



ADDENDUM ASSESSMENT REPORT TO SYDNEY CENTRAL CITY PLANNING PANEL

Panel Reference	PPSSCC-20
DA Number	DA/476/2019
LGA	City of Parramatta
Proposed Development	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.
Address	5 & 7 Parramatta Square (Civic Place, Lot 8 DP 1252009, PARRAMATTA)
Applicant /Owner	City of Parramatta Council
Date of DA Lodgement	15 August 2019 Amended plans lodged 21 October 2019 and 1 November 2019
Integrated Development	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.
Number of submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	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
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • State Environmental Planning Policy 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 • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
Documents submitted with this report for Panel's consideration	Attachment 1 – Flood Risk Assessment Attachment 2 – Letter from Applicant accepting and justifying risk
Report prepared by	SJB Planning, independent consultant town planners to City of Parramatta Council.
Date of report	3 December 2019

1. Introduction

Subsequent to Council's recommendation report to the Panel dated 25 November 2019 the draft conditions of consent were forwarded to the applicant for their consideration.

In response, the applicant sought to satisfy the draft deferred commencement consent condition relating to flooding and requested modifications to several of the operational conditions.

After review, it is considered that the deferred commencement consent condition has been satisfied and thus can be removed subject to a slight revision to the operational conditions. All but two of the requested changes to the operational conditions were considered to be reasonable and have been adopted in the revised draft conditions at Appendix 1.

2. Draft Deferred Commencement Consent

In Council's recommendation to the Panel dated 25 November 2019, a deferred commencement condition was included requiring the applicant to undertake a flood risk assessment for the proposed habitable floor spaces at basement level, which are below the Flood Planning Level.

In response to the draft deferred commencement condition, the applicant submitted a Flood Risk Assessment (FRA) by Woolacotts Consulting Engineers (see Attachment 1).

The FRA uses a risk analysis matrix to classify various flood risks associated with the proposal. Risk level is determined by comparing the probability of an outcome with the severity of its consequences. For example, even if the likelihood of something happening is only 'possible', if the consequences of that event are 'catastrophic', the risk is deemed to be 'critical'.

Two such risks, structural failure of the building and floodgate failure, were classified as critical risks. However, subject to a raft of recommended risk mitigation measures, it was deemed that these risks, if properly managed, could be downgraded to high risks (i.e. the likelihood would become 'rare'). Such recommendations included, for example, ensuring the structure was built to withstand flood forces from the probable maximum flood event and regular checks/maintenance of the floodgates.

All but one of the other risks, which were originally classified as high, could be reduced to moderate risks with appropriate mitigation measures in place. However, the fire emergency risk would remain high.

The FRA was reviewed by Council's flood engineer and was found to be an acceptable assessment of risk. In summary, subject to all possible abatement measures, three of the risks would be classified as high.

Subsequently, the applicant was asked to justify the acceptability of such risk. The applicant submitted a letter (see Attachment 2) which states as follows,

"We as the future asset owner and tenant of the building recognise the content of the [Flood Risk Assessment] and acknowledge the level of risk identified. It is our position, given our ability to manage and implement the appropriate risk mitigation strategies that we are able to accept this risk to ensure the resultant community benefits from this facility are fully realised. Furthermore, we confirm that the ongoing cost burden of the risk mitigation strategies compared to the public benefit have been considered"

The public education and entertainment derived from the use of the basement, specifically the Discovery Centre, has a high public benefit. Given that there is high public benefitting accrued from the space, the high flood risks are considered to be justified. Further, the applicant has acknowledged that there will be additional ongoing costs associated with the mitigation measures which it will bear.

The originally proposed Flood Emergency Management Plan condition has been revised to include a requirement to include the risk minimisation recommendations included in the FRA. Subject to this revised condition it is considered that the deferred commencement condition can be deleted and the proposed basement use can be supported.

3. Draft Conditions (Other)

The applicant requested several amendments to the operational conditions of consent. Their requests and assessment are provided in the table below:

Condition	Request	Assessment
49	Deletion of condition which relates to requirements under the Water Management Act.	Agreed. It is not necessary to condition any requirements under other Acts of Parliament; they will still apply or not apply regardless of this consent.
62a	Deletion of the requirement that the thermal performance of the building exceed the minimum requirements in the Building Code of Australia by 10%.	Not agreed. The building is not assessable under NABERS Energy so cannot adopt the usual requirements to meet energy efficiency requirements of the Parramatta DCP. The applicant's proposal to only comply with NCC 2016 means only minimum regulation would be achieved. Design excellence is dependent on best practice energy efficient building design.
62b	Clarify that shading must be possible to all skylights, not that all skylights must be shaded at all times.	Agreed. This was the intention of the condition. The condition has been revised accordingly.
64a	Clarify that the 5-star Green Star requirements applies only to the new building, not to the existing town hall building.	Agreed. This was the intention of the condition. The condition has been revised accordingly.
64d	Deletion of the requirements that outdoor air ventilation rates must exceed the relevant Australian Standard by 50% as this cannot be achieved under the current design. Changes such as increased plant space and larger louvres would be required, which could have detrimental impacts on design.	Compromise. The condition has been revised to include the qualification, " <i>or as much as is practicable within the approved plant envelopes</i> ".
145	Revise ancillary use restriction to allow the café to be operated by an external contract.	Agreed. It is considered that the café use can still be considered ancillary to the primary use if the operation is delegated to an external contractor.
148	Delete condition restricting use as a Place of Public Entertainment.	Agreed. 'Place of Public Entertainment' is no longer defined under legislation. Separate approval required regardless for any liquor licensing

151	Modify signage restriction condition to allow some signage.	Not agreed. No explicit request for signage approval, other than a signage zone, was included in the application. A future application will be required for any signage.
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As such, all but two of the recommended revisions to the condition are considered to be acceptable. Revised draft conditions of consent are included at Appendix 1.

4. Conclusion

Subject to receipt of the FRA, and assurance from the applicant that the uses provide a high *public* benefit, it is considered that the level of flood risk is justified. As such, the previously proposed deferred commencement consent can be deleted and the recommendation revised to a standard operational consent.

Some minor variations to the conditions of consent, as requested by the applicant, have been adopted in the revised draft consent notice.

5. Revised 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 Cause 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 Consent for the application subject to the attached revised 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.