4 Independent Heritage Advice Attachment 5 Developer's Heritage Peer Review Attachment 6 Design Jury reports (competition and final) Attachment 7 Concurrences Attachment 8 Final Plans (Rev 4) Attachment 9 JPW Design Report Rev 4

Report prepared by	Helena Miller, MG Planning (Independent Planning Consultant)
Report date	04 December 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. Executive summary

This report considers a proposal for the construction of a 56 storey commercial tower, including plant and a function centre on Level 50 (upper most commercial floor) on land generally known as 6 and 8 Parramatta Square (formerly known as sites 6&7 Parramatta Square). The development includes works within Darcy Street roadway and kerb and footpaths, associated landscaping and public domain works (generally limited to Darcy Street), and provision and augmentation of physical infrastructure. The tower includes 51 levels (plus plant) accommodating commercial and function centre floor space over a 3 level podium (plus plant) with lobby and retail floor space. The proposed building has a maximum height of 228.3m (RL240) and total gross floor area of 129,318m² comprising 128,568m² of commercial / lobby / function centre floor space and 750m² of retail floor space on the lower and upper ground floor levels within the podium.

The proposal adjoins 4PS to the east on which construction is underway for a 36 storey commercial development approved under DA/436/2016 (2016SYW113).

The proposed building sits above a 5 level basement carpark which was approved under separate development application DA/47/2018 (2018SWC02) which connects to the super basement previously approved beneath Parramatta Square under various development applications. The 6&8PS basement car park will accommodate 463 car spaces and parking for 671 bicycles as approved.

Early and site preparation works including excavation of the basement levels and construction of below ground shoring walls, piles and slabs are also the subject of separate development approvals (DA/351/2017 and DA436/2016) issued by the former Sydney West Planning Panel (SCCPP) and have commenced.

Assessment of the subject application has been undertaken against the relevant planning framework including the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The requirements of the relevant environmental planning instruments which require the consent authority to be satisfied about particular matters before granting consent have been considered.

It is considered that any potential adverse impacts of the proposed works can be avoided or mitigated by the imposition of suitable conditions of consent.

As such, this report recommends that the SCCPP, as the relevant determining authority, approve the application subject to the recommended conditions of consent.

2. Background

In 2015-2016 the City of Parramatta entered into a project development agreement with the Walker Corporation to develop the majority of the future Parramatta Square including development allotments known as 4&6PS, 8PS, 3PS and the public domain. The Parramatta Square development sites are illustrated in Figure 1 below.

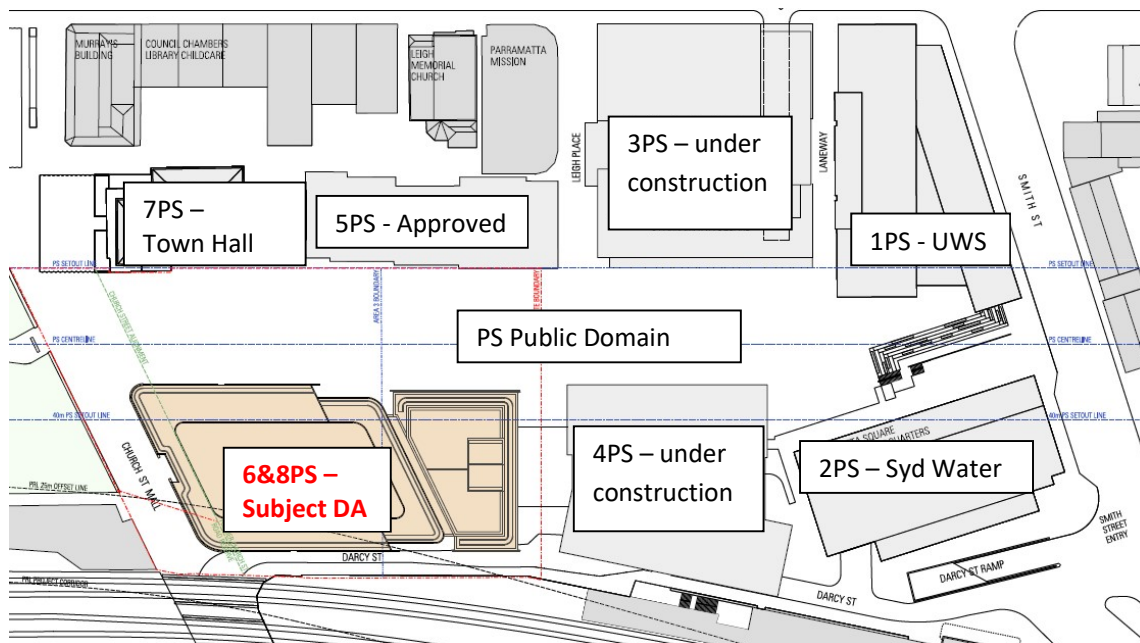


Figure 1: Parramatta Square Development Sites

The subject development application relates to land known as 6 & 8 Parramatta Square (refer Figure 1 above) and forms the last Council owned land parcel in Parramatta Square to be the subject of a development application with the exception of the public domain.

A development application for the land known as 4&6PS (DA436/16 / 2016SYW113 DA) by the Walker Corporation was approved by the Panel on 18 November 2016. The 4PS component of this development approval is currently under construction however the 6PS component is on hold pending the outcome of the subject development application process.

In addition to the subject application a separate development application (DA46/2018 / 2018SWC02) for a basement carpark beneath the proposed commercial premises and function centre was approved by the Panel on 1 August 2018. The basement car parking will connect to the super basement previously approved beneath Parramatta Square under various development applications and will accommodate 463 car spaces and parking for 671 bicycles. It will service the commercial tower, retail space and function centre now proposed.

Early and site preparation works including excavation of the basement levels and construction of below ground shoring walls, piles and slabs are also the subject of separate development approvals (DA/351/2017 and DA436/2016) issued by the former Sydney West Planning Panel (SWCPP) and have commenced.

Originally it was intended that the land known as 8PS would be developed for a residential apartment tower (previously known as 'Aspire'). While a design excellence competition was undertaken for the proposal (2012) no development approval was ever issued.

Post approval of 4&6PS Walker put a proposal to Council to change the use of 8PS to commercial and to provide for a combined footprint over both 6 and 8PS to achieve a 'campus style' (large) commercial floorplate. This was agreed by Council and the project development agreement amended to this effect.

In 2017 a design excellence competition was convened for the 6&8PS commercial development with three invited architectural firms: Group GSA, Johnson Pilton Walker (JPW) and Pekvonhartel.

The Design Jury, comprising Peter Poulet (the then NSW Government Architect), Kim Crestani (City Architect, City of Parramatta Council) and Bob Nation AM (Nation Architects and Design Director of Barangaroo Delivery Authority) on behalf of Walker, unanimously named the JPW scheme as the winning design noting that it was deemed to have the potential to achieve design excellence. The Jury made a number of recommendations in relation to the scheme to be addressed in design development and noted that it would review the developed design prior to lodgement or during the Development Application assessment period to ensure changes / amendments were to its satisfaction.

The Design Jury (Note: Olivia Hyde has now replaced Peter Poulet as the representative of the Government Architect) has reviewed the subject design on a number of occasions during the design development phase and post DA lodgement. On 16 October 2018 the Jury issued a report (see attached) advising that on the basis of the information presented to it in a workshop on 10 October 2018 the Jury is of view that the design has improved and that it unanimously agrees the design exhibits Design Excellence, subject to addressing the issues identified in the report. Having regard to the recommendations of the Design Jury JPW has amended the DA plans and revised plans dated 16 November 2018 were submitted to Council on 20 November 2018. The Jury met once again on 15 November 2018 to review the plans and finally confirmed on 27 November 2018 that the scheme represents design excellence (refer Jury Reports at Attachment 6).

Two separate development applications have also been submitted for the Parramatta Square Public Domain (DA/672/2018 and the Stage 3 Public Domain DA). The public domain is proposed to be staged and coordinated with the development programs of adjacent buildings. Accordingly, DA/672/2018 relates to Stage 1 and 2 of the Public Domain (eastern end of Parramatta Square and Civic Link) and the Stage 3 Public Domain DA which includes that western end of the Square and works within Church Street Mall immediately adjacent to the proposed 6&8PS Tower. Plans of the integration of the proposed 6&8 Tower with the public domain have been included in the DA plans and although the Stage 3 Public Domain has not yet been formally lodged as Council has not yet issued owner's consent. Having regard to the submitted plans it is considered that there is sufficient certainty in relation to future levels etc. to enable determination of the subject DA ahead of the adjacent public domain (refer Figures 2 and 3 below).



Figure 2: DA Scope: 6&8PS Tower DA and Stage 3 Public Domain DA - Lower Ground Level



Figure 3: DA Scope: 6&8PS Tower DA and Stage 3 Public Domain DA - Upper Ground Level

3. Site description, location and context

3.1 SITE DESCRIPTION

The subject site was previously referred to as 6 & 7 Parramatta Square and consists of Lots 2, 3 and 4 DP 1234735. However more recently the site has come to be known as 6 & 8 Parramatta Square. The site is part owned by City of Parramatta Council (Lots 3 and 4, DP 1234735) and part owned by Parramatta Square Property No. 6 Pty Ltd (Lot 2 DP 1234735). As noted above the site is being developed by the Walker Corporation under a project development agreement with Council.

The location of the site is shown at Figure 4 and in the aerial photograph at Figure 5 below.

The site has a total site area of 9,785m² and is currently vacant with excavation having commenced. The site previously contained retail and commercial buildings which were demolished following approval of Development Application 236/2015 granted on 26 June 2015. Archaeological excavation works on the site were also approved on 21 September 2016 (DA319/2016) including demolition of ground level concrete slabs and all hard paved surfaces, excavation varying between 1 metre and 2 metres across the subject site, and removal of part of the Convict Drain heritage item located within the site. Works under the consent have been completed.

Further, a separate development application (DA46/2018 / 2018SWC02) for a basement carpark beneath the proposed commercial premises and function centre was approved by the Panel on 1 August 2018. Works on DA46/2018 have commenced.

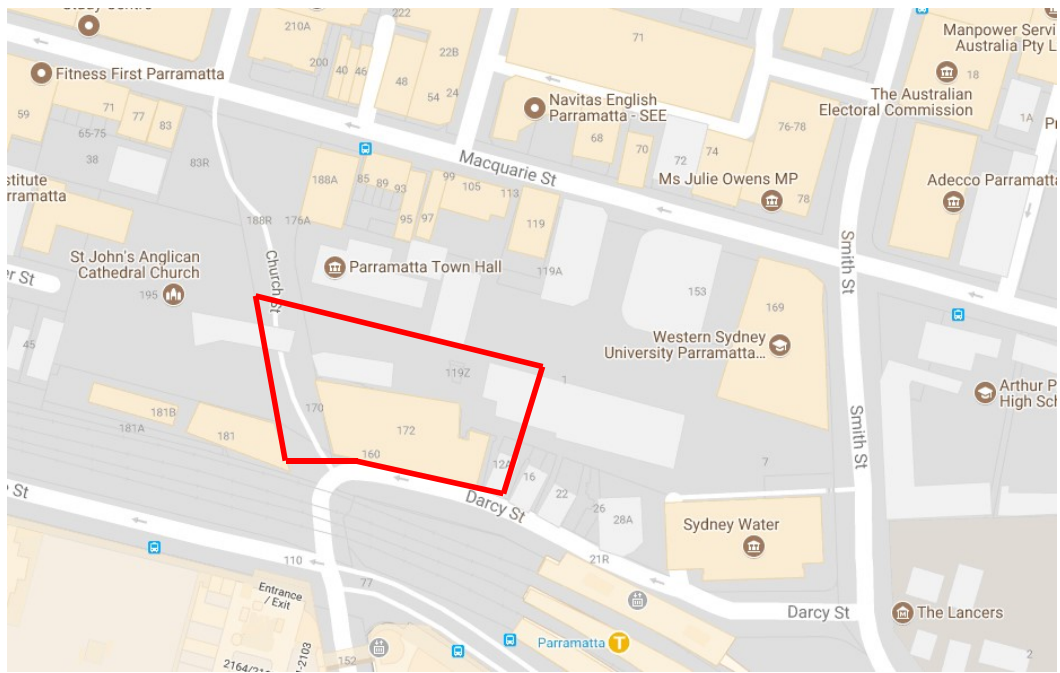


Figure 4: Location Plan (Source: Nearmap, March 2018)



Figure 5: Aerial photograph of the subject site (Source: Nearmap, June 2018)

3.2 SURROUNDING DEVELOPMENT & PLANNING CONTEXT

The site forms part of the three hectare Parramatta Square redevelopment precinct located in the core of the Parramatta Central Business District and broadly bounded by Macquarie Street to the north, Smith Street to the east, Church Street to the west and Darcy Street to the south.

The location of the site within the context of Parramatta Square is shown at Figure 1 above.

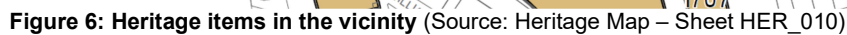
Development in the vicinity of the site is primarily commercial and retail. To the north west of the site is a mixture of older style two and three storey commercial buildings. Parramatta Railway Station is located immediately adjacent to the site to the south.

To the east is 4 Parramatta Square on which a mixed use 36 storey development is currently under construction. It should be noted that this consent included the construction of two commercial office towers including one tower on the site of 6 Parramatta Square which forms part of the subject site. The applicant, Walker Corporation has advised that post approval an alternative option was investigated for commercial development on a reconfigured site for 8 Parramatta Square, previously slated for the residential 'Aspire' development, including 6 Parramatta Square. This investigation determined that it was preferable to combine sites 6 and 8 Parramatta Square to create a site area that can accommodate the footprint of a campus style large floor plate commercial development, a form of development that was determined to be in short supply and high demand in the Parramatta CBD. Accordingly, Walker is now proposing not to proceed with the tower previously approved on 6PS as part of DA/436/2016 and rather has submitted the subject DA for a new above ground development on 6 and 8 PS. DA/436/2016 will need to be amended to remove the 6PS component should approval be granted to the subject development application.

To the north-east of the site is 5 Parramatta Square which is similarly the subject of a recent development approval for a new Council building and library (2017SWC106 or DA/758/2017). Development consent was issued by the Panel on 7 February 2018. The Parramatta Town Hall (also known as 7PS) which is a local heritage item adjoins the approved new Council building to the west and is immediately to the north of the subject proposal at the subterranean levels and to the north of the new square proposed at ground level.

Further to the north east is 3 Parramatta Square for which consent was granted by the SCCPP for a 17 storey commercial building (DA76/2017 / 2017SWC039) on 9 August 2017. Construction has commenced on this site. Adjacent to 3PS is the recently constructed Western Sydney University Campus building at 1 Parramatta Square.

The site is in the vicinity of a number of heritage items as shown in Figure 6, including the Parramatta Town Hall immediately to the north (Item 650), the State significant St John's Anglican Cathedral (Item 01805) to the west, the Leigh Memorial Church (Item I719) to the north east and Parramatta Railway Station (Item 00696) to the south. A convict drain (Item I647) is also shown in the LEP as traversing the site however has been removed under a previous development approval (DA/414/2015).



The subject development application seeks development consent for the construction of a 56 storey commercial tower plus plant and a function centre on Level 50 (upper most commercial floor) on land known as 6 and 8 Parramatta Square. The development includes works within Darcy Street roadway and kerb and footpaths, associated landscaping and public domain works (generally limited to Darcy Street), and provision and augmentation of physical infrastructure. The tower includes 51 levels accommodating commercial and function centre floor space over a 3 level podium plus plant with lobby and retail floor space. The proposed building has a maximum height of 228.3m (RL240) and total gross floor area of 129,318m² comprising 128,568m² of commercial / lobby / function centre floor space and 750m² of retail floor space on the lower and upper ground floor levels.

The proposed tower sits above a 5 level basement carpark which was approved under separate development application DA/47/2018 (2018SWC02) and which connects to the super basement previously approved beneath Parramatta Square under various development applications. The 6&8PS basement car park will accommodate 463 car spaces and parking for 671 bicycles as approved. Construction of the basement has commenced.

- Construction of a commercial tower totalling 56 storeys comprising a 51 storey above a three level podium plus plant (including LG - retail/ foyer west level, UG - foyer west level, Podium Level 1 - sky lobby (east) and Podium Levels 3 - plant, (totalling 56 storeys)
- Maximum height of 228.3m (RL 240 to the top of the plant)
- Total GFA of 129,318² comprising 128,568m² of commercial / lobby / function centre floor space and 750m² of retail floor space
- Development within Darcy Street comprising service infrastructure diversions, re-instatement of services and stormwater drainage, rebuilding of Darcy Street roadway, kerb and footpaths and the construction of steps within the Church Street Mall

- Associated landscaping and public domain works in Darcy Street and provision and augmentation of physical infrastructure.

The subject DA does not seek approval for the basement car park beneath the building which has been separately approved (and commenced) but which provides car and bicycle parking as well as servicing arrangements for the subject building.

The development as described by the Architect JPW comprises:

6/8 Parramatta Square is a 56 storey commercial building designed to be an iconic address that will enhance the identity of the Parramatta City Centre as the pre-eminent centre in the greater Metropolitan Region.

This is achieved through a combination of a tower built form and provision of a quality public realm.

The massing of the tower comprises an elongated rectangle on an east west axis that can be read in the round, providing three prominent elevations (south, west and north), and a subordinate east elevation. Each of these elevations are informed by, and aligned with the street grid and public realm.

The tower rises from a strong ground base with extensive active frontages. Reinforcement of the public realm is achieved with aesthetically pleasing elements such as a colonnade along the edge of Parramatta Square and Church Street Mall. This is enhanced on the approach fronting the western side (Church Street Mall) with a generous public staircase that is seamlessly integrated with the public domain, slowing the entry into the building, and inviting one to take in the civic grandness of the development. The base includes the lobbies which are at different levels because, of the change in topography around the site. The campus, located above the podium levels, is a highly flexible style floor plate, (3,000m² on average), with excellent internal amenity that is unique in the Parramatta CBD. The tower situated above the campus, continues to rise, with a floor plate averaging 2,300m² to a height of RL 240 AHD.

The building is articulated in plan and elevation with terraces, building setbacks, indentations, and the combination of straight and curved elements, to create a dynamic and elegant composition. The materials and detailing are consistent with a building of this scale and importance. The civic scale and rhythm of the masonry colonnade is a counterpoint to the articulated glass curtain walls which are distinguished by metal mullions and fins to create a well resolved and positive image for this important site.

The massing, scale and architecture of the building reflects the state government's aspirations for Parramatta as the commercial and civic centre of Western Sydney.



Figure 7. Rendered perspective from north west



Figure 8. Rendered Perspective Parramatta Square from St Johns



Figure 9. Rendered Perspective Parramatta Square from Civic Link



Figure 10. Rendered Plan Lower Ground Level

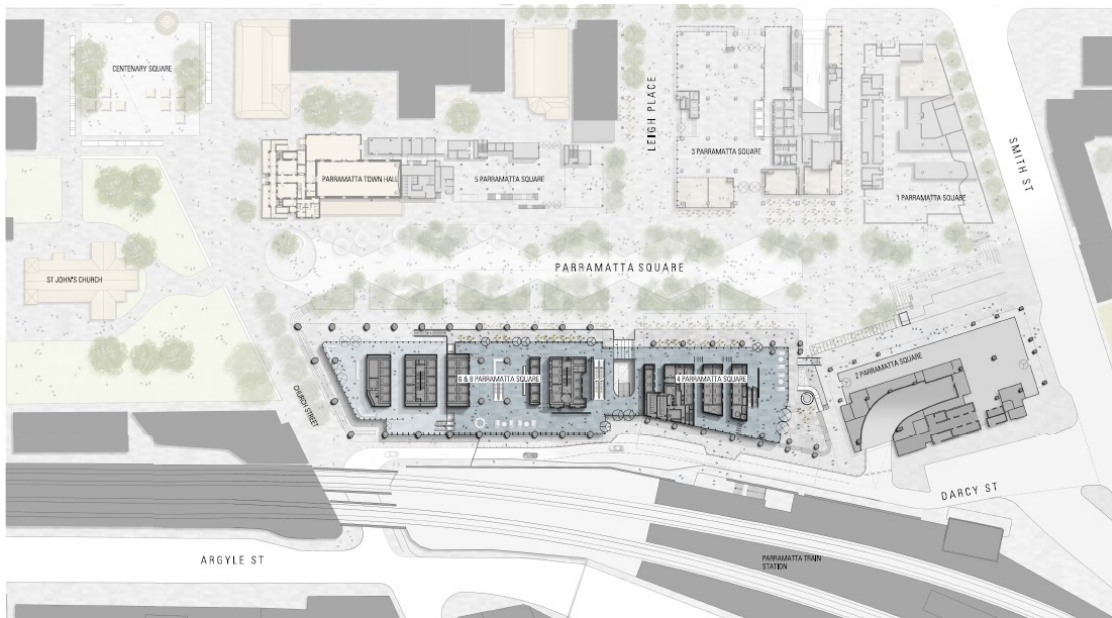


Figure 11. Rendered Plan Upper Ground Level

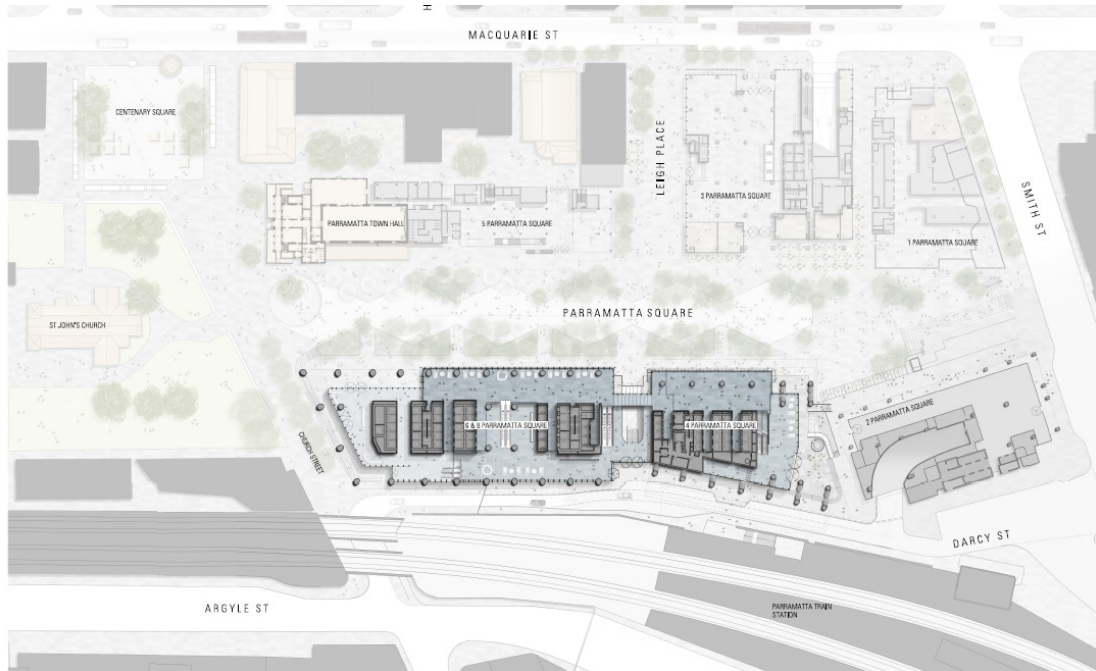


Figure 12. Rendered Plan Podium Level

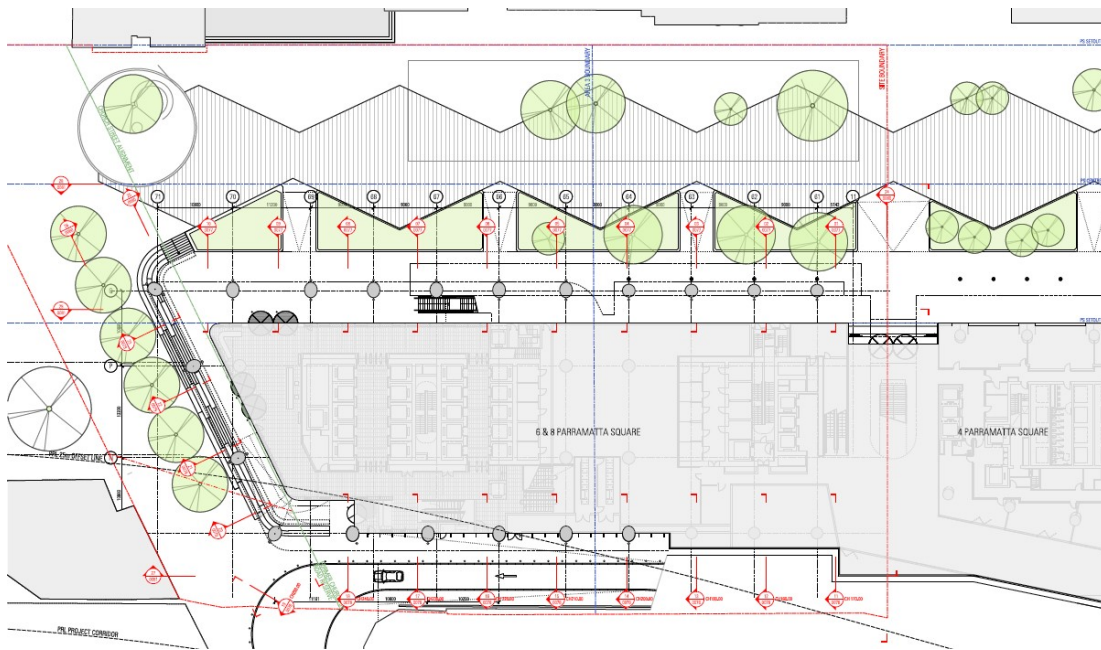


Figure 13. Lower Ground Floor Public Domain Alignment Plan

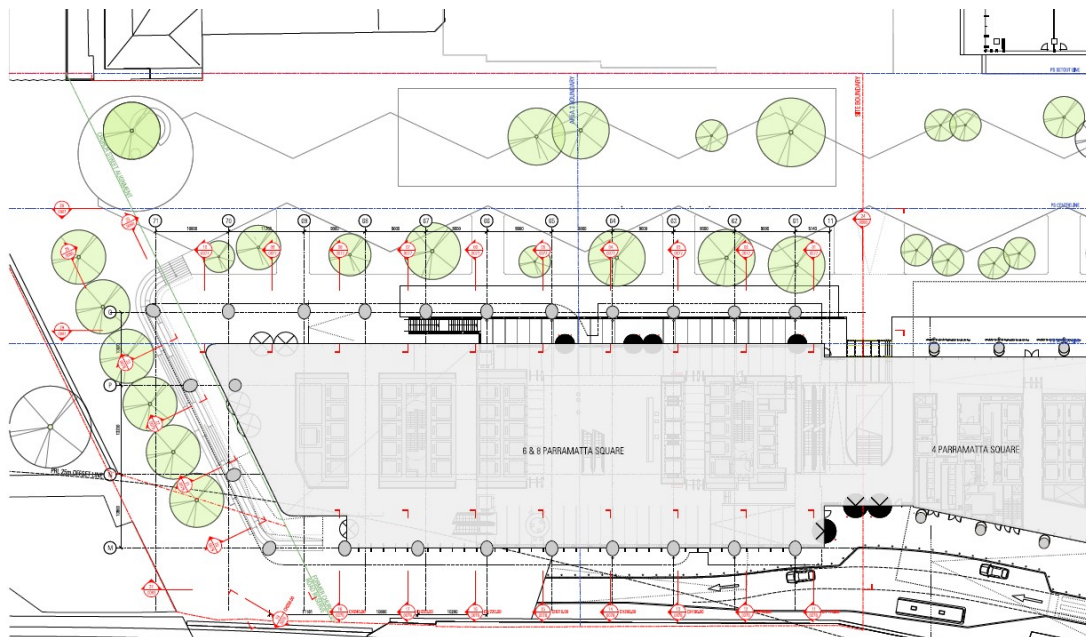


Figure 14. Upper Ground Floor Public Domain Alignment Plan

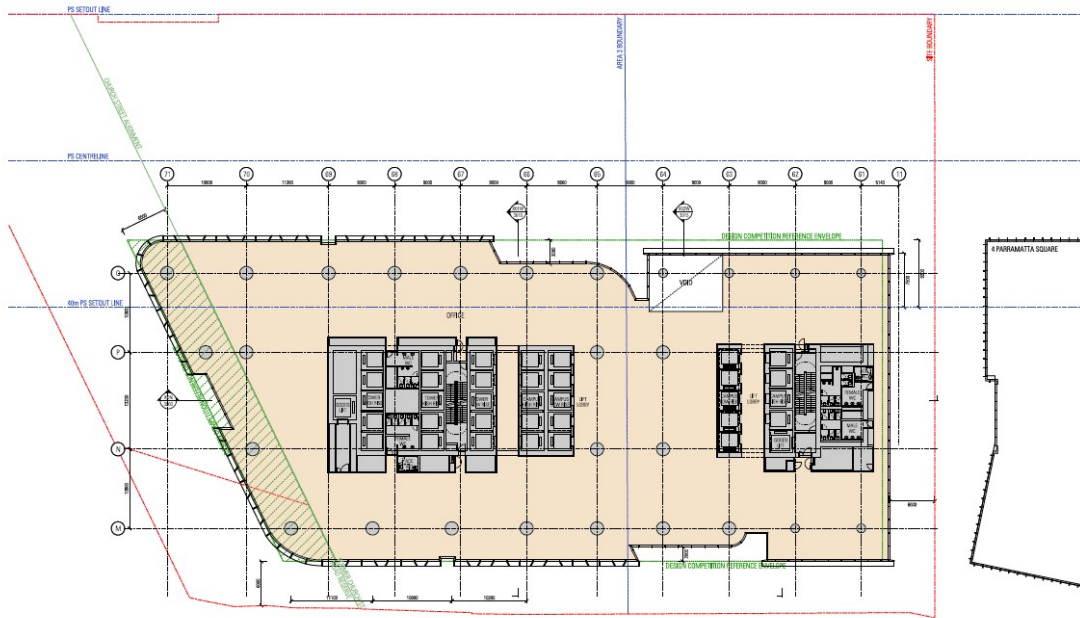


Figure 15. Typical lower level campus floor

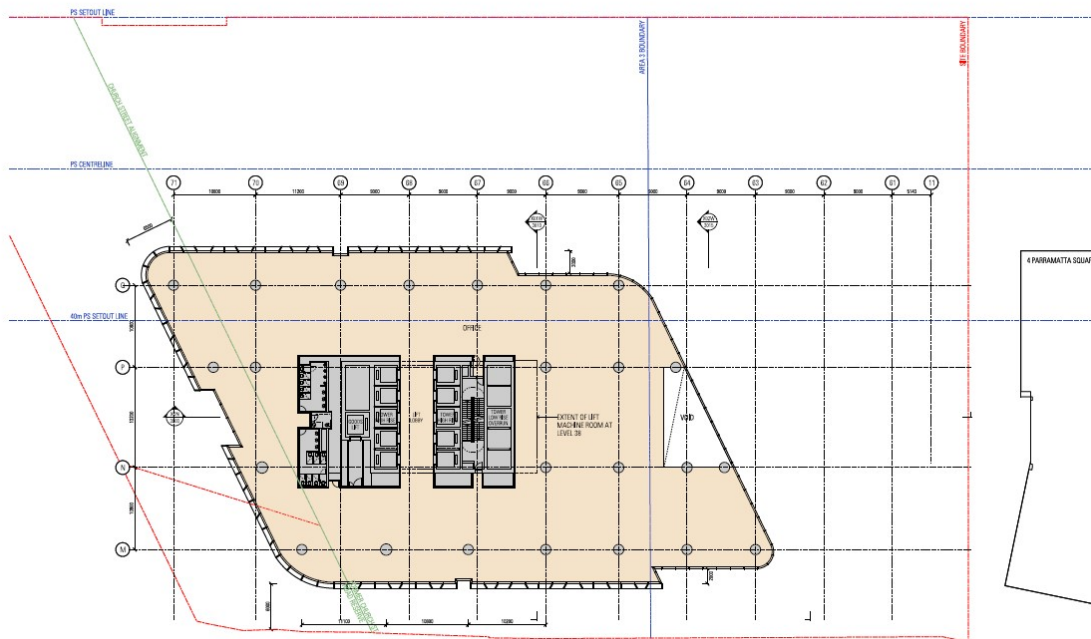


Figure 16. Typical tower floor

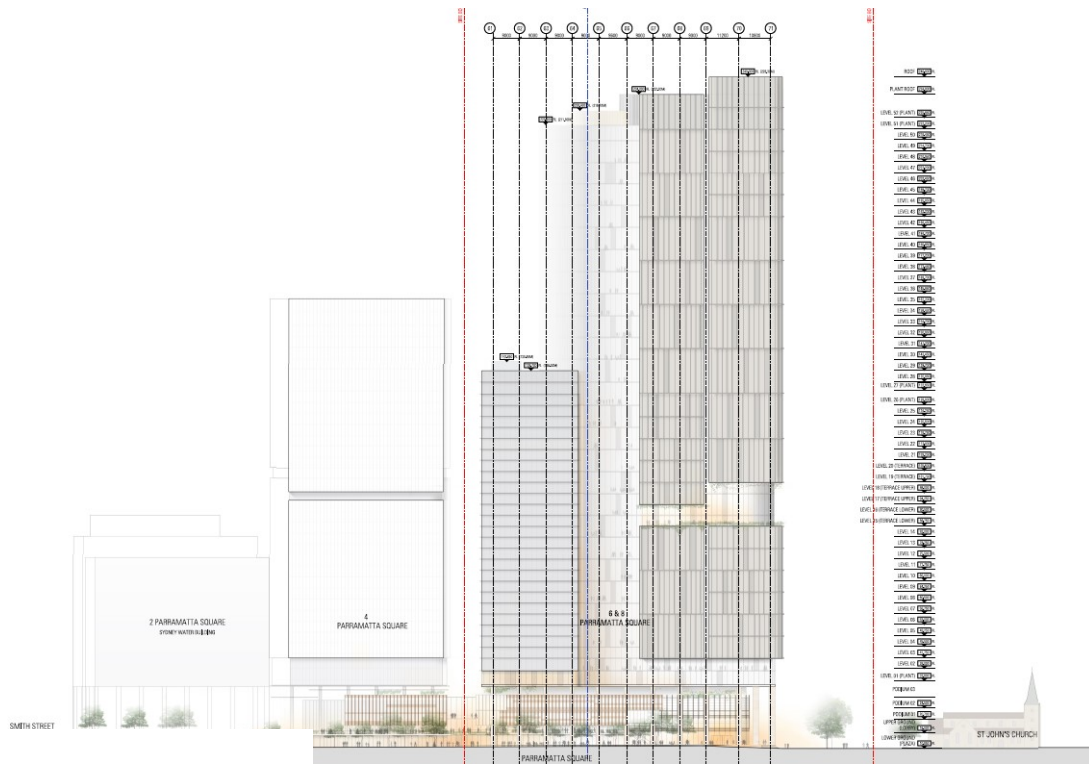


Figure 17. Rendered North Elevation

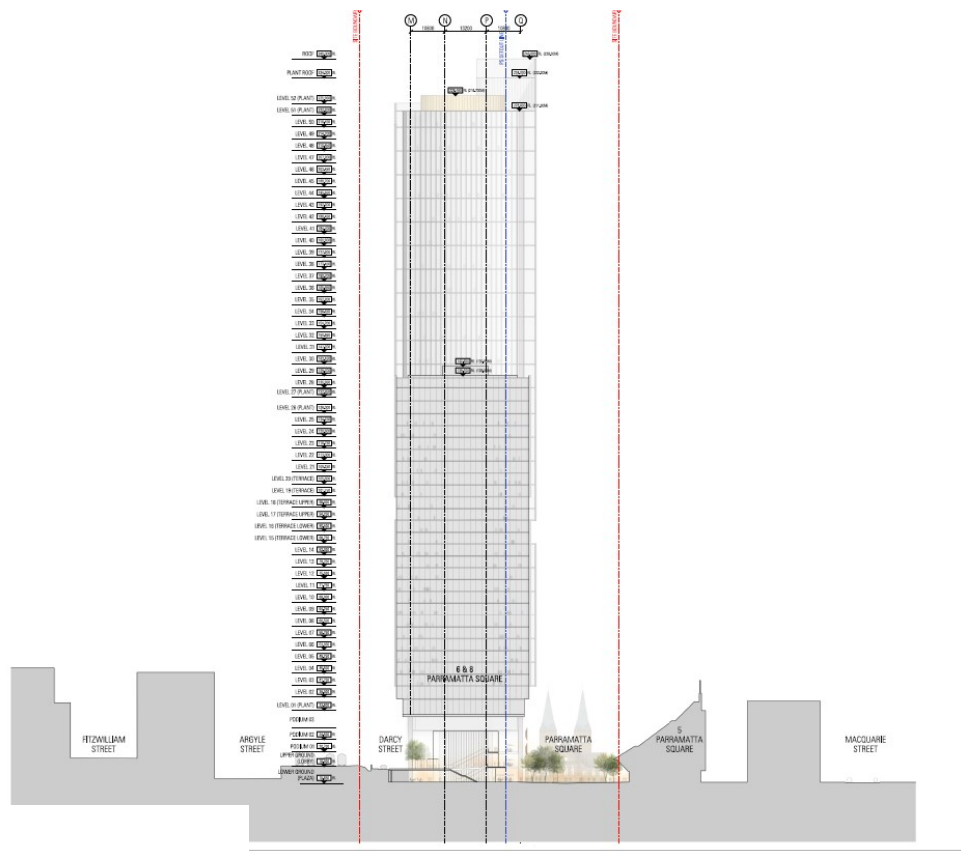


Figure 18. Rendered East Elevation

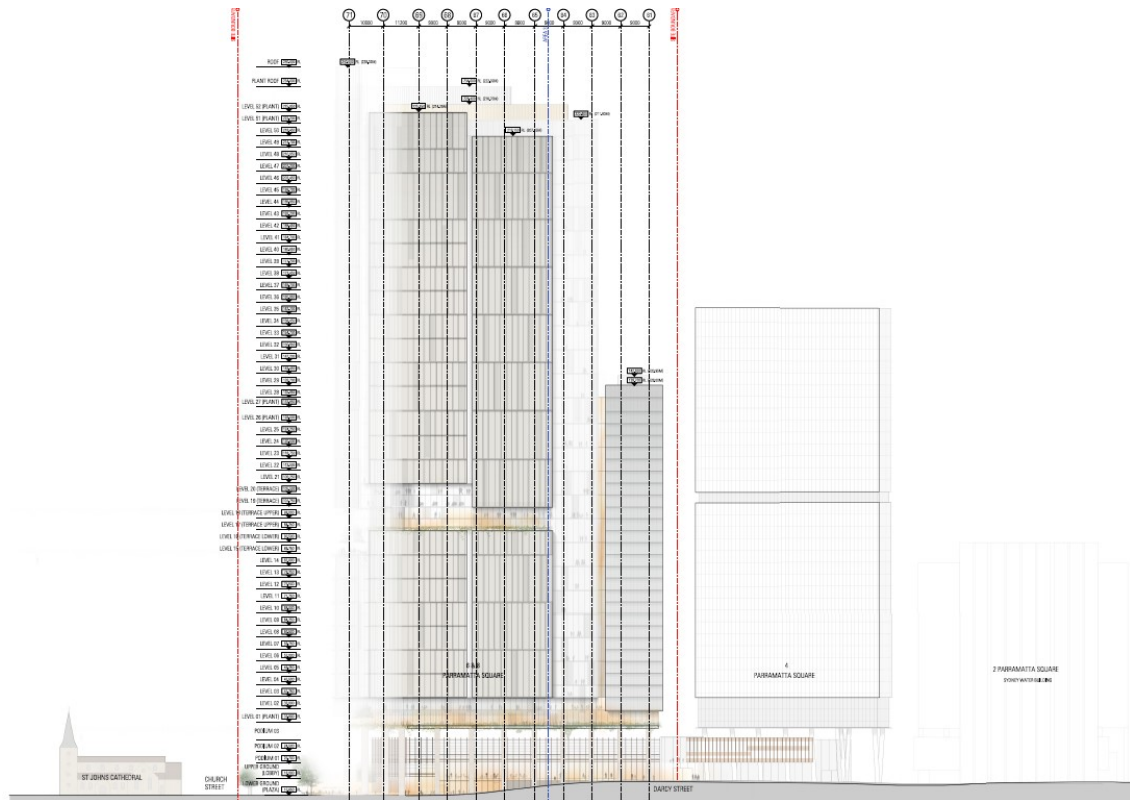


Figure 19. Rendered South Elevation – Darcy Street

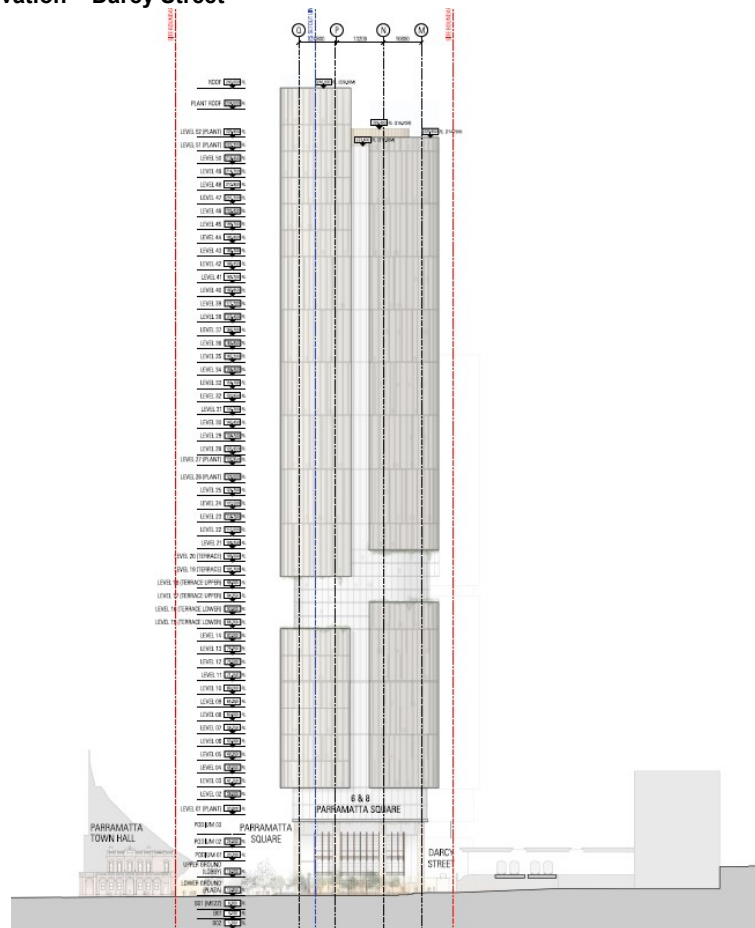


Figure 20. Rendered West Elevation

A full set of plans and a design report prepared by JPW are provided at Attachments 8 and 9 respectively.

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

The development is not “integrated development” pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

5. Referrals

5.1 INTERNAL REFERRALS

Catchment and Development Engineer	Proposal satisfactory subject to recommended conditions of consent
City Assets	Proposal satisfactory subject to recommended conditions of consent specifically in relation to the design and grade of Darcy Street and handover of Darcy Street to Council
Development Contributions / VPA	Proposal satisfactory subject to recommended condition of consent in relation to section 7.12 contributions as an alternative should the VPA not proceed
Environmental Health (Acoustic)	Proposal satisfactory subject to recommended conditions of consent
Environmental Health (Contamination)	Proposal satisfactory subject to recommended conditions of consent
Environmental Health (Waste)	Proposal satisfactory subject to recommended conditions of consent
Heritage Interpretation	Proposal satisfactory subject to recommended conditions of consent in relation to heritage interpretation
Infrastructure (Alignment Plans and Roads)	Proposal satisfactory subject to recommended conditions of consent
Infrastructure	Proposal satisfactory subject to recommended conditions of consent
Landscaping	Proposal satisfactory subject to recommended conditions of consent in relation to the replacement of plane trees in Church Street –subject of separate Stage 3 Public Domain DA. Not relevant to current application.
Property and Significant Assets (Outdoor Dining)	Proposal generally satisfactory however separate DA to be required for outdoor dining although proposed configuration shown and considered acceptable
Property and Significant Assets & Property Development Group	Proposal satisfactory subject to recommended conditions of consent in relation to subdivision and easements
Public Art	Condition required providing for \$1.5M precinct art plan for Parramatta Square as agreed
Social Outcomes	Proposal satisfactory subject to recommended conditions of consent
Urban Design and Public Domain	Proposal satisfactory subject to recommended conditions of consent. Issues raised have been addressed in amended design. Defer to Design Jury however request condition be imposed to require that stair from Parramatta Square to Upper Level Terrace

	treads and risers be amended to make more civic in nature and to improve accessibility and to adjust grade of Darcy Street. Conditions recommended included in condition set.
Accessibility (independent assessment)	Proposal satisfactory subject to recommended conditions of consent
ESD (Independent assessment)	Proposal satisfactory subject to recommended conditions of consent. Issues raised have been addressed in amended design (plans dated 26 November 2018).
Heritage (Independent assessment)	Agrees proposal acceptable having regard to planning controls and Council's vision for the future of Parramatta CBD. Initial concerns raised have been addressed through submission of amended design to incorporate measures in the tower lobby façade treatment to reference key datum lines on nearby historic Town Hall building. Condition of consent recommended to provide for further design development and approval of this element (refer section 12.7 and Attachment 1).
Quantity Surveyor (independent assessment)	Initially disagreed with applicant's estimated CIV. Applicant has agreed and value of works amended. Section 7.12/VPA requirements to be based on amended CIV.
Solar reflectivity (independent assessment)	Council's independent solar reflectivity and ESD consultants have advised that the proposal is satisfactory as amended subject to recommended conditions of consent.
Traffic and Transport Engineering	Proposal satisfactory subject to recommended conditions of consent. Concerns raised regarding servicing of adjacent Queensland Arcade to west of Church Street. Additional information submitted which illustrates appropriate access will be made available.
Wind (independent assessment)	Council's independent wind consultant has advised that the proposal is satisfactory as amended subject to recommended conditions of consent.
Legal Services	<p>Advice provided regarding proposed stairs and a column to be located in a small part of Church Street which remains a public road under the <i>Roads Act 1993</i>. Council has resolved to close this remaining portion of the road. Legal advice indicates that consent can be issued subject to a recommended condition of consent which would require closure of the road in accordance with the provisions of the <i>Roads Act 1993</i> prior to issue of the first construction certificate.</p> <p>Further legal advice has been obtained (Attachment 3 - CONFIDENTIAL) in relation to the application of clause 7.4(2) of Parramatta LEP 2011. Specifically advice has been provided in respect of whether the clause which relates to overshadowing of the identified 'sub box' within Parramatta Square between 12 noon and 2pm, is a development standard that can be varied using clause 4.6. This matter is addressed in detailed below</p>

	however in summary advice has been provided that the provision is a development standard and accordingly can be varied under clause 4.6.
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5.2 EXTERNAL REFERRALS

Air Services Australia	Supported – approval issued 31/10/2018 by DIRD
Bankstown Airport	Supported – approval issued 31/10/2018 by DIRD
Civil Aviation Safety Authority	Supported – approval issued 31/10/2018 by DIRD
Department of Defence	Concerns raised in relation to construction impacts. Condition requested requiring dilapidation survey of Lancer Barracks prior to commencement of works. Condition not considered necessary as proposed works relate to above ground works only. Basement DA includes a condition requiring dilapidation surveys of neighbouring buildings within the 'zone of influence' of the proposed works. CPTED and potential overshadowing of Lancer Barracks has also been raised. These matters have been assessed and are considered to be appropriate. No adverse impacts on Lancer Barracks have been identified.
Department of Infrastructure and Regional Development	Supported – approval issued 31/10/18 subject to maximum height of 240m AHD. Conditions of consent recommended and included in condition set.
Endeavour Energy	No objection subject to recommendations and comments
NSW Police	Supported – concurs with CPTED assessment submitted with the application and requests recommendations of that report be incorporated as conditions of consent into any approval. Conditions to this effect included in the condition set.
Office of Environment and Heritage	<p>Notes Heritage Council not a referral or consent authority in this instance. Further notes that the 6&8PS site is not within the State Heritage Register curtilage of Parramatta Railway Station.</p> <p>Notwithstanding that OEH has no formal role in this matter, comments have been provided on the proposal as requested by Council. OEH has indicated that the NSW Heritage Council has repeatedly raised concerns regarding the substantial increase in building heights in the Parramatta CBD and the adverse impact on nearby heritage items. In relation to the subject proposal comment has been provided that there is considerable disparity between the enormous scale and verticality of the proposed 56 storey tower and the much small heritage items only 30-40m away. OEH commented that this disparity in scale will be an extremely poor result for the Town Hall and Cathedral as the 232m eye-catching tower will overwhelm its much smaller neighbours and drastically reduce their prominence. Further OEH notes that the impact is worsened as the tower will encroach into Church Street itself, will have a tall and deep undercroft and cantilevered upper floors and that the 21m high 2.4m diameter columns will</p>

	<p>accentuate the disparity in scale.</p> <p>OEH recommends that the tower be redesigned to substantially lessen its visual impact and its prominence in Bicentennial Square and the Church Street Mall with a strong base that is sympathetic to the scale of the Cathedral and Town Hall. It recommends that the tower shaft should be set back from its base at the corner to break up the tall vertical composition and accentuate a horizontal line that relates to the heritage items and the consistent street wall that will be maintained around Bicentennial Square and the Church Street Mall. Once the development has a strong base which is compatible with the existing scale at street level, OEH considers that the dominance of the tall tower above will recede.</p> <p>Notwithstanding the above comments by OEH, the Design Jury has provided advice that the proposal represents design excellence and is compatible with the site and its surrounds. Further Council's independent heritage advisor has provided advice that the proposal is acceptable from a heritage viewpoint (refer below).</p>
Roads and Maritime Services	Consultation with RMS has been undertaken in accordance with the requirements of clause 104 of SEPP (Infrastructure) 2007. RMS provided advice dated 17 July 2018 that it does not have any objections to the proposal subject to the imposition of recommended conditions of consent. The proposed conditions have been included in the condition set.
Sydney Trains	Consultation with Sydney Trains has been undertaken in accordance with the requirements of clause 85 of SEPP (Infrastructure) 2007. Sydney Trains provided advice dated 22 June 2018 that it does not have any concerns in relation to the proposal subject to the imposition of recommended conditions of consent. The proposed conditions have been included in the condition set.
Sydney Water	No objection and confirmed site can be serviced subject to recommended conditions of consent. The required conditions have been included in the condition set.
Transport for NSW (PERL)	Concurrence issued in accordance with the requirements of clause 104 of SEPP (Infrastructure) 2007 by letter dated 13 July 2018 subject to the imposition of recommended conditions of consent. The required conditions have been included in the condition set.

6. Environmental Planning and Assessment Act

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

6.1 SECTION 1.7: SIGNIFICANT EFFECT ON THREATENED SPECIES OR ECOLOGICAL COMMUNITIES OR THEIR HABITATS IN ACCORDANCE WITH PART 7 OF THE BIODIVERSITY CONSERVATION ACT 2016

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 in accordance with the requirements of Part 7 of the *Biodiversity Conservation Act 2016*.

There are no identified threatened species, populations or ecological communities or their habitats on the subject site.

6.2 SECTION 4.15: EVALUATION

This section specifies the matters which a consent authority must consider when determining a development application. The sections of this report that address the relevant matters are outlined in the following table.

Table 1: Section 4.15(1) Matters for Consideration

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

7. Environmental planning instruments

7.1 OVERVIEW

The instruments applicable to the subject application comprise:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- Deemed 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.

7.2 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.

A Detailed Site Investigation Report for the Parramatta Square precinct (Stages 2 to 6) was submitted as part of previous development applications DA436/2016 and DA351/2017 as well as additional covering advices. These documents have confirmed that the site is contaminated, that remediation works are required and that the land can be made suitable for the proposed commercial use subject to implementation of an appropriate remedial / soil management plan to be implemented as part of the early works (subject to DA351/2017 and DA436/2016) . Accordingly an Overarching Remedial Action Plan (RAP) has been prepared and submitted with the subject application.

Excavation to a depth of 1-2 metres has occurred across the majority of the site under the separate development consent for archaeological investigation works (DA/319/2016). Given that the proposed development includes excavation of the majority of the site, it is anticipated that all fill material and underlying shallow soil will be removed from site as a result of the development. Therefore, management of any contamination concerns will primarily be concerned with implementation of appropriate controls during excavation and off-site disposal activities which is the subject of development applications DA351/2017 (8PS Early Works) and DA436/2016 (4&6 Parramatta Square including towers, basement car park and excavation works). The Overarching Remedial Action Plan therefore covers the entire site of the proposed 6&8PS basement which was approved under DA46/2018.

The RAP provides guidance for management of excavated material and requirements for validation of the remediation works. A remedial options assessment identified off-site disposal of impacted fill as the preferred remedial strategy given that the overall development master plan includes the construction of basement levels across the vast majority of the development footprint.

The RAP concludes that subject to the measures outlined in the report and the recommendations, the site can be made suitable for the intended uses and that the risks posed by contamination can be managed to adequately protect human health and the environment during and following the works.

Council's Environment & Health Compliance Team has reviewed the submitted reports and has concluded that the site can be made suitable for the proposed use subject to the conditions of consent included in the basement DA (DA46/2018). Recommended conditions, consistent with those applied to DA46/2018, have been provided for inclusion should the application be recommended for approval. Accordingly, it is considered that the requirements of SEPP 55 have been met.

7.3 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.

7.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 85 of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) applies to development that is in or immediately adjacent to a rail corridor if the development is likely to have an adverse effect on rail safety, involves the placing of a metal finish on a structure (and the rail corridor concerned is used by electric trains) or involves the use of a crane in air space above a rail corridor. It requires consultation with the rail authority and the consideration of any issues raised in the determination of the application.

The proposed development extends into the Darcy Street road reserve, is immediately adjacent to the Parramatta rail corridor and is within the Parramatta to Epping Railway (PERL) corridor. The proposed works will include concrete and metal reinforcing and the rail corridor is used by electric trains.

Further Clause 86 of the Infrastructure SEPP generally provides that a consent authority may not grant consent to development within 25 metres (measured horizontally) of a rail corridor without first obtaining the concurrence of the rail authority. In determining whether to grant concurrence the rail authority is to consider:

- (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects*

Railcorp is technically the relevant rail authority however Sydney Trains is its authorised delegate in respect of these provisions.

Sydney Trains, has been consulted on the subject development application in respect of clause 85 and concurrence has been sought in respect of clause 86. Sydney Trains has provided its concurrence subject to the imposition of operational consent conditions. These conditions are included in the condition set.

The proposal is also traffic generating development under clause 104 of the Infrastructure SEPP, as it provides for car parking for more than 200 motor vehicles (463 spaces proposed in approved DA46/2018), as specified in Schedule 3. The proposal has therefore also been referred to Roads and Maritime Services (RMS) under clause 104. RMS has provided advice that it raises no objection to the proposed development subject to recommended conditions being included in any consent. In addition to considering any matters raised by RMS within 21 days of receipt of the application, prior to granting development consent, the consent authority is also required to consider the following:

- (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) *any potential traffic safety, road congestion or parking implications of the development.*

The accessibility of car parking has been deemed to be acceptable in the Basement DA (DA46/2018), as it will be accessed through the integrated super basement that has been designed to extend beneath Parramatta Square. Further, the parking has been considered to be consistent with the need to minimise parking and has regard to site accessibility by public transport. Further it has been determined that the car park will not have any impact on traffic safety, will not unduly contribute to road congestion within the Parramatta CBD and provides for an appropriate level of parking provision having regard to all relevant considerations. It is therefore considered that it is consistent with the requirements of clause 104.

No other provisions contained within the SEPP are relevant to the proposal.

7.5 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Part 4 of this Policy applies to regionally significant development declared as such under Schedule 7 of the SEPP in accordance with section 4.5(b) of the *Environmental Planning and Assessment Act 1979*. Under these provisions the relevant regional panel is declared to be the consent authority for regionally significant development.

As this proposal has a capital investment value of more than \$5 million and Council is the landowner of part of the site the Sydney Central City Planning Panel is the consent authority for the application.

7.6 PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Zoning and Permissibility

The site is zoned B4 Mixed Use under the *Parramatta Local Environmental Plan 2011* (PLEP 2011) as shown at Figure 21.

The application is for the construction of a 56 storey commercial tower including plant and a function centre on Level 50 and retail floor space within the lower and upper ground levels. The development also includes works within Darcy Street roadway and kerb and footpaths, associated landscaping and public domain works in Darcy Street, and provision and augmentation of physical infrastructure. The proposed commercial office tower, retail floor space, function centre, and associated works, are permitted with consent in the B4 Mixed Use Zone.

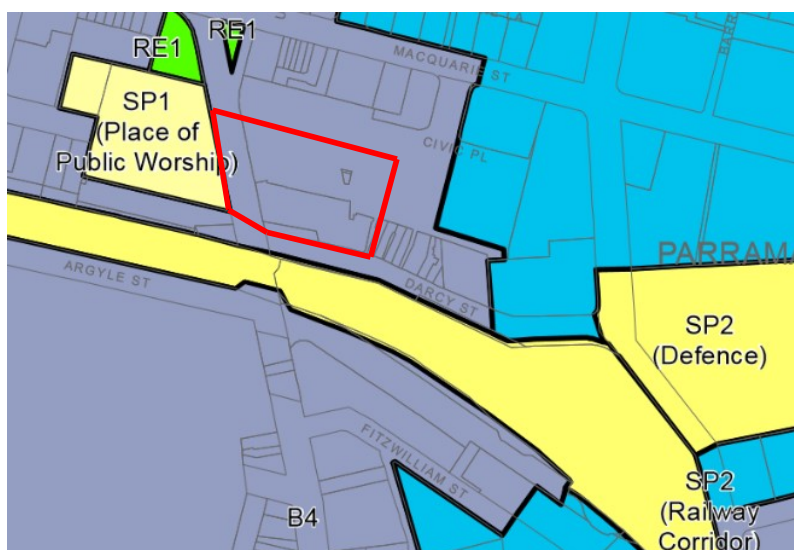


Figure 21 Zoning Map

Zone Objectives

Clause 2.3(2) of the LEP requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the B4 Mixed Use zone are:

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

Noting the assessment within this report, the proposed commercial tower, retail floor space and function centre (and ancillary works) are considered to be consistent with these objectives.

Remaining Provisions

The compliance of the proposal with the remaining relevant provisions of the Plan is addressed in the following table:

Table 2: PLEP 2011 Compliance Table

Clause	Comment	Complies
Clause 2.7 Demolition	Demolition is not proposed as part of the subject application.	N/A
Clause 4.3 – Building height	The maximum building height permissible on the main part of the site is 200m as shown on the height of buildings map. The remainder of the site (Church and Darcy Streets) have no height limit. Notwithstanding this maximum Clause 7.10 Design	Yes – refer clauses 7.10 and 7.8 below

Clause	Comment	Complies
	Excellence acts to allow additional height in certain circumstances (refer below). Further no height limit applies in accordance with clause 7.8 Development on land at 160–182 Church Street, Parramatta within that part of the site known as “Area 3”. The proposal has a maximum height of 228.3m (RL240 to the top of the plant). This maximum height is permissible as discussed at section 12.3.2 below.	
Clause 4.4 FSR	The maximum Floor Space Ratio that applies to the site is 8:1 as illustrated on Floor Space Ratio map however clause 7.10 Design Excellence provides for a bonus of up to 25% (i.e. maximum of 10:1) where a building is the winner of a design competition and represents design excellence. Further clause 7.8 allows a building with a maximum GFA of up to 95,000m ² on land within “Area 3” (former Aspire tower site) notwithstanding the provisions of clause 4.4 (among other matters). The proposal provides for a GFA of 95,000m ² in that part of the site defined as “Area 3” and therefore complies with clause 7.8. The remaining part of the site provides for a GFA of 34,318m ² which equates to an FSR of 9.93:1 with the part of the site outside of Area 3 having an area of 3,454.4m ² . The proposal therefore complies with the maximum FSR of up to 10:1 utilising the design excellence bonus provisions under clause 7.10.	Yes – refer clauses 7.8 and 7.10 below
Clause 5.10 Heritage	<p>This clause requires the consent authority to consider the effect of the proposed development on any heritage items or areas. The site is located in close proximity to a number of heritage items including:</p> <p>1647 - Convict drain (removed) 1650 - Parramatta Town Hall (and potential archaeological site) 1653 - Warden's cottage (verger's cottage) 1719 - Leigh Memorial Uniting Church 1720 - Arthur Phillip High School (and potential archaeological site) 1751 - Lancer Barracks group 100696 - Parramatta Railway Station 101805 - St John's Anglican Cathedral 101824 - 1st/15th Royal NSW Lancer Museum collection</p> <p>The site does not contain any known heritage items. Archaeological excavation works are approved under separate development consent (DA/319/2016) for the removal of the Convict Drain heritage item on the site and 1 to 2 metres of topsoil across the site and this is complete. Relevant Section 140 and Aboriginal Heritage Impact Permits are in place for these works. Any unknown heritage finds on the site can be addressed by condition of consent.</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</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>

Clause	Comment	Complies
	<p>Council within 28 days after the notice is sent. The proposal does not include any below ground works which have been addressed in DA46/2018 therefore the application is not required to be referred to the Heritage Council. Notwithstanding the application was referred by Council to the Heritage Council for comment. The comments of the Heritage Office are addressed at section 12.7 below and in the independent heritage specialist's report at Attachment 4.</p> <p>Clause 5.10(8) requires that prior to granting consent to development on land which is an Aboriginal place of heritage significance; the consent authority must consider the effect on the heritage significance of the place and any Aboriginal object and must notify the local Aboriginal community. It must also take into account any response received from the Heritage Council within 28 days after the notice is sent. As noted above the proposed development does not include any below ground works which have been addressed in DA46/2018. Accordingly this provision is not considered relevant. Notwithstanding, as noted above the application was referred to the Heritage Council. The comments of the Heritage office are addressed at section 11.6 below.</p> <p>A heritage impact statement has been submitted with the application and an independent heritage assessment of the application has been undertaken by Tropman & Tropman Architects. The assessment concluded that the proposal is acceptable from a heritage viewpoint having regard to the prevailing planning controls and Council's vision for the future of the Parramatta CBD. This matter is addressed in further detailed at Section 12.7 of this report.</p>	<p>N/A</p> <p>Yes</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 also 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 below ground works which have been addressed in DA46/2018. Accordingly this provision is not considered relevant to the subject development application.</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. The proposed development does not however include below ground works which have been addressed in DA/46/2018 with the exception of works in Darcy Street. Standard conditions of consent are proposed in this regard.</p>	Yes
Clause 6.3 Flood Planning	<p>This clause applies to land below the flood planning level and requires consideration of flood impacts. The subject site is identified as flood prone land being affected by the 1:100 ARI (RL 10.15) and Probable Maximum Flood (PMF)(RL 11.79) level</p>	Yes

Clause	Comment	Complies
	<p>of the Parramatta River. The site has a medium to low risk of flooding. As such, flood protection is required for the building and the basement car park entry which is through the super basement.</p> <p>The flood assessment submitted with the application concludes:</p> <ul style="list-style-type: none"> • The minimum finished floor level for 6 and 8 Parramatta Square is 11.90m AHD and is above the PMF level; • Incorporating a minimum threshold level at the Church Street entrance to Parramatta Square of 11.20m AHD will isolate flows in Church Street from the main part of the Parramatta Square area. Flood levels in Church Street are not impacted as a result of the development; • The model shows an increase in flood levels of up to 40 mm in Macquarie Street and Smith Street due to the development. This increase can be attributed to the loss of floodplain storage within the Church Street and Parramatta Square itself. Currently much of the site is below the 100 year ARI flood level in Macquarie Street (10.40m AHD) with a topographical depression within Civic Place; It is important to note that post-development scenario modelling has been taken a conservative approach and did not include any allowance of flood storage in OSD tanks of the new buildings. It is expected that the flood level difference values would be lower if OSD tanks will be incorporated. • The model shows limited sensitivity to rainfall intensity, wind direction and surface roughness. Up to 5 mm with a 30% and 20% rainfall intensity increase respectively and less for the rest of sensitivity runs. <p>No flood barriers are required for the buildings however flood barriers have been provided at entrances to the super basement car park as part of other approved development applications. Flood barriers are also to be provided as part of 4PS to protect entry to the rail concourse.</p> <p>Council's engineer had provided advice that the OSD design details submitted for the DA are sufficient to demonstrate that the provision of OSD is possible on the site, and to give an idea of the proposed storage volume and discharge rates. Relevant conditions of consent are proposed.</p> <p>The nominated matters for consideration have been assessed by the Development Engineer and advice provided that subject to the imposition of recommended conditions of consent the proposal will meet Development Engineering Requirements.</p>	
<p>Clause 7.2 Floor space ratio</p>	<p>This clause provides a formula for FSR based on site area in essence allowing only sites over 1,800m² to achieve the maximum applicable FSR shown on the FSR map. Notwithstanding, Clauses 7.8 and 7.10 prevail in terms of allowable FSR on the subject site (refer below) therefore this provision does not apply.</p>	<p>N/A</p>

Clause	Comment	Complies
<p>Clause 7.3 Car parking</p>	<p>This clause provides a maximum car parking provision for the City Centre. The proposal provides for a total of 128,568m² of commercial floor space and 750m² of retail / lobby floor space. Under these provisions the maximum permissible is number of car parking spaces allowed for the proposal would be 1,311 spaces based on a rate of a maximum of 1 space per 100sq.m of commercial GFA (128,568/100=1,286 spaces) and 1 space per 30sq.m of retail GFA (750/30=25 spaces). Under DA46/2018 a total of 463 car spaces have been approved in the basement car park. Accordingly, this is significantly less than the permissible maximum number of 1,311 spaces. The proposed reduced provision is considered appropriate given the location of the site immediately adjacent to the Parramatta Railway Station and Bus Interchange and in close proximity of the future Parramatta Light Rail stop on Macquarie Street.</p>	<p>Yes</p>
<p>Clause 7.4 Sun access plane</p>	<p>The objective of this Clause is to protect public open space in Parramatta Square, the Lancer Barracks site and Jubilee Park from overshadowing.</p> <p><u>Jubilee Park and Lancer Barracks</u></p> <p>The clause calls up the provisions of PDCP 2011 and requires that the consent authority must take into account the solar access planes when determining whether a proposal will result in excessive overshadowing of Lancer Barracks or Jubilee Park. Shadow plans submitted with the application illustrate that the proposal will not result in any impact to the grounds of Lancer Barracks. The proposal will result in some overshadowing of Jubilee Park generally after approximately 1.20pm in mid-winter but that this impact is contained to a small area which not within the protected area of the Park. Accordingly the proposal complies with the provisions in respect of Jubilee Park and Lancer Barracks.</p> <p><u>Parramatta Square</u></p> <p>At the time of lodgement of the subject application this clause provided that council must take into account the DCP sun access plane controls if it considers that a development will result in excessive overshadowing of Parramatta Square. It required consideration of the sun access plane controls specified in section 4.3.3 of the Parramatta Development Control Plan to determine whether a proposal will result in excess overshadowing of public open space as applies to Lancer Barracks and Jubilee Park as outlined above.</p> <p>The relevant control in the DCP is 4.3.3.7 (b) C.3 which requires that overshadowing is to be minimized within the area outlined in red in Figure 4.3.3.7.3. Individual buildings are to be designed so that no single point of the area outlined in red is in shadow for</p>	<p>Yes</p> <p>No – clause 4.6 variation sought</p>

Clause	Comment	Complies
	<p>a period greater than 45 minutes between 12pm – 2pm mid-winter. The proposal was submitted to comply with these requirements.</p> <p>However, following a series of gateway determinations on other site specific planning proposals in the CBD, the Department of Planning and Environment sought to impose a CBD wide requirement of no overshadowing in the Parramatta Square protected area between the hours of 12pm to 2pm. One of these planning proposals (220-230 Church Street and 48 Macquarie) has recently been made and in doing so amended Clause 7.4 to reference the protected area of Parramatta Square as follows:</p> <p style="padding-left: 40px;"><i>7.4 (2) The consent authority must not grant consent to development to any land if the consent authority is satisfied that the development will result in any additional overshadowing, between 12 noon and 2pm, on Parramatta Square, being the land at Parramatta Square shown with blue hatching on the Sun Access Protection Map.</i></p> <p>Although the proposed building is on the southern side of Parramatta Square it has the potential to result in additional overshadowing of Parramatta Square as the proposed stair linking the lower and upper ground levels, the upper ground level terrace and structural columns are located within the sun protection area shown on the Sun Access Protection Map.</p> <p>The applicant has submitted two separate legal advices stating that this control inserted into clause 7.4 of the LEP is a development standard and as such can be varied using Clause 4.6. This view is supported by Council's legal team (refer Attachment 3).</p> <p>Accordingly the applicant has submitted a Clause 4.6 request to address the issue of overshadowing. The request is considered to be acceptable given the strategic background and intent of Clause 7.4. This issue is considered in detail at section 12.3.8 below.</p>	
<p>Clause 7.6 Airspace Operations</p>	<p>This clause applies to “Area 3” and provides that approval may not be granted to development that is a ‘controlled activity’ under the <i>Airports Act 1996</i> (C’lth) unless an approval has been issued for the controlled activity. Part of the building is within Area 3 and has a maximum height of 228.3m AHD (RL 240m) and therefore will remain below the Radar Terrain Clearance Chart (RTCC) for Sydney Airport. The overall maximum height of the building is 240m AHD and will therefore penetrate the Obstacle Limitation Surface (OLS) for Bankstown Airport by 83m and cranes to a maximum height of 243m AHD will penetrate by 87m. The building and crane will however remain below the</p>	<p>Yes</p>

Clause	Comment	Complies
	<p>Sydney Radar Terrain Clearance Chart (RTCC) and PAN-OPS surface.</p> <p>A controlled activity approval under the Airports Act has been issued for the proposal by the Department of Infrastructure and Regional Development (DIRD) by letter dated 31 October 2018. The approval includes conditions of approval which have been included in the recommended condition set. In particular, the approval requires that the building must not exceed a maximum height of 240m AHD inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhausts, flues etc. Other conditions relate to separate approval requirements for cranes etc., obstacle lighting, and commencement and completion requirements.</p>	
<p>Clause 7.8 Development on land at 160 – 182 Church Street</p>	<p>This clause refers to the area identified as “Area 3” on the special provisions area map (which includes the subject land). It provides that development consent must not be issued unless the consent authority is satisfied that the gross floor area of any building within Area 3 will not be greater than 95,000m² and of the GFA: (a) not less than 10% will be used for common areas such as common rooms, communal gardens, corridors, foyers and recreation facilities (indoor); and (b) not less than 5% will be used for private open space.</p> <p>This provision relates primarily to that part of the site which is known as 8PS (formerly known as Aspire) however given boundary changes to the Parramatta Square development lots, now also partly applies to that part of the site known as 6PS. Legal advice has been obtained which indicates that the clause is to be interpreted as applying to any building (or part thereof) located on the land. Accordingly as long as the building that is proposed on that part of the site shown on the map as Area 3 does not contain more than 95,000m² of GFA it is permitted under this clause. This is the case with the subject proposal as 95,000m² of the total proposed 129,318 m² GFA is located within the area shown as ‘Area 3’. The additional 34,318m² of GFA is located outside of ‘Area 3’.</p> <p>Further the legal advice indicates that provisions (a) and (b) are development standards which can be varied using clause 4.6. A clause 4.6 variation request has been submitted in this regard (refer Attachment 2) as the proposal does not meet the requirements of 7.8(a) and (b). It is considered that the clause 4.6 variation is justified in the circumstances as the provisions were intended to apply to a residential development on the site and are not applicable to a commercial development as now proposed.</p>	<p>Yes – clause 4.6 variation re: residential standards - supported</p>

Clause	Comment	Complies																
Clause 7.10 Design excellence	<p>This clause seeks to deliver the highest standard of architectural, urban and landscape design and contains provisions regarding design excellence and requirements for a competitive design process in certain circumstances. Where design excellence is achieved and a building is the winner of a design competition it allows the application of a design excellence bonus in relation to FSR and / or height of up to 25% generally in the case of a building comprising entirely non-residential floor space in the B4 zone.</p> <p>The proposed building is the winner of a design competition (6 October 2017) however some changes have been made. To ensure that the current proposal is consistent with the competition winning scheme it has been referred to the reconvened Design Jury. The Design Jury has, in its final report (refer Attachment 6) dated 27 November 2018, confirmed that the amended proposal continued to exhibit design excellence. Accordingly, the proposal attracts the design excellence bonus as follows:</p> <table><tr><th>Site (m²)</th><th>Zone</th><th>Max FSR Incl. Design Excellence bonus</th><th>Allowable GFA (m²)</th></tr><tr><td>Area 3 (refer clause 7.8 above)</td><td>B4</td><td>n/a</td><td>95,000</td></tr><tr><td>3,454.4 Area of site outside of Area 3</td><td>B4</td><td>10:1</td><td>34,544</td></tr><tr><td>9,785</td><td></td><td></td><td>Total: 129,544</td></tr></table> <p>The proposal provides for a GFA of 129,318m² therefore it complies with this provision.</p>	Site (m ²)	Zone	Max FSR Incl. Design Excellence bonus	Allowable GFA (m ²)	Area 3 (refer clause 7.8 above)	B4	n/a	95,000	3,454.4 Area of site outside of Area 3	B4	10:1	34,544	9,785			Total: 129,544	Yes
Site (m ²)	Zone	Max FSR Incl. Design Excellence bonus	Allowable GFA (m ²)															
Area 3 (refer clause 7.8 above)	B4	n/a	95,000															
3,454.4 Area of site outside of Area 3	B4	10:1	34,544															
9,785			Total: 129,544															

8. Draft environmental planning instruments

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

9. Development control plan

9.1 PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The purpose of the DCP is to supplement the Parramatta LEP 2011 and provide more detailed provisions to guide development. The relevant matters to be considered under the DCP for the proposed development are outlined in the below table.

Table 3: 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 have been respected in the proposed design and will not be adversely affected The building reinforces the landform of the city and strengthens areas of the highly visible city core. Issue of view sharing with adjacent sites does not arise Significant views to and from the public domain are protected. 	Yes
2.4.2 Water management	<ul style="list-style-type: none"> The site is flood affected – refer to section 12.10 Groundwater impacts do not arise Stormwater and water quality, both during and post construction can be suitably managed as advised by Council's Development Engineering section subject to the imposition of recommended conditions of consent. 	Yes
2.4.3 Soil management	<ul style="list-style-type: none"> Sedimentation controls during construction will be addressed by conditions The site has an Acid Sulphate Soils classification of 5. An ASSMP has been submitted with the Basement DA and was considered appropriate. Salinity is not identified as a site constraint. 	Yes
2.4.4 Land contamination	The site is subject to contamination. A Detailed Site Investigation and Remediation Action Plan have been submitted. These are considered appropriate and subject to conditions of consent it is considered that the site is appropriate for the proposed use (refer section 7.2 above and section 12.6).	Yes
2.4.5 Air quality	The subject site is affected by contamination and accordingly the proposed excavation and construction works have the potential to result in adverse air quality impacts. These matters have been addressed in the associated Basement DA (DA46/2018) Standard conditions of consent, consistent with those applied to DA46/2018, would be applied to any consent to ensure that the proposed works do not result in adverse air quality impacts.	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. The proposed development seeks approval for public domain works immediately adjacent to the building primarily in Darcy Street. In addition, a separate DA has been submitted (not yet numbered) for the Parramatta Square Public domain adjacent to the site. The plans illustrate an appropriate level of	Yes

Provision	Comment	Complies
	integration between the building and the public domain and sufficient detail to ensure that there is certainty regarding the public domain levels immediately adjacent to the site. This matter is addressed in detail in section 12.3 below.	

Table 4: 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 subject to design excellence provisions which allow a maximum height of 250m on the site. The proposed maximum height is 228.3m (RL 240m) and therefore complies. 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 subject building will be the highest building in the precinct as provided for under the planning controls with other adjacent buildings being of a lesser height and allowing for a height transition to the subject building which is intended to be the CBD marker. The variance in building height provides for visual interest in the skyline whilst at the same time clearly land marking Parramatta Square as the centre of the Parramatta CBD. The setback provisions contained in this section are overridden by Part 4 of the DCP. 	Yes
3.2 Building elements	Form, massing and presentation are considered to be satisfactory having regard to the prevailing planning controls. Refer to detailed discussion in section 12.3 below.	Yes
3.3 Environmental amenity	Landscaping in the vicinity of the buildings is to be subject to a separate development application for the Parramatta Square public domain (not yet numbered). The proposed treatment of Parramatta Square is not included in the subject application however levels and the design have been coordinated and are shown on the subject plans for information. The proposed public domain treatment immediately adjacent to the building on Darcy Street has been coordinated with the broader treatment of the Square and 4PS.	Yes
3.4 Social amenity	<ul style="list-style-type: none"> Access for people with a disability is satisfactory. Refer to section 12.3.8 below The provision of public art is to be addressed by a condition Safety and security is satisfactory subject to conditions. Refer to section 12.11. 	Yes
3.5 Heritage	<ul style="list-style-type: none"> Heritage considerations have been addressed at section 12.7 below. Aboriginal and European archaeology has been addressed in previous DAs and relevant excavation permits have been issued in accordance with the <i>National Parks and Wildlife Act 1974</i> and the <i>Heritage Act 1977</i>. 	Yes
3.6 Movement and circulation	<ul style="list-style-type: none"> Car parking supply and access as detailed above have been approved in the separate basement DA46/2018 and is 	Yes

Provision	Comment	Complies
	<p>considered to be satisfactory. In this regard it is noted that significantly less parking than allowable has been approved given the location adjacent to the Parramatta Railway Station, the future Parramatta Light Rail stop and the Parramatta Bus Interchange. This approach to travel demand is supported.</p> <ul style="list-style-type: none"> • Arrangements for service vehicles are satisfactory - refer approved Basement DA (DA/46/2018). • The proposed supply of bicycle parking and end of trip facilities has also been considered to be satisfactory in DA46/2018. 	
3.7 Residential subdivision	Not applicable	N/A

Table 8: 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"> • The site achieves the minimum street frontage of 20m • The street frontage height and upper level setbacks does 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 DCP requires a minimum side setback of 6m for buildings over 54m in height. The proposal is joined to 4PS on the lower and upper ground levels with a shared loggia and glass roof above. At the tower levels however the building is setback 6m from the boundary with 4PS and a building separation is therefore provided of between 11 and 14m (Note: 4PS minimum setback at the boundary is 5m rather than 6m as required). This separation increases to 30 to 50m at Level 28 and above. The proposed setbacks therefore comply with this requirement. • Building form and wind mitigation is addressed in detail in sections 12.3.3 and 12.8 below • Building exterior is satisfactory - refer to section 12.3.3 below. • The site is affected by the Jubilee Park sun access plane and will result in some additional shadow to the park however not within the protected area. This matter is addressed in detail at section 12.3.9 below. 	<p>Yes / N/A</p> <p>Yes</p> <p>Yes</p>
4.3.3.2 Mixed use buildings	Not applicable	N/A
4.3.3.3 Public domain and pedestrian amenity	<ul style="list-style-type: none"> • Site planning provides for a high degree of pedestrian connectivity both within and surrounding the building. The building has been designed to connect to the 4PS pedestrian link between Parramatta Station and Parramatta Square. The loggia between the building and 4PS has been aligned with the future Civic Link and will provide a direct connection down from Darcy Street to Parramatta Square. The proposal is consistent with the Parramatta Square Urban Design and Parking Plan which sets out the vision for a shared basement, links to the Station and public domain. • The design allows for active frontages to Darcy Street (Upper 	Yes

Provision	Comment	Complies
	<p>Ground Level) and Parramatta Square (Lower and Upper Levels) with a clear accessible shoreline along the edge of the building as well as along the through site link connecting from the Station through 4PS to the Square at the lower ground level.</p> <ul style="list-style-type: none"> • The proposal connects to the new pedestrian link directly connecting the Railway concourse level and Parramatta Square (west) within the adjacent approved 4PS building consistent with the provision 4.3.3.3c. • The proposal utilises colonnades to provide weather protection for pedestrians 	
4.3.3.4 View and view corridors	<ul style="list-style-type: none"> • The proposal will ensure views to St Johns Church from the east are maintained along the Square although it is noted that the 40m width is proposed to be encroached into by up to 9.2m (refer detailed discussion at section 12.3 below). This is consistent with the encroachment previously approved for 4 & 6PS under DA436/2016 and is therefore considered to be acceptable. 	Yes
4.3.3.5 Access and parking	<ul style="list-style-type: none"> • The location and design of the vehicle access points, driveways, manoeuvring and parking areas has been approved under the Basement DA (DA46/2018) and is satisfactory • The building entries are clearly identifiable within the façade • Barrier free access is provided to and within the buildings and will therefore meet relevant design standards for people with a disability. In this regard it is noted that in addition to the proposed stairs that connect the Square to the upper ground level terrace, a lift is provided immediately adjacent to the base of the stairs to ensure equitable access. 	Yes
4.3.3.6 Environmental management	<ul style="list-style-type: none"> • The proposed levels immediately adjacent to the building are considered to be satisfactory and are consistent with flood planning requirements. In this regard it is noted that the treatment of Parramatta Square itself is not proposed as part of the subject application but will be addressed via a separate concurrent Public Domain DA (not yet numbered). • The proposal will target a 5 star Green Star rating – refer to sustainability under section 12.3.6. A condition of consent to this effect is considered appropriate. 	Yes
4.3.3.7b Parramatta Square	<p><u>Objectives</u></p> <ul style="list-style-type: none"> • The proposal is consistent with the stated objectives for Parramatta Square including retaining a civic focus for the site, reinforcing the urban structure, reinforcing pedestrian routes, linking the Square and the Station, providing a balance of uses, activating the ground floor and public domain of the Square and providing for active uses. <p><u>Site objectives</u></p> <ul style="list-style-type: none"> • The proposal is also consistent with the articulated site objectives including providing for public spaces that will cater for a variety of celebrations etc., providing a high level of pedestrian amenity, providing for buildings that overlook and activate the public space, as far as possible recognising the 	<p>Yes</p> <p>Yes</p>

Provision	Comment	Complies
	<p>scale of St Johns Church and protecting views to it and providing building that define the 'urban room' of Parramatta Square.</p> <ul style="list-style-type: none"> • C1 – the proposal provides for a width of 40m across Parramatta Square at the lower ground level as required to the glass line. At the upper ground level the proposed publicly accessible terrace (which extends for slightly more than 50% of the frontage to the east) encroaches into the 40m zone by 4m with the columns projecting further into the 40m zone for the full extent of the frontage. Podium Level 1 the "Sky lobby" to Podium Level 3 projects 6.9m into the 40m setback zone. Above Level 3 the tower projects into the 40m zone by varying amounts generally between 7.5 (above RL38.0) and 9.2m (above RL41.750). This is consistent with the encroachments which were approved in the previous 4&6PS DA (DA436/2016) however in this DA it is noted that the 6.5m encroachment was approved up to a height of RL31.85 and an encroachment of 9.2m into the zone approved above RL39.55. The underside of the tower is set at RL 31.85 consistent with the approval for 4PS. This matter has been considered by the reconvened Design Jury and found to be acceptable (refer further discussion below). • C2 – the proposed building has adopted a podium height datum established by the adjacent Sydney Water building and continued thorough to the approved 4PS. This will ensure a consistent approach adjacent to the public domain of Parramatta Square. The proposed building does not adversely impact on the view corridor through the square that encloses the view to St Johns Church. • C3 – The proposal will result in some additional overshadowing of the area shown red ('sun box' with an area of approx. 2,808.5m²) as a result of the proposed columns, upper level terrace and stairs connecting the lower and upper ground levels of the building (refer further discussion at section 12.3.9). The impact is however considered minimal being limited to the times and percentages of the total area shown below in mid-winter (as required by the clause): <p>12pm – 3.4% (96.58m²) 1pm – 4.2% (116.8m²) 2pm – 5.5% (153.3m²)</p> <p>The impact is therefore greater than the maximum of 45mins allowable between 12pm and 2pm in mid-winter however is considered to be justified given the limited area affected, the limited time during which the impact will occur and the benefits of the offending structures.</p> • C4 – the proposal will provide for the creation of a progression of spaces or squares within the greater Parramatta Square defining its southern extent. The detailed design of the Square is however subject to two separate but concurrent Public Domain development applications (DA/672/2018 and Stage 3 Public Domain DA – not yet numbered). The proposal is consistent with these DAs and the concept design previously exhibited for the public domain. • 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. 	<p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p>

Provision	Comment	Complies
	<ul style="list-style-type: none"> • C6 – Colonnades are proposed to provide shade and shelter. The proposed colonnades comply with the minimum dimensions for column spacing however the colonnade height does not comply where the upper ground level terrace extends over the lower ground level outdoor dining zone. This has however been determined to be acceptable given that the floor levels are predetermined by the level of Darcy Street to the south and Parramatta Square to the north and given the activation of the Square that is provided by the terrace. • C7 – not applicable. 	<p>No</p> <p>N/A</p>
	<p><u>Building Form</u></p> <ul style="list-style-type: none"> • The proposal is consistent with the building form objectives. It will provide for a high quality architectural and urban design for both the buildings and the public domain. The building will achieve a high level of environmental performance and incorporate appropriate noise attenuation. In terms of wind appropriate measures are proposed to ensure the buildings do not adversely impact on the public space and that active areas are appropriate for the proposed use (refer section 12.8 below for further detail). • C1 – The proposed building will create a central public space and link to the direct connection to the railway station provided in the approved 4PS. It will also provide through site connections at the upper ground level (Darcy Street) through the central loggia between 4PS and 6PS through to the upper level terrace and down stairs to Parramatta Square. • C2 – The building is to be built directly to the Darcy Street frontage and the public domain. • C3 - 6 – not applicable • C7 – The proposal will result in some additional overshadowing of the identified 'sun box' – refer further discussion at 12.3.9. The shadowing however will only be the result of the proposed columns, upper level terrace and stairs and is therefore minor and acceptable. • C8 – The development implements the relevant principles including sustainable development, safety by design and equal access. In terms of heritage the independent heritage assessor has provided advice that the proposal is acceptable (refer section 12.7). 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>No</p> <p>Yes</p>
	<p><u>Sustainability</u></p> <ul style="list-style-type: none"> • The proposal is generally consistent with the relevant sustainability objectives. It incorporates relevant measures to reduce heating, lighting and cooling and water sensitive urban design measures. It has also been design to reduce wind impacts and to provide pedestrian weather protection. • C1 – The proposal includes a 5 star Green Star Design target. Compliance can be addressed via condition. • C2 – Min 4.5 star base building and tenancy NABERs Energy rating can be addressed via condition. 5 star is proposed. • C3 – 8 – not applicable (Note: recycled water and precinct energy infrastructure not available). Notwithstanding development should be future proofed to enable connection if it becomes available. This can be addressed via condition. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

Provision	Comment	Complies
	<p><u>Access, Parking and Servicing</u></p> <ul style="list-style-type: none"> The proposal is consistent with the relevant access, parking and servicing objectives as previously approved under DA46/2018. The new building will address Darcy Street (and Parramatta Square), provide limited vehicular access to the centre of the site and will ensure that Parramatta Square acts as the gateway to the Parramatta Railway Station and Bus Interchange. C1 – the proposal is generally consistent with the pedestrian and access arrangements shown on Figure 4.3.3.7.5 and public spaces principles shown on Figure 4.3.3.7.3 with the exception of the 'possible 6.5m encroachment' (refer section 12.3). An encroachment up to 9.2m into the Square is proposed above the datum height of the St Johns Church spire as was approved for 4PS. This is considered acceptable in the circumstances and will not impact on the public space at ground level. The proposal is also inconsistent with the build to line for Church Street which is shown at the line of the former road reserve. The road has been closed (with the exception of a small portion) and the alignment of Church Street pedestrian space reduced in the proposal to a maximum of 14.1m from a previous width of 20m. This is considered acceptable given that adequate space remains for the projected pedestrian traffic to use this area and the alternative pedestrian routes provided by the development through the precinct. Further it is noted that stairs and columns are the only parts of the building proposed in the former Church Street space at ground level. Accordingly the space will feel and act like part of the public domain and be available for pedestrians. The proposal does not provide for vehicular access to the Square from Darcy Street at grade however access is provided underground through a shared basement arrangement. This is appropriate and will minimise the potential for conflict between vehicles and pedestrians. It will also ensure the Square is a highly pedestrianised environment. C2 – not applicable. Access and servicing is proposed via the shared basement beneath Parramatta Square as previously approved under the Basement DA. C3 – Electric charging stations are required as a condition of consent on DA46/2018. C4 – The proposed design will provide for public access along Darcy Street. Adequate sunlight access will also be available subject to the constraints of the site and building orientation. C5 – 671 bicycle spaces and end of trip facilities are to be constructed within the shared basement under the Basement DA (DA46/2018). Public facilities are also conditioned under that DA. C6 – Council's Service Manager Traffic and Transport has confirmed as part of the Basement DA that the most appropriate location for car share spaces for the commercial building is in the Council parking area to be provided in the shared basement. Council will negotiate the provision of these spaces in accordance with its car share policy that is currently being developed. C7 – Written evidence of car share offer is unnecessary 	<p>Yes</p> <p>No</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

Provision	Comment	Complies
	<p>given the above.</p> <ul style="list-style-type: none"> • C8 – not applicable • C9 – the plans include details of pedestrian and cycle access arrangements. These are considered to be appropriate. • C10 – The traffic report submitted with the Basement DA and the subject application includes a detailed assessment of the precinct wide implications of the proposal. This is considered to be acceptable by Council's independent traffic consultant and traffic section. <p><u>Heritage</u></p> <ul style="list-style-type: none"> • The proposed is considered to be acceptable from a heritage viewpoint. A detailed heritage impact statement has been submitted with the application and Council's independent heritage specialist has advised that it is appropriate having regard to the prevailing planning controls and Council's vision for the future of the Parramatta CBD. This matter is addressed at section 12.7 below. <p><u>Public Art</u></p> <ul style="list-style-type: none"> • A plan for a public art plan has been submitted with the application. Council's Manager City Animation Marketing & City Identity has indicated that the plan is appropriate subject to relevant conditions of consent. • C1 - 3 – Public art provision in accordance with the Parramatta Square Public Art Masterplan can be addressed via condition. <p><u>Utilities</u></p> <ul style="list-style-type: none"> • The proposal provides for utilities to be integrated within the buildings and the shared basement and not within the public domain as required. • C1 – Utilities are proposed to be shared and located primarily with the basement to minimise any impact on the public domain as required • C2 - Service access points and substations have been located to minimise impacts on pedestrians, the public domain and the quality of the proposed buildings. • C3 – The building is able to incorporate appropriate measures to accommodate current and future technologies subject to recommended conditions of consent. 	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

10. Planning Agreements

The subject application includes a letter confirming that it is the applicant's intention to enter into a voluntary planning agreement (VPA) in lieu of the 3% section 7.12 levy provided for under Parramatta City Centre Section 94A Contributions Plan (now section 7.12). The VPA offer has an estimated value of \$17,710,200.93 based on 3% of the estimated cost of works of \$590,340,031 in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

The submitted letter of offer notes that the nature and extent of the provision to be made by the developer under the VPA relates to the Parramatta Square public domain works to be

negotiated. It notes that Council has released an enhanced concept design for the public domain which sets out the vision for a world-class public space that meets the needs of the residents, commuter and visitors to the City as well as Council's vision for a preeminent civic and ceremonial space fit for public events. The applicant has indicated that the public domain works to be negotiated under the VPA will potentially comprise:

- A grove of Cabbage Tree Palms with "Smart" shading structures and seating (both fixed and removable) under the tree canopy. These "smart" structures can incorporate digital art, cooling mechanisms and solar-powered USB charging;
- Grassed zones near stages 6 & 8 Parramatta Square;
- Flexible spaces for people to meet, relax, picnic or dine;
- Logical pathways for commuters, workers and students passing through Parramatta Square;
- Event spaces to stage markets, citizenship ceremonies, key celebrations, graduation ceremonies, festivals and recognition events;
- Art and design features to respect the unique Aboriginal and European heritage of the area.

In relation to the current DA the letter of offer notes the VPA will potentially include the following:

- A "digital carpet" paving treatment demonstrating Smart City initiatives at the entrance to Council's civic and community building at stage 5 Parramatta Square;
- The digital carpet can be designed to be interactive and can incorporate:
 - Innovative paving design to generate sound and power
 - Spectacular lighting displays
 - Public art installations
 - Holograms
- A series of pop-up 'billabongs' (water pools) at stage 5 Parramatta Square that can be turned on and off as required to not only encourage kid's play but also react to the heat of the day as a cooling mechanism
- Grassed terracing to Church Street at stage 8 Parramatta Square.

Having regard to the above it is considered appropriate that a condition of consent be included regarding the proposed VPA. In addition a section 7.12 (formerly 94A) contribution condition is also proposed in case a VPA does not proceed.

11. The Regulations

Clause 92 of the Regulation prescribes certain matters to be considered by a consent authority in its determination of a development application. There are no matters that are relevant to the proposed development.

Division 8A of the Regulation sets out prescribed conditions of consent, which have been included in the proposed conditions for this development, including a condition relating to shoring and adequacy of adjoining properties.

12. The likely impacts of the development

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* specifies the matters which a consent authority must consider when determining a development application. These matters are addressed below.

12.1 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 significant adverse physical impacts as follows:

- Site works and alterations to the ground profile are appropriate and will provide appropriate site levels for the new Parramatta Square;
- Flooding constraints can be properly managed and flood protection measures have been incorporated into the design;
- Appropriate arrangements are able to be achieved for the collection and disposal of stormwater;
- Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network (Note: subject to separate approval under Basement 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 that would be to the detriment of adjacent and surrounding sites.

The proposal will generate minor shadowing impacts on the Parramatta Square public domain as a result of the proposed columns, upper level terrace and the stairs which connect the upper ground level terrace to the Square. This is considered acceptable in the circumstance given the limited area of impact and the fact that the offending structures will result in positive benefits in terms of access and activation of the public domain. This matter is address in detail in section 12.3.9 below.

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:

- The proposed building will establish a new built form immediately adjacent to Parramatta Square consistent with Council's vision for the area, consistent with the site location in the heart of the Parramatta CBD and immediately adjacent to the Parramatta Railway Station and Bus Interchange;
- It will provide for a high quality new large floor plate commercial development that will significantly increase employment within the Parramatta CBD in a location that is highly accessible by alternate transport modes;
- Site planning provides for a highly activated frontage to Parramatta Square as well as a civic presentation to the Church Street frontage consistent with the existing character of Church Street and nearby significant civic buildings (that is, St Johns Church, Parramatta Town Hall and the newly approved Council building)
- The proposed building provides for a high level of pedestrian permeability consistent with the site's strategic location adjacent to Parramatta Square and planned pedestrian linkages further to the north (new Civic Link)
- The scale, form and presentation of the building is acceptable as independently assessed by the reconvened Design Jury and complements the building approved for the adjacent 4PS site;
- The built form does not result in any adverse impacts for adjacent sites; and
- The values of heritage items in the vicinity of the site, and in the wider visual catchment, are not diminished by the proposal which at the same time will contribute significantly to establishing Parramatta as the next Sydney CBD. In particular, in this regard it is noted that the proposal references key datum points on the adjacent Parramatta Town Hall and St Johns Church buildings.

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

12.2 SITE WORKS

12.2.1 Excavation

Excavation does not form part of the subject application which has already been approved under DAs DA351/2017 and DA436/2016. Standard conditions of consent are however proposed consistent with the requirements of these approvals.

12.2.2 Utility services

The proposal provides for the extension / augmentation of all services to meet the anticipated demand loads of the development in accordance with service providers specifications. The Existing Infrastructure Services report (WSP Parsons Brinckerhoff, Revision 5 dated 20.10.2015) submitted with the application considered the future development of all sites within Parramatta Square and notes that all services can be extended and/or augmented to service the development to meet the anticipated demand loads. It is considered that this matter can be addressed via a condition of consent.

In terms of location of services it is generally proposed to relocate existing services in Darcy Street to the southern footpath. Council's Assets team has noted that further consultation with service providers will be required. This can similarly be addressed via a condition of consent.

12.3 SITE PLANNING AND BUILT FORM

12.3.1 Design Excellence

As noted above the proposed building has been designed by Johnson Pilton Walker (JPW), eminent and highly regarded architects and the winner of the previous design excellence competition held for the site in October 2017. The Jury report (by letter dated 13 December 2017) notes that the Jury strongly endorses the JPW scheme as the winner and commented that:

this development will make a significant contributions to Parramatta Square's public domain and the skyline of Parramatta's City Centre, whilst also respecting the important heritage setting of St. Johns Church and Parramatta Town Hall.

The Jury report identified matters which were particularly valued in the JPW scheme and which it recommended were to be retained in the DA design. The table below provides an assessment of whether the amended design proposal continues to include these matters.

Table 5: Assessment of consistency with Design Development Matters / Conditions from the Competition Scheme

Design Development Matters / Conditions	Amendment proposal compliance (Yes / No)
Civic colonnade – support for grand colonnade that forms a civic address to Parramatta Square. The proposed varied form of the columns (elliptical and circular), materiality (sandstone and granite / other natural stone), scale and relationship to surrounding buildings should be retained	Yes
Public Terrace (Level 1) – The proposed public terrace located on the UG floor provides an important public connection linking Darcy Street to Centenary Square. Unambiguously public access to the terrace must be retained. The public stairs linking PS to the public terrace are also supported. However they must be accompanied by a public lift providing universal access to the terrace. The lift must be co-located with the staircase and clearly legible as being a public lift and not part of the commercial lobby.	Yes
Urban Steps – The Jury strongly supports the proposed urban steps, which open up to both the Square and Church Street Mall and will become a great place to sit and watch life go by. It is recommended that the detailed public domain design of PS is recalibrated to ensure the urban steps are accommodated as part of the future DA to be submitted to Council.	Yes
Building Mass + Tower Form – The developed approach to building massing and form is supported by the Jury. For the primary tower form, the external length of the northern and southern elevations should measure no greater than 50m (This is consistent with benchmarking undertaken by the Jury during the competition). Additionally, the angled alignment of the eastern tower profile must be retained, as it reduces the apparent bulk of the tower when viewed from the north and appears slender when approaching Parramatta CBD from the train.	Yes – indentations and sculpturing of the form ensures building presents as two buildings each with dimension less that 50m in length

Design Development Matters / Conditions	Amendment proposal compliance (Yes / No)
Modulation + Articulation of Facades – The Jury consider that the developed approach to facades exhibit a “sophisticated and textured profile that is a contrast to the adjacent buildings in the Square”. The proposal for three distinct façade types with a varied articulation and geometry is supported by the Jury.	Yes
Tower Expression – The developed curved tower form celebrates arrival in Parramatta Square and reinforces the building height and slenderness at the north-western corner. The expressed “slots” in the tower facades are to be retained. The additional height of the expressed façade that extends beyond the plant-room is also supported.	Yes
Tower Floorplates – The developed tower floorplates are considered by the Jury to be the maximum permissible floorplates (refer to detailed schedule provided to Jury during competition). The approximate floor plate maximums are (and subject to final tenant atrium requirements) <ul style="list-style-type: none"> • Campus – 2,800sq.m GFA to 3,300 sqm GFA • Tower – 2,340 sqm FGFA to 2,550sqm GFA 	Yes
Sky Room Function Space – A key feature of the commercial proposition is the potential for there to be public access to upper levels of the tower. The proposed sky room function on the top floor is supported and best endeavours should be made to retain the function room as part of the development.	Yes
Tower Foyer – The proposed location of the Tower Foyer at the nexus of St John's Church and Parramatta Town Hall is considered the most appropriate response in this important civic location (when compared to flagship retail uses in this location). Design development should consider the careful activation and public art installations of the Tower Foyer (e.g. – 1 Bligh Street, Sydney).	Yes – condition required re activation and public art installations in tower foyer
Pedestrian Access + Circulation – The expanded pedestrian movement networks that are reinforced by the development scheme are considered a superior outcome when compared to the previous Aspire Tower development. Examples include: <ul style="list-style-type: none"> • An improved accessible shoreline that wraps around the building and extends to Darcy Street • Pedestrian link via the loggia that reinforces the alignment of the Civic Link 	Yes
Atriums / Voids – The developed proposed approach to atria's and voids throughout the commercial levels present opportunities to activate the façade and modulate the expansive northern and southern elevations. The 3m indentation to the northern and southern facades located at commercial atriums should be retained. Additionally, all voids and atriums are to be submitted as part of the base DA for the development, with the understanding changes may be required as driven by tenant requirements.	Yes
ESD + Façade – The proposed ESD initiatives should be retained or use best endeavours to be improved. The Jury requests that Council engage an independent ESD consultant to review and provide advice and feedback at DA stage to both the Jury and the design team.	Yes - ESD consultant has advised proposal acceptable subject to recommended conditions of consent

Further the Design Jury recommended the following aspects be further explored by the architect as the design moved to DA and Design Development

Table 6: Assessment of compliance with further matters identified by the Design Jury

Further design matters to be addressed	Compliance (Yes / No)
<p>Architectural Reference Design – Ensure all plans submitted include an overlay of the Reference Envelope Design (Appendix 4 - Design Competition Brief), including Boundary of Area 3 (PLEP 2011). In addition, all future submissions must:</p> <ul style="list-style-type: none"> • Provide a 'Design Excellence Rationale' for projecting building forms up to 6.5m over Church Street (above RL31.85), and • Clearly explain how the proposal provides an improved built form outcome when compared to the previous proposals for 4+6PS + 8PS. 	Yes
<p>Microclimate – Update Council's Parramatta Square Microclimate Study (GWTS 2017), and ensure all recommendations are incorporated into the developed design.</p>	Yes
<p>Parramatta Square Public Domain DA – The current Parramatta Square Reference Design and Performance Specification (JMD, 2017) should be "recalibrated" to reflect this winning scheme. Of particular importance is the new civic colonnade, urban steps, expanded outdoor dining and large trees along Church Street. Based on a review of the submitted 3D animation, the Jury also makes a note that the "planters" should also be made larger to allow for larger deep soil zones and more trees.</p>	Yes
<p>3D Animation – Communicate the spatial experience of the proposal through a series of ground level 3D "walk-through" animations. The recalibrated design of the public domain (see above) should also be included in the animation.</p>	Yes
<p>Podium Expression – All submissions must include detailed ground and podium level elevations (1:100 scale) of the proposal up to RL 31.85. The Jury recommends that further design development is required for the podium screening shown on northern elevation.</p>	Yes
<p>Tower Foyer level and Impact of Flooding – The Jury fully supports the setting of the Tower Lobby between RL 11.90 and RL 12.2 AHD as indicated and request that the applicant provide a justification for setting the Tower Foyer between RL 11.90 and RL 12.2 AGD (when required Flood Planning Level is 11.7m AHD at Church Street). Updated modelling (BG+E) should ensure that the proposed Church Street stairs do not impact on the flood levels along Church Street.</p>	Yes
<p>Retail Uses / Outdoor Dining – The current retail strategy (Luchetti Krelle) proposed for 4+6PS should be expanded to complement the developed design. The Jury recommends that retail activation of Darcy Street, L1 Public Terrace and Tower Foyer are considered.</p>	Yes - condition
<p>Signage – Proposed signage zones and locations of building signage is to be shown on all future DA plans.</p>	Yes – signage zone shown however subject to separate approval
<p>Public Art – Public Art plan to be prepared in consultation with City of Parramatta and Walker Corporation. The Tower Lobby and steps are considered a suitable location for Public Art.</p>	Yes – plan for an Arts Plan provided. To be conditioned
<p>Façade / Materials and Finishes – The following information is to be provided for the Jury's review:</p> <ul style="list-style-type: none"> • At Pre-DA – Provide "close up" 3D rendered views of different façade types • Prior to DA – As per the supervision of design development conditions below • Prior to the relevant stated CC – Preparation of type of façade as a full scale prototype at the scale of 1:1 for jury inspection and review 	Yes – detail provided to Jury's satisfaction plus relevant conditions proposed

Further design matters to be addressed	Compliance (Yes / No)
Church Street – In consultation with Council and their public domain design team, indicate the proposed location, size and species of replacement trees along the Church Street pedestrian thoroughfare to provide pedestrian amenity and satisfy recommendations from Council's microclimate study.	Yes – detail provided in the separate Stage 3 Public Domain DA and reflected in the subject application for information
Overshadowing – All future submissions must: <ul style="list-style-type: none"> • Illustrate the extent and duration of overshadowing caused by the colonnade on the Parramatta Square solar protection zone • Provide a detailed overshadowing analysis that clearly addresses the proposed solar impacts to the local context (and not just Jubilee Park) 	Yes – detailed shadow information provided. Impact considered acceptable and minimal in relation to solar protection zone
Visual impacts – Prepare a comprehensive visual impact assessment that considers key immediate, local and district views. The Jury recommends that distant views from outside the City Centre (e.g. – Pennant Hills Road) are analysed.	Yes – detailed visual impact assessment provided. Impact considered acceptable by the Design Jury
Central Energy Plant – The submitted drawings show that there is significant space allocated on basement level 01 for the provision of plant room. Considering the size and scale of the building, the Jury strongly recommends that efforts are made by the developer to deliver a Central Energy Plant, that can potentially be expanded to service other buildings within Parramatta Square	No – applicant has not proposed a Central Energy Plant
ESD / Conditions – Based on a review of the design competition winning scheme, Council's independent ESD advisor has recommended the following conditions of award of Design Excellence: <ul style="list-style-type: none"> • Achieve a 5 star Green Star Rating (Design & A Built) or better, including better than minimum GBCA mandated Energy Credits, • Design and construction to achieve a certified 5 Star NABERS Energy Rating or better, evidenced via inclusion of a formal NABERS Energy Commitment Agreements submitted at development application stage, • Design and construction to achieve a 3 star NABERS Water Rating or better, evidenced hydraulic engineer's report submitted at development application stage • Dual water reticulation systems should be installed to enable any future supply or non-potable water to be easily used within the building for, as a minimum, toilet flushing and cooling tower make-u water. In practical terms this requires provision of a second pied supply of future recycled water, and space allocation for future connection within the building. 	Yes – amended plans have been submitted to address issues raised during the assessment process. Council's independent ESD advisor has provided advice that the final plan are acceptable in relation to ESD and will achieve design excellence subject to recommended conditions of consent.
ESD / Design Development – Based on a review of the design competition winning scheme, Council's independent ESD advisor has recommended the following information be submitted through the DA process for assessment: <ul style="list-style-type: none"> • Provide shadow diagrams that qualify the extent of shaded glass for 10am, 1pm and 4pm on the summer solstice for each façade exposed to sun at those times. Diagrams are to be at appropriate scale to enable clear interpretation of shading provisions, • Provide floor diagrams indicating the percentage of each floor plan that is within 6m and 12m direct line of sight of a window, • Confirm appropriate shading is provided on high rise floor plates (it is shown in renders and elevations but not on floor plans), • Provide estimated daylight factors across typical floor plates with proposed façade treatments. 	Yes – appropriate subject to recommended conditions of consent
Wind Impacts – Submit a quantitative wind tunnel assessment at DA stage. The design must adopt all practicable design measures to ensure acceptable pedestrian comfort levels at ground level are maintained.	Yes - acceptable

Further design matters to be addressed	Compliance (Yes / No)
Social Infrastructure – The Jury has been advised through the City Architect Team that there is a desire for 2,000sqm of low cost leasable office space and community meeting rooms within Parramatta Square Precinct. The Jury requests this item is investigated and considered as part of ongoing PDA negotiations with relevant Council officers.	No – applicant has declined to include and has noted that space is available within the precinct in Council's recently approved building at 7PS.

The reconvened Design Jury considered the amended design at its meeting on 15 November 2018 and since on 26 November 2018 (refer reports at Attachment 6) and in summary advised:

- **Heritage** – it is supportive of the expressed bronzed metal elements (fins, capping, rods) that respond to key horizontal datums of the Town Hall. Standard conditions of consent are recommended that require the Jury to review and sign off on external facades, finishes and elements (such as this and the brisole screen) prior to the approval of any relevant Construction Certificate.
- **Tower Façade Types** – Jury noted concerns raised by Council's independent ESD consultant particularly in respect of façade performance and reflected heat to Parramatta Square. As a matter of urgency the Jury requested that Council and Council's ESD consultant resolve this matter with the applicant prior to approval of the DA. Further the Jury recommended that upon the satisfaction of Council's ESD consultant, the Jury request updated plans and photomontages that demonstrate compliance and achieve design excellence.
- **Alignment + Setbacks Parramatta Square** – The Jury noted that the soffit height has increased in height from 39.55m to 40.70m (1.15m increase) and requested that the application confirm the reasons for this increase and any impacts it may have on legibility of the soffit line when viewed "in concert" with Sydney Water and 4PS.
- **Colonnade Options** – the Jury indicated its support for the proposed Colonnade design which will form the Church Street interface and in particular notes that it considered the colonnade and the urban steps were the right design response that balances public circulation, amenity, flooding impacts and the approved development controls across the site (Area 3). The Jury noted that notwithstanding the encroachment in to the historic alignment of Church Street, it considered that the design of Church Street is "an enriched + positive outcome in the public domain" which has maximised the extent of pedestrian space (approx. 14.1m) when compared to previous concept designs (aspire tower designs) for this area. Further it noted that the retention of Darcy Street, as provided for under the scheme, should be considered a major factor when balancing the impacts of encroachments and overhangs onto both Church Street and Parramatta Square.
- **Outdoor dining** – The Jury was supportive of the outdoor dining solution and recommended that the extent of outdoor dining zones are shown "dotted" on plans in the particular the zoned shown on the upper level balcony (1.5m). Conditions of consent similar to those applicable for 4PS were also recommended to require additional details (such as light fittings, heating elements, retractable glass wind barriers, removable planters). The Jury also noted that it was supportive of Council's public domain team's request for the public staircase linking the colonnade to the

public balcony to be “a generous, comfortable” proportion that is civic in nature. This will likely require increasing the tread/risers of the staircase.

In summary following its meeting of 15 November 2018 the Design Jury concluded that due to the insufficient façade information submitted to date, the Jury could not confirm that Design Excellence has been achieved. The Jury also recommended, that subject to the outstanding matters outlined above being satisfactorily addressed it recommended conditions of consent in relation to:

- Measures to ensure design excellence quality is retained (2 conditions), and
- Façade detailing to ensure the design excellence criteria of Parramatta LEP 2011 are fulfilled (condition).

Subsequent to the Design Jury meeting the applicant submitted further information (including updated plans and photomontages showing the external shading performance) to address the ESD and façade performance issues raised by the ESD Consultant and the Design Jury. This information has been considered by the ESD Consultant and the Design Jury (refer Jury report dated 27 November 2018 at Attachment 6) and both have agreed that the proposal will now achieves design excellence and meets the criteria of Parramatta LEP 2011 subject to recommended conditions of consent.

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

12.3.2 Height, scale and setbacks

The proposed building complies with the relevant height and floor space ratio controls (including design excellence bonuses) and demonstrates a built form consistent with that which is envisaged under Parramatta LEP 2011 for the redevelopment of the Parramatta Square Precinct. The building massing has been designed to demonstrate three distinct forms each with their own expression. The façade treatment has similarly been developed to reinforce the composition of the building as a series of slender forms, with an elegant silhouette. The main lower ‘campus’ (large format) floorplate terminates at 32 storeys to the east adjacent to 4PS with the higher tower component located to the west (adjacent to Church Street) having a height of 56 storeys including the 3 (equivalent to 5 storey with plant) podium. The tower itself comprises a primary and secondary tower façade which together with the sculpting of the building using idents and recesses to give the impression of two towers thus accentuating the vertical form of the building.

The proposed buildings provide for a clear width of 40m across Parramatta Square as required by Parramatta DCP 2011 at the ground level to the building wall (although columns and stairs connecting the upper level terrace to the Square are located within this space). However, the DCP also provides that encroachments into this width up to 6.5m may be considered where justified by an agreed design excellence rationale. The proposal provides for an encroachment of 6.5m above RL31.85 (coinciding with the Sydney Water colonnade datum) and 9.2m above RL39.55 which is above the height of the St Johns

Church spires (RL36.83 and RL36.77). This is consistent with the approach taken for the approved 4&6PS development immediately adjacent (DA436/2016). The different façade planes of the building demonstrate encroachments varying from 6.9m, 7.2m, 7.5m and 9.2m (refer Figure 22 below). These varying building alignments will provide variation to the alignment of the northern façade of the building (particularly when combined with 4PS which is currently under construction) to provide articulation and to ensure that the buildings do not present as a solid monolithic wall of structure along the southern façade of Parramatta Square. The varying setbacks are therefore considered appropriate and a nuanced design response.

Further having regard to the findings of the Design Jury, it is considered that the proposed approach is appropriate notwithstanding the non-compliance with the DCP maximum 6.5m encroachment provision. It is agreed that as the 9.2m encroachment is at a height of approximately 30m above the level of the Parramatta Square the encroachment will not impact on the sense of space within the Square nor with views to St John's Church. This precedent has been set by 4PS and it is therefore appropriate to continue this approach to the west along the southern side of the Square as proposed.

The proposed building siting responds appropriately to site opportunities and constraints and provides for an appropriate relationship with adjoining development. To the south the building is setback from the adjacent railway approximately 11m at the ground level and provides for the retention of Darcy Street as a functioning street (with 2.4 - 4m wide footpath). This was not envisaged in the DCP when the setback and building alignment controls were established. The retention of Darcy Street has necessarily shrunk the north south width of the 6&8PS development block and a greater encroachment into the Square, albeit 30m above ground, is therefore considered reasonable subject to it not resulting in any adverse impacts.

The proposed building is joined to 4PS to the east at the podium levels with a shared loggia at the lower and upper ground levels with a glass roof above. Above the podium the proposal provides for a setback of 6m from the shared boundary with 4PS which in turn is setback generally greater than 6m from the boundary (i.e. total of 12m separation). At the tower level the setback to the boundary is a minimum of 25m.

To the south the building is setback approximately 11m from the boundary (which includes the area on which Darcy Street is to be rebuilt) and approximately 3.5m from the Darcy Street alignment at the upper ground level. At the upper levels the buildings cantilevers to the south and provides an overhang. The minimum setback to the boundary is 6m to the south at the upper levels. In relation to impact on the adjacent railway line alignment and station, it is noted that Sydney Trains has issued its concurrence to the proposed development subject to operational conditions of consent. It is therefore considered that Sydney Trains is of the view that the proposed separation is appropriate.

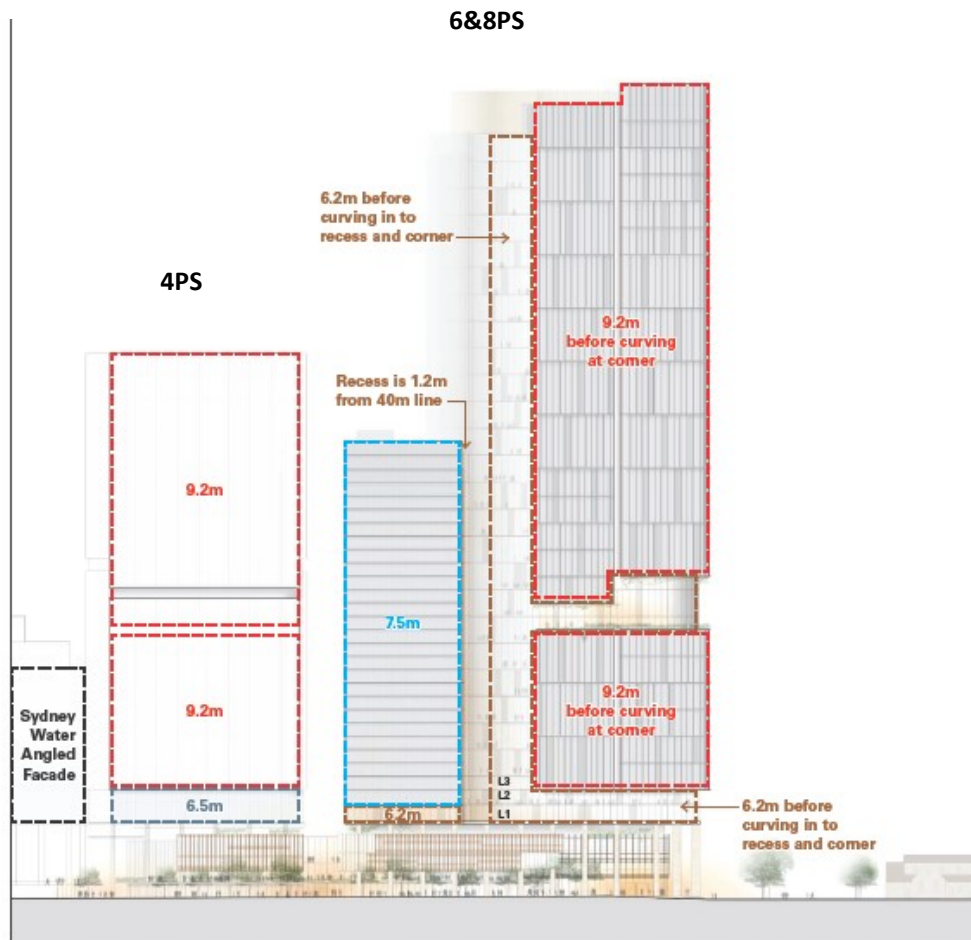


Figure 22. Massing projections and relief

To the west as noted above proposed urban steps and columns are located within the former Church Street road reserve with the building glass line at ground level being 300m inside this alignment. At the Campus Level 1 (RL 31.85 / 21m above ground) the building steps out 5m over the alignment and at Level 3 (RL 41.75 / 31.1m above ground) it steps out 8.5m over the former Church Street alignment. On the Church Street frontage this arrangement provides a colonnade with 3m wide shoreline wrapping around the building to the east and provides weather protection for pedestrians.

As noted above the proposal is inconsistent with the DCP build to line for Church Street which is shown at the line of the former road reserve. The road has been closed (with the exception of a small area which Council has resolved to formally close under the *Roads Act 1993*) and the alignment of Church Street pedestrian space reduced in the proposal to a maximum of 14.1m from a previous width of 20m. This is considered acceptable given that adequate space remains for the projected pedestrian traffic to use this area and the alternative pedestrian routes provided by the development through the precinct. Further it is noted that the urban steps and columns are the only parts of the building proposed in the former Church Street space at the ground level although the building does overhang the space commencing at a height of 21m above ground level (refer discussion above). As agreed by the Design Jury it is considered that the space will feel and act like part of the public domain and be available for pedestrians. Further the approach provides for the

retention of Darcy Street as an operating street (not formerly envisaged by the DCP) and will allow for the delivery of large floorplate commercial space which is in high demand in the Parramatta CBD area. It is therefore considered that this approach is acceptable.

The height, scale and setbacks of the proposal are therefore considered to be acceptable and generally consistent with Council's future vision for the Parramatta Square Precinct. The proposal will not result in any adverse impacts on adjacent development and is of a height suited to its location immediately adjacent to a major public transport hub in the heart of the evolving Parramatta CBD. 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.

12.3.3 Built form and presentation

As illustrated by the perspectives submitted with the application, the proposal will provide a high quality built form albeit much taller than existing development in the vicinity. 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 assessed as demonstrating design excellence by the reconvened Design Jury of eminent and highly respected leaders in the architectural field and is consistent with the principles established for the sites by the competition winning scheme.

The proposed materials and finishes at the upper levels of the building will comprise four main façade treatments:

- F01 Primary Tower façade – expressed 450mm deep metal frame with vertical blades at varying centres and angles to create a screen in front of the glazing line
- F02 Secondary Tower façade – full height floor to floor performance double glazed unit (DGU) panels with a high visual light transmittance with an expressed recessed joint at floor level every 2 floors alternate with the expressed horizontal patterning of F01
- F03 Campus Tower Façade – 450mm deep horizontal blades at every floor provide facade shading and a difference rhythm to other façade types
- F04 Roof Plant Façade – expressed vertical metal cladding with a light bronze and silver finish with matching vertical louvres with curved corners.

The podium façade treatments include:

- F05 Tower Foyer façade – full height low iron glazed facades with expressed low iron glass and bronze coloured metal vertical mullions with extruded circular bronze anodized aluminium rods at various spacings and dimensions to create a layered screen and solar protection to the foyer.
- F06 Podium Plant Room Façade – recessed dark bronze finished metal louvres and concealed framing, setback from the leading edge of the tower facades below
- F07 Podium Sun Screens – Expressed powder-coated aluminium screens supported from painted steel and stainless steel framing that spans between the tower columns
- F08 Shopfronts – to be developed with detailed input from retail consultant

- F09 Loggia Façade – Low iron glazing with stainless steel and powder-coated mild steel support framing. Low iron glazed roof with ceramic frit to panels.
- F10 Campus Foyer Façade – Combination of low iron glazing panels, expressed vertical metal blades and sandstone blades and screen panels

The proposal provides for a clean, simple ground plane comprising stone paving, non-slip finishes, clear glazed shopfronts etc. with the colour palette being intended to reflect the colours of sandstone which is the material of a key heritage item adjoining the site (St Johns Church). Further it is intended to extend Council's palette of materials and details across the public domain to link the building to its surroundings.

Further details of the materials and finishes is provided in the Architectural Design report at Attachment 9. Importantly particular architectural treatment in the form of expressed bronze metal vertical fins and horizontal rods are proposed as a feature to the exterior of the podium lobby glazing to pick up key datum points on the adjacent Parramatta Town Hall. This approach is supported by Council's independent heritage assessor and the Design Jury (refer section 12.7).

The proposed approach is considered appropriate and will ensure a high quality built form demonstrating variety and interest while being functional. A further level of detail is however required to fully document the proposed façade treatments throughout the building. This matter can appropriately be dealt with by condition with the treatment to be consistent with the Architectural Design Report but to be signed off by the City Architect prior to the issue of a construction certificate.

Subject to the above it is considered that the proposal is appropriate in terms of built form and presentation.

12.3.4 Through site links

The construction of buildings 4PS, 6PS and 8PS will fundamentally alter pedestrian connections between the future Parramatta Square (and other areas to the north including the riverfront) and the Parramatta Railway Station and Bus Interchange and area to the south of the railway line. A variety of pedestrian connections are provided for which correspond with pedestrian desire lines (refer Figure 23 below) thus ensuring that no one connection becomes too congested with the envisaged increased in pedestrian numbers within the precinct.

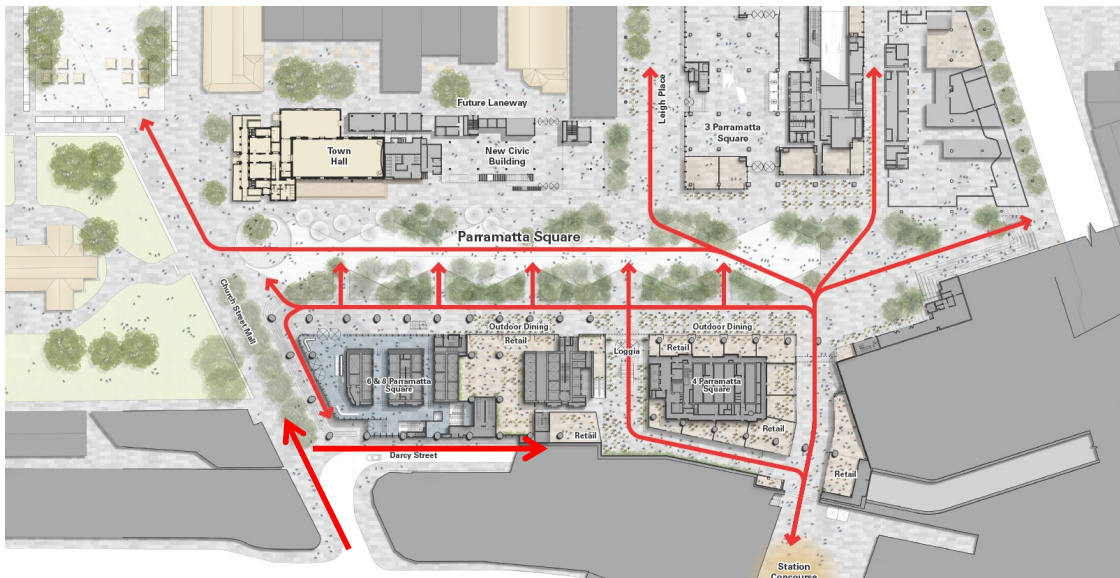


Figure 23. Lower ground level pedestrian connections

The approved 4PS provides a subterranean connection into the railway concourse. Further a second subterranean connection is proposed through 6PS via a retail arcade which aligns with the future Civic Link connection across the Square to the north. In addition, connections are provided from the Darcy Street level through 6PS (and connecting to the upper level terrace and down stairs to Parramatta Square) and to the east of 4PS between 4PS and the Sydney Water Building. Connections are provided along Darcy Street itself and the full frontage of the buildings along the Square as well as along Church Street to the west. The through building connection is provided with natural light through a void above the shared 4PS and 6PS loggia.

The proposed through site links are generally consistent with the requirements of Parramatta DCP 2011 and provide links that are convenient and match pedestrian desire lines.

The Transport Impact Assessment by WSP submitted with the application includes a Pedestrian Impact Assessment, which provides an assessment of the capacity of the proposed links within and surrounding the site. The assessment is based on existing pedestrian demand and demand generated by the proposed 6&8PS and 4PS (previously approved). It concludes that the proposed links will operate at a good level of service with the exception of:

- *The stairs linking Darcy Street to the station concourse – estimated to operate at LOS D in the AM peak and LOS C in the PM peak indicating that speeds are partially restricted and reverse movement is partially restricted in these areas. It should also be noted that stations stairs currently operate at LOS E based on current surge pedestrian movements. The provision of a new underpass access associated with 6&8PS to the north of the station provides an additional station access significantly improving the performance of the stairs at the norther access point and the adjacent zebra crossing compared to the current arrangement.*

- *Stairs linking the lower and upper ground floor adjacent to 4PS – also estimated to operate between LOSD in the AM peak and LOC C in the PM peak. This is due to the constrained space available leading to a narrow stair case. It is likely that these movements would relocate to continue along the underpass to Parramatta Square and use access points on the northern edge of the building.*

Further specifically in relation to the reduced width of Church Street adjacent to 8PS (previously 20m wide and now proposed to be 14.1 plus stairs and shoreline to 8PS building), the applicant's Pedestrian Impact Assessment shows that the area of Church Street Mall to the west of the 8PS building will achieve a level of service (LOS) A calculated through either the Fruin or Transport for London (TfL method). This calculation is based on the demand from 4,6 & 8PS, and 10 minute pedestrian spot counts and site observations conducted during the AM and PM peak periods on the 1st and 2nd August 2017.

Council has also prepared a Parramatta CBD Pedestrian Strategy which identifies this area of Church Street as a place for people and estimates that in 2056 the number of movements in this space could range from 3001 – 6,000. The applicant's consultant was asked to calculate the LOS based on these numbers and came to the conclusion that the LOS with this level of demand would remain at LOS A.

Council's traffic engineer has also provided advice specifically in this regard, noting that the width of Church Street is considered to be an acceptable outcome especially considering that movement further to the south becomes more constrained given the footpath widths in Argyle Street.

12.3.5 Active edges

The proposed buildings provide a highly active edge to Parramatta Square with retail / outdoor dining at the Lower Ground Level extending along the majority of the frontage along the southern edge of Parramatta Square with the exception of adjacent to the tower lobby at the western end and on Church Street. The treatment of this area is intended to be more civic in nature to response to the location in close proximity to the Parramatta Town Hall, St Johns Church and the Church Street Mall. This, and the proposed colonnade arrangement, was considered to be a significant strength of the proposal by the Design Excellence Jury.

The outdoor dining configuration to Parramatta Square is proposed to be changed by the subject proposal. 4PS was approved with a 4m wide clear pedestrian shoreline immediately adjacent to the glass line of the building, 4m of outdoor dining adjacent and a further 2m pedestrian path on the outside of the outdoor dining zone. The current proposal provides for outdoor dining immediately outside of the glass line (5.4m wide) with a 4.6m wide pedestrian travel path with glass awning over to the north. This arrangement is considered to be the most appropriate arrangement for the current building given the location of the upper level terrace above and public stair connecting the lower ground and upper ground level terrace to the west. This alternate configuration has been given much consideration and various options proposed, however ultimately the proposed arrangement is considered the most appropriate. It is supported by Council's urban design and public domain teams and the Design Jury. In this regard it is noted that the previously proposed outdoor dining arrangement for 4&6PS was not approved as part of DA436/2016 and is subject to separate DA approval. It is understood that the 4PS outdoor dining configuration

will be amended to be consistent with 6&8PS and therefore a consistent approach will extend for the full southern frontage to Parramatta Square. This will provide legibility and weather protection for pedestrians as well as a highly active lower ground level to the Square.

At the Upper Ground Level the Parramatta Square frontage will also be highly active with an open terrace overlooking the Square extending the full length of the 6PS frontage consistent with, and connecting through to, the approved terrace on 4PS. The Design Jury as well as Council's urban design and public domain teams have indicated their support for the terrace which provides further activation to the Square. The Design Jury has however also highlighted the importance of the terrace as a through site connection and has therefore recommended a conditions of consent to limit the outdoor dining area to not more than 1.5m in width. This is considered appropriate and is included in the recommended conditions of consent however the condition will require a minimum 2.5m wide pedestrian clear path of travel rather than specify the width of the outdoor dining area which is subject to separate approval.

The Darcy Street frontage is proposed as the commercial address to the development and will not therefore be as active at the Parramatta Square frontage primarily comprising lobby areas. A centrally located café is however proposed with tables adjacent to the Darcy Street glass line. This is considered appropriate and will provide a level of activation.

It is considered that the proposal incorporates an appropriate level of activation with the Parramatta Square frontage being highly active, the Church Street frontage being less active given its civic frontage and the Darcy Street frontage providing an appropriate level of activation for the main commercial entrance to the building.

12.3.6 Sustainability

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

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

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

12.3.7 Landscape treatment

The proposal does not include a landscape plan as the detailed Parramatta Square public domain is subject to the separate Public Domain DAs. In terms of the immediate curtilage of the building it is considered that generally the proposed levels are acceptable and are consistent with the Public Domain DAs which have been provided as part of the application for information. Public domain works proposed as part of the application are limited to streetscape and footpath treatment on Darcy Street. A detailed landscape plan has not been provided for this work however engineering plans have been submitted. It is therefore considered that a landscape plan should be required for approval as a condition of consent to ensure consistent treatment with the remainder of Darcy Street and more broadly with the greater Parramatta Square public domain. Subject to this requirement it is considered that the landscape treatment will be appropriate.

12.3.8 Accessibility

An accessibility report has been submitted with the application and has been reviewed by Council's independent access consultant who has advised that the report submitted provides a comprehensive report suitable for the development application. The referral notes that additional assessment of compliance will be required as this project progresses to ensure that accessibility is maintained to the degree required during both detailed design and construction phases. It concludes that with the adoption of all recommendations within the report, the proposed development has the potential to comply with the Premises Standards, BCA2016 and referenced Australian Standards. An appropriate condition of consent is recommended.

Accordingly it is considered that the proposal is acceptable in terms of accessibility subject to the imposition of standard conditions of consent.

12.3.9 Solar access

The proposal has the potential to result in shadow impacts both on the adjacent Parramatta Square and other public open space in the vicinity.

Parramatta Square Solar Protection Zone

The proposed building is located to the south of Parramatta Square, however, it will result in some additional overshadowing of the area shown hatched in blue on the LEP Sun Access Protection Map given the encroachments into this area.

As discussed above, a planning proposal has recently amended PLEP 2011 Clause 7.4 Sun Access such that it required that any development not result in any additional overshadowing of the Parramatta Square solar protection zone ('sun box') between 12pm and 2pm at any time. In the report to Council, which sought endorsement of the planning proposal, council officers noted that,

'the shoulder periods of spring and autumn are critical times for access to sunlight in the public domain, to increase amenity and activity within Parramatta Square. This is demonstrated by planning controls for other CBDs which do not measure just

from mid-winter, but take into account longer time periods and do not measure just on the mid-winter date.'

The report also discussed the need for flexibility to ensure appropriate public domain outcomes, stating that,

'the way the clause is drafted in the final LEP amendment will influence the way the clause is implemented. The strictest interpretation would not allow overshadowing of the square by awnings or other minor structures that would normally be expected to be included in the square to activate it and make it useable. Relatively minor features like flagpoles and other architectural and design features on adjoining buildings that do not add to the floor space of the development but are important parts of the fabric of the building and the city might also be prohibited even if their impact is relatively minor. A request should be made to the DP&E that in drafting the clause flexibility be incorporated into the clause to allow for these instances (where the development does not allow for additional floor area) to be considered on their merits by the determining authority when they are considering development applications.'

The proposal at the ground floor forms the southern edge of the Parramatta Square public domain, and includes a civic colonnade, first floor terrace and public staircase which project into the sun access area.

The first floor terrace and public staircase is an important pedestrian link, connecting the upper levels and Darcy Street to Parramatta Square. The terrace also has the potential for outdoor dining overlooking the square that enhances the activation of the public domain. The underside of the terrace also provides all year around weatherproof outdoor dining along the southern edge of Parramatta Square (reducing the need for umbrellas and other temporary structures).

Whilst the Department in drafting the Clause chose not to specifically describe circumstances where overshadowing is appropriate, legal advice has confirmed that Clause 7.4 is considered to be a development standard and as such the overshadowing impacts of the scheme can be considered on its merits.

Clause 4.6 variation

Having regard to the above a clause 4.6 variation request has been submitted by the applicant which outlines the shadow impact of the proposal in detail. In summary three architectural elements of the building will result in additional overshadowing within the sun protection area: (1) the colonnade columns and stairs to the terrace, (2) the upper ground level terrace and (3) the linear edge on Level 3 of the 8PS tower component of the building. The overshadowing impact that would result from these elements will comprise:

Midwinter on 22 June

12pm – 3.4% (96.58m²) of the sun protection area

1pm – 4.2% (116.8m²) of the sun protection area

2pm – 5.5% (153.3m²) of the sun protection area

Summer Solstice on 22 December

12pm – 14.9% (419.5m²) of the sun protection area

1pm – 16.1% (452.7m²) of the sun protection area

2pm – 19.9% (558.51m²) of the sun protection area

Autumn / Spring Equinox on 22 March / September

12pm – 5.6% (156m²) of the sun protection area

1pm – 7.5% (211.26m²) of the sun protection area

2pm – 9.2% (259.55m²) of the sun protection area

(refer clause 4.6 variation request at Attachment 2 for diagrams showing extent of impact).

Accordingly the greatest shadow impact of the proposal on the solar protection area (which has a total area of 2,808.5m²) is in summer with the impact extending to a maximum of 19.9% (558.51m²) of the area at 2pm. Shade at this time of year is considered to be desirable. In mid-winter (when solar access to the square is most important) the impact ranges from 3.5% (96.58m²) to 5.5% (153.3m²).

The submitted clause 4.6 variation requests sets out a compelling argument as to why flexibility should be allowed in the application of clause 7.4(2) as recently amended. It notes that the clause has been amended post lodgement of the DA and following the design excellence competition on which the proposal has been founded (and on which the Design Jury has granted design excellence). It also notes that notwithstanding the impact of the building in terms of shadows, the majority of the square will remain free from shadows throughout the year and that the shadows will not affect the planting of vegetation in the square. It further notes that the elements of the building which cast the offending shadows were highly regarded by the Jury and that from an urban design and design excellence perspective, strict application of the standard would adversely affect the quality of the development and the public realm. The variation request demonstrates that the proposal is consistent with the objectives of the standard and the zone and that there are sufficient environmental planning grounds to justify contravening the standard in this instance. It also demonstrates that the proposal is in the public interest. Accordingly it is considered that the clause 4.6 variation request is well founded and should be supported in this instance.

Jubilee Park and Lancer Barracks

The shadow plans submitted with the application illustrate that the proposal will not result in any impact to the Lancer Barracks grounds or the Jubilee Park protected area between 12 midday and 2pm in mid-winter.

Having regard to the above it is considered that the proposal is acceptable in terms of shadow impacts and that the clause 4.6 variation request should be supported.

12.4 SUBDIVISION AND EASEMENTS

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

Issues to be addressed by way of easements are:

- Easement for encroachment structures to remain
- Easements for public access
- Easement for support
- Easement for maintenance

to provide for building overhangs and columns which encroach, overhang, penetrate or otherwise encumber the public domain which will be owned by Council. Conditions are required to this effect. Further a condition is required in respect of either subdivision to ensure that Darcy Street remains in Council ownership or dedication of Darcy Street back to Council following its reconstruction. Appropriate conditions have been included in the condition set.

12.5 ACCESS, PARKING AND TRAFFIC

As noted above, DA46/2018 (2018SWC02) approved by the Panel on 1 August 2018 provides for a basement carpark beneath the proposed commercial premises and function centre. The basement car parking will connect to the super basement previously approved beneath Parramatta Square under various development applications and will accommodate 463 car spaces and parking for 671 bicycles. It will service the commercial tower, function centre and retail floor space proposed under the subject DA. The basement car park was approved after a thorough assessment of access, parking and traffic impacts and deemed to be acceptable subject to conditions. In this regard it is noted that LEP 2011 provides for a maximum parking provision of 1,364 spaces based on a rate of a maximum of 1 space per 100sq.m of commercial GFA ($128,568/100=1,286$ spaces) and 1 space per 30sq.m of retail GFA ($750/30=25$ spaces). The approved 463 car spaces is significantly less than the permissible maximum and the proposed reduced provision is considered appropriate given the location of the site immediately adjacent to the Parramatta Railway Station and Bus Interchange and in close proximity of the future Parramatta Light Rail stop on Macquarie Street.

In terms of construction traffic impact, for DA46/2018 Council's independent traffic consultant provided advice on construction impacts for both the basement carpark and tower having regard to the submitted construction traffic overview which forms an appendix to the submitted project management plan. The consultant concluded as follows:

The results of the SIDRA Capacity Analysis undertaken by GTA are considered to be satisfactory, noting that in practice construction vehicle traffic will be more dispersed throughout the CBD road network because access to the construction site will be also available via Darcy Street (south east) and Church Street (south west).

The report raised some concerns regarding proposed truck layover areas however noted that this is a matter of detail for Council to determine. It also noted that the temporary construction impact assessment submitted provides a detailed assessment of bus and pedestrian diversions required for the closure of Darcy Street. This also confirmed that additional vehicular access points for construction traffic would be available for 4&6PS via Darcy Street and Church Street. The advice noted that pedestrians are to be diverted around the work site in Darcy Street to the southern entrance of the station of Smith Street.

Fruin modelling indicated that an acceptable Level of Service would be maintained albeit via a longer walking path.

Having regard to the above, the previous basement consent and recommended conditions of consent, it is considered that the proposed development is acceptable in terms of traffic, parking and access arrangements and will not result in any adverse impacts.

12.6 CONTAMINATION AND ACID SULFATE SOILS

The subject land, and the broader Parramatta Square Precinct, is known to be contaminated. A number of contamination assessments have been prepared for the Precinct and submitted with various development applications including the approved basement DA (DA46/2018). Conditions of consent were included in the consent to address contamination and acid sulfate soils and subject to these conditions it was determined that the proposed development was suited to the subject site and that the requirements of SEPP 55 has been satisfied. Subject to the imposition of the same conditions of consent for the subject application, Council's Environment and Health Compliance Team has concluded that the subject application is satisfactory in respect of these matters.

12.7 HERITAGE

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

- I647 - Convict drain (removed)
- I650 - Parramatta Town Hall (and potential archaeological site)
- I653 - Warden's cottage (verger's cottage)
- I719 - Leigh Memorial Uniting Church
- I720 - Arthur Phillip High School (and potential archaeological site)
- I751 - Lancer Barracks group
- I00696 - Parramatta Railway Station
- I01805 - St John's Anglican Cathedral
- I01824 - 1st/15th Royal NSW Lancer Museum collection

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

Council's independent heritage assessment specialist, Tasman Storey of Tropman and Tropman Architects has undertaken a comprehensive assessment of the application (refer Attachment 4) in terms of heritage impact. The initial report raised a number of concerns both in respect of the heritage impact statement (prepared by NBRs Architecture) submitted with the application and the design itself and its impact on the notable heritage items in close proximity to the site: the Parramatta Town Hall and St Johns Church. Following the initial independent heritage report the design of the façade treatment of the podium at the northern western corner of the site was amended and the heritage impact statement revised. In addition the applicant commissioned a peer review of the proposal and HIS by Stephen Davies of Urbis (refer Attachment 5).

The Urbis Peer Review concludes that the proposal is worthy of being judged as Design Excellence and that “the HIS prepared by NBRS is of the standard to meet the heritage impact of the proposal”. It goes on to state that the submission by the OEH is acknowledged however the response is too simplified with regard to the planning controls and has been well satisfied by the design itself and other reports / feedback. Issues addressed in the report include:

- The appropriateness of scale
- Street views
- Materials and form
- Human scale, and
- Statements of significance for the two key heritage items.

In summary the Urbis report concurs with the NBRS assessment and states that the building is well considered and will respond appropriately to the scale and spatial qualities of the site. It acknowledges the design rationale and that street views are considered acceptable and that the proposed screen elements in the foyer glazing will response to the horizontal expressed detailing of the Town Hall. It also agrees that the sandstone columns reference the material of the Church and that the soffit height at RL 39.55 provides for appreciation of the Church towers. In terms of materials and form the report considers that therefore is no consistency in the precinct and that the building should have its own integrity notwithstanding the opportunity to relate to nearby items. It agrees that there cannot be a solution to the human scale of the proposal overall however the design review has addressed a number of issues in this respect.

Having regard to the amended design, revised HIS and Urbis Peer Review, Tropman and Tropman Architects has revised its independent heritage assessment and has advised by report dated 16 November 2018 as follows:

The NBRS Architecture Statement of Heritage Impact is professionally prepared and complies with the Heritage Branch template. The SHI has been revised to address the matter of critical importance.

It has been revised to tabulate any adverse impacts on the surrounding Heritage items or sites.

The basis for the positive acclamation [within the HIS report] is the opening up of the square and the revealing of the Town Hall making it included in the ‘Grand Plan’ for the new Parramatta as it seeks Global City Status with all that entails.

Neither the architects design statement, or the statement of heritage impact report offer substantive arguments which explain the diversion from Burra Charter Principals or a reasoned philosophical response to the new paradigm wherein the Conservation Zone is able to coexist with monumental contemporary structures.

While this may be disappointing it is agreed that such discourse may reasonably be considered outside the scope of the requirements for the application and this is the opinion expressed in the Peer Review by Stephen Davies [Urbis Report].

Local comparative examples however now illustrated in the revised SHI particularly the Governor Phillip Tower give comfort in accepting this large scale office tower.

It is undoubtable the pressure of development has played a major role in the design out come and the need for a signature building of excellence in the heart of Parramatta. Such a building must meet a high level benchmark as exemplars for future development.

The revised Architectural Design has demonstrated a critical response to the complex matters of relationships between the heritage buildings and Parramatta Square Matters of concern in the Statement of Heritage Impact by NBRs Architecture and The Architects Design Statement by JWP Architects have been largely resolved through dialogue and written responses. Where differing opinion remains it is not so divergent as to require any major changes to the design except as noted below.

In these circumstances where the City Council has sought to direct large and dynamic changes and stimulation into the city centre by way of design excellence competitions it is a difficult task to provide a neutral assessment of the successful design and context.

The competition winning entry by JPW Architects of itself represents an excellent international standard architectural composition and the architects have responded to the challenges of scale by introducing elements at podium level to address the modest scale of the precinct.

The project is an example of architectural design excellence and a foundation building for the future global city of Parramatta, having outgrown the historic context and human scale.

While there may be a need for a re-examination of the core values and to establish a new basis for evaluation of development standards in such significant historic precincts in the future, in this instance the resulting design with subsequent amendments is of high merit and in our opinion should be approved subject to the conditions recommended below.

Conditions of consent should ensure:

- The changed elements shown in the revised architectural drawings be further developed prior to the issuance of the Construction Certificate to allow sufficient time to respond to the suitable scale and materials palette.*
- The SHI should be amended to include the revisions in the letter of 15th 1October 2018*
- The examples of new buildings in old settings proved a comparative analysis and there should be a conclusion which provides a link with the proposal and identify the pros and cons of the examples and the new development.*

Having regard to the above, and the findings of the heritage impact statement submitted with the application, it is considered that the proposal is on balance acceptable from a heritage viewpoint. It is acknowledged that the building is significant larger in scale and height than nearby heritage items however given the prevailing planning controls and the intention to build Parramatta as 'Australia's next great city' and Sydney's Dual CBD, it is considered that the scale of the proposal is appropriate. Further the design has, as far as

practical, attempted to minimise impacts on the nearby heritage items and has picked up key datums to sympathetically respond to these items. The recommended conditions of consent are covered by standard conditions of consent, conditions recommended by the Design Jury or are not required (i.e. suggested amendment to the SHI).

12.8 WIND IMPACTS

The wind environment adjacent to the proposed buildings and within the proposed Parramatta Square is a significant issue for the proposed development. It was raised by the Design Jury as a matter which required detailed consideration in the assessment of the subject application.

A number of wind reports have been prepared for Parramatta Square and reviewed by Council's independent wind expert. Parramatta Square is highly susceptible to east west winds and ensuring that the Square provides a wind environment that is suitable for the proposed use has proven to be challenging. Whilst the design of the Square itself is not subject to the current development application, the below consideration focuses on the impact of the proposed 6&8PS buildings both on the immediate wind environment surrounding the buildings and the broader Square and environs.

In summary Council's wind consultant has provided advice that the proposal is appropriate subject to recommended conditions of consent.

12.9 NOISE AND VIBRATION

Construction noise and vibration is addressed in the preliminary Noise and Vibration Impact Assessment Report prepared by WSP and the Construction Management Plan prepared by CPB Contractors Pty Ltd which accompany the application. These reports identify a series of recommendations to maintain noise and vibration impacts at acceptable levels, including the preparation of a detailed Construction Noise and Vibration Management Plan (CNVMP). The recommended mitigation measures will be required to be implemented by way of conditions of consent.

Further, specific mitigation and management measures are proposed consistent with other previous approvals as outlined above in relation to vibration impacts on nearby heritage items. Conditions of consent are proposed in this regard.

Having regard to the above, it is considered that any noise and vibration impacts can be adequately mitigated by way of the proposed conditions of consent.

12.10 WATER MANAGEMENT AND CIVIL INFRASTRUCTURE WORKS

The proposed flooding and stormwater management arrangements have been the subject of significant discussion and negotiation during formulation of the subject DA, the basement DA (DA46/2017) and other DAs related to Parramatta Square. The infrastructure, flood and rainwater management measures that support the development will almost all be newly designed and constructed. They are closely integrated with the design of Parramatta Square, Darcy Street and buildings within and adjoining the precinct. The infrastructure and public domain planning for the Square and the precinct has been undertaken in conjunction with the DA.

Council's development engineer has reviewed the subject DA in detail and has noted that the application is for the construction of the 6&8PS tower buildings only as excavation and construction of the basement walls and base slab was carried out under a separate, previous application (Basement DA). Consideration of geotechnical issues, including groundwater inflow into the basement structure, was made at that stage and tanked / water proof basement construction required condition. The advice provided considers:

- Stormwater / OSD
- Stormwater – legal rights to drain to Macquarie Street
- Public stormwater infrastructure
- Flooding – local catchment overland flow and Parramatta River up to PMF
- Evacuation and Shelter in Place during floods
- Excluding floodwaters from the basement
- Construction phase soil, water and environmental management
- Civil works in Darcy Street and Church Street
- Former Darcy Street Property status and public access, and
- Former and current Church Street property status and public access.

In summary the advice notes that the proposal satisfies the requirements of Council's controls and can be supported subject to standard and/or special conditions of consent. Subject to the recommended conditions of consent it is therefore considered that the proposal is acceptable in terms of water management as advised by Council's Senior Development Engineer.

12.11 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) indicates that the design has given due regard to these considerations.

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

- Use of glazing to enable natural surveillance of activity in the public realm - the glass façades used in much of the podium levels strongly support natural surveillance. Activation of internal areas or semi-private areas through placement of seating, terraces etc. supports this further
- Vegetation within the public realm (and plants in building foyers etc.) should be maintained to prevent concealment opportunities and to allow unbroken sightlines
- Sightlines through pedestrian routes (including Food Court and Loggia routes) should not be restricted so that people accessing or leaving the development can clearly see along their intended route or so that security / reception staff can observe people approaching

- The building perimeter should be designed to prevent of loitering. Recessed doorways should be limited
- External areas should be lit sufficiently well so that natural surveillance from within buildings can occur after dark but not so brightly that a pedestrian entering the pedestrian routes becomes blinded or disorientated. Lighting placement should be arranged to avoid dark places during night-time hours that provide opportunity for concealment. Lighting design should be in accordance with Australian Standards AS/NZS 1158.
- Video surveillance capability should be installed along the site perimeter, public realm, receptions and lobbies, parking and BOH areas to provide coverage of any areas where natural surveillance is restricted
- The placement of café furniture, landscaping and fixed seatings can be used to channel pedestrians into spaces to increase activity and hence increase natural surveillance. By channelling legitimate users of a space, it is possible to discourage illegitimate use.
- The use of changes in surface treatment (paving type) on transition from public pavement to semi-public space will strengthen territoriality of the development.
- Clear and visible directional and cautionary signage (which satisfies overall design aspirations and is in line with Australian Standards) should be installed at entrance and exit points (pedestrian, cyclist and vehicular) and at key locations within the development.
- Basement parking should be well lit during active hours, with opportunities to observe activity in the car park promoted, and concealment points restricted. Where possible, access control should be maintained.

The NSW Police has provided advice that it supports the recommendations of the CPTED report and requests that they are secured via conditions of consent. Relevant conditions of consent are proposed. Subject to the implementation of these conditions it is considered that the proposal will be acceptable from a CPTED viewpoint.

12.12 SOCIAL AND ECONOMIC IMPACTS

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

Council's Social Outcomes team has advised that the proposal is generally acceptable from a social outcomes perspective but notes that there is potential to strengthen the positive impacts of the proposal specifically by:

- Provision of childcare on site
- Provision of subsidised leasable office space

- Provision of a function and event centre that supports access to not for profits though concession pricing.

These matters have been raised with the applicant however the applicant has advised that the proposed facilities are not considered feasible at this stage. A note has however been included on the draft consent requesting that the applicant give further consideration to these matters.

12.13 AIR QUALITY

Dust is anticipated during the construction period. Conditions of consent are recommended to require dust control measures to be implemented to mitigate any potential impacts.

12.14 UTILITIES

Endeavour Energy were notified of the development application and advised it has no objection to the proposed works, provided there is no impact on its easements and/or protected assets. Standard conditions of consent are recommended.

12.15 WASTE MANAGEMENT

12.15.1 Construction phase

This matter has been generally addressed in the Construction Management Plan however a detailed Construction Waste Management Plan will be required as a condition of consent to ensure adequate waste management during construction.

12.15.2 Operation phase

Dedicated space for the storage and collection of waste is provided in the Basement Level 2 approved under the Basement DA (DA46/2018). Waste servicing arrangements have been determined to be appropriate subject to standard conditions of consent.

12.16 CONSTRUCTION IMPACTS

A construction management plan has been submitted with the application which details the proposed development and construction methodology, traffic and pedestrian management, design procedures, project management plan and project programme. This is generally considered acceptable and that subject to the implementation of the approved CMP and standard conditions of consent the proposal will not give rise to any unacceptable construction impacts

13. Site suitability

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

- 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.

14. Submissions

The application was notified in accordance with Parramatta DCP requirements for a 30-day period between 15 February 2018 to 19 March 2018. Two submissions were received including one made on behalf St Johns Anglican Church which raised concerns regarding the construction and vibration impacts. In particular the submission sought clarification on:

- Construction work on weekends: Noting that ten services of worship are held on a Sunday, starting at 8am and running through to 8pm at night. In addition, there are a multitude of small group activities in and around the grounds throughout the day. On often have weddings booked in the cathedral on Saturday mornings and high levels of construction noise would be intrusive. Clarification was sought on the intended hours of operation on weekends.

Comment: proposed construction hours would be conditioned to standard hours which allow construction activity between 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

- Vibration controls: St John's is in close proximity to the proposed works and potential damage from vibration is a concern. We appreciate the recent detailed dilapidation assessments of our buildings and we understand that a vibration monitoring device is to be installed at the eastern end of the Cathedral. Could you clarify a) when this device will be installed, b) how the process of monitoring will proceed and c) if damage from vibration occurs, will the city council/developers agree to have repairs undertaken by specialist trade people approved by the cathedral.

Comment: A dilapidation report will be required as a condition of consent. Should vibration damage occur the applicant / builder will be required to rectify in consultation with the Church.

A further submission was received from a member of the public who raised a number of concerns regarding the proposed development of 6&8PS. Matters raised include height, FSR variation, lack of public open space provision, overshadowing, lack of amenities provision, lack of provision of spaces for civic functions, inadequate access for disabled persons; lack of infrastructure to support the density of the development; traffic/parking impacts; Sydney Trains capacity; lack of S94 payment; noise impacts; inappropriate street planting; objection to digital carpet; underground parking provision; podium design; landscaping in square; layout for commercial lobbies; and re-naming of corner of the building. These matters have either been addressed in the subject assessment report or are not relevant to the subject application. Disabled access has been assessed as satisfactory.

15. Public interest

Subject to resolution of the issues of concern as addressed by the recommendation of this report, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

16. Parramatta City Centre S94A development contributions plan

As the cost of works exceeds \$250,000, payment of a 3% contribution is required and is to be addressed by way of a condition of consent. In addition a condition is proposed to allow payment by way of a VPA should this be agreed.

17. Summary and conclusion

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

18. RECOMMENDATION

That the Sydney Central City Planning Panel as the determining authority grant consent to Development Application No. DA/47/2017 for the construction of a 56 storey commercial tower including retail floor space, plant and a function centre on Level 50 at 6 and 7 Parramatta Square, Parramatta (now known as 6 & 8 Parramatta Square). The development includes works within Darcy Street roadway and kerb and footpaths, associated landscaping and public domain works, and provision and augmentation of physical infrastructure. The tower includes commercial and function centre floor space over a 3 level podium (plus plant) with lobby and retail floor space. The proposed building has a maximum height of 228.3m (RL240 AHD) and total gross floor area of 129,318m² comprising 128,568m² of commercial / lobby / function centre floor space and 750m² of retail floor space on the lower and upper ground floor levels. Consent is proposed to be granted for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1.