



SYDNEY CENTRAL CITY PLANNING PANEL

INDEPENDENT ASSESSMENT REPORT

Panel Reference	2016SYW113
DA Number	DA/436/2016/H
LGA	City of Parramatta
Proposed Development	<p>Section 4.55(2) modification to DA/436/2016 which provides approval for the construction of a mixed use development comprising three podium levels with two commercial office towers above, three levels of basement parking and the creation of new areas of public domain. Works also include rebuilding of the Darcy Street road way and retaining walls and associated re-instatement of services, landscaping and further public domain works surrounding the buildings. The approved development also provides a direct pedestrian connection into the Parramatta Railway Station Concourse connecting the Station to the new Parramatta Square.</p> <p>The tower of 4PS as approved comprises 32 storeys excluding plant (maximum 152.9m / RL164.10) above the podium (i.e. total of 36 storeys). The tower of 6PS is approved to be 27 storeys excluding plant (maximum 133.7m / RL144.85) above the podium (i.e. total of 31 storeys). The approved development has a GFA of 122,236m² (FSR of 9.58:1) comprising 117,926m² of commercial floor space and 4,310m² of retail floor space.</p> <p>The approved (as modified) 4 basement levels (plus mezzanine) below ground comprise a shared basement with parking for 573 cars extending beneath the future Parramatta Square with access from Smith Street to the east and through 3PS to the north to Macquarie Street.</p> <p>The proposed modifications include amendments to the extent of the basement and podium slabs, relocation of terrace floors and plant, provision of a wintergarden on Level 28, incorporation of atriums, reduction in office floor heights, conversion of plant to office use, increase in louvre heights, two-metre recess on the northern façade of level 34, level 34 mezzanine, and the roof and relocation of building maintenance unit. Approved car parking will also be reduced from 573 to 571 spaces.</p> <p>The subject modification application is to be determined by the Sydney Central City Planning Panel. The application is also Nominated Integrated Development for the purposes of the Water Management Act 2000.</p>
Street Address	4 and 6 Parramatta Square (12 - 38 Darcy Street, 14A and 21R Darcy Street, 160 – 162 Church Street, 119Z Macquarie Street and 1A Civic Place, Parramatta)

Applicant	Walker Parramatta Square Developments Pty Ltd
Owner	Walker Parramatta Square Developments Pty Ltd and City of Parramatta Council
Date of Modification lodgement	16 April 2018
Number of Submissions	Two (2)
Recommendation	Approval subject to revised conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 20 of State Environmental Planning Policy (State and Regional Development) 2011, the proposal is a s.4.55(2) modification to an application for Council related development with a capital investment value of over \$5 million.
List of all relevant s79C(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 No. 55 (Remediation of Land) • State Environmental Planning Policy (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy (State and Regional Development) 2011 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
List all documents submitted with report	<ul style="list-style-type: none"> • Attachment 1 - Conditions of Consent • Attachment 2 – Modified Architectural Drawings
Report prepared by	Helena Miller Independent Planning Consultant (Director, MG Planning Pty Ltd)
Report date	25 June 2018

Summary of section 4.15 matters

Yes

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Yes

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?

Clause 4.6 Exceptions to development standards

N/A

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?

Special Infrastructure Contributions

No

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?

Conditions

Yes

Have draft conditions been provided to the applicant for comment?

1. Executive summary

This proposal seeks various 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:

- Minor adjustment to the extent of Basement Level 4 reducing the western extent to enable the construction of a retaining wall between 4 & 6 PS (Note: this will result in a loss of 2 car parking spaces from an approved 573 to 571 spaces)
- Modification to the 4PS podium slab and floor areas of 4 PS podium level 1 and 2 with the relocation of floor area from the south to the north to infill an existing void and increase the height clearance above the Darcy Street footpath level
- Minor modifications to the 4PS tower design to meet tenant requirements including:
 - amendment to the lift core to provide two rises and associated changes to the floorplate configuration
 - relocation of the approved terrace floor from Level 14 to Level 18
 - relocation of the mid plant level from Level 12 to Level 19
 - Provision of a winter garden on the eastern elevation of Level 28 behind an operable façade
 - Provision of atriums and interconnecting stairs for 4 and 6PS
 - Reduction in floor to floor height for 4PS by 100mm from 3850mm to 3750mm (Note: no corresponding reduction in height is proposed rather the additional height will be accommodated as a mezzanine level of plant room on Level 34 and the creation of additional office space on Level 33 – no increase in GFA rather new office space on Level 33 will offset reductions as a result of atriums)
 - Increase height of Level 1 and 2 plant room louvres as a result of increased height of overhang on southern side of the building
 - Relocation of building maintenance unit on to the top of the roof plant to enable the roof plant to occupy the full building footprint
- Changes to conditions of consent Condition 1 (General matters), Condition 53 (Car parking spaces) and Condition 53 (Accessible car parking spaces) to reflect the above modifications.

The proposed modifications will not result in any change to the overall approved GFA or maximum height of the buildings however it will result in an increase of 500m² of GFA in 4PS and corresponding reduction of 500m² in 6PS.

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 Panel approve the modification application, subject to the recommended revised conditions.

2. Key Issues

Parramatta Local Environmental Plan 2011:

Design Excellence – Façade changes are proposed which will result in minor changes to the external presentation of the building. The proposed changes are considered acceptable and will not result in any reduction in the design quality of the development. In this regard it is noted that the submitted plans have been amended post lodgement to address concerns raised by the City Architect to retain the setback secondary louvre facade for the extent of the northern elevation only, reinforcing the principal building frontage to Parramatta Square.

3. Site description, location and context

3.1 Background

DA/436/2016 was granted deferred commencement consent by the Sydney West Joint Regional Planning Panel on 18 November 2016 for the construction of a mixed use development comprising of three podium levels with two commercial office towers above, three levels of basement parking and the creation of new areas of public domain. Approval was also granted for works including the rebuilding of the Darcy Street road way and retaining walls and associated re-instatement of services, landscaping and further public domain works surrounding the buildings. A direct pedestrian connection into the Parramatta Railway Station Concourse connecting the Station to the new Parramatta Square also formed part of the approved works.

The consent was issued subject to deferred commencement conditions requiring the satisfaction of matters identified in the Sydney Trains letter of concurrence within 12 months of the date of the consent. The deferred commencement conditions were satisfied and operational consent was issued on 5 May 2017.

Following issue of operational consent six (6) modifications (modifications DA/436/2016/A – F) to the approval have been granted. A further modification application (DA/436/2016/G) was submitted to Council on 1 March 2018 and is currently under assessment. This modification seeks to amend conditions of consent to permit an Interim Occupation Certificate for 4PS.

Having regard to approved modifications the project as currently approved comprises:

Construction of a mixed use development comprising three (3) podium levels with two commercial office towers above, four (4) levels of basement parking and the creation of new areas of public domain. Works also include rebuilding of the Darcy Street roadway and retaining walls and associated re-instatement of services, landscaping and further public domain works surrounding the buildings. Further the works include a direct pedestrian connection into the Parramatta Railway Station Concourse connecting the Station to the new Parramatta Square. The application is Nominated Integrated Development under the *Water Management Act 2000* & Integrated Development under the *National Parks and Wildlife Act 1974*.

Works have commenced on DA/436/2016 and to date the bulk excavation of 4PS has been completed. The perimeter D-wall to 4PS and 6PS has also been completed and the pouring of concrete for the basement floors has commenced.

3.2 Site Description

The subject site is known as sites 4 and 6 Parramatta Square (4PS and 6PS) and comprises street addresses 12 - 38 Darcy Street, 14A and 21R Darcy Street, 160 – 162 Church Street, 119Z Macquarie Street and 1A Civic Place, 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 8PS.

The proposed future Parramatta Square forms the northern part of the site with the proposed development blocks 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 Parramatta Railway Station and viaduct. The site also has frontage to Smith Street by virtue of the incorporation of Darcy Street into the site.

The site has an area of 12,753m² and has recently been subdivided into 5 lots as outlined below:

Title	Address	Land Owner
Lot 1 DP 1234735	4 Parramatta Square (Tower and Basement)	Parramatta Square Property No. 4 P/L
Lot 2 DP 1234735	6 Parramatta Square (Basement)	Parramatta Square Property No. 6 P/L
Lot 3 DP 1234735	6 Parramatta Square	City of Parramatta Council
Lot 4 DP 1234735	7 Parramatta Square	City of Parramatta Council
Lot 5 DP 1234735	21R Darcy Street	City of Parramatta Council

Walker has entered into a Project Development Agreement with the City of Parramatta Council for the development of the site.

Area	<ul style="list-style-type: none"> 12,753 m²
Zoning:	<ul style="list-style-type: none"> Part B4 Mixed Use, part B3 Commercial Core and part SP2 Railway Corridor. The approved buildings are defined as “commercial premises” and are permissible with consent within the B3 and B4 zones. Works within the SP2 Railway Corridor zone include services infrastructure, roadwork and landscaping. These works are permitted with consent in the SP2 zone being works that are incidental to a road which is specified as a use which is permitted with consent.
Improvements:	<ul style="list-style-type: none"> Demolition of previous improvements on site has been completed as has bulk excavations. The perimeter D-wall to 4PS and 6PS has also been completed and the pouring of concrete for the basement floors has commenced.
Locality:	<ul style="list-style-type: none"> Parramatta City Centre
Constraints:	<ul style="list-style-type: none"> The site is in the vicinity of State listed heritage item: Parramatta Railway Station and other locally list items: convict drain, Parramatta Town Hall, Warden’s Cottage, Leigh Memorial Uniting Church, Arthur Phillip High School, Lancer Barracks, St John’s Anglican Cathedral and the 1st/15th Royal NSW Lancer Museum collection.
Key Development Standards:	<ul style="list-style-type: none"> Max. Height: 200m (Max. 152.9m approved – no change proposed) Max. FSR: 8:1 plus Design Excellence Bonus (9.8:1 approved – no change proposed however the proposal results in a minor increase in floor space in 4PS and corresponding decrease in the floor space of 6PS)

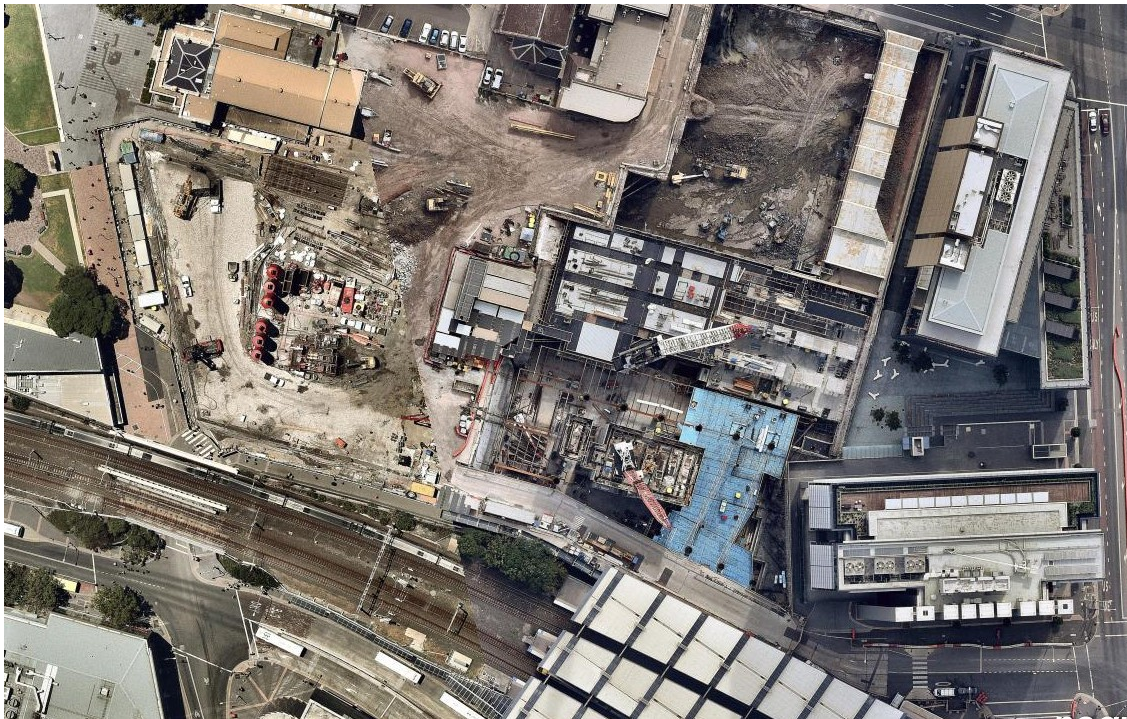


Figure 1. Aerial view of site showing current basement construction underway (Source: Nearmap, 15 April 2018).

3.3 Related Applications

As noted above, a further modification application (DA/436/2016/G) was submitted to Council on 1 March 2018 and is currently under assessment. This modification seeks to amend conditions of consent to permit an Interim Occupation Certificate for 4PS.

4. The Proposal

Consent is sought to modify the approved development as follows:

- Minor adjustment to the extent of Basement Level 4 reducing the western extent to enable the construction of a retaining wall between 4 & 6 PS (Note: this will result in a loss of 2 car parking spaces from 573 to 571 spaces)
- Modification to the 4PS podium slab and floor areas of 4 PS podium level 1 and 2 with the relocation of floor area from the south to the north to infill an existing void and increase the height clearance above the Darcy Street footpath level
- Minor modifications to the 4PS tower design to meet tenant requirements including:
 - amendment to the lift core to provide two rises and associated changes to the floorplate configuration
 - relocation of the approved terrace floor from Level 14 to Level 18
 - relocation of the mid plant level from Level 12 to Level 19
 - Provision of a winter garden on the eastern elevation of Level 28 behind an operable façade
 - Provision of atriums and interconnecting stairs
 - Reduction in floor to floor height by 100mm from 3850mm to 3750mm (Note: no corresponding reduction in height is proposed rather the additional height will be accommodated as a mezzanine level of plant room on Level 34 and the creation of additional office space on Level 33 – no increase in GFA rather new office space on Level 33 will offset reductions as a result of atriums)

- Increase height of Level 1 and 2 plant room louvres as a result of increased height of overhang on southern side of the building
- Relocation of building maintenance unit on to the top of the roof plant to enable the roof plant to occupy the full building footprint
- Provision of atriums and interconnecting stairs within 6PS
- Changes to conditions of consent Condition 1 (General matters), Condition 53 (Car parking spaces) and Condition 53 (Accessible car parking spaces) to reflect the above modifications.

5. Referrals

The following referrals were undertaken during the assessment process:

Internal

Authority	Comment
City Architect	<p>The City Architect is satisfied that the design development modifications are consistent with the original architectural design intent, and will have no detrimental impact on the amenity of the proposed development, surrounding properties or the public domain.</p> <p>It is noted that concerns were raised with the submitted plans in respect of changes to the design of the roof level and the need for the plant room to be setback from the building edge. Amended plans have been submitted which retain the setback secondary louvre facade for the extent of the northern elevation only, reinforcing the principal building frontage to Parramatta Square. The City Architect has advised that these amended plans are acceptable and will ensure that the proposal retains the integrity of the approved design.</p>
Catchment and Development Engineer	Council's senior catchment and development engineer has advised that he has no objections and no requirements in relation to the proposed modifications.

External

Authority	Comment
DPI Water	The application was not referred as the modifications to the basement are entirely internal and contained within the approved external footprint. Existing general terms of approval therefore remain valid.

Submissions

The application was notified in accordance with Parramatta DCP requirements for a 30-day period between 3 May – 4 June 2018. Two submissions were received including one from Anthony Rowan Pty Ltd on behalf of AREF, the owner of the adjacent Sydney Water building at 2 Smith Street. The submission raises concerns regarding the impact of the proposed development on access into and out of the Sydney Water building basement car park and in particular the location of the dive structure which provides access to the super basement beneath Parramatta Square. The submission objects to the proposal in so far as it prevents cars exiting the Sydney Water basement from turning left on Darcy Street toward Smith Street. Rather the proposal provides that Darcy Street would be one way in a westerly direction (that is, away from Smith Street). Concern has been raised that although this arrangement may have been approved in the original DA it was not explicitly stated in the documentation and accordingly the objector was unaware of this material impact on its property.

Further the objection indicates that the plans (both original and modification) are inconsistent when illustrating the location of the dive structure and that recent approved plans have opened up the opportunity for east bound access to be available (having regard to location of dive structure hard up against the Sydney Water site boundary).

The subject modification application does not seek to amend the existing approval in relation to Sydney Water access or the location of the dive structure to the super basement. Any alteration to the approved access arrangements are therefore not for consideration under the subject application and if supported would need to be considered further by Council's traffic engineer, the applicant and Sydney Water. The submission does not raise any further matters relevant to the current application.

A further submission was received from a member of the public who raised general concerns regarding the need for a single public transport interchange at Parramatta, the incremental impact of modifications on the design quality of the approved development, impacts on heritage items and views / vistas, and detailed design issues relating to the approved building design (i.e. location of toilets, disabled access, car parking etc.). Objection has also been made to changes to the plant level and relocation of floor space within the podium. The matters raised are either not relevant to the subject modification application (i.e. relate to the approved design) or have been considered in detail in this report.

6. Environmental Planning and Assessment Act

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

6.1 Section 4.15(1): Evaluation of Proposed Modifications

This section assesses the proposed modifications in the context of the relevant planning instruments and plans, including but not limited to Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011.

6.1.1 Gross Floor Area (GFA)

The proposed modifications will result in changes to floor areas within the approved buildings through relocation of floor space, modification to terrace areas, inclusion of interconnecting stairs and atria between levels, the including of new floor space on Level 33 etc. however will not result in any increase to the overall total GFA within the combined buildings. The submitted plans indicate that the total GFA of the buildings will remain at a total of 122,236m² however the modifications will result in an increase in the GFA of 4PS of 500m² and a corresponding reduction in the GFA of 6PS of 500m².

It is noted that Walker is currently in the process of preparing a new development application for 6 and 8PS and that the new design for 6PS is proposed to override the 6PS component of the subject approval. Any future approval relating to 6PS will need to reconcile floor space calculations to ensure that the total floor space does not exceed that approved / permitted. This is not however an issue for the subject modification.

	Approved (m²)	Proposed (m²)
4PS	75,108	75,608
6PS	47,128	46,628
Total	122,236	122,236

Clause 7.8 of Parramatta Local Environmental Plan provides that on the area identified as “Area 3” development consent must not be issued unless the consent authority is satisfied that the gross floor area of any resulting building 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. This provision relates primarily to the adjacent site at 8PS however given boundary changes to the Parramatta Square lots, partly applies to the site of the approved 6PS. Legal advice has previously been obtained which indicates that the clause is to be interpreted as applying to any building (or part thereof) located on the land to which the clause applies. 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 95,000 m² of GFA it is permitted under this clause. This is the case with the proposal as it provides that 7,634 m² of the GFA of 6PS is located within the area shown as ‘Area 3’ (Note: 7,684m² was proposed under the approved scheme). It is therefore considered that notwithstanding the proposed modifications the proposal will continue to be consistent with clause 7.8.

A clause 4.6 variation was supported in respect of the requirements of clause 7.8 (a) and (b) as outlined above. The proposed modifications do not have any implications for the variation which continues to be valid.

6.1.2 Height

The proposed modifications do not result in any changes to the overall height of the approved building (maximum RL 164.100).

6.1.3 Design Quality and Façade Presentation

A number of the proposed modifications will result in changes to the external appearance of the approved 4PS tower. These modifications include:

- Modification to the 4PS podium slab and floor areas of 4PS podium level 1 and 2 with the relocation of floor area from the south to the north to infill an existing void and increase the height clearance above the Darcy Street footpath level
- Minor modifications to the 4PS tower design to meet tenant requirements including:
 - relocation of the approved terrace floor from Level 14 to Level 18
 - relocation of the mid plant level from Level 12 to Level 19
 - Provision of a winter garden on the eastern elevation of Level 28 behind an operable façade, and
 - Increase height of Level 1 and 2 plant room louvres as a result of increased height of overhang on southern side of the building
 - Relocation of building maintenance unit on to the top of the roof plant to enable the roof plant to occupy the full building footprint

The applicant has submitted 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 and have provided the rationale outlined below for each modification:

Modification	Design Rationale as outlined by Architect
1. Minor reduction in the western extent of the 4PS basement to provide for retaining wall between 4 & 6PS	Adjustment is below ground and has not impact to publicly accessible areas. Will result in a reduction in parking by a total of 2 spaces however will not impact on public parking or bicycle parking numbers. 571 parking spaces remaining

	(479 commercial and 92 public).
2. Modify extent of 4PS Podium Slabs and floor area on Podium Levels 1 and 2 of 4PS. Height clearance above Darcy Street footpath to be increased with floor area to be relocated to void in northern part of floor plate. Not change to GFA.	Increase in height clearance above Darcy Street expected to have a positive impact to the amenity along Darcy Street. On Podium Level 2 infill of void will provide for more flexible use of podium spaces and will not affect external building envelope. Changes neutral in terms of GFA and architectural expression of podium areas will remain consistent with the current approval.
3. Changes to 4PS Tower Design including change to lift rises and associated replanning of core	Improved flexible utilisation of workplace floors and improves buildability. No change to GFA. <i>(Note: notwithstanding this comment the proposal does increase the GFA of 4PS by 500m² with corresponding reduction in 6PS GFA)</i>
3(a) Relocation of terrace floor from Level 14 to Level 18	This adjustment is considered positive for 2 reasons: <ul style="list-style-type: none"> The relocated terrace floor established a visual continuity with the roof height of 1PS (WSU), 2 PS (Sydney Water) and 3PS that reinforces the association of these developments to each other, to 4PS and to the surrounding precinct The relocated terrace floor divides the north elevation into two proportionally similar masses. This is considered to be a positive visual outcome in conjunction with the above. Consistent with the design intent approved in the original DA. By establishing equal proportion for the north façade above and below the terrace level itself and by establishing continuity with the heights of adjacent Parramatta Square stages, a cohesive visual outcome is achieved with respect to surrounding buildings.
3(b) Relocation of Mid Plant from Level 12 to Level 19 (including reduction of visual height of plant room louvres on the south façade consistent with the appearance of the terrace floor on the north side of the tower)	This adjustment is considered positive for 2 reasons: <ul style="list-style-type: none"> In conjunction with the relocated terrace, the relocated plant floor establishes a visual continuity with the roof height of 1PS (WSU), 2 PS (Sydney Water) and 3PS that reinforces the association of these developments to each other, to 4PS and to the precinct The relocated plant floor divides the south elevation into two proportionally similar masses that is subtly different from the division on the north elevation. The offset of this discussion relate to the terrace division animates the façade and provides visual identity for the tower.
3(c) Provision of fully enclosed wintergarden on Level 28 (eastern portion of Level 28 façade behind operable façade) to expand workplace offering and provide contemporary accommodation.	This adjustment is considered positive for 2 reasons: <ul style="list-style-type: none"> The provision of a wintergarden in this location was integral to both the original competition entry and the DA concept for 4PS. The articulation of building masses has been established to support a secondary or operable facade along the eastern elevation and represents fulfilment of the original design intent for the tower. Provision of break-out to a semi-external space provides an expanded workplace offering for 4PS that is an important consideration for the contemporary workplace.

3(d) Incorporation of atriums and interconnecting stairs in 4 and 6PS	Atriums will enable contemporary, interconnected workplaces to be provided throughout both towers allowing visual connection and on-foot transfers between floors that reduces demand for lifts and improves workplace operation.
3(e) Reduction in floor to floor heights for typical office floor from 3850mm to 3750mm (no reduction in height rather addition office floor Level 33 proposed but GFA to remain as is offsetting space lost in provision of atriums/ interconnecting stairs)	No change proposed to the maximum height of the building as approved (RL 164.100)
3(f) Increase height of Level 1 and 2 Plantroom Louvres (as a result of the height of the lowest overhang on the south side of the tower being lifted by 3750mm)	<p>This adjustment is considered positive for 2 reasons:</p> <ul style="list-style-type: none"> • This adjustment lifts the step to a consistent height with the north side of the tower, promoting a greater visual unity between the two sides when viewed from below • By lifting the step, this adjustment increases the volume available for maintenance activities to occur on Darcy Street below, particularly in relation to railway infrastructure.
3(g) Relocation of Building Maintenance Unit (BMU) to the top of the roof plant	<p>Adjustment necessary to enable the roof plant to expand to occupy the full building footprint. The setback secondary louvre façade has been retained for the extent of the northern elevation only, reinforcing the principal building frontage to Parramatta Square. This roof configuration was presented to and endorsed by the CoPC City Architect in advance.....</p> <p>BMU track is low profile and set back from the edge of the roof. It will therefore be concealed from view and create no additional overshadowing to the surrounding context. BMU will be parked out of sight when not in use and will not impact approved height. The appearance of the plant room storeys will remain consistent with approved development while providing sufficient area for necessary equipment to be installed to support occupation of the building. No detriment impact to amenity expected.</p>

The City of Parramatta's City Architect has reviewed the proposed modification and has advised that she is "satisfied that the design development modifications are consistent with the original architectural design intent, and will have no detrimental impact on the amenity of the proposed development, surrounding properties or the public domain."

The proposed modifications are minor only and do not impact on the overall form, design quality or presentation of the approved buildings. No change is proposed to the maximum overall GFA or height and the proposed changes are generally consistent with the original design intent. While the proposed modifications will result in some changes to the external appearance of the building in terms of the location of the terrace and plant levels and the overall proportioning of the tower of 4PS, the changes are considered appropriate and will not result in any adverse impacts. The proposed buildings continue to demonstrate design excellence.

6.1.4 Car parking

The proposed modifications will result in a minor reduction in approved car parking (reduction from approved 573 spaces to 571 spaces) as a result of the reduction in the western extent of Basement Level 4 to allow for the construction of a retaining wall between 4 & 6PS (Note: Basement Level 4 to now to provide 60 rather than 62 spaces). This reduction in car parking spaces is considered negligible and will not impact on the provision of public car parking spaces (92 spaces as approved on Basement Level 1). The modified parking provision continues to be significantly less than the maximum allowable under Council's controls which is considered appropriate given the siting of the proposal within the city centre and immediately adjacent to a range of public transport options including rail, bus and future light rail transport options. Further Council's Development Engineer has advised that the amended layout of Basement Level 4 does not give rise to any concerns. Accordingly it is considered that the proposed parking provision remains acceptable.

6.1.5 Compliance with Parramatta DCP 2011

Parramatta DCP 2011 supplements Parramatta LEP 2011 and provides more detailed provisions to guide development. The following parts of the DCP are relevant to the subject section 4.55 modification application:

- Part 2 - Site planning
- Part 3 - Development principles
- Part 4 - Special precincts (Parramatta City Centre)

Compliance with relevant provisions is outlined below:

Provision	Comment	Complies
2.4.2 Water management	The site is flood affected. Groundwater impacts do not arise as a result of the proposed modifications. Stormwater and water quality, both during and post construction can be suitably managed as per the existing conditions of consent.	Yes
2.4.3 Soil management	Sedimentation controls during construction is addressed by existing conditions. Acid Sulphate Soils were addressed as part of the original application.	Yes
2.4.4 Land contamination	The site is subject to contamination. Contamination was addressed as part of the original application.	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 were addressed as part of the original application.	Yes
3.4 Social amenity	Access for people with a disability remains satisfactory with the proposed modifications subject to existing conditions of consent.	Yes
3.5 Heritage	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	Car parking supply and access is satisfactory. In this regard it is noted that the proposed modification will result in a loss of 2 car	Yes

Provision	Comment	Complies
circulation	parking spaces for the commercial development and will not affect the public parking provision.	
4.3.3.7b Parramatta Square	<u>Site objectives</u> The proposed modifications are consistent with the relevant site objectives for Parramatta Square.	Yes
	<u>Building Form</u> The proposed modifications are similarly consistent with the relevant building form provisions and will maintain the design quality of the development.	Yes
	<u>Access, Parking and Servicing</u> The proposed modifications are consistent with the relevant access, parking and servicing objectives.	Yes

6.2 Section 4.55(2): Evaluation

The development consent has been taken up (basement excavation for 4PS completed and basement construction commenced) and is therefore valid. As such Section 4.55(2) 'Other Modifications' of the EPAA Act 1979 applies and the application can be modified 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 consent was originally granted, before any modifications, in that the proposed uses, location, scale (including height and GFA) and the form of the proposal will not change. The proposal as modified is therefore considered to be substantially the same as the approved development.

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

The original application was integrated development under the *Water Management Act 2000* as an aquifer interference approval was required however the proposed modifications do not affect any conditions imposed in accordance with the NSW Office of Water's General Terms of Approval. Accordingly it is not considered necessary to consult with the NSW Office of Water in respect of the proposed modifications.

Section 4.55(2)(c) - Notification

Notification is addressed in Section 5 above. The proposal was notified in accordance with the requirements that applied to the original application however one submission has been received in respect of the application. Issues raised are summarised at section 5 above.

6.3 Section 4.55(3): Reasons for approval

Under section 4.55(3) of the EPAA Act 1979 in determining an application for modification, in addition to relevant matters under section 4.15(1) (formerly Section 79C), the consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The reasons for granting approval to the original development application as stated by the Sydney West Regional Planning Panel are assessed 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 and 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 continued to demonstrate design excellence <i>(Note: Parramatta LEP 2011 applies rather than stated LEP)</i>
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

The existing approval is not subject to a planning agreement however Conditions 64C and 64D provide requirements in this regard should a VPA be proposed by the Applicant in the

future in lieu of the payment of section 94A contributions (now section 7.12 contributions). The proposed modifications do not have any implications for these conditions.

11. The Regulations

The proposed modifications would not impact on the relevant regulations, compliance with which is conditioned in the original consent.

12. The likely impacts of the development

The likely impacts of the development have been considered in this report and considered to be minimal and acceptable.

13. Site suitability

The site was determined to be suitable for the proposed uses and buildings as part of the original consent. The proposed modifications will not affect the suitability of the site for the proposed development.

14. Public interest

The proposed modifications will not result in any impacts that would cause the proposed development to be contrary to the public interest. The original proposal has been determined to be in the public interest and the proposed modifications do not alter this determination.

15. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant 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. The contributions were based on the estimated value of the respective development components based on an estimated cost of works in accordance with clause 25J of the Environmental Planning and Assessment Regulation 2000.

A QS Cost report has been provided which indicates that the proposed modifications will alter the cost of the 4PS works to \$244,083,056. 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 relative 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:

Helena Miller
Independent Planner, Director, MG Planning Pty Ltd

A handwritten signature in black ink, appearing to read 'H. Miller', with a stylized flourish at the end.

Signature

Date: 25/06/2018