



## REPORT TO SYDNEY CENTRAL CITY PLANNING PANEL

<b>Panel Reference</b>	PPSSCC-20
<b>DA Number</b>	DA/476/2019
<b>LGA</b>	City of Parramatta
<b>Proposed Development</b>	6 storey community facility extension to rear of Parramatta Town Hall; partial demolition and alterations to rear of Parramatta Town Hall local heritage item; 2 storey basement with connection to adjoining basement; demolition of existing external amenities block; tree removal; public domain and landscape works.
<b>Address</b>	5 & 7 Parramatta Square (Civic Place, Lot 8 DP 1252009, PARRAMATTA)
<b>Applicant /Owner</b>	City of Parramatta Council
<b>Date of DA Lodgement</b>	15 August 2019 Amended plans lodged 21 October 2019 and 1 November 2019
<b>Integrated Development</b>	The proposal was originally considered to be integrated development under section 90 of the <i>National Parks and Wildlife Act</i> however an AHIP has previously been issued for the site. Accordingly, the proposal is no longer considered to be integrated development.
<b>Number of submissions</b>	Nil
<b>Recommendation</b>	Deferred Commencement Consent
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	Pursuant to Clause 3 of Schedule 7 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> , the development is Council related development with a capital investment value of more than \$5 million
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act and Regulations</li> <li>• State Environmental Planning Policy No. 64 – Advertising and signage</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Parramatta Local Environmental Plan 2011</li> <li>• Parramatta Development Control Plan 2011</li> </ul>
<b>Documents submitted with this report for Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment 1 – Architectural Drawings</li> <li>• Attachment 2 – Design Excellence Jury Report</li> <li>• Attachment 3 – Clause 4.6 variation request to Clause 4.3 Height of Buildings and Clause 7.4 Sun Access</li> <li>• Attachment 4 – Department of Planning cl. 4.6 Circular</li> </ul>
<b>Report prepared by</b>	SJB Planning, independent consultant town planners to City of Parramatta Council.
<b>Date of report</b>	25 November 2019

## Summary of s4.15 matters

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

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## 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

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## Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard has been received, has it been attached to the assessment report? Yes

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## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)? N/A

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## Voluntary Planning Agreement

Does the DA propose a voluntary planning agreement (S93F)? N/A

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## Conditions

Have draft conditions been provided to the applicant for comment? No – will be undertaken prior to SCCPP meeting

## 1. Executive Summary

The proposal provides for the development and operation of a new six (6) storey Council facility including partial demolition of the Parramatta Town Hall and demolition of an existing external amenities block on land within Parramatta Square generally known as 5PS and 7PS (existing Parramatta Town Hall site). The proposal comprises new Council chambers, customer service centre, public library, discovery centre and cultural, community facilities and associated landscaping works. It also comprises two (2) basement levels which connects to the Parramatta Square super basements (previously approved) and provides drop off and loading facilities as well as services.

The development application seeks approval for construction, use and operation of the overall structure and exterior built form. The proposal has a maximum GFA of 4,974m<sup>2</sup> and maximum height of 31.6m at the highest point of the proposed spire. The proposal does not provide for any car parking in its own right however is connected to the existing Council car park within the super basement approved as part of DA/436/2016 for 4PS. The proposal does not seek approval for building identification signage, however, it does seek approval for an illuminated façade with LED lighting (north and south) and digital signage zone located on the south frontage.

The proposed building has been designed by Manuelle Gautrand Architecture, Design Inc. and Lacoste + Stevenson architects for the City of Parramatta Council. An international design competition was held for the new Council facilities at Parramatta Square in March 2016 with a scheme unanimously recommended by the Design Jury and approved under DA/758/2017. This approved design comprised a contemporary glass building of sweeping triangular form, stepping in two directions and rising up to a pinnacle form.

Following a comprehensive period of review by the City of Parramatta Council and their Property Development Group that sought to ensure a development was delivered that met the needs of the Council and the community, a revised design has been proposed. The subject design continues to propose a building of sweeping triangular form rising up to a pinnacle form. Broadly, design modifications have involved changes to the building envelope, façade materials, internal layouts and uses. Notably, the revised design incorporates new tessellated facade treatment, openings and façade edges and overhangs. On 12 August 2019 the Council at the Ordinary Council Meeting endorsed the lodgement of a development application for 5 & 7 Parramatta Square. On 15 August 2019, a development application (DA/476/2019) was lodged with the City of Parramatta Council.

On the 20 September 2019 the Design Jury was reconvened to review and consider the proposed scheme, including presentation to the Design Jury by the architects. At this meeting the Jury unanimously confirmed that the scheme retains the spirit and intent of the original competition winning scheme and exhibiting design excellence. The Jury however required a number of design amendments and clarification on the proposed design and performance. The proposed design has been amended to incorporate comments and design amendments requested by the Design Jury.

The DA has been assessed against the *Environmental Planning and Assessment (EP&A) Act 1979*, the *Environmental Planning and Assessment (EP&A) Regulation 2000*, relevant Environmental Planning Instruments (EPIs), Development Control Plans (DCPs) and policies. The outcome of this assessment is detailed further in this report. Based on the assessment, it is recommended that the DA be approved subject to support of the clause 4.6 variation request and the imposition of the recommended conditions of consent.

## 2. Site Description, Location and Context

The proposed development site is known as 5 and 7 Parramatta Square (5PS & 7PS) as shown in Figure 1 below. The site is legally described as Lot 8 DP 1252009 and is owned by the City of Parramatta Council. The site comprises a rectangular shaped parcel of land comprising a total site area of approximately 3,857sqm. The site accommodates the existing Parramatta Town Hall and formerly the Parramatta Council Chambers, which has been demolished under separate development consent.

The site forms part of the three-hectare Parramatta Square urban renewal precinct located at the core of the Parramatta CBD. Parramatta Square will be transformed into a central hub with a substantial new civic space and up to 360,000sqm of mixed-use floor space, supporting social, cultural and economic activity and aligning with strategic aspirations for the Parramatta CBD. Parramatta Square is to the north of and directly connects to Parramatta Railway Station, which also connects to Westfield Parramatta Shopping Centre.

The masterplan for the precinct involves the development of land parcels for a range of commercial, retail, education and community purposes, the construction of a new central civic space oriented along an east west axis, and the servicing of all buildings by an underground 'super basement' providing integrated vehicle access to the buildings via Darcy Street and Macquarie Street.

The existing Parramatta Town Hall (7PS) is located on the western edge of the Parramatta Square Precinct with frontage to Church Street Mall to the west. 5PS is located to the east of the Town Hall and immediately to the north of the future Parramatta Square public domain. It adjoins Leigh Place (Civic Link) to the east and 3PS further to the east. It is to the south of existing commercial buildings fronting Macquarie Place and immediately to the south of the future northern laneway which separates the site from these buildings. It is also to the north of 6&8PS and to the north west of 4PS, approved under DA/436/2016.

As noted above, the 5PS site has recently been cleared with all existing buildings demolished under a series of separate DAs (refer Figure 2 below).

Figure 1: Site location (Source: SEE, Urbis, SEE August 2019)

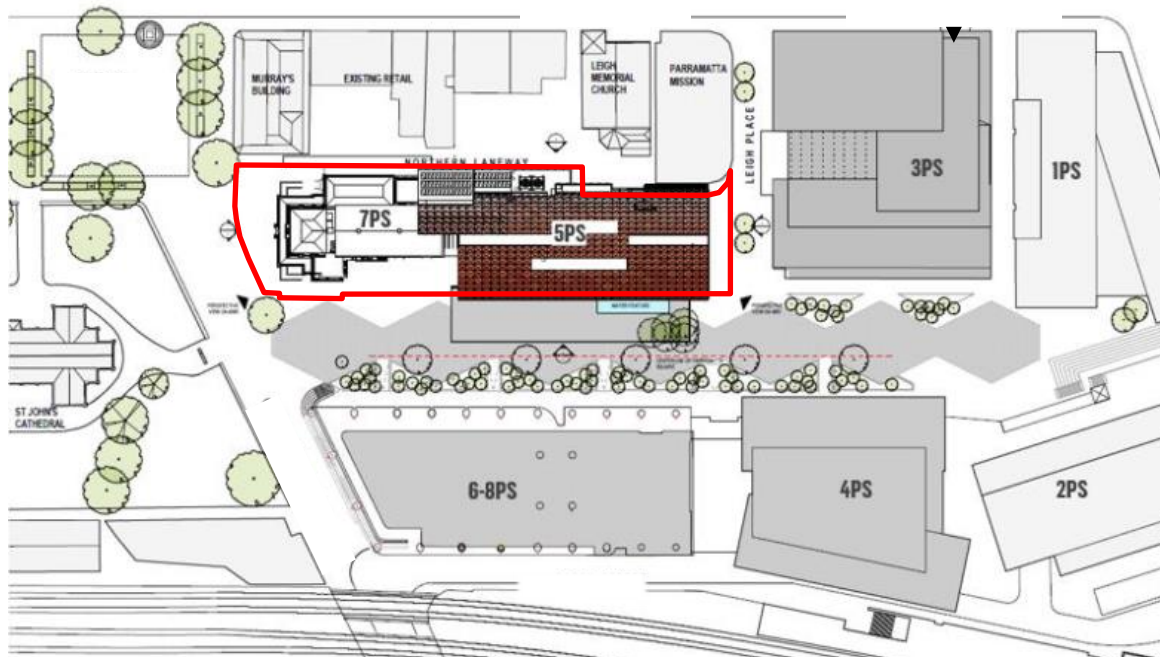


Figure 2: Aerial view of locality (general location of subject site 5PS and 7PS shown in red) (Source: Nearmap, image from 27 October 2019)



### 3. Background

#### 3.1 History of Development Approvals

Table 1: History of Development Approvals

DA Reference	Description and Status
DA/189/2019	A development application seeking consent for public domain works associated with Stage 3 of Parramatta Square including level realignment, hard landscaping, paving and street furniture. <b>Currently under assessment.</b>
DA/46/2018/A	A section 4.55(1)(A) modification to an approved basement car park. <b>Approved on 9 July 2019.</b>
DA/672/2018	A development application seeking consent for public domain works associated with Stages 1 and 2 of Parramatta Square. <b>Approved on 12 June 2019.</b>
DA/758/2017	A development application seeking consent for the proposed development of the Council Chambers building including partial demolition of the Parramatta Town Hall and existing external amenities block. The application did not seek consent for internal fit out or use of the site. <b>Approved 7 February 2018.</b>
DA/206/2017	A development application seeking early works and site preparation, including demolition of existing basement car park, bulk excavation to accommodate three basement levels plus mezzanine level and construction of below ground shoring walls and membrane wall. <b>Approved 20 June 2017.</b>
DA/107/2016	A development application seeking removal of existing slabs to facilitate archaeological excavation to a depth of 2m for testing and salvage. <b>Approved 23 May 2016.</b>
DA/237/2015	A development application seeking demolition of the existing five-story Council chambers building to ground and basement level. <b>Approved 26 June 2015.</b>

## 3.2 Project History

The following provides a summary of the key development phases of the proposal, including consultation with Council.

- An international design competition was held for the new Council facilities at Parramatta Square in March 2016.
- The Competition Jury unanimously recommended the scheme by Manuelle Gautrand Architecture and Lacoste + Stevenson architects.
- In February 2017 Council instructed the architects to undertake a major review of the scheme to ensure that the proposal complies with the Parramatta DCP 2011, particularly in respect of solar access requirements to the future Parramatta Square public domain. Compliance with this requirement resulted in a reduction in the overall height of the building and some reconfiguration of the building floor plates (including a reduction on the floorplate of the Council chambers cantilevering over the Town Hall and the need to cantilever over the northern laneway).
- In March 2017 a Citizen Jury (made up of community representatives) was also held for the proposal. The proposed design incorporates the comments of the Citizen Jury.
- On 23 August 2017 the revised scheme was presented to the Design Jury.
- On 1 September 2017, a development application (DA/758/2017) was lodged with the City of Parramatta Council seeking consent for the proposed development of the Council Chambers building including partial demolition of the Parramatta Town Hall and existing external amenities block. The application did not seek consent for internal fit out or use of the site.
- The Design Jury unanimously confirmed on 14 September 2017 that the scheme retains the spirit and intent of the original competition winning scheme and exhibits design excellence.
- Consent for DA/758/2017 was granted by the then Sydney West Central Planning Panel following assessment by an independent planner on behalf of the City of Parramatta Council.
- Following a comprehensive period of review by the City of Parramatta Council and their Property Development Group that sought to ensure a development was delivered that met the needs of the Council and the community, a revised design was proposed.
- On 19 January 2018, 6 June 2018, 8 May 2019, consultation with the Design Excellence Jury was undertaken on the revised design to seek support to proceed to lodge a development application.
- On 12 August 2019 the Council at the Ordinary Council Meeting endorsed the lodgement of a development application for 5 & 7 Parramatta Square.
- On 15 August 2019, a development application (DA/476/2019) was lodged with the City of Parramatta Council, seeking consent again for a 6 storey community facility extension to rear of Parramatta Town Hall; partial demolition and alterations to rear of Parramatta Town Hall local heritage item; 2 storey basement with connection to adjoining basement; partial demolition of existing external amenities block; tree removal; public domain and landscape works. Unlike DA/758/2017, DA/476/2019 seeks consent for the internal fit out or use of the site.
- On 20 September 2019 the Design Jury was reconvened to review the proposed scheme, including presentation to the Design Jury by the architects.
- On 4 October 2019, a request for information (RFI) letter was prepared highlighting a number of issues and required amendments, inclusive of the Design Jury comments.
- On 23 October 2019, a second RFI (email) was prepared highlighting a number of issues and required amendments, including matters unresolved from letter dated 4 October 2019.

## 4. The Proposal

The proposed development seeks consent for the construction and use of a 6-storey (plus architectural rooftop spire), community facility building and ancillary uses, alterations to the existing Parramatta Town Hall and public domain improvements. The building will be occupied by the City of Parramatta Council, and will include the new Council Chambers, administrative facilities, a community library and an exhibition space.

Specifically, this DA seeks consent for:

- Development of a 6-storey community facility building (plus architectural rooftop spire) with a total GFA of 4,974sqm incorporating civic, commercial and retail land uses. Known as the 'Council Chambers building', the building will include:
  - A new Council Chambers and associated administrative facilities including reception areas, office spaces for Council operations (both open plan and individual spaces) for up to 99 staff, meeting rooms, breakout spaces and ancillary office areas including storage and utility areas.
  - Below ground levels include, end of trip facilities (EOTF), exhibition space, meeting rooms, toilets and loading areas at basement level 1 and an amphitheatre, meeting rooms, toilets and storage at the Mezzanine level. The basement is integrated with the adjacent underground 'super basement' to provide a direct visitor drop-off zone and loading dock.
  - Various publicly accessible spaces including an, a community library with associated learning areas, technology room, maker spaces, children areas, youth areas and visual collections as well as customer service points and amenities.
  - Rooftop digital spire of 3.85m in height with LED elements.
  - Ancillary café (231m<sup>2</sup>) with adjacent outdoor dining area (88m<sup>2</sup>) along the eastern elevation, and associated back of house kitchen, servery and storage areas.
  - The proposed additions are consistent with the overall masterplan for the Parramatta Square development.
  - Plant, storage and rooftop PV solar cells.
- Alterations and additions to the existing Parramatta Town Hall to integrate with adjacent community facility building, including the following works:
  - Partial demolition of the existing Town Hall building, including some internal walls, stairways, internal doorways, storage, kitchen and amenities on the eastern elevation.
  - Interventions into the existing Parramatta Town Hall, primarily on the Hall's eastern elevation, to enable the integration with the adjacent Council Chambers building.
- Demolition of an existing external amenities block to the north of the Parramatta Town Hall.
- Public domain and landscaping works to the new mixed-use component including planting of shrubbery on the Level 2, 3 and 4 terraces, public seating areas at ground level along the northern laneway and adjacent to future Leigh Place, and external paving in line with the adjacent public domain precinct plan.

The proposal has a site area of 3,857m<sup>2</sup> and provides for a total gross floor area of 4,974m<sup>2</sup> (FSR of 1.3:1). No vehicle parking is proposed as part of the subject application however 16 bicycle parking spaces are proposed within the basement level.

The proposed development is illustrated in Figures 3 – 8 below:

Figure 3: View looking north east (Source: Urbis, SEE August 2019)



Figure 4: View looking south west (Source: Urbis, SEE August 2019)



Figure 5: Photomontage of the future Parramatta Square looking East (Source: Urbis, SEE August 2019)





Figure 6: Basement Level showing connection to adjacent 'super basement'

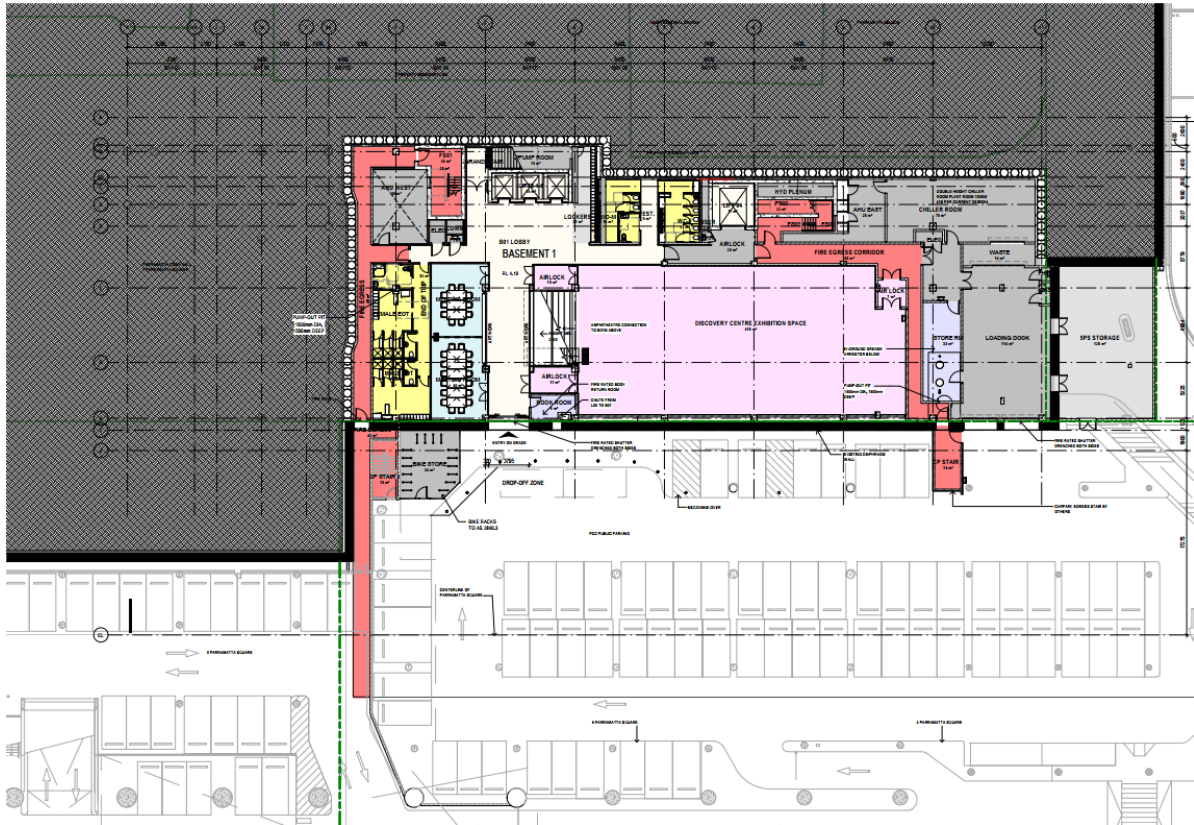
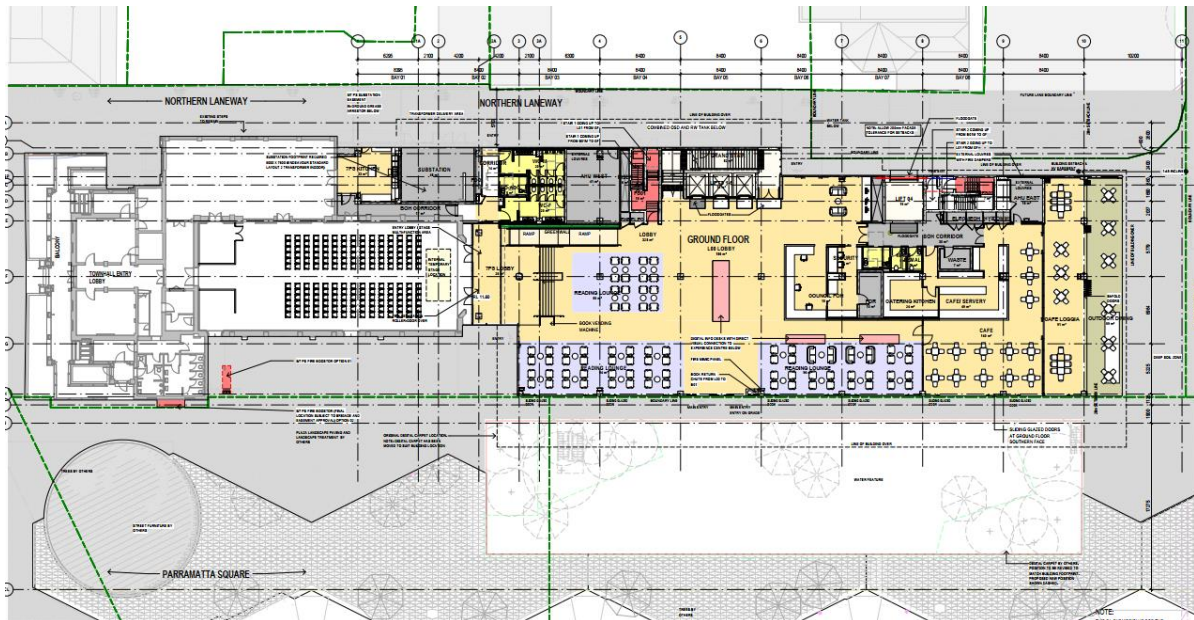
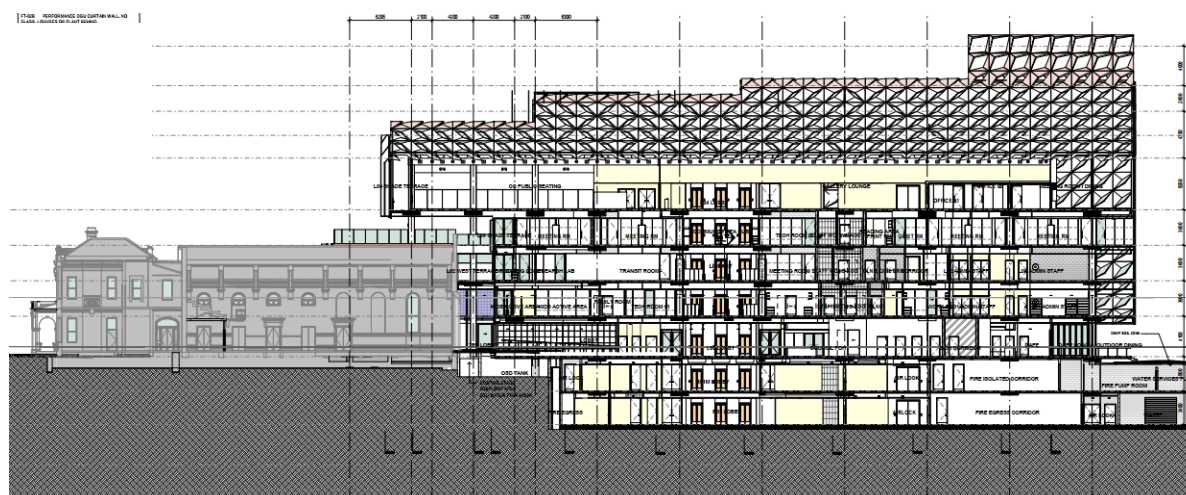


Figure 7: Ground Floor Plan showing connection to existing Town Hall



**Figure 8: Building section**



As articulated by the architect the design composition of the building has been developed based on the sun path with the building form rising from Parramatta Square to allow generous sun penetration. The building form is intended to create an intermediate scale: a human scale that is open to guide people to its entrance. It is transparent, active and permeable. The upper part of the building volume has been designed to emphasise the symbolic nature of the civic centre and is intended to become a memorable landmark. Other key design objectives on which the building has been based, as articulated by the design architects, include:

- *A form developed based on the sun path;*
- *Embracing and protecting the existing Town Hall;*
- *Creating an icon: the future civic spire;*
- *A generous mix between indoor and outdoor spaces;*
- *The building as a wonderful inner promenade for the inhabitants;*
- *In the lower part, the escarpment is reversed to welcome the public and protect it underneath a giant “marquee”; and*
- *The architecture being the support for multimedia events.*

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

## 5. Referrals

### 5.1 Sydney Central City Planning Panel

**Table 2: Sydney Central City Planning Panel Briefing**

Issues Discussed	Comment
<b><i>Briefing 16 October 2019</i></b>	
Non-compliance with relevant standards.	Noted.  Further comparative details required of approved building under DA/758/2017 and current scheme.
Panel requires briefing from Council’s Design Excellence Panel and architect of project.	Noted.
Panel requires a full suite of documents to show changes, including photomontages to be provided before determination.	Noted.

Flooding concerns for basement area.	Noted.
Overhang to the square – particularly shadow effect	Noted.  Further comparative details required of approved building under DA/758/2017 and current scheme.
<b>Briefing 6 November 2019</b>	
Design briefing from the Architect, especially relating to plans and explanation regarding the spire element and its effect on Solar Access in Parramatta Square.	Noted.
Comparison between approved and amended plans show a consistent effort to improve the building and materials and heritage impact.	Noted.
The Panel formed the view that this version keeps the essence and the shape of the original design.	Noted.
The Panel understands the justification under Clause 4.6 in relation to Height.	Noted.
The Panel encourages the retention of the Architect and Engineer throughout the whole of the project and the involvement of the Design Jury throughout the documentation process.	Noted.
The Panel agrees that the amended design will ensure the importance of the building in Parramatta Square and agrees the matter should now move forward for final approval.	Noted.

## 5.2 Design Competition Jury

The original Design Excellence Competition Jury reconvened to consider the application on 20 September 2019. The Jury support the proposal and are satisfied that it is consistent with the original Design Competition winning scheme and constitutes 'design excellence' subject to conditions requiring the continued engagement of the project architect and review by the jury through the detailed design and construction phases as well as resolution of specific matters through additional information, design advice and conditions relating to:

- Internal layout and user groups;
- Northern overhang and limitation of its extent;
- Southern overhang and requirements for minimum floor to ceiling heights;
- Southern façade, its ongoing maintenance and cleaning regime;
- Western façade and assurance that vertical louvres will remain mechanically operational with sun path;
- ESD, including building performance and design and function of proposed tessellated Operable Sun Shades;
- Ground floor including increased opportunities for openings to basement levels, changes to operable shopfront doors and frontage to proposed café;
- Lighting strategy and design development to incorporate and respond to proposed LED screen, as well as design and operation of digital carpet;
- 7PS and any future strategy for the design and activation of the Town Hall, including areas around it to be consulted with the Jury; and
- Public Domain and consultation with JMD landscape architects and deferment of detailed assessment of the public domain to Council's Public Domain Team.

The Design Excellence Jury's full comments are included at Attachment 2.

### 5.3 Internal Referrals

The following internal referrals were undertaken:

**Table 3: Internal referrals**

Authority	Comment
Development Engineer / Catchment Development Engineer	<p>Referral dated 21/08/2019, 26/09/2019.</p> <p>Referral dated 26/09/2019 – made comments relating to the use and function of the proposed Discovery Centre and Exhibition Space, including seating as well as the preparation of a Flood Emergency Response Plan.</p> <p>Additional information in response to this request was provided by the applicant on 1/11/2019.</p> <p>A further request for additional information dated 15/11/2019 was made having regard to documentation provided 1/11/2019 noting that the documentation received in response to the RFI did not provide the necessary information to enable assessment of impacts and risk.</p> <p>To ensure the safety of occupants from flood risk, a condition will be imposed requiring the applicant to prepare a Flood Emergency Management Plan to the satisfaction of Council.</p> <p>Council's Senior Catchment Engineer is satisfied that the proposed uses within the basement and mezzanine can be managed appropriately in terms of flood affectation. Council's engineer is also satisfied that the physical design of the buildings, including the integrated super basement, is satisfactory from a flood management perspective. However, Council has sought further detail on the operational characteristics of the basement and mezzanine space and requires an associated risk management plan to ensure all necessary contingencies are in place to minimise any residual risk that may remain to persons using this space.</p> <p>It is to be noted that the evolution of Parramatta Square has been an integrated design exercise where alignments, contours, building levels and stormwater infrastructure have been strategically and holistically considered to minimise impacts from potential flooding to acceptable levels. 5PS has not been proposed in isolation of the other works on the Square and therefore, use of a basement space in a suitably controlled manner can be considered, subject to design and operational conditions of consent.</p>
Trees & Landscaping	<p>Referral dated 6/09/2019 and 31/10/2019.</p> <p>Preliminary comments provided in referral dated 6/09/2019 indicated concerns regarding the proposed tree removal and lack of details provided for proposed landscaping at levels 2, 3 and 4.</p> <p>Additional information was requested relating to landscaping at levels 2, 3 and 4, as well as further justification on proposed tree removal.</p>

	<p>Additional information in response to this request was provided by the applicant on 1/11/2019. This information suggests the retention of one (1) of the two (2) trees proposed to be removed.</p> <p>A further request for additional information dated 23/10/2019 requested further investigation and justification of proposed tree removal, as well as confirmation by an arborist of tree protection measures.</p> <p>Details regarding the retention and protection of existing tree(s), and appropriate evidence for their removal, is to be managed by way of conditions.</p>
Traffic & Transport	<p>Referral dated 26/ 09/2019 and 27/09/2019.</p> <p>Proposal satisfactory subject to recommended conditions of consent.</p>
Environmental Health	<p>Referral dated 30/08/2019.</p> <p>Preliminary comments requested that the applicant provide a validation report prepared by a suitably qualified person, and a Validation Report – Site Audit Statement to ensure that the development complies with the Remedial Action Plan (RAP) and that works are in accordance with the Contaminated Land Management Act 1997. Further referral is required upon receipt of the additional information.</p> <p>These matters are to be addressed via conditions of consent requiring further detail to the provided for approval prior to the issue of the construction certificate.</p>
Environmental Waste	<p>Referral dated 30/08/2019.</p> <p>Proposal satisfactory subject to recommended conditions of consent.</p>
Public Domain	<p>Referral dated 4/09/2019 (amended 19/09/2019) and 28/10/2019.</p> <p>Preliminary concerns raised in the referral dated 19/09/2019 had regard to building overhangs; proposed levels of northern laneways and interface with adjoining properties to the north; deep soil zones and planting within Civic Link and furniture fixtures.</p> <p>Matters of detail have also been raised regarding set down levels, need for tactile indicators, location of fire hydrants and OSD tank, and requirement for deep soil areas. Grading plans and long sections plans were also requested.</p> <p>Additional information relating to the above was requested with revised / additional documentation being provided on 21/10/2019.</p> <p>In response, the referral dated 28/10/2019 highlighted matters addressing proposed boundary levels, temporary grading solution for the northern laneway and inaccuracies between drawings.</p> <p>Additional information in response to these matters has been provided by the applicant. Details regarding final public domain design is to be resolved by way of condition.</p>

Accessibility	<p>Referral dated 3/09/2019 and 22/10/2019.</p> <p>Preliminary comments provided in referral dated 3/09/2019 indicated concerns regarding the proposed design and a number of amendments being required to facilitate accessible access, including WC/ shower facilities, doorways, opening and areas for circulation, wheelchair seating, internal and external threshold levels etc.</p> <p>Additional information relating to accessibility requirements at basement level have been provided by the applicant in their revised submission package provided 1/11/2019.</p> <p>All other matters are therefore satisfactory subject to recommended conditions of consent.</p>
Infrastructure – Public Stormwater Infrastructure	<p>To ensure the appropriate management of stormwater, including its disposal, relevant conditions of consent will be applied to the consent ensuring the lodgement of necessary details and documentation, as well as compliance with appropriate authorities.</p>
Infrastructure – Public Domain Alignments	<p>Referral dated 4/09/2019.</p> <p>Preliminary comments provided indicated concerns regarding the levels and interface between buildings; conflicts between basement level storage and deep soil zones, grading/steps in the proposed northern laneway. Cross and long sections were requested to show OSD tank within the northern lane as well as proposed and existing levels for the Northern Laneway, Parramatta Square and Civic Link.</p> <p>Additional information in response to these matters was provided by the applicant.. To ensure matters relating to the public domain are resolved, conditions of consent have been imposed.</p>
Social Outcomes	<p>Referral dated 4/09/2019.</p> <p>Generally supportive – Preliminary comments on the DA documentation makes a number of recommendations including social procurement opportunities throughout the construction phase and retail space; high level of security and hoardings; arrangement of internal private and public spaces; opportunities for a sensory room (subject to consultation with Council staff); fair and equitable booking systems; and communications with the community.</p> <p>These suggestions are included as an advisory note in the draft notice of determination.</p>
Environmentally Sensitive Development (ESD) (Independent consultant)	<p>Referral dated 10/09/2019 and 4/11/2019.</p> <p>Preliminary comments provided in referral dated 10/09/2019 indicated concerns regarding the proposed roof design, including maintenance, mechanical elements required to provide shading and glare protection, as well as solar heat and the buildings thermal performance.</p> <p>Additional information in response to these matters was provided by the applicant a part of a revised submission package, however a number of matters remain unresolved to the satisfaction of the independent consultant.</p>

	The independent consultant has indicated that these matters may be managed via conditions of consent requiring further detail to be provided for approval prior to the issue of the construction certificate.
Property	Referral dated 24/09/2019 – No concerns raised.
City Transformation	<p>Referral dated 24/09/2019.</p> <p>Generally supportive – Preliminary comments on the DA documentation raised issues relating to retaining wall adjacent 119A Macquarie Street, laneway levels and interface with properties to the north; deep soil zones and planting along the eastern frontage.</p> <p>Additional information in response to these matters has been provided by the applicant as part of a revised submission package.</p> <p>Details regarding final public domain design are to be resolved by way of conditions.</p>
3D Modelling / Overshadowing	<p>Referral dated 13 September 2019 – No concerns raised.</p> <p>Amended plans were provided by the applicant to clarify location and overshadowing of the solar protection area within Parramatta Square. Amended shadow diagrams have since been provided by the applicant.</p>

The application was not referred to Council's Design Excellence Advisory Panel (DEAP) as the building was the subject of a design excellence competition (refer below) and comprises commercial and not residential uses.

#### 5.4 External Referrals

The following external referrals were also undertaken:

**Table 4: External referrals**

Authority	Comment
Quantity Surveyor (Independent consultant)	<p>Referral dated 18/09/2019.</p> <p>No concerns raised – the development Application Cost Plan and subsequent development cost, reflect a fair and competitive cost to complete the proposed development.</p>
Heritage (Independent consultant)	<p>Referral dated 3/10/2019 and 1/11/2019.</p> <p>Preliminary comments provided indicate concerns regarding the proposal and information submitted. It was requested that the applicant provide details on the competition entry design changes, materials analysis, reasoned method of evaluating the impact where the Burra charter is demonstrably inadequate, design statement acknowledging the heritage and their methodologies. In response to the above matters additional documentation was provided.</p> <p>In response, the independent consultant has deemed the application to satisfactorily address the matters which were of concern.</p>

Solar Reflectivity (Independent consultant)	<p>Referral report 20/09/2019 and 13/11/2019 – Concern raised regarding materials and potential glare impacts, as well as levels of analysis / methodology for assessment of the proposed sloping roof.</p> <p>In response a revised Reflectivity Report was prepared by Surface Design. The report was referred to Council's independent consultant CPP for review and comment, who again raised concerns regarding the analysis undertaken as well as previous recommendations for a reassessment not being undertaken.</p> <p>To ensure solar reflectivity matters are addressed accordingly in line with CPP requirements and comments, these matters will be addressed by way of conditions to be imposed.</p>
Wind Environment (Independent consultant)	Report dated 23/09/2019 – No concerns raised subject to conditions recommended in line with the recommendations and conclusions made in the Pedestrian Wind Environment Statement (2019) prepared by Windtech for the proposal.
Endeavour Energy	<p>Referral dated 17/09/2019 – standard information provided on electricity infrastructure on site.</p> <p>No objection to the application provided.</p>
Sydney Water	Letter dated – 30/09/2019 – No objections subject to recommended conditions of consent.
RMS	Letter dated 16/09/2019 – No objection subject to recommended conditions requiring a Construction Pedestrian Traffic Management Plan.
Transport for NSW (TfNSW) – Parramatta Light Rail (PLR)	<p>Emails dated 2/10/2019 and Letter dated 6/11/2019.</p> <p>Initial comments provided in correspondence dated 2/10/2019 indicated inadequate information detailed within the Construction Management Plan. It is noted that construction vehicle access could have potential to impact the construction, testing and commissioning and regular service operation phases of the PLR project.</p> <p>Further to additional information being provided by the applicant, correspondence received from TfNSW dated 6/11/2019 advised the applicant to provide additional information in relation to construction access to the site.</p> <p>These matters are to be addressed via conditions of consent requiring further detail to be provided for review and agreement by TfNSW ahead of construction.</p>
Office of Environment and Heritage – Aboriginal Archaeology	No referral response provided.
Aboriginal Land Council	No referral response provided.



## 6. Environmental Planning and Assessment Act 1979

The relevant sections of the Environmental Planning and Assessment Act 1979 which require consideration are addressed below:

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

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

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

The Sydney Central City Planning Panel is the consent authority for this application as the proposal the development is Council related development with a capital investment value of more than \$5 million.

### 6.3 Section 4.15: Evaluation

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

Table 5: Section 4.15(1)(a) considerations

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

### 6.4 Section 4.46: Integrated Development

The application is not considered Nominated Integrated Development in accordance with Section 4.46 of the EP&A Act 1979.

## 7. Environmental Planning Instruments

### 7.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy No. 64 – Advertising and signage;
- State Environmental Planning Policy No. 55 - Remediation of land;
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011; and
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

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

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

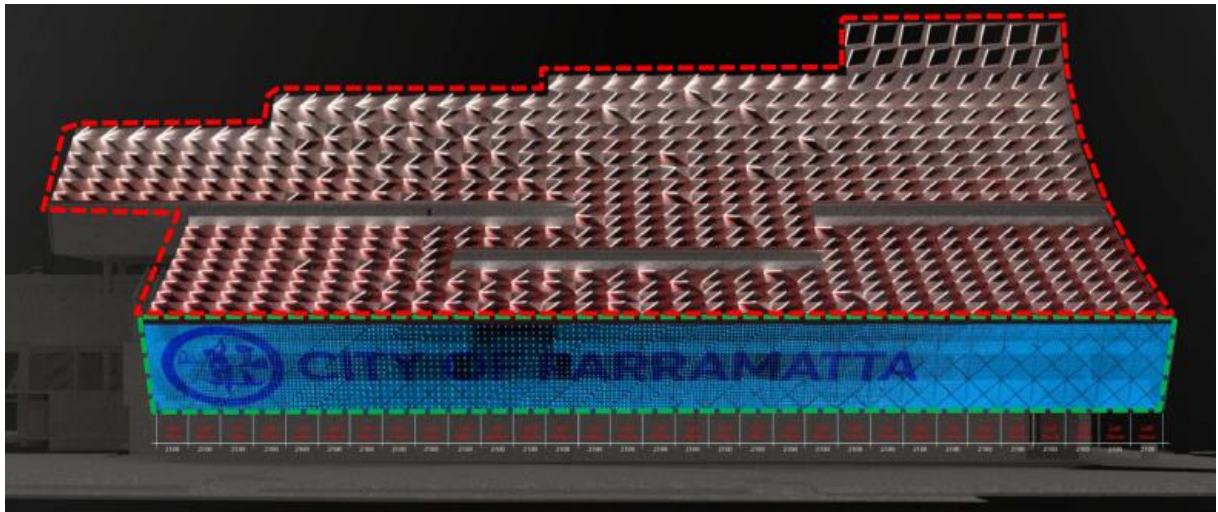
The proposed development incorporates LED façade treatments (outlined in red in Figures 9 & 10 below) which will light the building's primary northern and southern façades and offer the opportunity to create a canvas for public art. These LEDs are part of the art / specialist lighting design and do not form part of the signage strategy. It will not be possible to deliver signage messages via these LEDs.

The proposal also includes a signage zone on the southern facing inclined façade (outlined in green in Figures 9 & 10 below). Details of the signage within the signage zone will be the subject of a future application to Council.

**Figure 9: Digital facade components – LED Top Façade (red outline) and signage zone (green outline) (Source: Urbis, SEE August 2019)**



Figure 10: LED Top Facade (red outline) and signage zone (green outline) (Source: Urbis, SEE August 2019)



The proposed signage zone and intended future signage within this zone on the south frontage is not strictly defined within the SEPP, however for the purposes of this assessment has been classified as *building identification sign* in accordance with Clause 4 of SEPP 64. Clause 9(1) of the SEPP confirms that Part 3 Advertisements does not apply to Business Identifications Signs.

This DA seeks consent for the signage zone, which will be located on the lower half of the façade as outlined in red in Figure 11. To ensure the signage zone, and any future signage within this zone, is appropriate for the building and its interface with Parramatta Square, the proposed zone has been assessed against the provisions of Schedule 1 of SEPP 64. The detail of the type and nature of future signage will require a future application.

Figure 11: Location of Signage Zone (Source: Urbis, SEE August 2019)



The proposed signage zone has been considered with regard to the relevant provisions contained in Schedule 1 of SEPP 64. This process is identified in Table 6.

Table 6: Assessment against Schedule 1 Assessment Criteria

Assessment Criteria	Applicant Response	Compliance/Response
<b>1. Character of the Area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>The proposed digital façade elements will enhance the interaction between the proposed building and the Parramatta Square precinct further integrating it with the public domain. Parramatta Square is envisioned as being the commercial and civic heart of the Parramatta CBD and the proposed building and public domain will be a focal point.</p> <p>The proposal is compatible with the desired future streetscape and the nature of the immediate locality that is being transformed into a high density, multi-use, modern civic centre in the CBD.</p>	<p>Complies.</p> <p>The proposed digital signage zone will assist in establishing a new vision and desired future character of Parramatta CBD, where new and existing areas of public domain are integrated with high quality buildings and spaces.</p> <p>This in turn will reinforce Parramatta City as a world class regional city within wider metropolitan Sydney.</p>
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no consistent theme for outdoor signage in the area. It is not considered that the proposed digital façade treatment constitutes advertising.	<p>Complies.</p> <p>The proposed digital signage zone will provide opportunities for future signage associated with the operation of City of Parramatta Council. The future use of the signage zone will require future consent once the extent of the usage is clear.</p>
<b>8 Special Areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The site is not located within a special area. The proposed digital aspect will only be located on the new building at 5 Parramatta Square, maintaining the heritage significance of Parramatta Town\ Hall (7PS). The digital signage treatment is part of the overall architectural design and intent for the building.</p> <p>The Parramatta Square precinct will deliver a reimagined civic and commercial centre. The proposal is considered complementary to this vision.</p>	<p>Complies.</p> <p>The proposed digital signage zone is appropriately integrated within the building and with surrounding heritage items.</p> <p>The proposed digital signage zone will not compete or degrade the heritage significance of those surrounding items, including the adjoining Town Hall.</p>

<b>9 Views and Vistas</b>		
Does the proposal obscure or compromise important views?	The digital display feature is integrated into the facade and is contained wholly within the site and would not compromise any existing views or vistas.	Complies.
Does the proposal dominate the skyline and reduce the quality of vistas?	The majority of the proposed digital façade treatment is largely contained on the level one façade facing downwards. The proposal does not dominate the skyline or reduce the quality of vistas.	Complies.
Does the proposal respect the viewing rights of other advertisers?	The signage relates to the use of the site as Council facilities and would not compromise the viewing rights of other advertisers.	Complies.
<b>10 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed digital façade treatment is compatible with the scale, proportion and form of the proposed building and the surrounding public domain, particularly given the current redevelopment occurring in and around the Parramatta Square precinct and the Parramatta CBD more broadly.	Complies.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The digital façade treatment has been designed to create visual interest and is of a consistent theme.  The proposed digital façade elements will enhance the interaction between the proposed building and the Parramatta Square precinct further integrating it with the public domain.	Complies.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	As previously noted, the proposed façade is not considered advertising and as such is not considered to contribute to visual clutter.	Complies.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign does not protrude above buildings, structures or tree canopies in the area.	Complies.
<b>11 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	It is considered that the proposed signage is consistent with the scale and proportion of the site and building	Complies

<p>Does the proposal respect important features of the site or building, or both?</p>	<p>The signage is integrated with the Council facilities building and relates directly to the site's vision as a focal point for civic and commercial activity.</p> <p>The proposed digital façade elements will enhance the interaction between the proposed building and the Parramatta Square precinct further integrating it with the public domain.</p>	<p>Complies.</p>
<p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The integration of the digital façade in the building façade fabric shows definite innovation. This is particularly seen through the contribution the building can and will have with the public domain.</p> <p>This is a building that is designed to integrate with the public and spaces around it.</p> <p>The digital façade will relate directly to the proposed digital carpet within the Parramatta Square public domain. It can be utilised for a myriad of purposes such as the display of local artists, light installations, interactive displays, information and much more. It will also bring the building to life at night ensuring that the public domain is not just active during the day.</p>	<p>Complies.</p>
<p><b>12 Associated devices and logos with advertisements and advertising structures</b></p>		
<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>The content of the proposed digital façade will not be considered advertising.</p>	<p>The application seeks approval for the signage zone only. A future application will be required for any signage within this zone.</p> <p>The proposed digital signage zone will facilitate future signage relevant to uses associated with the City of Parramatta Council as a Civic building and Parramatta Square as a Civic Space.</p>

<b>13 Illumination</b>		
Would illumination result in unacceptable glare?	<p>All illuminated elements of the proposed signage will be internally illuminated in accordance with relevant Australian Standards.</p> <p>The LED components of the digital façade treatment would not result in any detrimental glaring or obtrusive impacts.</p>	<p>Not applicable.</p> <p>The application seeks approval for the signage zone only. A future application will be required for any signage within this zone.</p>
Would illumination affect safety for pedestrians, vehicles or aircraft?	<p>The areas facing the subject site and proposed digital façade are pedestrianised areas only and not open to vehicles. The angle of the digital façade will ensure that the illumination has no impact on aircraft.</p> <p>The illumination will not affect safety for pedestrians. In general, the illumination of the building will assist in ensuring the public domain is activated and a safe area to be in at night.</p>	<p>Not applicable.</p> <p>The application seeks approval for the signage zone only. A future application will be required for any signage within this zone.</p>
Would illumination detract from the amenity of any residence or other form of accommodation?	<p>There are no residences or other accommodation with a direct interface to the proposed digital façade.</p>	<p>Not applicable.</p> <p>The application seeks approval for the signage zone only. A future application will be required for any signage within this zone.</p> <p>However, the absence of residential dwellings within proximity to the digital signage zone will ensure there will likely be no amenity impacts to residents within Parramatta CBD associated with any future signage, being the subject of a separate application.</p>
Can the intensity of the illumination be adjusted, if necessary?	<p>If required, the intensity of the illumination may be adjusted.</p>	<p>Not applicable.</p> <p>The application seeks approval for the signage zone only. A future application will be required for any signage within this zone.</p>

Is the illumination subject to a curfew?	No, however if required this can be established through relevant conditions of consent. It is appreciated that if this is a concern it is discussed with the applicant during the assessment of the development application.	Not applicable.  The application seeks approval for the signage zone only. A future application will be required for any signage within this zone.
<b>14 Safety</b>		
Would the proposal reduce the safety for any public road?	The areas facing the subject site and proposed digital façade are pedestrianised areas only and not open to vehicles.	Complies.
Would the proposal reduce the safety for pedestrians or bicyclists?	The illumination will not affect safety for pedestrians or bicyclists. In general, the illumination of the building will assist in ensuring the public domain area is a safe area to be in at night.	Complies, however the application seeks approval for the signage zone only. A future application will be required for any signage within this zone.  The location and presence of the signage zone along the southern façade is an appropriate location for future signage and will not reduce the safety of pedestrians and cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The proposed digital façade treatment would not obscure any sightlines as it is integrated with the building's facade.	Complies.

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

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

The issue of site contamination has been addressed in DA/206/2017 which deals with the early works and bulk excavation. Conditions of consent have been applied to the consent to ensure that the site is suitable for the proposed development. Accordingly, it is considered that the requirements of SEPP 55 have been satisfied subject to compliance with development consent DA/206/2017.

Further to the above, to ensure that the contamination assessment report has adhered to appropriate standards, procedures and guidelines, a condition of consent will be applied requiring the applicant to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1)(b) of the *Contaminated Land Management Act 1997*. It will also require a site audit statement to be submitted to the satisfaction of Council and private Certifying Authority on the completion of remediation works and prior to the issue of an Occupation Certificate (OC).



The applicant has demonstrated that, as required by Clause 7(1), the land can be made suitable for the proposed development.

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

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

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during the construction and operational phases both in relation to the subject DA and the companion Early Works and Earthworks DA (DA/206/2017).

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

*State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development and providing for consultation with relevant public authorities about certain development during the assessment process.

Clause 85 of the ISEPP applies to development that is in or immediately adjacent to a rail corridor if the development is likely to have an adverse effect on rail safety, involves the placing of a metal finish on a structure (and the rail corridor concerned is used by electric trains) or involves the use of a crane in air space above a rail corridor. It requires consultation with the rail authority and the consideration of any issues raised in the determination of the application.

A review of the application demonstrates that the proposed development is neither adjacent the Parramatta Light Rail (PLR) corridor, nor will have an adverse effect on rail safety, involve a crane in the airspace of the PLR corridor, or be located within 5m of an exposed overhead electricity line. Therefore, the application was not required to be referred to the rail authority in accordance with clause 85 (Development adjacent to rail corridors).

Clause 86 of the ISEPP addresses 'excavation in, above or adjacent to rail corridors' and applies to development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25 metres of a rail corridor. The application is not within 25m of a rail corridor therefore it was not required to be referred to the rail authority in accordance with clause 86 (Excavation in, above, below or adjacent to rail corridors).

While it is noted that neither Clause 85 and 86 of the ISEPP apply to the proposed development, and as such there are no consultation or concurrence requirements to the relevant rail authority (i.e. Transport for NSW (TfNSW), the application was referred to them for their consideration as a courtesy. In its response, TfNSW have raised concerns where they will be required to share access to Macquarie Street and Church Street with the applicant during the construction of Parramatta Light Rail (PLR) Stage 1, requesting that the applicant have no vehicle access from Macquarie Street and Church Street during the light rail construction phase. Furthermore, TfNSW have requested that the applicant provide additional information in relation to construction access to the site including construction vehicle access arrangements or agreements which would allow construction access from elsewhere on Macquarie Street or Darcy Street. These matters are to be addressed via conditions of consent requiring further detail to be provided for review and agreement between TfNSW and the applicant ahead of works commencing.

It is noted that the ISEPP does not define “classified road”, instead relying on the *Roads Act 1993* to provide this definition. Under the *Roads Act* the following definition is provided:

***classified road*** means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (g1) a transitway,
- (h) a State work.

The PLR route is a transitway. As such, Clause 101 of the SEPP applies to any land along the PLR route, including Macquarie Street and Church Street. Clause 101 does not trigger any formal referral / concurrence requirement role for the Roads and Maritime Services (RMS), requiring only the consent authority to be satisfied on the matters prescribed in Clause 101. The application is considered to be consistent with Clause 101 in that the primary vehicular access is via the adjoining basement which is accessed from Smith Street, and as such will not adversely affect the transitway during operation, and the proposal is not a sensitive land use.

Consistent with clause 104 (Traffic Generating Development) the application was referred to RMS. In response, RMS advised that it had no objections to the proposal subject to recommended conditions of consent requiring the preparation of a Construction Pedestrian Traffic Management Plan (CPTMP). Further referrals with RMS may be required outside of the formal planning assessment process as part of the negotiations relating to construction access.

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

Part 4 of this Policy applies to regionally significant development declared as such under Schedule 7 of the SEPP in accordance with section 4.5(b) of the Environmental Planning and Assessment Act 1979. Under these provisions the relevant regional panel is declared to be the consent authority for regionally significant development.

As this proposal has a capital investment value of more than \$5 million and Council is the landowner of the site, the Sydney Central City Planning Panel is the consent authority for the application.

## **7.7 Parramatta Local Environmental Plan 2011**

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

Figure 12: Site zoning (Note: site boundary shown red)

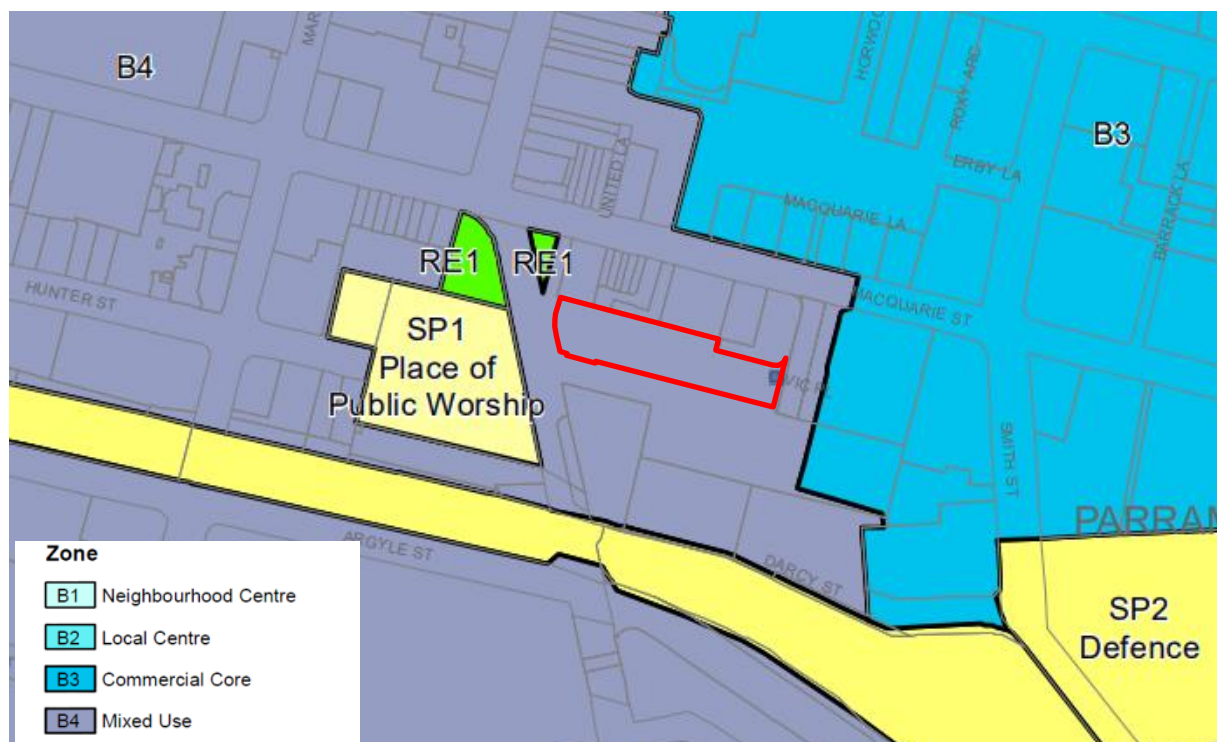


Table 7: PLEP 2011 - Compliance table

Part 2 – Permitted/Prohibited Development		
Clause and control	Proposal	Complies
Clause 2.3 Zone objectives and Land Use Table B4 – Mixed Use (Refer Figure 12)	Community facility and ancillary uses.	Yes
Zone Objectives	The proposal is considered to be consistent with the objectives of the B4 zone and in particular is compatible with surrounding land uses, will contribute to an active, vibrant and sustainable Parramatta Square Precinct, will improve the quality of the public domain and provide for appropriate pedestrian links and will protect and enhance the Parramatta City Centre.	Yes
Clause 2.7 - Demolition Requires consent	Demolition works are included in the application.	Yes
Part 4 – Principal development standards		
Clause and control	Proposal	Complies
Clause 4.3 – Building height  LEP map: Area 3 (refer to Clause 7.4)	The maximum building height permissible on the site is determined by Clause 7.4 to detail the maximum height control of the site, which constrains development on the site by a sun access plane that prevents additional overshadowing of Parramatta Square between 12 noon and 2pm.  The proposed development has a maximum height of 32.75m, which is measured from the highest point of the development at the civic spire element. The civic spire element comprises the uppermost 3.85m of this building height, whilst the building envelope only extends to 28.9m.	No, clause 4.6 variation request submitted.

	<p>Pursuant to clause 7.4 of the LEP, the maximum height of buildings for this site is determined by the buildings ability to not impact the sun access plane dictated by the protected public open space within Parramatta Square.</p> <p>This results in a minor breach in height of 4.83m, resulting only from the civic spire architectural roof feature, and a minor element of the top of the façade.</p> <p>A Clause 4.6 variation request has been prepared and is submitted in support of the proposed development.</p> <p>See further discussion in sections 12.3.2 and 12.3.7.</p>	
<p>Clause 4.4 - FSR</p> <p>LEP map: 8:1</p>	<p>4,974m<sup>2</sup> (1.3:1)</p>	<p>Yes</p>
<p>Clause 4.6.- Exceptions to development standards</p>	<p>A Clause 4.6 variation request has been prepared and is submitted in support of the proposed development.</p> <p>The request seeks to vary the height of building development standard prescribed under Clause 4.3 and the sun access development standard prescribed under Clause 7.4 of the <i>Parramatta Local Environmental Plan 2011</i> (Parramatta LEP 2011).</p> <p>See further discussion in section 12.3.7.</p>	<p>Yes</p>
<p><b>Part 5 – Miscellaneous provisions</b></p>		
<p><b>Clause and control</b></p>	<p><b>Proposal</b></p>	<p><b>Complies</b></p>
<p>Clause 5.10 - Heritage</p>	<p>The site includes a locally listed heritage item Parramatta Town Hall (I650).</p> <p>The scheme retains the majority of the heritage Town Hall but includes demolition of some elements to facilitate integration with the proposed building.</p> <p>The Parramatta Town Hall is identified as a heritage item and potential archaeological site (Item I650) of local significance under Parramatta LEP 2011. Further the site is located in close proximity to a number of other heritage items including:</p> <ul style="list-style-type: none"> <li>• I647 - Convict drain</li> <li>• I653 - Warden's cottage (verger's cottage)</li> <li>• I719 - Leigh Memorial Uniting Church</li> <li>• I652 – Murray's Building (and potential archaeological site)</li> <li>• I654 – Centennial Memorial Clock</li> <li>• I651 – Bicentennial Square and adjoining buildings</li> <li>• I01805 - St John's Anglican Cathedral</li> </ul> <p>A heritage impact statement has been submitted with the application. Notably the previous application DA/414/2015 addressed removal of the convict drain which extends beneath part of the site (refer to section 9.1 Table 8). This has already been approved and is not therefore considered in the subject report.</p> <p>Clause 5.10(7) requires that prior to granting consent to development on an archaeological site, the consent authority must notify the Heritage Council of its intention to grant consent</p>	<p>Yes.</p>

	<p>and take into account any response received from the Heritage Council within 28 days after the notice is sent. The below ground works have been addressed in DA/206/2017 therefore the application is not required to be referred to the Heritage Council.</p> <p>Clause 5.10(8) requires that prior to granting consent to development on land which is an Aboriginal place of heritage significance; the consent authority must consider the effect on the heritage significance of the place and any Aboriginal object and must notify the local Aboriginal community. It must also take into account any response received from the Heritage Council within 28 days after the notice is sent. As noted above the below ground works have been addressed in DA/206/2017. Accordingly, this provision is not considered relevant.</p>	
<b>Part 6 – Additional local provisions</b>		
<b>Clause and control</b>	<b>Proposal</b>	<b>Complies</b>
Clause 6.1 - Acid sulphate soils	<p>This clause provides that consent is required if a site is within 500m of Class 1, 2, 3 or 4 land and will lower the water table by more than 1m. If consent is required, an ASSMP is required.</p> <p>The site comprises Class 5 ASS and is within 500m of Class 4 land. Earthworks are not proposed as part of this development. Earthworks relating to the site have been approved under previous development applications, DA/107/2016 and DA/206/2017 and as such it is considered Clause 6.1 is not applicable to this application.</p>	N/A
Clause 6.2 - Earthworks	<p>This clause provides that consent is required for earthworks and specifies the matters to be taken into account in determining whether to grant consent.</p> <p>The proposed development does not however include any earthworks which have been addressed in DA/107/2016 (DA relating to excavation of existing slabs to facilitate archaeological investigations and removal of convict drain) and DA/206/2017 (5PS Early Works Application). Accordingly, this provision is not considered relevant.</p>	N/A
Clause 6.3 - Flood Planning	<p>This clause applies to land below the flood planning level and requires consideration of flood impacts. The subject site is identified as flood prone being affected by the 20-year, 100 year (10.4m RL) and Probable Maximum Flood (11.6m RL) levels of the Parramatta River. The Flood Planning Level (FPL) for the site has been set at 10.9m RL (1:100 Year ARI plus 500mm freeboard).</p> <p>The ground level of the proposal has been set at 10.9m AHD (or higher) and as such is at or above the FPL. However, Basement 1 and the Basement 1 Mezzanine are below this level with a Finish Floor Level (FFL) of 4.10m AHD and 7.5m AHD respectively. At present the proposal includes a number of habitable rooms at basement 1 and basement 1 mezzanine levels. Uses proposed below the FPL at basement and mezzanine levels include 'Discovery Centre', plant and utility rooms, lifts, waste rooms, loading dock, book sorting room, storage rooms, bike storage, meeting rooms, end of trip facilities, bathrooms and changing rooms.</p> <p>Council's Development Engineer has requested the following information to ensure that risk levels for the basement in regard to flooding can be managed to acceptable levels:</p>	Yes - subject to deferred commencement consent and operational conditions.

	<ul style="list-style-type: none"> <li>• Limiting the number of people present in the basement at any one time (as originally envisaged).</li> <li>• Confirmation that the Discovery centre and Exhibition Space is to be fitted out as a gallery or similar exhibition space with a small amount of bench seating, but generally requiring visitors to walk through and/or stand as in a typical gallery or exhibition.</li> <li>• Confirmation that the Discovery Centre and Exhibition Space will not be used as a performance space, auditorium, theatre or the like, including that it will not be provided with audience seating for such a facility, either permanently or temporarily.</li> <li>• Preparation of a Flood Emergency Response Plan incorporating a Flood Risk Management Plan. This must show how the number of occupants of the Basement and Mezzanine at any one time will be limited to safe levels through design and long-term management of the facility. The Plan must be prepared to current best practice standards and must include how occupants of the basement and mezzanine will be able to evacuate efficiently up from the basement to a refuge /shelter in place facility that is above the PMF level. This requires demonstration of adequate staircase width and other measures, including flood warning systems.</li> </ul> <p>The applicant has since responded to this request with the submission of a revised Flood Emergency Management Strategy Report and supporting documentation.</p> <p>Council's Development Engineer remains concerned that a flood risk assessment has not been undertaken for the proposed uses below the flood planning level. As such a deferred commencement condition is recommended requiring this assessment be undertaken, to the satisfaction of Council, prior to operational consent. In the event that the flood risk assessment finds the risk is not appropriate, the condition requires the basement floor plans be revised to remove the uses.</p>	
<b>Part 7 – City centre provisions</b>		
<b>Clause and control</b>	<b>Proposal</b>	<b>Complies</b>
Clause 7.3 - Car parking	<p>This clause provides a maximum car parking provision for the City Centre.</p> <p>The proposal does not provide for any car parking however is connected at the basement level to the approved Council car park which forms part of the Parramatta Square super basement.</p> <p>Further, the Traffic and Parking Assessment report indicates that based on the proposed land use of the site (i.e. council/community civic centre), the majority of patrons are expected (and encouraged) to be via non-car modes, such as via public transport, walking and/or cycling. The report also states that public car parking will be available within the Parramatta Square corridor.</p>	Yes
Clause 7.4 - Sun access plane	This clause seeks to protect public open space in Parramatta Square, the Lancer Barracks site and Jubilee Park from overshadowing.	No, clause 4.6 variation sought.

	<p>It stipulates that the consent authority must not grant consent to development on any land if the consent authority is satisfied that the development will result in any additional overshadowing, between 12 noon and 2pm, on Parramatta Square, being the land at Parramatta Square shown with blue hatching on the Sun Access Protection Map.</p> <p>See further discussion in section 12.3.7.</p>	
Clause 7.10 - Design excellence	<p>This clause seeks to deliver the highest standard of architectural, urban and landscape design and contains provisions regarding design excellence and requirements for a competitive design process in certain circumstances.</p> <p>Where design excellence is achieved, and a building is the winner of a design competition it allows the application of a design excellence bonus. This provision is not however relevant to the subject application as it is well below the maximum FSR applicable without a design excellence bonus and the maximum height is prescribed by the solar access requirements established within Clause 7.4.</p> <p>As the proposal is on a key site and has a value over \$10,000,000, Clause 7.10(5)(c) requires that the building be the winner of a design excellence competition.</p> <p>The proposed building is the winner of a design competition however some changes have been made including reduction in the overall height and scale of the development.</p> <p>To ensure that the amended building is consistent with the competition winning scheme it has been referred to the reconvened Design Jury on 20 September 2019.</p> <p>The Design Jury has in its review (refer Attachment 2) dated 18 November 2019 confirmed that the proposal exhibits design excellence and that it unanimously supports the scheme.</p> <p>Detailed conditions of consent have been proposed specifically in relation to a number of matters requiring further consideration, resolution by the applicant and approval prior to the issue of a construction certificate.</p> <p>The conditions are aimed at ensuring design excellence is achieved and that the building performance meets ESD requirements.</p>	Yes

## 8. Draft Environmental Planning Instruments

Gateway Determination relating to the Parramatta CBD Planning Proposal (PP\_2017\_COPAR\_002\_00) was issued on 13 December 2018 by the NSW Department of Planning Industry and Environment (DPIE).

This Gateway Determination included the following conditions:

- "1. Prior to public exhibition, Council is to amend the planning proposal to:...*
- (j) in relation to the proposed height of building controls: ...*
- iv. provide further analysis to inform a sun access plane for the protected area of Parramatta Square between 12pm and 2pm, including the times of year that the proposed controls would apply;*

- v. *update the planning proposal to address the proposed permissibility of minor intrusions into the protected area of Parramatta Square, the intended outcomes and an analysis of potential impacts;*"

A report on Council's response to all the Gateway Determination conditions in relation to the Parramatta CBD Planning Proposal was reported to Council on 28 October 2019. Overshadowing analysis was undertaken by Council officers which recommended a sun access plane for the protected area of Parramatta Square between 12pm and 2pm on 21 June. This analysis is contained within a Technical Paper on overshadowing, which also considered other Gateway Determination conditions in relation to overshadowing matters. The Technical Paper was included as an attachment to the Parramatta CBD Planning Proposal.

Further, the planning proposal also included a draft provision to allow for minor intrusions into the protected area of Parramatta Square (as per the above Gateway Determination condition). The draft provision is included at subclause (5) to clause 7.4 – Sun access protection (refer to extract at Figure 13).

**Figure 13: Parramatta CBD Planning proposal - Draft clause 7.4 – Sun access protection**

#### **7.4 Sun access protection**

- (1) The objective of this clause is to protect the following land from overshadowing:
  - (a) public open space in Parramatta Square, Prince Alfred Square, the Parramatta River Foreshore and Jubilee Park; and
  - (b) heritage items and curtilage at the Lancer Barracks site and Experiment Farm.
- (2) This clause applies to land identified on the Sun Access Protection Map (as shown coloured purple).
- (3) Development consent must not be granted to development on land to which this clause applies that results in any part of a building causing additional overshadowing, on 21 June in any year, on any of the following locations (as shown with blue hatching on the Sun Access Protection Map) during the times specified in relation to those locations:
  - (a) Prince Alfred Square—between 12.00 and 14.00.
  - (b) Parramatta River Foreshore—between 12.00 and 14.00.
  - (c) Lancer Barracks site—between 12.00 and 14.00.
  - (d) Jubilee Park—between and 12.00 and 14.00.
  - (e) Parramatta Square—between 12.00 and 14.00.
  - (f) Experiment Farm—between 10.00 and 14.00.
- (4) Development results in a building causing additional overshadowing if the total overshadowing of the relevant location during the specified times would be greater after the development is carried out than the overshadowing of that location during the specified times caused by buildings existing on the commencement of this Plan.
- (5) Despite subclauses (3) and (4), some minor additional overshadowing may be permitted on Parramatta Square by the following parts of a building, provided those parts have been designed to minimise any overshadowing:
  - (a) non-useable parts, including structural elements (such as columns and pillars), spires, flag poles, public art, a sculpture or artwork, a community notice or public information sign, and architectural roof features (as defined in clause 5.6, but excluding equipment for servicing the building, such as plant, lift motor rooms, fire stairs and the like);
  - (b) heritage parts, being those parts of the building which are directly part of the restoration of a heritage item on a site (should one exist); and
  - (c) amenity parts, being those parts that directly provide for pedestrian amenity at ground level, including shelters, playground equipment, shade structures, awnings and street furniture.

Council resolved to support the progression of the Parramatta CBD Planning Proposal to public authority consultation at their meeting of 11 November 2019 (subject to amendments, but none that would affect the above matters), however it should be noted that this resolution is subject to a rescission motion which will be considered by Council at an Extraordinary Council meeting on 25 November 2019.

Subject to subclause (5) of draft clause 7.4 – Sun access protection, the overshadowing cast by the proposal would achieve compliance as the overshadowing is cast by a non-useable part, being the proposed spire.



## 9. Development Control Plans

### 9.1 PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The purpose of the DCP is to supplement the Parramatta LEP 2011 and provide more detailed provisions to guide development. The relevant matters to be considered under the DCP for the proposed development are outlined in the below table.

**Table 8: DCP 2011 – Part 2, Site Planning – Compliance table**

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
2.4.1 Views and vistas	<p>Views of significant topography, key landmark buildings or sites of historical significance are not impacted by the proposal.</p> <p>The building reinforces the landform of the city and strengthens, through its unique design quality, the highly visible city core albeit being of a reduced scale from recently approved development.</p> <p>The issue of view sharing with adjacent sites does not arise as a result of the proposal.</p> <p>Views to and from the public domain are protected through the transparent nature of the building design. The building will improve views to the public domain of Parramatta Square and minimise impacts on views to / from nearby heritage items including St Johns Church and the Leigh Memorial Uniting Church. The building will block views to the rear of the Leigh Memorial Uniting Church from Parramatta Square however these views were previously not available with the former Council Chambers building on the site. Views to the rear of the Church will however be available from within the new Council building and from the newly created northern laneway and Civic Link (Leigh Place).</p>	Yes
2.4.2 Water management	<p>Groundwater impacts do not arise as the proposal does not include any earthworks. These works have previously been approved under DA/206/2017.</p> <p>Stormwater and water quality, both during and post construction can be managed by condition of consent.</p> <p>The site is flood affected – It is noted that the basement and mezzanine levels are set below the flood planning level.</p> <p>As detailed in Section 5.3 Table 3, at the request of the Development Engineer, a revised Flood Emergency Management Strategy Report having regard to outstanding matters for consideration has been submitted to Council for further comment.</p> <p>To ensure the safety of occupants from flood risk, a condition will be imposed requiring the applicant prepare a Flood Emergency Management Plan to the satisfaction of Council.</p>	Yes – subject to conditions
2.4.3 Soil management	<p>Sedimentation controls during construction have been addressed by conditions of consent on DA/206/2017.</p> <p>The site has an Acid Sulphate Soils classification of 5. An ASSMP has been submitted as part of on DA/206/2017.</p> <p>Salinity is not identified as a site constraint.</p>	N/A

<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
2.4.4 Land contamination	<p>Site contamination has been addressed as part of DA/206/2017 and subject to compliance with relevant conditions of consent it is considered that the site will be suitable for the proposed use.</p> <p>The following document was provided in support of the application:</p> <p style="text-align: center;"><i>Overarching Site Remedial Action Plan, Ref.50746/100723-1, prepared by JBS&amp;G, dated 20 October 2010.</i></p> <p>An assessment of this document has been undertaken by Council's Environmental Health Compliance team who have noted that to ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the <i>Contaminated Land Management Act 1997</i>, further information is required to enable assessment of this application, and that further referral is required upon receipt of the additional information. The additional information includes Validation Report and Validation Report – Site Audit Statement.</p> <p>Submission of this documentation and referral to Council's Environmental Health Compliance team can be managed via condition of consent.</p>	Yes – subject to conditions
2.4.5 Air quality	As noted above the subject site is affected by contamination and accordingly excavation and construction works have the potential to result in adverse air quality impacts. This matter has been addressed as part of DA/206/2017. If recommended for approval appropriate standard conditions of consent would be applied to ensure that the proposed works do not result in adverse air quality impacts during construction.	Yes
2.4.6 Sloping land	Not applicable	N/A
2.4.7 Biodiversity	The site is not identified on any of the relevant LEP maps. This provision is not applicable.	N/A
2.4.8 Public domain	<p>This provision seeks to ensure that development has regard to and makes a positive contribution to the interface with the public domain.</p> <p>Agreement and resolution of proposed public domain matters will continue between the applicant and Council's technical officers subject to conditions of consent.</p> <p>Notably, a number of outstanding matters are to be resolved, including:</p> <ul style="list-style-type: none"> <li>- Alignment levels around the building, subject to amendments provided by Councils' public domain/ urban design team.</li> <li>- The location of the fire hydrant.</li> <li>- Agreement of details relating to (location, materials and finishes) of all proposed public domain fixtures and fitting, including trees and planting, furniture and paving, structures and all service provisions.</li> <li>- Pavement over tree pits, irrigation and drainage connections.</li> </ul>	No – subject to conditions

Table 9: DCP 2011 – Part 3, Development principles – compliance table

<b>Part 3 - Development principles</b>		
<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
3.1 Preliminary building envelope	<p>The proposed development fails to comply with the LEP height control which in relation to the subject land specifies a maximum height determined by the solar access plane prescribed by Clause 7.4 requiring no overshadowing on land shown with blue hatching on the LEP Sun Access Protection Map between 12 noon and 2pm (sun protection zone) within Parramatta Square. A 4.6 variation request has been made in response to this non-compliance (refer to section 12.3).</p> <p>The height transition provision is not a relevant consideration given the setting and context of the site, and the prevailing LEP height controls. Notwithstanding the proposed building provides for the highest part of the building to be located at the eastern end adjacent to 3PS and scaling down to the west where it adjoins the historic Town Hall. Further the building scales up to the north from the Parramatta Square frontage towards Macquarie Street to provide for solar access to the Square. This also provides for a human scale on the Square frontage.</p> <p>The setback provisions contained in this section are overridden by Part 4 of the DCP.</p>	<p>No</p> <p>Yes</p> <p>N/A</p>
3.2 Building elements	Form, massing and presentation are satisfactory. Refer to detailed discussion in section 12.3.	Yes
3.3 Environmental amenity	<p>Landscaping proposed as part of the subject DA is limited to internal planter boxes and landscaping of the external terraces. A deep soil zone is proposed on the ground level adjacent to the eastern end of the building that is to form part of the future Civic Link (Leigh Place). Three trees are shown in this zone although detail provided between architectural plans and landscaping plans are inconsistent in terms of tree and location and trees furniture.</p> <p>As detailed in Table 2, additional information was requested by the applicant to support landscaping outcomes across the site, including their alignment with landscaping outcomes for Parramatta Square and Civic Link, widening of deep soil zone and retention of existing trees along the northern boundary. Any outstanding landscaping matters can be via conditions of consent, including details relating to the retention and protection of existing tree(s), and appropriate evidence for their removal.</p> <p>The proposed treatment of Parramatta Square itself does not form part of the subject application.</p>	Yes – subject to conditions
3.4 Social amenity	<p>Access for people with a disability is considered to be satisfactory.</p> <p>The provision of public art is to be addressed by condition.</p> <p>The built form and uses are not considered likely to contribute to the provision of any increased opportunity for criminal or anti-social behavior. The proposal would result in increased activation of the site</p>	<p>Yes</p> <p>Yes – subject to conditions</p> <p>Yes</p>

<b>Part 3 - Development principles</b>		
<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
	<p>and passive surveillance of the area and as such is likely to disincentivise crime.</p> <p>Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety.</p> <p>An evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) has been submitted with the application. This assessment indicates that the design has given due regard to these considerations. In summary the report concludes that the proposed development is appropriate within the context of the subject site and is consistent with the NSW Department of Planning and Infrastructure guidelines on minimising crime risk.</p> <p>To ensure a suitable outcome is achieved, consistent with other consents issued for development fronting Parramatta Square, a condition will be included requiring compliance with the CPTED report which requires the following measures:</p> <ul style="list-style-type: none"> <li>- Ongoing consultation to be undertaken in the design of the external public areas to ensure seamless integration with the design of Parramatta Square;</li> <li>- Integrated pedestrian circulation paths and laneways; and</li> <li>- lighting to protect the amenity of surrounding neighbourhood from the emissions of light and to provide high quality external lighting to security to deter opportunistic crime and provide safety.</li> </ul>	Yes – subject to conditions
3.5 Heritage	<p>The proposed development includes works to the existing historic Parramatta Town Hall (and potential archaeological site) which is listed as a local heritage item under Parramatta LEP 2011 (Item I650). It is also located in close proximity to a number of other heritage items including:</p> <ul style="list-style-type: none"> <li>• I647 - Convict drain (previously removed on the site as part of DA107/2016)</li> <li>• I653 - Warden's cottage (verger's cottage)</li> <li>• I719 - Leigh Memorial Uniting Church</li> <li>• I652 – Murray's Building (and potential archaeological site)</li> <li>• I654 – Centennial Memorial Clock</li> <li>• I651 – Bicentennial Square and adjoining buildings</li> <li>• I01805 - St John's Anglican Cathedral</li> </ul> <p>A heritage impact statement has therefore been submitted with the application.</p> <p>Given the proposed works to the historic Parramatta Town Hall, and the fact that Council is the applicant for the proposal, an independent</p>	Yes

<b>Part 3 - Development principles</b>		
<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
	<p>heritage expert Tasman Storey of Tropman and Tropman has been engaged to provide a heritage assessment of the proposal. The heritage independent assessment is provided in full at Attachment 3.</p> <p>In summary the assessment makes the following conclusions and recommendations:</p> <p><i>The report has been prepared in accordance with the Heritage Branch template and manuals.</i></p> <p><i>The general thrust of the report dwells on the affect of the new building in bulk and scale with its surroundings.</i></p> <p><i>The Urbis report varies little from the first report reviewed previously dated 15/11/17.</i></p> <p><i>By our reading the bulk and scale of the current development application has been reduced and the fine grain of the materials has changed.</i></p> <p><i>The concept of the winning entry has been somewhat rationalised as would be expected. No doubt due to budget constraints and buildability issues.</i></p> <p><i>The conclusions of the Urbis HIS 1 July 2019 are similar in all respects to the HIS of 2017.</i></p> <p><i>Some additional information regarding the site history has been edited or added and the reduced scale has been noted. Items listed from the DCP Heritage Parramatta Council are addressed in Section 6.2 of the HIS.</i></p> <p><i>In that items 03 Architectural Form and 04 Materials are cursorily examined.</i></p> <p><i>In our Heritage Review of the 11/12/2017 we demonstrated by way of a number of examples how contemporary/heritage architecture has been handling both locally and internationally.</i></p> <p><i>It is apparent and commented on that the tools available to assess such a dramatic shift in appraisal of heritage relics in new situations found in the Burra Charter are inadequate.</i></p> <p><i>The comment within the report that the guidelines while not specifically quoted or referenced are "assumed to apply to suburban single dwellings" is not in our minds correct and skates over the issues which we feel need an examination namely the bulk and scale by comparative analysis of similar projects locally and internationally.</i></p> <p><i>This project is a key element in the revitalisation and urban renewal of Parramatta and while the fundamentals of the impacts are</i></p>	

<b>Part 3 - Development principles</b>		
<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
	<p><i>covered, we believe that this HIS should set a standard in regards to an adjusted paradigm.</i></p> <p><i>Of course it is acknowledge that the majority of the HIS is complete and learned and of a high standard but it is in our opinion deficient in the following ways:</i></p> <ul style="list-style-type: none"> <li><i>• Provided a complete review of the competition entry where it has changed with the revised design in 2017 and the current design of 2019. Provide detailed materials analysis of the new building design</i></li> <li><i>• provide a reasoned method of evaluating the impact where the Burra Charter is demonstrably inadequate</i></li> <li><i>• And finally we are of the opinion that information containing the architects design statement and reasoning should be referenced in the HIS because the reasons there are changes to the PTH of this magnitude are the design and interventions prepared by the architects.</i></li> <li><i>• The architect has a result of the earlier design prepared a designs statement acknowledging the heritage and their methodologies and this is a useful and integral part of the assessment of heritage impact.</i></li> </ul> <p>Further to the above independent consultant Tropman and Tropman sought further clarification from the applicant on matters relating to methods used for heritage assessment, noting that this has not specifically followed Heritage NSW guidelines.</p> <p>In response, the applicant provided additional information to support the independent consultants request for further examination of the new form and the design intent, as well as assessment methodology.</p> <p>In response to this additional information the following comments were made by Tropman and Tropman:</p> <p><i>The applicant satisfactorily has addressed the matters which were of concern.</i></p> <p><i>The key matter of importance in my mind is the fact that the development has been substantially reduced in scale from the winning design and has by way of value management also reduced the impact on the Town Hall and the precinct and its State Heritage Listed surrounding buildings and places.</i></p> <p><i>I have reviewed the Architects' comparative analysis between the design competition, the DA scheme and the current scheme. As I understand them in the illustrated introduction.</i></p>	

<b>Part 3 - Development principles</b>		
<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
	<p><i>I have already acknowledged the expertise of the applicants' heritage consultant Urbis and confirm that the methodology is satisfactory, in so far as the design is a development of the original highly acclaimed winning submission.</i></p> <p><i>The new roof form is also a more modest proposal and the connections have now undergone design development and are considered to be suitably refined at the interface between new and old.</i></p> <p><i>In that my assessment is of the quality of the Urbis SOHI I confirm that the document is adequately prepared and complies with the requirement of the City of Parramatta Council and Heritage NSW where the proposal effects both Locally listed and State heritage items within the vicinity.</i></p> <p><i>I see no reason therefore to amend further alter or change the SOHI by Urbis.</i></p>	
3.6 Movement and circulation	<p>No car parking is proposed as part of the subject development however the building is connected at the basement level to the Parramatta Square super basement and is immediately adjacent to the approved Council car park (78 Spaces). It is considered that no parking provision is appropriate given the location within close proximity of the Parramatta Railway Station and Bus Interchange and the proposed new Parramatta Light Rail. This approach to travel demand is supported.</p> <p>Arrangements for service vehicle and loading requirements are satisfactory, subject to Council's Traffic engineer requiring a Loading Dock Management Plan being provided.</p> <p>The proposal provides bicycle parking for 16 bicycles and end of trip facilities. This provision is considered to be satisfactory.</p> <p>Council's Engineer has provided in principle agreement that the location of the end of trip facilities in the basement is acceptable notwithstanding being below the flood planning level.</p>	<p>Yes</p> <p>Yes – subject to conditions</p> <p>Yes</p> <p>Yes</p>

Table 10: DCP 2011 – Part 4.3.3 Special Precincts (Parramatta City Centre) compliance table

<b>Part 4.3.3 Special Precincts - Parramatta City Centre</b>		
<b>Provision</b>	<b>Comment</b>	<b>Complies</b>
Objectives	<p>The proposal is considered to be consistent with the objectives of the strategic precinct for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal provides a mix of appropriate uses in an accessible location.</li> <li>• The building is the winner of a design excellence process.</li> <li>• The proposal upgrades the public domain.</li> <li>• The proposal is not considered to have an unacceptable impact on heritage.</li> </ul>	Yes

4.3.3.1 Building form	<p>This provision requires that development parcels have a minimum street frontage of 20m. This provision is not relevant to the subject site given its unique siting and use. The development is however consistent with the objectives of the clause as required and provides for a development with suitable proportions.</p>	N/A
	<p>The building depth and bulk provisions do not apply – overridden by 4.3.3.7b below.</p>	N/A
	<p>The proposal does not comply with the location of the public domain as set out in Figures 4.3.3.1.1 and 4.3.3.7.5 which shows the public domain running through the building in a north south direction. It is considered that the layout of Parramatta Square has been progressed since adoption of the DCP as demonstrated in the Parramatta Square Reference Design (adopted by Council in August 2017) and public space principles as detailed in Figure 4.3.3.7.4.</p>	No
	<p>The building generally complies with the requirement regarding a 6m laneway width to the north at ground level however a small portion of the laneway located to the north-west and directly adjacent to the Jubilee Hall (forming part of the Town Hall) has a width of 5.3m. This is considered acceptable as the Town Hall building cannot be altered. A portion of the building, incorporating Council chambers at Level 4 cantilevers over the laneway and reduces the width to a range of 2.98m – 3.45m. As requested by the Design Jury, the maximum extent of this overhang will be conditioned. This matter is also addressed at section 12.3 below.</p>	Yes – subject to conditions
	<p>A satisfactory wind assessment report has been provided which concludes that wind conditions around the site are expected to be suitable for café dining and pedestrian walking activities and pass the distress criterion subject to provision of tree planting treatments within Parramatta Square and Leigh Place, as well as localised impermeable mobile screening within café areas. The report also outlines the requirement for amelioration at the Level 3 and 4 communal terraces to achieve safety criteria. This includes recommendations to retain the proposed impermeable awnings over these terraces and to include impermeable balustrades that are at least 1.5m high around the perimeter of the terraces be included in the final design of the development. As the design of the adjoining public domain planting is still yet to be approved, a condition is included requiring an updated wind report when the landscaping is finalised.</p>	Yes – subject to conditions
	<p>The building exterior is composed of a mixture of tessellated aluminium framed and aluminium clad glazed skylight panels, three dimensional curtain wall panels with projections made up from solid aluminium cladding and inclined glazed planes, standard flush glazed curtain walls, louvre blades and LED lighting system together with fixed glazed screen to form a digital façade. These materials are considered to be of sufficient quality and variance to ensure visual interest.</p>	Yes
	<p>A reflectivity report has been provided to verify that the façade of the proposed development will not cause an unacceptable risk of solar</p>	



	<p>reflections causing disability glare to drivers and pedestrians. This report has been reviewed by independent consultant CPP who has suggested that a value of contrast should be additionally investigated and quantified to account for variations in background luminance that will occur. CPP have also recommended the analysis be repeated accounting for the reflectivity properties of glazing to vary with incident angle. The reassessment should include the sloping roof and investigate areas immediately surrounding the site.</p> <p>In response to CPPs comments, a revised reflectivity report was provided to Council and forwarded to CPP for further review. In response CPP have advised that:</p> <p><i>An addendum Surface Design Report has been provided as a response to previous comments relating to solar reflections from the sloping roof.</i></p> <p><i>The analysis is limited to sunlight being reflected from the proposed roof envelop and striking the surface of adjacent buildings and does not assess solar reflections onto the ground plane.</i></p> <p><i>The report does not address our previous recommendation for a reassessment to include the sloping roof and investigate ground level areas immediately surrounding the site.</i></p> <p>To ensure solar reflectivity matters are addressed accordingly in line with CPP requirements and comments, these matters will be managed by way of conditions.</p>	Yes – subject to conditions
4.3.3.2 Mixed use buildings	<p>As required, uses proposed within the ground floor (including Library, Café etc.) will provide for activation of the adjacent public domain on the Leigh Place and Parramatta Square frontages.</p> <p>Reduced activation is proposed on the northern laneway frontage at the ground level given the need to locate service areas along this side of the building. Some activation is however proposed in the form of a building entry and frontage to proposed café. Further the location of the proposed substation reduces opportunities for activation along this section of public domain.</p> <p>The floor to ceiling height of the Ground Floor will achieve the minimum Design Excellence Jury requirement of 3.4m. This is considered appropriate given the open plan layout proposed for ground floor, the incorporation of voids in the ceiling and quantum of glazing around the ground level façade. Furthermore, this floor to ceiling height was resolved by the Design Jury as adequate in keeping with a building of this scale and civic identity.</p> <p>Service entries comply with requirements being located within the basement level accessed from the shared super basement.</p> <p>Facilities and services have generally been integrated into the building.</p>	Yes
4.3.3.3	The proposal provides for the required public domain links in the form of Leigh Place, the northern laneway and Parramatta Square.	Yes

Public domain and pedestrian amenity	<p>The design allows for active frontages to the Parramatta Square frontage in the form the proposed library and café at ground level. The proposal will also activate the Civic Link (Leigh Place) frontage with a proposed dining loggia fronting the link. Both frontages are activated for greater than the 50% minimum required for primary streets and 40% minimum required for secondary streets.</p> <p>Weather protection is provided for pedestrians in the form of building overhangs on the Parramatta Square, Civic Link and Northern Laneway frontages.</p>	<p>Yes</p> <p>Yes</p>
4.3.3.4 View and view corridors	<p>The proposal will not impact on any identified views.</p> <p>The proposal will provide an appropriate view corridor along Leigh Place between Parramatta Square to the south and Civic Link and the Parramatta River to the north. Further it provides for the highest parts of the building to be set toward the Macquarie Street frontage to minimise potential impacts on views to / from St John's Church.</p>	<p>N/A</p> <p>Yes</p>
4.3.3.5 Access and parking	<p>The building entries are clearly identifiable within the façade.</p> <p>Barrier free access is provided to and within the new building and will therefore meet relevant design standards for people with a disability.</p> <p>The first floor of the existing Town Hall Building is not accessible and relies on the preparation of a performance / alternative design statement. Accessible access to the ground floor will be provided internally by the proposed building. This is considered acceptable given the existing and historic nature of this building.</p>	<p>Yes</p>
4.3.3.6 Environmental management	<p>The application proposes the removal of two existing plane trees located along the northern boundary, internal and external landscaping elements at levels 2, 3 and 4, as well as tree planting and a deep soil zone located within the Civic Link interface.</p> <p>Council's Public Domain, Urban Design, Asset and Tree and Landscaping specialists have raised concern with proposed levels proposed along the Northern Laneway interface, Parramatta Square interface and Civic Link, as well as tree removal, planting and provision for deep soil zone.</p> <p>Landscaping elements proposed within internal planters and across upper external terrace areas at Levels 2, 3 and 4 are generally supported by Council's technical officers.</p> <p>Subject to refinement of the proposed design and supporting documentation, it has been established that the retention of one existing westerly located plane tree along the northern boundary will be achieved, however the eastern tree may require removal to facilitate required easements for occasional vehicular servicing movements. A condition is included requiring the applicant provide further justification for removal of the eastern tree.</p>	<p>Yes – subject to conditions</p>

	<p>Landscaping and public domain outcomes to the satisfaction of Council, including tree retention, location of deep soil zones, planting and proposed levels will be managed via appropriate conditions of consent.</p> <p>An ESD report has been prepared in support of the development. The sustainability targets committed to in the ESD report will achieve minimum code compliance, DCP compliance and a targeted 5-star Green Star rating, identifying sustainability initiatives to be considered to achieve this rating. The report has been provided to an independent consultant for review and comment. The consultant have raised concern relating to the proposed thermal performance of the building and proposed methods for shading skylights within the façade that are orientated towards the Southwest. They have also identified opportunities for the thermal performance of the building to be improved above rates proposed.</p> <p>Subject to additional information provided by the applicant and comments received by Council's independent technical consultant, all ESD requirements, including opportunities for greater thermal building performance can be appropriately managed by conditions of consent.</p>	Yes – subject to conditions
4.3.3.7b Parramatta Square	<p><u>Objectives</u></p> <p>The proposal is consistent with the stated objectives for Parramatta Square including reinforcing the urban structure, establishing a legible hierarchy of public domain spaces, retaining a civic focus, reinforcing pedestrian routes, providing a balance of uses, activating the ground floor and public domain of the Square and providing for active uses.</p> <p><u>Site objectives</u></p> <p>The proposal is also consistent with the articulated site objectives including providing for public spaces that will cater for a variety of celebrations etc., providing a high level of pedestrian amenity, providing for a building that overlooks and activates the public space, and that defines the 'urban room' of Parramatta Square.</p> <p>C1 – the proposal provides for a width of 40m across Parramatta Square at the ground level as required. The development will encroach into the 40m zone at levels 1 and 2 due to the proposed overhang and its maximum projection into the public domain by 5.2m. This encroachment is considered acceptable as up to a 6.5m incursion is anticipated by the control subject to design excellence. The overhang will provide a level of weather protection along the full extent of the ground floor frontage to Parramatta Square. The encroachment is also considered a key realisation of the building design in terms of its ability to the achieve design excellence and provide a structure to support the proposed media façade. The latter being an essential component of the building and its relationship to Parramatta Square.</p> <p>C2 – the proposed building provides a consistent alignment to Parramatta Square having regard to the approved development on 3PS (eastern side of Leigh Place). The building design and articulation however is unique and will create an iconic 'showpiece' of modern architecture which will differentiate itself from surrounding development.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>

	<p>This is considered appropriate given the nature of the proposed development.</p> <p>C3 – The proposal will result in some overshadowing of the protected ‘sun box’ as a result of the proposed spire and upper level roofline (refer also to discussion at section 12.3.7). The impact is however considered minimal being limited to the times and percentages of the total area shown below in mid-winter (as required by the clause):</p> <p>12pm – 2.6% of sun protected area - ‘sun box’ (80m<sup>2</sup>)  1pm – 0.93% of sun protected area - ‘sun box’ (28m<sup>2</sup>)  2pm – 0% of sun protected area – ‘sun box’ (0m<sup>2</sup>)</p> <p>C4 – the proposal will provide for the creation of a progression of spaces or squares within the greater Parramatta Square defining its northern extent and that of Leigh Place. The detailed design of the public domain does not however form part of the application. The proposal is however consistent with the concept design for the square as recently exhibited.</p> <p>C5 – The proposal will provide pedestrian connections and through site links consistent with those shown on Figures 4.3.3.7.5.</p> <p>C6 – Colonnades are proposed to provide shade and shelter and will be a continuous form for the entire length the Parramatta Square frontage. Despite a variation of between 0.8m and 1.3m to the required minimum height of 4.5m to the underside of the soffit, this alternative design is considered acceptable given the building at ground level will achieve a high level of pedestrian amenity and safety, weather protection, clear relationship between internal floor to ceiling height, as well as providing a building scale that continues to achieve design excellence in line with the wards winning scheme. Furthermore, revised plans provide sliding doors along this ground level frontage, in line with the design jury’s requirements, minimising any further reduction in floor to ceiling heights at the building facade.</p> <p>C7 – not applicable.</p> <p><u>Building Form</u></p> <p>The proposal is consistent with the building form objectives. It will provide for a high quality architectural and urban design for both the building and the public domain. The building will achieve a high level of environmental performance and incorporate appropriate noise attenuation.</p> <p>C1 – The proposed building will define the northern extent of Parramatta Square and will not impede pedestrian access to the railway station.</p> <p>C2 – The building is proposed to be built to the public domain alignment.</p> <p>C3-C6 – Not applicable</p> <p>C7 – The proposal will result in some additional overshadowing of the identified ‘sun box’ – refer further discussion at 12.3.7. The shadowing</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>No</p>
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	<p>created will only be the result of the proposed spire and upper level roofline and is therefore considered minor and acceptable.</p> <p>C8 – The development implements the relevant principles including sustainable development, safety by design and equal access.</p> <p><u>Sustainability</u> The proposal is generally consistent with the relevant sustainability objectives subject to recommended conditions of consent. It identifies relevant measures to be considered to reduce heating, lighting and cooling and water sensitive urban design measures. It has also been designed to reduce wind impacts and to provide pedestrian weather protection.</p> <p>C1 – The sustainability targets committed to in the ESD report are limited to minimum code compliance, DCP compliance and a targeted 5-star Green Star rating.</p> <p>C2 – Not applicable</p> <p>C4-C8 – not applicable <i>(Note: precinct recycled water and energy infrastructure not available). Notwithstanding development should be future proofed to enable connection if it becomes available. This can be addressed via condition.)</i></p> <p><u>Access, Parking and Servicing</u> C1 – The new Northern laneway is consistent with the desired pedestrian access identified on Figure 4.3.3.7.5 and connects to Civic Link (Leigh Place) as required.</p> <p>C5 – commuter bicycle parking is provided on site</p> <p><u>Heritage</u> A detailed heritage impact statement has been submitted with the application and has been reviewed by an independent heritage expert, Tasman Storey of Tropman and Tropman. The proposal is considered to be acceptable from a heritage viewpoint.</p> <p><u>Public Art</u> The applicant has indicated that the proposed digital facade to front downwards towards Parramatta Square will provide an interactive and innovative form of Public Art that will contribute to the public domain design including the ‘digital carpet’. The proposed digital façade will complement with the addition of LED lighting proposed to be employed through the materiality of the south façade. No referral has been received from Council’s Public Art section however it is considered that this can be addressed via condition of consent.</p> <p>C1 - 3 – Not applicable</p> <p><u>Utilities</u> The proposal generally provides for utilities to be integrated within the building and the shared super basement and not within the public</p>	<p>Yes</p> <p>Yes – subject to conditions</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes – subject to conditions</p> <p>N/A</p> <p>Yes –</p>
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	<p>domain as required. The plans propose a fire booster cabinet located on the southern facade of the existing Town Hall at ground level. An alternative location is also proposed slightly east of this location. A final location is proposed to be recommended via condition of consent.</p> <p>C1 – Utilities are proposed to be shared and located primarily with the basement to minimise any impact on the public domain as required</p> <p>C2 - Service access points have generally been located to minimise impacts on pedestrians, the public domain and the quality of the proposed building. However, the final location of the proposed fire booster cabinet will be resolved via condition of consent recommending its relocation.</p> <p>C3 – The building will incorporate appropriate measures to accommodate current and future technologies subject to recommended conditions of consent.</p>	<p>Subject to conditions</p> <p>Yes</p> <p>Yes – subject to conditions</p> <p>Yes – subject to conditions</p>
4.3.3.8 - Design Excellence	The applicant has followed the design excellence competition process outlined in the DCP and the proposal has been granted design excellence by the jury. Conditions are included requiring further review of the application by the jury as the proposal proceeds through to detailed construction drawings, construction and occupation. Conditions are also included ensuring design excellence outcomes are achieved.	Yes
<b>5 Other Provisions</b>		
5.5 Signage	<p>The proposed development incorporates two LED façade treatments for the purpose of lighting the building and public art. The façade will include LED elements to the north and south as well as a signage zone located on the southern facing incline façade. Consent is sought for the signage zone with future details of signage being required as part of any future application. Refer to section 7.2.</p> <p>To ensure lighting and signage is compatible with the building and area a condition is proposed to require the applicant to submit for approval by Council, a lighting strategy detailing the LED lighting system proposed on the northern and southern facades.</p>	Yes

## 10. Planning Agreements

There are no planning agreements relevant to the subject application.

## 11. The Regulations

The recommendation of this report includes conditions to ensure the following provisions of the Regulation will be satisfied:

- Clause 92(a) - demolition of a building are to satisfy the provisions of AS 2601,
- Clause 98 - Building works are to satisfy the Building Code of Australia.

## 12. The Likely Impacts of the Development

Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* specifies the matters which a consent authority must consider when determining a development application. These matters are addressed below.

### 12.1 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 any adverse physical impacts as follows:

- Site works and alterations to the ground profile are appropriate and will provide appropriate site levels for the new Parramatta Square, Civic Link (Leigh Place) and northern laneway (condition recommended);
- Flooding constraints can be properly managed and flood protection measures incorporated into the design subject to further detail (condition recommended);
- Appropriate arrangements are able to be achieved for the collection and disposal of stormwater (subject to a condition of consent);
- Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network (Note: approved via a separate DA);
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- The proposal will not generate noise, or cast shadows, that would be to the detriment of adjacent and surrounding sites.

The proposal will generate minor shadowing impacts on the Parramatta Square public domain as a result of the proposed civic spire element and roof line. This is considered acceptable in the circumstance given the limited area of impact and the fact that the offending structures will result in positive benefits in terms of the building being able to demonstrate architectural and cultural identity and its ability to achieve design excellence consistent with the winning proposal matter is address in detail in section 12.3.7 below.

*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:

- It will provide for a high-quality new community facility comprising Public Library, Council Chambers / Multi-Purpose space on the northern side of Parramatta Square connected to the existing and historic Parramatta Town Hall. The building will be an iconic building, an example of modern architectural excellence that has been designed to give primacy to preservation of solar access to, and the amenity of, the future Parramatta Square public domain;

- The building will be at once both elegant and expressive as well as transparent and engaging. The design provides for a built form which is unlike any other structure in the Precinct but which provides a civic focus for Parramatta and will be open and engaging;
- The building has been designed to slope up to the east towards the higher building approved on 3PS and down towards the historic Town Hall to the west. In this way it is responsive to the emerging built form context albeit that its expression will be distinctly different from surrounding development;
- Site planning provides for an activated frontage on both the Parramatta Square and Civic Link (Leigh Place) frontages and appropriate pedestrians linkages both through the building and to the north, south and east;
- The proposed building will establish a new built form that is iconic and will become a symbol of Parramatta Square immediately adjacent to the Square consistent with Council's vision for the area;
- The scale, form and presentation of the building is acceptable as independently assessed by the reconvened Design Jury;
- The built form does not result in any adverse impacts for adjacent sites;
- The proposed building will be adequately serviced by the approved super basement car park which connects to the building at the basement level. The operation of the car park does not result in any adverse impacts for adjacent sites or the wider locality, rather it will provide for an integration of vehicular access and servicing requirements for the Square; and
- The values of heritage items including on site (Parramatta Town Hall) and in the vicinity of the site (and in the wider visual catchment) are not diminished by the proposal subject to recommended conditions of consent.

Having regard to the above assessment it is considered that the proposed building is compatible with its context and setting. The proposed new building is not considered to be 'consistent' with the existing surrounding context given its radical modernistic design, rather it is considered to be 'compatible' with the context and setting as required.

## 12.2 Site works

Not applicable – the proposal applies to the construction of the building only as the required early works and earthworks were previously approved under DA/206/2017.

## 12.3 Site planning and built form

### 12.3.1 Design Excellence

As noted above the proposed building has been designed by an association of three architectural firms: French architect Manuelle Gautrand Architecture; Design Inc and Lacoste + Stevenson architects, the winners of an international design competition held for the site in March 2016. The Jury report (dated 13 July 2016) notes that the design was unanimously recommended as the winning scheme and awarded design excellence. The Jury report summarises the assessment of the Scheme as follows:

- *The scheme was considered to provide an iconic building of outstanding architectural quality that will be instantly recognisable and associated with Parramatta. The building has potential to be an architectural landmark not only within Australia, but also internationally, alignment with Parramatta's aspiration to be an internationally recognised CBD in its own right.*
- *The integration of LED digital lighting into the building façade, to create a canvas for public art was considered to be unique in Australia, creating opportunities to showcase local, national and international art in Parramatta and demonstrating Parramatta's credentials as a Smart City.*
- *The City's present and future functional requirements are readily met by a building that provides a range of flexible spaces that are readily compatible with the range of civic activities within the*



*building. The scheme responded to the functional and design objectives of the brief and translated these well in the spatial arrangement.*

- *The scheme provides the best option for the augmentation and integration of the existing Town Hall building, providing for a unified civic facility that will allow the City to flexibly program a diverse range of activities within the overall building,*
- *The outdoor terrace spaces on Levels 4, 5 and 6 provide the opportunity for a range of ceremonial and public events within the building that take advantage of the building's positioning at the heart of Parramatta Square.*
- *Whilst the upper glazed blade structure protrudes marginally above the nominal sun plane identified in the DCP, the Jury was satisfied that the glazing would be sufficiently transparent to allow sunlight onto the square and comply with the objective of the control.*
- *Notwithstanding the intricate sloping façade, the building presents as highly rational from a buildability perspective with a series of stacked rectangular floor plates.*

In recommending the design the Jury identified the following ongoing requirements:

- *The architectural team comprising DesignInc, Manuelle Gautrand Architecture and Lacoste + Stevenson Architects are to be retained throughout the construction process to ensure continuity and realisation of the competition design intent*
- *The façade design of digital art and multi-media iconography embedded into the glass is quintessential to the building's presence in Parramatta Square. Accordingly, design development of a superior quality is required and should be peer reviewed by experts in the field of façade design.*
- *Façade detailing, in particular the external sun shading system, is required to be a sophisticated solution and should be peer reviewed by façade engineers.*
- *The 'incursion' into the public domain of approximately 6.5m at the south-east corner requires further design resolution, and consideration should be given to addressing the alignment of the eastern edge of the building with the public domain.*
- *The transparent cascading roof form requires further resolution to test the overshadowing impacts over the Parramatta Square public domain sun access zones.*
- *The relationship to the existing Parramatta Town Hall and the cantilevered structural solution should be peer reviewed by heritage and structural experts.*

Following the design competition, the Design Jury reviewed the scheme, through detailed design development, on four separate occasions: 14 November 2016, 1 February 2017, 24 April 2017 and 23 August 2017. Notably the design was altered from the competition scheme to comply with solar access requirements to Parramatta Square. This resulted in a reduction in the overall height and scale of the development and some alterations to the built form. However, the proposal primarily retained the overall concept embodied in the competition scheme.

On 23 August 2017 following consideration of the development application plans, the Design Jury issued its report on the proposal advising as follows:

- *The Jury unanimously endorse the pre-lodgement design presented as exhibiting Design Excellence*
- *The Jury recommend that the design as presented is submitted as a Development Application for assessment by City of Parramatta Council (or its nominated delegate)*
- *Due to the complex nature of the project and its governance to date, the Jury has divided its comments into 3 categories:*
  - *General comments (specific to design)*
  - *Items to be addressed by the design team as part of ongoing Design Development*
  - *Items for City of Parramatta Council to consider prior to approval of a Development Application.*

Subject to fulfilling the requirements of the Design Jury, in accordance with their comments, the application was approved on 7 February 2017 as DA/758/2017 by the Sydney Central City Planning Panel.

Following the determination of DA/758/2017, the proposed architectural scheme for the site has evolved through a number of iterations that has resulted in a revised design. On 19 January 2018, 6 June 2018, 8 May 2019, consultation with the Design Excellence Jury was undertaken on the revised design to seek support to proceed to lodge a development application.

On 20 September 2019 the Design Jury was reconvened to review the proposed scheme, including presentation to the Design Jury by the architects. The comments provided by the Design Jury subject to the presentation held 20 September 2019 are addressed in Table 11 below:

**Table 11: Design Jury Comments compliance**

<b>Jury Comments</b>	<b>Assessment</b>
<b>Internal Layout + User Groups</b>	
In making the following recommendations, the Jury have assumed that Council's user groups (librarians, events, social outcomes etc.) are supportive of the proposed layout, design and area breakdown of the internal uses of the building.	Confirmed – To ensure Council's user group requirements are met, Council is preparing a Functional Brief to ensure engagement and to guide the building design and layout following ongoing detailed design development.
Prior to the award of Design Excellence, the Jury request that written confirmation is provided from Council's Client-Side Lead that the proposal is "fit for use", and appropriate to the needs of City of Parramatta.	Confirmed – letter dated 30 October 2019 provided by Jon Grieg Executive Director, Community Services City of Parramatta Council, advising that:  <i>"the proposed internal layout and area breakdown is supported, on the basis aspects of the base building and the internal layout will be refined as the design process continues in consultation with the PDG and Designinc".</i>
<b>Northern Overhang</b>	
The Jury are supportive of the proposed building overhang over the northern laneway, as represented in the submitted architectural drawings. The overhang itself contains a public use (Council Chambers) and has been integrated into the design of the stepped northern elevation.	Noted.
It is acknowledged that the extent of the surface area overhanging the laneway has increased from 300sqm (DA/758/2017) to 405sqm. This is considered appropriate as the additional area is screening the mechanical plant rooms.	Noted.
The Jury recommends that a condition of consent is applied to the approval that limits the extent of overhang over the laneway.	Confirmed – a condition will be applied to restrict the overhang/ encroachment into the northern laneway
<b>Southern Overhang</b>	
The Jury supports the proposed southern overhang into Parramatta Square. The overhang is limited to levels 1 + 2 and projects a maximum of 5450mm over the public	Noted.

<b>Jury Comments</b>	<b>Assessment</b>
domain. The overhang will provide weather protection along the full extent of the ground floor frontage to Parramatta Square.	
The Jury is concerned that the height of the under-croft space is 3200mm is not appropriate for a public building. It is also a reduction from the previously approved development application of 3400mm.	The height of the under-croft ranges from 3.2m to 3.7m.
The Jury recommends that the clear floor to ceiling height of the ground floor is increased to minimum 3400mm.	Revised plans submitted demonstrate compliance with this request. The floor to ceiling height at ground level has been revised to 3.4m.
<b>Spire</b>	
The Jury are in full support of the proposed spire, which has been a consistent design principle that has been retained since the original design competition.	Noted.
Although the spire does cause a “dappled” shadow across the Parramatta Square solar protection zone (12-2pm midwinter), the spire is a semi-transparent element that contains no floorspace. It is beautifully detailed and integrated into the design of the building.	Noted.
<b>Southern Façade</b>	
The Jury has previously stated (14/3/19) that they fully support the proposition of a tessellated façade, however they required that the ongoing maintenance and cleaning of the façade be addressed.	Confirmed – DesignInc with Sayfa Systems have developed a façade maintenance strategy which has been provided to Council as additional information.
The architects informed the Jury that the southern elevation (roof) is fully trafficable and the façade will be cleaned manually.	Noted.
The Jury requests that Council's Client Side Manager confirms that the ongoing maintenance and cleaning regime is acceptable to Council, and that resources will be committed to ensure the façade is cleaned on a regular basis.	Review and approval of the façade maintenance strategy by Council's Client Side Manager will be addressed via condition of consent.
<b>Western Façade</b>	
The Jury is supportive of the proposed mechanically operable vertical louvres on the western façade.	Noted.
A condition of consent should be applied to ensure that these remain mechanically operable and programmed to the solar paths throughout the year.	Condition to be imposed to ensure operable vertical louvres on the western façade remain mechanically operable and programmed to the solar paths throughout the year
<b>Environmentally Sustainable Development</b>	
The Jury request that the architect submit additional details regarding the design and function of the proposed 'Tessellated Operable Sun Shades' located on the underside of the southern elevation / roof.	The applicant provided some detail of the proposed shading system. Further façade and shading system detail to be addressed via condition.
Council's Independent ESD Advisor is to review the details and confirm the suitability/practicality of the approach.	Confirmed – FLUX has reviewed the proposal and provided recommended conditions of consent. Their approval will also be required following further detailed design development.

<b>Jury Comments</b>	<b>Assessment</b>
The Jury defer the detailed assessment of the overall ESD performance of the building to Council's Independent ESD Advisor.	Confirmed – FLUX has been engaged and involved in the ongoing assessment of the façade system.
<b>Ground Floor</b>	
The Jury are not supportive of the proposed 'Operable Shopfronts' for the following reasons: <ul style="list-style-type: none"> <li>- When opened, they further reduce the floor to ceiling height at the glazing line to 3000mm.</li> <li>- It is unlikely that Council will open the shopfronts, except for major events.</li> <li>- Wind downdrafts in Parramatta Square will blow rubbish, leaves etc. into the ground floor, further reducing the likelihood of these doors being used.</li> </ul>	Noted.
The Jury recommend that alternate sliding doors are integrated, ensuring that the detailing maximises floor to ceiling clearance heights.	Confirmed – amended plans have been provided showing 'Operable Shopfronts' being replaced with sliding doors.
The Jury recommends that opportunities for openings in the ground floor to allow natural light and views down into the Discovery Centre are explored. The current proposal removes the void that was in the previously approved DA.	Confirmed – amended plans have been provided that provide for visual (fire rated) glazing slits in the ground floor to allow visual connection to the Discovery Centre located at basement level. The plans suggest these 'glazing slits'; will be incorporated into digital information desks.
The Jury recommend that the architects consider opportunities for the ground floor café to have a building frontage, rather than be contained wholly within the ground floor (e-g – coffee window).	Confirmed – amended plans have been provided that provide new openings along the ground floor northern façade lowering access between proposed northern laneway and café.
<b>Lighting Strategy</b>	
The Jury are supportive of the proposed LED screen and LED accent lighting of the southern façade.	Noted.
It is recommended that a condition of consent is applied that requires a lighting strategy and design development be submitted for the Jurys review at the relevant Construction Certificate.	Requirements for a lighting strategy and further consultation with the Design Jury through design development stages will be addressed via condition.
The lighting strategy should be integrated with the design and operation of the 'digital carpet', located adjacent to the ground level entry to Parramatta Square.	Noted.
<b>7PS (Town Hall)</b>	
The previously approved (DA/758/2017) timber stage adjacent to the southern elevation of the Town Hall has been removed from this application.	Noted.  Confirmed – the current application does not seek to incorporate this temporary structure into this space. Instead temporary arrangement for the public domain at this location, including levels will be agreed with the applicant ahead of final plans being submitted. This temporary arrangement will exist

Jury Comments	Assessment
	until such times that a strategy is developed for alterations and additions to the space in and around the Town Hall in consultation with the Design Jury.
The architects informed the Jury that Council are developing a strategy to enhance and activate the Town Hall, which may include alterations and additions to the space in and around the Hall.	Noted.
The Jury recommend that they are consulted during the design development of this separate project, and reiterate that all future proposals for the improvement of Parramatta's Town Hall must exhibit Design Excellence.	Noted.
<b>Public Domain</b>	
The Jury recommend that the proponent engage the Lead Landscape Architect for Parramatta Square, JMD, to undertake a review of the proposed building levels and alignments to ensure that the proposal aligns seamlessly with the public domain.	Confirmation – JMD have been engaged by Council to review updated ground floor plans and provide feedback and guidance as necessary to ensure consistency of design across public domain of Parramatta Square.
JMD should also be engaged to prepare the landscape design and levels for the Northern Laneway to ensure that all active/future development applications are integrated and consistent.	To ensure that the development connects to the adjoining public domain, a condition will be applied to requiring Council's sign off on the final landscape/ public domain design, including levels for the Northern Laneway.
The Jury defer the detailed assessment of the public domain to Council's Public Domain Team (Deborah Eastment). The Jury support Council's vision to provide (where possible) large mature trees and deep soil zones in Parramatta Square.	Noted.  Confirmation – Council's Public Domain Team have been actively engaging with the applicant to ensure Council's vision for the public domain is realised, including planting and deep spoil zones. Final arrangements for landscaping/levels in the public domain will be captured by the condition requiring submission of detailed public domain construction drawings prior to CC.

Further, the Jury has requested the following:

- That the above recommendations are addressed, and resubmitted for the Jury's review prior to the approval of the Development Application; and
- That the Jury are given an opportunity to review and comment on any proposed design related condition of consent.

Subsequently the Jury considered the applicant's response and the draft conditions of consent and deemed the proposal to have achieved design excellence.

Having regard to the comments and recommendation of the Design Jury, it is considered that subject to recommended conditions of consent the amended design is consistent with the original Design

Competition winning scheme and demonstrates design excellence and therefore complies with the requirements of clauses 7.10(3) and (4) of Parramatta LEP 2011.

### 12.3.2 Height, scale and setbacks

The proposed building complies with the relevant gross floor area control (as provided for under clause 4.4 of Parramatta LEP 2011), however the proposed building fails to comply with the maximum building height control (Clause 4.3 of Parramatta LEP) due to a non-compliance with Clause 7.4 Solar Access (refer to section 12.3.7 below). As the controls are interdependent, the maximum building height is established by solar access requirements to Parramatta Square prescribed under Clause 7.4.

Despite this non-compliance the proposed building is able to demonstrate a built form that is compatible with the envisaged concept for the redevelopment of the Parramatta Square Precinct, albeit that the building is unique and modern in its expression and lower in scale than recently approved buildings within the Precinct.

The proposed building siting responds appropriately to site opportunities and constraints and provides for an appropriate relationship with adjoining development. The building has an appropriate relationship with the historic Town Hall to which it will be connected, and the approved building at 3PS to the east. It provides for adequate separation to the rear of buildings, including the Leigh Memorial Church, fronting Macquarie Street to the north and also provides for a clear width of 40m across Parramatta Square as required by Parramatta DCP 2011 at the ground level to the building wall (although the design incorporates an overhang as levels 1 and 2 are located within this space). However, the DCP also provides that encroachments into this width up to 6.5m may be considered where justified by an agreed design excellence rationale. The proposal provides for a maximum encroachment of 5.45m.

While the height of the proposal will make a departure to the maximum building height control established by the solar access plane control, resulting in minor overshadowing to the sun protection zone within Parramatta Square for a limited time of the year, it will otherwise provide for an appropriate transition from the lower historic Town Hall to the west to the higher approved building at 3PS to the east.

The height control across the site means that the resultant building height is significantly lower than other approved buildings within the precinct, however it is able to provide an appropriate design response to adjacent buildings and the requirements for sun protection, albeit with minimal overshadowing to the sun protection zone within Parramatta Square.

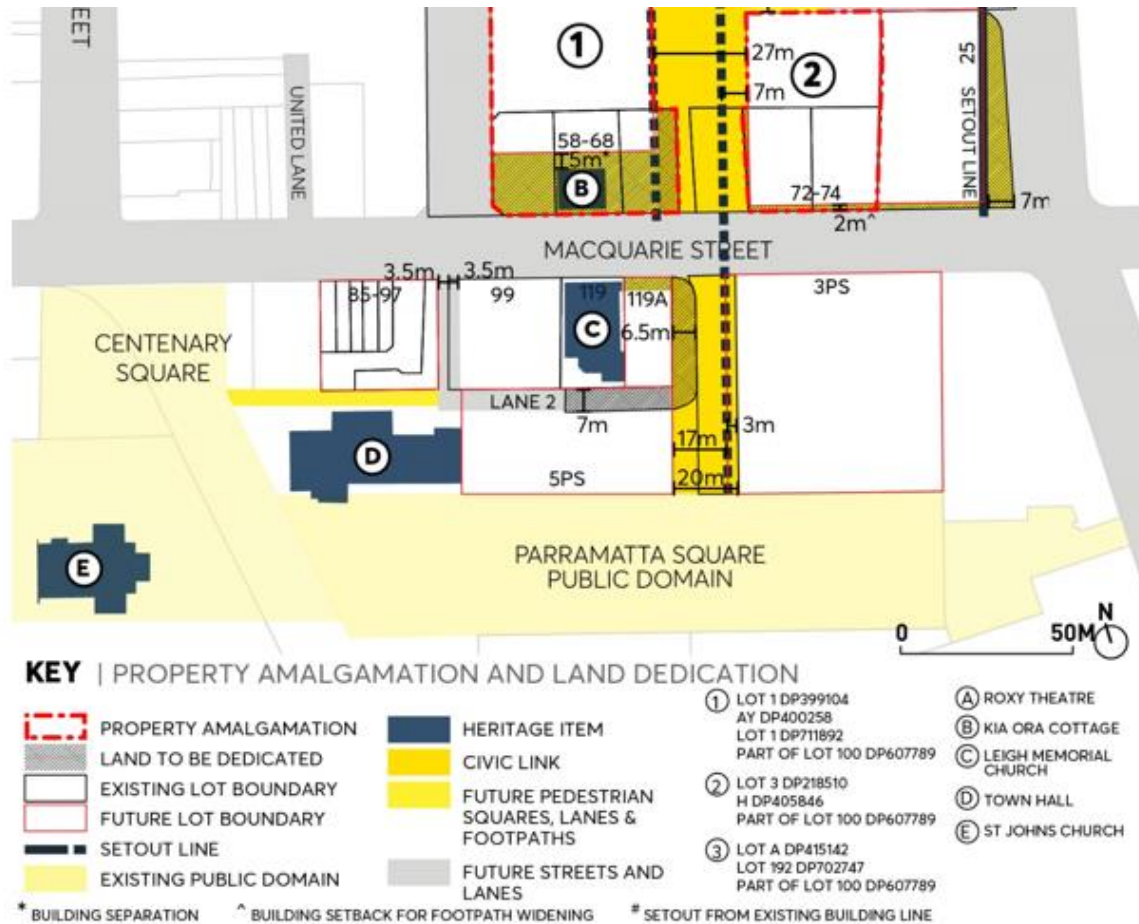
#### *Civic Link Interface*

The building is located to the west of the new Civic Link (Leigh Place) and provides for a separation of 21.517m at the ground level from the glassline to the site boundary of 3PS however at the upper levels the building cantilevers out over the ground floor and provides for a minimum separation distance of 17m to 3PS. This is inconsistent with the draft Civic Link Framework Plan which provides for a 20m setback line (refer below). In this regard it is noted that Part 4.3 of Parramatta DCP 2011 which applies to the Parramatta Square Strategic Precinct does not specify a width for the future public domain in this location although a 'build to line' is shown on Figure 4.3.3.7.3 which aligns with the existing Parramatta Mission site boundary. The proposed building line is setback further than this build to line at both the ground and upper levels.

Leigh Place forms part of the 'Civic Link' that was identified as a strategic priority for the City in the Parramatta City Lanes Strategy (2010). Civic Link is intended to form a continuous pedestrian boulevard and cultural spine connecting Parramatta Square to Riverbank and the foreshore. On 10 July 2017 Council endorsed the draft Civic Link Framework Plan which provides a detailed site analysis and

planning and design guidelines to ensure that the Link addresses the surrounding CBD and public domain context of Parramatta Square. This work has since been further developed with a Draft DCP for the Civic Link precinct endorsed for exhibition by the Council on the 25<sup>th</sup> February 2019. The intended effect of these draft controls are shown in Figure 14 where both 20m and 17m setback arrangements are prescribed. This is due to be reported back to Council for finalisation shortly.

Figure 14: Draft DCP for the Civic Link precinct



The Civic Link Framework Plan identifies that critical to achieving the Link is a consistent building alignment, minimum width of 20m and continuous view corridors between Parramatta Square and Riverbank. The setout of the Civic Link corridor is outlined based on the alignment of the existing Roxy building, a state significant heritage asset, other local heritage items such as Dr. Pringles House and Willow Grove, and the existing Horwood Place alignment. The Plan therefore effectively supersedes the DCP provisions particularly in relation to the future Civic Link implementation and the required building alignment adjacent to the Link.

Given the approved alignment of 3PS, the proposed building alignment of 5PS at Leigh Place results in a width between the two building greater than 21m at the ground level (to a height of approximately 4.2m), reducing to a minimum of 17m at the upper levels where both buildings step out over their respective ground floors.

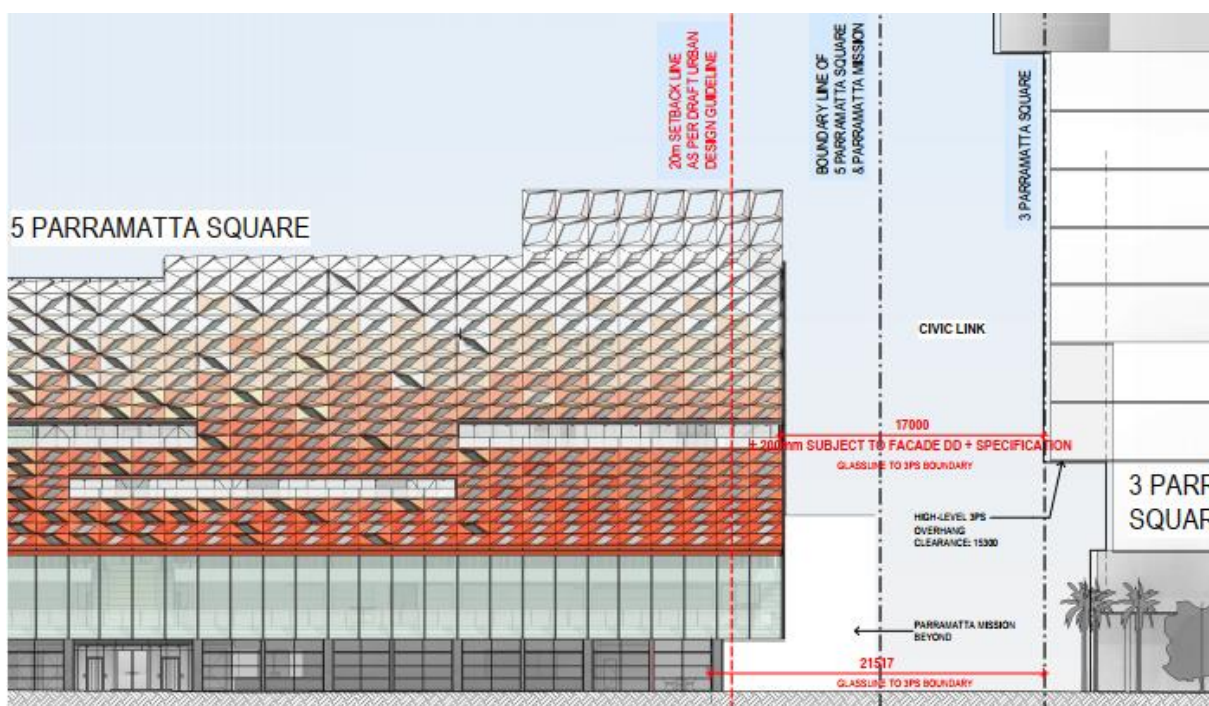
The majority of the building (levels 1 to 7) are at the 17m line with increased setbacks (21.517m) at the ground floor level only (refer Figure 15). Therefore, it is considered that the width of Leigh Place will 'read' as 17m rather than greater. Further it is noted that the plans indicate that the setback could be increased or reduced by plus or minus 200mm subject to façade design development and specification therefore the ultimate width could be between 16.8 and 17.2m. This is inconsistent with the Civic Link

Framework Plan adopted by Council, however provides a level of compliance with the draft DCP and setback controls for Civic Place adopted by Council on the 25<sup>th</sup> February 2019.

It is noted that during the design excellence review process, the Design Jury has previously provided advice which specifically notes that it is supportive of the eastern setback of a minimum of 17m glassline to 3PS boundary and 21.517m ground floor to 3PS boundary. The Jury has indicated that “it considers that the building setbacks are generally consistent with the intent of the Civic Link Framework Plan, Parramatta Square DCP and the setbacks presented to the planning panel at the 3PS determination meeting”.

It is also noted that these same setback distances were approved under previous DA/758/2017.

Figure 15: Leigh Place setbacks (Source: extract of DA-1601)



Having regard to the advice provided by the Design Jury, and approved envelope and setbacks under DA/758/2017, it is considered that the proposed alignment of 5PS at ground level and at the upper levels is appropriate in terms of pedestrian accessibility and urban design notwithstanding the draft. A condition to this effect should be applied to any development consent. It is considered that the overhanging of the space in part at the upper levels of the building will not adversely affect the functioning of the space nor the primary view corridor which extends north south.

#### *Northern Laneway Interface*

A 6m northern laneway width is a requirement of clause 4.3.3.1 Building Form of Parramatta DCP 2011. The proposed building siting responds appropriately to site opportunities and constraints and provides for an appropriate relationship with adjoining development. To the north the building provides a laneway width of 6m from the building line to the boundary of buildings to the north as required by the DCP. However, at a height of 14.1m (Level 4) the proposed Chambers element will overhang into the laneway by approximately 2.44m with the resultant northern setback approximately 3.6m. (refer Figure 16). This element extends further in height across levels 5 and part 6, to a maximum height of approximately 26m, to conceal proposed plant and mechanical rooms at these levels. The overhang will extend across 34% of the length of the elevation or 19% of the total northern elevation in elevation (refer Figure 17).



Figure 16: Northern Laneway Overhang – Bay 3 (Source: extract of DA-1621)

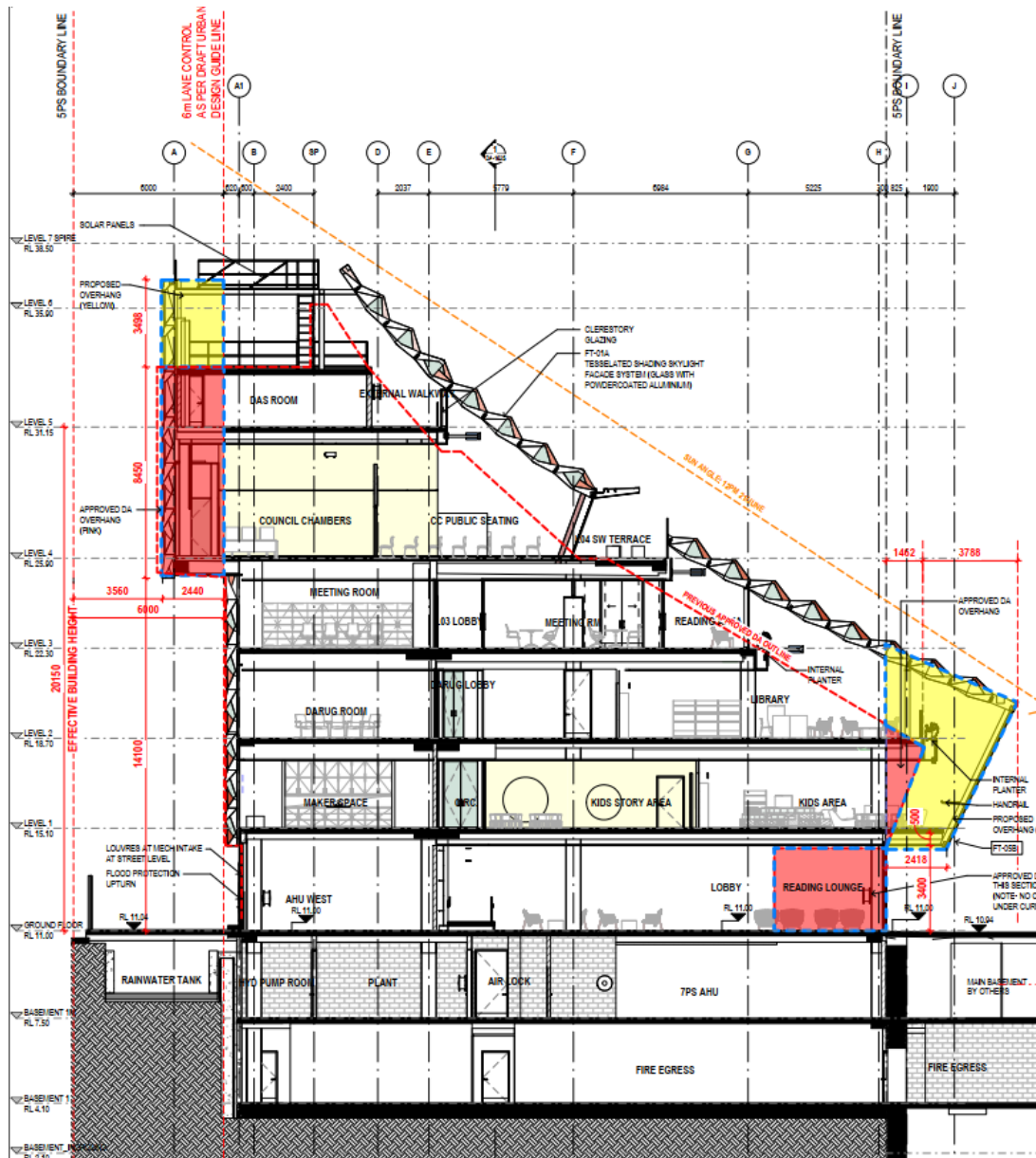
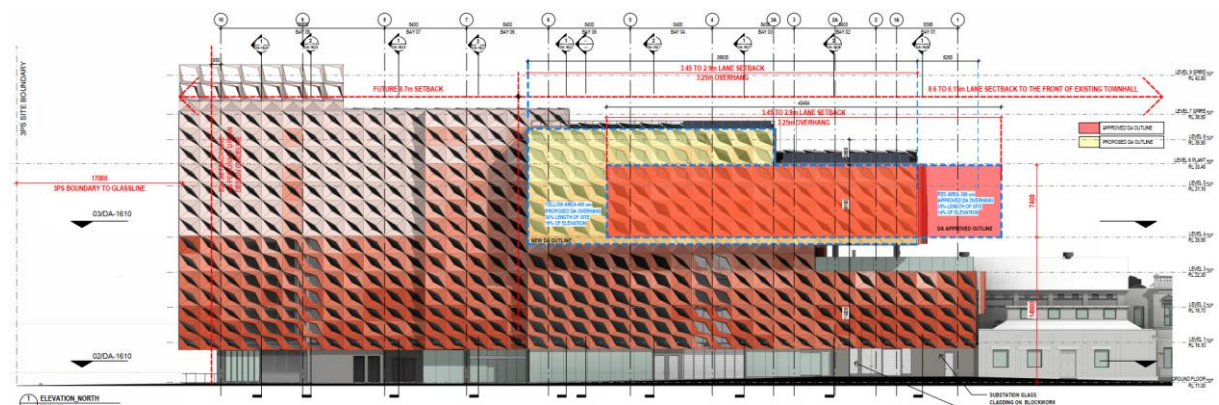


Figure 17: Northern Elevation showing laneway overhang as proportion of façade – proposed (yellow) and approved under DA/758/2017 (red) (Source: extract of DA-1610)



**Figure 18: Northern laneway alignment at ground and upper level with overhang (Source: extract of DA-1610)**



The proposed laneway overhang makes a departure from the streamlined rectangular shape approved under DA/758/2017. Despite this change, it is considered that the proposed overhang is acceptable given:

- the Design Jurys comments (which support the proposed building overhang);
- that the overhang contains a public use (Council Chambers);
- that the overhang has been integrated into the design of the northern stepped elevation;
- that while the area of the overhang in elevation has increased from 300m<sup>2</sup> (as approved under DA/758/2017) to 405m<sup>2</sup>, the additional areas will screen mechanical plant at levels 5 and 6;
- that the overhang has been setback to the existing Town Hall a further 5.7m from that approved under DA/758/2017; and
- The widening of the laneway to a width greater than the required 6m at the western end.

*Parramatta Square Interface*

Consistent with the approved building design under DA/758/2017, the proposed building will continue to provide an overhang into Parramatta Square to support a digital screen along its southern façade at levels 1 and 2. However, the proposed design will differ from the stepped setback approved under DA/758/2017 and instead provide a consistent overhang depth of 5.2m (refer to Figures 16 and 20), whereas the approved design was at a variable depth of between 1.462m (refer to Figure 14) at the western end to a maximum of 5.363m (refer to Figure 19) at the eastern end.

This overhang element is a key component of the design of the building as highlighted by the Design Jury and will be a minor protrusion into the airspace over the Square. The DCP allows for protrusions into the space of up to 6.5m above ground level. Accordingly, it is considered acceptable given its significant contribution to the design quality of the building.

**Figure 19: Parramatta Square southern overhang – Roof Plan (Source: extract of DA-2397)**

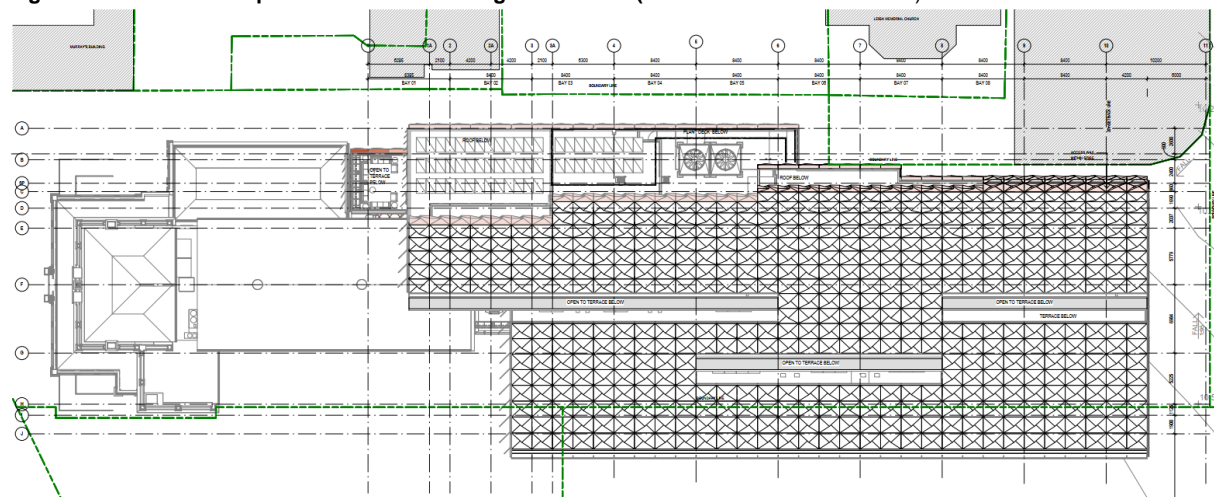
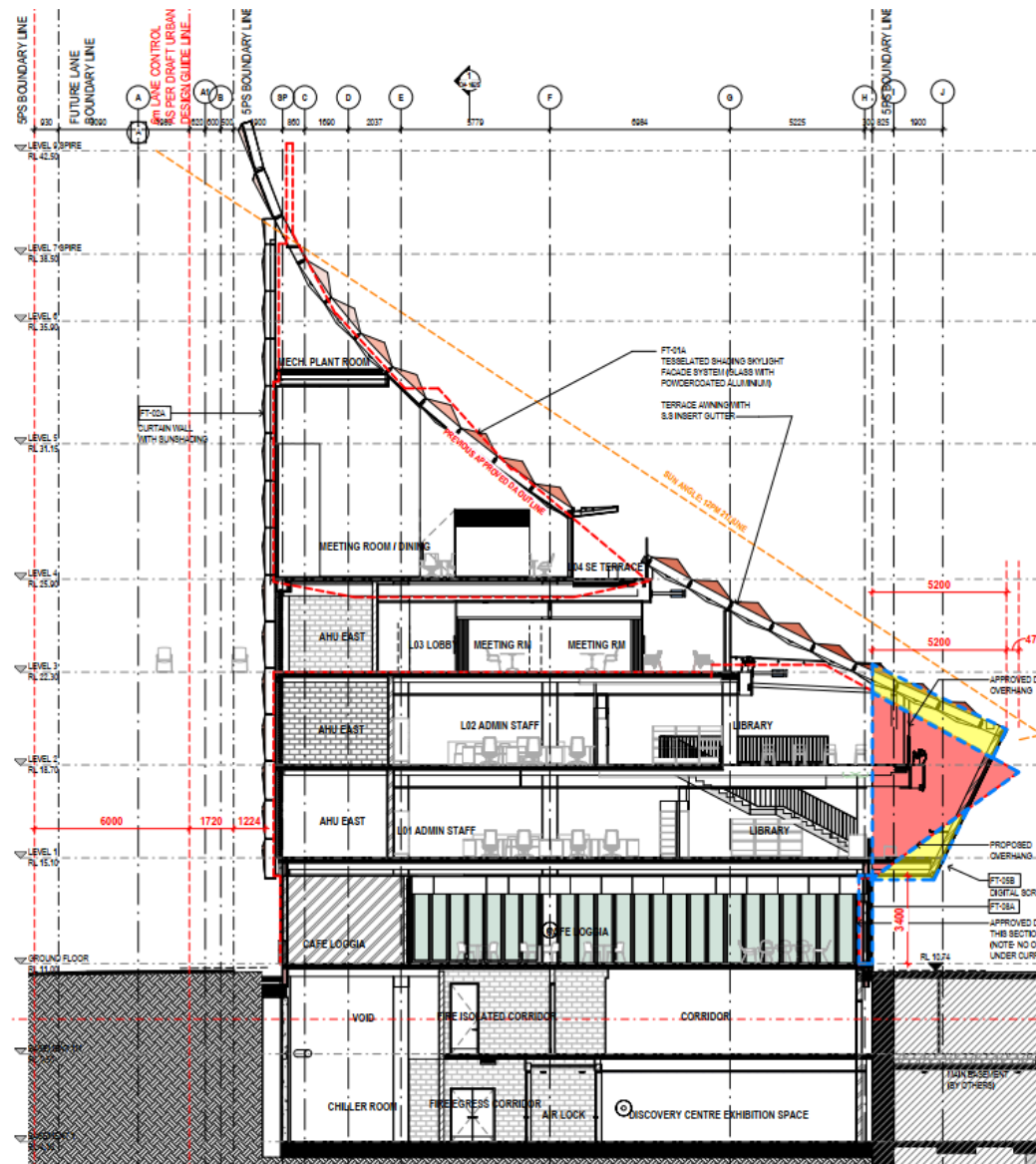


Figure 20: Parramatta Square southern overhang – Section Bay 09 (Source: extract of DA-1624)



It is therefore considered that the height, scale and setbacks of the proposal are acceptable and generally consistent with Council’s future vision for the Parramatta Square Precinct and the proposed Civic Link notwithstanding some non-compliances. The proposal will not result in any adverse impacts on adjacent development and is of a height suited to its location immediately adjacent to Parramatta Square and the historic Parramatta Town Hall. The siting of the proposed building is consistent with the Draft DCP for the Civic Link Precinct and generally consistent with the Parramatta Square DCP 2011 requirements and will provide for an appropriate relationship with adjacent buildings and the public domain.

### 12.3.3 Built form and presentation

As illustrated by the perspectives submitted with the application, the proposal will provide an iconic modern building of design excellence that will become a landmark building within the new Parramatta Square, which is to form the central civic focus of the City of Parramatta. Central to the design is a stack of transparent glass that gradually rises to the north-east with a large LED screen for public art projections along the southern facade. The form and presentation of the building demonstrates design excellence and is consistent with the Council’s vision for the Parramatta Square precinct. The proposed

building has been acknowledged as representing design excellence by the Design Jury and is consistent with the principles established for the site by the competition winning scheme.

As outlined in the design statement the façade is generally conceived in three distinct types: tessellated skylight/aluminium panel system, curtain wall systems and planar glass wall. The structure consists of post-tensioned bands and slabs, supported by reinforced concrete columns. Lateral stability is proposed through a reinforced concrete core and shear walls that continue down to the lower basement level. The southern façade is proposed to be a sloped roof with skylights orientated to enable views along the square as well as creating shelter from the western sun. These panels are supported by steelwork spanning between each slab level. Façade treatments are illustrated in the Design Statement dated 2019.

Key elements of the design, as identified by the architects, include:

- Upper level public roof terraces;
- Integration with Town Hall by cantilevering Council Chambers over;
- Civic Spire and digital LED screen;
- LED lighting integrated into façade;
- Multiple public vertical living rooms;
- Lobby and café visible from Plaza;
- Seamless connection through to Public Square; and
- Increased ground level setback to Leigh Place.

Having regard to the Design Jury's comments it is considered that the built form and presentation of the building represents design excellence and will be a significant addition to both the built form and civic function of Parramatta Square. The building is considered to be open and generous in its relationship with the Parramatta Square Public Domain and will provide a public building that will significantly contribute to the quality and character of the Square and Parramatta City more broadly. The design approach meets Council's functional brief and will ensure a high-quality built form which adds variety and interest to the Precinct whilst being highly functional and activating the public domain.

A further level of detail is however required to fully document the proposed façade treatments throughout the building, including thermal comfort, reflectivity and management of solar penetration and mechanisms for solar control. This matter can appropriately be dealt with by condition subject to being signed off by the City Architect and Council's independent technical consultants prior to the issue of a construction certificate.

It is therefore considered that the proposal is appropriate in terms of built form and presentation.

#### 12.3.4 Through site links

A key component of the proposal is the provision of pedestrian connections from Macquarie Street (linking to the River in the north) along Leigh Place (also known as the future Civic Link) to the east of the building and to the north of the building via a new laneway. A connection will also be possible through the building itself.

As outlined above the proposed design provides for the primary link (Leigh Place) to have a width of 21.517m to the site boundary with 3PS at the ground level but an overall width of 17.0m above to the primary building wall (refer Architectural Plans Urban Design – South Site Elevation and Cantilever Over Square DA-1601 for further detail). This is considered to be appropriate having regard to the comments of the Design Jury.

The width of the northern laneway is proposed to be 6m at ground level consistent with DCP requirements however the proposed Council Chambers will cantilever over the space at a height of 14.2m reducing the width of the laneway that is clear to sky to approximately 3.6m for 39.89m of the laneway. This is similarly considered to be appropriate having regard to the comments of the Design Jury (refer section 12.3.2 above).

The proposed through site links are generally consistent with the requirements of Parramatta DCP 2011 and the Draft Civic Link amendments to the DCP with some exceptions as outlined above and provide through site links that are convenient and match pedestrian desire lines. The alignment of the building's eastern edge along with the future Civic Link connection to the north, and the proposed northern laneway width, is considered to be appropriate.

Sufficient information has been submitted to demonstrate that the relationship between 5PS floor levels, the northern laneway and the adjacent sites can be managed both in the short and long term. A further level of detail is however required to fully document the proposed levels along the northern laneway, particularly at the boundary with Macquarie Street properties to the north, whose development proposals are not at such an advanced stage. This will include retention, as far as reasonably possible, of existing boundary levels abutting the existing Mission Building. This matter can appropriately be dealt with by condition and sign off by Council's officers prior to the issue of a construction certificate.

#### 12.3.5 Active edges

The proposed building provides a highly active edge to Parramatta Square with the building itself being highly transparent and visually permeable and with the location of the proposed library and café with outdoor dining area fronting the Square and Leigh Place.

The northern laneway is not proposed to be active with the location of much of the service areas fronting the laneway (e.g. lifts, fire stairs, storage etc.) however this is considered unavoidable in the circumstances. An additional entrance is however proposed on this frontage, along with access to the café at the north eastern edge which will provide for some activation.

It is therefore considered that the proposal incorporates appropriate measures to ensure active edges given the site location and building requirements.

#### 12.3.6 Landscape treatment and public domain alignment

Landscaping proposed is generally limited to the upper level terraces within the building and external balconies. A deep soil zone is proposed on the ground level adjacent to the eastern end of the building that is to form part of the future Civic Link (Leigh Place). The removal of 2 existing plane trees along the northern boundary is also proposed.

At the request of Council's technical officers, additional information has been provided by the applicant to support landscaping outcomes across the site, including retention of the existing plane tree along the northern boundary. The proposed landscape outcome is considered acceptable and subject to the submission of revised documentation and agreement by Council technical specialists, it is considered these matters can be managed via conditions of consent.

As noted above Council's Urban Design team has raised concerns regarding the proposed levels for the public domain and the lack of detailed alignment plans. Accordingly, it is proposed that the public domain levels be managed condition of consent requiring the submission of further plans for approval prior to the issue of a construction certificate. This is considered appropriate.

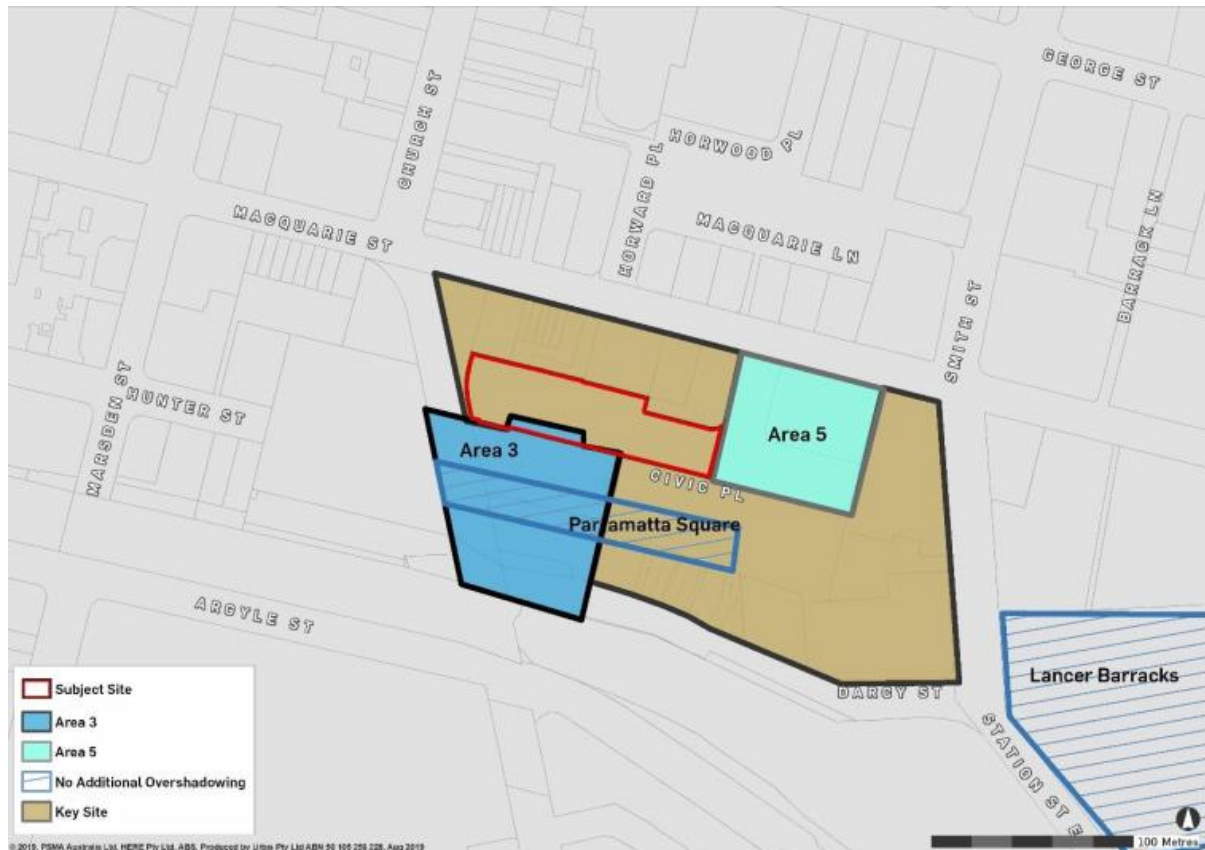
### 12.3.7 Solar Access

The proposal has the potential to result in shadow impacts both on the adjacent Parramatta Square and other public open space in the vicinity.

#### *Parramatta Square Solar Protection Zone*

The proposed building is located to the north of Parramatta Square, and subsequently will result in some additional overshadowing of the area shown hatched in blue on the LEP Sun Access Protection Map given the proposed height of the building, including proposed spire (refer to Figure 21).

**Figure 21: Extract - Key Sites Map Special Provisions Map Sun Access Protection Map**



As discussed above, a planning proposal has recently been prepared to amend PLEP 2011 Clause 7.4 Sun Access such that it would be consistent with the Gateway Determination issued on 13 December 2018 by the NSW Department of Planning Industry and Environment (DPIE) to allow the *permissibility of minor intrusions into the protected area of Parramatta Square*.

The planning proposal includes a draft provision to allow for minor intrusions into the protected area of Parramatta Square (as per the Gateway Determination condition). The draft provision is included at subclause (5) to clause 7.4 – Sun access protection (refer to extract at Figure 13). Council resolved to support the progression of the Parramatta CBD Planning Proposal to public authority consultation at their meeting of 11 November 2019 (subject to amendments, but none that would affect the above matters), however it should be noted that this resolution is subject to a rescission motion which will be considered by Council at an Extraordinary Council meeting on 25 November 2019.

The proposal incorporates a highly designed façade respective of its need to achieve design excellence and become an iconic civic building of world class standards. As such, the proposed building at its upper levels includes a Spire as an extension of its tessellated façade. It is this spire element along with upper

ridgeline at level 7 that will create overshadowing within the solar protection zone between 25 May and 7 July.

The tessellated façade, which extends to incorporate the building ridgeline and the Spire element, is deemed critical in terms of the buildings demonstrating design excellence. The design excellence jury upon review of the proposed scheme at its meeting of 20 September 2019 indicated that:

- *The Jury are in full support of the Spire, which has been a consistent design principle that has been retained since the original design competition.*
- *Although the spire does cause a “dappled” shadow across the Parramatta Square solar protection zone (12-2pm mid winter), the spire is a semi-transparent element that contains no floorspace. It is beautifully detailed, and integrated into the design of the building.*

This assessment is consistent with the proposed amendments to Clause 7.4 to allow minor overshadowing to Parramatta Square solar protection zone from non-usable parts of the building, including spires.

#### *Clause 4.6 variation*

Clause 4.6 of PLEP 2011 allows the consent authority to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes.

The proposal does not comply with the Clause 4.3 'Height of Buildings' and Clause 7.4 'Sun Access' development standards. Accordingly, the applicant has prepared a request to vary these development standards under Clause 4.6 of PLEP 2011.

#### **Clause 4.6(3) - The Applicant's written request**

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the development standard. The request must demonstrate that:

- “(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has submitted a request to vary the relevant height of buildings and sun access standards under Clause 4.6 of the PLEP 2011.

#### **Clause 4.6(4) - Consent Authority Assessment of Proposed Variation**

Clause 4.6(4) outlines that 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.”*

Assumed concurrence is provided to regional planning panels (such as the SCCPP) as per NSW

Department of Planning Circular 'Variations to development standards' Ref: PS 18-003 dated 21/02/2018 (See Attachment 5). There is no limit to the level of non-compliance for which concurrence can be assumed.

Due to the interdependent nature of clause 4.4 and clause 7.4 of Parramatta LEP 2011, the resultant overshadowing of the Parramatta Square solar access zone results in a non-compliant building height. The non-compliance is not a numerical development standard in the typical sense but an inconsistency with a designated outcome being the limitation of shadow to the Parramatta Square Sun Access Zone. The proposed development has a maximum height of 32.75m, which is measured from the highest point of the development at the civic spire element. The civic spire element comprises the uppermost 3.85m of this building height, whilst the building envelope only extends to 28.9m.

The civic spire element is designed to contribute to the symbolic nature of the development and is clad with the design's iconic 'curtain wall' façade, which features angled aluminium panels interwoven to create open indented voids. These indented voids enable the passage of light and solar access whilst simultaneously creating a highly textural and visually engaging façade.

In summary two architectural elements of the building will result in overshadowing within the sun protection area: (1) the building ridgeline at level seven, (2) the civic spire element of the building. The overshadowing impact that will result from these elements is:

May 25 (first day shadow enters sun protection area)

12pm – 0.3% (9m<sup>2</sup>) of the sun protection area

June 21 (winter solstice)

12pm – 2.6% (80m<sup>2</sup>) of the sun protection area

1pm – 0.93% (28m<sup>2</sup>) of the sun protection area

July 21 (last day shadow enters sun protection area)

12pm – 0.4% (12m<sup>2</sup>) of the sun protection area

(refer clause 4.6 variation request at Attachment 4 for diagrams showing extent of impact).

Accordingly, the greatest shadow impact of the proposal on the solar protection area (which has a total area of some 3,000m<sup>2</sup>) is on approximately 21 June (winter solstice) with the impact extending to a maximum of 2.6% (80m<sup>2</sup>) of the area at 12pm.

The overshadowing is limited to a brief window between 12pm and 2pm, with no overshadowing after 1.30pm due to the easterly movement of the shadow following the solar path. Due to the textured nature of the façade, the proposal will generate a dappled and transient shadow and will not create a permanent block to solar access.

The applicant has provided the following environmental planning grounds to justify the non-compliance with the height and sun access development standards (relevant extracts provided). The full request is included at Appendix 4.

*There are sufficient environmental planning grounds to justify the proposed variation to the development standards as follows:*

- *The proposed development seeks to play an important strategic role in the Parramatta Square precinct as the centre point for civic development and community engagement. In turn, the civic spire element plays an important architectural role in the design of the building as the pinnacle of the building and creates a contextual volume integral to the award of design excellence by*



*the competition Jury. The civic spire is therefore linked to the cultural and strategic significance of this new civic building, which will house social and community interactions for the next generation of Parramatta residents and visitors.*

- *The transformational effect of the proposed development and surrounding developments within the Parramatta Square precinct will provide the catalyst to reposition Parramatta as the second CBD of the Greater Sydney region. The proposal, including the contravening spire element, demonstrates an opportunity to facilitate this repositioning and there is therefore a responsibility to support the development commensurate with its strategic significance at a district and regional planning level.*
- *The proposed development does not cause any adverse impacts on the amenity of the locality.*
- *The proposed overshadowing is minimal, temporary and transient as modelled on the winter solstice on 21 June. With the very limited impact only occurring between 12 pm and 1.30pm at mid-winter, being the worst occurrence.*
- *The height protrusion into the solar access zone is restricted to the civic spire, which represents only the uppermost 3.85m in the north-eastern corner of the façade. With the exception of this element, the bulk of the building envelope lies within the maximum height of buildings development standard and generates no shadowing impact on the surrounding public domain.*
- *The development achieves the underlying intent of the development standard, the delivery of a high quality public open space, as outlined in Section 6.1.1, and is also consistent with the zone objectives as outlined in Section 6.1.3.*
- *The proposed development seeks to play an important strategic role in the Parramatta Square precinct as the centre point for civic development and community engagement. The civic spire element plays an important architectural role in the design of the building as the pinnacle of the building and creates a contextual volume integral to the award of design excellence by the competition Jury.*

*In conclusion, there are sufficient environmental planning grounds to justify convening the development standard within these unique circumstances.*

An assessment against the relevant case law established in the NSW Land and Environment Court has been undertaken below. These cases establish tests that determine whether application of a development standard is unreasonable or unnecessary in the circumstance and whether there are environmental planning grounds to justify the non-compliance.

#### **Requirement A) Unreasonable and Unnecessary**

In the case of *Wehbe v Pittwater Council [2007] NSWLEC 827* the presiding Chief Judge outlined the five (5) circumstances in which compliance with a development standard can be unreasonable or unnecessary.

The applicant notes that it does not need to establish all of the tests or 'ways'. Also noting that it may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way. The development is justified against three of the Wehbe tests as set out below.

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

As outlined in Tables 12 and 13 below, the proposal is considered to satisfy the objectives of the development standard.

2. *The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*

The applicant does not challenge that the underlying objective is not relevant.

3. *The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable*

The applicant contends that the underlying objectives would not be entirely defeated if compliance was required, however that the loss of the Civic spire would detract from the cultural and strategic significance of the civic building and the important role and function as a centre point of the Parramatta Square precinct. Specifically, that compliance with the height of building and sun access development standard would:

- Fail to provide an architecturally significant and iconic centre point and that a strictly compliant development would do less to promote the success and strategic significance of Parramatta Square, undermining the vision and objectives of the urban renewal precinct.
- Lose the architectural reference and interpretation of the Parramatta church spires, including those contained within Leigh Memorial Church and St John's Cathedral.
- Diminish the contextual volume and movement of the façade achieved by the civic spire element.
- Undermine the Jury's summation of the scheme as an "iconic landmark building of architectural quality that will be instantly recognisable and associated with Parramatta", and may jeopardize the achievement of design excellence

To this point the applicant's arguments are considered to give weight in demonstrating that while the underlying objectives would not be entirely defeated if compliance was required, the outcomes of the proposed non-compliance will allow for a development that will provide a building of cultural and regional significance that responds appropriately to the design excellence requirements created with the Jury's decision for awarding design excellence.

To this effect, attention is given to the proposed design and the design excellence process, particularly given that the proposed development provides a building lower in height than awarded design excellence on 19 July 2016. Furthermore, the scale and significance of the spire was reinforced by the Design Jury on 20 September 2019 where they concluded:

*"The Jury are in full support of the proposed spire, which has been a consistent design principle that has been retained since the original design competition. Although the spire does cause a "dappled" shadow across the Parramatta Square solar protection zone (12 2pm midwinter), the spire is a semi-transparent element that contains no floorspace. It is beautifully detailed and integrated into the design of the building."*

4. *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*

The applicant does not contend that the height and sun access standards have been abandoned, however attention is drawn to the positive determinations of DA/672/2018 on 19 June 2019 by Parramatta Council and DA/47/2018 by the Sydney Central City Planning Panel which included departures to the sun access development standard.

With regard to the abovementioned DAs and the proposed development, it is agreed that the resultant non-compliances will result in only a minor degree of overshadowing of the Parramatta Square solar protection zone, of which the overshadowing will be dappled. This

is in line with approvals for existing building and landscaping elements, as well as fixed public furniture within the protection zone.

The proposed variations are considered isolated, relevant only to the context of Parramatta Square and are considered reasonable given the design excellence and performance standard requirements of the proposed building, its importance in achieving an overall amenity and benefit to Parramatta Square, both in design and function. To this effect, the proposal is in the public interest.

5. *The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant does not challenge that the zoning is inappropriate or that the standard is unreasonable or unnecessary.

The proposal satisfies the first circumstance and as such it is considered that strict compliance is unreasonable and unnecessary in this same instance.

### **Requirement B) Sufficient Environmental Planning Grounds**

The decision in the Land & Environment Court case of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, suggests that 'sufficient environmental planning grounds' for a Clause 4.6 variation is more onerous than compliance with zone and standard objectives. The Commissioner in the case also established that the additional grounds had to be particular to the circumstances of the proposed development, and not merely grounds that would apply to any similar development.

In this case, the proposed development is significant both in its design but also its role and function as an iconic community facility and civic building. The following site-specific planning grounds are considered to be sufficient to justify contravening the standards:

- The civic spire element plays an important architectural role in the design of the building, creating contextual volume integral to the award of design excellence by the competition Jury.
- The building design, including civic spire element is linked to the cultural and strategic significance of this new civic building, which will house social and community interactions for the next generation of Parramatta residents and visitors.
- The building will also accommodate Council Chambers and some administrative functions of the City of Parramatta Council as the facilitator of the growth and development of the Parramatta CBD.
- The proposal, including the contravening building element, demonstrates an importance in repositioning Parramatta City as a regional City within Metropolitan Sydney aligning with its strategic significance at a district and regional planning level.
- The proposed overshadowing is minimal and temporary occurring over a limited time of the year (between 25 May and 21 July).
- As modelled on the winter solstice on 21 June, overshadowing impacts will be limited to occurring between 12 pm and 1.30pm at mid-winter, being the worst occurrence to a small proportion of the solar protection zone.
- The building design will ensure the overshadowing will not be solid and instead dappled, similar to that created across the square by proposed vegetation.

### **Requirement C) Public Interest**

The applicants written clause 4.6 request has provided an assessment against the objectives of the development standards and the objectives of the zone. Clause 4.6(4)(a)(ii) requires that the consent authority must be satisfied that the 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.

The proposal is considered to be consistent with the objectives of the development standards and zone for the reasons set out in the tables below and accordingly able to be supported by the consent authority.

**Table 12: Assessment of the proposal against the Clause 4.3 – Height of Buildings objectives**

<b>Clause 4.3 Objectives</b>	<b>Proposal</b>
<i>To nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,</i>	The proposed building design and articulated facades and roof form, including breaching elements, will ensure effective transition within the context of Parramatta Square and surrounding built form, including adjoining Town Hall, surrounding Leigh Memorial Church, St Johns Cathedral and proposed towers at 3PS, 4 PS and 6-8PS.
<i>To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i>	The breaching element is a lightweight open frame and as such minimises visual impact, disruption of views and loss of solar access. The height breach does not change the impact on the privacy of any adjoining or nearby properties or the public domain.
<i>To require the height of future buildings to have regard to heritage sites and their settings,</i>	The civic spire element is considered to make a a modern contemporary representation of spires on surrounding heritage items, including Leigh Memorial Church and St Andrews Cathedral. The proposed building, and spire provides a contemporary interpretation of a civic building and public domain, providing contrast to surrounding heritage items and their settings, including adjoining Town Hall.
<i>To ensure the preservation of historic views,</i>	The proposed development, including breaching elements will ensure the preservation of historic views, including views to St Johns Cathedral and Town Hall.
<i>To reinforce and respect the existing character and scale of low density residential areas,</i>	The site is not located within the vicinity of any low density residential areas and as such the breach is not considered to affect the character of those areas.
<i>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.</i>	The breaching element is a lightweight open frame and as such is considered to maintain a satisfactory level of sky exposure and daylight to the sun protection area.

**Table 13: Assessment of the proposal against the Clause 7.4 – Sun Access objectives**

<b>Clause 7.4 Objective</b>	<b>Proposal</b>
<i>To protect public open space in Parramatta Square, the Lancer Barracks site and Jubilee Park from overshadowing.</i>	The design of the breaching element is lightweight and open frame, resulting in dappled shadow to Parramatta Square, not dissimilar to that created by approved vegetation within Parramatta Square. As such it is considered to maintain a satisfactory level of daylight to the sun protection area.

**Table 14: Assessment of the proposal against Zone B4 Mixed Use objectives**

<b>Zone B4 – Mixed Use Zone Objectives</b>	<b>Proposal</b>
<i>To provide a mixture of compatible land uses.</i>	The development proposes a community facility with ancillary uses, being permissible uses within the zone. The proposed breaching building elements will not obstruct the proposals ability to provide a mixture of compatible uses both on the subject site and within the wider Parramatta Square precinct.
<i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>	<p>The proposed community facility and its ancillary uses are appropriately located to benefit from existing rail and bus transport facilities, as well as future proposed light rail.</p> <p>The proposed breaching building elements will not obstruct the proposals ability to integrate proposed uses with existing and proposed public and active transport facilities.</p>
<i>To encourage development that contributes to an active, vibrant and sustainable neighbourhood.</i>	<p>The proposed building façade is integral to the buildings ability to demonstrate design excellence, including breaching building elements – civic spire element. The articulation of the façade and roof line incorporating the civic spire is considered an integral component to the building design and its ability to provide a sense of scale, transition and activation of Parramatta Square.</p> <p>The lightweight design of the tessellated facade and spire, incorporating LED lighting, will add to the vibrancy and activation of the surrounding precinct. The breaching building elements will contribute to the buildings iconic design and its relationship to surrounding heritage buildings also incorporating spire elements.</p>
<i>To create opportunities to improve the public domain and pedestrian links.</i>	The proposed breaching building elements relate to the top of the building and will not impact on the proposals ability to provide opportunities to improve public domain and pedestrian link, particularly at proposed Parramatta Square, Civic Lane and Northern lane.
<i>To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.</i>	The proposed breaching building elements will not obstruct the proposals ability to provide Council facilities that play an essential role in the ongoing development of Parramatta CBD, providing the civic centrepiece for the City.

<b>Zone B4 – Mixed Use Zone Objectives</b>	<b>Proposal</b>
<p><i>To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.</i></p>	<p>The proposed development, including breaching building elements will ensure the continued importance of Parramatta Square and the surrounding area as a focal point for civic activity within the CBD.</p> <p>The articulated roof form, including civic spire will joining of the existing Town Hall building with the proposed Council facilities will provide a renewed and ongoing purpose for the Town Hall ensuring its relevance and function remains long into the future.</p>

### **Conclusion**

The submitted clause 4.6 variation requests sets out a compelling argument as to why flexibility should be allowed in the application of clause 4.3 and 7.4. It notes that:

- The proposed development seeks to play an important civic role in the Parramatta Square Precinct and the centre point for civic development and community engagement, and that the non-compliances will deliver greater benefits at both site-specific and strategic levels;
- The civic spire element plays an important architectural role in the design of the building as the pinnacle of the building and creates contextual volume integral to the award of design excellence by the competition jury, this being reinforced by the jury's comments on the proposal at its meeting of 20 September 2019. It further notes that the elements of the building which cast the offending shadows were highly regarded by the Jury and that from an urban design and design excellence perspective, strict application of the standard would adversely affect the quality of the development and the public realm.
- With the exception of the civic spire element, the bulk of the building envelope lies within the maximum height of building development standard and generates no shadow Impact on the surrounding public domain;
- The proposed overshadowing is minimal, temporary and transient as modelled on the winter solstice on 21 June, with very limited impact only occurring between 12pm and 1:30pm at mid-winter, being the worst occurrence.

The applicants written variation request demonstrates that the proposal is consistent with the objectives of the standard and the zone and that there are sufficient environmental planning grounds to justify contravening the standard in this instance. It also demonstrates that the proposal is in the public interest. Further, as per Section 8, minor breaches of the control have been envisaged.

Accordingly, it is considered that the clause 4.6 variation request is well founded and should be supported in this instance.

### **11.10 Social and Economic Impacts**

It is considered that the proposal will not result in any adverse social or economic impacts rather it will provide significant social and economic benefits to Parramatta including through the creation of a new iconic public building providing a public library, new Council Chambers, community meeting rooms etc. The proposal will also improve the usability of the existing Parramatta Town Hall and will provide additional employment and investment (both during construction and ongoing). It will also provide significant community benefits in the form of the proposed pedestrian connections (Leigh Place and

Northern Laneway). These are consistent with Council's vision for the area and will contribute to the achievement of Council's vision of establishing Parramatta as 'Australia's next great city'.

Council's Social Outcomes team has advised that the development has the potential to ensure benefits to the local and wider community by providing access to community infrastructure, activating the public domain, day and night, and bolstering Parramatta as the second CBD. The proposal is generally acceptable subject to a number of recommendations to be managed via advisory notes on the consent.

### **12.12 Waste Management**

Operational waste has been addressed in the Waste Management Plan submitted with the application. Council's Environmental Health Officer has provided advice that the proposal is appropriate in terms of waste subject to recommended conditions of consent. In this regard it is noted that appropriate waste facilities have been provided and that appropriate arrangements will be in place for waste collection via the Parramatta Square super basement.

In relation to demolition and construction waste the application notes that a waste management plan for demolition and construction works will be submitted prior to works commencing. A standard condition of consent is proposed in this respect.

### **12.13 Construction Impacts and Management**

A construction management plan has been submitted with the application which details site establishment works, public and property protections measures, environmental management measures (including noise, dust, odour, storage of dangerous goods, stormwater, contamination etc.) waste management, traffic and pedestrian management, construction sequencing and methodology etc. The plan is high level and sets out principles to be applied but not detailed construction arrangements, requirements etc.

Notwithstanding the submitted CMP, it is recommended that a detailed Construction, Pedestrian and Traffic Management Plan (CPTMP) be required as a condition of consent for approval by Council prior to the issue of the construction certificate. Subject to the implementation of an approved CPTMP and standard conditions of consent it is considered that the proposal will not give rise to any unacceptable construction impacts.

## **13. Site Suitability**

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

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

## **14. Submissions**

The application was notified consistent with Appendix 5 of DCP 2011.

No submissions were received.

## **15. Public Interest**

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

## **16. Development Contributions**

A monetary contribution to City of Parramatta will be required in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Parramatta City Centre S94A Development Contribution Plan (Amendment No. 4).

## **17. Summary and Conclusion**

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

## **16. Recommendation**

That the Sydney Central City Planning Panel (SCPP) as the consent authority:

1. Be satisfied that the applicant's written 4.6 request to vary both the height of building development standard and sun access development standard has addressed the matters required to be addressed under Clause 4.6(3) of the Parramatta LEP 2011, that sufficient environmental planning grounds exist and that the variation will be in the public interest as the development is consistent with the relevant objectives of the zone and development standard; and
2. Grant Deferred Commencement Consent for the application subject to the attached conditions of consent, to development application (DA) for DA/476/2019 for the construction and operation of a six (6) storey community facility extension to rear of Parramatta Town Hall; partial demolition and alterations to rear of Parramatta Town Hall local heritage item; 2 storey basement with connection to adjoining basement; partial demolition of existing external amenities block; tree removal; public domain and landscape works.