



## **SYDNEY CENTRAL CITY PLANNING PANEL**

### **COUNCIL ASSESSMENT REPORT**

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| <b>Panel Reference</b>   | PPSSCC-166   |
| <b>DA Number</b>   | DA/712/2020  |
| <b>LGA</b>   | City of Parramatta Council   |
| <b>Proposed Development</b>                                      | Concept proposal for building envelopes containing commercial premises (office/retail) and hotel accommodation, and Stage 1 detailed proposal for demolition works of existing buildings and tree removal. The application is to be determined by the Sydney Central City Planning Panel.  |
| <b>Street Address</b>  | 110 George Street, PARRAMATTA NSW 2150<br>(Lot 101 DP 789839)  |
| <b>Applicant</b>   | Longbow Asset Management Pty Ltd ATF   |
| <b>Owner</b>   | Longbow Asset Management Pty Ltd ATF   |
| <b>Date of DA lodgement</b>                                      | 30 November 2020   |
| <b>Number of Submissions</b>                                     | Two  |
| <b>Recommendation</b>  | Approval subject to conditions   |
| <b>Regional Development Criteria</b>                             | Clause 2 'General development over \$30 million' of Schedule 7, State Environmental Planning Policy (State and Regional Development) 2011  |
| <b>List of all relevant s4.15(1)(a) matters</b>                  | <ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li><li>• SEPP (Infrastructure) 2007</li><li>• SEPP (State and Regional Development) 2011</li><li>• SEPP (Sydney Harbour Catchment) 2005</li><li>• SEPP No. 55 (Remediation)</li><li>• Parramatta Local Environmental Plan 2011</li><li>• Draft Parramatta CBD LEP 2020</li><li>• Draft Parramatta Consolidated LEP 2020</li><li>• Parramatta Development Control Plan 2011</li></ul> |
| <b>Documents submitted with report for Panel's consideration</b> | <ul style="list-style-type: none"><li>• Attachment 1 – Concept &amp; Reference Drawings</li><li>• Attachment 2 – Stage 1 Demolition Drawings</li><li>• Attachment 3 – Design Report &amp; Built Form Study</li><li>• Attachment 4 – Landscape Reference Drawings</li></ul>   |
| <b>Clause 4.6 requests</b>                                       | None   |
| <b>Summary of key submission</b>                                 | <ul style="list-style-type: none"><li>• Support north-south link along eastern boundary</li><li>• Support driveway on north-western boundary, recommend shared crossing with adjoining property to west</li><li>• Impact on adjoining heritage item</li><li>• Flooding impacts</li></ul>   |
| <b>Report prepared by</b>  | Alex McDougall<br>Executive Planner, City Significant Development  |
| <b>Report date</b>   | 8 July 2021  |

**Summary of s4.15 matters**

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|---|------------|
| Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | <b>Yes</b> |
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**Legislative clauses requiring consent authority satisfaction**

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| Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? | <b>Yes</b> |
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**Clause 4.6 Exceptions to development standards**

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| If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | <b>N/A</b> |
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**Special Infrastructure Contributions**

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| Does the DA require Special Infrastructure Contributions conditions (S7.24)? | <b>No</b> |
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**Conditions**

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|---|------------|
| Have draft conditions been provided to the applicant for comment? | <b>Yes</b> |
|---|------------|

## 1. Executive Summary

The application seeks concept approval for a mixed-use commercial development comprised of a podium (retail/office/hotel) with 2 tower forms above (south - office tower, north - hotel tower) above 2 basement storeys (parking, servicing, plant). The concept proposal includes a north-south through site link along the western boundary of the site, a public square in the north-west corner of the site and a deep soil zone in the north-east corner of the site. The application also seeks consent for stage 1 detailed works consisting solely of demolition of the existing 'Octagon' building and the basement (excluding the external basement walls).

The proposed concept envelope generally follows the form for the site envisaged by the current Parramatta LEP 2011 and Parramatta DCP 2011, as well as the draft CBD Planning Proposal, and as such is considered to provide an appropriate built form for the site.

The land may contain contamination and acid sulphate soils, is of potential high Aboriginal heritage sensitivity and is flood affected. However, it is considered that sufficient evidence has been provided, or can be provided at future detailed DA stage, such that these risks can be managed appropriately.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the high-density city centre character of the area and the built forms envisaged by the controls. It is considered that the proposed traffic generation would not compromise the efficient function of the local road network.

The application has been assessed relative to sections 4.15 and 4.22 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval is recommended.

## 2. Key Issues

*Parramatta Development Control Plan 2011*

- **Building Envelopes (cl.4.3.3.1) –**
  - South (office) tower floorplate
    - Proposed concept envelope size: ~3,200sqm
    - Proposed stage 2 detailed size: 85% of concept (~2,740sqm GBA)
    - Draft CBD PP DCP control: <2,500sqm GBA (unconfirmed)
    - Current DCP control: <45m building length
    - Note: GBA is Gross Building Area, otherwise known as external footprint.

The applicant's proposed control for the future size of the tower within the proposed concept floorplate is considered to be excessively bulky. A condition is included limiting the tower to a floorplate of 2,500sqm GBA within the proposed concept.
  - South (office) tower front setback to George Street
    - Proposed concept: 12m
    - Draft CBD PP DCP control: 12m (unconfirmed)
    - Current DCP: 20m

Front envelope setback considered to be acceptable subject to draft PP.
- **Wind (cl.4.3.3.1) –** Uncertainty regarding wind impacts in significant public accessible areas including western through site link and north-western public square. Condition included requiring wind tunnel testing of entries at design competition stage. Notwithstanding, likely to require significant planting to ameliorate wind impacts. Allowance for deep soil along western boundary included in proposed envelopes and conditions included regarding planting on structure.

### *Draft Parramatta CBD Planning Proposal*

- **Car Parking** – Draft CBD LEP includes reduced maximum car parking rates. Detailed parking quantum would be subject to future detailed application. Proposal includes 2 basement levels which is considered to be approximately commensurate with the amount of parking that would be allowable. Condition included to limit car parking.
- **Land Acquisition** – Draft CBD LEP includes 2m wide land acquisition reserve along George Street frontage for regional cycleway. Not considered necessary to include in reference plans at this stage due to lack of certainty. Control, if adopted, would still apply to future DA regardless. A note is included in the draft consent.

### Parramatta Local Environmental Plan 2011

- **Design Excellence (cl. 7.10)** – Clause 7.10(5) requires design excellence competition be run prior to consent for development. As such a condition is included requiring that the future detailed development application not be submitted until such time as a competition has been run.

## 3. Site Description, Location and Context

### 3.1 Site

The subject site is composed of a single mid-block allotment with dual frontage to George Street and Phillip Street in the northern end of the Parramatta CBD (See Figures 1, 2 and 3 below). The site has a total area of 7,097m<sup>2</sup>, has a George Street frontage of 51.095m and a Phillip Street frontage of 69.66m. The site is mostly flat. The site is located 500m to the north of Parramatta train station (6 minute walk) and 250m to the west of Parramatta Ferry Wharf (3 minute walk).



Figure 1. Locality Map (subject site in red)





**Figure 2.** Subject site as viewed from Phillip Street looking south.



**Figure 3.** Subject site as viewed from George Street looking north.

### 3.2 Surroundings Development

West:

- 28 storey commercial office tower @ 32 Smith Street (see Figure 4 below)
- 13 storey mixed use tower @ 100 George Street

East :

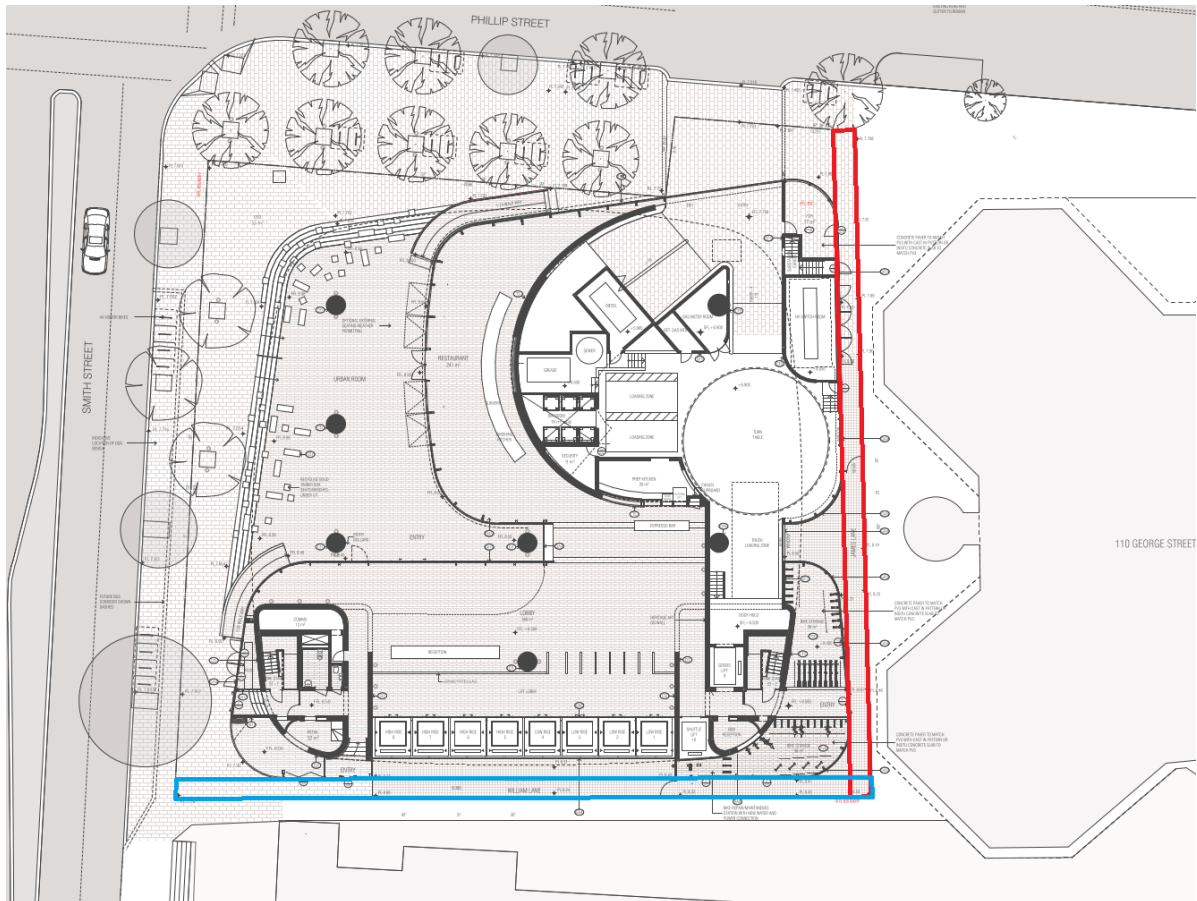
- 13 storey commercial office tower @ 105 Phillip Street
- 14 storey commercial office tower @ 130 George Street

North:

- Low scale mixed use development

South:

- Medium scale commercial office towers



**Figure 4.** Ground Floor Plan for 32 Smith Street. Note future publicly accessible setbacks to east (in red) and south (in blue).

### 3.3 Site Improvements & Constraints

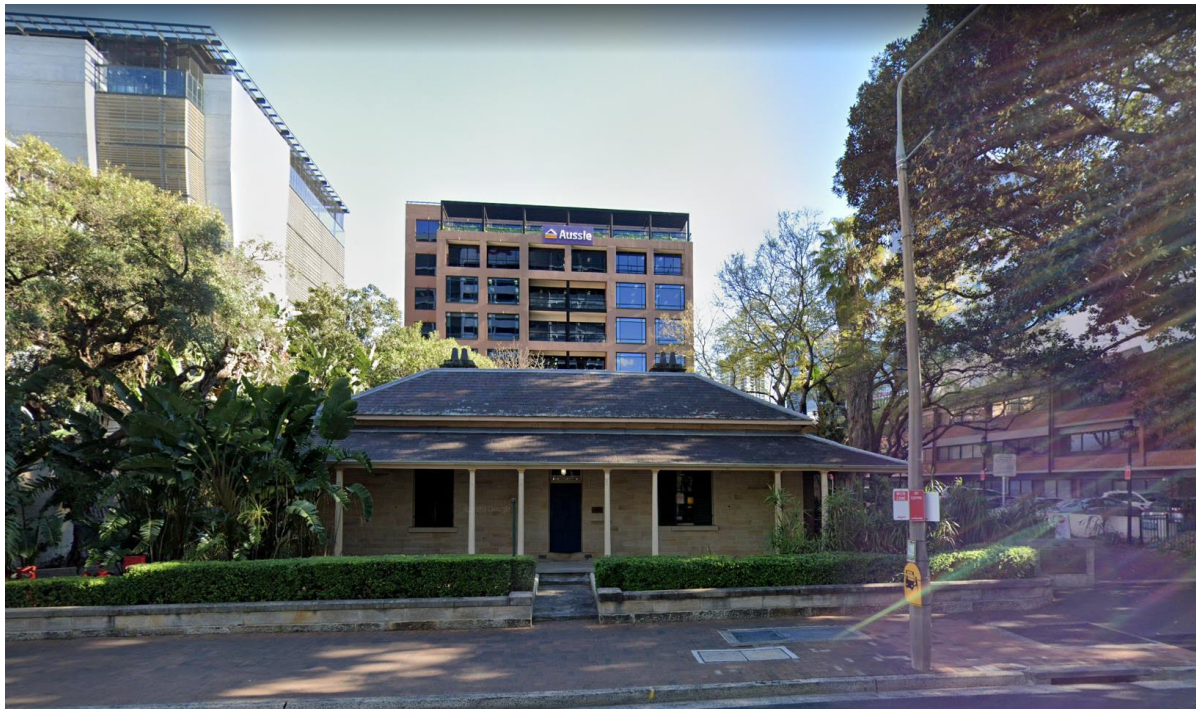
The site is occupied by a 7-storey commercial office building known as ‘The Octagon’.

The adjoining sites to the east contain part of the underground Convict Drain, an item of local heritage significance (I647).

Perth House, an item of state heritage significance (I00155) is located to the south-east of the site on the opposite side of George Street (see Figure 5 below).

The land may contain contamination and acid sulphate soils, is of potential high Aboriginal heritage sensitivity and is flood affected.





**Figure 5.** Perth House as viewed from George Street looking south.

### 3.4 Statutory Context

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

The following development applications in the vicinity of the site are relevant to the proposal:

| Site                     | Reference   | Description / Details  |
|--------------------------|-------------|--|
| 32 Smith Street          | DA/888/2017 | Demolition of existing buildings on site and construction of a 28 storey commercial office tower with ground floor retail and podium level car parking.<br><b>Approved 7 March 2018 (Construction Completed)</b>   |
| 105 Phillip Street       | DA/120/2016 | Demolition of existing structures over the northern part of the site (adjacent to Phillip Street) and construction and use of a 13 storey commercial building over existing basement car parking (to be known as No. 105 Phillip Street Parramatta), landscaping and Stratum Subdivision to create two lots.<br><b>Approved 6 July 2016 (Construction Completed)</b>   |
| 130-150 George Street    | DA/808/2017 | 33 storey commercial office building fronting Charles Street; 4 storey mixed use building fronting George Street comprised of retail, commercial offices and communal recreation facilities; modification to existing car park at 150 George Street including reduction in car parking spaces; pedestrian through-site link along western boundary of 140 George Street; and associated landscaping and public domain works; following demolition of existing car park at 140 George Street.<br><b>Approved 2 May 2018 (Not Yet Commenced)</b> |
| 99-119A Macquarie Street | DA/310/2017 | Stage 1 Development involving:<br>- Demolition of all existing structures on the site at ground level;<br>- Building envelope for a 13 storey mixed use building at No.99 Macquarie Street;<br>- Building envelope for a 19 storey mixed use building at No.119A Macquarie Street;   |

|                          |             |   |
|--------------------------|-------------|---|
|                          |             | <p>- Reinstatement of the Leigh Memorial Church Spire, creation of a new building entrance and adaption of the existing place of public worship with ancillary community facilities and activities; and</p> <p>- Building envelope component wrapping around the southern side of the Leigh Memorial Church and connection to each of the tower envelopes.</p> <p><b>Deemed Refusal (Appeal Dismissed) 13 March 2018</b><br/> <b>Chief Judge Appeal Dismissed 11 October 2018</b></p>   |
| 99-119A Macquarie Street | DA/684/2018 | <p>Concept Proposal for 14 storey mixed use (retail, office, student housing, group home and boarding house) building envelope at 99-113 Macquarie Street [Epworth House], 13 storey mixed use (church administration, community facility, student housing, group home and boarding house) building envelope at 119A Macquarie Street [Fellowship Centre], 2-6 storey basement envelope (retail, church administration and 142 parking spaces), retention and restoration of Leigh Memorial Church Building including new spire; and Stage 1 demolition of existing commercial buildings to ground level.</p> <p><b>Refused 8 December 2020</b></p> |

## 4. The Proposal

The application seeks concept plan and detailed stage 1 approval for the following:

- Concept building envelopes (70,970m<sup>2</sup> GFA):
  - 14m podium (~3 storeys) containing commercial premises (office premises and retail premises) and hotel accommodation uses fronting George Street and Phillip Street;
  - 80m northern tower (~19 storeys) containing hotel accommodation (~200 rooms) fronting Phillip Street;
  - 120m southern tower (~30 storeys) containing commercial office premises fronting George Street;
  - Minimum 12m separation between north and south tower;
  - 2 storey basement for the purposes of car parking (~165 spaces);
  - North-south through site link along western boundary (6m wide);
  - Public Square to north-west (min. 600m<sup>2</sup>); and
  - Deep soil zone to north-east (~280m<sup>2</sup>).
- Stage 1: Demolition of the existing 'Octagon' building, including basement (perimeter basement walls to be retained) and removal of 8 trees.

A stage 2 application, outlining the detailed design for the proposed building, would need to be approved prior to any construction work commencing on site.

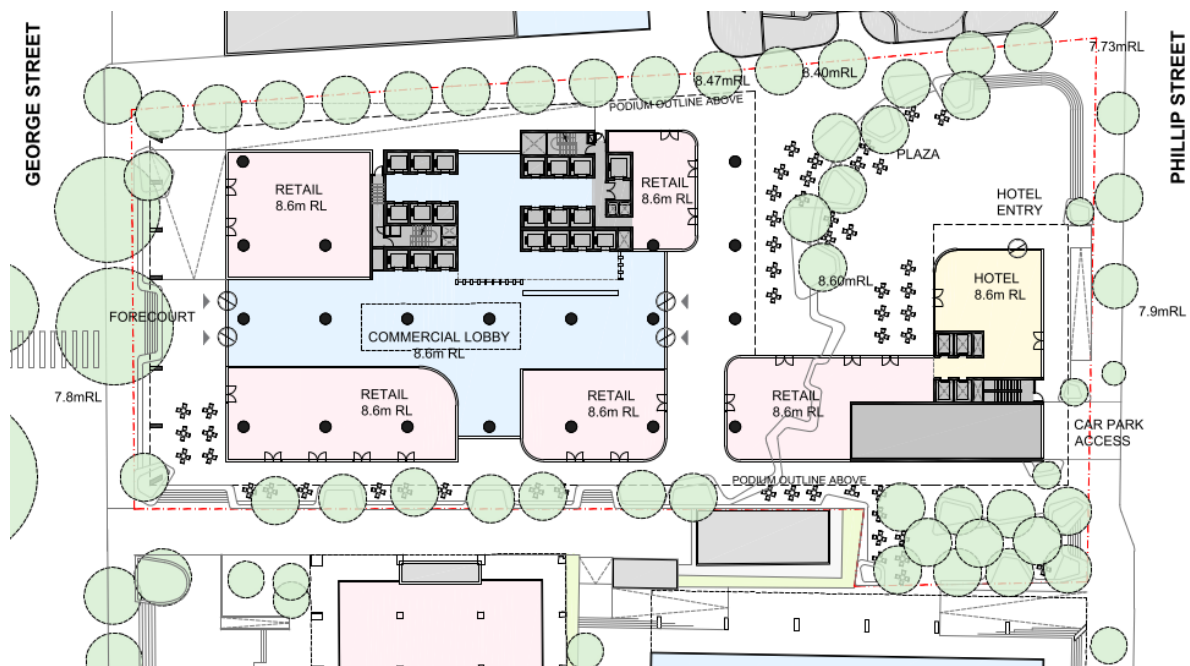
Subject to demonstration of design excellence (including a design competition) at Stage 2, 15% FSR and Building Height bonuses would allow for an overall height up to 138m and a total GFA of 81,615m<sup>2</sup>.



The application documentation includes a 'reference scheme' seeking to demonstrate that an appropriate building can fit within the proposed envelopes (see Figures 6 and 7 below). It should be noted that approval is not sought for the reference scheme itself; it is for informational purposes only.



**Figure 6.** Photomontage of proposal (reference scheme) as viewed from the north.



**Figure 7.** Proposed ground floor plan (reference scheme).

## 4.1 Summary of Amended Proposal

In response to concerns raised by Council officers and the Sydney Central City Planning Panel (SCCPP) the applicant submitted additional information and revised drawings which included the following changes:

- Proposed condition of consent limiting future southern office tower floorplate GBA to 85% of concept envelope;
- Relocation of hotel building slightly east;
- Introduction of min. 600sqm public square in north-west corner of the site;
- Relocation of driveway to the east, outside public square zone;
- Increase in width of through site link along western boundary from 2m to 6m (3m clear to sky, 3m undercroft);
- Increase in western basement setback (i.e. deep soil) from 0m to 3m;
- Reduction in basement from 3 storeys to 2 storeys; and
- Deletion of 6m undercroft along eastern boundary.

## 5. Referrals

The following referrals were undertaken during the assessment process:

### 5.1 Sydney Central City Planning Panel

| Issue Raised  | Comment  |
|---|--|
| Concept proposal for envelopes over the site must demonstrate design excellence.  | As outlined under Section 7.6 below, the proposed concept is considered to demonstrate design excellence.  |
| The Panel is concerned about the potential bulk and scale of the built form within the Concept Plan's southern tower envelope, and notes that the Applicant has not proposed a concept plan condition (or prepared a site specific DCP) to achieve refinement of this envelope for the final building bulk.   | The applicant has proposed a condition which would limit the floorplate (GBA) of the future building to 85% of the concept envelope. This would result in a tower of approximately 2,740sqm GBA. Such a tower is considered to be excessively bulky in the context and as such a condition limiting floorplate to 2,500sqm GBA is proposed for the reasons outlined under Section 9.1.2 below. |
| The Panel is cognisant that the State Government is considering applying % floor area limitations to control maximum building footprints based on the capacity of the site and the desirability for smaller footprint floorplates in other locations. The Panel considers that this approach may also be suitable for this concept plan, potentially combined with a site specific DCP to manage aspects such as internal site setbacks, maximum tower façade lengths, locations of future publicly accessible space, connections and links, and vehicle access. Further work is however required in this regard. | The proposed concept envelopes include setbacks and allowances for publicly accessible spaces/connections which are considered to be appropriate.<br><br>A maximum tower façade length is not proposed as it is not considered to be the critical determinant of bulk. The max percentage footprint within envelope condition allows for flexibility in a design competition.                  |
| The Panel notes that in the event that the Applicant chooses not to adopt a site-specific DCP approach to manage bulk, the Panel would seek to reduce the extent of the proposed southern envelope in the current Concept Plan or condition limitation of the future building bulk within the envelope.   | The proposal does not nominate a driveway location. A condition is included requiring that the driveway not be directly adjacent the publicly open space. It is considered appropriate to allow flexibility for the design competition.  |

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| The Panel notes that the DCP requires a 20m tower setback along George St but that Council's urban design team supports a reduction of this setback to 12m (due to the existing and developing context around the site). The Panel is comfortable with a 12m setback under the circumstances.  | The concept plan includes a 12m southern tower front setback to George Street.  |
| The Panel notes that a design response will be needed to manage the ground level public domain flood interface whilst enabling the podium to reinforce street surveillance and activity.   | The concept includes a generic envelope for the podium. A condition is included requiring that the flood interface be accommodated externally while maintaining surveillance and activity. It is considered that an appropriate outcome can be explored via the design excellence competition.  |
| The Panel notes that a regional cycleway is proposed along the southern boundary of the site in the exhibited Draft CBD LEP. The LEP proposes a 2m land acquisition along the southern site boundary.  | The concept plan envelope does not account for the draft cycleway. This is considered to be acceptable given the lack of certainty for the cycleway. Reconsideration of the cycleway's status will be undertaken at the future detailed application stage. An advisory note is included to ensure the applicant is aware of this potential outcome.   |
| The Panel considers that the western boundary setback to the tower envelopes should be informed by wind amelioration requirements for the proposed western pedestrian link. The Panel notes that this may require an increased setback beyond the 6m proposed for the tower envelopes. The Applicant could consider whether a range of setbacks would assist with facade articulation and managing wind impacts. | The applicant submitted an addendum wind report to support the revised concept envelopes, which maintain the 6m western tower setback. The wind report outlined that the form of the future towers were primarily responsible for dictating wind speeds in the public domain but noted that the opportunity for planting of significant trees would increase wind comfort for pedestrians. The report was reviewed by Council's wind expert and found to be acceptable subject to wind tunnel testing at design competition stage. A condition is included to this effect. Deep soil planting along the western link and deep soil planters on structure will allow for planting of significant trees. There is considered to be sufficient certainty that consideration of tower forms and landscaping at design competition stage and future detailed DA stage can ensure an acceptable wind environment. |
| The Concept Plan includes an eastern undercroft link. The Panel notes this link is not required, or supported by Council officers. The Panel considers an eastern link could be compromised by the existing substation near that boundary and encourages the Applicant to relocate the area given to the eastern link to the western boundary.   | The applicant submitted revised concept envelope drawings which delete the eastern undercroft and increase the western link width. The lack of an eastern undercroft does not preclude the applicant from activating the existing link on the adjoining site to the east which benefits from a public access easement.  |
| The Panel considers that the eastern part of the site is more suitable for the driveway location, and that this would be similar to the existing driveway location.  | The proposal does not nominate a driveway location. A condition is included requiring that the driveway not be directly adjacent the publicly open space. It is considered appropriate to allow flexibility for the design competition.   |
| The Panel supports pedestrian links that are of sufficient width to be meaningful, pleasant, safe and able to accommodate landscaping, as well as being open to the sky where possible.  | The applicant submitted revised drawings outlining a 6m wide ground level setback, 3m of which would be clear to sky, and 3m of which would be undercroft. This would be in addition to the existing setback on the adjoining site to the west (32 Smith Street). Such an outcome is considered to be appropriate subject to a condition nominating a minimum head clearance for the undercroft area.   |
| Based on safety concerns, the Panel considers that the setback for the western link could be increased to a total minimum width of 6m clear of all obstructions (including columns, stairs   |   |



|   |  |
|---|--|
| and escalators (taking account of the existing eastern setback at 32 Smith Street).   |  |
| The Panel encourages the Applicant to consider locating proposed plaza areas or pocket parks to the west of the site to enable a direct connection to the required link. This will improve the amenity and activation of this link and add to the ambiance and use of the laneway system through this part of Parramatta. | The applicant submitted revised drawings placing a public plaza adjacent the western link at its northern terminus.  |
| The Panel notes that the Concept Plan Reference Design includes a centrally located east west link. This connection would link to the existing connections between the towers to the lots to the east and west of the site. The Panel supports this linkage and the larger open space (plaza) within the site.            | While the concept drawings do not specifically nominate a link, the revised reference drawings demonstrate an east-west link is possible. Given uncertainty as to the amenity of such a link, and the lack of specific controls requiring it, it is not considered appropriate to require its provision at this time. Rather, an advisory note is included outlining that it should be explored further at design competition stage. |
| The Panel notes and supports Council in seeking legal advice in relation to the design excellence process and requirement for a design competition for the Concept Proposal.  | After further consideration, Council officers are of the view that such a review is not necessary. A design excellence competition will be required prior to the future detailed Stage 2 development application. See further discussion under Section 7.6 below.  |
| The Panel notes that Council seeks to minimise car parking on the site.   | The applicant submitted revised drawings deleting one basement level and reducing the footprint of the building. A condition is included limiting parking to the rates outlined in the draft CBD planning controls.  |
| The Panel considers that an Arborist Report and Landscape Concept Plan should be provided as part of the Concept Plan to be able to demonstrate design excellence.  | The applicant submitted an Arborist Report and concept Landscape Plan. These documents were reviewed by Council's landscape team and found to be acceptable. It is considered that the concept envelope would allow for excellence in landscaping, in particular owing to the extensive deep soil zones along the western boundary and in the north-east corner of the site.   |

## 5.2 External

| Authority         | Comment  |
|-------------------|--|
| Transport for NSW | Acceptable subject to conditions.<br><br>Made following recommendations: <ul style="list-style-type: none"> <li>• Compliance with Parramatta CBD Planning Proposal maximum parking rates. A condition is included to this effect.</li> <li>• Recommended loading dock be designed with a capacity in accordance with Parramatta DCP or TfNSW's Guide to Traffic Generating Development (whichever is higher). An advisory note is included requiring this be considered at future detailed DA stage.</li> <li>• Noted lack of on-site passenger pick up and set down spaces for hotel. An advisory note is included requiring this be considered at future detailed DA stage.</li> </ul> |
| Endeavour Energy  | Acceptable subject to conditions.  |
| Sydney Water      | Acceptable subject to conditions. Most suggested conditions would apply to future detailed DA. Recommended dual piping be provided in future building for use of recycled water. Condition included to this effect.  |

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|-------------------|---|
| Quantity Surveyor | <p>Both application fee and contributions are based on cost of works.</p> <p>The applicant's cost of works, for the concept plan (not including a design excellence bonus), is \$306,286,936.</p> <p>Council's quantity surveyor review came to a figure of \$399,510,249, a difference of 23%. While such a variation would normally trigger a more detailed review, as this is a concept, there is minimal detail in the drawings on which to base such a review.</p> <p>As Council will have an opportunity to recoup application fees at the detailed stage, will be imposing contributions at the detail stage and given that the detailed stage is likely to include a design comp bonus anyway, it is not considered necessary to pursue resolution of the difference at this stage.</p> |
| Wind Review       | Accept that detailed shape of buildings will ultimately determine wind conditions at ground level. Recommended that wind tunnel testing be conducted at design competition stage. A condition is included to this effect.   |

### 5.3 Internal

| Authority                            | Comment   |
|--------------------------------------|---|
| Development & Catchment Engineer     | Acceptable subject to conditions, including that flood level transitions be accommodated externally to the buildings. Outlined requirement of future applications, included as advisory note. Conditions recommended for demolition, including flood bunding to site after demolition.  |
| Landscape & Trees                    | Acceptable subject to conditions.   |
| Traffic & Transport                  | Acceptable subject to conditions. Noted that the future Stage 2 application would likely be required to provide off-street pick up and set down areas for the hotel use.  |
| Environmental Health – Waste         | Acceptable subject to conditions.   |
| Environmental Health Contamination   | Acceptable subject to conditions.   |
| Environmental Health General         | Acceptable subject to conditions.   |
| Accessibility                        | Raised concerns with reference scheme. Not considered necessary to address at this stage. The proposed envelopes do not compromise provision of the required accessibility. Subject to future assessment of detailed DA.  |
| Heritage                             | Acceptable subject to conditions.   |
| Ecologically Sustainable Development | Acceptable subject to conditions.   |
| Urban Design                         | <p>Acceptable subject to the following conditions included in the draft consent:</p> <ul style="list-style-type: none"> <li>Do not support proposed 85% of concept envelope (i.e. 2,740sqm GBA) floorplate for southern tower. Recommend 2,500sqm max GBA.</li> <li>Recommend flexibility in podium height from 14-21 metres.</li> <li>Requirement that the podium be built to the boundaries (not including external ground floor flood transition area).</li> <li>South tower setback of at least 12m from George Street.</li> <li>North tower setback of at least 6m from Phillip Street.</li> <li>Full photographic and drawings documentation of existing building prior to demolition.</li> </ul> <p>Also recommended that the western podium/basement setback be further increase to 4m. Considered to be excessive given significant public benefits of proposal.</p> |
| Crime Prevention                     | Acceptable.   |

| Authority      | Comment   |
|----------------|---|
| Public Domain  | Requested public domain drawings be provided. Not considered necessary at this stage. The proposed envelopes do not compromise provision of the required public domain upgrades. Subject to future assessment of detailed DA. |
| City Architect | Support condition that wind tunnel testing be undertaken at future design competition stage.  |

## 6. Environmental Planning and Assessment Act 1979

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

### 6.1 Section 1.7: Application of Part 7 of Biodiversity Conservation Act 2016

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

### 6.2 Section 2.15: Function of Sydney District and Regional Planning Panels

The Sydney Central City Planning Panel is the consent authority for this application as the development has a Capital Investment Value of more than \$30 million.

### 6.3 Section 4.15: Evaluation

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

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

### 6.4 Section 4.22: Concept Development Applications

This section sets out the requirements for concept development applications.

Section 4.22(5) of the Act states that,

*The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

The concept proposal includes building envelopes and their prospective uses. This report provides only an assessment of the impacts that will be inextricably approved as a result of determining this application.



The NSW Land & Environment Court set out a planning principle for the amount of information that must be provided at Stage 1 of a concept application in *Anglican Church Property Trust v Sydney City Council* [2003] NSWLEC 353 at paragraphs 58-59 which state:

*58 We accept that multi-stage applications are useful for large or controversial projects as they provide the applicant with certainty about the major parameters of a proposal before it embarks on the expensive exercise of preparing detailed drawings and specifications for a development application. The critical issue is: how much detail should be provided in the Stage 1 application as against the Stage 2 application?*

*59 The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. Where traffic generation is the critical issue, Stage 1 should include information on the precise number of cars accommodated on a site. Where the floor space is critical, Stage 1 should include the precise FSR. Where the major issue is the protection of vegetation, the footprints of the proposed buildings may be sufficient. In the proposal before us, however, the two major issues are the impact on the heritage-listed Church and the heritage streetscape. In our opinion, two building envelopes, within which buildings of any shape or design might emerge, are not sufficient to make a proper assessment.*

It is considered that the applicant has provided sufficient information to make an assessment of the critical issues.

## **7. Environmental Planning Instruments**

### **7.1 Overview**

The instruments applicable to this application comprise:

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

Compliance with these instruments is addressed below.

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

The proposal is considered to constitute 'traffic generating development' (per Schedule 3 of the SEPP) as it proposes more than 10,000sqm of commercial floor space. As such, the proposal was referred to Roads and Maritime Services (RMS), who did not raise any objection, subject to conditions of consent including a Construction Pedestrian Traffic Management Plan for the Stage 1 demolition works.

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

As this proposal has a Capital Investment Value of more than \$30 million, Part 4 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

## 7.4 State Environmental Planning Policy (Sydney Harbour Catchment) 2005

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during demolition.

## 7.5 State Environmental Planning Policy No. 55 – Remediation of land

The application includes a Preliminary Site Investigation (PSI), the purpose of which was to provide preliminary advice on the potential for contamination to be present at the site and the consequent implications on the site's suitability for its intended use.

During preparation of the PSI, the applicant's consultant reviewed available background information to determine potential sources of contamination and undertook a site inspection to confirm and map salient site features.

Based on the site history and the site visit conducted as part of this PSI, there appears to be limited potential sources of contamination on site.

Council's Environmental Health team reviewed the application and considered the site can be made suitable for the proposed uses subject to implementation of the recommendations in the preliminary site investigation. Contamination conditions are included in the draft Stage 1 demolition consent.

## 7.6 Parramatta Local Environmental Plan 2011

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

| Development standard                          | Proposal  | Compliance |
|---|---|------------|
| <b>2.3 Zoning</b><br><br>B3 – Commercial Core | The proposal seeks in-principle approval for the following uses, all of which are permissible in the zone: <ul style="list-style-type: none"><li>• Retail Premises</li><li>• Office Premises</li><li>• Hotel or Motel Accommodation</li></ul>   | Yes        |
| <b>Zone Objectives</b>                        | The proposal is considered to be in keeping with the objectives of the B3 Commercial Core zone for the following reasons: <ul style="list-style-type: none"><li>• The proposal includes retail, office and temporary accommodation uses which would serve the local and wider community and their visitors.</li><li>• The proposal would provide additional employment opportunities in accessible locations.</li><li>• Subject to a condition restricting parking (noting the requirement that the future submission include a Green Travel Plan) the proposal would maximise public transport, walking and cycling.</li></ul> | Yes        |

| Development standard   | Proposal   | Compliance |
|--|--|------------|
|  | <ul style="list-style-type: none"> <li>The proposal would strengthen the Parramatta CBD as a business centre.</li> <li>The proposal will increase pedestrian links in the CBD.</li> <li>The proposal would not result in unacceptable impacts to view corridors.</li> </ul> <p>Heritage impacts and active street frontages will be considered further at detailed DA stage.</p>   |            |
| <b>4.3 Height of Buildings</b><br>Map: 120m                        | 120m   | Yes        |
| <b>4.4 Floor Space Ratio</b><br>Map: 10:1 (70,970m <sup>2</sup> ). | 70,970m <sup>2</sup>   | Yes        |
| <b>4.6 Exceptions to Development Standards</b>                     | None   | N/A        |
| <b>5.10 Heritage conservation</b>                                  | <p>The site is not a heritage item. Notwithstanding, given the iconic nature of the building and its prominent architect (John Andrews) it is recommended that a full photographic archive is undertaken prior to demolition. A condition is included to this effect.</p> <p>The Parramatta Convict Drain is in close proximity to the eastern boundary of the site. An advisory note is included requiring the future detailed application include a geotechnical report which demonstrates that excavation and piling will not affect the item or its structural integrity.</p> <p>The site is located in the vicinity of Perth House, a state significant heritage item to the south-east of the proposal. The southern tower would be approximately ~42m from Perth House. The item is already surrounded by development significantly out of keeping with the items scale and it is overshadowed for much of the day. Minimising impact on the remaining solar access of the item would severely limit development of the site. As such, the impact on Perth House is considered to be acceptable.</p> <p>An archaeological assessment has been submitted which concludes that archaeological relics may be present at the site despite the significant past disturbance of the ground. The report outlines recommendations which can be applied at detailed design stage. Demolition of the existing building (excluding basement walls) will not itself disturb any relics.</p> | Yes        |
| <b>6.1 Acid Sulfate Soils</b><br><br>Class 4                       | An advisory note is included requiring an acid sulphate soils investigation report at future detailed development application stage.   | Yes        |
| <b>6.2 Earthworks</b>  | The application includes excavation which extends to 3 boundaries, has a larger footprint and is deeper than the existing basement. As such a detailed post demolition geotechnical report will be necessary to demonstrate the proposal will have an acceptable impact on the adjoining properties and Council roads. An advisory note is included to this effect.  | Yes        |



| Development standard  | Proposal   | Compliance            |
|---|--|-----------------------|
| <b>6.3 Flood Planning</b>   | <p>The site is subject to a 1:100 year flood risk, both from overland flow and from the Parramatta River.</p> <p>The ground floor of the building will be at the flood planning level (FPL) which will be the higher of the 1:100 year flood risk from the river (8.6m AHD) and the 1:100 year flood risk from overland flow.</p> <p>An advisory note is included requiring a 2D overland flow flood study to determine the applicable FPL.</p> <p>It is considered acceptable to defer the modelling to the future design competition / detailed DA stage for the following reasons:</p> <ul style="list-style-type: none"> <li>• The site is large and as such is likely able to accommodate the flood interface.</li> <li>• The reference driveway is long and straight enough that it can accommodate appropriate crests and flood doors to protect the basement.</li> </ul> <p>Future detailed flood design and conditions can be applied at the detailed DA stage.</p> | Yes                   |
| <b>7.3 Car Parking</b><br><br>Control (Maximums):<br><br>Office – <1/100m <sup>2</sup> (630*)<br>Hotel – <1/5 rooms (40*) + <1/3 employees (50*)<br>Shops – <1/30m <sup>2</sup> (38*)<br>Total - <758<br><br>*approximations based on reference scheme. | <p>~165 proposed.</p> <p>Note. On 10 April 2017 Council resolved to adopt City of Sydney car parking rates for the Parramatta CBD and specified that all design competitions and planning proposals would be required to comply with the new rates. Further, Council resolved to adopt the rates for the draft Parramatta CBD Planning Proposal (see Section 8 below). The draft CBD PP rate for the proposal would be a maximum of approximately 165 spaces:</p> <ul style="list-style-type: none"> <li>• Commercial = &lt;120 spaces</li> <li>• Hotel = &lt;45 spaces</li> </ul> <p>As such a condition is included limiting car parking to the draft PP controls. The proposal includes two basement levels which is considered to be appropriate given the approximate quantum of car parking.</p>   | <p>Yes</p> <p>Yes</p> |
| <b>7.4 Sun Access</b>   | The proposal would not overshadow Jubilee Park, Parramatta Square or Lancer Barracks during the solar protection window (i.e. 12pm – 2pm).   | Yes                   |
| <b>7.6 Air Space Operations</b>   | The clause requires the consent authority to not grant consent to a development that is a controlled activity within the meaning of Division 4 of Part 12 of the Airports Act 1996 of the  | Yes                   |

| Development standard          | Proposal  | Compliance |
|-------------------------------|---|------------|
|                               | <p>Commonwealth unless the applicant has obtained approval for the controlled activity.</p> <p>The Bankstown Airport Obstacle Limitation Surface (OLS) is breached by any development above ~156m AHD in the Parramatta CBD.</p> <p>Even with a future design excellence bonus, the proposal would not reach this height (&lt;145.8m AHD).</p> <p>However, construction cranes would breach this air space. The applicant has submitted an aeronautical report outlining that approval is likely to be achievable for such temporary intrusions into the OLS.</p> <p>As the building itself does not breach the OLS, and this concept does not provide any consent to construction, it is not considered necessary to require controlled activity approval at this time. Notwithstanding, an advisory note is included stating that it will be necessary at future detailed DA stage.</p>   |            |
| <b>7.10 Design Excellence</b> | <p>Sub-clause (4) requires that development in the CBD demonstrate compliance with a set of design excellence criteria. An assessment against the design excellence criteria is provided at the end of this table.</p> <p>Sub-clause (5) requires that design excellence competitions be held in certain circumstances.</p> <p>The ruling of Commissioner O'Neil in <i>Uniting Church in Australia Property Trust (NSW) v Parramatta City Council</i> suggests that a concept development application had to demonstrate compliance with the design excellence criteria but did not require a design excellence competition as outlined in paragraph 48 of her judgement:</p> <p><i>The clause [7.10] applies to "development involving the erection of a building" at sub-cl (2). A concept proposal is development involving the erection of a building, although it is not a development application for the erection of a building. A concept proposal involves the erection of a building because it secures the approved form of the future building on the site. The wording in sub-cl (2), "development involving the erection of a building" is in contrast to the wording in sub-cl (5)(a) "development in respect of a building". Development in respect of a building requires a development application consistent with the definition of development in s 1.5(1) of the EPA Act because that development must be in respect of, meaning for the purpose of, a building; whereas development involving</i></p> | Yes        |

| Development standard | Proposal   | Compliance |
|----------------------|--|------------|
|                      | <p><i>the erection of a building need not necessarily be development for the erection of a building, but can be development associated with the future erection of a building, such as a concept proposal for a building envelope.</i></p> <p>However, the Chief Judge, in reviewing the commissioner's decision appears to potentially contradict this finding at paragraph 57 of his judgement (emphasis added):</p> <p><i>Clause 7.10 applies to all developments involving the erection of a new building but cl 7.10(5) applies only to development of one or more of the types stated in paragraphs (a) to (e). <b>Concept proposals for the development of a site (such as building envelopes) can be development involving the erection of a new building (and hence development to which cl 7.10 applies) but might not be development of a type in cl 7.10(5)(a) to (e).</b> If the proposed development is not development of a type described in cl 7.10(5)(a) to (e), cl 7.10(5) does not apply and there is no restriction on granting consent unless a competitive design process has been held</i></p> <p>The Chief Judge seems to suggest at the line in bold above that a concept application <i>might be</i> development to which sub-clause 5 applies. The proposal is both over 55m and over \$100,000,000. As such a design excellence competition will ultimately be required. The applicant has not undertaken such a competition to date.</p> <p>As outlined in Section 6.4 above, a concept application must address those elements critical to the assessment of the proposal. In some cases, demonstrating the design excellence of a building envelope may require refinement through a design competition, such as when a site is significantly constrained by the presence of a heritage item on site. However, in this case, the critical issues are primarily podium and tower setbacks, which can be assessed using the existing and proposed built form controls.</p> <p>As such it is considered reasonable in this instance to rely on a condition requiring that a design excellence competition be held prior to submission of the future detailed DA and that no bonus is awarded at this time (notwithstanding the future bonus outlined on the envelope drawings).</p> |            |

## Design Excellence

The concept proposal is considered to demonstrate design excellence per clause 7.10 of the PLEP 2011 as it provides satisfactory certainty with regard to the criteria as outlined in the table below:

| Matters of Consideration   | Comment  |
|--|--|
| whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,   | The proposal meets two of the criteria which trigger the need for a design competition which will be required for stage 2. The competition will ensure that a high standard of architecture is achieved.   |
| whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,  | The form and external appearance will be subject to assessment at future detailed DA stage. The proposed envelope is considered to be ideal based on the site constraints.   |
| whether the proposed development detrimentally impacts on view corridors,  | The proposal does not detrimentally impact on any view corridors as outlined in this report.   |
| how the proposed development addresses the following matters—  |  |
| the suitability of the land for development,   | The site is considered to be suitable for the development owing to its zoning, location and ability to manage constraints.   |
| the existing and proposed uses and use mix,  | The site is located in a high-density commercial area and as such is considered to be compatible.  |
| any heritage and archaeological issues and streetscape constraints or opportunities,   | The proposed Stage 1 demolition is not considered likely to have an unacceptable impact on heritage or archaeology, subject to conditions. Further assessment will be required at detailed DA stage. It is likely that a s140 excavation permit per the Heritage Act will be required at the future detailed DA stage.   |
| the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, | The tower forms are considered to be ideally located for the reasons outlined in this report.  |
| the bulk, massing and modulation of buildings,   | The reference scheme demonstrates that it is possible for the allowable floor space to be contained in the envelope while providing appropriate articulation and modulation to reduce bulk.  |
| street frontage heights,   | The podium envelope is consistent with the applicable street frontage height controls.   |
| environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,<br><br>the achievement of the principles of ecologically sustainable development,                  | <p>The proposal is not considered likely to have an unacceptable overshadowing impact for the reasons outlined in this report.</p> <p>Acoustic and visual impact will be subject to assessment at stage 2.</p> <p>The applicant has submitted a wind report which demonstrates that unacceptable wind impacts can likely be managed subject to further wind tunnel testing.</p> <p>Reflectivity assessment will be subject to detailed design. It is likely that external solar shading will be required in part to minimise reflectivity. The draft envelope condition allows for flexibility in this regard.</p> <p>A condition is included outlining the ESD requirements to achieve design excellence.</p> |

|   |  |
|---|--|
|   | The setbacks both within and to adjoining sites are considered to be satisfactory to ensure privacy in a commercial area.  |
| pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network, | The reference scheme demonstrates that appropriate pedestrian, cycle and vehicular circulation can be achieved.  |
| the impact on, and any proposed improvements to, the public domain,   | The proposal will increase the quality and amenity of the public domain by providing a through site link and public square.  |
| the impact on any special character area,   | The site is not located in the vicinity of any special characters areas.   |
| achieving appropriate interfaces at ground level between the building and the public domain,  | Conditions are included requiring that the podium be aligned with the street frontages, except for inset areas to provide for the vertical transition between the streets and the flood planning level, which is considered an appropriate interface between the public domain and the street.   |
| excellence and integration of landscape design.   | The provision of deep soil zones along the western boundary and in the north-east corner of the site is considered to be commendable given the minimum amount of deep soil in the city centre. These zones will allow for the planting of large trees. The proposal includes a draft landscape plan which demonstrates that a significant amount and good quality of planting can be provided. |

## 8. Draft Environmental Planning Instruments

The following draft environmental planning instruments are relevant to the subject application:

### PLANNING PROPOSAL - DRAFT CONSOLIDATED CITY OF PARRAMATTA LOCAL ENVIRONMENTAL PLAN

The site is subject to a Planning Proposal to create a consolidated City of Parramatta Local Environmental Plan. It is noted that the Planning Proposal has received a Gateway determination and has been publicly exhibited, and therefore is a formal matter for consideration for the purposes of section 4.15 of the Act. The primary focus of the Planning Proposal is harmonisation (or consolidation) of the existing planning controls that apply across the City of Parramatta. It does not propose major changes to zoning or increases to density controls. However, in order to create a single LEP, some changes are proposed to the planning controls applying to certain parts of the LGA.

This draft LEP does not propose any changes to the controls for this site and as such, further consideration of this document is not necessary.

### PARRAMATTA CBD PLANNING PROPOSAL

This site is subject to the Parramatta CBD Planning Proposal. The planning proposal has received a Gateway determination, has been publicly exhibited, has been endorsed by Council for finalisation and as such it is a formal matter for consideration for the purposes of section 4.15 of the Act.

The primary focus of the Planning Proposal is to strengthen the economic function of the Parramatta CBD and increase its capacity for new housing, employment, business, recreation and cultural opportunities. The amended planning controls will allow for the



delivery of an extra 50,000 jobs and 14,000 homes in the CBD over the next 40 years.

The vision is for new buildings to define streets and public spaces to deliver a comfortable, functional and attractive public domain; while the towers above are tall and slender and are set back to allow daylight, views and circulation of air to the streets and public spaces below. Consideration of this point regarding the bulk of the proposed towers is discussed further in Section 9.1.2 below.

As outlined in Section 7.6 above, draft parking controls seek to further limit maximum parking levels in the CBD. These controls are considered to be imminent and certain as they have been applied consistently on a site-specific basis in the CBD for a number of years. A condition is included limiting parking to that allowable under the draft instrument.

The draft control also includes a 2m wide land acquisition reservation along the George Street boundary of the site for a regional cycleway. Council's Transport Strategy consider that this space may be required. However, the control is not considered to be of sufficient certainty. As such, it is not considered necessary to require or condition provision of the setback at this time. The cycleway can be considered as part of the detailed application if the LEP has been adopted by that time.

The draft controls would ensure that Clause 7.6 'Airspace Operations' of the LEP applies to all sites in the CBD. As outlined in Section 7.6 above the proposal complies with this clause.

The draft controls require that all development include dual piping for recycled water systems. The draft controls require that all commercial buildings contain end of journey facilities. These outcomes have been design excellence requirements for a number of years. As such a condition is included requiring their provision.

The draft controls will require that development have active frontages. The draft reference scheme demonstrates, and the existing/proposed DCP require, that the proposal have active frontages to all streets and public spaces.

As such the proposal is considered to be consistent with the draft CBD PP subject to implementation of conditions.

## 9. Development Control Plans

### 9.1 Parramatta Development Control Plan 2011

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

| Development Control               | Proposal  | Comply |
|-----------------------------------|---|--------|
| 2.4 Site Considerations           |   |        |
| 2.4.1 Views and Vistas            | The site is not identified as impacting significant views and vistas by Appendix 2 and is not located in the Harris Park Conservation Area.   | Yes    |
| 2.4.2.1 Flooding                  | See Flood section above.  | Yes    |
| 2.4.2.2 Protection of Waterways   | Other than the flooding impacts and stormwater runoff, which are discussed elsewhere in this report, the proposal would not directly impact on the Parramatta River or any other waterway.                        | Yes    |
| 2.4.2.3 Protection of Groundwater | Impact on groundwater will be assessed as part of the future detailed development application. An advisory note is included noting that the approved envelopes do not preclude further assessment in this regard. | Yes    |


| Development Control   | Proposal  | Comply |
|---|---|--------|
|   | An advisory note is included recommending that the application liaise with Water NSW regarding the potential need for controlled activity approval.   |        |
| 2.4.3.1 Soil Management   | Conditions are included to ensure that demolition will not result in erosion or sedimentation.  | Yes    |
| 2.4.3.2 Acid Sulfate Soils  | See assessment under section 7.8 above.   | Yes    |
| <i>Class 4</i>  |   |        |
| 2.4.3.3 Salinity  | The site is identified as being of moderate salinity potential. As such it is not considered that any special measures are necessary.   | N/A    |
| 2.4.4 Land Contamination  | As outlined under the SEPP 55 assessment above, the site is considered suitable for the proposed use subject to implementation of the recommendations in the preliminary site investigation at Stage 2.   | Yes    |
| 2.4.5 Air Quality   | The proposal does not include land uses sensitive to poor air quality.  | Yes    |
| 2.4.6 Development on Sloping Land                                 | The site is relatively flat and the floor levels are dictated by the flood risk on the site. As such this clause it not considered to be applicable.  | N/A    |
| 2.4.7 Biodiversity  | <p>The Stage 1 demolition proposal requires the removal of 8 trees. All trees would also be impacted by the proposed built form envelope. The applicant submitted an Arborist Report which demonstrates that the trees to be removed have a low to medium retention value. The proposal includes a draft landscape plan and sufficient deep soil areas to demonstrate that there is adequate space for replacement planting. Details of replacement planting will be confirmed at future detailed DA stage. As such the tree removal is considered to be acceptable.</p> <p>The site is not known to accommodate any threatened species.</p> <p>As such the proposal is considered likely to have an acceptable impact on biodiversity.</p> | Yes    |
| 2.4.8 Public Domain   | <p>Public domain upgrades will be the subject of a future detailed DA.</p> <p>The proposed envelopes demonstrate that the future detailed DA can provide adequate address to, and passive surveillance of, the public domain.</p>   | Yes    |
| <b>3.1 Preliminary Building Envelope</b>                          |   |        |
| Not applicable. See Section 4.3.3 'Parramatta City Centre' below. |   |        |
| <b>3.2. Building Elements</b>                                     |   |        |
| 3.2.1 Building Form and Massing                                   | The concept envelope for the commercial tower is significant in size. However, subject to the draft condition restricting the floorplate GBA to 2,5000sqm of the envelope, a building of acceptable bulk would be built within the space. See further discussion under Section 9.1.2 below.   | Yes    |
| 3.2.2 Building Façade and Articulation                            | Building façade and articulation detail will be subject to assessment at future detailed application stage. A condition is included noting that the approved envelopes do not preclude further assessment in this regard.   | Yes    |
| 3.2.3 Roof Design   | Subject to future detailed DA.  | N/A    |

| Development Control                                       | Proposal   | Comply |
|---|--|--------|
| 3.2.4 Energy Efficient Design                             | See Section 4.3.3.6 of the DCP below.  | N/A    |
| 3.2.5 Streetscape   | Phillip Street – Tower front setback matches adjoining building to the west (6m tower setback).  | Yes    |
| Respect prevailing setbacks                               | George Street – See analysis at end of table below.  |        |
| 3.2.6 Fences  | Subject to future detailed DA.   | N/A    |
| <b>3.3 Environmental Amenity</b>                          |  |        |
| 3.3.4 Acoustic Amenity                                    | <p>The nearest residential occupiers are located opposite Phillip Street to the north of the site.</p> <p>The proposal includes a demolition noise and vibration management plan. The plan has been reviewed by Council's environmental health team and has been found to be acceptable. Conditions are included protecting the amenity of adjoining occupiers.</p> <p>Operational noise will be subject to future detailed DA.</p>  | Yes    |
| 3.3.5 Solar Access  | <p>Due to the height of the south building envelope, a future building within it will have a far-reaching shadow. However, due to the north-south orientation of the tower, the shadow will be fast moving and would not impact on any individual property for more than a few hours in the midwinter.</p> <p>The site is located in a primarily commercial area and as such minimal residential occupiers will be affected.</p> <p>Further, given the high-density character of the area there is less expectation that sunlight can be protected.</p> <p>The north tower will primarily overshadow the lower levels of the south tower. Given the office use of the south tower this is considered to be acceptable.</p> <p>The public square has been located such that it receives the maximum available solar access.</p> | Yes    |
| 3.3.6 Water Sensitive Urban Design<br>Stormwater Drainage | Detailed stormwater drainage details will be assessed at future detailed DA stage. Any water intercepted by the basement cannot be drained to Council's stormwater system. As such the basement will either need to be waterproof or the proposal demonstrate that the amount of water intercepted can be used on site. An advisory note is included to this effect.   | Yes    |
| Water Efficiency/ Grey Water                              | See Section 4.3.3.6 of the DCP below.  | Yes    |
| 3.3.7 Waste Management                                    | <p>Demolition – The applicant has submitted a waste management plan for the demolition. This report was reviewed by Council's Environmental Health team and was found to be acceptable subject to conditions.</p> <p>Building - Subject to future detailed DA.</p>   | Yes    |
| <b>3.4 Social Amenity</b>                                 |  |        |
| 3.4.1 Culture and Public Art                              | Subject to future detailed DA.   | N/A    |
| 3.4.2 Access for People with Disabilities                 | Subject to future detailed DA.   | Yes    |

| Development Control   | Proposal   | Comply                     |
|---|--|----------------------------|
| 3.4.3 Amenities in Building Available to the Public               | Subject to future detailed DA.   | N/A                        |
| 3.4.4 Safety and Security   | The proposal includes a Crime Prevention Through Environmental Design (CPTED) report which outlines potential opportunities for crime and how these issues can be addressed. While a detailed assessment will be required of any future DA, it is considered that the proposal can result in increases to the safety and security of the area through various measures such as increased passive surveillance. The proposed public through site link is straight which will allow for sightlines from both street frontages. | Yes                        |
| 3.5 Heritage  |  |                            |
| 3.5.1 General   | See assessment under section 7.8 above.  | Yes                        |
| 3.5.2 Archaeology   | See assessment under section 7.8 above.  | Yes                        |
| 3.5.3 Aboriginal Cultural Heritage                                | <p>The site is identified as being of potential high Aboriginal heritage sensitivity.</p> <p>The site has been subject to significant ground disturbance in the past, notably construction of the existing basement. However, the basement does not extend to all boundaries.</p> <p>As such an Aboriginal Heritage Assessment will be required at future detailed DA stage. It is also recommended the applicant liaise with Heritage NSW to ascertain whether any certificates are required for groundwork.</p>            | Yes                        |
| 3.6 Movement and Circulation                                      |  |                            |
| 3.6.1 Sustainable Transport                                       |  |                            |
| Car Share   | Subject to future detailed DA.   | N/A                        |
| Green Travel Plan   | Not provided.<br><br>An advisory note is included requiring a Green Travel Plan be included at detailed DA stage.  | No, advisory note included |
| Required for >5,000sqm commercial                                 |  |                            |
| 3.6.2 Parking and Vehicular Access                                |  |                            |
| Car Parking Control   | See LEP assessment above.  | N/A                        |
| Traffic   | The applicant has submitted a draft pedestrian and traffic management plan for the demolition phase. This report was reviewed by Council's Traffic and Transport team and TfNSW and was found to be acceptable subject to conditions.  |                            |
| Bicycle Parking   | Subject to future detailed DA.   | N/A                        |
| Commercial - 1 bicycle space per 200m <sup>2</sup> of floor space |  |                            |
| 3.6.3 Accessibility and Connectivity                              |  |                            |
|   | See Section 4.3.3.3 of the DCP below.  | Yes                        |



| Development Control   | Proposal  | Comply  |
|---|---|---|
| <b>4.3.3 Strategic Precinct - Parramatta City Centre</b>                                |   |   |
| Objectives  | <p>The concept is considered to be consistent (subject to assessment of future detailed DA) with the objectives of the strategic precinct for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal provides commercial floor space in an accessible location.</li> <li>• The proposal upgrades the public domain.</li> <li>• The proposal will likely have an acceptable impact on heritage.</li> <li>• The proposal would result in additional deep soil on the site.</li> </ul> | Yes   |
| <b>4.3.3.1 Building Form</b>  |   |   |
| Street Frontage >20m  | George Street – 51.1m<br>Phillip Street – 69.7m   | Yes   |
| Front Setback (podium) = 0m or 20m publicly accessible forecourt (George Street only)   | George Street – 0m<br>Phillip Street – 0m   | Yes   |
| Street Frontage Heights<br>Max 4 storeys/14m  | <p>14m (both frontages)</p> <p>Note. Council's Urban design team consider that a podium up to 21m in height would be appropriate given the draft CBD PP and as such a condition is included requiring the podium be 14-21m in height.</p>   | Yes   |
| Upper Level (Tower)<br>Front Setbacks<br><br>20m (George Street)<br>6m (Phillip Street) | <p>12m<br/>6m</p> <p>See discussion at end of table below.</p>  | No<br>Yes   |
| Building Depth and Bulk<br><br>Tower Dimensions<br><45m                                 | <p>North Tower:</p> <ul style="list-style-type: none"> <li>• Envelope: &lt;40.0m</li> <li>• Reference: &lt;32m</li> </ul> <p>South Tower:</p> <ul style="list-style-type: none"> <li>• Envelope: &lt;74.7m</li> <li>• Reference: &lt;67.7m</li> </ul> <p>See discussion at end of table below.</p>  | Yes<br><br>No                                       |
| Offices<br>All GFA <12m from window   | <p>Subject to detailed design.</p> <p>While the commercial floorplate is large the reference scheme demonstrates that articulation in the floorplate can minimize the amount of floor space more than 12m from a window.</p>  | Achievable  |
| Side Setback (Podium)<br>0m   | East – 0m (not including deep soil zone in north-eastern corner)<br>West – 3-6m   | Yes<br><br>No, acceptable due to through site link. |
| Side Setback (Tower)<br>6m  | 6m  | Yes   |
| Separation between buildings on site<br><br>>12m  | <br><br>12m+  | <br><br>Yes   |

| Development Control                                 | Proposal   | Comply     |
|---|--|------------|
| Deep Soil Zone<br><br>>6m dimensions                | North-east corner: >9.66m<br>Western through-site link: 6m (3m clear to sky and deep soil, 3m undercroft)  | Yes<br>Yes |
| Wind Mitigation                                     | The application is supported by a wind report which provides qualitative analysis suggesting that towers within the envelopes proposed will be capable of achieving wind mitigation criteria.<br><br>The provision of deep soil along the through site link will allow for planting of large trees which will serve to increase comfort in the lane.<br><br>Conditions are included requiring large in-ground planters on slab in the public domain.<br><br>A condition is included requiring wind tunnel testing of the design competition entries. | Yes        |
| Buildings Exteriors                                 | Assessment of building exterior will be carried out upon submission of the future detailed development application.  | N/A        |
| Sun Access to Public Spaces                         | The proposal does not overshadow any of the protected areas.   | Yes        |
| <b>4.3.3.2 Mixed Use Buildings</b>                  |  |            |
| Street Activation                                   | Activation will be subject to assessment of future details DA.   | N/A        |
| Entrances/Servicing                                 | The reference scheme demonstrates that vehicular access can be achieved from the secondary frontage (Phillip Street).<br><br>The reference scheme demonstrates that the office and hotel uses would have pedestrian access from separate streets.  | Yes        |
| <b>4.3.3.3 Public Domain and Pedestrian Amenity</b> |  |            |
| Through Site Links<br><br>>3m width                 | The DCP identifies the need for a through site link along the western boundary of the site, shared with the adjoining properties to the west:<br><br><br><br>The proposal includes the required north-south through site links along the western boundaries of the site. The link is 6m wide at ground level with 3m clear to sky and 3m undercroft. A condition is included requiring a   | Yes        |

| Development Control   | Proposal  | Comply         |
|---|---|----------------|
|   | <p>minimum 4m head clearance height in the undercroft area. The link is considered to be legible and direct.</p> <p>32 Smith Street, the adjoining site to the west, has provided a 1.5m eastern setback as its contribution to the link (see area highlighted red in Figure 4 above). Together the two parts would provide a 7.5m wide link.</p> <p>32 Smith Street has an east-west through site link (see area highlighted blue in Figure 4 above). The adjoining site to the east, 130 George Street, also has a mid-block east-west link. As such it is considered that a through-site link should be considered between the two. An advisory note is included to this effect.</p>   |                |
| Active Frontages<br>Min 50% Primary (George)<br>Min 40% Secondary (Phillip) | <p>The reference scheme demonstrates that the minimum frontage activation rates can be achieved.</p> <p>While the reference scheme does not include substation, fire services or the like, they are likely able to be accommodated. It is recommended that the substation be provided above ground floor level to reduce its impact. An advisory note is included to this effect.</p>   | Yes            |
| Active Frontages at Ground Level  | Activation at ground level cannot occur due to flooding issues.   | No, acceptable |
| Multiple Entrances  | The reference scheme demonstrates that entrances can be achieved for both frontages.  | Yes            |
| Awnings   |   |                |
| Not required.   | Not proposed.   | Yes            |
| Courtyards and Squares  | <p>The proposal includes a min 600sqm public square in the north-west corner of the site. The plans demonstrate that the public square would be integrated into the western through site link and would extend the public domain.</p> <p>While the square would be above basement car park, this is considered to be acceptable given the significant deep soil provided elsewhere throughout the site. Conditions are included requiring set down planters for trees.</p> <p>The public square cannot be at street level, due to flooding concerns.</p> <p>The square would be fully built on 3 sides. Activation would be assessed at future DA stage.</p> <p>The concept drawing shows a 500sqm area for the public square, while the notation on the drawings indicates a min 600sqm area. To avoid confusion, a condition is included clarifying a min 600sqm square.</p> <p>The square would be at least 20m wide.</p> <p>The square would have a depth:width ratio of approximately 1.8:1.</p> | Yes            |
| >12m width  |   |                |
| <3:1 depth:width ratio  |   |                |
| <b>4.3.3.4 Views and View Corridors</b>                                     |   |                |
| <i>Protect strategic views</i>  | The proposal would not affect a view corridor as defined by the DCP.  | Yes            |

| Development Control  | Proposal  | Comply |
|--|---|--------|
| <b>4.3.3.5 Access and Parking</b>  |   |        |
| Location of Vehicle Access   | The reference scheme demonstrates that the proposal would result in no additional vehicular accesses with the access provided off of the secondary frontage, Phillip Street. It is not possible to share vehicular access in this location as both adjoining sites on Phillip Street have recently been development with their own access.  | Yes    |
| Design of Vehicle Access   | Subject to future detailed DA.  | N/A    |
| Pedestrian Access and Mobility   | The reference scheme demonstrates that compliance can be achieved.  | Yes    |
| Vehicular Driveways and Maneuvering Areas  | The proposal does not define a driveway location, though the reference scheme shows the driveway located on Phillip Street. As the secondary street, Phillip is considered to be the appropriate location for the driveway.<br><br>Except for a requirement that it be separated from the public square by at least 2, the final location of the driveway is not defined to allow for optimisation as part of the design excellence proves. | N/A    |
| On-site Parking<br><br>Accessible spaces: 1-2%<br>Motorcycle spaces: 4 per 50 car parking spaces | Subject to future detailed DA.  | N/A    |
| <b>4.3.3.6 Environmental Management</b>  |   |        |
| Landscape Design   | The proposal includes a deep soil zone (~280sqm) in the north-east corner of the site. Detailed site and public domain landscape design will be subject of a future detailed DA.<br><br>The basement is located within the footprint of the building.   | Yes    |
| Planting on Structures   | Subject to future detailed DA. Notwithstanding, due to the likely requirement to include trees on slab to ameliorate wind concerns, it is considered appropriate to condition planter requirements at this stage  | Yes    |
| Green Roof   | Subject to future detailed DA.  | N/A    |
| Energy and Water Efficient Design<br><br>Recycled water  | The applicant submitted a concept ESD report outlining a strategy for achieving sustainability requirements.<br><br>The report has been reviewed by Council's ESD consultant who has outlined the requirements of any future DA, including piping for recycled water.<br><br>A condition is included outlining these requirements.  | Yes    |
| <b>4.3.3.8 Design Excellence</b>   |   |        |
|  | Subject to future detailed DA.  | N/A    |
| <b>5 Other Provisions</b>  |   |        |
| 5.5 Signage  | No signage proposed.  | N/A    |

### 9.1.1 Upper Level (Tower) Front Setbacks

The proposed south tower envelope and reference scheme seek to vary the DCP tower setback control (i.e. 20m front setback to George Street).

In assessing this variation it is considered appropriate to consider the following relevant objectives of the Upper Level Front Setback control:



1. *To achieve comfortable street and riverfront environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees.*
2. *To enhance the distinctive character of streets within Parramatta city centre.*
3. *To reinterpret the historic 200 foot (60m) wide alignment of George Street of the original Georgian town plan for Parramatta.*

While the two directly adjoining towers do achieve the 20m George Street setback requirements, the objective has not been achieved on a number of sites nearby as outlined in the table below.

| Address/Building   | George Street tower setback |
|--|-----------------------------|
| 100 George Street (Western Sydney University)                | ~20m                        |
| 130 George Street (AON building)                             | ~24m                        |
| 140 George Street (DC/16/2016 – not pursued at DA stage)     | 6m                          |
| 150 George Street (Commonwealth Bank - North)                | ~5m                         |
| 101 George Street (Commonwealth Bank - South)                | ~0m                         |
| 89 George Street (DA/954/2017 – Active but not yet taken up) | 10.5m                       |

The proposed 12m tower setback to George Street is considered to be acceptable for the following reasons:

- It would not itself thwart achievement of any of the relevant objectives of the control. The future application will still need to demonstrate compliance with the relevant objectives.
- As outlined in the table above, the control has not been effective to date in achieving the desired 20m setback.
- Council's Urban Design team support the setback because it is consistent with the built form envisaged by the draft CBD Planning Proposal (exhibited) and associated draft DCP (not yet publicly exhibited).
- Locating the tower 20m back would unnecessarily cramp the Phillip Street tower form and public open space proposed in the northern part of the site. Further, such a tower would likely result in undesirable wind impacts in the public open space.

### 9.1.2 Building Depth and Bulk (Tower Dimensions)

The proposed south tower envelope and reference scheme significantly exceed the DCP building depth and bulk control (i.e. maximum 45m tower dimension in plan).

The applicant seeks to vary this control and instead proposes a condition for Stage 2 that the future floorplate (Gross Building Area) be limited to 85% of the envelope size. Such a control would result in a tower with a GBA of up to 2,740sqm. The applicant is of the view that such a control would provide appropriate flexibility at the future design competition stage while sufficiently controlling the bulk of the building.

In assessing this variation, it is considered appropriate to consider the objectives of the Building Depth and Bulk control which are as follows:

1. *To promote the design and development of sustainable buildings.*
2. *To achieve living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.*
3. *To provide viable and useable commercial floor space.*
4. *To achieve usable and pleasant streets and public domain at ground level by controlling the size of upper level of buildings.*
5. *To achieve a city skyline sympathetic to the topography and context.*
6. *To allow for view sharing and view corridors.*

7. To reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with modulation of form.

Objectives 1, 2, 3, 6 and 7 will primarily be addressed at the future Stage 2 detailed development application.

Considering Objectives 4 and 5, for context, a comparison of commercial tower GBAs in the vicinity of the site is provided below:

| Address/Building                | Application Reference     | Approx. GBA (exc. solar shading)     | Status       |
|---------------------------------|---------------------------|--------------------------------------|--------------|
| 4 Parramatta Square             | DA/436/2016               | 2,725sqm                             | Complete     |
| 6 & 8 Parramatta Square         | DA/47/2018                | 3,875sqm (lower)<br>2,750sqm (upper) | Construction |
| 130-150 George Street           | DA/808/2017               | 2,000sqm                             | Approved     |
| 32 Smith Street                 | DA/888/2017               | 1,625sqm                             | Complete     |
| Westfield Shopping Centre Tower | MP10_0068 (SSD) (Concept) | 2,525sqm <sup>1</sup>                | Assessment   |
| 10 Valentine Ave                | DA/841/2017               | 1,500sqm                             | Approved     |

The proposed tower floorplate is considered to be excessive as it would be commensurate with 4 and (upper) 6&8 Parramatta Square. Parramatta Square is an open area, surrounded by large public areas, and well setback from adjoining buildings outside the square. The subject site is in a dense commercial block, with relatively narrow streets. The applicant's proposed floorplate control would result in a building that felt imposing in the street and was out of context with nearby buildings. As such it would not achieve objectives 4 and 5 of the DCP. Further, it is not considered to be in keeping with the CBD PP vision for 'tall and *slender*' towers (emphases added).

A maximum of 2,500sqm GBA is considered to be more appropriate for the following reasons:

- The site is large and can accommodate such a tower form without unreasonably compromising the setback controls. It is noted that it would be similar to the Westfield tower concept referred to in the table above, which also has these site characteristics.
- While slightly larger than towers approved nearby in similar settings, the proposal includes significant public benefits including provision of a significant through site link and public square.
- It would allow for a sufficiently slender tower as required by the CBD PP (exhibited). It would also be consistent with the associated floorplate control in the draft CBD PP DCP (not yet publicly exhibited).
- It would not itself thwart achievement of any of the objectives of the control. The future application will still need to demonstrate compliance with the objectives.

It is considered appropriate for this envelope to exclude external sun shading. External solar shading has minimal impact on building bulk and has numerous ESD benefits.

As such a condition is included requiring the future southern tower have a maximum GBA of 2,500sqm not including external solar shading.

## 10. Planning Agreements

The subject application is not subject to a planning agreement.

<sup>1</sup> 3,250sqm concept envelope, condition requiring GFA max 70% envelope, assuming GFA:GBA of 0.9:1. Also included condition max 60m dimension.

## 11. The Regulations

The recommendation of this report includes conditions to ensure the provisions of the Regulations will be satisfied.

## 12. The likely impacts of the development

The likely impacts of the development have been considered in this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework. The impacts that arise are acceptable.

## 13. Site suitability

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

Suitable investigations and documentation has been provided to demonstrate that the site can be made suitable for the proposed development in terms of contamination. An advisory note is included requiring an acid sulphate soils management plan at detailed DA stage.

The applicant has demonstrated that the proposed envelope would not have an unacceptable impact on the historical significance of the adjoining heritage items. An advisory note is included requiring geotechnical reports to demonstrate no impact on subterranean heritage on adjoining sites.

Appropriate safeguards are in place for archaeological and Aboriginal heritage.

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

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

## 14. Submissions

The application was notified and advertised in accordance with Council's requirements for a 21 day period between 8 December 2020 and 11 January 2021. Two submissions were received. The public submission issues are summarised and commented on as follows:

| Issues  | Comment  |
|---|--|
| A through site link along the eastern boundary should be provided. The link should be clear to sky. | The DCP requires a through site link along the western boundary. Noting the existing through site link along the western boundaries of 130 George & 105 Phillip Street, it is considered that priority should be given to the western link. Such a requirement does not mean that the future detailed design of the eastern edge of the podium cannot address, activate and potentially expand the existing link on the adjoining sites to the east.<br><br>Consideration of the openness of any link can be considered at the future detailed DA stage. |

|   |   |
|---|---|
| A podium setback to the eastern boundary may be required to minimise impact on adjoining heritage item.   | The proposed envelope does not prejudice the requirement that a future development application consider and respond to its potential heritage impacts.  |
| Impact of level change required to address flooding.  | The flood planning level is above street level. A condition is included requiring that any steps/ramps to transition between the two be accommodated externally to the building. The future impact of these interface areas will be considered in more detail at future detailed DA stage.  |
| The driveway location should be located towards the western boundary as originally proposed.<br><br>A shared vehicle crossing with 32 Smith Street could be provided. | The DCP requires that driveways be off secondary streets, in this case Phillip Street. The existing driveway is located on Phillip Street towards the site's eastern boundary. The revised proposal includes a public square in the north-west corner of the site. As such a driveway in this location is not appropriate and a condition is included to this effect. The revised proposal does not nominate a final location for the driveway. This is considered to be acceptable. The future detailed DA will include a traffic report which justifies the ultimate driveway location.<br><br>A shared crossing with 32 Smith Street is not considered to be appropriate as it would result in a through site link terminating between two driveways and/or vehicles crossing the through site link. |
| The proposed towers will have an unacceptable bulk.   | As outlined in section 9.1.2 above, the proposed tower bulk is considered to be acceptable subject to a condition limiting the floorplate GBA to 2,500sqm.  |
| Lack of site specific DCP   | This concept serves many of the same functions as a site-specific DCP, setting out setbacks, floorplates, open spaces, through-site links and the like. The draft concept consent outlines conditions where relevant. The existing DCP controls will continue to apply to a future DA.  |
| Lack of tower articulation  | Tower articulation will be considered at future design competition and DA stage. The DCP requirements for articulation will still apply.  |
| Overshadowing of adjoining buildings  | The applicant has demonstrated that the proposed envelopes are unlikely to result in unacceptable overshadowing of adjoining properties. Notwithstanding, the future detailed application will also need to demonstrate compliance regardless of this consent.  |
| Through site link should be on the west side of site  | The applicant submitted amended drawings to this effect.  |
| Insufficient setback from adjoining building at 105 Phillip Street and loss of privacy.   | The northern tower concept envelope is ~11.5m from the adjoining building at 105 Phillip Street. This is well more than the 6m setback required by the DCP. The adjoining building was built very near the boundary, limiting the ability of the adjoining property to provide the ideal 12m separation. Notwithstanding, the detailed design and solar analysis of the future tower may require that it be set further from the eastern boundary.<br><br>The adjoining building, an office use, and the proposed hotel would be separated by at least 11.5m. While the uses are less sensitive to privacy, the future detailed design will consider maximisation of privacy.   |
| Impact of ground level retail and eastern through site link on security of adjoining properties.  | CPTED issues to be considered at future detailed design stage.  |



## **15. Public Interest**

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

## **16. Disclosure of Political Donations and Gifts**

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

## **17. Developer Contributions**

Section 7.12 'Fixed Development Consent Levies' of the Environmental Planning and Assessment Act 1979 allows Council to collect monetary contributions from developers towards the provision, extension or augmentation of public amenities or public services in accordance with a contributions plan. The Parramatta CBD Development Contributions Plan 2007 (Amendment No. 5) requires the payment of a levy equal to 3% of the cost of development for works over \$250,000.

The applicant has submitted a cost estimate report which estimates the cost of demolition to be \$5,000,000.00. As such a contribution of \$150,000.00 applies to Stage 1 of the development. The contribution requirement for the building would be applied to the future detailed development application.

A condition of consent is included in the recommendation requiring the contribution be paid prior to demolition.

## **18. Summary and Conclusion**

The application has been assessed relative to sections 4.15 and 4.22 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.

The proposed development is appropriately located within a locality earmarked for high-rise commercial redevelopment, however some variations (as detailed above) in relation to PDGP 2011 are sought.

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

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Sections 4.15 and 4.22 of the Environmental Planning and Assessment Act, 1979. Accordingly, approval of the Concept and Stage 1 proposal is recommended.

## 19. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority grant **Consent** to Development Application No. DA/712/2020 for concept proposal for building envelopes containing commercial premises (office/retail) and hotel accommodation, and Stage 1 detailed proposal for demolition works of existing buildings and tree removal at 110 George Street, PARRAMATTA NSW 2150 (Lot 101 DP 789839) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Appendix 1.
- B. **That** those who made submissions be advised of the decision.