



**SYDNEY PLANNING PANEL**  
Sydney Central City Region

<b>SPP Reference No</b>	2018SWC102
<b>DA No.</b>	DA/672/2018
<b>LGA</b>	City of Parramatta
<b>Proposed development</b>	Public domain works within proposed Stage 1 & 2 of Parramatta Square including: realignment of levels across the site; hard landscaping, paving, street furniture, temporary shade structures, lighting and deep soil planter zone; soft landscaping including tree planting; services infrastructure augmentation, diversions, and re-instatement as required; and stormwater drainage
<b>Address</b>	Lot 42 and Part Lot 43 DP 1238612, Parramatta (Parramatta Square)
<b>Applicant / Owner</b>	Walker Parramatta Square Developments Pty Ltd / City of Parramatta Council
<b>Lodged</b>	21 September 2018
<b>Integrated Development</b>	Not applicable
<b>Number of submissions</b>	One (1) submission received
<b>Recommendation</b>	Approval subject to conditions of consent
<b>Regional Development Criteria</b>	Pursuant to Part 4 and Schedule 7 of the <i>State Environmental Planning Policy (State and Regional Development)</i> , the development is Council related development with a capital investment value of more than \$5 million
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations</li><li>• State Environmental Planning Policy No. 64 - Advertising and signage;</li><li>• State Environmental Planning Policy No. 55 – Remediation of Land</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li><li>• State Environmental Planning Policy (Infrastructure) 2007</li><li>• State Environmental Planning Policy (State and Regional</li></ul>

	Development) 2011 <ul style="list-style-type: none"> <li>• Parramatta Local Environmental Plan 2011</li> <li>• Parramatta Development Control Plan 2011</li> </ul>
<b>Documents submitted with this report for Panel's consideration</b>	Attachment 1 Conditions Attachment 2 Architectural Plans Attachment 3 Clause 4.6 variation request Attachment 4 Letter from Government Architect's Office
<b>Report by</b>	Helena Miller, Director, MG Planning Pty Ltd (Independent Planner)
<b>Date of report</b>	3 June 2019

<b>Summary of s4.15 matters</b>	
Have all recommendations in relation to relevant 4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>	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 summarised, in the Executive Summary of the assessment report?	
<b>Clause 4.6 Exceptions to development standards</b>	Yes
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	
<b>Special Infrastructure Contributions</b>	Not applicable
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	
<b>Voluntary Planning Agreement</b>	Not applicable
Does the DA propose a voluntary planning agreement (S7.4)?	
<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment?	No – will be undertaken prior to SPP meeting

## 1. Executive summary

This report considers a proposal for public domain works within proposed Stage 1 & 2 of Parramatta Square including: realignment of levels across the site, hard landscaping, paving, street furniture, shade structures, lighting and deep soil planter zone; soft landscaping including tree planting; services infrastructure augmentation, diversions, and re-instatement as required; and stormwater drainage.

The subject application seeks consent for public domain works on land known as Lot 42 and part Lot 43 DP 1238612 which comprises the Stage 1 (the eastern most part of Parramatta Square) and Stage 2 (the land to the west of 3PS which is commonly known as Leigh Place connecting the square to Macquarie Street to the north). Parramatta Square Stage 3 (comprising the eastern end of the square and part of Church Street) is subject to a separate development application (DA/189)/2019) and does not form part of the subject application. This application will be reported separately to the Panel.

The design for the public domain has been prepared by 4<sup>2</sup>, a design consortium comprising James Mather Delaney Design (JMD), Taylor Cullity Lethlean, Tonkin Zulaikha Greer and Gehl Architects. The design team was appointed in June 2015 following a competitive tender process. The draft concept was released for community consultation in October 2015 and was the subject of iterative public exhibitions and consultations. Following completion of the consultation period, a final Concept Design was prepared and peer reviewed. The plans were amended in September 2016 and included the following design features:

- An interactive 'digital carpet' paving treatment that will demonstrate Smart City technology at the entrance to Council's proposed civic and community building at 5 Parramatta Square;
- Holograms and spectacular lighting displays;
- Public art installations;
- A series of 'billabongs' (water pools) at 5 Parramatta Square that can be turned on and off as required to not only encourage 'kids' play but also react to the heat of the day as a cooling mechanism;
- 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 terracing and grassed zones near 4 & 6 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; and
- Art and design details to respect Darug Aboriginal and Colonial heritage.

Following the second round of community consultation in May 2017 a *Performance Specification* and supporting *Reference Design Drawings* were prepared and issued to Walker as the applicant for the works. Walker and JMD presented the proposed design to Council on 27 February 2018 following design development to seek Council staff's response to the progressed design based on the Performance Specification issued by Parramatta City Council. The public domain works proposed

under the subject DA and the Stage 3 DA, include some variations to the Reference Design including:

- Parramatta Square feature paving and planter boxes (bowties) recalibrated and shifted for better integration with 4PS, 6PS and 8PS buildings
- Digital Carpet – relates to Stage 3
- Fire truck access – Swept paths have been provided showing the movement of a fire truck through the Square in a forward direction. No approval is granted for access via Leigh Place.
- Eastern deep soil zone increased toward east – to allow for additional deep soil
- Meeting Circle, circular seat element fig relocation – fig relocated away from seat element to ensure people can face each other on circular seat element – relates to Stage 3

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.

This report recommends that the Sydney Central City Planning Panel, as the consent authority, approve the application subject to the recommended conditions of consent.

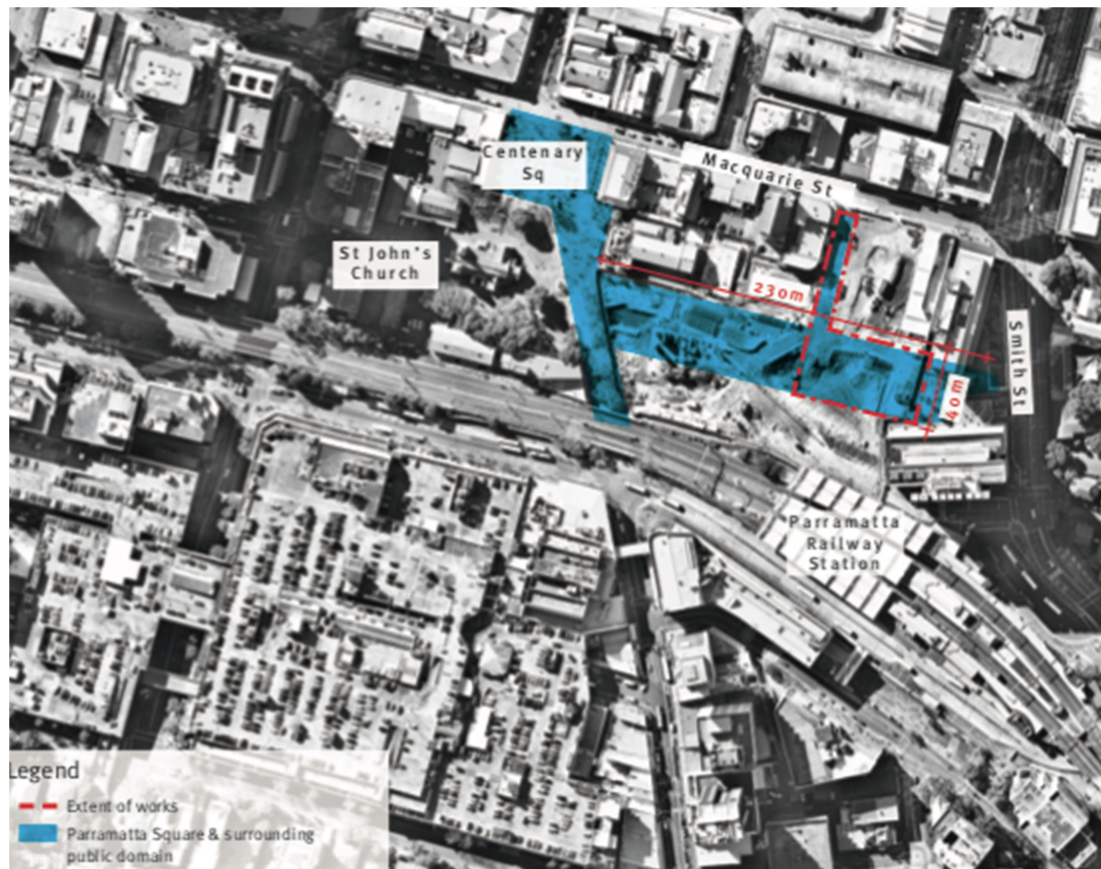
## 2. Site description, location and context

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 physical address of the site is 5, 7 and 8 Parramatta Square and 151 Macquarie Street, Parramatta and it is formally known as Lot 42 DP 1238612 and Part Lot 43 DP 1238612. The site is wholly owned by the City of Parramatta Council.

The location of the site is shown at **Figure 1** and in the aerial photograph at **Figure 2**.

The site has an area of approximately 3,537m<sup>2</sup> and forms an “L” shaped parcel. The site includes the public domain of Civic Place (also known as Leigh Place) located between the Parramatta Mission and future 5 Parramatta Square (5PS) buildings to the west and future 3 Parramatta Square (3PS) building to the east, and an area of the main Parramatta Square public domain space between the buildings of 3PS and 4 Parramatta Square (4PS), as shown on **Figure 2**.

The site has been substantially cleared and excavated in preparation for development and contains no vegetation. Archaeological investigation works and site contamination validation has been completed across the site.



**Figure 1.** Site location (Source: Location Plan, JMD Design)





**Figure 2.** Aerial view of locality (general location of site shown in red) (Source: Nearmap, 9 September 2018)

The site is within the central public domain space of Parramatta Square, surrounded by the Parramatta Square buildings which are in various stages of development as follows:

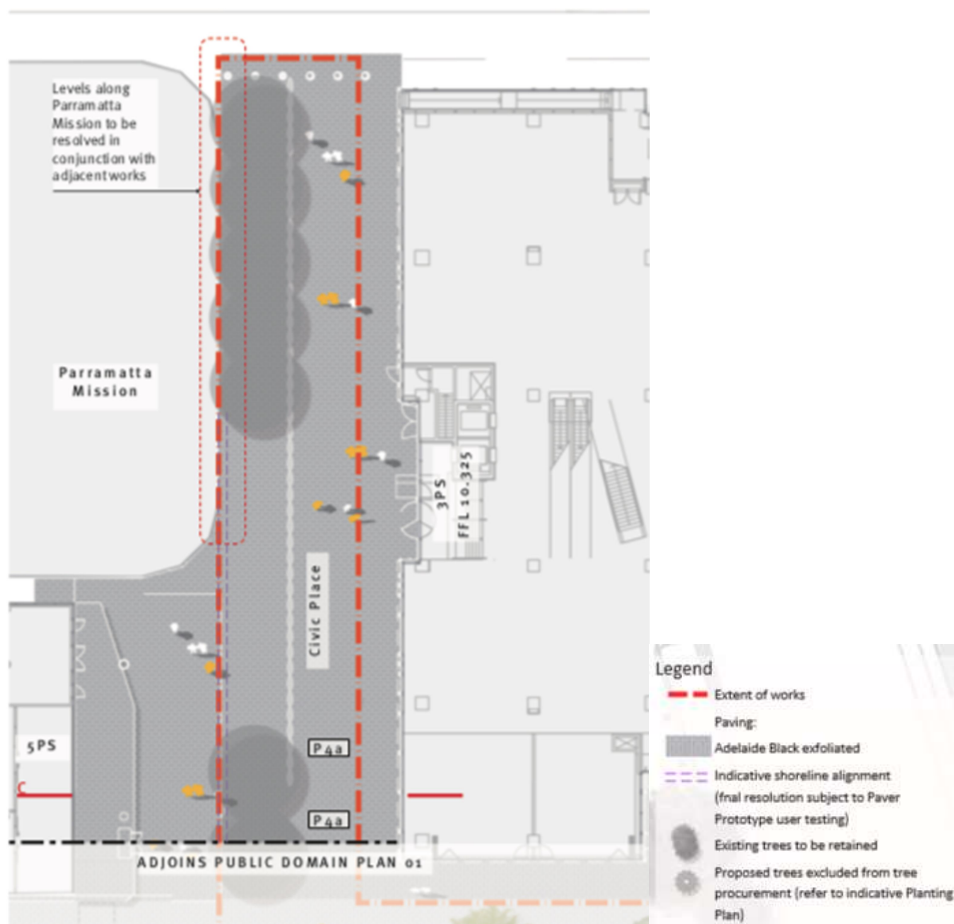
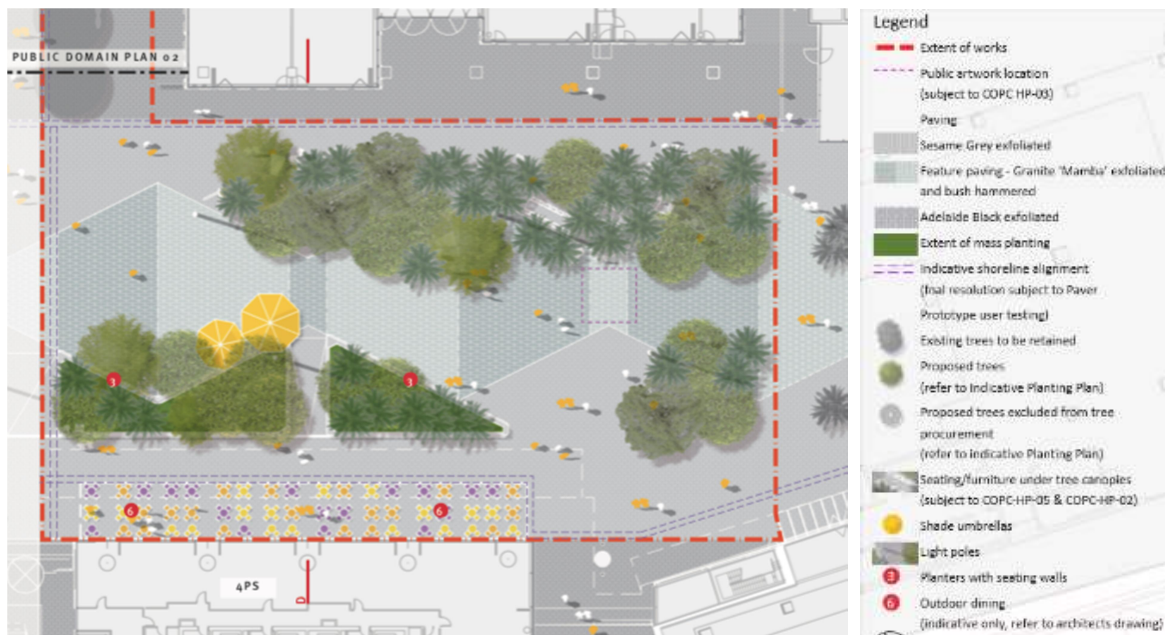
- 1PS – 15 storey building (constructed) accommodated by University of Western Sydney and Price Waterhouse Cooper.
- 2PS – Sydney Water building (constructed).
- 3PS – 17 storey commercial office building with ground floor retail (approved, construction commenced).
- 4&6PS – two commercial towers (30 and 36 storey) with ground floor retail (approved, construction commenced). Application to be amended to make 4PS a standalone development and combine 6PS with 8PS.
- 5PS – 6 storey civic and community building comprising Council chambers, customer service centre, public library, experience centre and cultural and community facilities (approved).
- 6&8PS – combined maximum 56 storey commercial tower with function centre (approved).

Parramatta Railway Station is located approximately 60 metres to the south of the site and is proposed to be connected to Parramatta Square via a range of pedestrian connections through adjacent buildings (4, 6 and 8PS) as well as via a connection between the existing Sydney Water building and 4PS.

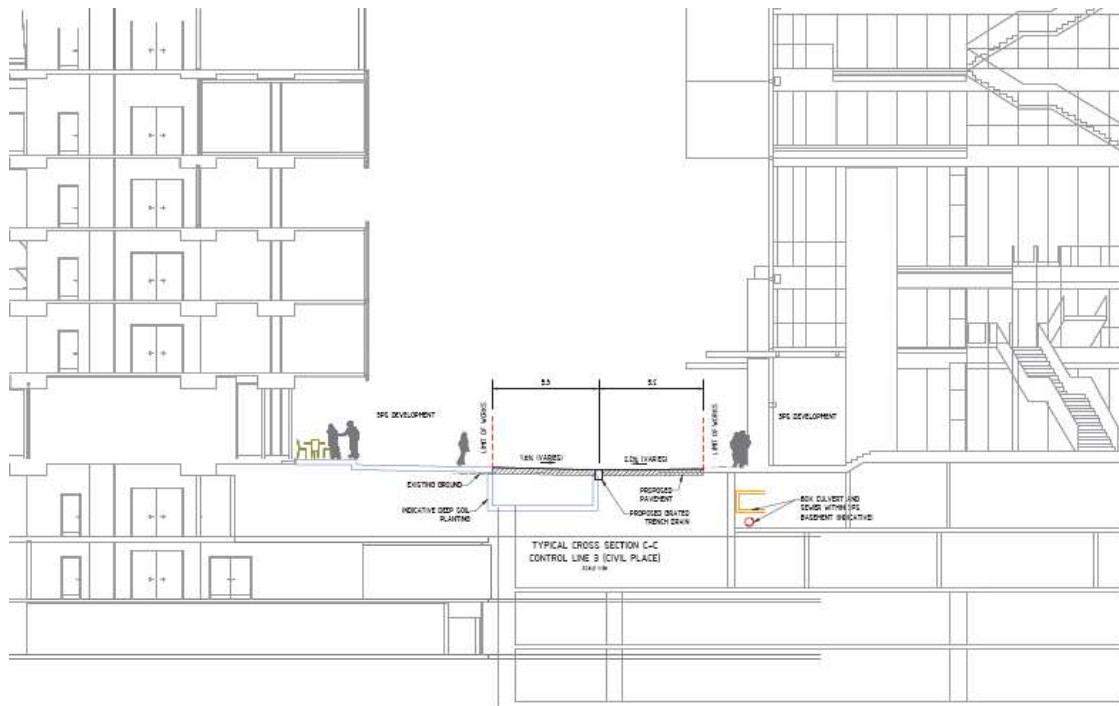
Development to the north, east and west of the site is primarily commercial and retail with a mix of low scale two and three storey and larger scale commercial buildings. Centenary Square is located approximately 170 metres to the north west.

The site is in the vicinity of a number of heritage items as shown in **Figure 3**, including the Leigh Memorial Uniting Church to the north west (Item I719), Parramatta Town Hall (Item 650) and the State significant St John's Anglican Cathedral (Item 01805) to the west and State significant Parramatta Railway Station (Item 00696) to the south.

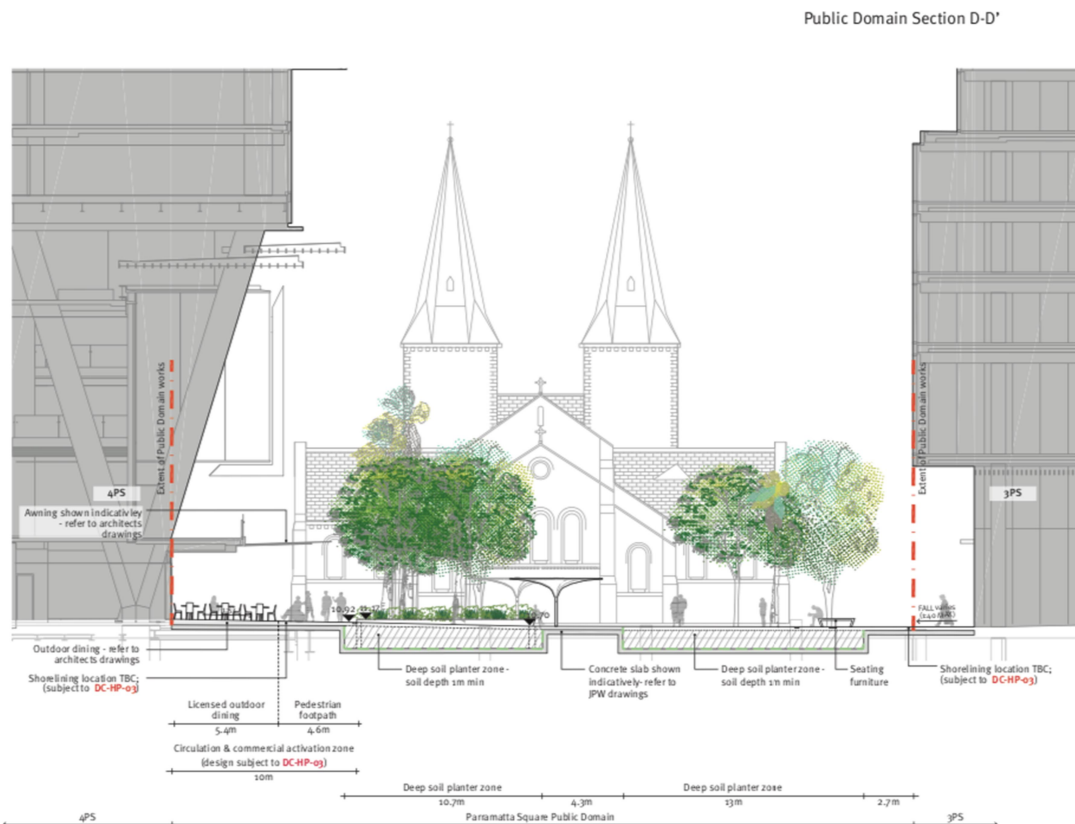








**Figure 6.** Proposed public domain works in Leigh (Civic) Place (cross section)



**Figure 7.** Proposed public domain works in Parramatta Square (cross section)

The design for the public domain has been prepared by <sup>42</sup>, a design consortium consisting of James Mather Delaney Design (JMD), Taylor Cullity Lethlean, Tonkin Zulaikha Greer and Gehl Architects, and has been the subject of several community consultations and design iterations.

The proposed landscaping is predominantly hardscape paved area with the tree canopy provided within raised bow tie planters along the southern side of the space (adjacent to 4 Parramatta Square) with incidental seating provided on the planter walls. Soft landscaping includes the canopy trees proposed along the southern perimeter of the public domain having an interface with 4 Parramatta Square and canopy trees proposed on the northern side of the public domain having an interface with 3 Parramatta Square. Trees are also indicated along Civic Place however these are indicative only as negotiations are required between the applicant and authorities prior to implementation. An appropriate condition has been included. All planting is in large deep soil planters (minimum 1m depth) on a structural slab. The slab set downs form part of this application.

The public domain is on one plane with a series of ramping walkways arranged between the bow tie planters providing access to the 6&8PS and 4PS buildings which are raised above the main space. The central area is unobstructed to accommodate various events. A clear public pedestrian passage is provided along the building facades outside of the proposed outdoor dining zones on both sides of the Square, with the southern pedestrian walkway covered with an awning for weather protection. An unobstructed 9m wide pedestrian thoroughfare with additional 3m wide clear visibility corridor is maintained, crossing the Square from the Train Station to Civic Place the anticipated Light Rail Stop.

The proposed surface finish for the public domain is granite paving of varied colour and finish and incorporating feature paving. A variety of seating is proposed including seating with backrests, benches, movable furniture, long tables and incidental seating being provided on the urban stairs and on the retaining walls of the bow tie planters. Shade structures are provided on the northern side of the bow tie planters. Final detailed furniture designs are to be secured via condition.

The plans submitted with the application include the indicative outdoor dining configuration however this is subject to separate approval and does not form part of the subject application.

The design statement prepared by JMD provides as follows:

*The Parramatta Square Public Domain landscape plans for Development Application have been developed based on the design framework set out by the Parramatta Square Public Domain Performance Specification and Reference Design, City of Parramatta Council (2017).*

*Our vision is to create a highly flexible, contemporary civic space, that can accommodate various functions and be an events venue. Foremost creating a lively heart for Parramatta, a destination that celebrates the theatre of daily life. A multi modal place that in repose accommodates residents, commuters, University collegiate and office workers alike, but can be curated in a variety of event modes from ambient evening dining, interpretation with projections or staged events.*

*The design is human focused, inclusive and reflects the rich history and diverse population of Parramatta. Tree canopies and temporary shade structures provide shade and balance the scale of surrounding buildings without obstructing the ground plane. The Water feature, Digital carpet including evening light projection and public art installations animate the new civic space but are not part of this DA.*

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

## 4. Referrals

The following internal referrals were undertaken:

**Table 1: Internal Referrals**

Development Engineer / Catchment Development Engineer	<p>Referral dated 24/5/2019 – Council's Senior Catchment and Development Engineer has advised that all of the Council's engineering requirements have been met or are reflected in the final DA level designs and specifications. This includes requirements in relation to flooding, management of overland flow, stormwater trunk and sideline conveyance and infrastructure, WSUD, stormwater quality management, civil works construction and maintenance methodology for civil infrastructure, paving and pavements, vehicle and pedestrian access, provision of deep soil, as well as non-physical aspects of the development such as ensuring rights of public access and drainage, provision of utilities and services, emergency vehicle access etc. He has further noted that the design is an effective and holistic concept demonstration and that once consent is granted, further detailed design working drawings will be developed for each of the components of these spaces and stages of construction.</p> <p>There are no further Catchment and Development Engineering requirements or conditions.</p>
Traffic and Transport Engineer	Referral dated 15/4/2019 – Satisfactory subject to a recommended condition of consent for the requirement of a Construction Pedestrian Traffic Management Plan (CPTMP).
Waste Management	Referral dated 1/8/2018 – Satisfactory subject to a recommended condition of consent.
Environmental Health – Acoustic	Referral dated 1/8/2018 – Satisfactory subject to a recommended condition of consent.
Environmental Health – Contamination	Referral dated 27/7/2018– Satisfactory subject to a recommended condition of consent.
Public Art	Referral dated 18/4/2019 – Satisfactory subject to a recommended condition of consent.
Urban Design – Public Domain	<p>Referral dated 27/05/2019 and 30/05/19 – Council's urban design / public domain referral notes that the submitted public domain plans approximately reflect the design intent of the Reference Design drawing package provided by council to the applicant to articulate design requirements for Parramatta Square. The assessment notes that there are some minor outstanding issues which are able to be conditioned and which include: requirement for detailed public domain drawing package including staged submission of design deliverables, no approval of outdoor dining to be subject to a separate DA, final details of proposed trees, surface falls, shoreline configuration, furniture, light poles, bins, signage wayfinding and heritage elements, drainage grates, public art, paving renovation at PS1, access ramps, lighting and non-use of polystyrene and lightweight soil. The referral recommends that the DA is satisfactory subject to recommended conditions of consent.</p>

Social Outcomes	Referral dated 20/08/2019 – Some issues were raised, mainly in regard to Universal Access matters, which have now been resolved by conditions of consent and final resolution of the design. Conditions will apply.
Heritage	Advice was sought from Council's cultural heritage team in regard to heritage interpretation and the proposal is satisfactory subject to recommended conditions of consent which require the final detailed works of the heritage interpretation being submitted for approval prior to the issue of a Construction Certificate.
Universal Access	Referral dated 17/04/2019 – Satisfactory subject to conditions of consent to address issues raised.

The following external referrals were also undertaken:

**Table 2: External Referrals**

RMS	Letter dated 30 October 2018 advised that RMS has no objections to the application however recommends that an updated Construction Pedestrian Traffic Management Plan (CPTMP) be submitted and approved (in consultation with the Sydney Coordination Office (SCO)). This has also been requested by the Parramatta Light Rail (PLR) and is required by Council's condition for a CPTMP which incorporates all requests made by Council and external authorities.
Sydney Water	Email dated 25 October 2018 – no assessment required. Developments will still require appropriate conditions of consent within the DA if they meet the criteria for Building Plan Approval and /or Section 73 requirements.
Endeavour Energy	Response received. Standard conditions to be applied to any development consent.
Transport for NSW (Parramatta Light Rail)	Letter dated 14 November 2018 requests the preparation of a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office (SCO). A condition of sent to this effect is proposed. The referral also raised issues regarding emergency access in light of the proposed light rail construction. Updated plans/figures/diagrams were requested that include details of the PLR alignment and Parramatta Square Stop on Macquarie Street. These plans have been provided and TfNSW has advised that is raises no objection to the proposal subject to the imposition of agreed conditions of consent. These have been included in the condition set.

## 5. Environmental Planning and Assessment Act

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

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

This section requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

The site has previously been cleared of all vegetation under separate demolition and archaeological investigation development consents. It is therefore considered that the proposal will not result in any impact on threatened species, populations or ecological communities or their habitats.

### 5.2 Section 4.15: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

Table 3: Section 79C(1)(a) considerations

<i>Provision</i>	<i>Comment</i>
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 6
Section 4.15(1)(a)(ii) - Draft environmental planning instruments	Not applicable
Section 4.15(1)(a)(iii) - Development control plans	Refer to section 8
Section 4.15(1)(a)(iia) - Planning agreement	Refer to section 9
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 10
Section 4.15(1)(b) - Likely impacts	Refer to section 11
Section 4.15(1)(c) - Site suitability	Refer to section 12
Section 4.15(1)(d) - Submissions	Refer to section 13
Section 4.15(1)(e) - The public interest	Refer to section 14

## 6. Environmental planning instruments

### 6.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;



- State Environmental Planning Policy (State and Regional Development) 2011; and
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

## **6.2 State Environmental Planning Policy No. 64 – Advertising and Signage**

SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP applies to all signage and requires that development consent must not be issued unless the consent authority has had regard to the matters for consideration.

The development application does not seek approval for any proposed signage. A condition of consent is required which provides that signage is not approved as part of the subject application and requiring a future development application for any proposed signage. Directional signage/wayfinding and heritage interpretation is underway and the detail will be delivered via condition.

## **6.3 State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. If remediation is required, the consent authority must be satisfied that it is carried out before the land is used for the proposed purpose. Before determining an application, the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

A Detailed Site Investigation Report for the Parramatta Square precinct (Stages 2 to 6) was submitted as part of previous development applications 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 use subject to implementation of an appropriate remedial / soil management plan to be implemented as part of the early works.

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). Further development consents DA358/2015 (3PS basement car park) and DA436/2016 (4&6PS basement car park and tower above) provided for excavation to a depth of approximately 18-20m and removal of soil. This work has been completed and accordingly contaminated soils beneath the proposed public domain Stages 1 and 2 has been removed.

The subject application includes a site audit statement for the Stage 1 Public Domain lands (as part of 3PS site) which concludes that the site is suitable for use as a mixed commercial use (including childcare centre). In addition, a Validation Report has been submitted for the Stage 2 Public Domain lands as part of the 4PS site which documents that the site has been remediated in accordance with the approved Remediation Action Plan and is suitable for the proposed land uses.

Council's Environment & Health Compliance Team has reviewed the submitted reports and has concluded that the site is suitable for the proposed use subject to the conditions of consent being imposed on any development consent which require a site audit statement to be submitted and remediation works to be carried out. (Refer to the referral dated 27 July 2019). Accordingly, it is considered that the requirements of SEPP 55 have been met.

#### **6.4 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005**

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. This outcome will be achieved through the proposed design.

#### **6.5 State Environmental Planning Policy (Infrastructure) 2007**

Clause 86 of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) generally provides that a consent authority may not grant consent to development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25 metres (measured horizontally) of a rail corridor without first obtaining the concurrence of the rail authority. The proposed development is within 25m of the Parramatta Light Rail alignment along Macquarie Street. However the proposed development does not involve penetration of ground to a depth of 2m or more (as this was previously approved as part of the basement beneath the Square). Concurrence is not therefore required. Notwithstanding Transport for NSW has been advised of the proposed development as the relevant authority for the Parramatta Light Rail corridor. In response Transport for NSW has indicated, following submission of additional information reflecting the impact of the proposed Parramatta Light Rail, that it has no issues with the proposed development subject to the imposition of agreed consent conditions. These conditions are included in the condition set.

#### **6.6 State Environmental Planning Policy (State and Regional Development) 2011**

As the proposed development is Council-related development with a capital investment value of more than \$5 million, Part 4 and Schedule 7 of the *State Environmental Planning Policy (State and Regional Development)* provides that the application is regionally significant development and therefore the Sydney Central City Planning Panel is the consent authority.

#### **6.7 Parramatta Local Environmental Plan 2011**

##### Zoning and permissibility

The subject site is zoned part B3 "Commercial Core and part B4 "Mixed Use" under Parramatta LEP 2011 (refer Figure 8 below). The proposed development is for public domain works which is most closely defined as a "community facility" under PLEP 2011. A community facility is defined as follows:

*community facility means a building or place:*

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

The proposed Parramatta Square is a place that is owned and controlled by Council and will be used for the welfare of the community. Community facilities are permissible with consent within both the B3 and B4 zones.

Public domain works and as the use of the site for 'public domain' can also be considered as an innominate use which is a use which is not specifically named or referred to in the zone.

#### Zone objectives

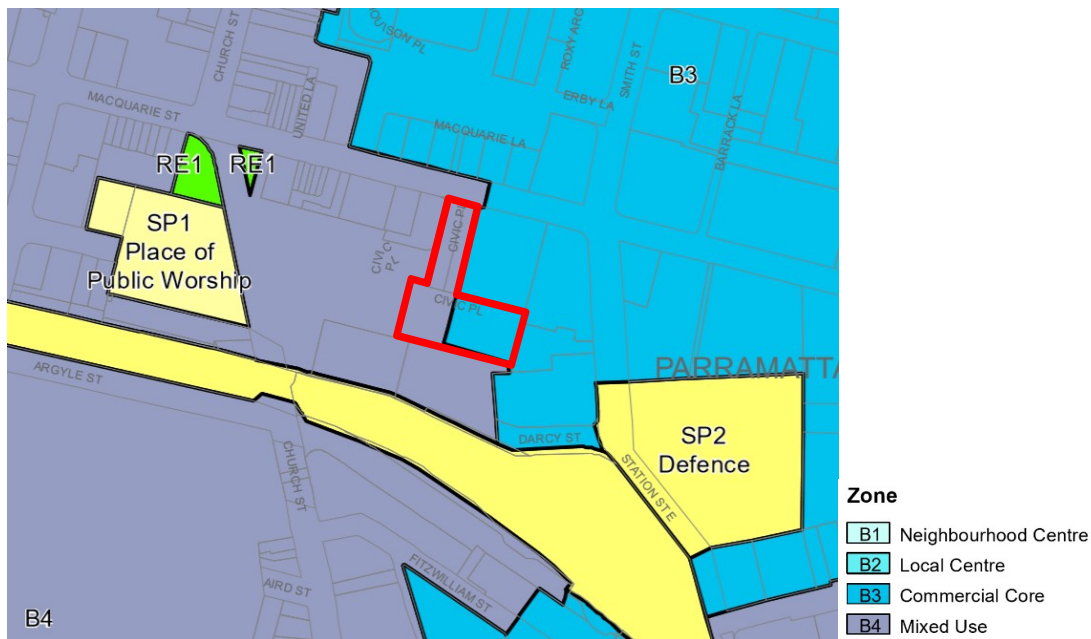
Clause 2.3(2) of the LEP requires the consent authority to have regard to the zone objectives when determining a development application. The objectives of the B3 zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of the Parramatta City Centre as the regional business, retail and cultural centre, and as a primary retail centre in the Greater Metropolitan Region.*
- *To create opportunities to improve the public domain and pedestrian links throughout the Parramatta City Centre.*
- *To provide for the retention and creation of view corridors.*
- *To protect and enhance the unique qualities and character of special areas and heritage values within the Parramatta City Centre.*
- *To protect and encourage accessible city blocks by providing active street frontages, and a network of pedestrian-friendly streets, lanes and arcades.*

The objectives of the B4 zone are:

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

The proposal is considered to be consistent with the objectives of the B3 and B4 zones and in particular it will improve the public domain and provide pedestrian links while retaining view corridors through the public space. It will be compatible with surrounding land uses and the particular heritage values of the area. The public domain works will contribute to an active, vibrant and sustainable Parramatta Square Precinct, will improve the quality of the public domain, provide for appropriate pedestrian links and will protect and enhance the Parramatta City Centre.



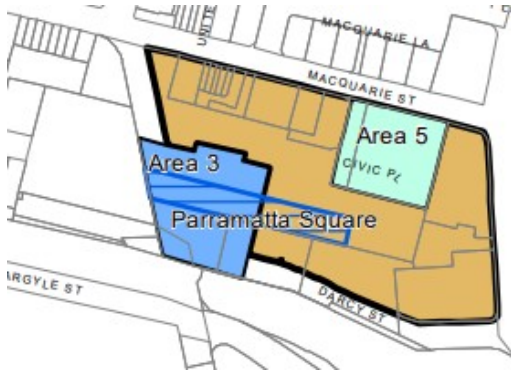
**Figure 8:** Site zoning (Note: approximate site boundary shown red)

#### Remaining provisions

Consideration of the remaining provisions of the LEP which are relevant to this application is provided in the following table:

**Table 4: PLEP 2011 compliance table**

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
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.</p> <p>The site does not contain any known heritage items. Archaeological excavation works were 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. Relevant Section 140 and Aboriginal Heritage Impact Permits are in place for these works.</p> <p>The site is located in the vicinity of several heritage items, with the key potential impact associated with the works being adverse vibration impacts. It is considered that conditions of consent will ensure that any potential impacts on heritage items in the vicinity can be avoided or mitigated.</p> <p>This matter is addressed in further detail at Section 11.5 of this report.</p>	<b>Yes</b>
Clause 6.1 Acid sulphate soils	<p>This clause provides that consent is required if a site is within 500m of Class 1, 2, 3 or 4 land and will lower the water table by more than 1m. If consent is required, an ASSMP is required.</p> <p>The site comprises Class 5 acid sulfate soil and is within 500m of Class 4 land. The proposed development does not however include any earthworks. Accordingly, this provision is not relevant.</p>	<b>N/A</b>

Clause	Comment	Complies
<p>Clause 6.3 Flood Planning</p>	<p>This clause applies to land below the flood planning level and requires consideration of flood impacts.</p> <p>The subject site is at or below the flood planning level and is considered to be at medium to low risk of flooding. Flood protection is required for any future new buildings and basement car park entries. These requirements have been built in to surrounding development approvals.</p> <p>It is considered that the proposed development is compatible with the potential flood hazard of the land and is not likely to adversely affect flood behaviour, provided relevant conditions of consent are imposed. Conditions of consent are proposed including the requirement for a Construction Soil and Water Management Plan to address (amongst other matters) how the excavation and surrounding land are to be protected from the ingress of rainwater and overland flooding.</p> <p>The overall surface levels design for the Parramatta Square Public Domain will align with the finished floor levels for all of the new Parramatta Square buildings. Finished surface levels within this area will need to ensure the area is self-draining and allows any surface water to flow to Macquarie Street and not enter private areas or buildings. A Storm Water Management Strategy (SWMS) is included as part of the Civil Infrastructure Report prepared by BG&amp;E.</p> <p>Council's Development Engineer has provided advice that the DA design meets all requirements in regard to flooding and that no additional conditions are required. Flooding is considered in further detail at Section 11.11 of this report.</p>	<p><b>Yes</b></p>
<p>Clause 7.4 Sun access</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. It provides that the consent authority must not grant consent to development on any land if the consent authority is satisfied that the development will result in <u>any additional overshadowing</u>, between 12 noon and 2pm, on Parramatta Square, being the land at Parramatta Square shown with blue hatching on the Sun Access Protection Map (see below).</p>  <p>Part of the Stage 2 Public Domain works are located within the area shown blue hatched (sun protection box) and would result</p>	<p><b>Yes</b></p>



Clause	Comment	Complies
	<p>in minor shadowing of this area between 12.00noon and 2pm in mid-winter as a result of proposed trees and their planters. Shade structures have been indicated as temporary structures as they will only be provided until such time that trees can provide shade. A condition will apply in this regard.</p> <p>Clause 7.4 of the LEP is a development standard and as such can be varied using Clause 4.6. This view has previously been supported by Council's legal team. 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 minor nature of the shadowing that will result from the canopy trees, planter walls and temporary shade structures and the intent of Clause 7.4. This issue is considered in detail at section 11.4 below.</p>	
<p>Clause 7.10 Design excellence</p>	<p>This clause seeks to deliver the highest standard of architectural, urban and landscape design and contains provisions regarding design excellence and requirements for a competitive design process in certain circumstances. The provision requires that development consent must not be granted to development having a capital value of more than \$10,000,000 on a "Key site" identified on the Key Sites Map unless a competitive design process has been held in relation to the proposed development. The subject site is a key site as shown on the key sites map and the proposal has a capital value of more than \$10,000,000. A competitive design process is defined in the clause as "an architectural design competition carried out in accordance with procedures approved by the Secretary of the Department of Planning and Environment". Notwithstanding this clause the Government Architect's Office has advised by letter dated 3 June 2019 (refer Attachment 4) that it is of the view the intent of clause 7.10 is that it applies to buildings of scale and not public domain or small structures. Further the letter notes that to this end the Director General's Design Excellence Guidelines refer specifically to buildings. The letter states that Government Architect does not support the need for a design competition for the subject site but that given the site's prominence, its significance and the broader design excellence objectives of Clause 7.10, instead recommends that:</p> <p><i>A process of independent design review, for example through the Parramatta Design Review Panel is established to ensure the public domain scheme delivers design excellence through to completion of construction. This should include continuing review at regular intervals through documentation and construction stages of the projects, whenever a significant change is being considered (such as would require a Section 96 application) or at the request of the panel themselves.</i></p> <p>A condition of consent to this effect is proposed and will ensure</p>	<p><b>N/A</b></p>

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
	<p>that design excellence is achieved within the Square through the completion.</p> <p>A number of conflicting legal opinions have been obtained to determine whether strictly speaking clause 7.10(5) applies to the subject DA, Council's Legal Services Manager has provided advice that he agrees with the position that the intent of the Design Excellence Guidelines called up by clause 7.10 (5) of the PLEP do not apply to this type of public domain project. In light of this and the Government Architect's advice he has concurred with the view that a Competitive Design process is not required in this instance. Accordingly it is concluded that it is open to the Panel to approve the application notwithstanding that a competitive design process has not been undertaken.</p>	
Clause 7.11 Development on land at 153 Macquarie Street and part of 1A Civic Place, Parramatta	Part of the site is within "Area 5" of the Special Provisions map to which this clause relates. However, the clause includes controls which only apply to development involving the erection of a new building or external alterations to an existing building, and therefore it is not applicable to the subject application.	<b>N/A</b>

## **7. Draft Environmental planning instruments**

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

## **8. Development control plan**

### **8.1 Parramatta Development Control Plan 2011**

The purpose of this DCP is to supplement the Parramatta LEP 2011 and provide more detailed provisions to guide development. The following parts of the DCP are relevant to the subject proposal:

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

Compliance tables are provided below:

**Table 5: DCP 2011 – Part 2, Site Planning – Compliance table**

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
2.4.1 Views and vistas	<ul style="list-style-type: none"> <li>• The proposal reinforces public view corridors through placement of plantings to enable views east-west and north-south. Trees are clear trunk to protect view lines and vistas.</li> <li>• Views of significant topography, key landmark buildings or sites of historical significance are not impacted by the proposal.</li> </ul>	<b>Yes</b>
2.4.2 Water management	<ul style="list-style-type: none"> <li>• The site is flood affected – refer to section 11.12</li> <li>• Groundwater impacts do not arise as the proposal does not include any earthworks.</li> <li>• Stormwater and water quality, both during and post construction can be suitably managed. As advised by</li> </ul>	<b>Yes</b>

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
	Council's Development Engineering the design meets all relevant requirements in regard to flooding, management of overland flow, stormwater trunk and sideline conveyance and infrastructure, WSUD, and stormwater quality management. No additional conditions are required.	
2.4.3 Soil management	<ul style="list-style-type: none"> <li>• Sedimentation controls during construction can be addressed by condition of consent.</li> <li>• The site has an Acid Sulphate Soils classification of 5 however no earthworks are proposed as part of the subject application.</li> <li>• Salinity is not identified as a site constraint.</li> </ul>	<b>Yes</b>
2.4.4 Land contamination	<ul style="list-style-type: none"> <li>• Contamination and remediation has been addressed as part of other applications applying to the site. Conditions of consent, consistent with those previously imposed have been recommended.</li> </ul>	<b>Yes</b>
2.4.8 Public domain	<ul style="list-style-type: none"> <li>• The proposed works will allow for public access to the public domain and are in accordance with Council's public domain guidelines.</li> </ul>	<b>Yes</b>

**Table 6: DCP 2011 – Part 3, Development principles – compliance table**

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
3.3 Environmental amenity	<ul style="list-style-type: none"> <li>• The proposed landscaping uses hardy indigenous plant species. With the exception of plantings proposed along Church Street (Stage 3 DA), all plantings are in large deep soil planters on structural slab and trees are to be installed at mature size.</li> <li>• Stormwater design is integrated into the landscaping</li> <li>• Water efficiency is incorporated, use of rainwater, WSUD etc.</li> <li>• Appropriate operational waste management measures have been incorporated into the submitted waste management plan</li> <li>• Construction waste management has been addressed in the Project Management Plan. Appropriate conditions of consent are recommended.</li> </ul>	<b>Yes</b>
3.4 Social amenity	<ul style="list-style-type: none"> <li>• The provision of public art is not included in the application however, the landscape plans allow for future implementation in accordance with the Performance Specifications. If the proposal is approved, a condition of consent would be required to ensure public art is provided.</li> <li>• Access for people with a disability is considered to be satisfactory subject to recommended conditions of consent. Refer to section 11.9.</li> <li>• Safety and security is satisfactory subject to conditions. Refer to section 11.11.</li> </ul>	<b>Yes</b>
3.5 Heritage	<ul style="list-style-type: none"> <li>• Heritage considerations have been addressed at section 11.4.</li> <li>• A heritage impact statement has been submitted with the application which states that the site is not listed as an item of local heritage significance but is in the vicinity of a number of heritage listed items. The report concludes that the proposed public domain works will have a positive impact on the heritage items fronting the southern portion of Church Street by improving their amenity and public setting. These include St John's Cathedral, Parramatta Town Hall, the Murrays building, Bicentennial Square and the Memorial</li> </ul>	<b>Yes</b>

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
	Clock. The report notes that the works are acceptable from a heritage perspective as the heritage significance of the identified heritage items in the vicinity will be retained. The subject assessment concurs with this conclusion.	

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

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
4.3.3.3 Public domain and pedestrian amenity	<ul style="list-style-type: none"> <li>The proposed public domain provides for a high degree of pedestrian connectivity both through the Square and to / through surrounding buildings.</li> <li>The proposed public domain is in accordance with Figure 4.3.3.3.1 and the Council's Public Domain Guidelines for Parramatta Squarer</li> </ul>	<b>Yes</b>
4.3.3.4 View and view corridors	<ul style="list-style-type: none"> <li>The proposal will provide an appropriate view corridor to / from St John's Church through the public domain as shown in Figure 4.3.3.3.1.</li> </ul>	<b>Yes</b>
4.3.3.6 Environmental management	<ul style="list-style-type: none"> <li>The proposal provides principles for landscape maintenance, with a comprehensive maintenance manual to be prepared for Parramatta Square as a whole.</li> <li>All plantings are in deep soil planters and use soil as specified by the Performance Specification.</li> </ul>	<b>Yes</b>
4.3.3.7(b) Parramatta Square	<p><u>Objectives</u></p> <ul style="list-style-type: none"> <li>The proposal is consistent with the stated objectives for Parramatta Square including reinforcing the urban structure, retaining a civic focus, establishing a legible hierarchy of public domain spaces, reinforcing pedestrian routes and providing for active uses.</li> </ul> <p><u>Site objectives</u></p> <ul style="list-style-type: none"> <li>The proposal is also consistent with the articulated site objectives including providing for public spaces that will cater for a variety of celebrations, events and functions, providing a high level of pedestrian amenity and safety by including weather protection and safety by design principles, allowing for active use of the public domain and recognising the scale of St John's Cathedral.</li> <li>C1 – the proposal provides for a total of 6,000m<sup>2</sup> public open space across the site (excluding Church Street Mall) with a minimum area of 3,000m<sup>2</sup> with a minimum width of 40m across Parramatta Square at the ground level as required. Stage 1 comprises 2,933m<sup>2</sup>, Stage 2 582m<sup>2</sup> and Stage 3 4,416m<sup>2</sup> totalling 7,953m<sup>2</sup>.</li> <li>C3 - Overshadowing is minimised within the area outlined in red in Figure 4.3.3.7.3.</li> <li>C4 – The public open space is, as required, to be formed by a progression of spaces or squares crossing the site from east to west, each with their own character, as shown in Figure 4.3.3.7.4 Following a tender process, Parramatta City Council engaged design consortium 4<sup>2</sup> to provide a concept design for the public domain. Performance specifications and reference design drawings were subsequently prepared. The proposed development is substantively consistent with the specifications identified by Parramatta Councils as confirmed by Council's Public Doman team.</li> </ul>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
	<p><u>Building Form</u></p> <ul style="list-style-type: none"> <li>• C7 - Overshadowing is minimised within the area outlined in red in Figure 4.3.3.7.3 (refer discussion at section 11.3 below).</li> <li>• C8 – Proposal implements principles of heritage conservation, sustainable development, safety by design and equal access.</li> <li>• Development in accordance with Figure 4.3.3.7.4 including requirements for Main Square and Leigh Place.</li> </ul> <p><u>Sustainability</u></p> <ul style="list-style-type: none"> <li>• The proposed landscape design seeks to modify summer and winter climatic conditions and improve amenity for people using the open space.</li> <li>• Sustainability measures in accordance with Council requirements are outlined in ESD report submitted with the application, prepared by LCI. The report confirms that general compliance with the objectives of the Parramatta DCP 2011 and Green Star Communities V1.1 has been sufficiently addressed at DA stage and that Provision made for stormwater collection and reuse and investigation of future connection to recycled water infrastructure / renewable energy sources if feasible. Council's sustainability officer has confirmed measures are appropriate subject to recommended conditions of consent.</li> </ul> <p><u>Access, Parking and Servicing</u></p> <ul style="list-style-type: none"> <li>• C9 – This provision requires that detailed public domain designs should include shared pedestrian and cycle access. The layout and design of the Square and surrounding buildings provides good permeability for pedestrians and cyclists consistent with this requirement. Cycle access is notably limited to across the Square from Leigh Place to the Rail concourse, along Church Street Mall to Macquarie Street and via Smith Street. This is considered to be acceptable in the circumstances given site levels and the need to ensure minimal opportunity for conflict with pedestrians. Council's Senior Catchment and Design Engineer has advised that all aspects of the DA design including vehicle and pedestrian access and emergency access requirements have been met.</li> </ul> <p><u>Heritage</u></p> <ul style="list-style-type: none"> <li>• The proposal protects and enhances the view to and from St John's Church and the Town Hall.</li> <li>• A detailed heritage impact statement has been submitted with the application. The proposal is considered to be acceptable from a heritage viewpoint. The heritage impacts of the proposal are addressed in detailed at section 11.4 below.</li> </ul> <p><u>Public Art</u></p> <ul style="list-style-type: none"> <li>• C1 - 3 – Public art provision in accordance with the Parramatta Square Public Art Masterplan can be addressed via condition as advised by Council's Senior Officer Public Art.</li> </ul>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>



<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
	<u>Utilities</u> <ul style="list-style-type: none"> <li>C.2 This provision requires that service access points and substations are to be minimised along major pedestrian route and adjacent to public open space. Where necessary, their design is to be incorporated into the overall building. A utilities report has been provided which indicates that utilities will meet requirements and be in accordance with the performance specifications. Further Council's internal referral has confirmed that the proposal is acceptable subject to recommended conditions of consent. No additional substation is required.</li> </ul>	<b>Yes</b>
4.3.3.8 Design Excellence	As detailed above a competitive design process is required for the subject development as the development has a capital value of more than \$10,000,000 and is located on a "Key site" identified on the Key Sites Map. A competitive design process is not however required in this case as outlined above. Conditions of consent are however proposed, as suggested by the Government Architect's Office, to ensure design excellence is achieved through the life of the project.	<b>N/A</b>

## 9. Planning Agreements

Walker Group Holdings Pty Ltd has entered into an agreement with the Corporation of the City of Parramatta to deliver the construction of the public domain however the agreement is not a formal planning agreement under the provisions of section 7.4 of the Environmental Planning and Assessment Act 1979.

A section 7.12 (formerly 94A) contribution condition is therefore required in respect of the proposed works.

## 10. 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. There are no prescribed conditions that are relevant to the proposed development.

## 11. 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. Relevant matters are addressed below.

### 11.1 Public Domain / Design / Urban Design / Design Excellence

The proposed works provide for the construction of part of the new Parramatta Square public domain which is to be a major new public urban space within the heart of the Parramatta CBD. The new Square will form the civic and cultural heart of the CBD and will be a key addition to the city centre and will provide an urban room which can be programmed and curated for both casual and formal community uses and activity. It will form a new focus for both community and civic events.

The quality and extent of the public domain enhancement works is the subject of the Parramatta Square Project Development Agreement, Public Domain Performance Specification and Reference Design prepared by the City of Parramatta. Council has confirmed that the proposed works are consistent with these requirements.

The proposed design is also generally consistent with the *Civic Link Framework Plan* adopted by the City of Parramatta Council in 2017 which seeks to create a major pedestrian link (approximately 490 metres long and 20 metres wide) between Parramatta Square and a new civil space on the southern side of Parramatta River, running across four city blocks along the axis of Horwood Place. The connection into Parramatta Square will be between 3 Parramatta Square and the development site owned by the Uniting Church on the western side of Leigh Place. Leigh Place provides the first stage of the Civic Link.

The proposed design provides a hierarchy of spaces and access links through the site from Parramatta Square to Darcy Street, Church Street and Macquarie Street creating a 'legible permeability' and clear and logical paths of travel via three clear access points. The access points provide a sense of arrival into the central square from Darcy Street, into a strong axial relationship with St John's Anglican Church and Church Street Mall and with Leigh Place to the west, which integrates with the existing street pattern beyond.

The public domain provides areas for casual sitting and interaction, for outdoor dining (subject to separate approval) and formal civic events as well as areas for pedestrian flows and access. It has been designed to seamlessly integrate with adjacent buildings which front the Square with active uses. It will also connect to the railway concourse and act as the front door for commuters arriving and departing by trains, buses and the future light rail running along Macquarie Street.

While the design of the Square has not been the subject of a formal design competition it has been determined that a competitive design process is not required in this instance having regard to legal advice and the advice of the Government Architect's Office (refer above). Design excellence has however been achieved and conditions of consent are proposed, as suggested by the Government Architect, to ensure that this will be retained throughout the life of the project in accordance with the intent of clause 7.10 of the Parramatta LEP 2011.

It should be noted that the final design will include additional design elements such as water features and public art installations as well as possible other elements such as a stage for public events and market stalls, wayfinding signage and heritage interpretation of the site. However, these elements do not form part of the subject development application (or separate Stage 3 DA) requiring further investigation and design development. Conditions of consent are proposed in this regard.

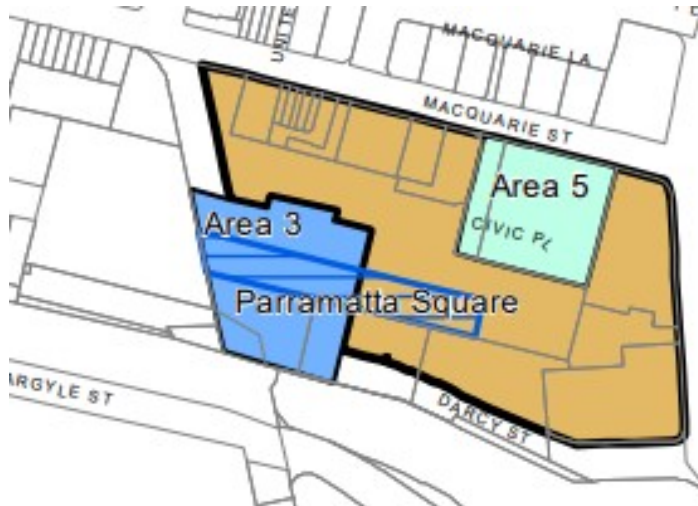
The proposed surface finish for the public domain is granite paving of varied colour and finish and incorporating feature paving. The materials are intended to extend Parramatta City Council's palette of materials and details across the public domain including Church Street and Centenary Square and will create a continuous and seamless interface with the broader public domain of Parramatta Square.

## **11.2 Visual Impacts**

Whilst it is considered that the overall visual impact of the proposed new public domain will be positive, adverse impacts are likely during the construction phase. Adverse visual impacts will be minimised by a condition of consent requiring the submission of a hoarding plan which takes into account the strategic importance of the site as part of the overall Parramatta Square development precinct. Any visual impact will be temporary only and will be mitigated by proposed hoardings.

### 11.3 Solar Access

Clause 7.4(2) of PLEP 2011 states that “the consent authority may not grant consent to development on any land if the consent authority is satisfied that the development will result in any additional overshadowing between 12 noon and 2pm [emphasis added] on Parramatta Square, being land shown with blue hatching on the Sun Access Protection Map” (refer Figure 9 below). Notably the provision refers to development that will result in any additional overshadowing and does not explicitly exclude landscaping, landscape works, shade structures or the like.



**Figure 9:** Sun Access Control Map (Source: Key Sites Map Special Provisions Map Sun Access Protection Map CL1\_010).

Part of the subject site is located within the protected ‘sun box’ area. The proposal includes the planting of canopy trees (both deciduous and evergreen species) within raised planters as well as temporary shade structures and lighting poles and will therefore result in some additional overshadowing from these structures and plantings within the sun protection area between 12 noon and 2pm.

It has previously been confirmed that clause 7.4(2) is a development standard and can therefore be varied under clause 4.6 of the PLEP 2011. The applicant has therefore lodged a clause 4.6 request seeking the vary clause 7.4(2) in the circumstances of the case. A copy of the variation request is provided at Attachment 3. The applicant has requested that flexibility be applied to the application of the clause to permit additional overshadowing of the identified area between 12 noon and 2pm by the proposed planting, landscape works, lighting poles and temporary umbrellas.



**Figure 10:** Solar Zone Protection and proposed works. (Source: JMD Design)

The submitted clause 4.6 variation request sets out a compelling argument as to why flexibility should be allowed in the application of clause 7.4(2). It notes that the clause has been amended post lodgement of the DA and was not intended to apply to trees, landscape structures and work for the public domain. The proposed trees and structures are not inconsistent with the objective of the clause which is to protect public open space within Parramatta Square from overshadowing. Should the clause prevent installation of trees, shade structures and the like it would not allow appropriate measures to provide for amenity within the space to allow its use by the public. Rather the clause is intended to limit the shadow impact of buildings and structures surrounding the Square to specifically preserve access to sunlight in the 'sun box' area. It was not intended to prevent landscape treatments within the Square which are required to provide for the community use and enjoyment of the space. 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 and that strict application of the clause in this instance would be unreasonable and unnecessary. Accordingly, it is considered that the clause 4.6 variation request is well founded and should be supported in this instance.

#### 11.4 Wind

The wind environment within the future Parramatta Square is a significant issue in the development of the Parramatta Square precinct and has previously been raised by the Design Jury for the various buildings surrounding the Square as a matter which requires detailed consideration. A number of wind reports have been prepared for the buildings surrounding the Square and have been 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 is challenging.

To address wind impacts the applicant has submitted a memo prepared by Windtech in respect of wind conditions in the Square. It draws on the findings of previous reports but does not include detailed wind modelling for the Square itself. The memo concludes that on the basis of previous work undertaken the entire section of the public domain of Parramatta Square proposed in the subject DA (Stages 1 and 2) will satisfy the "Comfortable Walking" and "Safety" criteria without the need for any wind mitigation devices. However, wind conditions for the seating areas within the public domain Parramatta Square, and for the outdoor dining areas of 4 Parramatta Square would

exceed the more stringent “Short Exposure” and “Long Exposure” wind speed criteria. Wind mitigation items, to enable compliance with the relevant wind speed criteria were therefore previously recommended including:

- an awning over the entirety of the outdoor dining area of 4 Parramatta Square, and
- scattered vegetation in the form of densely foliating trees within the section of the public domain of Parramatta Square between 4 Parramatta Square and 3 Parramatta Square.

The memo notes that the subject DA drawings include these items therefore it concludes that suitable wind conditions will be experienced by pedestrians within the entirety of the section of the public domain of Parramatta Square proposed as part of the subject DA. It is however noted that the proposed outdoor dining is not to be approved as part of the subject DA and rather requires separate development consent.

Given the importance of this issue to pedestrian comfort, safety and the usability of the Square, independent advice has been sought on this matter from SLR which previously provided advice on wind aspects of the surrounding building DAs. This advice was not available at the time of writing however will be available prior to determination. It is anticipated that the advice will confirm that the proposed development will provide an appropriate wind environment within the Square however this is to be confirmed in addition to whether any conditions of consent are required. Subject to receipt of this confirmation it is considered that the proposal is acceptable from a wind perspective. SLR’s advice will be provided to the Panel for consideration prior to determination and any recommended conditions of consent will be added to the draft condition set.

Subject to the receipt of advice from SLR confirming that the proposed wind environment within the Square will be acceptable (and any recommended conditions of consent), it is considered that wind impact has been adequately addressed and that the proposed design will provide for an acceptable wind environment within the Square.

## **11.5 Heritage**

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. Relevant Section 140 and Aboriginal Heritage Impact Permits are in place for these works.

The site is located in the vicinity of several heritage items, as shown in the LEP Heritage Map extract at Figure 3 (above) and listed as follows:

- Parramatta Town Hall (and potential archaeological site) – Item 650
- Bicentennial Square and adjoining buildings – Item 651
- Murrays Building (and potential archaeological site) – Item 652
- Wardens cottage (verger’s cottage), 195 Church Street – Item 653
- Centennial Memorial Clock, Bicentennial Square – Item 654
- Kia Ora (and potential archaeological site) - Item 716
- Leigh Memorial Uniting Church, 119 Macquarie Street – Item 719
- Parramatta Railway Station – Item 00696 (State significant)
- St John’s Anglican Cathedral, 195 Church Street (State significant) – Item 01805

A Statement of Heritage Impact prepared by NBRS Architecture (May 2018) has been submitted with the application which notes that the proposed development is for landscape works to the public domain at the Parramatta Square development, which is in close proximity to a number of heritage items. These heritage items have an important role in the public domain in Parramatta and the



visibility, architectural legibility, accessibility and amenity of these items are important aspects of their cultural significance. The report concludes that the works are acceptable from a heritage perspective as they will improve the public space surrounding the identified heritage items in a way that does not dominate these items or obscure their legibility or architectural significance. Overall it concludes that “the proposed public domain works will contribute to the further development of a civic place at Parramatta which was created by the historic buildings in the vicinity of Parramatta Station and Church Street. The public appreciation of their historic significance, which is achieved through the visibility of their architecture and its demonstration of their historical development, will be retained. The nearby heritage items will continue to be understood as making distinct and significance [sic] contributions to the built landscape of Parramatta.” In summary the report concludes that all impacts are either positive or acceptable.

In relation to the Nationally listed Old Government House and Government Domain within Parramatta Park, the report notes that whilst the public domain works fall within the zone identified as a ‘High significance view’ the works do not involve the construction of any built elements and will not constitute a built additional, or substantial alteration to the existing view.

The Statement recommends that an interpretation strategy be implemented to interpret the cultural heritage of the nearby heritage items in order to comply with the objectives of the Parramatta DCP 2011. The heritage interpretation plan for stages 1 and 2 has been prepared and has been provided to Walker for inclusion in the detailed design development. This can be addressed via a condition of consent.

Having regard to the above, the findings of the heritage impact statement submitted with the application and Council’s internal heritage referral, it is considered that the proposal is acceptable from a heritage viewpoint and that the proposed works will not result in any adverse heritage impacts.

## **11.6 Traffic and Transport**

The proposal relates to public domain works only therefore traffic and transport issues are limited to pedestrian, emergency and service access. These matters are addressed below:

### ***Pedestrian Movement***

The proposed public domain integrates seamlessly with the existing and future pedestrian network and provides a high level of pedestrian access throughout the square connecting adjacent streets through a pedestrianised ‘car free’ space and further connecting the existing and planner public transport hubs. The space is designed in one plane allowing universal accessibility throughout the Square connecting in to adjacent through site links, the proposed Light Rail stop to the north, railway Station to the south, Church Street Mall to the west and Smith Street to the east. Pedestrian desire lines and a high level of permeability have therefore been provided for.

The central area of the central public domain is unobstructed by furniture or plantings or other structures to accommodate various events. A clear public pedestrian passage along building frontages on the southern perimeter of the public domain is provided and includes a covered pedestrian colonnade with awnings to provide weather protection. Further an unobstructed 9m wide pedestrian thoroughfare with additional 3m wide clear visibility corridor is maintained from Parramatta Railway Station via Leigh Place to the proposed Light Rail Stop.

Pedestrian modelling has been undertaken as part of the application and indicates that, with the addition of buildings planned adjacent to Parramatta Square, the surrounding pedestrian infrastructure within the Square will operate within the target LOS B. Other areas, where there are narrow stairs and constrained space would operate at lower levels of service however the report notes that pedestrians will re-route at peak times around this congestion. This will not however affect the LOS of the public domain.

It is therefore considered that the proposal work will provide a good level of accessibility throughout the Square and to adjacent streets and destinations.

### ***Service and emergency access***

Vehicular access to the public domain is limited to service and emergency vehicles with access routes proposed as shown on the updated emergency access plan which has been agreed to by Council. A maximum length of 8.8m is proposed for service vehicles with the exception of where deep soil planters delineate around ground by trees and seating. The vehicular route for larger trucks through the centre of the Public Domain is delineated by the grated grain of the (proposed) digital carpet and the corners of the bow-tie planters. Council has advised that a slab loading plan which accommodates these movements has been received.

Council's Senior Catchment and Design Engineer has advised that the provision of utilities and services and emergency vehicle access have been met in the design. Further, the detailed design and construction work of the next stages following the granting of consent will be supervised and approved as appropriate by Council's Public Domain, Assets-Infrastructure and other teams. All of Council's engineering requirements have been met or demonstrated in the DA level designs and specifications. No further requirements or conditions are proposed.

## **11.7 Contamination and Acid Sulfate Soils**

### **Contamination**

The subject land, and the broader Parramatta Square Precinct, is known to be contaminated. Various environmental investigations have been completed across the broader Parramatta Square redevelopment area, including the subject site, and an overarching Remedial Action Plan (JBS&G, 2015) prepared which provided remediation and validation procedures to make the site (and broader redevelopment area) suitable for the permissible land uses.

Remediation has been undertaken across the site and the wider precinct. All fill materials have been removed from the site via waste disposal and remedial works conducted by AWJ from October 2016 to June 2017 (Phase 1) and Mainland from June to September 2017 (Phase 2). The Phase 1 Works were primarily driven by the Aboriginal and historical archaeological investigations and included the excavation of localised areas of asbestos containing material (ACM) impacted fill (generally prior to Archaeological works), the excavation of the majority of the overlying fill material (generally subsequent to Archaeological works) and off-site disposal of waste fill material. Phase 2 works included the removal and off-site disposal of all remaining fill materials that were not removed during the archaeological investigations, removal of former basement structures, installation of diaphragm walls and validation sampling of the surface of the natural material.

A Validation Report prepared by JBS&G has been provided with the development application which provides a summary of the findings of the previous environmental investigations and validates the remediation undertaken on the site against relevant criteria in the Remedial Action Plan. The validation undertaken by JBS&G is based on permissible land uses including residential development, public domain, child care centres and schools. The validation report confirms that contamination concentrations in soil at the surface of the natural residual clays are below the adopted site validation criteria and that there is no residual contamination remaining at the site which would represent an unacceptable risk to current and/or future onsite human or ecological receptors. No aesthetic issues or contamination migration issues were identified. As such, the conclusion of the validation report is that the site is suitable for the permissible land uses.

Council's Environment and Health Compliance Team has reviewed the submitted reports and has confirmed that the reports are satisfactory in their scope and detail, and adequately address contamination concerns for the proposed development and specific remediation in accordance with SEPP 55. Accordingly, standard conditions of consent have been recommended.

#### Acid Sulfate Soils

The site is situated within an area of acid sulfate soils Class 5 however is within 500 metres of Class 4 soils and as such development consent is required for the carrying out of works at depths beyond two metres of the existing natural ground surface. Excavation is not proposed as part of the subject application therefore this matter is not relevant.

### **11.8 Utilities and Services**

The application notes that the Existing Infrastructure Services Report prepared by WSP Parsons Brinckerhoff for Parramatta Council dated 20 October 2015 indicated that all services can be extended and/or augmented to service the re development of Parramatta Square to meet the anticipated demand loads. Further the design of utilities connections and equipment to the specifications of the relevant service providers is outlined in the DA Services Report submitted with the application. Further consultation with service providers will be undertaken.

The power supply to the public domain is proposed to be provided from the 5 Parramatta Square main switchboard and with capacity in the substation supplying the main switchboard allocated to the Public Domain. A temporary power supply may also be taken from 4 Parramatta Square to facilitate the staging of the works and power selected loads such as lighting and CCTV. It is proposed that the Public Domain will form part of Parramatta City's Smart Precinct and will be "IT enabled".

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

### **11.9 BCA and Accessibility**

The surface levels of the public domain have been designed with gradients at the entry/exit positions of the doorways to achieve compliance with AS1428 Design for Access and Mobility. The maximum gradient adopted is 1:40 (2.5%). An absolute minimum gradient of 0.5% has been adopted along flatter sections to facilitate adequate drainage of surface flows.

An Accessibility Design Review report, prepared by McKenzie Group has been submitted with the development application which assesses the proposal against the *Building Code of Australia* (BCA) and the *Disability Discrimination Act* (and Disability Standards) (DDA).

Public domain spaces do not fall under any specific Federal or State based legislation with regards to access requirements. However, the Parramatta City Centre Public Domain Guidelines (2017) reference the AS 1428 suite of Standards encompassed within the *Access to Premises Standards*. The proposal has also been considered against the DDA which seeks to ensure all new building infrastructure, refurbishments, services and transport projects provide functional and equitable accessibility.

A number of recommendations are included in the Accessibility Design Review report to be incorporated into further detailed design. Overall, the design is considered to be capable of meeting the BCA and DDA standards.

A condition of consent is recommended to require compliance with the relevant standards including the: *Disability Discrimination Act (DDA) 1992*; *Parramatta City Centre Public Domain Guidelines (2017)*; *AS1428.1 2009 Part 1: General Requirements for access – new building work*; *AS1428.2 1992 Part 2: Enhanced and additional requirements – Buildings and facilities*; and *AS1428.4.1 2009 Part 4.1: Means to assist the orientation of people with vision impairment – TGS1*.

### **11.10 Structural Engineering**

A Public Domain Structural DA Report has been prepared by BG&E and forms part of the development application. The report recommends a strategy to improve buildability by constructing a primary slab at a lower level which is essentially flat and which follows the topography of the public domain. A secondary slab would then be laid on top of the primary slab and can be constructed to form the required shapes of the landscape design (such as planters).

DA condition of DA 436/2016 requires that “all public domain areas shall be supported by a slab with a load capacity of 20kPa.” The report states that this figure should be treated as a minimum combined with superimposed dead and live load to be supported by the primary structure. Recommendations were also made regarding temporary load structures. The following additional comments were made:

- The designer is to allow for any additional loads specific to their projects where appropriate.
- Combinations of the above loads should be used as appropriate, however the total sum of loads should be a minimum of 20kPa in all cases.
- Soil depth is to be a minimum of 1m. Polystyrene infill blocks may be used as void filler to reduce load where depths are greater than 1m.
- Soil specifications for lightweight mixes may be considered to reduce load. Consultations with the landscape designers should be sought.

Council's Senior Catchment and Design Engineer has advised that the public domain of Parramatta Square has been subject to extensive engineering assessment and amendments to meet acceptable civil and environmental engineering, landscape and urban design standards. The resulting DA design meets all of the requirements in regard to civil works construction and maintenance methodology for civil infrastructure, paving and pavements, vehicle and pedestrian access, provision of deep soil, as well as non-physical aspects of the development such as ensuring rights of public access and drainage. No further conditions are required.

### **11.11 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) submitted with the application indicates that the design has given due regard to these considerations. In summary the report concludes that the proposed development is appropriate within the context of the subject site and is consistent with the NSW Department of Planning and Infrastructure guidelines on minimising crime risk.

To ensure a suitable outcome is achieved, the recommendation includes matters which should be addressed during design development as follows:

- Seek justification for the dark spots including within the lighting reference design and obtain confirmation that these areas will have as-built lighting levels (provided by feature lighting / spill over or installed lighting) that are sufficient to support either natural surveillance or technical surveillance (CCTV)
- Develop a technical security design incorporating such features as CCTV and emergency help points, to support the effectiveness of the CPTED guidelines
- Undertake further assessment on terrorism related risk, to inform the design development of such features as vehicle bollards.

These matters can be addressed by conditions. A swept path analysis plan has been submitted that shows emergency access for fire trucks throughout the public domain.

### **11.12 Water Management**

Managing the flows of rainwater, stormwater, ground water and flood waters between the public and private domains across the Parramatta Square precinct is complex. These matters are addressed below.

#### Stormwater Management

BG&E Engineering Services has prepared a DA Civil Infrastructure Report which forms part of the development application. This report deals with the entire precinct and includes areas within Stage 1, Stage 2 and Stage 3. A Stormwater Management Strategy (SWMS) is included in the report. The SWMS includes an assessment of the relevant catchments for the stormwater flow, the stormwater drainage components of the public works and overland flows. A Pre and Post Development Assessment of the Stormwater Network to forecast flows into the Council's existing network was also undertaken using modelling for the precinct and upstream network.

As a result of the above, there are a number of outstanding issues which require clarification or variation to performance specifications. No objection has been raised by Council's engineer subject to conditions of consent being applied to any development consent.

#### Flooding

A Flood Risk Management Assessment has also been prepared by BG&E Pty Ltd as part of the DA Civil Infrastructure Report and submitted with the application. The precinct is subject to flooding from both the Parramatta River (fluvial) during the Probable Maximum Flood (PMF) and the local catchment. Flood advice was based upon the assessment carried out within the 4 Parramatta Square Flood Risk Assessment dated December 2017 (S15243-C-4-RPT-001).

The report concludes that the proposed development is compatible with the potential flood hazard of the land and is not likely to adversely affect flood behaviour, provided relevant conditions of consent are imposed. Council's engineer has advised that the proposal is satisfactory subject to recommended conditions of consent including in relation to flood risk.

#### Water quality during construction

A concept site construction, soil, water and environmental management plan which details how the site and surrounds will be managed to mitigate environmental harm and other impacts has been submitted within the DA Civil Infrastructure Report.

This concept environmental site management plan has considered excavation conditions and methods, the management of ground water, the management of overflow flow. The responsibility of the performance monitoring for all drainage control measures and erosion and sediment control devices will be that of the Contractor. All checklists and inspections are reported to the Construction Manager.

Council's engineer has advised that the proposal is satisfactory.

### **11.13 Waste Management**

Operational waste has been addressed in the Waste Management Plan submitted with the application. Council's Environmental Health Officer has provided advice that the proposal is appropriate in terms of waste subject to recommended conditions of consent.

### **11.14 Environmentally Sustainable Development**

An ESD report prepared by LCI Consultants has been submitted with the application and includes a review of the applicable ESD requirements, policies and rating tools relevant to the Parramatta Square public domain. A series of initiatives have been considered to achieve the statutory requirements and the report notes that a number of additional initiatives will be explored and developed to achieve a 5 Star rating under the Green Star Design and As Built v1.1 tool. This rating equates to 'Australian Excellence' in sustainable design. Having regard to the proposed ESD initiatives and Parramatta Square performance specifications it is considered that the project is acceptable in terms of ESD subject to recommended conditions of consent.

### **11.15 Social and economic impacts**

It is considered that the proposal will not result in any adverse social or economic impacts rather it will provide significant social and economic benefits to Parramatta including through the creation of a new civic square and public domain space. The proposal will also provide additional employment and investment (both during construction and ongoing). Further it will provide significant community benefits in the form of the pedestrian connections (Civic Place and adjacent pedestrian spaces). The benefits are consistent with Council's vision for the area and will contribute to the establishment of Parramatta as 'Australia's next great city'.

Council's Social Outcomes team has advised that the proposal will have a significant positive social impact, by making improvements to the Parramatta CBD, providing job opportunities during construction and operation, providing social active and engaging spaces, for leisure, entertainment and employment. Issues were raised in relation to matters such as wayfinding for the visually impaired and non-English speaking people, better addressing youth and the homeless in the final design, ensuring a mix of seating is provided and ensuring weather cover for pedestrians. It is considered that these matters relate to detailed design development.

### **11.16 Construction Impacts**

Conditions of consent are proposed to ensure the minimisation of construction impacts, including a condition requiring adherence to Council's standard hours of construction, being:

- 7am to 5pm Monday to Friday
- 8am to 5pm on Saturdays
- No work to be carried out on Sundays or public holidays.

Submission of a detailed Construction Environmental Management Plan will also be required.

A Project Management Plan prepared by CPM Consulting has been submitted as part of the development application. This report identifies a series of recommendations to maintain noise and vibration impacts at acceptable levels, including the preparation of a Construction Noise, Vibration and Disruption Management Plan (CNVDMP) which will be developed by the appointed contractor to address the construction generated noise and vibration which will occur during the construction process and a complaints register put into place. The recommended mitigation measures will be required to be implemented by way of conditions of consent and must be incorporated into the CNVDMP prior to the commencement of any works on the site.

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

## 12. Site suitability

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

- It is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- The site attributes are conducive noting natural constraints/hazards; ecological and heritage impacts are able to be properly managed.
- The proposed development has been designed to integrate with the surrounding land uses and development sites.

## 13. Submissions

The application was notified consistent with Appendix 5 of DCP 2011. One (1) submission was received. Issues raised in the submission are outlined in the table below:

**Table 9: Summary of issues raised in submissions**

	Issue	Response
1.	The submitted design is not consistent with the original design	No issues have been raised by Council officers during the process. Parramatta Council has played an active role in the master planning of the public space and the proposed works are generally consistent with the Final Concept Design which was endorsed by Council.
2.	The space is too cluttered.	Adequate public access pathways though the space, on both sides of the square have been provided. Important views have also been retained.
3.	The quality of the reproduced document is poor	The quality of the documentation is adequate and generally provides clear and concise details.
4.	The space does not allow a clear vision from Smith Street to St John’s Cathedral.	The heritage consultants NBR Architecture have made an assessment of views of the Cathedral from various points including the views identified in the Parramatta DCP (which identifies a number of important views which should be retained.) They have concluded that the heritage items in the vicinity of Parramatta Square will be retained as key contributors to the character and quality of this civic space. Council’s heritage officers concur with this assessment.
5.	Paving should be one material	The proposed surface finish for the entire space is granite but of varied colour and finish. This is considered appropriate and is consistent with the Final Concept

	Issue	Response
		Design which was endorsed by Council.
6.	No obstructions should be put into the square.	Consideration has been given to providing unobstructed areas integrated with some planting, seating and shade for public amenity. The design of the square is consistent with the Final Concept Design which was endorsed by Council and provides for a range of uses.
7.	Everyone should be considered in the design process. Consideration should be given to issues such as OH&S.	The design has incorporated a selection of high quality materials and finishes which meet the Parramatta Public Domain Specifications.

## 14. Public interest

No circumstances have been identified to indicate this proposal would be contrary to the public interest.

## 15. Civic Improvement Plan Amendments No.4

As the cost of works exceeds \$250,000, payment of a 3% contribution is required under Parramatta City Council Section 94A Development Contributions Plan – Parramatta City Centre (Amendment 4)” also known as Parramatta Civic Improvement Plan (Amendment 4). A condition of consent to this effect is proposed. In addition a condition is proposed to allow payment by way of a VPA should this be agreed.

## Summary and conclusion

Subject to confirmation that the wind conditions within the Square will be appropriate, the application has been assessed relative to 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.

## RECOMMENDATION

**That**, subject to confirmation that the wind conditions within the Square will be appropriate, the Sydney Central City Planning Panel as the consent authority grant consent to Development Application No. DA/672/2018 at 5, 7 & 8 Parramatta Square and 151 Macquarie Street, Parramatta (Lot 42 and Part Lot 43 DP 1238612) for Stages 1 and 2 of the public domain for Parramatta Square, including: site preparation works to realign levels across the site; hard landscaping works including paving, street furniture, shade structures and lighting; soft landscaping works including tree planting with deep soil planter zones and drainage; services infrastructure augmentation, diversions and reinstatement; and stormwater drainage.