



**CITY OF
PARRAMATTA**

SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

DA Number	DA/436/2016/I
Proposed Development	Section 4.55 (2) modification to an approved mixed use development comprising the increase of the maximum building height from 164.10 RL to 170.40 RL resulting from the reconfiguration of the rooftop level to include solar panels, a goods lift and access stair overrun, a building maintenance unit and additional rooftop equipment. The application is to be determined by the Sydney Central City Planning Panel (SCCPP).
Street Address	4 Parramatta Square, PARRAMATTA NSW 2150 (Lot 1 DP 1234735) 6 Parramatta Square, PARRAMATTA NSW 2150 (Lot 2 DP 1234735, Lot 3 DP 1234735) 7 Parramatta Square, PARRAMATTA NSW 2150 (Lot 4 DP 1234735) 21R Darcy Street, PARRAMATTA NSW 2150 (Lot 5 DP 1234735 & Lot 3 DP 1158833)
Applicant	Walker Parramatta Square Developments Pty Ltd
Owner(s)	Parramatta Square Property No. 6 Pty Limited Parramatta Square Property No. 4 Pty Limited City of Parramatta Council
Date of DA lodgement	1 November 2018
Number of Submissions	One (1) – In Support
Recommendation	Approval subject to revised conditions
List of all relevant s4.55(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulations 2000• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (State and Regional Development) 2011• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011
List all documents submitted with this report	<ul style="list-style-type: none">• Attachment 1 – Conditions of consent• Attachment 2 – Modified Architectural Drawings• Attachment 3 – DIRD Controlled Activity Approval

Report prepared by	Ferdinando Macri DA Planner, City Significant Development
Report date	27/02/2019

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? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Conditions

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

1. Executive summary

This proposal seeks modifications to an approved mixed use development comprising basement car parking, retail spaces and two commercial office towers known as 4 & 6 Parramatta Square. The proposed modifications comprise:

- An increase in the maximum building height of the 4 Parramatta Square Development Tower from 164.10RL to 170.40R (the parapet height is unaltered at 164.10RL)
- Inclusion of indicative locations for photovoltaic system on 4 Parramatta Square roof top to meet tenant environmentally sustainable development objectives;
- Increase the goods lift over run to enable travel to Level 34 and rooftop to meet BCA and safety design requirements;
- Provide for the detailed design of the building maintenance unit (BMU) following consultation with specialist contractors;
- Inclusion of additional roof top equipment on 4 Parramatta Square in accordance with tenant, specialist contractor and aviation safety requirements; and
- Changes to conditions of consent Condition 1 (Endorsed Plans), Condition 3 (Construction Staging Plans), Condition 13 (External Authorities) and Condition 64A (Development Contributions) to reflect the above modifications.

The GFA plan listed in Condition 1 is proposed to be revised to ensure consistency with the height, floor levels and design of the building approved in modifications to date as well as the subject modification. No change to the GFA of the building is however proposed.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues or

concerns. The application is therefore satisfactory when evaluated against section 4.15 and 4.55(2) of the Environmental Planning and Assessment Act 1979.

This report recommends that the SCCPP approve the modification application, subject to the recommended revised conditions.

2. Key Issues

Building Height – The applicant is seeking to increase the approved height of 4 Parramatta Square from 164.10RL (153.45m) to 170.40RL (159.75m).

Overshadowing – Additional shadowing caused by the proposed roof top equipment and the good lifts overrun.

Design Excellence & Façade Performance – The potential for additional roof top lift overrun, maintenance and sustainability equipment to compromise Design Excellence.

DIRD Controlled Activity Approval – External authority approval for the height increase and any impacts generated by further intrusion of the Bankstown Airport Obstacle Limitation Surface (OLS).

3. Site description, location and context

3.1 Background

DA/436/2016	Granted as a deferred commencement consent by the Sydney West Joint Regional Planning Panel on 18 November 2016 for construction of a mixed use development comprising of three podium levels with two commercial office towers above, four levels of basement parking and the creation of new areas of public domain. Rebuilding of Darcy Street road way and retaining walls and associated re-instatement of services, landscaping and further public domain works.
Operational Consent	Sydney Trains concurrence letter dated 8 November 2016, required further rectification of the development scheme in relation to the various design elements, construction methodology, site access and investigation reports. The deferred commencement conditions were satisfied and operational consent was issued on 5 May 2017.
DA/436/2016/A	04.04.17 - Approved S96(1) modification to correct the consent to rectify numbering errors and repetition of conditions.
DA/436/2016/B	26.05.17 - Approved S96(1) modification to conditions 1 and 3 to include 5 plans inadvertently omitted from the original determination notice.
DA/436/2016/C	26.05.17 - Approved S96(1) modification to condition 13 to include reference to the additional concurrence requirements of Sydney Trains resulting from satisfaction of the deferred commencement conditions.
DA/436/2016/D	05.07.17 - Approved S96(1A) modification to delete 17 parking spaces on basement levels 03 and replace with plant facilities and storage area.
DA/436/2016/E	21.10.17 - Approved S96(1A) modification comprising the relocation

	of the southern and western basement walls to reduce the extent of the basement footprint and the inclusion of an additional basement level. These changes resulted in an additional 37 parking spaces and a total of 573 spaces across four basement levels.
DA/436/2016/F	21.10.17 - Approved S96(1A) modification application to amend the staging of construction certificates from 6 to 12 stages, the timing of Section 94A monetary contributions and the separation of these contribution monies to reflect the two independent developments of 4 and 6 Parramatta Square.
DA/436/2016/G	14.08.18 – Approved Section 4.55 (1A) modification to amend of certain conditions through the replacement of the reference to "any occupation certificate" with the "relevant occupation certificate", to allow for the independent occupation of 4 and 6 Parramatta Square respectively.
DA/436/2016/H	04.07.18 – Approved S4.55(2) modification to the approved mixed use development comprising amendments to the extent of basement and podium slabs, relocation of terrace floors and plant, provision of wintergarden, incorporation of atriums, reduction in office floor heights, conversion of plant to office use, increase in louvre heights and relocation of building maintenance unit.

3.2 Site Description

The subject development site is known as sites 4 and 6 Parramatta Square and comprises street addresses 4, 6 & 7 Parramatta Square and 21R Darcy Street, Parramatta as shown in Figure 1 below. The site is located on the southern edge of the Parramatta Square Precinct, to the west of the existing Sydney Water building and to the east of future development site 8PS.

The proposed future Parramatta Square forms the northern part of the site with the proposed commercial buildings located to the south adjacent to Darcy Street. The site has its principal street frontage to Darcy Street to the south (which also forms part of the site) and is located to the north of the Parramatta Railway Station.

The site has an area of 12,753m² and comprises 4-four different lots which are owned by both the City of Parramatta Council and Walker Corporation Pty Ltd. Walker has entered into a Project Development Agreement with City of Parramatta Council for the development of the site.

The site was inspected on 20 November 2018 at which time it was noted that the construction of the 4 Parramatta Square tower envelope is well advanced. (Refer to **Figure 2** below).

Area	<ul style="list-style-type: none"> 12,753m²
Zoning:	<ul style="list-style-type: none"> B4 Mixed Use
Improvements:	<ul style="list-style-type: none"> The proposal results from design development and will improve functionality, BCA compliance and the sustainable performance of the development. Compliance with consent conditions and the terms of the

	airspace controlled activity approval are still achieved.
Locality:	<ul style="list-style-type: none"> Parramatta CBD (commercial/retail) to all aspects.
Constraints:	<ul style="list-style-type: none"> Heritage listed items in the surrounds, however not relevant to this application.
Key Development Standards:	<ul style="list-style-type: none"> Max. Height 200m (Max. 153.45m approved / Max. 159.75m proposed)



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

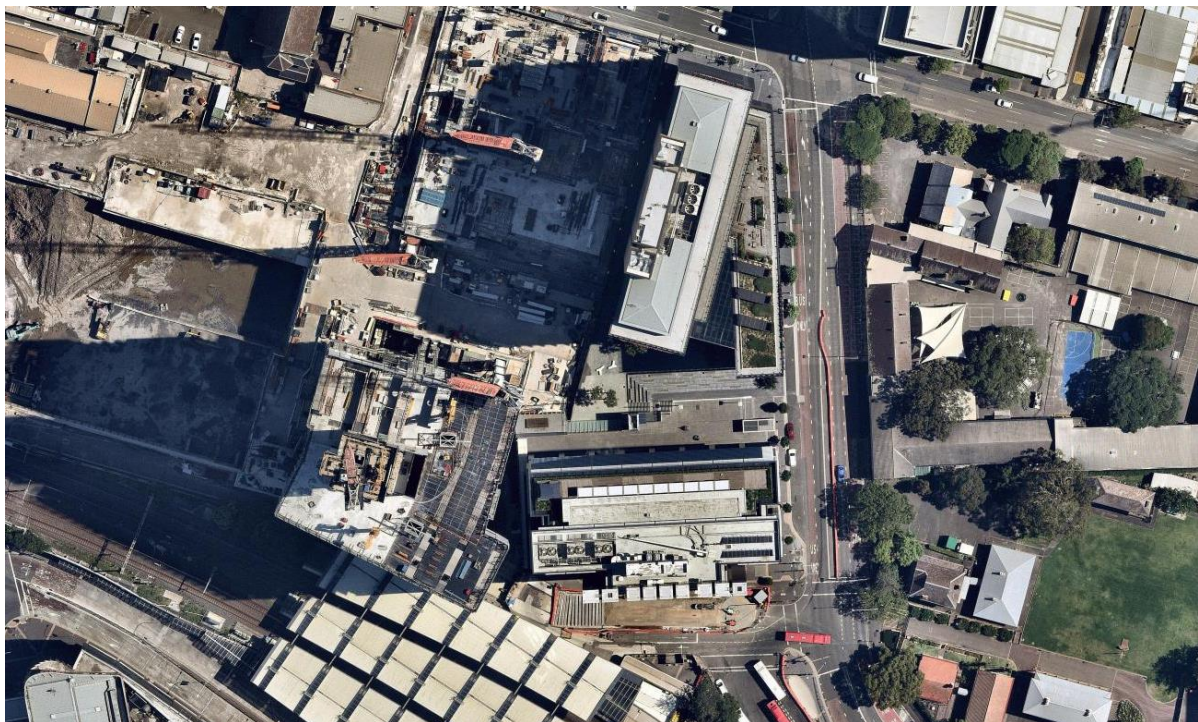


Figure 2: Present status of 4 Parramatta Square construction works (Source: Nearmap Ltd, image 29 December 2018)

3.3 Related Applications

DA/47/2018	<p>Construction of a 56 storey commercial tower, including plant and a function centre on level 55. The development includes works within Darcy Street comprising service infrastructure diversions, rebuilding of Darcy Street roadway, kerb and footpaths, associated landscaping and public domain works, and provision and augmentation of physical infrastructure. The determining authority for the application is the Sydney Central City Planning Panel.</p> <p>This application was approved by the Panel 17/12/2018 and amalgamated the above ground floor plate of 6 Parramatta Square development tower with the adjoining 8 Parramatta Square. The application requires that prior to the issue of any construction certificate the subject DA (DA/436/2016) must be modified to be consistent with this development consent and to delete any land the subject of this consent from that approval (refer condition 44).</p>
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4. The Proposal

In summary the modifications sought by the applicant are as follows:

- RL 164.100 Tower parapet (No change)
- RL 165.200 Safety barrier around voids to diesel generator (Permanent)
- RL 165.900 Diesel generator flue (Permanent)
- RL 168.100 Top of lift & stair pop-up (Permanent)
- RL 168.450 Top of BMU jib (Temporary – BMU stored below parapet height)
- RL 168.600 Top of satellite dish (Permanent)
- RL 170.400 Top of aviation obstacle lighting (Permanent)

Condition No.	Reason for amendment
<p><u>Amend Conditions:</u></p> <ul style="list-style-type: none"> • 1 (Endorsed Plans and Documents) • 3 (Construction Staging Plans) • Condition 13 (External Authorities) • Condition 64A (4 Parramatta Square Development Contributions) 	<p>Revise condition 1 to allow for the increase of the maximum building height from 164.10RL to 170.40RL in the accommodation of the following:</p> <ul style="list-style-type: none"> a) RL 164.100 Tower parapet (No change) b) RL 165.200 Safety barrier around voids to diesel generator (Permanent) c) RL 165.900 Diesel generator flue (Permanent) d) RL 168.100 Top of lift & stair pop-up (Permanent) e) RL 168.450 Top of BMU jib (Temporary – BMU stored below parapet height) f) RL 168.600 Top of satellite dish (Permanent) g) RL 170.400 Top of aviation obstacle lighting (Permanent) <p>The proposed design development modifications to 4 Parramatta Square have arisen due to tenant requirements, BCA compliance and a safety review undertaken by specialist contractors.</p> <p>In addition, it is proposed that the GFA plan will be updated to ensure consistency with the height, floor levels and design of the building approved in modifications to date and as proposed for amendment in</p>

	<p>this application. The construction staging plans are also proposed to be revised to align with the proposed roof top configuration.</p> <p>Condition 13 is also to be amended to reflect the current controlled activity approval issued in support of the proposed height increase and to remove the superseded approval.</p> <p>The development contribution payment required under Condition 64A is also to be increased to reflect the increased cost of works following inclusion of additional rooftop equipment, solar panels and the reconfigured goods lift overrun.</p>
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5. Referrals

Internal Referrals

Authority	Comment
Environmental Outcomes (Ecologically Sustainable Design)	Supported the proposal for the roof based solar panel installation proposed in the modification.
City Architect	<p>Notes that the tower parapet at RL 164.1 has not changed and that all components of the building proposed that increase the height are setback from the parapet, and are not expected to be visible from ground level. Also note that all additional permanent overshadowing resulting from the proposed modifications is contained within the roof extent.</p> <p>The City Architect is satisfied that the subject amendments are consistent with the approved Design Excellence scheme, and will have no negative visual or amenity impacts on the public domain.</p>

External Referrals

Authority	Comment
Dept. of Infrastructure, Regional Development and Cities	Issued controlled activity approval for the intrusion of 4 Parramatta Square into prescribed airspace for Bankstown Airport to a maximum height of 170.4 metres AHD. (6 metres above original approval).
Air Services Australia	Notes that this proposal to increase the maximum height of will not adversely impact the performance of any Airservices communication equipment.
Civil Aviation Safety Authority (CASA)	Confirmed no objections to, or issues with, the increase in height.
Sydney Trains	In correspondence received, it was confirmed that Sydney Trains had no objection to the proposed modification.

Submissions

In accordance with Appendix 5 - Section 5.5.2.3 of PDGP 2011 this application was publically notified in the same manner as the original application for a 21-day period from the 21st of November to the 12th of December 2018. In response one (1) submission was

received in support of the proposal. A summary of this response is provided in the table below.

<i>Comment</i>	<i>Response</i>
Supported the addition of solar panels and the modification of the goods lift overrun on the grounds of sustainable energy use and building functionality.	Noted.
The height increase was viewed to be minor in the context of the approved development.	Noted.
Supported from an aesthetic perspective on the assumption that the solar panels were not obtrusive.	The solar panels are inset from the edge of the building envelope and below the parapet level. As such they will not be visible from pedestrian eye level.

6. Discussion of the Amendments

The relevant considerations are addressed below:

Building Height

The proposed increase to the building height of 4 Parramatta Square will enable the accommodation of additional roof top safety, maintenance and plant equipment. The goods lift overrun has also been extended to enable access to service the Level 34 Plant facilities and the equipment proposed for the rooftop.

These changes have been proposed as a result of detailed design development to address tenant requirements, BCA compliance and a safety review undertaken by specialist contractors. The amendments will also meet compliance requirements of approved consent conditions and the those imposed under the airspace controlled activity approval.

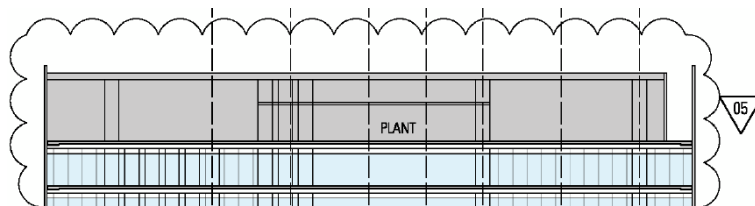


Figure 1: Approved Roof top configuration.

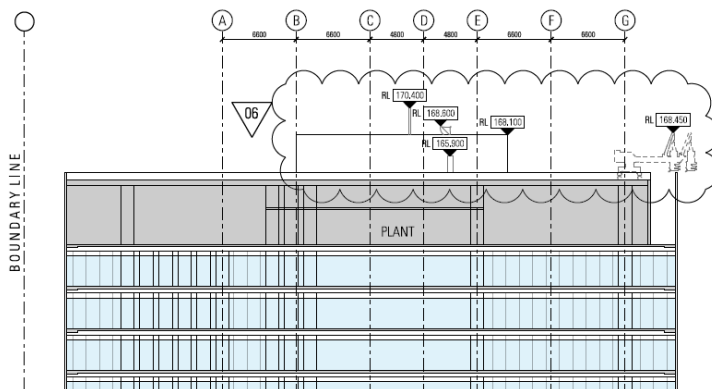
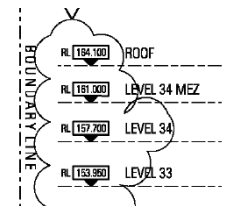
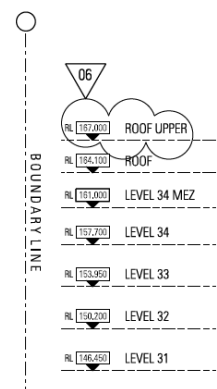


Figure 2: Proposed Roof top configuration.



The modification is considered to be acceptable for the following reasons:

- The proposed new maximum building height of 159.75 metres remains below the Parramatta LEP 200 metre height maximum.
- The height alterations are not visible from pedestrian eye level, given there is no change to the parapet height of 164.10 RL and the building elements that result in additional heights are setback from the parapet as demonstrated in the submitted perspective images. As the changes proposed are not a visible component of the façade presentation potential concerns in relation to Design Excellence are mitigated.
- The proposal was referred to the City Architect's Team, who was satisfied that the amendments are consistent with the approved Design Excellence scheme, and will have no negative visual or amenity impacts on the public domain.
- The submitted shadow diagrams demonstrate that with the exception of minor impacts generated by the building maintenance unit extending beyond the building envelope when in use, shadowing from the proposed amendments are predominantly contained within the roof extent.
- The proposal is accompanied by a design statement prepared by Johnson Pilton Walker (the architect) which outlines the design rationale for the proposed modifications indicating that in general the proposed modifications are the result of detailed design development (post DA approval) and tenant requirements. They have concluded that the modifications maintain the architectural design integrity and intent of the current approval.
- The proposal will not result in any non-compliances with the Parramatta DCP 2011.
- The proposal demonstrates that no detrimental impacts will occur to the amenity of the subject development, surrounding properties or the ground interface.
- The modifications improve functionality and enable the ongoing maintenance of the development through the inclusion of the building maintenance unit for window cleaning, a goods lift and stair well with direct access to the Level 34 plant rooms and roof top equipment, a satellite dish and diesel generator support elements.
- A controlled activity approval was issued by DIRD for the proposed height increase and the additional encroachment within the Bankstown Airport obstacle limitation surface. (F17/968-40 | 17/12/18)
- The modification incorporates aviation obstacle lighting at the highest point of the development 170.40RL and thereby satisfies the built form requirement of the controlled activity conditions issued by DIRD (F17/968-40 | 17/12/18) for further encroachment within the obstacle limitation surface (OLS).
- The applicant has submitted a compliance letter from a registered building surveyor certifying that the proposed modifications were undertaken to meet BCA requirements, fire safety and safety in design guidelines.

The proposal for a minor height increase can be supported for the abovementioned reasons.

To facilitate the proposed roof top plant amendments, it is necessary to revise the approved consent conditions as follows:

- **Condition 1** (Endorsed Plans and Documents) – As discussed above.

- **Condition 3** (Construction Staging Plans) – To ensure consistency with the approved architectural plans.
- **Condition 13** (External Authority Letters) – Replace the previous DIRD controlled activity approval with the concurrence letter that corresponds to the height proposed in this modification.
- **Condition 64A** (4 Parramatta Square Development Contributions) – Amended to reflect the increased cost of works. Refer to Section 16 below for further detail.

Miscellaneous Amendments

The GFA plan listed in Condition 1 is proposed to be revised to ensure consistency with the height, floor levels and design of the building approved in modifications to date and as proposed for amendment in this application. There is no change to the GFA as a part of this modification.

Details of all condition amendments noted above are included within Attachment 1.

6.2 Section 4.55(2): Evaluation

The development consent has been acted upon (construction commenced) and as such can seek to benefit from Section 4.55(2) 'Other Modifications' of the EPAA Act 1979 subject to the following requirements:

Section 4.55(2)(a) – Substantially the same development

The proposal is considered to be substantially the same development as that for which the consent was originally granted (before any modifications were granted) given that the proposed uses, location and the form of the proposal will not change in this modification. Furthermore, the proposal does not give rise to any adverse environmental impacts beyond those considered as a part of the original assessment (DA/436/2016) or compromise the Sydney Central City Planning Panel reasons for approval.

Section 4.55(2)(b) – Consultation with public bodies

The proposal was referred to the Department of Infrastructure and Regional Development (DIRD) as detailed in section 5 above. A controlled activity approval (F17/968-40) was issued on the 17/12/2018 by the authority for additional height intrusion into an obstacle limitation surface of the Bankstown Airport prescribed airspace as required under the Airports (Protection of Airspace) Regulations 1996. As such, all public bodies relevant to the proposed modification have been consulted.

Section 4.55(2)(c) – Notification

The proposal was notified in accordance with the requirements that applied to the original application, with one submission received in support of the modification. Notification is addressed in Section 5 above.

6.3 Section 4.55(3): Reasons for approval

Under section 4.55(3) of the EPA&A Act 1979 in determining an application for modification, in addition to the relevant matters under section 4.15(1), the consent authority must also take into consideration the reasons given by the authority as its reasons for the granting of

approval. The reasons for the of granting approval, as stated by the Sydney West Regional Planning Panel, are addressed below:

Reason for Approval	Consistency
1. The proposed development will provide significant additional commercial capacity and associated employment opportunity within the Parramatta CBD adjacent to metropolitan transport services and will act to consolidate Parramatta's planned role as Sydney's second Central Business District.	Consistent – the proposed modifications will not alter the commercial and employment capacity of the proposal.
2. The proposed development accords with the design principles, and will advance the planned delivery, of the Parramatta Square redevelopment that is to be implemented in stages in this locality. The proposal represents a further stage of the coordinated development of the Square's constituent building sites, public domain elements and integrated basement parking arrangements. In this regard the proposed building is considered to be consistent in scale and form with that planned for this element of Parramatta CBD.	Consistent – the proposed modifications are minor only, will generally improve safety through design, ensure BCA compliance and enable the realisation of environmentally sustainable design (ESD). In addition, it will not alter the consistency of the proposal with the design principles applicable to Parramatta Square.
3. The proposed development, subject to the conditions applied, adequately satisfies the relevant State legislation and State Environmental Planning Policies, including the Water Management Act 2000, SEPP 55 – Remediation of Land and SEPP (Infrastructure) 2007. The proposal also satisfies the Commonwealth Airports Act 1996.	N/A – the proposed modifications do not alter compliance with relevant SEPPs and other applicable Legislation.
4. The proposal adequately satisfies the provisions and objectives of Parramatta City LEP 2007 and Parramatta DCP 2011. In this regard the Panel notes that the FSR proposed is consistent with the bonus extended as a result of the building being certified by the Design Jury to demonstrate design excellence.	Consistent – the proposed modifications do not alter compliance with applicable LEP and / or DCP provisions and will ensure that the proposal continues to demonstrate design excellence (Note: Parramatta LEP 2011 applies rather than stated LEP)
5. The proposed development will have no unacceptable adverse impacts on the natural or built environments including impacts on nearby heritage items, or the operation of the local road network.	Consistent – the proposed modifications will not give rise to any unacceptable adverse impacts as stated

6. In consideration of conclusions 1- 5 above, the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Consistent – it is concluded having regard to the above that the proposed modifications are suitable and in the public interest

The proposed modifications are consistent with the reasons for approval as stated by the Sydney West Joint Regional Planning Panel in its 'Determination and Statement of Reasons' report dated 18 November 2016.

10. Planning Agreements

There is no relevant Planning Agreement.

11. The Regulations

The impact on the Environmental Planning & Assessment Regulation 2000, has been considered in the above assessment.

12. The likely impacts of the development

These considerations are satisfied as no adverse outcomes have been identified for the natural or built environments beyond those accepted in conjunction with the assessment of the original development application.

13. Site suitability

The site was determined to be suitable for the proposed use and buildings as part of the original consent. The proposed modifications are not considered to affect the original decision and will improve the operation, safety and environmental sustainability of the development.

14. Public interest

All submissions received were considered and addressed within the assessment of the proposal. Subject to implementation of revised conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

15. Disclosure of Political Donations and Gifts

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

16. Development Contributions (S 7.12)

Parramatta Council Section 94A Plan requires that development contributions be paid based on the development cost of works. Existing conditions 64A and 64B (as modified) requiring the payment of separate section 94A levy contributions for 4PS and 6PS under the Parramatta City Centre Section 94A Contributions Plan were imposed on the development consent.

An updated QS Cost report has been provided which indicates that the proposed modifications will alter the cost of the 4PS works from \$244,083,056 to \$244,550,643. The proposed modifications will not alter the cost of works for 6PS. Accordingly, condition 64A is proposed to be amended to reflect the updated construction cost.

17. Summary and conclusion

The application has been assessed having regard to Sections 4.15 and 4.55(2) of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. On balance the modifications are considered to be satisfactory and approval is therefore recommended.

18. Recommendation

That, pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the Sydney Central City Planning Panel grant consent to modify Consent reference DA/436/2016 as shown on the plans submitted with the modification application, subject to modified conditions of consent as outlined in Attachment 1.

Report prepared by:

Ferdinando Macri

Development Assessment Planner, City Significant Development

Date: 27/02/2019