



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-2
DA Number	DA/340/2019
LGA	City of Parramatta Council
Proposed Development	Demolition of all existing structures; construction of a 35 storey mixed use development comprising one basement level, ground floor retail and building services, five above ground car park levels, commercial floor area, communal open space on a podium and rooftop level and 104 residential apartments. The application is to be determined by the Sydney Central City Planning Panel.
Street Address	Lot 101 DP 709151, 13 Aird Street, Parramatta, NSW 2150
Applicant/Owner	Hamptons Pty Ltd and Dayaf Investments Pty Ltd
Date of DA lodgement	11 June 2019
Number of Submissions	Nine (9) submissions
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	General Development Over \$30 Million Cost of Construction proposed = \$33,121,606.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development• State Environmental Planning Policy (BASIX) 2004• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011
Report prepared by	Sohini Sen, Senior Development Assessment Officer
Report date	13 January 2020

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Not

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

Applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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

1. Executive Summary

This report considers a proposal for demolition of all existing structures; construction of a 35 storey mixed use development comprising one basement level, ground floor retail and building services, five above ground car park levels, commercial floor area, communal open space on a podium and rooftop level and 104 residential apartments.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Grant development consent for development proposal subject of this application, subject to the recommended conditions.

2. Key Issues

- Variations to LEP building height control;
- Variations to DCP street frontage control; and
- Variation to ADG building separation control.

3. The Site and Surrounds

The subject site is 13 Aird Street, Parramatta (Lot 101 DP 709151) and is located on the southern side of Aird Street. The site has a total area of 815m² and has a street frontage of 17.6m to Aird Street. The site has a slope from the street to the rear (north to south) of approximately 4m.

The site has a frontage to Aird Street and vehicular and pedestrian access to the site is off Aird Street. Adjoining the site to the east is the Westfield Parramatta Shopping Centre and associated car parking consisting of a six storey development with rooftop parking. Adjoining the site to the south (rear) is a car park and adjoining the site to the west is a 13 storey mixed use development located at No. 7 Aird Street.

The site currently contains a five storey commercial building with one basement level which services a number of tenancies and which is located on the northern portion of the site. The southern portion of the site comprises a hardstand area used for car parking and access to the basement level.

The site is:

- Located adjacent to Westfield Parramatta Shopping Centre.

- Located within proximity to Parramatta Railway Station and bus interchange (approximately 460m).
- Within proximity to Parramatta RSL.
- Within proximity to Parramatta Park (470m).
- The closest item of heritage significance is St John's Anglican Cemetery (Item I00049) located at 1 O'Connell Street.

The site does not contain any significant vegetation.

The site is located on the western edge of the Parramatta CBD. This precinct is identified as a transitional area with older lower scale developments making way for mixed use developments such as 7-9 Aird Street and 24 Campbell Street.



Figure 1: Aerial photograph of the site and surrounds



Figure 2: Entrance to existing building on the subject site



Figure 3: Adjoining Westfield shopping centre to the east of the site



Figure 4: Adjoining mixed use development to the west of the site

4. Development History

Planning Proposal

A Planning Proposal (RZ/19/2015) was lodged with Council on 28 August 2015 and sought to amend the Height of Buildings and Floor Space Ratio development standards contained with the Parramatta Local Environmental Plan 2011.

The site was deemed suitable for the planning proposal subject to achieving design excellence given the constraints of the adjoining development (Westfield car park, Campbell Street Westfield car park and existing mixed use building) which are all built to the site boundaries. Further, amalgamation of adjoining property at 7-9 Aird Street was not considered feasible as development had commenced on this site. It is noted that Council provided recommendations to provide above ground car parking to address the adjacent Westfield car park to the east and the car park of the approved development of 7-9 Aird Street to the west.

Amendments to the LEP were gazetted in January 2016 (Amendment 21, 29 January 2016) for an increase to the maximum height of buildings from 36m to 102m and FSR of 4.2:1 to 10:1. The FSR development standard excludes the additional 15% of floor space, which may be achieved through design excellence.

On the basis that design excellence was achieved, a maximum FSR of 11.5:1 and building height of 117m would be permitted.

A voluntary planning agreement was also entered into for the provision of public works relating to the Planning Proposal and paid for by the owner of the land.

During lodgement of the Planning Proposal, the Parramatta CBD Planning Strategy was endorsed by Council in November 2015.

The Gateway report for the Parramatta CBD Planning Proposal was issued by the Department of Planning and Environment in December 2018. The incentive FSR provisions for sites were adjusted where if the allotment size is below 1,800m², additional FSR is awarded on a sliding scale only where it can be demonstrated that site isolation and design excellence can be achieved. The applicant has achieved design excellence and therefore, the reduced FSR does not apply to the site, which continues to benefit from the current development standard for FSR, being 10:1.

Architectural Design Competition

A design competition (DC/6/2018) was undertaken via an invited architectural design competition. The details of the brief included the following key components:

- Provision of a minimum of 100 dwellings;
- Provision of a minimum of 815m² commercial floor area;
- Apartment mix of 15-25% x 1 bedroom apartments; 60-70% x 2 bedroom apartments; and 5-10% x 3 bedroom apartments;
- FSR of 11.5:1;
- Maximum 117m building height (approximately 39 storeys including the top of any structure);
- No cantilevering of buildings or structural columns visible on the boundary;
- Provision of an active frontage to Aird Street;
- Provision of car parking above ground level;
- Limitation of impacts of excavation;
- Provision of a built form which limits downdrafts; and
- Café or retail use on the ground floor.

PTI Architects were the winners of the competition and the proposal was awarded design excellence subject to a number of design amendments. As such, the proposal benefits from the additional 15% FSR and height bonus subject to the proposal maintaining design excellence. The development features of this winning entry included:

- Gross Floor Area of 9,334m²;
- FSR of 11.5:1
- Building Height of 118.5m
- 102 apartments (23% x 1 bedroom, 68% 2 x bedroom, and 9% x 3 bedroom apartments);
- 68 car parking spaces

It is noted that slight modifications have been made to the development during the Development Application stage.

The Competition Jury considered the following items should be retained throughout the design and delivery phases of the development:

- *Ground Floor - Retain the ground level design with its openness and inclusion of the driveway into the visual curtilage of the café and entrance.*
- *Communal Space - A key aspect of the planning concept is a communal floor offering (level 6) space for various communal or temporary uses by residents. This is seen to promote relationships among residents and should be maintained. It should be retained, subject to increasing the work space at the partial expense of the area of bike storage. The Strata Plan should retain this floor as communal space.*
- *Accessible Apartments - The proposal is for at least half of apartments to achieve the Silver Access Standard.*
- *This mix should be retained to ensure the building is inclusive and designed for young buyers and senior markets.*
- *Facades - The dynamic and articulated approach to the design, detailing and materiality of the building north and south elevations are retained throughout the life of the development and further developed to enhance the dynamism.*

The Jury recommended that the following aspects be further explored during design development:

- *Structure - Confirmation that the detail structural design will not lead to a thickening of walls.*
- *Wind - Wind analysis to check that furniture will not be blown off balconies and that the base of the building will not suffer uncontrollable downdraughts.*
- *Glazing - Possible inclusion of windows facing west. It may not be necessary to limit such glazing to be obscure as the view to the west can be very beautiful.*
- *Communal Open Space - Consider increasing the communal work space on level 6 by realigning the bicycle brackets.*
- *Podium and Westfield interface - The interface between the podium detail and the Westfield car park requires further design development to achieve an integrated design detail between the two elements*
- *Facades - The east and west elevations need further design development, similar to the articulation of the north and south facades. These elevations will be always exposed and require further development.*
- *Building Openings and Fenestration - With the development of the east and west facades, the improvement of openings, especially snorkel windows, should be improved. 'Sacrificial windows' could be investigated for the western façade, ideally for kitchens, to improve the quality of spaces.*
- *Commercial Space - The Commercial space on level 5 receives insufficient natural lighting and requires better façade treatment or the incorporation of roof lights to increase the permeation of light to the interior.*

These additional design amendments have been considered and incorporated into the development scheme lodged under this Development Application. A detailed discussion of these recommendations is provided further in this report.

5. Application History

A timeline of the Development Application is provided as follows:

Date	Activity
11 June 2019	DA lodged with Council.
13 June 2019	Landscape comments received.
	Traffic comments received.
24 June 2019	Site Inspection undertaken.
26 June 2019	Environmental Health (Waste) comments received.
	Application advertised – 26 June until 17 July.
4 July 2019	Environmental Health (Acoustic) comments received.
	Environmental Health (Contamination) comments received.
12 July 2019	Urban Design (Public Domain) Comments received.
19 July 2019	Development Engineer comments received.
1 August 2019	Heritage comments received.
6 August 2019	Request for additional information sent to applicant. Information requested: <ul style="list-style-type: none"> • Clause 4.6 variation statement; • Public Domain amendments; and • Traffic amendments.
26 August 2019	Amended plans/documentation (1 st set) received from applicant.
27 August 2019	Comments received from ESD consultant.
10 September 2019	Comments received from Wind consultant.
	ESD comments sent to applicant.
23 September 2019/8 October 2019	Amended plans/documentation (2 nd set) received from applicant.
10 October 2019	Comments received from external wind consultant.
28 October 2019	Additional information received from applicant addressing wind consultant comments.
1 November 2019	Design Jury comments received.
6 November 2019	SCCPP briefing meeting held.
8 November 2019	Amended plans/documentation (3 rd set) received from applicant.
12 November 2019	Traffic comments (2 nd set) received.
13 November 2019	ESD comments received (2 nd set).
19 November 2019	Amended plans showing relocation of substation to ground floor and correspondence from Endeavour Energy supporting the location of substation received from applicant.
21 November 2019	Urban Design (Public Domain) comments received (2 nd set).
26 November 2019	Amended plans/documentation (4 th set/ Issue E) received from applicant.
5 December 2019	Design Jury comments received and design excellence awarded (2 nd set/final comments).
6 January 2020	ESD comments received (3 rd set).
11 January 2020	Wind consultant comments received (2 nd set).

6. The Proposal

The subject Development Application seeks development consent for demolition of all existing structures; construction of a 35 storey mixed use development comprising one basement level carpark, ground floor retail and building services, five above ground car park levels, commercial floor area, communal open space on a podium and rooftop level and 104 residential apartments

The proposed development includes the following key components:

- Demolition of existing structures on the site;
- Construction of 35 storey mixed use development comprising:
 - One basement level;
 - Ground Floor retail with mezzanine level;
 - Five (5) above ground car park levels with parking for 86 vehicles, 5 motorcycles and 56 bicycles ;
 - Commercial floor area (Level 6);
 - Communal Open Space on podium level (level 7) which includes 36 bicycle parking spaces;
 - 27 levels of residential floor space comprising 104 residential apartments (27 x 1-bedroom; 73 x 2-bedroom; and 4 x 3-bedroom apartments); and
 - Rooftop communal open space.



Figure 5: 3D perspective of proposed development as viewed from Aird Street (PTI Architecture)

The development has a total gross floor area of 9,401m² and includes 38m² retail floor area and 663m² commercial floor area. The proposed building height is 120.9m which exceeds the maximum permissible building height (including the height bonus awarded for achieving design excellence). A Clause 4.6 statement has been submitted with this application and is discussed further in this report.

The key differences between the development scheme subject of this Development Application and the scheme that was awarded design excellence during the design competition phase include:

- Increased building height from 118.5m to 120.9m;
- Increased number of apartments from 102 to 104;
- Increased Gross Floor Area to 9,401m² (noting that the FSR remains compliant);
- Increase in proportion of 1 bedroom and 2 bedroom apartments and reduction in the proportion of 3 bedroom apartments; and
- Increase in number of car parking spaces from 68 spaces to 86 spaces.

Amended plans were received during the course of assessment of this application with the following changes:

- Provision of the substation on the ground floor and reconfiguration of the proposed retail/café at the ground level;
- Amendments to the proposed wintergardens to include permanent openings;
- Reduction of the proposed awning;
- Provision of a secure roller shutter within the parking area; and
- Reduction of shear blades extending from the eastern and western facades.

The amended plans are the subject of this assessment and have been awarded design excellence by the design jury.

7. Referrals

The following internal and external referrals were undertaken:

<p>Design Excellence Jury</p>	<p>The Jury unanimously agree that the revised proposal, subject to conditions, exhibits Design Excellence.</p> <p>The Jury are supportive of Council's standard Design Excellence conditions of consent attached to this document.</p> <p>1. <u>Ground Floor</u> <i>Retain the ground level design with its openness and inclusion of the driveway into the visual curtilage of the café and entrance.</i></p> <p>The architect has notified Council and the Jury that they have worked with Endeavour Energy to incorporate a substation at the Ground Floor.</p> <p>The Jury has reviewed the alternate ground floor plan, and are supportive of the substation location. The design maintains most of the good features of the ground floor, and the impact of the substation has been minimised by facing the doors to the driveway, thus avoiding the need for an access space.</p> <p>To facilitate the substation (and its access and servicing requirements) the Jury note that the driveway width has increased to 6.5m. The driveway width now dominates over one-third of the sites frontage, which does not prioritise pedestrian amenity and street activation. The Jury recommend that the width of the driveway be reduced.</p> <p>The Jury also recommend that the original car waiting bay is reinstated, acknowledging this space will be prioritised for Endeavour</p>
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Energy service vehicles when required.

2. Communal Space

A key aspect of the planning concept is a communal floor offering (level 6) space for various communal or temporary uses by residents. This is seen to promote relationships among residents and should be maintained. It should be retained, subject to increasing the work space at the partial expense of the area of bike storage. The Strata Plan should retain this floor as communal space.

The Jury accept the architect's response, which is informed by the report of the wind consultant.

The additional folding doors to the outdoor seating area are supported, as it will allow the partial enclosure of the undercroft space in windy conditions.

3. Accessible Apartments

The proposal is for at least half of apartments to achieve the Silver Access Standard. This mix should be retained to ensure the building is inclusive and designed for young buyers and senior markets.

Satisfied. This item has been retained.

4. Facades

The dynamic and articulated approach to the design, detailing and materiality of the building north and south elevations are retained throughout the life of the development and further developed to enhance the dynamism.

The Jury are satisfied that the additional façade details have been submitted.

The Jury defers the performance of the glazing to the satisfaction of Council's ESD advisor.

5. Structure

Confirmation that the detail structural design will not lead to a thickening of walls.

Satisfied by reference to the structural engineer's statement. The architect has stated that he does not anticipate any major structural changes post DA lodgement.

6. Wind

Wind analysis to check that furniture will not be blown off balconies and that the base of the building will not suffer uncontrollable downdraughts.

Council has engaged a wind consultant to review the DA. Due to potential wind downdrafts from the tower, the Jury recommend that only fixed furniture (tables and chairs) be permitted on the communal terrace unless otherwise recommended by the report of the wind consultant.

7. Glazing

Possible inclusion of windows facing west. It may not be necessary to limit such glazing to be obscure as the view to the west can be very beautiful.

Satisfied. Additional glazing has been added to both the west and east facades to improve amenity and capture potential views. The glazing being within 3m of boundaries, will be provided with fire protection as required.

8. Communal Open Space

Consider increasing the communal work space on level 6 by realigning the bicycle brackets.

Satisfied. The communal work space has been increased, and now includes an ancillary dedicated outdoor area to provide additional amenity.

9. Podium and Westfield interface

The interface between the podium detail and the Westfield car park requires further design development to achieve an integrated design detail between the two elements.

The Jury recommends that Council engage with the Scentre Group (Westfield) to ensure that any future redevelopment of Westfield responds to the precincts evolving context.

10. Facades

The east and west elevations need further design development, similar to the articulation of the north and south facades. These elevations will be always exposed and require further development.

Satisfied. Both the eastern and western facades have been further developed to provide more articulation. Fixed glazing has been added to the south-eastern and north-western apartments which will be fire protected as required.

The Jury is also supportive of the refined pre-cast blank facades that are lighter in colour and provide a subtle pattern + texture.

11. Building Openings and Fenestration

With the development of the east and west facades, the improvement of openings, especially snorkel windows, should be improved. 'Sacrificial windows' could be investigated for the western façade, ideally for kitchens, to improve the quality of spaces.

Satisfied. The Jury note that the blades have been reduced back to be in line with the design competition scheme.

12. Commercial Space

The Commercial space on level 5 receives insufficient natural lighting and requires better façade treatment or the incorporation of roof lights to increase the permeation of light to the interior.

Satisfied. The Jury is pleased to note that additional glazing has been added to the southern and eastern wall of the commercial space to allow additional natural light to permeate to the interior at the southern end of the space.

13. ESD Improvement Opportunities

The following ESD points are to be incorporated as design development moves forward:

- *Ensure carpark screening on north provides 50% open area to allow for passive make-up air.*
- *Restrict solar reflectivity of all wintergarden glazing to be <10% to mitigate heat reflection.*

	<ul style="list-style-type: none"> • Relocate A/C heat rejection (or if not feasible, create sufficient permanent open area to ensure wintergarden are adequately ventilated). • Councils Development Assessment officer has also notified the Jury that the current wintergarden design would be calculated as GFA. <p>The Jury have been advised by Council's ESD advisor that the proposed balcony design is acceptable.</p> <p>The design has been amended to add fixed glass louvres to support natural ventilation. However, this solution is only acceptable if A/C units are relocated from private balconies.</p> <p>The Jury recommend a condition of consent is applied that requires the relocation of A/C units prior to the relevant CC.</p>
Wind Consultant	<p>No objections subject to further clarification regarding reference wind speeds used in the wind study.</p> <p>Council has engaged an external wind consultant to review the applicant's wind study. The consultant concluded that <i>"the criteria adopted in the study represent a mix of modified Lawson (1990) 5% Exceedance GEM Criteria for Comfort and Melbourne's (1978) peak annual gust 23 m/sec criterion for Safety. Although representing a departure from standard Parramatta DCP criteria, the criteria selection is appropriate"</i>.</p> <p>The following clarification has been requested from the wind consultant regarding the reference speed winds used in the wind tunnel test undertaken by the applicant's wind consultant:</p> <p><i>"In light of the potential (albeit modest) underestimation of peak wind events suggested in Section 4.3, combined with the more significant difference in reference wind speeds used in the Windtech June 2019 Study (more than 20% lower for key prevailing strong wind directions compared to SLR's data), SLR seeks the following clarification:</i></p> <p><i>an Windtech provide some background as to the substantially lower reference wind speeds used in their June 2019 Study for key prevailing strong wind directions compared to both their previous wind studies of Parramatta projects and SLR's own analysis of Bankstown Airport weather station winds"</i>.</p> <p>A condition of consent is recommended that this clarification regarding the reference wind speeds used in the wind tunnel testing be provided for the review prior to the issue of a Construction Certificate.</p>
ESD Consultant	<p>No objections subject to recommended conditions of consent.</p> <p>The amended proposal has been amended to add fixed glass louvres to support natural ventilation. The proposed fixed open glass louvres are acceptable only if the A/C unit is relocated. The current elevations show approximately 30% of louvres compared to facade area, which will prove the necessary 25% open area if framed at a fixed 45 degree angle, as proposed. The proposal for metal louvres is not clear regarding effective open area but it assumed this will change with the relocation of heat rejection or the requirement, or increased open requirement.</p> <p>Issues with A/C heat rejection units in the wintergardens include:</p>

	<p>- loss of private open space - Unit 1 POS reduced to 7.6m² - would be 8.5m² if no a/c unit is provided - Unit 2 POS reduced to 9.7m² - would be 10. 7m² without a/c unit - The proposed partition solution to screen the units is not practical as A/C heat rejection units typically have air intakes on the back and one of the sides. This prevents them from being screened as proposed. - Any partition to screen the NC heat rejection units would therefore have to be open sufficiently to allow adequate airflow into the units, which would limit any visual or acoustic screening. - The location of condenser units on balconies is discouraged in ADG guidelines. Specifically design guidance for Objective 4E-3, Private open space and balcony design, requires Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.</p> <p>If the NC heat rejection units where to remain located in the private open space, the probate open space should be designed as a balcony and not a wintergarden. This requires unobstructed opening for the full length of the balcony above the height of the balustrade.</p> <p>There is an outstanding issue with the updated glare report. The report has been amended to say that the sources previously identified as presenting glare risk are no longer a concern and a new caveat added that there may be observer points not assessed that can cause excessive glare. As nothing changed in the technical approach applied in the report, the simple re-labelling of 'Adverse glare' in the previous report to 'minor and not significant' in this report undermines confidence.</p> <p>A condition is recommended to be added to any approval for a more detailed glare assessment to be undertaken to ensure glare risk is successfully mitigated.</p> <p>The amended NatHERS certificates appear to have made all the corrections required except with respect to the treatment of the corridors. A condition of consent is recommended requiring submission of amended certificates with the correct modelling prior to the issue of a Construction Certificate.</p>
Development Engineer	<p>There are two relatively large Statutory Service Inspection covers outside the development site, which will be affected by the proposed new basement access driveway. An appropriate DA condition is recommended to obtain permission from the relevant authority, prior to the issue of CC.</p> <p>Additional OSD volumes provided for drowned outlet, with calculations. The proposal does not include Strata / Stratum Subdivision at this stage. Therefore, no subdivision related conditions would be included with this approval.</p> <p>The existing stormwater infrastructure within Aird Street does not extend past the subject site frontage. The existing stormwater infrastructure within Aird Street is to be extended to the proposed KIP within the subject site. Conditions applied to reflect this requirement.</p> <p>The proposal satisfies the requirements of Council's controls and can be supported, subject to conditions of consent.</p>
Heritage Advisor	<p><i>The following key factors were considered:</i></p> <ul style="list-style-type: none"> ○ <i>the site is not of interest in its own right;</i>

	<ul style="list-style-type: none"> ○ <i>the site is in close proximity of St Johns Cemetery (State listed item, located approx. 60m to the west);</i> ○ <i>the proposal appears to exceed planning controls applicable (while this is not a directly heritage matter, it may have implications on heritage);</i> ○ <i>the site has nil to low archaeological potential, including Aboriginal potential;</i> ○ <i>any development on the site would have high visibility from the area of St Johns Cemetery;</i> ○ <i>any development on the site would have high visibility from the area of Parramatta Park;</i> <p><i>The following advice is offered based on the above:</i></p> <ul style="list-style-type: none"> ○ <i>archaeological matters are presumably not be an issue;</i> ○ <i>there is no reason, from heritage perspective, to support any variation of planning controls;</i> ○ <i>it is noted that under the NSW Heritage Act, there is no obligation to refer DAs in vicinity of a State item to NSW OEH, however, it may be prudent to notify (note: “notify”, not “refer”) the NSW OEH, given the sensitivity of the item;</i> ○ <i>It is not mandatory under applicable legislation to make any other referrals for heritage purposes, however, it is recommended to notify National Trust of Australia (NSW) which has a specialist Cemeteries Committee and the Society for Preservation of St Johns Anglican Cemetery which has a special interest in this place.</i> <p><u>Planning Comment:</u> St John’s Cemetery is a State Heritage Item. Comments from the OEH were obtained during the Planning Proposal stage regarding the potential impacts the building envelope and no formal objections were raised.</p> <p>An assessment of the proposal with regards to the non-compliant building height has been undertaken and it is considered that the variation to the development standard is unlikely to result in a significant increased impact to the nearby heritage item when compared to a complying building height.</p>
Tree and Landscape Officer	The landscaping proposed for this development is supported with conditions. There are no existing trees on site. The proposal satisfies the requirements of Council’s controls and can be supported, subject to conditions of consent.
Traffic and Transport Engineer	Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds subject to recommended traffic related conditions.
Environmental Health Officer (Waste)	<p>Whilst the Waste Management Plan for Construction and Demolition does not specify the contractor and/or landfill site/transfer station, this information will be recorded as part of the waste data file and made available to Council. A condition will be placed on the application to address this issue.</p> <p>The Waste Management Plan has addressed the estimated volumes, types and mode of disposal of waste during the operational stage, with scope to review these estimates on an ongoing basis.</p> <p>No mention of a grease trap has been made other than; “The operator will organise grease interceptor trap servicing”. A grease trap could not be located on the floor plan, so a condition will be included to ensure that a grease trap is installed as part of the</p>

	<p>development in accordance with Council's <i>Waste Management Guide for new Development Applications</i>, which states that a grease trap must be provided for all premises, except for temporary premises and those only providing pre-packaged food.</p> <p>The bulky goods storage area does not appear to be calculated in accordance with Council's <i>Waste Management Guide</i> and does not appear to be large enough for the number of residential units proposed. A condition will be placed on the application to address this issue.</p> <p>The proposal satisfies the requirements of Council's controls and can be supported, subject to conditions of consent.</p>
<p>Environmental Health Officer (Acoustic)</p>	<p>This development proposes to demolish an existing commercial building and replace it with a mixed use development which consists of 104 residential units. Whilst consideration has been given to the noise impact on the residential component of the development by use of noise minimising construction, the acoustic report gives two options for minimum glazing recommendations for bedroom and living room windows and doors, with option two being less onerous using 'Monolithic' glass. Monolithic glass is a single pane of glass as opposed to laminated, double glazed or insulated glass and as this development abuts the existing Westfield car park located hard up against the eastern boundary of the site and the Campbell Street Westfield car park located to the rear of the site. Another Westfield car park is located on the other side of Aird Street directly opposite the proposal, the consideration for potential noise impacts on the residents is paramount in the early stages of the proposal, particularly in regards to the choice of building materials used.</p> <p>A check of Council records indicates that numerous noise complaints from residents living in units built in close proximity to Westfield Shopping Centre have been lodged with Council. Council Officers have investigated complaints regarding vehicle movement, plant noise, alarms, amplified music being played in the Westfield carparks and truck movements/beeping in and out of the loading docks. Loading Dock J is located next to this proposal, and due to the Westfield Shopping Centre's location, waste services and deliveries are conducted in the early hours of the morning when traffic and pedestrian activity is low.</p> <p>As this development application will ultimately be determined by the Sydney Central City Planning Panel, and further assessment of the Acoustic recommendations will be considered by the panel, acoustic related conditions of consent have been recommended.</p>
<p>Environmental Health Officer (Contamination)</p>	<p>Consideration will be given as to whether the site has the potential to be contaminated and the suitability of the site for the proposed development (including risks to human and environmental health and impacts on the safety of existing and new structures).</p> <p>No indication of contamination is found within Council records or on the S10 certificates that indicate the land may be potentially contaminated.</p> <p>A Preliminary Site Investigation Report has been prepared and submitted by "eiaustralia" and the report concludes that there is a moderate potential for contamination onsite.</p> <p>This review has found that the report is satisfactory in its scope and detail and adequately addresses general contamination concerns for the proposed development in accordance with the required regulatory framework.</p>

	<p>It is noted in the conclusion that a statement is provided that “that the site can be made suitable for the proposed residential” subject to the implementation of the proposed recommendations.</p> <p>Given these findings, there may be some potential to identify contamination during the demolition/excavation phase and the development will be conditioned to include the recommendations as stated in the preliminary site investigation, additionally it is recommended that conditions of consents be imposed relating to contamination.</p>
<p>Urban Design (Public Domain) Officer</p>	<p>The Public Domain DA drawings are supported for DA approval subject to the following comments being incorporated and provided in Public Domain CC drawings to be submitted to the Manager DTSU prior to CC approval. These recommendations have been incorporated into conditions of consent.</p> <p><i>Public Domain Alignment drawings as described in the PPDG have not been provided. Given the narrowness of the site and the proposed relocation of the vehicle crossing, the applicant will be required to reconstruct the street kerb and gutter for the full length of the site. The alignment drawings will demonstrate positive drainage to meet DDA requirements away from the site boundary to the top of kerb while also achieving a flush ground floor with the footpath for the length of the site. Any flattening of the publically accessible areas and building entry to be taken up within the site, not in the public domain.</i></p> <p><i>The public domain drawings should show preliminary layout and coordination of elements in the public domain including all existing and new services. The existing services in the proposed vehicle crossing should be relocated or adjusted (as per 6.2.4 Pit Lids and Infills) accordingly</i></p> <p><i>The footway pavement should use Council’s standard concrete paver, see PPDG and Council’s standard detail DS40.</i></p> <p><i>Vehicle crossing should use Council’s standard detail DS40 for heavy vehicle crossing</i></p> <p><i>The energy pillar should be incorporated into the building service areas, not be a standalone element that interferes with the clear path of travel in the public domain.</i></p> <p><i>The proposed egress passages may be obstructed by the booster cabinet. Egress passages, in particular the passage serving the lobby accessible WC, should ensure egress doors meet DDA requirements, see Universal Access Officer’s comments.</i></p> <p><i>The booster cabinet doors should not obstruct the clear path of travel of the public domain.</i></p> <p><i>PDCP min 50% active street front should be demonstrated with dimensions.</i></p> <p><i>The public art on wall is agreed, subject to comments from the Public Art officer.</i></p> <p><i>Planters replaced with a green wall at the back of the sub-station. Considering the distance the green wall is located back from the street specialist advice should be sought to ensure this feature is sustainable – refer Tree Officer’s comments. Drainage of the green</i></p>

	<p><i>wall should not permit surface water flooding across the lobby entry pavement.</i></p> <p><i>The lobby remains well back from the street and not clearly visible from the street. This visual access is further compounded by the substation and fire control room. The lobby should be clearly visible from the street front for ease of building entry registration and passive security, especially when the café is closed.</i></p> <p><i>Awnings are not required on Aird St, as per the City Centre DCP. If an awning is provided it must respect the horizontal and vertical alignment of the adjacent existing awning and provide continuous shelter. As per the City Centre DCP, awnings should be simple elements. If the awning is used to celebrate features of the building, this should be for pedestrian building entry, not vehicle crossings.</i></p>
<p>Endeavour Energy</p>	<p>Endeavour Energy's Mains Construction Instruction MCI 0006 'Underground distribution construction standards manual' in Section 7 'Substations & Switching Stations' states the following:</p> <p><i>7.5 Indoor substations</i> <i>7.5.1 Substation Location</i> <i>Where a substation is required within a customer's premises, it shall be located entirely at street or ground level with personnel and plant access off same level. Any deviation from this shall require the Network Substation Managers approval in writing.</i></p> <p><i>7.5.5 Doors</i> <i>7.5.5.6 Hatchway access substations</i> <i>Installation of substations with hatchway access is not permitted.</i></p> <p>The likely reason for the applicant proposing to have the indoor substation in the basement is due to the narrow road frontage of 17.6 metres. Allowing for the vehicle access, lobby and egress the only space remaining for an indoor substation would be in the ground floor retail space.</p> <p>Endeavour Energy is urging applicants to engage with an Electrical Consultant prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.</p> <p>Due to the foregoing Endeavour Energy objects to the Development Application. Subject to the satisfactory resolution of the design of the indoor substation, Endeavour Energy would subject to the recommendations and comments have no further objection to the Development Application.</p> <p><u>Planning Comment:</u> Amended plans were submitted relocating the substation to the ground floor. The amended plans were accompanied by correspondence from Endeavour Energy supporting the new location of the substation. As such, Endeavour Energy raises no objections to the proposal subject to the recommendations provided which have been passed on to the applicant.</p>
<p>RMS</p>	<p>Roads and Maritime has reviewed the submitted application and has no objections subject to recommended conditions of consent.</p>

8. Assessment under Environmental Planning and Assessment Act 1979

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

Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 9.
Section 4.15 (1)(a)(ii) - Draft environmental planning instruments	Refer to section 10.
Section 4.15 (1)(a)(iii) – Development control plans	Refer to section 11.
Section 4.15 (1)(a)(iii a) - Planning agreement	Refer to section 12.
Section 4.15 (1)(a)(iv) - The Regulations	Refer to section 13.
Section 4.15 (1)(b) – The likely impacts of the development	Refer to section 14.
Section 4.15 (1)(c) – The suitability of the site for development	Refer to section 15.
Section 4.15 (1)(d) – Any submissions	Refer to section 16.
Section 4.15 (1)(e) – The public interest	Refer to section 17.

9. Environmental Planning Instruments

Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. In considering this matter it is noted:

- The site is not identified in Council's records as being contaminated. The site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated.
- The applicant has submitted a preliminary site investigation as part of the Development Application which concludes that there is moderate potential for contamination on the site. It is noted that the report also conclude that the site can be made suitable for the proposed development subject to the recommendations within the report.
- Conditions of consent are also recommended including the preparation of a site audit statement by a suitable qualified professional.

Therefore, in accordance with Clause 7 of the State Environmental Planning Policy No 55—Remediation of Land, the land is suitable for the proposed development being a mixed use development, which includes a residential component.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained within the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX 2004

The application is accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

A condition has been imposed to ensure such commitments are fulfilled during the construction of the development.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Aird Street is less than 40,000 vehicles.

Consistent with clause 104 of this Policy (Traffic Generating Development) the application was referred to Roads and Maritime Services (RMS), who did not raise any objection to the proposed development subject to recommended conditions of consent.

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.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 (DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT)

SEPP 65 applies to the development as the proposal is for a new building, is more than 3 storeys in height and will have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

Design Quality Principles

The proposal is considered to be consistent with the design principles for the reasons

outlined below:

Requirement	Comment
Principle 1: Context and Neighbourhood Character	The design of the proposal responds to the site context, particularly with regards to the desired future character of the area comprising of mixed use development. The built form generally responds to the height and FSR controls applicable for the site. The modified proposal is appropriate given the site context as it provides an active street frontage and additional housing in close proximity to a major centre and transport interchange.
Principle 2: Built Form and Scale	The built form is appropriate for the site and is generally consistent with the building envelope and footprint controls prescribed by the Parramatta LEP 2011 and Parramatta DCP 2011 (including design excellence bonuses). The proposal is consistent with the Apartment Design Guide requirements in terms of building alignments, proportions, type and manipulation of building elements. The proposal has been designed with respect to neighbouring buildings and is positioned within the site to minimise impacts arising from the close proximity to neighbouring developments.
Principle 3: Density	The proposal results in a density appropriate for the site and its context in terms of floor space yield, number of apartments and potential number of residents. The proposed density of the development is sustainable and responds to the availability of infrastructure, public transport, community facilities and environmental quality.
Principle 4: Sustainability	A BASIX Certificate has been submitted with the application and the required design measures are incorporated into the design of the building. Additional BASIX requirements will be addressed at the Construction Certificate stage of the development.
Principle 5: Landscape	The proposed landscaping on the site is located on primarily on the ground, podium and rooftop levels and provides amenity for the communal open spaces and retail spaces on these levels. The landscaping is consistent with the landscape character of the locality.
Principle 6: Amenity	The proposed development is satisfactory with regards to amenity and has been designed to optimise internal amenity through orientation, visual and acoustic privacy, solar access, natural ventilation, apartment layout, storage areas and service areas.
Principle 7: Safety	The proposal satisfactorily addresses safety and provides opportunities for passive surveillance to the street frontage and communal areas of the site through the use of balconies addressing the street frontage and glazed openings. The car park area has been designed for secure access to ensure that the area remains accessible to only the building occupants and their visitors.
Principle 8: Housing Diversity and Social Interaction	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different demographics, living needs and budgets in close proximity to public transport. The development provides housing which suits the existing and future social mix and provide for the desired future community.
Principle 9: Aesthetics	The built form is appropriate with regard to the composition of building elements, textures, materials and colours which reflect the use, internal design and structure of the building. The building responds aesthetically to the environment and context, and appropriately contributes to the desired future character of the area.

Architectural Design Excellence Jury

An Architectural Design Excellence Competition was held for this site and the development proposal subject of this application was referred back to the Design Excellence Jury for their review. As such, the application was not required to be referred to City of Parramatta's

Design Excellence Review Panel. Refer to Referrals section of this report for comments provided by the Design Excellence Jury in relation to this proposal.

Apartment Design Guide

The ADG is a publication by the State Government which further expands on the design quality principles by providing some detailed practical guidance for the design of residential flat buildings.

The proposal has been assessed against the 32 topic area provisions within Parts 3 & 4 of the ADG and the relevant provisions of note are as follows:

Clause	Design Criteria	Comments	Comply
Part 3 – Siting the Development			
3A Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis has been submitted.	Yes.
3B Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street.	Pedestrian entry is provided off Aird Street	Yes.
	Where the street frontage is to the east or west, the rear buildings should be orientated to the north.	The Street frontage along Aird Street is oriented north.	Yes.
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west.	Aird Street is oriented to the north. There is one building proposed on the site.	Yes.
3C Public Domain interface	Transition between private and public domain is achieved without compromising safety and security.	The proposal provides a transition between the private and public domain interface. Apartments are located above the ground level and provide passive surveillance to the ground level.	Yes.
	Amenity of the public domain is retained and enhanced.	Public domain plans have been submitted and the public domain is retained and enhanced.	Yes.
3D Communal and public open space	Communal open space (COS) has a minimum area equal to 25% (203.75m ²) of the site, with minimum 3m dimensions.	The proposal provides 80% (659m ²) of COS on the proposed Level 7 podium level and the rooftop with minimum dimensions 3m. The COS contains deep soil planting areas and is accessible via the lifts.	Yes.
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm mid-winter.	The submitted shadow diagrams indicate that the proposed communal open space, which is north facing, achieves minimum of 50% direct sunlight to the usable part of the communal open space for a minimum of 2 hours between 9am and 3pm mid-winter.	Yes.

	<p>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ul style="list-style-type: none"> • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms 	Outdoor seating areas and communal lounge/work are provided on the podium level.	Yes.															
3E Deep soil zones	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td></td> </tr> <tr> <td>650m² – 1,500m²</td> <td>3m</td> <td></td> </tr> <tr> <td>Greater than 1,500m²</td> <td>6m</td> <td>7%</td> </tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td> <td>6m</td> <td></td> </tr> </tbody> </table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-		650m ² – 1,500m ²	3m		Greater than 1,500m ²	6m	7%	Greater than 1,500m ² with significant existing tree cover	6m		Deep soil areas are not able to be provided at the ground level due to the location of the site within the Parramatta CBD and the narrow site width. 14.7% (120m ²) of the site is proposed as raised planters with soil depths of up to 1m capable of tree planting and these are provided on the Level 7 podium and rooftop.	Yes.
Site area	Minimum dimensions	Deep soil zone (% of site area)																
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Greater than 1,500m ² with significant existing tree cover	6m																	
3F Visual Privacy	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p><u>Up to 4 Storeys</u> There are no residential apartments on the ground, first, second or third floors of the development</p> <p><u>4-8 Storeys</u> The fourth to eighth storeys contain a car park, commercial level and podium level with communal lounge areas and communal open space area.</p> <p><i>West:</i> The adjoining development to the west is built to the boundary. As such there are no visual privacy impacts along this boundary.</p> <p><i>East:</i> The adjoining development to the east is the Westfield car park. As such there are no visual privacy impacts along this boundary.</p> <p><i>South:</i> 6m</p> <p><u>Over 9 Storeys</u> <i>West:</i> The adjoining development to the west is built to the boundary. As such there are no visual privacy impacts along this boundary.</p> <p><i>East:</i></p>	Yes.			
Building Height	Habitable rooms and balconies	Non-habitable rooms																
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		The adjoining development to the east is the Westfield car park. As such there are no visual privacy impacts along this boundary. <i>South:</i> 6m	
3G Pedestrian access and entries	Building entries and pedestrian access connects to and addressed the public domain. Access, entries and pathways are accessible and easy to identify.	Pedestrian entries are located off Aird Street through the building lobby area. Pedestrian access through the site is satisfactory. The entry from Aird St achieves equitable access to all parts of the development.	Yes. Yes.
3H Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Vehicular access from Aird Street is provided. Separate pedestrian access is provided.	Yes.
3J Bicycle and car parking	For development in the following locations: - on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area: or - on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	The LEP CBD parking provision rates apply to this site. 86 car parking spaces, 56 bicycle spaces and 5 motorcycle spaces are provided.	Yes.
Part 4 - Amenity			
4A Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	99% of units comply – see Principle 4 – sustainability above.	Yes.
4B Natural ventilation	Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	100% of apartments are cross ventilated. The balconies of the apartments at 10 storeys or greater allow adequate natural ventilation and cannot be enclosed. No cross over or cross through apartments exceed 18m in depth.	Yes. Yes. Yes.
4C Ceiling heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum Ceiling Height	3.1m floor to floor with slab thickness no greater than 300m are provided throughout the development.	Yes.

	<table border="1"> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td></td> <td>2.7m main living area</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.4m second floor where it does not exceed 50% of the apartment area.</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope.</td> </tr> <tr> <td>Located in mixed use areas</td> <td>3.3m for ground and first floor to promote future flexibility of use.</td> </tr> </table>	Habitable rooms	2.7m	Non-habitable	2.4m		2.7m main living area	For 2 storey apartments	2.4m second floor where it does not exceed 50% of the apartment area.	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope.	Located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use.								
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4D Apartment Size and Layout	<table border="1"> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </table>	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<table border="1"> <tr> <td>Studio</td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>52m² (min.)</td> </tr> <tr> <td>2 bedroom</td> <td>76m² (min.)</td> </tr> <tr> <td>3 bedroom</td> <td>100m² (min.)</td> </tr> </table>	Studio	N/A	1 bedroom	52m ² (min.)	2 bedroom	76m ² (min.)	3 bedroom	100m ² (min.)	Yes.		
	Studio	35m ²																			
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	2 bedroom	76m ² (min.)																			
3 bedroom	100m ² (min.)																				
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Complies.	Yes.																			
Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)	Complies.	Yes.																			
Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 2.7 = 6.75m	Refer to below as units have open plan layouts.	N/A.																			
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Complies.	Yes.																			
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All apartments comply.	Yes.																			
Bedrooms have a minimum dimension of 3m.	Complies.	Yes.																			
Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.	Complies.	Yes.																			
4E – Private open space and balconies	<table border="1"> <tr> <td colspan="3">Primary balconies as follows</td> </tr> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> <tr> <td>Studio</td> <td>4 m²</td> <td>-</td> </tr> <tr> <td>1 Bedroom</td> <td>8 m²</td> <td>2m</td> </tr> <tr> <td>2 Bedroom</td> <td>10 m²</td> <td>2m</td> </tr> <tr> <td>3 Bedroom</td> <td>12 m²</td> <td>2.4m</td> </tr> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It</p>	Primary balconies as follows			Dwelling type	Minimum Area	Minimum Depth	Studio	4 m ²	-	1 Bedroom	8 m ²	2m	2 Bedroom	10 m ²	2m	3 Bedroom	12 m ²	2.4m	<p>All apartments comply with minimum private open space requirements.</p> <p>No apartments are proposed on the ground floor or podium structure.</p>	<p>Yes.</p> <p>N/A.</p>
Primary balconies as follows																					
Dwelling type	Minimum Area	Minimum Depth																			
Studio	4 m ²	-																			
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3 Bedroom	12 m ²	2.4m																			

	must have a minimum area of 15 m ² and a minimum depth of 3m.												
4F – Common circulation and spaces	Max. apartments off a circulation core on a single level is eight. 10 storeys and over, max apartments sharing a single lift is 40.	4 units are provided off a lift core. The building is more than 10 storeys. Two lifts are provided for 104 apartments which has previously been considered acceptable for buildings within the Parramatta CBD.	Yes. NO but acceptable.										
4G - Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided <table border="1"> <thead> <tr> <th>Apartment type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 m²</td> </tr> <tr> <td>1 bedroom</td> <td>6 m²</td> </tr> <tr> <td>2 bedroom</td> <td>8 m²</td> </tr> <tr> <td>3 bedroom</td> <td>10 m²</td> </tr> </tbody> </table> At least 50% of the required storage is to be located within the apartment.	Apartment type	Storage size volume	Studio	4 m ²	1 bedroom	6 m ²	2 bedroom	8 m ²	3 bedroom	10 m ²	Adequate storage areas are provided.	Yes.
Apartment type	Storage size volume												
Studio	4 m ²												
1 bedroom	6 m ²												
2 bedroom	8 m ²												
3 bedroom	10 m ²												
4H Acoustic Privacy	Various objectives.	The proposal complies with the various objectives.	Yes.										
4J Noise and Pollution	Various objectives.	The proposal complies with the various objectives.	Yes.										
Part 4 - Configuration													
4K Apartment Mix	Various objectives.	The proposal provides: 27 x 1-bed units (26% mix), 73 x 2-bed units (70.2% mix) and 4 x 3-bed unit (3.8% mix) which is consistent with the objectives.	Yes.										
4L Ground floor apartments	Various objectives.	No ground floor apartments are proposed.	N/A.										
4M Facades	Various objectives.	The proposal complies with the various objectives.	Yes.										
4N Roof design	Various objectives.	The proposed roof design complies with the various objectives.	Yes.										
4O Landscape design	Various objectives.	The proposal complies with the various objectives.	Yes.										
4P Planting on structures	Various objectives.	Planting is proposed within the rooftop communal open spaces and podium level. Minimum soil depths are shown and meet the objectives of this section of the ADG.	Yes.										
4Q Universal design	Various objectives.	The proposal complies and provides at least 20% of apartments incorporating the Liveable Housing Guideline's silver level universal design features.	N/A.										

4R Adaptive reuse	Various objectives.	The proposal complies with the various objectives.	Yes.
4S Mixed Use	Various objectives.	The proposal complies with the various objectives.	Yes.
4T Awnings and signage	Various controls under SEPP 64 apply.	Building signage is shown on the submitted perspective drawing however no signage is formally included as part of the scope of works. An awning is not required to be provided along Aird Street in accordance with the Parramatta Development Control Plan 2011, however an awning is proposed along the street frontage.	Yes.
Part 4 - Performance			
4U Energy efficiency	Various objectives.	The proposal complies with the various objectives subject to the recommendations and conditions provided by Council's ESD consultant.	Yes.
4V Water management and conservation	Various objectives.	The proposal meets the objectives.	Yes.
4W Waste Management	Various objectives.	Refer to DCP compliance table further in this report.	No design criteria under SEPP 65.
4X Building Maintenance	Various objectives.	The proposal complies with the various objectives.	Yes.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

Development Standard	Compliance
Clause 2.3 Zone objectives and land use table	<p>The site is zoned B4 Mixed Use. The proposed development is defined as a mixed use development and is permissible with development consent within the B4 zone. The proposal meets the objectives of the B4 Mixed Use zone as the development:</p> <ul style="list-style-type: none"> • Provides a mixture of compatible land uses; • Integrates suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling; • Contributes to an active, vibrant and sustainable neighbourhood; • Creates opportunities to improve the public domain and pedestrian links; • Supports the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality; and

	<ul style="list-style-type: none"> Protects and enhances the unique qualities and character of special areas within the Parramatta City Centre.
Clause 2.7 Demolition requires development consent	Yes. Consent is sought for the demolition of the existing building on the site.
Clause 4.3 Height of Buildings <u>Allowable:</u> 105m + 15% bonus for design excellence = 117m Proposed = 120.9m Variation = 3.9m (3.33%)	NO. Refer to discussion under Clause 4.6 further in this report.
Clause 4.4 Floor Space Ratio <u>Allowable:</u> 10:1 + 15% bonus for design excellence = 11.5:1 (9,372.5m ²) <u>Proposed:</u> 10.3:1 (8,380m ²)	Yes. The maximum allowable Gross Floor Area for this site is 10:1 (Planning proposal). The proposal also benefits from a 15% FSR bonus as a result of achieving design excellence. The proposed FSR comprises 714m ² of commercial floor area, 170m ² of area for community facilities associated with the residential component of the development, and 7,496.7m ² of residential floor area.
Clause 4.5 Calculation of floor space ratio and site area	The Floor Space Ratio and Site Area has been calculated in accordance with this clause.
Clause 4.6 Exceptions to development standards	Yes. A variation statement under Clause 4.6 has been submitted. Refer to the assessment under Clause 4.6 following this table.
Clause 5.1A Development on land intended to be acquired for public purposes	The proposal is not identified on the map.
Clause 5.6 Architectural roof features	An architectural roof feature is not proposed.
Clause 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Clause 5.10 Heritage Conservation	Yes. The site does not contain a heritage item and is not located within a heritage conservation area. The closest item of heritage significance is St John's Anglican Cemetery (Item I00049) located at 1 O'Connell Street which is located approximately 80m west of the site. An assessment of the proposal has been undertaken and it is considered that the proposal is generally consistent with the building envelope envisioned for the site through the Planning Proposal. As such, the impacts on the nearby heritage item are considered acceptable.
Aboriginal Places of Heritage significance	Yes. The site is identified as Low Aboriginal Heritage Sensitivity.
Clause 5.11 Bush fire hazard reduction	The site is not identified as bushfire prone land.
Clause 6.1 Acid Sulfate Soils	The site is classified as containing Class 5 Acid Sulfate Soils. The proposed works are not within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and is unlikely to lower the watertable below 1m AHD on adjacent Class 1, 2, 3 or 4 land.

Clause 6.2 Earthworks	Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory.															
Clause 6.3 Flood planning	The site is not identified by council as being flood prone.															
Clause 6.4 Biodiversity protection	The site is not identified on this map.															
Clause 6.5 Water protection	The site is not identified on this map.															
Clause 6.6 Development on landslide risk land	The site is not identified on this map.															
Clause 6.7 Affected by a Foreshore Building Line	The site is not located in the foreshore area.															
Clause 6.12 Design Excellence	This clause is not applicable to the site. Refer to Clause 7.10 for design excellence requirements applicable for the development.															
Clause 6.13 Design Excellence - generally	This clause is not applicable to the site. Refer to Clause 7.10 for design excellence requirements applicable for the development.															
Clause 7.2 Floor Space Ratio	Under this clause, the site benefits from a Floor Space Ratio of 10:1 however also benefits from a 15% bonus awarded for achieving design excellence. Refer to Clause 4.4 of this table for Floor Space Ratio calculations.															
Clause 7.3 Car Parking	<p>The LEP maximum car parking rates are applicable to the site being within the Parramatta City Centre. Based on the car parking rates identified within this clause, the following parking rates apply:</p> <table border="1"> <thead> <tr> <th>Use</th> <th>Parking Rate</th> <th>Parking required</th> </tr> </thead> <tbody> <tr> <td>Commercial Premises</td> <td>A maximum of 1 parking space to be provided for every 100 square metres of gross floor area</td> <td>6.7 spaces (7 spaces)</td> </tr> <tr> <td>Restaurants or Cafes</td> <td>A maximum of 1 parking space to be provided for every 10 square metres of gross floor area or 1 parking space to be provided for every 4 seats (whichever is the lesser)</td> <td>1 space</td> </tr> <tr> <td>Multi dwelling housing: 1, 2 and 3 bedrooms</td> <td>A maximum of 1 parking space to be provided for every dwelling plus 1 parking space to be provided for every 5 dwellings for visitors</td> <td>104 residential spaces + 20.8 (21) visitor spaces</td> </tr> <tr> <td></td> <td></td> <td>Maximum of 133 spaces</td> </tr> </tbody> </table> <p>The proposed development provides 86 car parking spaces which is below the maximum permissible parking allowable for the site. The</p>	Use	Parking Rate	Parking required	Commercial Premises	A maximum of 1 parking space to be provided for every 100 square metres of gross floor area	6.7 spaces (7 spaces)	Restaurants or Cafes	A maximum of 1 parking space to be provided for every 10 square metres of gross floor area or 1 parking space to be provided for every 4 seats (whichever is the lesser)	1 space	Multi dwelling housing: 1, 2 and 3 bedrooms	A maximum of 1 parking space to be provided for every dwelling plus 1 parking space to be provided for every 5 dwellings for visitors	104 residential spaces + 20.8 (21) visitor spaces			Maximum of 133 spaces
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	proposal complies with the required parking rates.
Clause 7.4 Sun Access	The site is not identified on the LEP sun access protection map. The proposed development meets the objectives of this clause and does not result in overshadowing to public open space in Parramatta Square, the Lancer Barracks site and Jubilee Park.
Clause 7.6 Airspace Operations	The site is not identified within the LEP Special Provisions Map and this clause is not applicable to the site.
Clause 7.10 Design Excellence Parramatta City Centre	Clause 7.10 is applicable to this development as it involves the erection of a new building which will have a height over 55m. The building design is a winner of a competitive design process. An assessment of the relevant matters for consideration under this clause are provided below.
<p>Design Excellence – Parramatta City Centre</p> <p><i>(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</i></p> <p><u>Comment:</u> The proposed development meets the objectives of this clause. The design was the winning entry of an architectural design competition. While some amendments to the design have been made between the design competition and Development Application stage, the key elements of the building that were commended by the design jury have been retained. The design jury has reviewed the architectural plans subject of this assessment and consider that the building design exhibits design excellence.</p> <p><i>(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land to which this Part applies.</i></p> <p><u>Comment:</u> Noted.</p> <p><i>(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</i></p> <p><u>Comment:</u> It is considered that the proposed development exhibits design excellence as discussed further below.</p> <p><i>(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters—</i></p> <p><i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i></p> <p><u>Comment:</u> A high standard of architectural design, materials and detailing that are appropriate for the building type and location will be achieved. The design provides for a high level of solar access and cross ventilation to apartments and a high level of solar access to the commercial floor area, which is desirable for a high density development within the city centre. The proposed winter gardens are appropriate for the proposed scale of the building and the location and design of communal shared spaces foster interaction between building occupants.</p>	

The materials are of high quality and are practicable for the scale and type of development in terms of construction methods. The materials and finishes used add to the architectural design as screens are used to create a visual spiral pattern on the building which emphasises the narrow built form. Perforated aluminium screen panels across the car park levels are utilised to allow light to penetrate through which are appropriate for the proposed above ground parking levels.

(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,

Comment:

The proposed development has been designed to enhance the public domain. The ground floor provides an activated street frontage, despite the narrow frontage, by providing a café use at the ground level with outdoor seating. The proposed vehicular access is recessed from the primary building form so that it does not dominate the frontage. The proposed substation is located off the vehicular access driveway and is screened from the public domain through the use of green planting. The landscaping provided at the ground level softens the streetscape appearance and provides a transition between the private and public domain. Overall the form and external appearance of the building is attractive and blank walls are minimised.

(c) whether the proposed development detrimentally impacts on view corridors,

Comment: The narrow width of the site facilitates a slender building form that reduces potential impacts on view corridors. The proposed development is not considered to detrimentally impact on view corridors.

(d) how the proposed development addresses the following matters—

- (i) the suitability of the land for development,*
- (ii) the existing and proposed uses and use mix,*
- (iii) any heritage and archaeological issues and streetscape constraints or opportunities,*
- (iv) 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,*
- (v) the bulk, massing and modulation of buildings,*
- (vi) street frontage heights,*
- (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
- (viii) the achievement of the principles of ecologically sustainable development,*
- (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,*
- (x) the impact on, and any proposed improvements to, the public domain,*
- (xi) the impact on any special character area,*
- (xii) achieving appropriate interfaces at ground level between the building and the public domain,*
- (xiii) excellence and integration of landscape design.*

Comment:

The site is zoned B4 Mixed Use and the proposed development is suitable for the site being a mixed use development. The site is not located in a particular special character area. The proposed building envelope and built form is appropriate for a mixed use tower development with podium. The site is located within a precinct undergoing transition with

existing mixed use buildings and retail development and benefits from its location close to public transport, recreational facilities and the existing commercial core of Parramatta CBD, making the site suitable for high density mixed use development.

The development is not located on a site that contains any heritage items and is not located within a heritage conservation area. The site is constrained by a narrow site width which can present issues with regards to building separation, amenity, privacy and streetscape activation. The proposed development responds well to these constraints by providing a café at the ground floor with outdoor seating, providing above ground car parking between levels 1-5 to correspond with the adjoining Westfield development, which is six storeys with rooftop parking, providing the residential component of the development above the podium level, and designing residential apartments to maximum solar access, cross ventilation, and views towards Parramatta Park, Ollie Webb Reserve and the Parramatta CBD.

The adjoining 13 storey mixed use development at 7-9 Aird Street is built to the western boundary. The proposed development responds appropriately to this adjoining building as all windows and openings are oriented to the north and south to minimise visual and acoustic privacy impacts as well as overshadowing impacts.

The proposed built form is slender with curved edges and utilises a podium structure as well as high quality materials, which reduce the appearance of overall building bulk and mass and provide an appropriate building height at the street frontage.

The proposed development takes advantage of the orientation of the site and maximises solar access and privacy by placing four apartments on each level. Documentation submitted with the Development Application supports the proposal with regards to the impacts of noise, wind and reflectivity. Wind mitigation measures such as glazing at the podium and rooftop levels are used. Ecologically Sustainable Development measures are proposed throughout the development and are satisfactory subject to recommended conditions of consent.

The proposal includes a café at the ground level and this use provides an opportunity to create an active street frontage. Landscaping on this level softens the built form, is well integrated and provides a transition between the public and private domain. This transition is also enhanced by a lack of level changes between the street and the ground floor of the development. The proposed ground floor treatment is an improvement on the existing public domain transition of this site.

(5) Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held in relation to the proposed development—

- (a) development in respect of a building that has, or will have, a height above ground level (existing) greater than 55 metres,*
- (b) development on a site greater than 1,000 square metres and up to 1,800 square metres seeking to achieve the maximum floor space ratio identified on the Floor Space Ratio Map, where amalgamation with adjoining sites is not physically possible,*
- (c) development having a capital value of more than \$10,000,000 on a “Key site” identified on the Key Sites Map,*
- (d) development having a capital value of more than \$100,000,000 on any other site,*
- (e) development for which the applicant has chosen such a process.*

Comment: A competitive design process is required and was held for this development

- (6) *A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances and that the development—*
- (a) *involves only alterations or additions to an existing building, and*
 - (b) *does not significantly increase the height or gross floor area of the building, and*
 - (c) *does not have significant adverse impacts on adjoining buildings and the public domain, and*
 - (d) *does not significantly alter any aspect of the building when viewed from public places.*

Comment: A competitive design process is required and was held for this development.

- (7) *If, before the commencement of this clause, the Secretary issued a certificate under clause 22B(5) of Parramatta City Centre Local Environmental Plan 2007 for any development to which subclause (5) of this clause applies, then subclause (5) of this clause does not apply to that development.*

Comment: A certificate under Clause 22B(5) has not been issued.

- (8) *If the design of a new building, or an external alteration to an existing building, is the winner of a competitive design process and the consent authority is satisfied that the building or alteration exhibits design excellence, it may grant development consent to the erection of the new building, or the alteration to the existing building, with—*
- (a) *in any case—a building height that exceeds the maximum height shown for the land on the Height of Buildings Map or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map (or both) by up to 15%, or*
 - (b) *if the proposal is for a building containing entirely non-residential floor space in Zone B4 Mixed Use—a building height that exceeds the maximum height shown for the land on the Height of Buildings Map or an amount of floor space that exceeds the maximum floor space ratio shown for the land on the Floor Space Ratio Map (or both) by up to 25%.*

Comment: Design excellence was awarded by the design jury and as such, the proposal benefits from an additional 15% Floor Space Ratio and Building Height. The proposal contains residential floor space and Clause 7.10(8)(b) is not applicable to this development.

Based on the above assessment, it is considered that the proposal exhibits design excellence and satisfies the provisions of this clause.

Clause 4.6 Exceptions to Development Standards

Objectives of Clause 4.6 of Parramatta LEP 2011

The objectives of this clause are as follows:

- *to provide an appropriate degree of flexibility in applying certain development standards to particular development; and*
- *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) states that:

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard”.

A written request under the provisions of Clause 4.6 of Parramatta LEP 2011 was lodged as the proposed development seeks a variation to the following development standards:

Clause 4.3 – Height of Buildings

The proposal does not comply with the maximum permissible building height of 117m stipulated within Clause 4.3 – Height of Buildings (this maximum height includes the bonus awarded under Clause 6.12 Design Excellence under LEP 2011). The proposed building height is 120.9m. The non-compliant portion of the building comprises the lift overrun and 3m high glazing barrier which provides wind protection to the rooftop communal open space.

The development proposal exceeds the maximum permissible building height by 3.9m which is a 3.33% variation to the development standard.

The applicant has submitted the following justification for the variation to the maximum building height permitted:

The lift, fire stair and associated services that exceed the height limit are with the principle purpose of providing a rooftop communal open space area for residents within the development. Despite the site area and width, having regard to neighbouring built form, the opportunity to provide meaningful communal open space at the lower levels of the building is extremely limited, having regard to the density of adjoining development, both existing and potentially in the future, in a dense, CBD environment. Instead, by providing this on the rooftop area ensures that a high degree of amenity is available to maximise useability and encourage resident interaction within the development, which would not otherwise be available, if all of the common open space area were confined to the lower levels of the building.

By providing these services to the roof top area also ensures equitable access to all residents of the building, which is a positive social outcome. In absence of providing these to the roof top area, the proposal would not provide the same level of benefit that is afforded by the proposed design. This produces a better environmental planning outcome than if the development standard were complied with, which would otherwise compromise the living environments associated with the proposed development.

There is no additional adverse solar impact on the adjoining properties as a result of the building services being non-compliant with the development standard. These are positioned on the western side of the floor plate, and well back from the site boundary. Further, it is the compliant component of the building that causes any effect, before the non-compliant component does, such that requiring compliance with the development standard would provide no material benefit to adjoining properties, given the recessive position of the non-compliant components of the building form.

The affected part of the building does not allow for additional floor space on the site that would derive additional commercial benefit for the landowner such as an increased number of apartments within the development. The proposal, instead, seeks to maximise the

efficiency of the lower levels of the building and ensure that an appropriate level of common open space is provided to service residents of the development in the location that is most practical for that purpose.

From the public domain, the non-compliant part of the building does not compromise the overall streetscape appearance of the development, nor the broader streetscape. Most importantly, it is not visible such that it creates a built form presence that dominates these frontages, particularly when standing in nearby streets and certainly not when considered from the public domain.

The additional height does not compromise views from the public domain surrounding the site.

Assessment of the exception under Clause 4.6:

In assessing the applicant's request to vary a development standard, the provisions of Clause 4.6 state that:

"(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained".

In assessing an exception to vary a development standard, the following also needs to be considered:

Is the planning control a development standard?

The planning control, Clause 4.3 Height of Buildings is a development standard pursuant to Parramatta Local Environmental Plan 2011.

What is the underlying object or purpose of the standard?

The underlying purpose of Clause 4.3 is to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan; to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; to require the height of future buildings to have regard to heritage sites and their settings; to ensure the preservation of historic views; to reinforce and respect the existing character and scale of low density residential areas; and to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

Strict compliance with the development standard requires a reduction in the overall building height which would adversely impact the ability to provide a feasible option for high density housing in a mixed use area close to public transport. As such, reduction in the overall building height would be inconsistent with the relevant aims of the Parramatta LEP 2011

which includes to encourage a range of development, including housing that accommodates the needs of the existing and future residents, workers and visitors of Parramatta.

Compliance with the development standard in this case would hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act which include the promotion and co-ordination of the orderly and economic use and development of land.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the development standard is unreasonable in the circumstances of the case for the following reasons:

- A compliant built form would have no discernible reduction in scale as viewed from the streetscape due to the scale of the building and the recessed rooftop communal open space and lift overrun which forms the non-compliant portion of the building.
- The non-compliant portion of the proposed development does not result in an increased adverse overshadowing impact or increased adverse amenity impacts to adjoining public spaces and properties more than a compliant development would, with adjoining properties able to achieve adequate solar access.
- The proposed bulk and scale is compatible with the existing and desired future character of the site (under the approved Planning Proposal for the site).
- The proposed building is sufficiently separated from adjoining Heritage Items and therefore does not detract from the heritage characteristics of these items or impact upon heritage views.

Is the exception well founded?

Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The recent findings in case *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* indicate that the consent authority must be satisfied that the applicant's written request adequately demonstrates that the compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravention; and that the proposed development will be in

the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

The applicant's written request demonstrates that compliance with the development standard is unreasonable or unnecessary and provides sufficient environmental planning grounds to vary the development standard.

In this case, the applicant's written request is well drafted and adequate in addressing the matters required to be demonstrated by Clause 4.6(3) and the proposed development is in the public interest as it is consistent with the objectives of the Height of Buildings Development Standard and the objectives for development within the B4 Mixed Use zone. It is considered that there are sufficient environmental planning grounds to justify the variation.

10. Draft Environmental planning instruments

Council is in the process of preparing a Planning Proposal to amend the planning controls for the Parramatta CBD contained in Parramatta Local Environmental Plan 2011 (LEP 2011). The Planning Proposal seeks changes to the Parramatta CBD boundary, land use mix, and primary built form controls.

On 25 November 2019, an updated draft Parramatta CBD Planning Proposal was reported to Council. The updated Planning Proposal responded to the conditions of the Gateway determination issued by the Department of Planning, Industry and Environment on 13 December 2018.

The Planning Proposal includes changes to the built form and parking controls for the subject site. At the time of undertaking this assessment, the draft Planning Proposal has not received approval from the Department of Planning, Industry and Environment to be placed on public exhibition.

As such, the provisions of the draft Planning Proposal have not been taken into consideration when assessing this proposal and the applicable controls are contained within the current Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011.

11. Development Control Plans

Parramatta Development Control Plan 2011

The relevant matters to be considered under Parramatta Development Control Plan 2011 for the proposed development are outlined below.

Development Control	Compliance
Part 2 – Site Planning	
2.4.1 Views and Vistas	Yes. There are no significant views to or from the site identified within the DCP and the site is not in proximity to a Heritage Conservation Area.
2.4.2 Water Management	
2.4.2.1 Flooding	N/A. The site is not flood prone.
2.4.2.2 Protection of Waterways	Yes. The proposal complies.
2.4.2.3 Protection of Groundwater	Yes. The proposal complies.
2.3.3 Soil Management	

2.4.3.1 Sedimentation	Yes. An Erosion and Sediment Control Plan was submitted with the Development Application and conditions of consent ensuring minimisation of soil erosion are recommended.
2.4.3.2 Acid Sulfate Soils.	Yes. Refer to LEP table.
2.4.3.3 Salinity	Yes. The proposal complies.
2.4.4 Land Contamination	Yes. Refer to body of report.
2.4.5 Air Quality	Yes. The proposal complies. Relevant conditions for air quality are recommended to ensure no adverse air quality impacts are generated from the development during demolition, construction and ongoing use.
2.4.6 Development on Sloping Land	Yes. The proposal complies and the design of the development responds to the site topography.
2.4.7 Biodiversity	Yes. The proposal complies.
2.4.8 Public Domain	Yes. The proposal satisfactorily addresses the public domain.
Part 3 – Development Principles	
3.1 Preliminary Building Envelope	
3.1.1 Height	NO. Refer to LEP table.
<i>3.1.3 Preliminary Building Envelope Tables</i>	
Minimum Site Frontage Control	Refer to Part 4 of this table.
Front Setback Control	Refer to Part 4 of this table.
Side Setback Control: Assessed on merit	Refer to Part 4 of this table.
Rear Setback Control: Assessed on merit	Refer to Part 4 of this table.
Deep Soil and Landscaped Area: Assessed on merit	Yes. Deep soil areas are not able to be provided at the ground level due to the location of the site within the Parramatta CBD and the narrow width of the site. 14.7% (120m ²) of the site is proposed as raised planters with soil depths of up to 1m capable of tree planting and these are provided on the Level 7 podium and rooftop. The level of landscaping proposed is considered satisfactory.
3.2 Building Elements	
3.2.1 Building Form and Massing	Yes.
Buildings are to be of a height that responds to the topography and the shape of the site.	The proposed building height is non-compliant with the maximum LEP building height. Refer to LEP table for discussion on the building height.
The proportion and massing of buildings is to relate favourably to the form, proportions and massing of existing and proposed buildings patterns in the street.	Refer to Part 4 of this table for the applicable building form and massing controls.
Building height and mass should not result in unreasonable loss of amenity to adjacent properties, open space or the public domain.	
The form and massing of buildings is to provide a transition between adjoining land use zones and building types.	
For all mixed use developments, potential management arrangements, including ownership/lease patterns are to be considered at the design stage to ensure proper functioning of various components of the building.	Yes. The proposal complies.
3.2.2 Building Facades and Articulation	Refer to Part 4 of this table for the applicable building façade controls.

3.2.3 Roof Design	Yes. The proposed roof design is compatible with the prevailing roof form in the street.
3.2.4 Energy Efficient Design	Yes. The proposal complies subject to recommended conditions of consent.
3.2.5 Streetscape	Refer to Part 4 of this table for the applicable streetscape and public domain controls.
3.3 Environmental Amenity	
3.3.1 Landscaping	Yes. The proposed landscaping is suitable for the type of development proposed and context of the site within the Parramatta City Centre.
3.3.3 Visual Privacy	Yes. The proposal does not result in adverse overlooking impacts to adjoining properties.
3.3.4 Acoustic Privacy	Yes. An acoustic report was submitted with the Development Application. Council's Environmental Health Officer has reviewed the proposal and raises no objections to the proposed acoustic measures recommended within the acoustic report and recommended conditions of consent.
3.3.5 Solar Access and Ventilation	Yes. The proposed development complies with the solar access requirements under the ADG. The proposal results in overshadowing to a number of properties however the submitted shadow diagrams indicate that adjoining properties are able to receive the minimum 3 hours of solar access required under the DCP.
3.3.6 Water Sensitive Urban Design	Yes. The proposed development complies with the DCP controls relating to stormwater management. Refer to referral comments provided by Council's Development Engineer.
3.3.7 Waste Management	Yes. The submitted Waste Management Plan details the types, volumes and methods of waste disposal for the development during the demolition and construction phase. Council's Environmental Health Officer has reviewed the proposal and raises no objections with the proposed waste management measures subject to recommended conditions of consent.
3.5 Heritage	Yes. The site is not located within a Heritage Conservation Area, does not contain a heritage item however is in the vicinity of a local heritage item <i>St Johns Cemetery</i> (I00049). The proposal does not detract from the heritage character and integrity of this item. Council's Heritage Advisor has reviewed the application and raises that the proposal is non-compliant with the maximum building height allowable for this site. An assessment of the proposal with regards to the non-compliant building height has been undertaken and it is considered that the variation to the development standard is unlikely to result in a significant increased impact to the nearby heritage item when compared to a complying building height. As such the proposal is considered to have an acceptable heritage impact.
3.6 Movement and Circulation	
3.6.2 Parking and Vehicular Access	Yes. Refer to LEP table for applicable parking rates.
3.6.3 Movement and Circulation	Yes. Information has been submitted to demonstrate that the proposed movement and circulation within the basement car park meets Australian Standards and the objectives and controls for this section of the DCP (refer to traffic referral comments in this report).
3.7 Residential Subdivision	

<p>3.7.2 Site Consolidation and Development on Isolated Sites</p> <p>Development for the purpose of residential flat buildings, multi dwelling housing in the form of town houses, villas or the like is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the Parramatta LEP 2011 and this DCP.</p>	<p>Yes. The development does not result in an isolated site. The subject site is on an isolated site and has been designed to respond to the existing site constraints.</p>
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Part 4 – Special Precincts – Parramatta City Centre

<p>The site is located within the Parramatta City Centre identified within the DCP.</p> <p>The broad objectives for the Parramatta City Centre are:</p> <ul style="list-style-type: none"> • <i>To support the primacy of the centre as an employment node with a strong commercial core occupied by high order quality commercial buildings.</i> • <i>To support the commercial core with surrounding mixed use development that reinforces and complements the centre’s core employment role.</i> • <i>To ensure high quality design of buildings and public areas.</i> • <i>To activate the Parramatta River edge and the relationship of the river to the city.</i> • <i>To provide for the conservation and interpretation of Parramatta’s heritage.</i> • <i>To improve the natural environment.</i> <p>The proposed development meets the objectives for the Parramatta City Centre and an assessment of the specific development controls pertaining to the area are provided below.</p>
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4.3.3.1 Building Form

<p><i>Minimum building street frontage</i></p> <p>C.1 Development parcels are required to have at least one street frontage of 20m or more on land zoned B3 Commercial Core, B4 Mixed Use or B5 Business Development.</p> <p>C.2 Exceptions to the minimum building street frontage will be considered:</p> <ul style="list-style-type: none"> • If Council is satisfied that due to the physical constraints of the site or adjoining sites it is not possible for the building to be erected with at least one street frontage of 20m or more, and • The development meets the objectives of this clause. 	<p>NO. The subject site has a site frontage of 17.675m. The site is an isolated site and adjoins the existing Westfield Shopping Centre and carpark to the south and east, and an existing 13 storey mixed use development to the west. As such, amalgamation is not feasible and a variation to this DCP control is considered acceptable in this instance.</p>
<p><i>Building to street alignment and street setbacks</i></p> <p>C.1 Comply with the street building alignment and front setbacks specified in Figures 4.3.3.1.1 and 4.3.3.1.2</p> <p>C.2 Building alignments and setbacks should also respond to important elements of the nearby context including public spaces and heritage buildings, monuments and landscape elements, in order to complement the streetscape. In some places, this may require greater building setbacks than those specified in Figure 4.3.3.1.1.</p> <p>C.3 Where the building alignment is set back from the street alignment, balconies are to be generally within the building envelope and</p>	<p>The prescribed front setback for this site is 0m. The proposed front setback is 0m.</p> <p>The proposed building alignment is consistent with that of adjoining development along Aird Street.</p> <p>N/A. The building alignment is not set back from the street.</p>

<p>may project up to 600mm into front building setbacks.</p> <p>C.4 Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible. (See also Building Exteriors).</p>	<p>N/A. The proposal has a 0m front setback.</p>
<p><i>Street and River Frontage Heights and Upper Level Setbacks</i></p> <p>C.1 Buildings must comply with the relevant street and river frontage heights and upper level setbacks as shown on Figures 4.3.3.1.3 - 4.3.3.1.11. Podium heights must not exceed both the number of storeys and the height in metres.</p> <p>C.2 The street frontage height that applies to a shared lane is the same as that of the closest street frontage height the lane connects to. In instances where the lane connects to two or more streets, the higher street frontage height applies (to a maximum of 26 metres).</p> <p>C.3 In George Street, the upper level building setback at the street frontage is required to be 20 metres to interpret the historic alignment of this street. The podium is to have a street frontage height of 4 storeys/14 metres on a nil setback to George Street or alternatively a publicly accessible forecourt is to be provided for the full extent of the 20 metres building setback. Refer to Figure 4.3.3.1.7.</p> <p>C.4 Corner sites may be built with no upper level setback to the secondary street edge for the first 45 metres within the same site/ amalgamation (except for corners with Church Street between Macquarie Street and the river). This helps to articulate corners, generate feasible floor plates as well as allow corner towers to engage directly with the street and footpath. Refer to figure 4.3.3.1.11.</p> <p>C.5 The following take precedence in determining the primary and secondary street frontages:</p> <ul style="list-style-type: none"> • Church Street (between Macquarie Street and the river) • George Street • Streets running E-W • Streets running N-S 	<p>NO. The prescribed street frontage height for this site is 4 storeys/14m. The proposed podium height is 7 storeys/26m. A variation to this DCP can be considered in this instance as the podium is compatible with the 6 storey Westfield shopping centre and rooftop carpark adjacent to the southern and eastern boundaries of the site, and with the podium height of the adjoining development at 7-9 Aird Street. The proposal meets the objectives of this control.</p> <p>N/A. The site does not adjoin a lane.</p> <p>N/A. The site is not located on George Street.</p> <p>N/A. The site is not a corner site.</p> <p>N/A. The site does not have more than one street frontage.</p>
<p><i>Building Depth and Bulk</i></p> <p>C.1 On land zoned B3 Commercial Core, the horizontal dimensions of any building facade above street frontage height must not exceed 45 metres.</p>	<p>N/A. The site is not zoned B3 Commercial core.</p>

<p>C.2 All points on an office floor should be no more than 12m from a source of daylight (e.g. window, atria, or light wells).</p> <p>C.3 On land not zoned B3 Commercial Core, the preferred maximum floor plate area of residential or serviced apartment buildings is 1,000 square metres above a street frontage height of 26 metres. The floor plate area is to be measured to include balconies, external wall thicknesses, internal voids and atria.</p>	<p>NO. There are parts of the Level 6 commercial floor area which are unable to meet this control. A variation can be considered in this instance as both adjoining developments have been built to the boundary and there is no further opportunity to provide windows or other sources of natural light.</p> <p>Yes. The residential floor plate area is approximately 550m² which complies with this control.</p>
<p><i>Building Separation</i></p> <p>C.1 The minimum building setbacks from the side and rear property boundaries are illustrated in Figure 4.3.3.1.12.</p> <p>C.2 Where permissible, side and rear boundaries are to be built to zero metres at lower levels of buildings.</p> <p>C.3 Where a rear setback/ courtyard is proposed at ground level, a minimum dimension of 6 metres must be provided. Ground level setbacks must have daylight and amenity. Deep soil zones/ podium landscape should be co-located to the rear to create pockets of landscape/ mature trees within the block.</p> <p>C.4 Notwithstanding the controls in this section, for residential development additional setbacks may be necessary to satisfy building separation, solar access and amenity requirements of SEPP 65.</p> <p>C.5 Notwithstanding side setback controls, the podium should be built to the side boundaries (0 metres setback) where fronting the street.</p> <p>C.6 If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means.</p> <p>C.7 The building separation distances between buildings on the same site are not to be less than those required between buildings on adjoining sites, unless it can be demonstrated that reducing the separation distances provides adequate privacy and solar access to the buildings concerned.</p>	<p>The required minimum side and rear setbacks are 0m (up to 26m), and 6m (for buildings above 54m). The proposed side setbacks are 0m for the height of the building and the rear setback proposed is 6m. The 0m side setbacks are acceptable in this instance as both adjoining developments are built to the boundary and sufficient measures have been proposed to ensure that the residential apartments have adequate levels of privacy and do not overlook into other residential apartments.</p> <p>The proposed setbacks are acceptable for the residential component of the development given the site constraints and 0m setbacks of adjoining development. Apartments facing the east look onto the Westfield shopping centre car park and there are no windows/openings along the western boundary on the adjoining site. As such, the proposed building separation is satisfactory as it does not result in adverse privacy, solar access and amenity issues. The podium is built to the side boundaries.</p> <p>N/A. There is only one building proposed on the subject site.</p>
<p><i>Building Form and Wind Mitigation</i></p>	<p>The application was accompanied by a wind effect report which concludes that the proposal would result</p>

<p>C.1 To ensure public safety and comfort the following maximum wind criteria are to be met by new buildings:</p> <ul style="list-style-type: none"> • 10 metres/second in retail streets • 13 metres/second along major pedestrian streets, parks and public places • 16 metres/second in all other streets <p>C.2 Site design for tall buildings (towers) should:</p> <ul style="list-style-type: none"> • Set tower buildings back from lower structures built at the street frontage. • Protect pedestrians from strong wind downdrafts at the base of the tower. • Ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre. • Consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level. • Ensure useability of open terraces and balconies. <p>C.3 Wind Effects Report is to be submitted with the DA for all buildings greater than 32m in height.</p> <p>C.4 For buildings over 50m in height, results of a wind tunnel test are to be included in the report.</p>	<p>in satisfactory wind impacts when reviewed against wind safety criteria. The wind report submitted by the applicant has been reviewed by an external consultant engaged by Council. Both parties agree that the DCP wind controls are lacking in detail and that wind safety criteria based on the work of Lawson (1990) would be the more appropriate measure to use. This criteria identifies the level that pedestrian activity (walking) between 6-10 metres/second. The proposal complies with this criteria.</p> <p>Yes. The residential tower component of the building is set back from the podium structure.</p> <p>Yes. A Wind Effects Report was submitted with this application.</p> <p>Yes. The results of a wind tunnel test were included in the report.</p>
<p><i>Building Exteriors</i></p> <p>C.1 Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of:</p> <ul style="list-style-type: none"> • Datum of main façade and roof elements, • Appropriate materials and finishes selection, • Façade proportions including horizontal or vertical emphasis. <p>C.2 Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.</p> <p>C.3 Articulate façades so that they address the street and add visual interest.</p> <p>C.4 External walls should be clad with high quality and durable materials and finishes.</p> <p>C.5 Finishes with high maintenance costs, those susceptible to degradation or corrosion</p>	<p>Yes. The proposal has been designed with regard to the existing buildings on adjoining sites.</p> <p>The materials and finishes are appropriate for the scale and type of development.</p> <p>Façade proportions are generally consistent with adjoining development with the proposed podium of a similar scale and height of the podium level of 7-9 Aird Street.</p> <p>Yes. A communal area with an outdoor seating and landscaped area is provided on the podium.</p> <p>Yes. The building façade is appropriately articulated.</p> <p>Yes. The external materials and finishes are of high quality.</p> <p>Yes. The proposal was reviewed by the Design Excellence Jury and the materials and finishes were considered suitable for the proposal.</p>

<p>that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.</p> <p>C.6 To assist articulation and visual interest, avoid large expanses of any single material.</p> <p>C.7 Limit opaque or blank walls for ground floor uses to 30% of the building street frontage.</p> <p>C.8 Maximise glazing for ground floor retail uses, but break glazing into sections to avoid large expanses of glass.</p> <p>C.9 A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.</p> <p>C.10 Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as;</p> <ul style="list-style-type: none"> expressed cornice lines that assist in enhancing the streetscape. <p>C.11 The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.</p> <p>C.12 New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.</p> <p>C.13 Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.</p>	<p>Yes. Materials have been used to create visual articulation of the building façade.</p> <p>Yes. No blank walls are proposed along the ground floor frontage.</p> <p>Yes. Glazing has been maximised where possible on the ground floor retail level.</p> <p>A material schedule has been submitted.</p> <p>N/A. The building is located wholly within the subject site.</p> <p>The design of the lift overrun and roof plant room has been integrated into the overall architecture of the building.</p> <p>Yes. The proposal is able to comply.</p> <p>Yes. A reflectivity report was submitted with this application.</p>
<p><i>Sun Access to Public Spaces</i></p> <p>C.1 All new buildings and additions or alterations to existing buildings are to comply with the following sun access plane control established for the Lancer Barracks site and Jubilee Park, irrespective of the existing height of nearby buildings.</p> <p>C.2 A building should not be permitted above the sun access plane unless that part of the building is a minor architectural roof feature (refer to Figures 4.3.3.1.13 to 4.3.3.1.15). NOTE: Refer to section 4.3.3.7b) Parramatta Square for the required sun access controls for this site.</p>	<p>Yes. The proposal does not result in overshadowing to the Lancer Barracks site or Jubilee Park.</p> <p>Yes. The proposal complies.</p>
<p>4.3.3.2 Mixed Use Buildings</p>	
<p>C.1 Retail and business activity should be provided at ground level to support street activation and residential uses, requiring</p>	<p>Yes. A café is proposed on the ground level and residential uses are located above the podium.</p>

<p>privacy and noise mitigation, should be located above street level.</p> <p>C.2 Ground floor of all mixed-use buildings are to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, minimum floor to ceiling heights are to be a minimum of 2.7 metres.</p> <p>C.3 Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook. Service entries are to be provided from the rear where possible.</p> <p>C.4 Locate clearly demarcated residential entries directly from the public street.</p> <p>C.5 Clearly separate and distinguish commercial and residential entries and vertical circulation.</p> <p>C.6 Provide security access controls to all entrances into private areas, including car parks and internal courtyards.</p> <p>C.7 Front buildings onto major streets with active uses.</p> <p>C.8 Avoid the use of blank building walls at the ground level at street or lane frontages.</p> <p>C.9 Facilities for servicing the building, substations, waste collection and the like are to be integrated as part of the building design to minimise the impact on active street frontages.</p>	<p>Yes. The minimum floor to ceiling height is 5.8m on the ground floor and 2.7m above ground level.</p> <p>Yes. Commercial service requirements are located within the basement level. Service entries are not able to be provided in the rear due to the narrow site constraints.</p> <p>Yes. The residential entry is separated from the street.</p> <p>NO. Commercial and residential entries have not been separated. Given that that is only one commercial floor with the majority of floor area for the residential use, this is considered acceptable.</p> <p>Yes. The proposal is able to comply.</p> <p>Yes. The building addresses Aird Street with an active retail use on the ground floor.</p> <p>Yes. No blank walls are proposed at the ground level.</p> <p>Yes. Building facilities are adequately integrated into the building design.</p>
<p>4.3.3.3 Public Domain and Pedestrian Amenity</p>	
<p><i>Site Links and Lanes</i></p>	
<p>C.1 Through site links, arcades, shared ways and laneways are to be provided as shown in Figure 4.3.3.3.2.</p> <p>C.2 The design and finish of new site links is to be provided in accordance with Council's Public Domain Guidelines.</p> <p>C.3 Site links for pedestrians and shared pedestrian and vehicular lanes are to:</p> <ul style="list-style-type: none"> • Have a minimum of 40% of active ground floor frontage; • Be legible and direct throughways; • Provide public access at all business trading times when the link is through a development and at all times for lanes. <p>C.4 Pedestrian site links are to have a minimum width of 3 metres non-leasable</p>	<p>N/A. A site link is not required to be provided for this site.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p>

<p>space clear of all obstructions (including columns, stairs and escalators);</p> <p>C.5 Internal arcades will not be approved in preference to activation of an existing or required lane or site link.</p> <p>C.6 Building address to lanes and site links shall create visual interest such as landscaping, awnings, paved finishes and good lighting.</p> <p>C.7 Shared lanes and vehicular lanes are to have a minimum width of 6m clear of all obstructions.</p> <p>C.8 To provide interest in these spaces, public art installations are encouraged in lanes.</p>	<p>N/A.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p>
<p><i>Active Frontages</i></p> <p>C.1 Active frontages are required throughout the city centre on primary street frontages for a minimum of 50% of each building front; and on secondary street frontages and lanes for a minimum of 40% of each building front.</p> <p>C.2 Active ground floor uses are to be at the same level as the footpath and be accessible directly from the street. (Refer to Council's Public Domain Guidelines and the requirement for an Alignments Plan).</p> <p>C.3 Provide multiple entrances for large developments including an entrance on each street frontage.</p> <p>C.4 Security grilles detract from an active street front, but where they are essential, must be fitted only internally within the shopfront and set back from the line of enclosure. Such grilles are to be fully retractable and at least 50% transparent in their closed state.</p> <p>C.5 Extend active frontages above ground floor level with uses and building design, which provide transparency, and visual contact with the public domain.</p> <p>C.6 Opportunities for active frontages to parks, public squares and the river foreshore are to be maximised.</p>	<p>Yes. The proposal complies.</p> <p>Yes. The proposal complies.</p> <p>One entrance is provided for the building given the narrow site frontage.</p> <p>N/A. Security grilles are not proposed.</p> <p>The proposal includes wintergardens for residential apartments that look out onto the street which creates passive surveillance to the street and visual contact to the public domain.</p> <p>N/A. The site does not have frontage to a park, public square or river foreshore.</p>
<p><i>Pedestrian Overpasses and Underpasses</i></p> <p>C.1 New overpasses over streets will generally not be approved. In exceptional circumstances, new overpasses over service lanes may be considered by the consent authority subject to assessment of impacts on safety and crime prevention, streetscape amenity and activation of the public domain.</p>	<p>N/A. An overpass or underpass is not proposed.</p>

<p>In such circumstances, overpasses are to be fully glazed, not greater than 6 metres wide or more than one level high.</p> <p>C.2 Underpasses may be considered by the consent authority for direct connection under adjacent streets to railway stations;</p> <ul style="list-style-type: none"> • Where they would substantially improve pedestrian safety and accessibility, and • Where they incorporate active uses, particularly at entry and exit points. <p>C.3 Access to underpasses should be provided directly from a public footpath at the street alignment (rather than reducing the space of the footpath). This will ensure public access at all times and enhance the use and activities of the public domain.</p> <p>C.4 All underpasses are to have a minimum width of 5 metres clear of all fixed obstructions and a minimum ceiling height of 4 metres.</p>	
<p><i>Awnings</i></p> <p>C.1 Continuous street frontage awnings are to be provided for all new developments as indicated in Figure 4.3.3.3.3.</p> <p>C.2 New awnings must align with adjacent existing awnings and complement building facades.</p> <p>C.3 Wrap awnings around corners where a building is sited on a street corner.</p> <p>C.4 For streets, awning dimensions should generally be:</p> <ul style="list-style-type: none"> • Minimum soffit height of 3.3 metres. • Low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height) • Setback a minimum of 600mm from the face of the kerb. • Minimum of 3.0 metres deep unless street trees are required. <p>C.5 Where street trees are required the entire length of the awning is to be set back from the kerb by 1.2 metres. Cut outs for trees and light poles in awnings are not acceptable.</p> <p>C.6 For lanes:</p> <ul style="list-style-type: none"> • Well designed awnings and entrance canopies that provide additional shelter at entrances, define particular spaces in lanes and relate in scale to individual ground floor uses addressing the lane are encouraged. • Awnings and entrance canopies must be cantilevered; no posts are allowed to maintain sight lines and a 1.8m clear path of travel along the building edge. 	<p>The DCP does not identify this site as requiring the provision of an awning, however an awning is proposed for the development.</p> <p>The proposed awning complements the building façade.</p> <p>N/A. The site is not a corner site.</p> <p>Yes. The proposal is able to comply.</p> <p>N/A. Street trees are not required.</p> <p>N/A. The site does not have frontage to a laneway.</p>

<ul style="list-style-type: none"> The style of awning recommended is the retractable folding arm type. 	
<p><i>Courtyards and Squares</i></p> <p>C.1 Integrate forecourts, squares and courtyards with through block links where appropriate.</p> <p>C.2 Design forecourts, squares and courtyards to visually and physically extend the public domain.</p> <p>C.3 Forecourts, squares and courtyards should be delightful outdoor rooms, and must be well considered with regard to aspect and height to width, and depth to width proportions.</p> <p>C.4 It is preferred that courtyards and squares are the same level as the street to facilitate access and integration with the public domain.</p> <p>C.5 Basement car parks should be contained predominantly within building footprints and allow for deep soil beneath forecourts and courtyards for large canopy tree planting.</p> <p><i>Forecourts</i></p> <p>C.6 Retain forecourts of heritage items which interpret the historic alignment of George Street, including Perth House, Brislington, the Roxy Cinema and the Parramatta Park Tudor Gate House.</p> <p><i>Squares</i></p> <p>C.7 Squares are permitted within the historic alignment of George Street as forecourts to public buildings or commercial towers.</p> <p>C.8 Squares are to be spatially defined with at least three substantially or fully built edges, will not exceed a depth to width ratio of 3:1, and will be not less than 12m wide.</p>	<p>N/A. A forecourt or courtyard is not proposed.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p> <p>N/A.</p>
<p>4.3.3.4 Views and View Corridors</p>	
<p>C.1 Views shown in Figure 4.3.3.4 are to be protected in the planning and design of development.</p> <p>C.2 Align buildings to maximise and frame view corridors between buildings.</p> <p>C.3 Carefully consider tree selection to provide views along streets and keep under storey planting low where possible.</p> <p>C.4 Site analysis must address views with the planning and design of building forms taking into account existing topography, vegetation and surrounding development.</p>	<p>Yes. The proposal does not obstruct any views identified in this section of the DCP.</p> <p>Yes. The proposal complies.</p> <p>Yes. The proposal complies.</p> <p>Yes. The proposal complies.</p>

4.3.3.5 Access and Parking	
<p><i>Location of Vehicle Access</i></p> <p>C.1 No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified as significant pedestrian circulation routes in Figure 4.3.3.5.1.</p> <p>C.2 In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.</p> <p>C.3 Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with major pedestrian activity.</p> <p>C.4 Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.</p> <p>C.5 Vehicle access may not be required or may be denied to some heritage buildings.</p>	<p>N/A. The subject site is not identified as a site where additional vehicle entries are not permitted.</p> <p>Yes. One vehicle access point is proposed.</p> <p>N/A. The site has only one street frontage.</p> <p>N/A. No amalgamated vehicular access is proposed.</p> <p>N/A. The building is not a heritage building.</p>
<p><i>Design of Vehicle Access</i></p> <p>C.6 Vehicle access ramps parallel to the street frontage will not be permitted.</p> <p>C.7 Doors to vehicle access points are to be fitted behind the building façade and to be of materials that integrate with the design of the building and contribute to a positive public domain.</p> <p>C.8 Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.</p>	<p>Yes. The vehicular access ramp does not run parallel to the street frontage.</p> <p>Yes. The door to the vehicle access point is located behind the building façade and is designed to contribute positively to the public domain.</p> <p>Yes. The proposal complies.</p>
<p><i>Porte Cocheres</i></p> <p>C.9 Porte cocheres disrupt pedestrian movement and do not contribute to active street frontage. They may only be permitted in exceptional circumstances for hotels and major tourist venues subject to high quality urban design, streetscape, heritage and pedestrian amenity considerations.</p> <p>C.10 If justified, porte cocheres should preferably be internal to the building with one combined vehicle entry and exit point, or one entry and one exit point on two different street fronts of the development.</p> <p>C.11 In exceptional circumstances for buildings with one street frontage only, an</p>	<p>N/A. A Porte Cocheres is not proposed.</p> <p>N/A.</p> <p>N/A.</p>

<p>indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as:</p> <ul style="list-style-type: none"> • It is constructed entirely at the footpath level, • Provides active street frontage uses in addition to any hotel entry or lobby at its perimeter, • Is of high quality design and finish, and provides for safe and clear pedestrian movement along the street. 	
<p><i>Pedestrian Access and Mobility</i></p> <p>C.1 Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.</p> <p>C.2 Access to public areas of buildings and dwellings should be direct and without unnecessary barriers. Avoid obstructions, which cause difficulties including:</p> <ul style="list-style-type: none"> • Uneven and slippery surfaces; • Steep stairs and ramps; • Narrow doorways, paths and corridors; • Devices such as door handles which require two hands to operate. <p>C.3 The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428.1 and AS1438.2, or as amended) and the Disability Discrimination Act 1992 (as amended).</p> <p>C.4 The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.</p> <p>C.5 The development must provide continuous paths of travel from all public roads and spaces as well as unimpeded internal access.</p> <p>C.6 Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.</p>	<p>Yes. The main building entry is visible from the street frontage and has an awning with high quality architectural features.</p> <p>Yes. Access to the buildings are direct without any barriers or ramps.</p> <p>Yes. The proposal is able to comply.</p> <p>Yes. The proposal is able to comply.</p> <p>Yes. The proposal complies.</p> <p>Yes. The proposal is able to comply.</p>
<p><i>Vehicular Driveways and Manoeuvring Areas</i></p> <p>C.1 Driveways should be:</p> <ul style="list-style-type: none"> • Provided from lanes and secondary streets rather than the primary street, wherever practical. • Located taking into account any services within the road reserve, such as power 	<p>The driveway is provided from Aird Street as the site has only one street frontage. Existing services have been taken into account with regards to the driveway location.</p>

<p>poles, drainage inlet pits and existing or proposed street trees.</p> <ul style="list-style-type: none"> • Located a minimum of 10 metres from the perpendicular of any intersection of any two roads. • If adjacent to a residential development, setback a minimum of 1.5m from the relevant side property boundary. <p>C.2 Vehicle access is to be designed to;</p> <ul style="list-style-type: none"> • Minimise the visual impact on the street, site layout and the building façade design, and • If located off a primary street frontage, integrated into the building design. <p>C.3 All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.</p> <p>C.4 Separate and clearly differentiate pedestrian and vehicle access.</p> <p>C.5 Locate vehicle access a minimum of 3 metres from pedestrian entrances.</p> <p>C.6 Minimise the size and quantity and visual intrusion of vehicle access points.</p> <p>C.7 Vehicular access may not ramp along boundary alignments edging the public domain, streets, lanes parks, water frontages and the like.</p> <p>C.8 Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.</p> <p>C.9 Driveway widths must comply with the relevant Australian Standards.</p> <p>C.10 Car space dimensions must comply with the relevant Australian Standards.</p> <p>C.11 Driveway grades, vehicular ramp width/ grades and passing bays and sight distance for driveways must be in accordance with the relevant Australian Standard, (AS 2890.1).</p> <p>C.12 Vehicular ramps less than 20 metres long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths must be in accordance with AS 2890.</p> <p>C.13 Access ways to underground parking should not be located adjacent to doors of the habitable rooms of any residential development.</p>	<p>The proposal complies.</p> <p>The proposal complies.</p> <p>The proposal complies.</p> <p>The proposal complies.</p> <p>The proposal complies.</p> <p>The proposal complies.</p> <p>The proposal complies.</p> <p>The proposal is able to comply.</p> <p>The proposal is able to comply.</p> <p>The proposal is able to comply.</p> <p>The proposal is able to comply.</p> <p>The proposal complies.</p>
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<p>C.14 For residential development, use semi-pervious materials for all uncovered parts of driveways/spaces to provide for some stormwater infiltration.</p> <p>C.15 Vehicular access, egress and manoeuvring is to be provided in accordance with the NSW Fire Brigades Code of Practice – Building Construction – NSWFB Vehicle Requirements.</p> <p>C.16 Generally, provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction where:</p> <ul style="list-style-type: none"> • NSW Fire Brigade cannot park their vehicles within the road reserve due to the distance of hydrants from the building or restricted vehicular access to hydrants; or • The site has an access driveway longer than 15m. 	<p>N/A. No uncovered driveway/spaces are proposed.</p> <p>The proposal is able to comply.</p> <p>The proposal is able to comply.</p>
<p><i>Onsite Parking</i></p> <p><i>Car Parking Rates</i></p> <p>C.1 Where car parking is provided in basements, and semi-basements, development which will involve excavation shall incorporate the recommended site management procedures set out in the Parramatta Historical Archaeological Landscape Management Study.</p> <p>C.2 Consolidate basement car parking areas under building footprints to maximise the area available for deep soil planting beneath forecourts and courtyards.</p> <p>C.3 Maximise the efficiency of car park design with predominantly orthogonal geometry and related to circulation and car space sizes.</p> <p>C.4 Design parking structures which minimise reliance on artificial lighting and car exhaust ventilation.</p> <p>C.5 Provide 1-2% readily accessible parking spaces, designed and appropriately signed for use by people with disabilities.</p> <p>C.6 Provide separate parking for motorcycles for an area equal to 1 car parking space, as a minimum, for every 50 car parking spaces provided, or part thereof. Motor cycle parking does not contribute to the number of parking spaces for the purpose of complying with the maximum number of parking spaces permitted.</p> <p>C.7 On-site parking must meet the relevant Australian Standard (AS 2890.1 2004 – Parking facilities, or as amended).</p>	<p>N/A. The majority of the proposed car parking is above ground.</p> <p>Yes. The basement area is located underneath the building footprint.</p> <p>Yes. The proposal complies.</p> <p>Yes. The proposal is able to comply.</p> <p>Yes. The proposal complies.</p> <p>Yes. The proposal complies.</p> <p>Yes. The proposal is able to comply.</p>

<p>C.8 Provide marked pedestrian pathways to car parking areas with clear lines of sight and safe lighting especially at night.</p> <p><i>Bicycle Parking</i></p> <p>C.9 Make provision for secure bicycle parking in all public car parks and every building with onsite parking, in compliance with section 3.6.2 of this DCP.</p> <p><i>Parking for residential flat buildings</i></p> <p>C.12 On-site parking is to be accommodated underground, or otherwise integrated into the design of the building.</p> <p>C.13 Stack parking of up to 2 cars is permitted where spaces are attached to the same strata title or lease arrangement comprising a single dwelling unit.</p> <p><i>Parking for commercial developments and mixed use developments</i></p> <p>C.14 The impact of any at-grade car parking must be minimised by:</p> <ul style="list-style-type: none"> • Locating parking on the side or rear of the lot away from the street frontage; • Provision of fencing or landscaping to screen the view of cars from adjacent streets and buildings; • Allowing for safe and direct access to building entry points; <p>C.15 Natural ventilation should be provided to underground parking areas where possible, with ventilation grilles and structures;</p> <ul style="list-style-type: none"> • Integrated into the overall façade and landscape design of the development, • Not located on the primary street façade, and • Oriented away from windows of habitable rooms and private open spaces areas. 	<p>Yes. The proposal complies.</p> <p>N/A. The development is not for a residential flat building.</p> <p>N/A.</p> <p>N/A. No at-grade parking is proposed.</p> <p>Yes. The proposal is able to comply.</p>
<p><i>Above Ground Parking</i></p> <p>C.1 The preferred location of car parking in the Parramatta City Centre is in basements. Above ground car parking may be appropriate for some sites, especially where there are constraints such as flood levels and/or archaeological conditions. Above ground car parking will only be permitted where the car parking:</p> <ul style="list-style-type: none"> • Is of high quality design and will not have an adverse impact on the visual and acoustic amenity of neighbouring buildings and public domain. • Is located behind other active uses including residential, retail and office when the frontage is to a primary street or public 	<p>The subject site is identified in the DCP as requiring to provide active frontages at ground level and screened car parking above ground level. The proposed car parking area on Levels 1-6 are appropriate in this instance. The preference for above ground parking over basement level parking was iterated during the Planning Proposal stage.</p> <p>The above ground car parking is of high quality design and will not have an adverse visual or acoustic impact on the public domain or nearby residential development.</p> <p>The car parking levels extend to the podium height which does not comply with the maximum podium</p>

<p>domain as indicated on Figure 4.3.3.5.2. Where activation of above ground levels is required the active use is to wrap around the corner of the building for a minimum of 15m. Refer to Figure 4.3.3.5.3.</p> <ul style="list-style-type: none"> • Is screened from the public domain, including all streets and lanes through the use of screening devices, architectural elements and landscaping that is integrated into the design of the building. Cars are not to be visible from the public domain. Car parking luminaires are not to be visible from the public domain. Refer to Figure 4.3.3.5.3. • Has an access that will not have an unacceptable impact on streetscape or the public domain in accordance with Figure 4.3.3.5.1. • Does not extend higher than the frontage and podium heights permitted on adjoining streets and in the case of different heights the lesser of the two. • Is fully enclosed by a suitably designed wall or screen at ground level (on the frontages not required to be sleeved with active uses), with the exception of air supply vents, which should be a minimum of 2.3m above the ground at their lowest point, and designed to ensure the interior of the car park is not visible from the adjoining public domain. • Allows for the creation of mid-block connections and laneways as indicated on Figure 4.3.3.3.2. • Is set back from the rear boundary of lots by a minimum of 6 metres to allow for natural 'make up air supply' to ensure efficient low energy operation. • New access points to all parking (above and below ground) are to be limited in accordance Figure 4.3.3.5.1. New access points will be permitted from existing lanes or new lanes, which may be created as part of the development. • If located on a roof top, is not open to the sky or visible from other buildings. • Has a minimum floor to ceiling height, clear of obstruction, of 2.7 metres above ground level and 3.3m on ground level. <p>C.2 Car parking areas:</p> <ul style="list-style-type: none"> • Are to be well lit • Are to avoid hidden and enclosed areas to allow for casual surveillance where practicable • Where hidden and enclosed areas such as staircases and lift lobbies cannot be avoided, • Are to include mirrors or similar devices to aid surveillance • Are to be well ventilated and 	<p>heights permitted under the DCP however as discussed earlier in this table, a variation to the podium height control is considered acceptable in this instance given that it is generally consistent with the Westfield shopping centre rooftop car park and podium of the building at 7-9 Aird Street.</p> <p>The proposed car parking area is able to comply.</p>
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<ul style="list-style-type: none"> • Are to provide natural rather than mechanical ventilation where practicable. <p>C.3 To facilitate adaptation of car parking to other uses in the long term, consideration will be given to car parking remaining as part of the common property and not part of, or attached to, individual strata units.</p>	
<p><i>Leasing of surplus commercial car parking spaces</i></p> <p>C.1 The number of surplus spaces in the building must be specified, justified and shown on a site plan submitted with the development application. The number of surplus spaces represents the number of spaces above the maximum number required for the floorspace in the building based on the current car parking rates.</p> <p>C.2 There is demand for take up of this car parking by other commercial enterprises within the city centre.</p> <p>C.3 The car parking layout and circulation routes, both pedestrian and vehicular are safe and suitable.</p> <p>C.4 To promote the orderly and efficient use of surplus parking, spaces will only be permitted to be leased for long term parking (a minimum continuous period of one month). Any consent granted under this section will apply for 2 years from the time the consent is issued. After that period, a new development application will be required.</p>	<p>N/A. No request has been made to lease any surplus spaces.</p>
<p>4.3.3.6 Environmental Management</p>	
<p><i>Landscape Design</i></p> <p>C.1 Commercial and retail developments are to incorporate planting in accessible outdoor spaces such as courtyards, forecourts, terraces and roofs.</p> <p>C.2 A landscape concept plan must be provided for all landscaped areas. The plan must outline how landscaped areas are to be maintained for the life of the development.</p> <p>C.3 Street trees are to be provided in the footpath in accordance with Council's Street Tree Plan.</p> <p>C.4 Landscaping of city buildings should consider the use of 'green walls' in appropriate locations.</p> <p>C.5 Basement car parks should be contained predominantly within building footprints to allow for deep soil beneath forecourts and courtyards for canopy tree planting.</p>	<p>Yes. Planting is proposed on the ground floor through planter boxes and a green wall.</p> <p>Yes. The application was accompanied by a Landscape Concept Plan.</p> <p>N/A. Street trees are not required to be provided.</p> <p>Yes. The proposal includes a green wall at the ground floor level.</p> <p>Yes. The proposal complies however due to the site constraints, deep soil is unable to be provided at the ground level.</p>

<p><i>Planting on Structures</i></p> <p>C.6 Constraints on the location of car parking structures due to water table conditions may mean that landscaping might need to be provided over parking structures, on roof tops or on walls. The following controls apply in these conditions.</p> <p>C.1 Design for optimum conditions for plant growth by:</p> <ul style="list-style-type: none"> • Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, • Providing appropriate soil conditions including irrigation (where possible using recycled water) and suitable drainage. <p>C.2 Design planters to support the appropriate soil depth and plant selection by:</p> <ul style="list-style-type: none"> • Ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and • Providing square or rectangular planting areas rather than narrow linear areas. <p>C.3 Provide sufficient soil depth and area to allow for plant establishment and growth.</p>	<p>Yes. Landscaping is provided on structures (podium, rooftop and walls).</p> <p>Yes. The proposal is able to comply.</p> <p>Yes. The proposal is able to comply.</p> <p>Yes. The proposal is able to comply.</p>
<p><i>Green Roofs</i></p> <p>C.1 Buildings are encouraged to include a green roof component on the roof space.</p>	<p>Yes. Part of the rooftop communal open space contains landscaped area.</p>
<p><i>Energy and Water Efficient Design</i></p> <p>C.1 Dual reticulation (dual pipe) systems should be installed in new commercial, industrial and mixed use buildings, with the dual reticulation system being of sufficient size to supply all non-potable water uses of the building.</p> <p>C.2 Use of building or precinct level water harvesting/treatment systems to reduce or eliminate non-potable water demand is encouraged.</p>	<p>Yes. The proposal is able to comply subject to conditions of consent.</p>
<p>4.3.3.7 City Centre Special Areas</p>	<p>The subject site is not identified within the DCP as being part of a City Centre Special Area. As such, these objectives and controls are not applicable to the development.</p>
<p>4.3.3.8 Design Excellence</p> <p>1. In determining a development application, Clause 22B of Parramatta City Centre LEP 2007 requires the consent authority to consider whether the proposed development exhibits design excellence.</p> <p>2. In accordance with Clause 22B of Parramatta City Centre LEP 2007 the consent authority is to consider whether the design of the building is the result of an architectural competition that facilitates design excellence.</p>	<p>Yes. An Architectural Design Competition was held for this site. The Design Excellence Jury as reviewed the proposal subject of this Development Application and maintains that design excellence is exhibited.</p>

3. The architectural design competition will be held in accordance with the Architectural Design Competition Procedures issued by the Director General of the Department of Planning & Infrastructure.

4. An architectural competition can be undertaken at either the development planning stage or the development application stage.

12. Planning Agreements

The proposal is not subject of a planning agreement. It is noted that a voluntary planning agreement was entered into by the developer during the Planning Proposal stage however the terms of the planning agreement state that the agreement does not exclude application of contributions under Section 94 and Section 94A (now Sections 7.11 and 7.12) of the Environmental Planning and Assessment Act 1979 to the development.

13. The Regulations

Conditions have been recommended to ensure the following provisions of the Regulation will be satisfied:

- Clause 98 - Building works are to satisfy the Building Code of Australia.

14. The likely impacts of the development

Context and setting

The Land and Environment Court planning principle on “compatibility with context” as established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites?

Response

This proposal will not result in unacceptable adverse physical impacts as:

- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls;
- The proposal will not generate noise or diminish views that would be detrimental to adjacent and surrounding sites; and
- While the proposal will result in overshadowing to surrounding development, as a result of the tall and slender form of the building, any shadows cast by the additional storeys will move quickly across building facades.

Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

Response

This proposal will have a satisfactory relationship with its context for the following reasons:

- The scale, form and presentation of the building is consistent with planning controls, and the design and site planning is acceptable as independently assessed by Council's Design Excellence Jury; and
- The built form does not result in any significant adverse impacts for adjacent sites.

Built Form

Height

The proposal does not comply with the LEP and DCP controls for height and height transition between buildings within the Parramatta City Centre. The height and density of the building envelope were considered as part of the planning proposal process and was supported on the basis that a transition would not add any amenity benefit as the difference between the height of the proposed building and that of development on the adjoining site to the east which is 13 storeys and to the adjoining site to the west which is 6 storeys.

An assessment of Clause 4.6 statement submitted by the applicant has been undertaken earlier in this report and it is considered that sufficient environmental planning grounds have been demonstrated to vary this development standard.

Overshadowing

The proposal will have a shadow impact on adjoining properties to the south-east and south-west. This shadow impact is substantial, however by virtue of the tall and slender built form, shadows cast by the proposal move quickly across the facades of the impacted buildings, limiting the impact in an acceptable manner. The solar access impacts are therefore satisfactory on merit.

15. Site suitability

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

- It is an appropriate "fit" for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- The site attributes are conducive noting natural constraints/hazards; ecological and heritage impacts are able to be properly managed.

16. Submissions

The application was notified and advertised in accordance with Appendix 5 of DCP 2011 for a 21 day period between 26 June and 17 July 2019. During this time, 9 individual submissions were received. The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition.

Issue	Response
Building height incompatibility with surroundings	The proposal is generally consistent with the building height envisioned for this site (through the approved Planning Proposal for the subject site and subsequent achievement of design excellence).

Obstruction of views to Parramatta Park from apartments at No. 15 Campbell Street, Parramatta	Parramatta Park is not considered to be a significant view identified with the Parramatta Development Control Plan 2011. Notwithstanding, the building at No. 15 Campbell Street, Parramatta has a north-east/south-west orientation. The subject site is located approximately 120m north of this building and Parramatta Park is located to the north-east of both No. 15 Campbell Street and the subject site. Based on the orientation of No. 15 Campbell Street, views to Parramatta Park are maintained.
Traffic congestion	The proposal complies with the maximum LEP 2011 parking rates applicable for the site. A traffic study was submitted with the Development Application and Council's Traffic and Transport Engineer has undertaken their own assessment of the proposal, concluding that the development will result in acceptable traffic impacts.
Structural impacts to adjoining properties	The proposal includes one level of basement excavation. Conditions of consent are included requiring the submission of a Geotechnical Report, submission of a dilapidation report, and conditions relating shoring and adequacy of adjoining properties to ensure that the proposed basement excavation does not impact upon adjoining properties.
Dust control	Relevant conditions for air quality and dust control are recommended to ensure no adverse air quality impacts are generated from the development during demolition, construction and ongoing use.
Asbestos management	Relevant conditions of consent are recommended to ensure that asbestos removal is adequately managed by a suitable qualified professional.
Noise pollution	An acoustic report was submitted with this Development Application concluding that acoustic impacts from the development would be at acceptable levels. Council's Environmental Health Officer (Acoustic) has reviewed the application and raised no objections to the proposal subject to recommended conditions of consent relating to acoustic management.
Overshadowing on adjoining properties	The submitted shadow diagrams indicate that adjoining properties will be able to achieve minimum solar access requirements under the Parramatta Development Control Plan 2011.

Amended Plans Yes

Summary of amendments

Amended architectural plans were submitted with the following changes:

- Provision of the substation on the ground floor and reconfiguration of the proposed retail/café at the ground level;
- Amendments to the proposed wintergardens to include permanent openings;
- Reduction of the proposed awning;
- Provision of a secure roller shutter within the parking area; and
- Reduction of shear blades extending from the eastern and western facades.

In accordance with Clause 5.5.9 of Council's notification procedures entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."

Conciliation Conference – Required and Not Held

The application received 10 unique submissions during the formal notification period and as a result a Conciliation Conference was required to be held.

In this instance, the applicant chose not to attend a Conciliation Conference and therefore one was not held (Council TRIM Document No. D07206913).

17. Public interest

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

18. Parramatta City Centre S94A Development Contribution Plan (Amendment No. 4)

As the cost of works for the development exceeds \$250,000 a Section 7.12 development contribution 3.0% is required to be paid. The cost of works estimate submitted with the application did not detail any exemptions. Accordingly, the Section 7.12 contributions will be calculated on the value of \$32,889,755.000 (as per Clause 25J of the EP&A Regulation 2000).

A relevant condition of consent pertaining to the payment of Section 7.12 contributions prior to the issue of a Construction Certificate is included within draft conditions of consent.

Summary and conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. The proposal is recommended for approval subject to conditions for the following reasons:

1. The development is permissible in the B4 zone and satisfies the requirements of all the applicable planning controls with one minor exception being the maximum building height control proposed.
2. A written request to vary the building height development standard has been received. The variation sought is minor and will not have any adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the

Applicants Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta Local Environmental Plan 2011 and that that the proposed development will be in the public interest because it is consistent with the objectives for development within the B4 zone in which the development is proposed to be carried out.

3. The development will be compatible with the emerging and planned future character of the area.
4. For the reasons above, approval of the application is in the public interest.

Recommendation

- a) **That** the Sydney Central City Planning Panel as the consent authority support the variation to Clause 4.3 – Building Height of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6.
- b) **That** the Sydney Central City Planning Panel as the consent authority grant consent to Development Application No. DA/340/2019 for demolition of all existing structures; construction of a 35 storey mixed use development comprising one basement level carpark, ground floor retail and building services, five above ground car park levels, commercial floor area, communal open space on a podium and rooftop level and 104 residential apartment, at No. 13 Aird Street, Parramatta, being Lot 101 DP 709151 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1. The reasons for the conditions imposed on this application are as follows:
 - i. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning Instruments.
 - ii. To ensure that local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
 - iii. To ensure that the development does not hinder the proper and orderly development of the subject land and its surrounds.
 - iv. To ensure that the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 are maintained.
- c) **That** submitters are advised of the decision.