



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-279
DA Number	DA/722/2021
LGA	City of Parramatta Council
Proposed Development	Demolition of the existing structures, tree removal, and construction of a mixed use development over two levels of basement car parking with retail premises on the ground floor and 273 residential apartments on the levels above pursuant to the SEPP (Affordable Rental Housing) 2009. The development is Integrated development pursuant to the Water Management Act 2000 and the Fisheries Management Act 1994. The application will be determined by the Sydney Central City Planning Panel.
Street Address	10-12 River Road West
Applicant/Owner	K Hodgkinson/ Sonenco Apartments Pty Ltd
Date of DA lodgement	4 August 2021
Number of Submissions	One submission
Recommendation	Refusal
Regional Development Criteria (Schedule 4A of the EP&A Act)	General Development Over \$30 Million Cost of Construction proposed = \$77,812,616.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy (Resilience and Hazards) 2021.• State Environmental Planning Policy (Biodiversity and Conservation) 2021.• State Environmental Planning Policy (Affordable Rental Housing) 2009.• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.• State Environmental Planning Policy (Transport and Infrastructure).• State Environmental Planning Policy (Planning Systems) 2021.• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.• Parramatta Local Environmental Plan 2011.
Report prepared by	Sohini Sen, Senior Development Assessment Officer
Report date	15 June 2022

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards	Yes
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Not Applicable
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Not applicable

1. Executive Summary

This report considers a proposal for demolition of the existing structures, tree removal, and construction of a mixed use development over two levels of basement car parking with retail premises on the ground floor and 273 residential apartments on the levels above, landscaping and ancillary public domain works.

Assessment of the application against the relevant planning framework, consideration of matters by Council's technical departments and external departments has identified several issues of concern. These concerns relate to insufficient information relating to landscaping, proposed floor levels to meet flooding requirements, urban design and public domain.

The application is therefore unsatisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Refuse the development proposal subject of this application, due to the reasons contained in the Assessment Report.

2. Key Issues

- Flood planning levels.
- Urban design and interface with the public domain.
- Insufficient landscaping details.

3. The Site and Surrounds

The site is known as 10-12 River Road West, Parramatta and comprises two irregular allotments (Lot 1 DP 190771 and Lot 1 DP 201664). The site has a total area of 8,281m² (including the foreshore area) and 6,289m² (excluding foreshore area).

The site is located on the northern side of River Road West, approximately 150m from the intersection of James Ruse Drive to the east and 300m from the intersection with Hassall Street to the south.

Existing development on the site includes a single storey brick building, three temporary mobile offices and outbuildings on No. 10 River Road West. No. 12 River Road West is currently vacant and has contains four trees.

The site is located within a mixed use zone on the foreshore of Parramatta River and is in close proximity to Parramatta CBD, located approximately 1.5km to the west of the site.

The site is located adjacent to River Road West industrial employment precinct. The precinct is currently in transition, with older style industrial buildings replaced by large development, constructed in more recent years.

The site is serviced by a number of facilities and services within walking distance that would cater for the future population. In addition to the Parramatta CBD, the site benefits from a range of large public open spaces and other recreational facilities in the locality such as Rosehill Bowling and Recreation Club and the Rosehill Racecourse. Educational facilities in the locality include Western Sydney University and Rosehill Public School. The Rosehill local centre is in close proximity to the site, located just off James Ruse Drive, in conjunction with a petrol station and fast-food outlets.



Figure 1: Aerial map with subject site outlined in yellow (Nearmap)

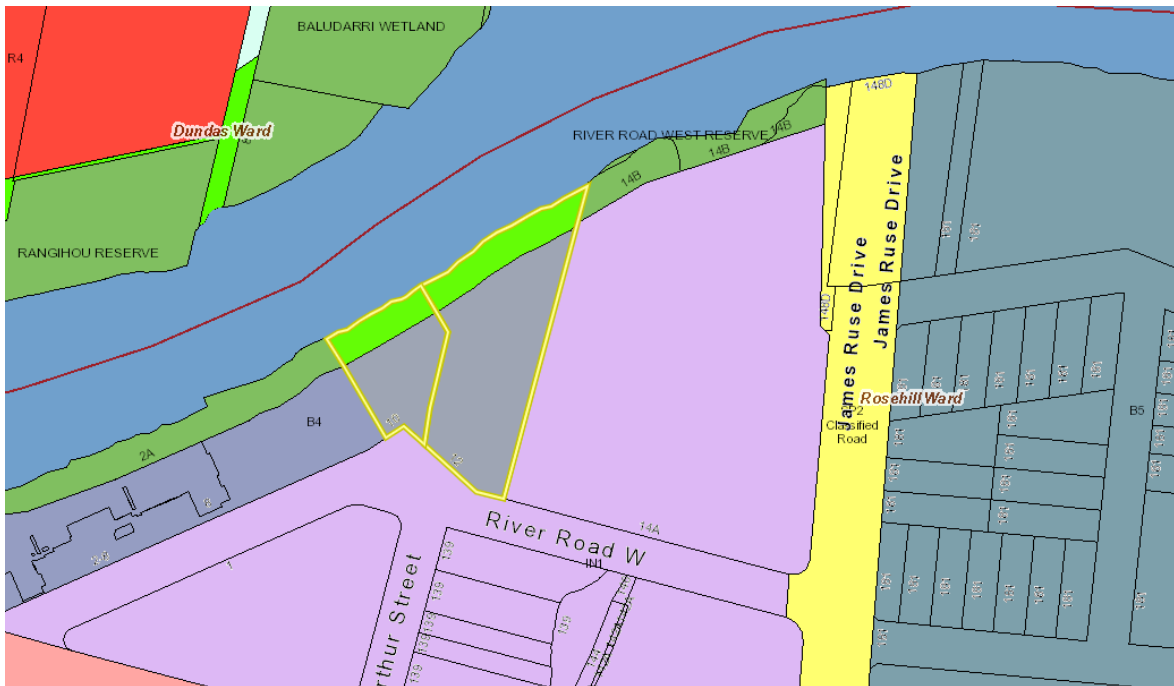


Figure 2: Zoning Map (LEP 2011)

4. Development History

Planning Proposal

On 23 April 2012, the Council endorsed a planning proposal for 2-12 River Road West, Parramatta which included the following:

- Rezoning the land from IN1 General Industrial to part B4 Mixed Use and part RE1 Public Recreation zone.
- Permit a maximum building height of 40m.
- Permit a maximum FSR of 3.3:1.
- Regularise the foreshore building line to 15m measured from the mean high water mark.

The planning proposal was gazetted by the Department of Planning, Industry and Environment (DPIE) and a site specific DCP endorsed by Council. The amendments came into effect in May 2013.

A Voluntary Planning Agreement (VPA) was also entered into with the following terms:

- Dedication of land as public land along the Parramatta River foreshore.
- Payment of a monetary contribution of \$525,000.
- Payment of a security amount to Council.
- Works to be undertaken by the development including
 - Weed removal, revegetation and embellishment of land for open spaces along the river foreshore.
 - Protection and upgrade of the riverbank and seawalls.
 - Construction of a through site link connecting River Road West to the river foreshore.
 - Any remediation works that may be required for the site.

Pre-lodgement Meeting

The proposal was considered by Council at a pre-lodgement meeting on 21 August 2019 (PL/97/2019).

The key issues raised by Council relates to flooding, urban design and planning. While the proposed mixed-use development has taken some of the matters raised into consideration, flooding and urban design issues remain unresolved and form part of the reasons for refusal for this application.

5. The Proposal

The subject Development Application seeks development consent for demolition of the existing structures, tree removal, and construction of a mixed use development over two levels of basement car parking with retail premises on the ground floor and 273 residential apartments on the levels above, landscaping and ancillary public domain works.

The proposed development includes the following components:

- Demolition of existing structures.
- Construction of three 14 storey mixed use buildings comprising:
 - 1,089m² of retail floor space located on the ground floor.
 - 284 car parking spaces located over two basement levels.
 - 273 residential apartments (60 x 1-bedroom; 184 x 2-bedroom; and 29 x 3-bedroom apartments) located over three buildings A, B and C.
- Site works and landscaping.



Figure 3: 3D perspective of proposed development as viewed from Parramatta River (PTI Architecture)

The development has a total gross floor area of 24,904m² and includes 12,452m² of affordable housing and 1,089m² of commercial floor area. The proposed building height is 44m.

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

Amended architectural plans were submitted with the following changes:

- Clarification on land to be dedicated under the VPA and additional detail within this area.
- Amended ground floor layout.
- Elevations amended to provide separate building entry identities.
- Revised façade design.
- Internal reconfiguration of bedroom doors in 2 and 3 bedroom apartments.
- Raised retail floor levels at the rear.

Other amended documentation submitted includes:

- Revised Landscape Plan.
- Revised Civil Works Plans.
- Revised Stormwater Plans.
- Revised Public Arts Plan.
- Amended Traffic Report.
- Amended Geotechnical Report.
- Ecology Vegetation Management Plan.
- Aquatic Ecology Impact Assessment.
- Revised Acoustic Report.
- Flooding response.
- Revised Access Report.
- Planning statement clarifying affordable housing provision.

The amended plans and documentation are the subject of this assessment.

6. Referrals

The following internal and external referrals were undertaken:

<p>Design Excellence Advisory Panel</p>	<p>The Design Excellence Advisory Panel made the following comments in relation to the scheme:</p> <p><u>Site Context</u></p> <p>This is a significant scaled development on the Parramatta River offering panoramic district views and a contiguous foreshore promenade and parklands. Prominently located on the axis of Arthur Street and linked by the parklands to the proposed Alfred Street pedestrian cycle bridge, the site was also once part of the historic Elizabeth Farm Estate. As a riverfront site, it may have Aboriginal archaeological potential. It may also have historical archaeological potential. The opportunity to create a development with a unique 'sense of place' should be uppermost in the development aspirations for this iconic site. The Panel recommends further refinement of the architecture, public domain and landscape design, as well as the integration of site wide interpretive opportunities to achieve these goals.</p> <p>The Panel supports the general siting configuration of the three buildings, Nevertheless, it is of the opinion that the contextual analysis should be expanded to address existing and local pedestrian routes and desire lines, taking into consideration the through - site links to the riverfront, site permeability and potential links to future developments to the east.</p>
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Further consideration should also be given to the design of the site frontage, location of street trees, and the seamless integration of footpath alignments with existing and future developments on the adjacent sites

River context

The Panel commends the continuation of the adjacent foreshore parkland but is concerned that the development's potential impacts on the foreshores of the Parramatta River have not been fully addressed and incorporated in the Landscape and Public Domain Plans.

There is a lack of information on the foreshore setbacks, retention and protection of the existing mangroves, the impacts of the construction of the stone revetment wall and the obligations associated with the restoration and management of the riparian zone highlighted in the "*Vegetation Management Plan and River Foreshore Restoration and Rehabilitation Strategy*" prepared by Land Eco Consulting.

The Panel considers these design and management aspects to be critical to design excellence. Best practice landscape design and environmental measures are expected, not just a repetition of what has been undertaken at the adjacent site.

The 15m foreshore setback line should be clearly shown on the landscape plan and strategies addressing public safety, universal access, lighting and maintenance should also be incorporated. Provision for adequate shade along the public pathway is also required.

The distinction between the private and public open spaces within the foreshore set back zone should be made clearer - either through the manipulation of level changes, planting definition or changes in material.

The Panel also recommends the following considerations in relation to improving the contextual landscape design:

- Create a more informal stone embankment and walkway experience including incorporation of informal casual stone seating instead of the formal seating bays currently proposed.
- Consider the integration of appropriate public art and celebrating first nation backgrounds along the river edge.
- Integrate the recommendations of the overland flow and WSUD strategy to capture and treat runoff before draining into the river.
- Provide additional site cross sections of the waterfront parkland and public domain to clearly indicate setback zones, riparian zone treatments, level changes and wall treatments consistent with the recommendations of the Land Eco Consulting report.
- Provide clear landscape objectives and safeguards relating to the river and site wide design considerations.

Built Form and Scale

The Panel notes that as a result of the 10% Affordable Rental Housing bonus FSR, the proposed 14 storey height results in a departure from the DCP/LEP height limit, and subject to addressing the issues and recommendations by the Panel these increases could be supported.

Although the three towers have different footprints and orientation on the site, their repetitive form and nature of the elevations tend to exacerbate the overall bulk and scale of the development. The Panel recommends greater variation in the finishes and elevational treatment to mitigate these impacts, together with consideration of points noted below:

- Typical floor to floor heights are only 3m and should be increased to 3.15m to satisfy ADG.
- The overbearing appearance at ground level should be reviewed, with consideration of a more recessive Level 1 that could be incorporated into a podium expression for Buildings A and C with river frontage expression more responsive to the earlier stages further west.
- Scope for more colour variation within the palette would reduce the sameness of elevation expression.
- CGI imagery should be extended to show how integration of the design intent has taken account of the adjacent developments.

Building Setbacks

The Panel notes the amended 6m setback (DCP 12m) on the western boundary, which provides the opportunity to strengthen the width of the public domain and view corridor along the Alfred Street axis. (Refer also Item 5 Public Domain and Landscape). The Panel queries the extent of paving around the base of the building along this western boundary and recommends increasing the area of permeable landscape surfaces such as turf or planting.

Public Domain and Landscape

The Panel supports the activated ground floor uses and foreshore parklands.

The arrival and central public domain, however, is dominated by the paved shared car/ pedestrian zone and turning circle, compromising pedestrian safety and the opportunity to unify the development on the ground plane.

The space is lacking in substantially sized trees and the safe public pedestrian route from River Road West and Arthur Street to the waterfront is along the under crofts of the proposed buildings. Larger service vehicles are also required to share this space.

The Panel is of the opinion that the central public domain and landscape design should be substantially improved to create a vibrant, green and attractive communal space for residents and visitors to the site.

The Panel recommends the following:

- The southern end of the central public space should be redesigned as a public street with clearly defined

landscaped zones for safe pedestrian circulation to the building foyers and waterfront. It should be appropriately landscaped and sign-posted, with materials that clearly distinguish between shared and dedicated zones.

- The entry and turning circle are currently biased towards vehicular rather than pedestrian traffic and is designed for heavy rigid vehicles. This roadway configuration should be redesigned to minimise the visual and amenity impacts and pedestrian conflicts, including consideration for narrowing the roadway and moving the turning circle and drop off zones closer to the south. Constraining the use to medium sized rigid vehicles for servicing only would also open up more design options for the space.
- The redesigned central space should be lined with medium to tall street trees, commensurate with the scale of the buildings on either side. The current planter boxes, which are partly under the building and interrupted by the large building columns, do not adequately frame the space and do not provide any protection from the anticipated wind tunnel effects along the axis. The appropriate planters and soil volumes should be provided to ensure the long term survival of the trees.
- There appears little logic to the way the existing pathways, planter boxes and turf areas have been configured in the northern central space and in how the axial space is framed and terminated.
- The northern end should be reconfigured to provide a more unified open space and a more contiguous pedestrian connection between buildings A and C.
- The grass area should be enlarged, and its shape should not reinforce that of the turning circle (dominance of the vehicle).
- The Panel is concerned that there is no provision for an open grassed area for informal ball games in such a substantial development and every effort should be made to make the grass areas as large as possible.
- In designing the planting in this area, consideration should be given to integrating the green canopy link of the river landscape and drawing it into the development, modifying the species mix to suit.
- This area should also incorporate seating and a children's playground to enhance the site amenity and shared sense of community.
- The playground could be imaginatively designed to incorporate local themes and the river history and be in close proximity to adjacent café or food related retail that enables easy surveillance.

Other considerations

The Panel supports greater flexibility in the use of the ground floor communal spaces and suggests that the strata room could also function as a flexible indoor activity and/or shared work-space zone for residents.

Consideration to be given to improving pedestrian connectivity to the future development to the east, midblock in the vicinity of the service bay (substation to be relocated) and to the north of Building C.

Ensure consistency between the architectural plans and landscape plans.

The constraints of the flood and overland flow paths were not discussed in detail. These should be more clearly identified and explained in the landscape / public domain plans.

Further clarification is required of ESD initiatives and if the deep soil provisions have been met.

Roof gardens and terraces

The Panel notes that there are some apartments with large terraces which are intended to be landscaped by the owners. All such terraces should be provided with hose-cocks and opportunities for incorporating irrigation.

The design of the communal roof terraces on Level 13 on each building should be further developed including appropriate locations for BBQs, seating areas for mixed groups, appropriate planting and climbers up the pergolas.

Building Amenity / Design of Units

Unit planning requires some further design resolution and details:

- Locations of Services, condensers, downpipes should be provided for and indicated on plans and typical larger scaled cross sections (1:20 scale) provided to confirm façade detailing.
- Locations of condensers should be considered in relation to heat and noise emission as well as visual impact and must not be visible on balconies as has occurred in the earlier stages of development to the west.
- Bedrooms directly opening on to living rooms should be avoided in 2 or 3 bedroom units to address privacy issues.
- Ceiling fans should be incorporated as a passive energy choice for residents.
- Incorporation of photovoltaic solar panels is recommended for power to communal use areas.
- Rainwater capture should be integrated in the design of the roof and where possible utilised for communal landscape irrigation.

Public Domain and Landscape Plans

The Panel supports the siting configuration of the buildings but recommends substantial improvements to the public domain and landscape in order to create a desirable waterfront destination and enhance the landscape setting of the buildings provide a safe and connected public pedestrian realm improve the recreational and landscape amenity of the development for the residents and visitors reinforce the site's relationship to the river and its past history.

Integrate best practice methods to meet the environmental challenges and obligations presented by the site and the riverine environment.

	<p>The Panel requests additional landscape plans, texts and, in particular, site cross sections and details to amplify the above objectives and recommendations and ensure compliance with relevant statutory requirements.</p> <p>Assessment of the site's Aboriginal and historical archaeological potential is needed, and together with background on early European settlement might provide potential inspiration for preparation of an Arts Plan that would be expected for such a site.</p> <p>Planning Comment: Amended plans were received by Council following the issue of the Design Excellence Advisory Panel comments. The amended plans were reviewed by Council's Urban Design Officer and their comments are provided within this table.</p>
<p>Catchment and Development Engineer</p>	<p>Not supported.</p> <p><u>Stormwater</u> The stormwater is generally acceptable and OSD is not required because of proximity to the river. The discharge into Parramatta River must satisfy Council's Open Space and Natural Areas Officer's comments. The Stormfilter tank appears to have very limited and unsafe maintenance access. Overall, the stormwater including WSUD can be conditioned.</p> <p><u>Flooding</u> The driveways to the basement have a crest at the flood planning level (RL 5.660m AHD) which is as required. Flood gates, doors etc will be needed above this to the PMF level which are shown on the latest plans and can be conditioned as needed.</p> <p><u>Ground floor levels</u> The Applicant's flood consultant Cardno has replied to Council's previous requests for amendments and further information by letter dated 7 April 2022 filed at D08486573.</p> <p>Council noted that the Flood Planning Level was RL 5.66m AHD being 500mm freeboard above the 1% AEP flood level adopted by Council (RL 5.16m AHD).</p> <p>Council had required (30/11/2021): <i>Please require the Applicant to submit amended ground floors (and other floors as necessary) showing all internal retail floor space and habitable rooms have a minimum finished floor level of RL 5.66m AHD. This includes café restaurant, retail and the like lobbies and lift lobbies, but does not include plant rooms, loading docks, waste facilities etc. Outdoor cafes, outdoor retail etc are not included in this requirement.</i></p> <p>The Applicant's consultant advised: <i>The ground floor retail outlets in Building A, B and C have all been amended (refer Drawings 16C, 19C and 22C in Annexure A). Based on streetscape considerations the front portion of the ground floor retail levels where only furniture will be located will be left at street level to achieve an active frontage. (Cardno 7/4/2022).</i></p>

Council does not accept this position which results in substantial parts of the ground floor being over 1 metre (RL 4.6m AHD) below the Flood Planning Level (RL 5.66m AHD) and thereby subjects occupants to significant risk of harm from flooding.

Council recognised that this increased floor level would need to be addressed for urban design aspects and set the following requirement:

Details of the level changes outside of the buildings necessary to achieve this level change are also required and this will likely have Urban Design implications.

The Applicant did not respond to this requirement and instead stated:

The floor level of the rear portion of each retail outlet has been raised to 5.66 m AHD. The complying rear area is where equipment and “back of house” operations will be housed. It is considered that this approach complies with the intent of this requirement while also achieving active frontages for the retail outlets. (Cardno 7/4/2022).

In Council’s view this does not comply with the specifics or ‘intent’ of this requirement and, as noted above, unnecessarily increases the risks to occupants.

Shelter in Place Flood Refuge

Council expressed concern about the floor level of the shelter in place refuge being above the adopted river Probable Maximum Flood level (RL 9.4m AHD).

Council stated (30/11/2021):

The proposed shelter in place refuge(s) must be at the PMF level or higher (RL 9.4m AHD) but appear to be at the level of RL 8.60 m AHD. This needs to be clarified together with locations and details of the design, capacity, equipping, provisioning and permanent operation of the SIP facilities in each building

The Applicant’s consultant responded as follows:

As is clearly discussed in Section 3.4 Temporary Flood Refuge – 10-12 River Road West in the FERP dated 27 November 2020, the flood refuges are located on Levels 2 and 3 above the PMF level. This is further demonstrated in Drawings 16.2 C, 19.2 C and 22.2 C in Annexure A. As also described in Section 3.4, shelter-in-place flood refuge is proposed in flood refuge areas and corridors on levels 2 and 3 within each building in the proposed development. a toilet and wash basin are located in each refuge area. the proposed total refuge area is summarised in Table 3-1.

As the PMF is RL 9.4m AHD the flood refuges on Level 2 are too low at RL 8.6m AHD they do not satisfy this requirement. Only the areas on Level 3 (RL 11.60m AHD) in buildings A, B and C is above the PMF.

The flood refuge areas on Level 3 are *not* provided with a toilet or washbasin and so do not meet reasonable SIP requirements.

Area provided for the Flood Refuges.

The Applicant's consultant has proposed 2m² per person based on calculations and information from other sources such as BCA and FEMA. The number of Persons at Risk is derived from the number of people said to be *directly* or *indirectly* at risk.

The consultant has advised that Persons at 'Direct' risk are those persons working or living on levels *below the PMF* while Persons at 'Indirect' Risk are those persons working or living on levels *above the PMF*. (Cardno 7/4/2022).

This results in:

Building A Persons at Direct Risk 22.5, Persons at Indirect Risk = 162.1

Building B Persons at Direct Risk 16.3, Persons at Indirect Risk = 140.4

Building C Persons at Direct Risk 25.3, Persons at Indirect Risk = 170.0

There is not an established methodology for making this calculation, but this method appears reasonable at this stage.

Based on the consultants' calculation of the number of persons at direct risk x 2m² per person this results in:

Building A refuge area = 45 m².

Building B refuge area = 33 m².

Building C refuge area = 51 m².

In determining the adequacy of the refuge areas, the consultants have divided the refuge clientele into two - half for level 2 and half for level 3. This would mean half the population seeking refuge according to the consultants would be located below the PMF. The other half would not have a toilet or washbasin. Neither situation is satisfactory, nor acceptable to Council.

For Building A = 45m² is required and 32m² is provided on Level 3.
For Building B = 33m² is required and 8m² is provided on Level 3.
For Building C = 51m² is required and 16m² is provided.

This leaves a total shortfall for the three buildings of 13m² + 25 m² + 35m² = 73m², a shortfall which is equivalent to 36 people seeking refuge elsewhere (e.g., in the corridors). Council does not accept the provision of sufficient refuge area is adequate and none of the three refuges above the PMF have toilets or wash basins.

Design and enclosure of the refuge areas.

The drawings point to the refuge areas with the note 'covered flood refuge area'. This appears to indicate that the refuge area is a covered balcony open in the front (where there is some planting). In that case the refuge is very exposed to the weather – which in the storms envisaged would be extreme. Council does not accept the refuge should be open on one side and occupants exposed to the weather.

Duration of stay in the refuge

The Applicants' consultants have sought to reduce the duration of stay and questioned the 72 hours specified by Council. On review, Council does not support reducing the length of stay in the refuge

	<p>below 48 hours based on advice from SES and analysis of flood patterns, the likelihood of multiple storm bursts over several days and the chaos and destruction that would characterise the city after such extreme floods. The refuge designs do not provide adequate duration of stay for occupants.</p> <p><u>Equipment and provisioning of the refuges.</u></p> <p>The Applicant has made no comments about how the three flood refuges will be furnished, equipped and provisioned – in perpetuity. These facilities will be vitally important for a substantial number of people, and it is important that these measures are identified as part of the Flood Emergency Response Plan and the DA. There are no details about how the three flood refuges are to be furnished, equipped provisioned and managed in perpetuity.</p>
<p>Tree and Landscape Officer</p>	<p>Insufficient Information submitted. After review of the amended plans submitted by the applicant, Council's Tree and Landscape Officer requested the following additional information.</p> <ol style="list-style-type: none"> a) The landscape documentation does not currently demonstrate how the soil volume will be provided. It is recommended that a slab set-down be incorporated in this area to allow uniform level from the street through to the deep soil areas adjoining the foreshore. A soil plan is required for all landscape levels to show soil depth and any proposed raised planters or slab-setdowns. b) Soil volume proposed within the tree pits is inadequate. Incorporation of tree planting along the proposed central street is to be in contiguous tree pits as opposed to small, isolated planters. Soil volume for all to be provided to meet the Apartment Design Guide (ADG). c) Sections through the tree pits and planters supporting the trees and shrubs at both ground level and podium level are required to show the soil volume, soil profile and soil depth meet the prescribed soil standards as stated in "Apartment Design Guide – Part 4, 4P Planting on Structures – Tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015). Refer to the guide for soil volume m3 and soil areas; <ul style="list-style-type: none"> • Typical tree planting on structure to show overall 800-1000mm soil depth. • Typical shrub planting on structure 500-600mm soil depth with a minimum 600mm width; • Typical turf planting on structure 200-300mm soil depth. <ul style="list-style-type: none"> • Tree detail to be updated to reflect actual rootball size and proposed growing/soil conditions. • Proposed tree species planting to be revised to reflect available space above ground. For example, replace the trees proposed within the central street to a larger specimen such as <i>Lophostemon confertus</i>, <i>Syzygium luehmannii</i>, <i>Waterhousia floribunda</i>. • Replace and/or relocate/re-space the large species proposed along the eastern boundary such as <i>Melaleuca quinquenervia</i> and <i>Alphitonia excelsa</i> with a medium-sized tree appropriate for the narrow space available above ground.

	<ul style="list-style-type: none"> • Replace the 5 no. proposed street tree species with a larger specimen such as <i>Melaleuca quinquenervia</i>, <i>Lophostemon confertus</i> or <i>Syzygium luehmannii</i>. • Ensure all trees are planted at minimum distances of two (2) metres from any drainage line and a minimum setback of 3.5m to the outside enclosing wall or edge of a legally constructed building or proposed development (unless in a treepit or planter). • Sections 1 to 4 are missing and are required in the amended drawings. • <i>Glochidion ferdinandi</i> is repeated within the planting schedule. • Ensure total plant quantities and codes relate to the planting schedule. • Ensure proposed planting responds to the solar orientation of the landscape spaces. • Increase the proposed tree species to a minimum 100L container size.
Open Space and Natural Areas Officer	<p>Supported, subject to conditions of consent. It is noted that updated Biodiversity Development Assessment Report does not require the offset of biodiversity credits due to the low vegetation integrity score.</p>
Open Space and Natural Areas Officer (Foreshore Area)	<p>Insufficient information submitted. Council's Open Space and Natural Areas team supports the proposal in principle however has requested additional information as follows:</p> <ul style="list-style-type: none"> • This DA is subject to a VPA that includes dedication of the foreshore zone, being approximately 15m wide (as per Voluntary Planning Agreement (VPA) - Schedule 3). • Lighting should be restricted to the pathway to facilitate a safe path of travel whilst minimising light spill into the ecologically sensitive river riparian corridor to prevent disturbance of bat and migratory bird foraging and roosting habitat. • Robust DDA compliant seating to be provided at regular intervals along the foreshore pathway to ensure accessibility for people with reduced mobility that may be unable to access terraced embankments (to be in accordance with the Parramatta Public Domain Guidelines) • Consolidated finish to be provided between terraces to minimise ongoing maintenance requirements i.e., top-up and erosion potential during high flood events • Land dedication boundary to be clearly shown on landscape plans and sections to demonstrate appropriate edge treatment to define public / private land. • Sea level rise and subsequent effects due to ferry movement/wash need to be considered for the foreshore terracing zones. Steps and horizontal ledges can potentially kick wave action up catching unsuspecting users by surprise and possibly washing into the river. • Landscape plans are required to be updated to identify:

	<ul style="list-style-type: none"> - seating and light pole locations and types - paving finishes - land dedication boundary <ul style="list-style-type: none"> • The Vegetation Management Plan provides for a 3-year maintenance period following the completion of construction. Council understands that this will commence following practical completion and is to be the responsibility of the applicant are required under the VPA. Confirmation of the maintenance period is requested following the practical completion of works. • The location of the proposed new stormwater outlet will direct flows into existing mangroves potentially impacting their ongoing health and viability. This should be relocated to the erosion scarp in accordance with the Aquatic Ecology Impact Assessment recommendation to mitigate any potential loss of mangroves.
Heritage Advisor	<p>Supported, subject to conditions of consent.</p> <p><u>Historic View Corridors</u> Appendix 2 figure A2.1.1 of the Parramatta DCP 2011 identifies the “historic view corridors” which are largely premised on the visibility of “marker” trees such as Araucarias (e.g., hoop and bunya pines) which were typically planted by prominent landholders in the mid-late 19th century following their propagation and dissemination by Sydney Botanical Garden superintendents Bidwill and Moore.</p> <p>An analysis of the potential impact of the proposed development reveals that there will be no impact of the anticipated buildings on these views.</p> <p>Additional information including the submission of a heritage interpretation strategy and an exploratory monitoring test excavation strategy is required to be submitted and has been addressed via conditions of consent.</p>
Urban Design (Public Domain)	<p><u>Pedestrian Access</u></p> <p>Streets to River – North-South: <i>The central public domain connecting Arthur Street with the river foreshore must be publicly accessible 24/7. It accommodates a vehicular drop off area, located approximately at the centre of the space. This serves to give a clear address to all three buildings.</i></p> <p><i>The central public domain should be designed as a public street, a vehicular lane, able to support the load of heavy vehicles, but pedestrianized (shared way where pedestrian have the right of way). It should be named, signed, and designed with a commonly understood street-based palette of elements and materials, which may include the rhythmic repetition of trees in set down slab, low level lighting, and benches. The landscape design and tree planting should reinforce the view corridor to the river.</i></p> <p>The central public domain / proposed central street needs more thought than presented in the current iteration. The access should read as a public link/ shared lane to the foreshore. At this moment,</p>

it reads more as a private road. Materials like granite should be proposed for this area to distinguish it from an asphalt road and to enable it to read as a shared lane.

Please refer to the section on shared zones, pedestrian lanes in the Parramatta Public Domain Guidelines (PPDG). It should have pedestrian lighting to AS standards to provide safe 24/7 access using without reflecting into residential properties It should have equitable access using graded walkways of no steeper than 1:20, limited use of ramps (if imperative) and/or a 24/7 clearly visible publicly accessible lift service within the building structure. The proposed trees should be in set down slabs and planters to encourage and sustain large canopy trees generally consistent with the ADG requirements of minimum soil volumes. The pedestrian space should be minimum 3 m wide. At present the building columns and the raised planters are hindering this space and these planters are not supported. The planters should be thought more in detail.

Mid-site – to East:

The mid-site connection to the adjacent site to the east has been provided as per previous comments, however it has not been worked out very well and needs more thought for it to be a pedestrian and access friendly connection. The footpath provided is too narrow and it is further hindered by the building columns. It needs to be worked out to have a minimum clear width of 3 m. Softscape around the link is encourage rather than the current proposed service bay.

Public Domain & River Frontage / Foreshore setback (land dedicated to Council of approximate width of 15m to the length of the property boundary, under the VPA). The currently submitted plan delineates the boundary between public and private space, as previously directed, with the foreshore footpath. This footpath must be minimum 3 m wide and must join seamlessly to the existing river foreshore footpaths on either side of the property boundary.

As previously advised, mass planting areas and turf areas could be the elements that define the boundary and separate public and private lands. This definition is also essential for reasons of public safety and to define the future maintenance boundary when the foreshore is dedicated to Council.

As previously advised, it is not acceptable for built elements such as ramps and retaining walls to extend into the public domain. They are to be accommodated within private lands.

Details of furniture within the through site link and the foreshore (design to be presented in coordination with Council's Open Space and Natural Resources team) including seats, picnic tables, bike racks and other furniture have not been provided and should be submitted as part of the amended public domain plans.

Construction and revegetation of the foreshore area dedicated to Council should be done in accordance with direction provided in the Ecology Vegetation Management Plan, The Ecology

Biodiversity Development Assessment and the Aquatic Ecology Impact Assessment submitted to Council and as per directions by Council's open space and natural resources team, an as agreed in the VPA.

DDA compliance should be considered for majority of the furniture including accessible picnic tables and seating with armrests. These plans will have to be assessed and supported by Council's Open Space team and the Civil Assets team.

Vandal resistant furniture fixtures in accordance with the PPDG should be used and details should be submitted to Council.

Updated plans should include information regarding paving finishes. The Parramatta DCP 2011 requires that lighting in any future development to be designed to minimise light spill into the ecologically sensitive river riparian corridor to prevent disturbance of bat and migratory bird foraging and roosting habitat. This would apply to the lighting within the development, the through site link and the foreshore area dedicated to council.

Deep Soil

30% of the lot area is required to be deep soil as per the Parramatta DCP. Deep soil is defined as 'a specified area of the development site, not covered by an impervious surface, that allows water on the site to infiltrate naturally to the groundwater and allows for the future provision of mature vegetation.' Minimum dimensions for deep soil are 4m x 4m. Area dedicated to Council under the VPA cannot be considered for deep soil requirements of this lot. Applicants are requested to consider this point and present a revised scheme to suit.

Street Frontage

Pedestrian site entries should read as public entries and buildings should have a street address. This is still not evident from the current design. Pedestrian entries need to clearly identify with the central public domain, the proposed Central Street. The proposed footpath alignment should match other existing developments to the west of the site and future redevelopment to the east. The footpath to the southern frontage to the site should be a minimum 1.8 m wide.

East Setback

Information has been provided regarding the proposed landscape treatment in this setback. However, Council's Catchment Engineer has provided feedback that the development has not been designed to 100-year flood levels which would result in impact of flooding risks to the residents.

Landscape Plans

Seating-height planter have been incorporated in the landscape plan including the Central Street, however, Public Domain is not in support of that proposed. Set-down slabs and planters are encouraged to sustain large canopy trees consistent with the ADG requirements of minimum soil volumes. Currently proposed planters divide the space unnecessarily. Instead consider trees in

	<p>set-down slabs to read as planted in ground, with seats and other street furniture proposed to enable reading the central street as a public space.</p> <p>There need to be minimum 20 large trees in the front and rear setback of the development.</p> <p>The communal open space calculations include the Central Street and except for the playground, these spaces should be excluded from the communal open space calculations as most of the space is circulation for the retail component at the ground level.</p> <p>Deep soil needs to be provided at the west and south frontage of the site to support the growth of large trees to provide screening of the building from the street.</p> <p>Existing trees on the site and within public domain, that will be affected by the development, have not been documented in the landscape or architectural plans. An Arborist report should be submitted, and information must be provided on the landscape plans and construction drawings regarding these trees and their tree protection zones.</p>
<p>Urban Design (Building)</p>	<p><u>Layout</u> The general siting configuration of the three buildings is supported; it respects the minimum building separation and allows for a publicly accessible pedestrian connection located along the direct line of sight between River Road West and the foreshore reserve. In the previous iteration of the project, this was located under the building footprint; it has now been moved to the central space, it is open to sky, and it is supported.</p> <p><u>Building Setbacks</u> The proposed building setbacks are supported.</p> <p>Front boundary - the proposed 5m setback as per DCP is satisfactory. However, it is noted that this setback is occupied by the basement. The front setback should be on deep soil zone to allow for large canopy trees which will mitigate the visual impact of the built form to Arthur Street.</p> <p>East boundary - the proposed 6m setback as per DCP is satisfactory. However, it is noted that the required pedestrian connection along the building break is under the building footprint and does not connect to the site to the east. This needs to be rectified and extend to the site boundary.</p> <p>Western boundary –Under the DCP a 12m setback is required. However, UD had provided PL advice wherein a 6m setback will be considered if the wide and clear view corridor from Alfred Street and the other UD recommendations are respected.</p> <p>Northern boundary – The proposed setback is supported. The proposed central space and the playground should be associated to a large pocket of deep soil zone connected to the river foreshore reserve.</p>

Building Height

It is noted that a 10% increase of the building height is proposed to accommodate the ARH bonus. From an urban design point of view this variation can be accepted. However, it is noted that the buildings reach the same exact height. This exacerbates the monotony and the scale of the development. A height articulation is recommended to highlight building hierarchy, to provide for massing articulation and visual interest.

The proposed 3.0m floor to floor for the residential use is not supported and does not comply with the ADG and Parramatta DCP. 3.1m floor to floor is to be adopted.

Colonnade

The colonnade space at the ground floor is too compressed and does not offer a good building proportion. A minimum of 4.5m is recommended to improve the building presentation. Alternatively, a recessed first floor can be considered; this would create a double height colonnade space enhancing its public character.

The proposed planters create a barrier and separate the colonnade space to the foreshore connection path. This duplication is not supported. The planters need to be removed and the columns need to be moved to the perimeter line of the building without obstructing the path of travel.

Internal Plans

Units facing east on building B and C have habitable space facing the 6m setback. In a 14-storey building this does not comply with the ADG in regard to visual privacy and building separation and it is not supported.

The use of snorkels needs be revisited. Any building indentation, in fact, should have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation (ADG, Part 4B-2). This would also highlight the verticality of the massing and the shadow lines, accentuating the building slenderness.

Façade treatment

It is recommended that greater variation in the finishes and elevational treatment is adopted; along with a greater colour variation, this would mitigate the visual impact and the monotony of the proposed built form.

Central public space

The central public space is dominated by the vehicular roundabout. Although it is acknowledged that the roundabout is necessary to provide access to building C and to allow for service vehicles accessibility, City Project is of the opinion that the design of this space needs more attention and needs to be integrated with more green space.

The roundabout should be brought towards south, maximising the pedestrian space at the centre of the development and the service bay should be moved to be contained within the footprint of building B. This is to remove the service area from the central pedestrian

	<p>zone, increasing the public open space while improving the safety for pedestrians.</p> <p><u>Driveway access to basement</u> Applicant to consider the relocation of the access ramp to the basement off the Central Street to within the building footprint. This would result in a more active front along River Road West and potential reduction of traffic conflict at the interface with the street.</p>
<p>Accessibility</p>	<p>The Additional information plans still proposes a platform lift as a means of access to each of the 3 tower podiums. While the access consultant has provided detail of a suitable lift it will in no way alleviate the applicant from action under the Disability Discrimination Act (DDA) as some persons with limited hand function will not be able to independently operate the lift.</p> <p>Stairway platform lifts have been shown as the means of accessing areas within 8 of the retail tenancies.</p> <p>Stairway platform lifts <i>“must not be used where it is possible to install another type of passenger lift”</i> BCA table E3.6a. Stairway platform lifts do not provide sufficient load capacity to accommodate many powered wheelchairs and users while the platform size provided may also restrict users especially those that may rely on another person to operate the hold and run requirements of such a lift thus eliminating the independent usage of the lift.</p> <p>It is our Council’s experience with both of these types of lifts that they are often left out of regular maintenance programmes and fall into disrepair. It is also unclear what happens in the case of flooding as they are on the wrong side of flood mitigation devices therefor leaving them open to damage and being unable to be used in the case of flooding.</p>
<p>Traffic and Transport Engineer</p>	<p>Supported, subject to conditions of consent.</p> <p>The Apartment Design Guide (ADG)-Objective 3J-1 states: <i>“For development on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan area; the minimum car parking requirement for residents and visitors set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less.”</i> It is noted that the site is within 800 metres from the future Parramatta Light Rail stop. As a result, the above objective of the ADG can be applied to this development.</p> <p>The proposed development has 51 car parking shortfall.</p> <p>It is noted that the site is in walking distance to the future Parramatta Light Rail stop on Tramway Avenue which provides good access to public transport for the site.</p> <p>In addition, the Statement of Environmental Effects indicates that the proposal will provide a significant contribution to affordable residential accommodation in close proximity to public transport, to ease the housing stress in the Parramatta LGA and this</p>

	<p>accommodation will be managed by a social housing provider, for a minimum period of ten years.</p> <p>While the sum of parking provision for residential visitor and retail spaces exceeds the minimum parking requirements based on the DCP, the main parking shortfall is related to residential parking spaces. However, lower parking provision for residential component of the development is considered in line with the lower parking requirement for affordable housing developments as proposed for this development.</p> <p>Based on the above discussion, the proposed parking provision is considered acceptable for the proposal.</p> <p>Although, the proposed development has one (1) loading bay shortfall, it is considered that the provision of one (1) loading bay is sufficient for the proposal.</p> <p>However, it is recommended that a Loading Dock Management Plan to be provided to how the loading dock will be managed. This requirement can be conditioned.</p>
Environmental Health Officer (Waste)	Supported, subject to conditions of consent.
Environmental Health Officer (Acoustic)	Supported, subject to conditions of consent.
Environmental Health Officer (Contamination)	Supported, subject to conditions of consent.
Property Officer	No objections raised.
Social Outcomes Officer	Supported, subject to conditions of consent.
Public Art Officer	Supported, subject to conditions of consent.
Natural Resources Access Regulator	Supported, subject to general terms of approval.
Department of Primary Industries - Fisheries	Supported, subject to general terms of approval.
Water NSW	The application was referred to Water NSW for comment however no response has been received to date. Were this application recommended for approval, comments would need to be obtained and conditions of consent provided.
Sydney Water	Supported, subject to conditions of consent.
Endeavour Energy	Supported, subject to conditions of consent.
Transport for NSW	Supported, subject to conditions of consent.

7. Assessment under Environmental Planning and Assessment Act 1979

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

Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 8.
Section 4.15 (1)(a)(ii) - Draft environmental planning instruments	Refer to section 9.
Section 4.15 (1)(a)(iii) – Development control plans	Refer to section 10.
Section 4.15 (1)(a)(iiia) - Planning agreement	Refer to section 11.
Section 4.15 (1)(a)(iv) - The Regulations	Refer to section 12.
Section 4.15 (1)(b) – The likely impacts of the development	Refer to section 13.
Section 4.15 (1)(c) – The suitability of the site for development	Refer to section 14.
Section 4.15 (1)(d) – Any submissions	Refer to section 15.
Section 4.15 (1)(e) – The public interest	Refer to section 16.

8. Environmental Planning Instruments

Overview

The instruments applicable to this application comprise:

- Environmental Planning and Assessment Act 1979.
- Water Management Act 2000.
- Fisheries Management Act 1994.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Affordable Rental Housing) 2009.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Transport and Infrastructure).
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- Parramatta Local Environmental Plan 2011.

Compliance with these instruments is addressed below.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposed development is integrated development under Section 4.46 of this Act. The development is located within 40m of a waterway and the groundwater table will be intercepted as a result of the proposed basement excavation. The application was referred to Water NSW however comments have not been received to date. Were this application recommended for approval, general terms of approval would need to be obtained prior to determination.

WATER MANAGEMENT ACT 2000

Section 91 of the Water Management Act 2000 is applicable as the development involves a controlled activity approval. The application was referred to the Natural Resources Access Regulator and general terms of approval have been provided.

FISHERIES MANAGEMENT ACT 1994

Section 205 of the Fisheries Management Act 1994 is applicable as the development involves foreshore improvement works. The application was referred to the NSW Department of Primary Industries – Fisheries and general terms of approval have been provided.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 2 – Coastal Management

The site is identified as being located within the Coastal Zone Footprint, Coastal Management Wetlands 100m Perimeter, Coastal Environment Area and Coastal Use Area, and a portion of the site is identified as Coastal Management Wetlands.

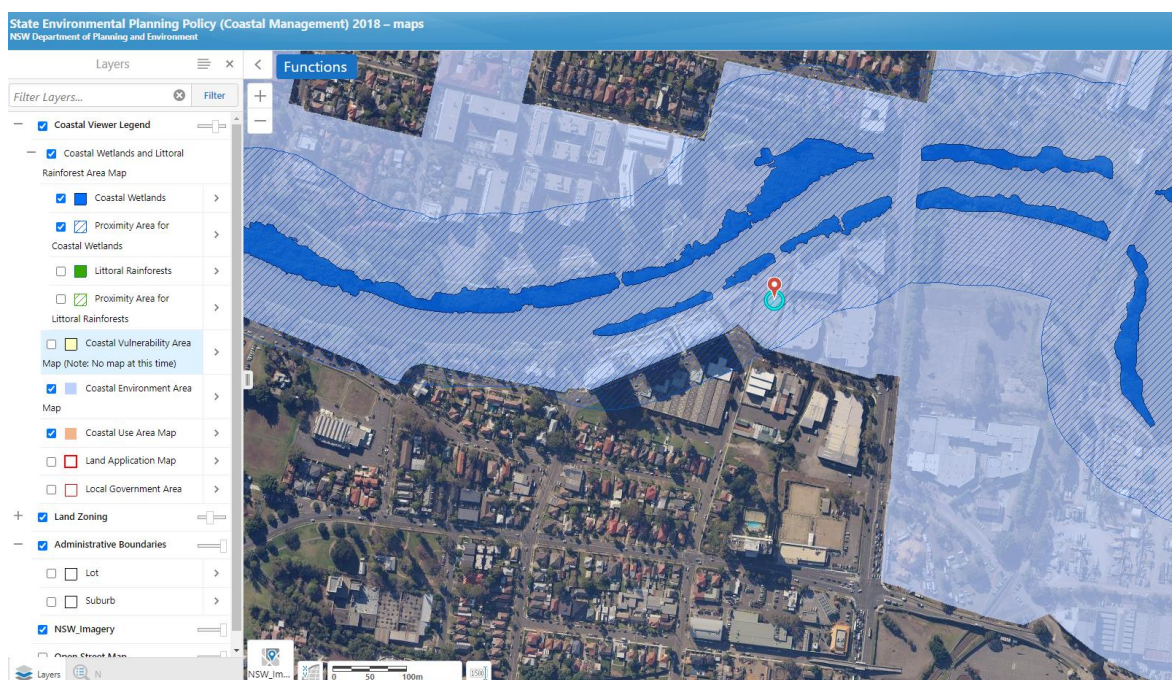


Figure 4: Coastal Management Map (Source: Department of Planning and Infrastructure)

An assessment of the proposal against the provisions of this chapter is undertaken below.

Clause	Comment
Division 1, Clause 2.7 - Development on land within Coastal wetlands and littoral rainforests area	A small portion of the site adjacent to the river is identified as coastal wetlands and forms part of the land to be dedicated to Council under the VPA for the site. The works proposed on this land are for the purpose of environmental protection works and therefore do not constitute designated development. The application has been referred to the Department of Primary Industries – Fisheries and is supported subject to general terms of approval.
Division 1, Clause 2.8 - Development on land in proximity to Coastal	The proposal is consistent with this clause.

wetlands and littoral rainforests area	
Division 2, Clause 2.9 Development on land within the coastal vulnerability area	No mapping is available to confirm if the site is located within a coastal vulnerability area however the proposal is consistent with this clause.
Division 3, Clause 2.10 Development on land within the coastal environment area	The proposal is consistent with this clause.
Division 4, Clause 2.11 Development on land within the coastal use area	The proposal is consistent with this clause.
Division 5, General, Clauses 2.12-2.15	The proposal is consistent with these clauses.

Chapter 4 – Remediation of Land

Chapter 4 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 site has a history of industrial uses prior to being rezoned for the purposes of mixed use development.

The applicant has submitted a detailed site investigation report prepared by Eiaustralia as part of the Development Application. The report concludes that the site contains hydrocarbons, heavy metals and asbestos which require remediation. It is noted that the report also concludes that the site can be made suitable for the proposed development subject to the recommendations within the report.

Council's Environmental Health Officer has reviewed the application and raises no objections subject to recommended conditions of consent including the preparation of a detailed site investigation, site audit statement, remedial action plan and final site validation report by a suitable qualified professional.

Therefore, in accordance with Chapter 4 of this policy, the land is suitable for the proposed development being a mixed use development, which includes a residential component. Were this application recommended for approval, relevant conditions of consent would be included to ensure that the contamination was appropriately managed.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Clause	Comment
Chapter 2 – Vegetation in non-rural areas - Part 2.3 Council permits for clearing of vegetation in non-rural areas	
Clause 2.6 – Clearing that requires permit or approval	The proposed development involves clearing of native vegetation from the site (0.27 hectares), within the foreshore area which exceeds the biodiversity offsets scheme threshold. The site is identified as biodiversity

	<p>certified land under the Biodiversity Conservation Act 2016 and as such, referral to the Native Vegetation Panel is not required.</p> <p>A Biodiversity Development Assessment Report was submitted with this application. Council's Open Space and Natural Areas Officer has reviewed the proposal and is supportive of the development.</p>
Chapter 10 – Sydney Harbour Catchment – Part 10.2 Planning Principles	
Clause 10.10 – Sydney Harbour Catchment	The site is located within the Sydney Harbour Catchment therefore the objectives of this clause are applicable to the proposed development. The proposal is consistent with these objectives.
Clause 10.11 - Foreshores and Waterways Area	The site is located on the foreshore and therefore the objectives of this clause are applicable to the proposed development. The proposal is consistent with these objectives.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX 2004

The application is accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. A revised BASIX certificate did not accompany the submission of amended plans and would have been requested were this application recommended for approval.

Were this application recommended for approval, a condition would also be imposed to ensure BASIX commitments are fulfilled during the construction of the development.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

The application is not subject to Clause 2.48 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure.

The application is not subject to Clause 2.118 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to Clause 2.119 of the SEPP as River Road West has a traffic volume of less than 20,000 vehicles.

The application is not subject to Clause 1.121 of this Policy (Traffic Generating Development) as less than 300 dwellings are proposed. Notwithstanding, the application was referred to Roads and Maritime Services (RMS), who did not raise any objection to the proposed development subject to recommended conditions of consent.

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

As this proposal has a Capital Investment Value of more than \$30 million, Schedule 6 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

As this application was made prior to the commencement of State Environmental Planning Policy (Housing) 2021, the previous State Environmental Planning Policy (Affordable Rental Housing) 2009 is applicable. An assessment of the proposal against the provisions of this SEPP are provided below.

Clause	Comment
<p>Clause 10 – Development to which Division Applies</p>	<p>The development is permissible with consent and while does contain a portion of the site identified as a heritage item, this portion is included as part of land to be dedicated to Council under a VPA.</p> <p>The portion of affordable housing to be provided is at least 20% of the gross floor area for the development and the site is located within an accessible area.</p>
<p>Clause 13 – Floor Space Ratios</p>	<p>The maximum Floor Space Ratio (FSR) for the site exceeds 2.5:1 (FSR is 3.3:1) and the amount of gross floor area of the development used for affordable housing is 50%. Therefore, an additional 20% of FSR (0.66:1) is applicable for the site. The total FSR for the site is 3.96:1. The proposed development complies with this maximum FSR allowable.</p>
<p>Clause 14 – Standards that cannot be used to refuse consent:</p> <p>(1)(b) Site Area = 450m²</p> <p>(1)(c) Landscaped Area = 30% site area</p> <p>(1)(d) Deep Soil Zones = 15% site area, minimum dimensions 3m, sufficient soil depth to support growth of trees and shrubs.</p> <p>(1)(e) Solar Access = solar access to 70% of apartments.</p> <p>(2)(a) Parking = in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms</p>	<p>Yes. The site exceeds 450m².</p> <p>NO. 26.1% of the site area is landscaped area.</p> <p>NO. While 18.1% of the site has been provided as deep soil area, insufficient information has been submitted demonstrating that these deep soil areas shown on the plans are capable of mature tree planting as the dimensions are irregular and narrow in some areas. The quality and amenity of these areas for mature vegetation planting is unclear and the proposal is unacceptable in this regard.</p> <p>Yes. 145 spaces are required under this clause. The proposal provides 284 spaces.</p>

(2)(b) Dwelling Size = if each dwelling has a gross floor area of at least— (i) 35 square metres in the case of a bedsitter or studio, or (ii) 50 square metres in the case of a dwelling having 1 bedroom, or (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.	Yes. The proposal complies.
Clause 16 – Continued application of SEPP 65	Noted.
Clause 16A – Character of local area	Noted. The character of the local area has been considered and is considered suitable for the purposes of affordable housing.
Clause 17 – Must be used for affordable housing for 10 years	Were this application recommend for approval, a condition of consent would be included to reflect this.
Clause 18 – subdivision	Noted.

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

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

Design Quality Principles

The proposal is considered to be inconsistent with the design principles for the reasons outlined below:

Requirement	Comment
Principle 1: Context and Neighbourhood Character	The design of the proposal responds to the site context, particularly with regards to the desired future character of the area comprising of mixed use development. The built form generally responds to the height and FSR controls applicable for the site. The proposal is appropriate given the site context as it provides active street frontages along the Parramatta River foreshore and River Road West, and additional housing in close proximity to a major centre and transport interchange.
Principle 2: Built Form and Scale	The built form is appropriate for the site and is generally consistent with the building envelope and footprint controls prescribed by the Parramatta LEP 2011 and Parramatta DCP 2011 except for building height for which a variation is sought. The proposal is generally consistent with the Apartment Design Guide requirements in terms of proportions, type and manipulation of building elements. While a variation in the building separation controls is proposed, the proposal has been designed with respect to neighbouring buildings and is positioned within the site to minimise impacts arising from the close proximity to neighbouring developments. Notwithstanding the above, there are issues with height articulation between the

Requirement	Comment
	buildings which creates impacts to the bulk and scale of the development.
Principle 3: Density	The proposal results in a density appropriate for the site and its context in terms of floor space yield, number of apartments and potential number of residents. The proposed density of the development is sustainable and responds to the availability of infrastructure, public transport, community facilities and environmental quality.
Principle 4: Sustainability	An updated BASIX Certificate has not been submitted with the application and would be requested were this application recommended for approval and additional BASIX requirements would be addressed at the Construction Certificate stage of the development.
Principle 5: Landscape	The proposed landscaping on the site is located on primarily on the ground and podium levels and provides amenity for the communal open spaces and retail spaces on these levels. Notwithstanding, insufficient information has been submitted with regard to how soil volume will be provided to accommodate the landscaping proposed.
Principle 6: Amenity	The proposed development is satisfactory with regards to internal amenity and has been designed to optimise internal amenity through orientation, visual and acoustic privacy, solar access, natural ventilation, apartment layout, storage areas and service areas. There are issues that have not been satisfactorily resolved with regard to disabled access to buildings, amenity of pedestrians within the public domain and proposed central street that are discussed further throughout this report.
Principle 7: Safety	The proposal satisfactorily addresses safety and provides opportunities for passive surveillance to the street frontage and communal areas of the site through the use of balconies addressing the street frontage, central street, and through glazed openings. The car park area has been designed for secure access to ensure that the area remains accessible to only the building occupants and their visitors.
Principle 8: Housing Diversity and Social Interaction	The proposal comprises a mix of apartments ranging in type, size and affordability in order to provide housing choice for different demographics, living needs and budgets in close proximity to public transport. The development provides housing which suits the existing and future social mix and provide for the desired future community.
Principle 9: Aesthetics	A greater variation in the finishes and elevational treatment is recommended, along with a greater colour variation in order to mitigate the visual impact and the monotony of the proposed built form. As such, it is considered that the building does not satisfactorily respond aesthetically to the environment and context, and appropriately contributes to the desired future character of the area.

Design Excellence Advisory Panel

The application was referred to the Design Excellence Advisory Panel. Refer to Referrals section of this report for comments provided by the Design Excellence Advisory Panel in relation to this proposal.

Apartment Design Guide

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

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

Clause	Design Criteria	Comments	Comply
Part 3 – Siting the Development			
3A Site Analysis	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis has been submitted.	Yes.
3B Orientation	Buildings along the street frontage define the street, by facing it and incorporating direct access from the street.	Pedestrian entry is provided off River Road West and the central street proposed through the development.	Yes.
	Where the street frontage is to the east or west, the rear buildings should be orientated to the north.	The street frontage along River Road West is oriented south.	Yes.
	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west.	River Road West is oriented to the south and the Parramatta River foreshore is oriented north. Buildings on the site are oriented towards the proposed central street to minimise overshadowing.	Yes.
3C Public Domain interface	Transition between private and public domain is achieved without compromising safety and security. Amenity of the public domain is retained and enhanced.	The proposal does not provide an appropriate transition between the private and public domain interface, particularly within the proposed central street. Apartments are located above the ground level and provide passive surveillance to the ground level. Refer to the Public Domain Officer's comments within the referrals section of this report for further details.	NO.
3D Communal and public open space	Communal open space (COS) has a minimum area equal to 25% of the site, with minimum 3m dimensions.	Required: 1572.25m ² Proposed: 2,480m ²	Yes.
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm mid-winter.	The submitted shadow diagrams indicate that the proposed communal open space, which is north facing, achieves minimum of 50% direct sunlight to the usable part of the communal open space for a minimum of 2	Yes.

	<p>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ul style="list-style-type: none"> • seating for individuals or groups • barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms 	<p>hours between 9am and 3pm mid-winter.</p> <p>Outdoor seating areas and communal areas are provided on the podium level.</p>	<p>Yes.</p>												
<p>3E Deep soil zones</p>	<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1" data-bbox="427 696 852 1357"> <thead> <tr> <th>Site area</th> <th>Minimum dimensions</th> <th>Deep soil zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² – 1,500m²</td> <td>3m</td> </tr> <tr> <td>Greater than 1,500m²</td> <td>6m</td> </tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td> <td>6m</td> </tr> </tbody> </table> <p>Required: 360.5m²</p>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m ²	-	7%	650m ² – 1,500m ²	3m	Greater than 1,500m ²	6m	Greater than 1,500m ² with significant existing tree cover	6m	<p>Required = 440.23m² Proposed = 1,144m² (18.1%) Deep soil areas are provided at the ground level.</p>	<p>Yes.</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)													
Less than 650m ²	-	7%													
650m ² – 1,500m ²	3m														
Greater than 1,500m ²	6m														
Greater than 1,500m ² with significant existing tree cover	6m														
<p>3F Visual Privacy</p>	<p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="427 1637 852 2018"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p>An 18m building separation is provided between Building A and B. An 11.8m separation distance is proposed between Building B and C and it is noted that no windows to habitable rooms are provided along these elevations.</p> <p><u>Up to 4 Storeys</u> 6m (all boundaries)</p> <p><u>5-8 Storeys</u> 6m (eastern and western boundaries) 6m (boundary to foreshore)</p> <p><u>Over 9 Storeys</u></p>	<p>NO – refer to discussion below.</p>
Building Height	Habitable rooms and balconies	Non-habitable rooms													
up to 12m (4 storeys)	6m	3m													
up to 25m (5-8 storeys)	9m	4.5m													
over 25m (9+ storeys)	12m	6m													

		6m (eastern and western boundaries) 6m (boundary to foreshore).	
<u>Non-compliance discussion – Building separation</u>			
<p>It is noted that the building separation for the development is non-compliant to the eastern and western boundaries of the development. The adjoining development to the west of the site is industrial and no privacy impacts result from the non-compliance. The adjoining development to the east is sited so that there is an 18m separation between the adjoining development and the proposed development which is consistent with the anticipated building separation between buildings. A variation can therefore be considered in this instance as no adverse privacy, solar access or acoustic impacts result from the non-compliance. This does not form a reason for refusal.</p>			
3G Pedestrian access and entries	<p>Building entries and pedestrian access connects to and address the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p>	<p>Pedestrian entries are located off River Road West and to each building on the site.</p> <p>Pedestrian access through the site is satisfactory. The proposed accessible provisions to each building are considered unsatisfactory as the proposed platform lifts do not provide sufficient load capacity to accommodate many powered wheelchairs and users while the platform size provided may also restrict users especially those that may rely on another person to operate the hold and run requirements.</p>	<p>Yes.</p> <p>NO.</p>
3H Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Vehicular access from River Road West is provided. Separate pedestrian access is provided.	Yes.
3J Bicycle and car parking	<p>For development in the following locations:</p> <ul style="list-style-type: none"> - on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area: or - on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p>	The proposal does not meet the required parking rates for the development. Council's Traffic and Transport Engineer has reviewed the proposal and supports a variation to the parking rate. This does not form a reason for refusal.	NO, but acceptable.

Part 4 - Amenity																	
4A Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	70% of units comply – see Principle 4 – sustainability above.	Yes.														
4B Natural ventilation	<p>Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>64% of all apartments are cross ventilated.</p> <p>The balconies of the apartments at 10 storeys or greater allow adequate natural ventilation and cannot be enclosed.</p> <p>No cross over or cross through apartments exceed 18m in depth.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>														
4C Ceiling heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <thead> <tr> <th colspan="2">Minimum Ceiling Height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td></td> <td>2.7m main living area</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.4m second floor where it does not exceed 50% of the apartment area.</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope.</td> </tr> <tr> <td>Located in mixed use areas</td> <td>3.3m for ground and first floor to promote future flexibility of use.</td> </tr> </tbody> </table>	Minimum Ceiling Height		Habitable rooms	2.7m	Non-habitable	2.4m		2.7m main living area	For 2 storey apartments	2.4m second floor where it does not exceed 50% of the apartment area.	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope.	Located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use.	<p>3m floor to floor with slab thickness no greater than 300mm are provided throughout the development. 4m is provided on the ground floor of the development.</p>	Yes.
Minimum Ceiling Height																	
Habitable rooms	2.7m																
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Located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use.																
4D Apartment Size and Layout	<p>Studio 35m²</p> <p>1 bedroom 50m²</p> <p>2 bedroom 70m²</p> <p>3 bedroom 90m²</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less</p>	<p>Studio N/A</p> <p>1 bedroom 50m² (min.)</p> <p>2 bedroom 75m² (min.)</p> <p>3 bedroom 95m² (min.)</p> <p>Complies.</p>	<p>Yes.</p> <p>Yes.</p>														

	than 10% of the floor area of the room.																	
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)	Complies.	Yes.															
	Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 2.7 = 6.75m	Refer to below as units have open plan layouts.	N/A.															
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Complies.	Yes.															
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Complies.	Yes.															
	Bedrooms have a minimum dimension of 3m.	Complies.	Yes.															
	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.	Complies.	Yes.															
4E – Private open space and balconies	<p>Primary balconies as follows</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4 m²</td> <td>-</td> </tr> <tr> <td>1 Bedroom</td> <td>8 m²</td> <td>2m</td> </tr> <tr> <td>2 Bedroom</td> <td>10 m²</td> <td>2m</td> </tr> <tr> <td>3 Bedroom</td> <td>12 m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15 m² and a minimum depth of 3m.</p>	Dwelling type	Minimum Area	Minimum Depth	Studio	4 m ²	-	1 Bedroom	8 m ²	2m	2 Bedroom	10 m ²	2m	3 Bedroom	12 m ²	2.4m	<p>The proposal complies.</p> <p>The proposal complies.</p>	<p>Yes.</p> <p>Yes.</p>
Dwelling type	Minimum Area	Minimum Depth																
Studio	4 m ²	-																
1 Bedroom	8 m ²	2m																
2 Bedroom	10 m ²	2m																
3 Bedroom	12 m ²	2.4m																
4F – Common circulation and spaces	<p>Max. apartments off a circulation core on a single level is eight.</p> <p>10 storeys and over, max apartments sharing a single lift is 40.</p>	The proposal complies.	Yes.															
4G - Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided	Adequate storage areas are provided.	Yes.															

	Apartment type	Storage size volume	At least 50% of the required storage is to be located within the apartment.	
	Studio	4 m ²		
	1 bedroom	6 m ²		
	2 bedroom	8 m ²		
	3 bedroom	10 m ²		
4H Acoustic Privacy	Various objectives.		The proposal complies with the various objectives.	Yes.
4J Noise and Pollution	Various objectives.		The proposal complies with the various objectives. A podium is proposed which will assist in shielding noise to apartments above.	Yes.
Part 4 - Configuration				
4K Apartment Mix	Various objectives.		The proposal provides: 60 x 1-bed units (22% mix), 184 x 2-bed units (67.4% mix) and 26 x 3-bed unit (10.6% mix) which is consistent with the objectives.	Yes.
4L Ground floor apartments	Various objectives.		No ground floor apartments are proposed.	N/A.
4M Facades	Various objectives.		The proposal complies with the various objectives.	Yes.
4N Roof design	Various objectives.		The proposed roof design complies with the various objectives.	Yes.
4O Landscape design	Various objectives.		The proposal complies with the various objectives.	Yes.
4P Planting on structures	Various objectives.		Planting is proposed on the ground and podium level. Insufficient information has been submitted with regard to the soil depth and how the proposed planting will be accommodated on the site.	NO.
4Q Universal design	Various objectives.		The proposal complies and provides 10.3% of post adaptable apartments and 22% LHA Silver design rating apartments.	Yes.
4R Adaptive reuse	Various objectives.		The proposal complies with the various objectives.	Yes.
4S Mixed Use	Various objectives.		The proposal complies with the various objectives.	Yes.

4T Awnings and signage	Various controls under SEPP 64 apply.	Building signage is shown on the submitted elevation detail drawings however no signage is formally included as part of the scope of works.	Yes.
Part 4 - Performance			
4U Energy efficiency	Various objectives.	The proposal complies with the various objectives.	Yes.
4V Water management and conservation	Various objectives.	The proposal meets the objectives.	Yes.
4W Waste Management	Various objectives.	Refer to DCP compliance table further in this report.	No design criteria under SEPP 65.
4X Building Maintenance	Various objectives.	The proposal complies with the various objectives.	Yes.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

Development Standard	Compliance
Clause 2.3 Zone objectives and land use table	NO. The site is zoned B4 Mixed Use. The proposed development is defined as a mixed use development and is permissible with development consent within the B4 zone. As the development does not meet the flooding level requirements, presents a poor relationship to the public domain, and as a number of design issues remain unresolved, the proposed development is not considered to have met the objectives of the B4 Mixed Use zone. The development does not contribute to an active, vibrant and sustainable neighbourhood.
Clause 2.7 Demolition requires development consent	Yes. Consent is sought for the demolition of the existing buildings on the site.
Clause 4.3 Height of Buildings Allowable = 40m Proposed = 44m	NO. A variation under Clause 4.6 of the LEP was submitted and is discussed below.
Clause 4.4 Floor Space Ratio <u>Allowable under the LEP:</u> 3.3:1 (20,753.7m ²) <u>Additional 20% FSR where existing FSR permitted is greater than 2.5:1 and more than 50% of the FSR is used for affordable housing:</u> 0.66:1 (4,150m ²)	Yes (under ARH SEPP). The proposal exceeds the maximum FSR under the LEP however meets the FSR requirements of the ARH SEPP on the basis that 50% of the FSR is provided for affordable housing.

Allowable with ARH SEPP bonus: 3.96:1 (24,094.44m ²) <u>Proposed:</u> 3.96:1 (24,904m ²)	
Clause 4.5 Calculation of floor space ratio and site area	The Floor Space Ratio and Site Area has been calculated in accordance with this clause.
Clause 4.6 Exceptions to development standards	Yes. Refer to end of this table.
Clause 5.1A Development on land intended to be acquired for public purposes	N/A. The site is not identified on this map.
Clause 5.6 Architectural roof features	N/A. An architectural roof feature is not proposed.
Clause 5.7 Development below mean high water mark	N/A. The proposal is not for the development of land that is covered by tidal waters.
Clause 5.10 Heritage Conservation	Yes. The site contains part of the Parramatta River Wetlands which is local heritage item (11 - Wetlands). The site is also located within the Harris Park Area of National Significance and in the vicinity of Elizabeth Farm. Historic view corridors to Elizabeth Farm are maintained. Council's Heritage Advisor has reviewed the submitted documentation and raises no objections to the proposed development.
Aboriginal Places of Heritage significance	Yes. The site is identified as High Aboriginal Heritage Sensitivity. Council's Heritage Advisor has reviewed the submitted documentation and raises no objections to the proposed development subject to recommended conditions of consent requiring the preparation of an exploratory monitoring test excavation strategy and heritage interpretation strategy.
Clause 5.11 Bush fire hazard reduction	The site is not identified as bushfire prone land.
Clause 5.21 Flood Planning	NO. The site is identified by Council as being flood prone. Council's Senior Catchment and Development Engineer has reviewed the proposal and is unsupportive of the development as the development does not adequately respond to the required flood planning requirements.
Clause 6.1 Acid Sulfate Soils	Yes. The site is classified as containing Class 4 Acid Sulfate Soils. The proposal includes works more than 2 metres below the natural ground surface. An Acid Sulfate Soils Assessment was submitted with the Development Application and concludes that visual indicators of actual and potential acid sulfate soils were not observed, and laboratory analysis did not indicate the presence of potential acid sulfate soils.
Clause 6.2 Earthworks	Yes. The proposal meets the objectives of this clause.
Clause 6.4 Biodiversity protection	N/A. The site is not identified on this map.
Clause 6.5 Water protection	N/A. The site is not identified on this map.

Clause 6.6 Development on landslide risk land	N/A. The site is not identified on this map.
Clause 6.7 Affected by a Foreshore Building Line	Yes. The site is located in the foreshore area. The works proposed in this area include public domain works associated with the Voluntary Planning Agreement for this site. The proposed development is consistent with the objectives of this clause.
Clause 6.12 Design Excellence	N/A. The site is not identified on this map.

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

Objectives of Clause 4.6 of Parramatta LEP 2011

The objectives of this clause are as follows:

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

Clause 4.6(3) states that:

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

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

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

Clause 4.3 – Height of Buildings

The proposal does not comply with the maximum permissible building height of 40m stipulated within Clause 4.3 – Height of Buildings. The proposed maximum height of the structures is 44m and comprises residential gross floor area for the development.

The development proposal exceeds the maximum permissible building height by 4m which is a 10% variation to the development standard.

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

- The additional height will assist with the inclusion of social housing on the site to be provided by a community housing provider and provides a public benefit.
- The additional floor area on each building exceeding the maximum building height is set back from the rest of the building and occupies less gross floor area than the levels below.
- The adjoining development at 2-8 River Road West has a similar building height ranging from 37.1m to 44.9m and was approved with a height variation.
- The proposed height variation was considered by Council at a pre-lodgement meeting and was supported in principle.

- The proposed building massing across the site results in improved accessibility to the public foreshore area through the site and a central pedestrian street is able to be provided.
- The proposed building massing allows for a significant unobstructed view corridor between River Road West/Arthur Street to the foreshore.
- The additional height does not result in view loss, adverse solar access impacts, adverse heritage impacts and bulk and scale.

Assessment of the exception under Clause 4.6:

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

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

- (a) the consent authority is satisfied that:*
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained”.*

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

Is the planning control a development standard?

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

What is the underlying object or purpose of the standard?

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

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

Strict compliance with the development standard requires a reduction in the level of social housing to be provided on the site and would result in revised built form massing that may have impacts to view corridors and access to the river foreshore. As such, reduction in the overall building height would be inconsistent with the relevant provisions of the Parramatta LEP 2011 which includes improving public access along waterways and encourage a range of development including housing that will accommodate for the needs of existing and future residents.

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

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

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

- The proposed development does not result in an adverse overshadowing impact or adverse amenity impacts to adjoining public spaces or residential areas as the proposed additional height is set back from the levels below.
- The proposed additional height maintains desired view corridors.
- The proposed additional height allows for a built form mass that provides improved access to the river foreshore by way of a central street.
- The proposed development is consistent with the built form envisioned under the Parramatta Development Control Plan 2011.
- The proposed development provides a high level of social housing which presents a public benefit.
- The proposed development is consistent in height with the adjoining development at 2-8 River Road West, Parramatta.

Is the exception well founded?

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

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

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

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

grounds to vary the development standard. In this respect the Clause 4.6 variation is well drafted.

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

The proposed non-compliant building height does not defeat the underlying purpose of this clause as the visual impacts arising from the non-compliance are minimal given the siting of the additional building levels set back from the other levels of the proposed buildings; lack of adverse privacy and solar access impacts to existing development; and preservation of historic views and heritage items.

In this case, the applicant written request is well drafted and adequate in addressing the matters required to be demonstrated by Clause 4.6(3) and the proposed variation is in the public interest as it is consistent with the objectives of the Height of Buildings Development Standard.

Notwithstanding, the development proposal is considered inconsistent with the objectives of the B4 Mixed Use zone for reasons detailed throughout this report however, the proposed variation to the maximum permissible building height does not form a reason for refusal.

9. Draft Environmental planning instruments

DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2020

Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

LEP	Zoning	Height	FSR
LEP 2011	B4/RE1	40m	3.3:1
Draft LEP 2020	B4/RE1	40m	3.3:1

Whilst the draft LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the Environmental Planning & Assessment Act, the LEP is neither imminent or certain and therefore limited weight has been placed on it.

There are no changes proposed under the draft LEP that amend key development standards applicable to the site. As such, the proposal is consistent with the provisions of this draft LEP in the same manner as the current LEP 2011.

10. Development Control Plans

Parramatta Development Control Plan 2011

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

Development Control	Compliance
Part 2 – Site Planning	
2.4.1 Views and Vistas	Yes. The site is located as part of the Harris Park Strategic Precinct which identifies a number of key view corridors. The proposed development does not obstruct any of these views.
2.4.2 Water Management	
2.4.2.1 Flooding	NO. The site is flood prone. Council's Catchment and Development Engineer has reviewed the proposal and does not support the application in its current form. Refer to the referrals section of this report for further detail.
2.4.2.2 Protection of Waterways	NO. Council's Open Space and Natural Areas Officer (Foreshore Area) has advised that the location of the proposed new stormwater outlet will direct flows into existing mangroves potentially impacting their ongoing health and viability.
2.4.2.3 Protection of Groundwater	Yes. The proposal complies. A tanked basement is proposed.
2.3.3 Soil Management	
2.4.3.1 Sedimentation	Yes. An Erosion and Sediment Control Plan was submitted with the Development Application and conditions of consent ensuring minimisation of soil erosion would be included were this application recommended for approval.
2.4.3.2 Acid Sulfate Soils.	Yes. Refer to LEP table.
2.4.3.3 Salinity	Yes. The proposal complies.
2.4.4 Land Contamination	Yes. Refer to body of report.
2.4.5 Air Quality	Yes. The proposal complies. Were this application recommended for approval, relevant conditions for air quality would be included to ensure no adverse air quality impacts are generated from the development during demolition, construction and ongoing use.
2.4.6 Development on Sloping Land	Yes. The proposal complies and the design of the development responds to the site topography.
2.4.7 Biodiversity	Yes. The proposal complies.
2.4.8 Public Domain	NO. The proposal does not satisfactorily address the public domain for the following reasons: <ul style="list-style-type: none"> • The central public domain/street presents as a private road as there isn't enough material distinction to ensure the street reads a shared lane. • Insufficient detail is provided to demonstrate that the central street will have adequate pedestrian lighting to maintain safety. • Insufficient detail is provided to demonstrate that the central street will have equitable access in the form of graded walkways no steeper than 1:20. • Lack of large canopy trees within the development (not included the portion of land to be dedicated under the VPA).

	<ul style="list-style-type: none"> The mid-site connection has a pedestrian footpath that is too narrow and obstructed by building columns. Additional landscaping is recommended to be provided adjacent to this path.
Part 3 – Development Principles	
3.1 Preliminary Building Envelope	
3.1.1 Height	Refer to LEP table and Clause 4.6 discussion.
<i>3.1.3 Preliminary Building Envelope Tables</i>	
Minimum Site Frontage Control	Refer to Part 4 of this table.
Front Setback Control	Refer to Part 4 of this table.
Side Setback Control: Assessed on merit	Refer to Part 4 of this table.
Rear Setback Control: Assessed on merit	Refer to Part 4 of this table.
<p>Deep Soil: 30% of the site area Required = 1,886.7m² Proposed = 1,144m² (18.1%)</p> <p>Landscaped area: 40% of the site area Required = 2,515.6m² Proposed = 1,771m² (26.1%)</p>	<p>NO. The deep soil area and landscaped area do not comply with the minimum area under the DCP.</p> <p>While the proposal meets the deep soil areas under the ADG, insufficient information has been submitted demonstrating that these deep soil areas shown on the plans are capable of mature tree planting as the dimensions are irregular and narrow in some areas. The quality and amenity of these areas for mature vegetation planting is unclear and the proposal is unacceptable in this regard.</p>
<i>3.2 Building Elements</i>	
3.2.1 Building Form and Massing	Refer to Part 4 of this table for the applicable building façade controls.
3.2.2 Building Facades and Articulation	Refer to Part 4 of this table for the applicable building façade controls.
3.2.3 Roof Design	Yes. The proposed roof design is compatible with the prevailing roof form in the street.
3.2.4 Energy Efficient Design	Yes, able to comply. Were this application recommended for approval, revised BASIX certificates would be requested from the applicant and relevant conditions of consent would be recommended to ensure BASIX measures were implemented.
3.2.5 Streetscape	Refer to Part 4 of this table for the applicable streetscape and public domain controls.
3.3 Environmental Amenity	
3.3.1 Landscaping	Insufficient Information. Council's Tree and Landscape Officer has reviewed the development application and insufficient information has been submitted to demonstrate that the development provides for mature vegetation and promotes a scale and density of planting that is suitable for the site.
3.3.3 Visual Privacy	Yes. The proposal does not result in adverse overlooking impacts to adjoining properties. It is noted that Buildings B and C have a 6m setback from habitable rooms to the east which does not comply with ADG building separation requirements however the adjoining site comprises an industrial use where overlooking into these apartments is unlikely.

3.3.4 Acoustic Privacy	Yes. An acoustic report was submitted with the Development Application. Council's Environmental Health Officer has reviewed the proposal and raises no objections to the proposed acoustic measures recommended within the acoustic report. Were this application recommended for approval, conditions of consent ensuring implementation of acoustic measures would be included.
3.3.5 Solar Access and Ventilation	Yes. The proposed development complies with the solar access requirements under the ADG. The proposal results in overshadowing to adjoining properties however the submitted shadow diagrams indicate that adjoining properties are able to receive the minimum 3 hours of solar access required under the DCP.
3.3.6 Water Sensitive Urban Design	Were this application recommended for approval, conditions relating to the implementation of WSUD measures would be included.
3.3.7 Waste Management	Yes. The submitted Waste Management Plan details the types, volumes and methods of waste disposal for the development during the demolition and construction phase. Were this application recommended for approval conditions of consent would be included to ensure waste management measures are implemented.
3.5 Heritage	<p>Yes. The site contains part of the Parramatta River Wetlands which is local heritage item (11 - Wetlands). The site is also located within the Harris Park Area of National Significance and in the vicinity of Elizabeth Farm.</p> <p>Historic view corridors to Elizabeth Farm are maintained. Council's Heritage Advisor has reviewed the submitted documentation and raises no objections to the proposed development.</p>
3.6 Movement and Circulation	
<p>3.6.2 Parking and Vehicular Access</p> <p><u>RMS Guide to Traffic Generating Developments</u> High density residential flat buildings (Metropolitan Sub-Regional Centres)</p> <ul style="list-style-type: none"> • 0.6 x 60 (one-bedroom unit) = 36 • 0.9 x 184 (two-bedroom units) = 165.6 • 1.4 x 29 (three-bedroom unit) = 40.6 <p>Total Residential Spaces = 242.2 (243) Visitor: 1 x (273 units ÷ 5) = 54.6 (55) Total Residential = 298 spaces (applicable based on ADG Objective 3J-1)</p> <p>Retail Premises: The Parramatta DCP 2011 – Table 3.6.2.3 1 space per 30m² of gross floor area = 1 x (1,089m² retail areas ÷ 30) = 36.3 (37)</p> <p>Total required = 335 parking spaces Total proposed = 284 parking spaces (including 188 residential parking spaces, 39</p>	No, but considered acceptable. Council's Traffic and Transport Engineer has reviewed the proposal and considers the traffic and parking provisions for this development to be suitable. Refer to referrals section of this report for further details.

visitor parking spaces, 56 retail parking spaces and one (1) car share space)	
3.6.3 Movement and Circulation	Yes. Information has been submitted to demonstrate that the proposed movement and circulation within the basement car park meets Australian Standards and the objectives and controls for this section of the DCP (refer to traffic referral comments in this report).
3.7 Residential Subdivision	
3.7.2 Site Consolidation and Development on Isolated Sites Development for the purpose of residential flat buildings, multi dwelling housing in the form of town houses, villas or the like is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the Parramatta LEP 2011 and this DCP.	Yes. The development does not result in an isolated site as the adjoining property has already been built as a mixed use development. The subject site is identified within the DCP as 'Development Site 2' and has applicable site specific development controls. Refer to Part 4 of this table.
Part 4 – Special Precincts – 4.3.2 – Harris Park Strategic Precinct	
The site is located within the Harris Park Strategic Precinct identified within the DCP.	
<p>Desired Future Character</p> <p><i>Harris Park is bounded by the Parramatta River to the north, James Ruse Drive to the east, A'Beckett's Creek, the M4 motorway to the south, and the railway line to the west. It lies immediately to the east of the commercial centre of Parramatta, with the northern and western parts of the suburb within easy walking distance of the CBD. Harris Park contains some of the most important parts of Parramatta's heritage. It has an extensive collection of nineteenth and early twentieth century houses, shops, public buildings and landscapes. Of particular note are Australia's first land grant and oldest European building, Elizabeth Farm House, as well as two other important colonial houses, Experiment Farm and Hambledon Cottage. The preservation and enhancement of Harris Park's historic fabric is essential. There area also has an important strategic role in providing residential development because of its location on the fringe of the Parramatta CBD. All new development will need to be at a scale that is consistent with the existing character of the streets, not impede view corridors to major landscapes and the escarpment north of the Parramatta River, and provide opportunities to connect with the foreshore. Future development along James Ruse Drive will need to have a strong, unified and visually attractive presence to reflect its status as a "gateway" to the Parramatta CBD.</i></p> <p>Comment: The proposal is consistent with the desired future character of the Harris Park Strategic Precinct, noting that specific design controls are applicable to the site.</p>	
4.3.2.1 – Harris Park Strategic Precinct – Special Areas	
The site is identified as located within the Harris Park River Area and Area of National Significance:	

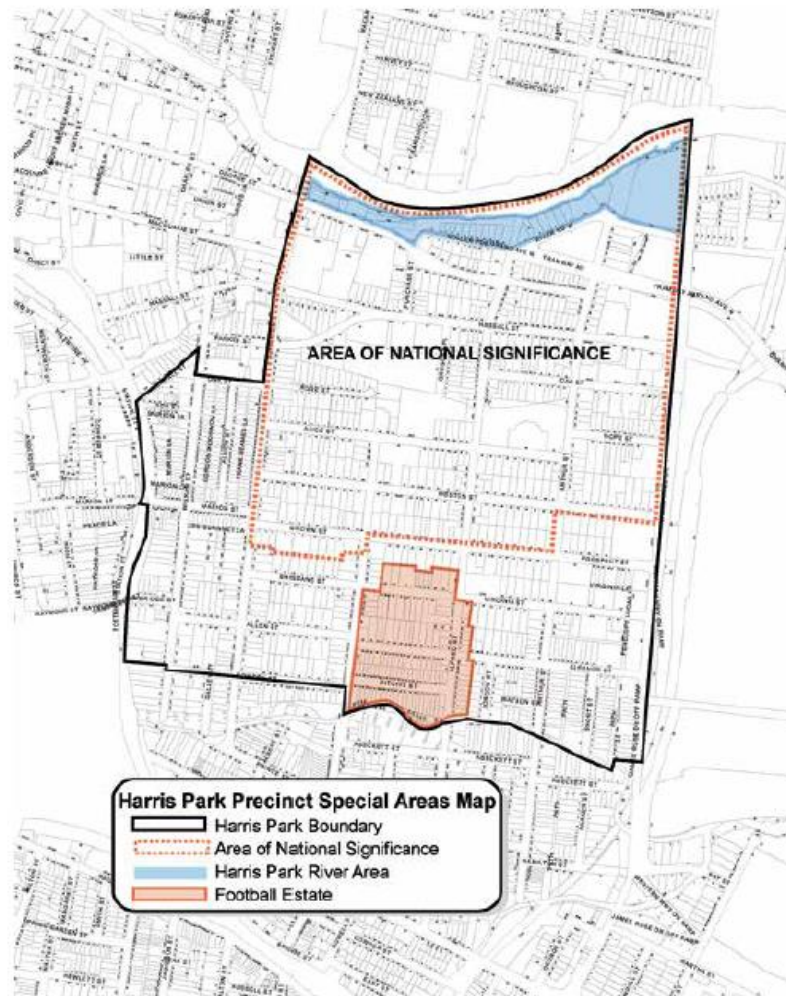


Figure 4.3.2.1.1
Harris Park Precinct Special Areas Map

Area of National Significance

Before granting consent for development within the Area of National Significance, the consent authority must be satisfied that:

- a) The scale, form, siting, materials and use of new development will not adversely affect the heritage significance of the Area of National Significance,
- b) The existing allotment and development pattern, and the natural landform of the Area of National Significance will be maintained,
- c) The original course of Clay Cliff Creek (as shown on the Harris Park Precinct Design Control Map) will be re-established or, if that is not reasonably practicable, permanent evidence of its original course will be provided by way of signs or other interpretative aids, and
- d) That development does not impact upon or adversely affect the existing views into and out of the sites of Elizabeth Farm House, Experiment Farm Cottage and Hambledon Cottage, the Female Orphan School (University of Western Sydney Rydalmere Campus), the Parramatta River corridor and the Pennant Hills open space ridge line.

Comment: The proposal is consistent with the above controls.

Harris Park River Area

Before granting consent for development within the Harris Park River Special Area, the consent authority must consider:

- a) whether all reasonable opportunities to re-establish foreshore public land are taken up,
- b) whether the development retains and enhances open space links along the Parramatta River foreshore,
- c) whether the development retains and enhances open space links between Elizabeth Farm House, Experiment Farm Cottage, Hambledon Cottage and the Parramatta River

- foreshore, and facilitates or enhances the views and public access between the historic places in the Harris Park Precinct,
- d) whether buildings adjacent to the River address the River with high quality facades and entrances,
 - e) whether the scale of buildings along the River will not dominate the topographical features of the River landscape,
 - f) whether the proposal maintains and re-establishes building setbacks along the River, and
 - g) whether the development improves foreshore landscaping and makes apparent the settings of the important historic places and views along the river, such as the Queens Wharf.

Comment: The proposal is consistent with the above controls. It is noted that outdoor dining opportunities along the river are shown on the submitted plans.

4.3.2.2 – River Road West Precinct

The site is located within the River Road West Precinct:



Figure 4.3.2.2.1
River Road West Precinct

Desired Future Character

The River Road West Precinct applies to 2-12 River Road West, Parramatta which is located at the eastern gateway to the Parramatta CBD. On the southern foreshore of the Parramatta River, the site provides the opportunity for urban renewal of residential and mixed use buildings to be redeveloped addressing both the foreshore and street frontages and revitalising this section of the Parramatta River foreshore. Future redevelopment will ensure that the site responds to its riverside location through substantial improvements to the foreshore and public domain and well designed buildings.

The provision of a foreshore open space corridor within this precinct will open up a fundamental linkage along the Parramatta River between the Parramatta CBD to the west and the University of Western Sydney and Rosehill Racecourse to the east. This will facilitate the connection for both pedestrians and cyclists between the CBD and the eastern gateway to the city.

Buildings will be located on the site to enable through-site linkages and public spaces between River Road West and the river foreshore to improve permeability between the road network and the foreshore. The orientation and layout of future development will activate pedestrian edges to

the foreshore, street frontages and through site links, as well as maximising opportunities for passive surveillance.

Building separation will be designed to create visual linkages between the northern and southern sides of the foreshore, and between items of historical significance. Building height will be stepped from west to east to ensure that the built form is responsive to its existing and potential future context. Tower elements of varying height will provide for visual interest and are to be designed to reduce the visual bulk of development. Building articulation and modulation will ensure that buildings suitably address both the street frontages and the Parramatta River.

The design of buildings will ensure that solar access is achieved within the development to enable a suitable level of amenity to be achieved for future occupants. The design will incorporate opportunities for natural ventilation to contribute to the environmental efficiency of the development.

Comment: The proposal is inconsistent with the desired character of this precinct for the following reasons below.

- The proposed through site link does not clearly delineate between private and public spaces within the site through the use of materials and finishes.
- The buildings are not stepped, and tower elements are not of varying height.

Objectives

To ensure that new development:

- a) Provides a well-designed interface that relates strongly to the river foreshore and responds well to existing land use types and built form on surrounding sites.
- b) Provides appropriate noise amelioration for residential uses to protect against existing noise generating industrial uses in the surrounding precinct and nearby James Ruse Drive and any future non-residential uses on and off the site.
- c) Provides well articulated/modulated buildings and an attractive composition of building elements that results in high quality design outcomes.
- d) Results in minimal overshadowing within the site, surrounding properties and public open spaces, to ensure that adequate levels of amenity are achieved.
- e) Provides building separation that supports amenity and privacy, while also responding appropriately to important historic view corridors, and linkages across the Parramatta River that provides active ground floor uses along street frontages, through site links and the river frontage to create an active pedestrian edge as well as maximising opportunities for passive surveillance.

While the proposal responds to the adjoining development at 2-8 River Road West, the proposed interface between the public and private domain as well as the design of the shared accessways between vehicles and pedestrians remains unresolved to a satisfactory standard.

The proposal is able to comply and were the application recommended for approval, conditions ensuring compliance with the submitted acoustic report would be included.

While the proposal is well articulated in terms of façade elements, the overall modulation is unsatisfactory as the design of the towers has not been stepped and there is no variation between the tower heights of each building.

The proposal complies.

The proposed building separation is satisfactory.

<p>f) Provides opportunity for new commercial and or retail uses.</p> <p>g) Provides open spaces that are publicly accessible and provide opportunities for passive and active recreation.</p> <p>To provide new public open space adjacent to the Parramatta River foreshore, and new pedestrian and cycling connections between the river foreshore and the local road network.</p> <p>Ensure that new development provides a suitable interface to any future pedestrian bridge over Parramatta River where that bridge adjoins Alfred Street.</p>	<p>The proposal complies.</p> <p>The proposal complies in that publicly accessible open spaces are provided, however the access to these spaces is unsatisfactory in design.</p> <p>The proposal complies.</p> <p>The proposal complies.</p>
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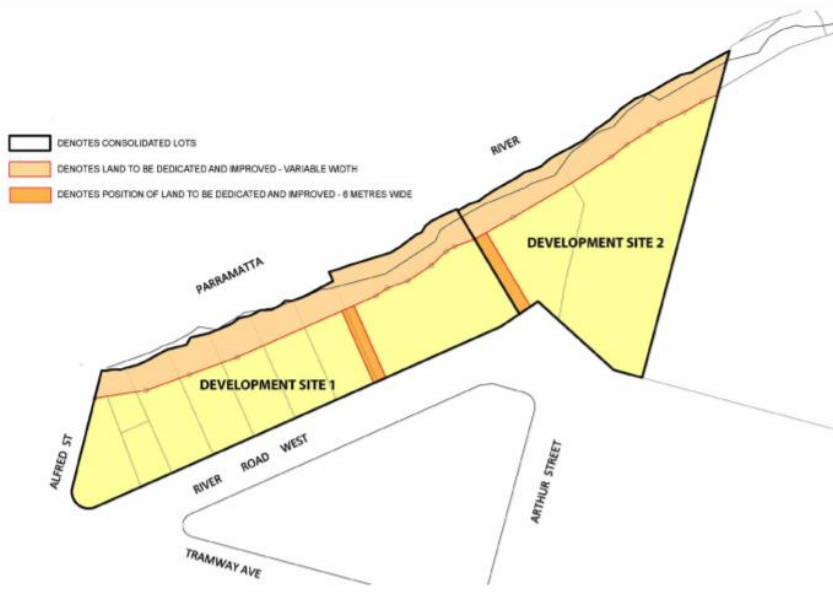


Figure 4.3.2.2.2
Land to be dedicated

Comment: The proposed development is consistent with the land to be dedicated nominated in the figure above as well as the terms of the VPA for the site.

<p>Pedestrian Connections and Laneways</p> <p>New pedestrian connections are to be provided in accordance with Figure 4.3.2.2.3 and the Voluntary Planning Agreements prepared for the site.</p> <p>New pedestrian connections are to be provided along the Parramatta River foreshore, and between the buildings, linking the foreshore and River Road West. All connections shall be suitably designed to integrate with adjoining road and pedestrian networks, including potential future pedestrian bridge over Parramatta River at Alfred Street.</p> <p>Pedestrian links must be dedicated to Council in accordance with the VPA and are to be clearly</p>	<p>The proposal complies.</p> <p>The proposal complies in that the required pedestrian connections have been provided.</p> <p>The proposal complies.</p>
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<p>delineated as public space and not privatised within the development.</p> <p>New development is to be designed and sited to appropriately integrate with and address pedestrian links ensuring activation and casual surveillance. Solid fencing is not to be provided adjacent to the pedestrian links.</p> <p>New pedestrian links are to include constructed shared paths with a minimum width of 3 metres, being consistent in width for its full length.</p> <p>It is desirable that future building envelopes enable an extension of Arthur Street, as a view corridor, extending to Parramatta River.</p>	<p>The proposal complies.</p> <p>The proposal complies.</p> <p>The proposal complies.</p>
<p>Consolidated Development Sites</p> <p>2-12 River Road West comprises a maximum of two development sites, the first being Nos. 2- 8 River Road West and the second being Nos. 10-12 River Road West as shown in Figure 4.3.2.2.2. Development applications for individual buildings on either of the development sites will not be considered in the absence of a concept proposal for the redevelopment of the development site as a whole in accordance with Section 83B of the Environmental Planning & Assessment Act 1979.</p> <p>Building design, form, material finishes, and colours need to present as a contiguous development across the two development sites. Design excellence and building diversity are to be achieved across the entire precinct.</p>	<p>Yes. The proposal is not for individual buildings on the site.</p> <p>The proposed building massing and materials are consistent with the adjoining development at 2-8 River Road West.</p>
<p>Land Use Mix</p> <p>Ground Level uses shall be predominantly non-residential and where appropriate shall create active street frontages to the river foreshore, through site links and road frontages as shown in Figure 4.3.2.2.3.</p>	



Figure 4.3.2.2.3
Pedestrian Links and Laneways

Council may consider permitting residential development at ground level where it will not reduce desired pedestrian activation; where site specific constraints, including flood affectation, can be overcome; and where residents will be provided with suitable amenity and privacy.

Suitability of land uses at ground level need to have regard to the sensitivity to flooding impacts and ability to meet the requirements of Council's Flood Plain Risk Management Plan, Parramatta LEP 2011 and Part 2 of this DCP.

Where large non-residential uses floor plates are proposed, information is to be provided at the development application stage detailing the types of uses likely to occupy the spaces, the demand for such facilities in the locality and justification for volume of non-residential floor space sought.

Comment: The proposal complies. Ground level retail uses are proposed however the levels proposed for the ground floor retail areas do not meet the required flood planning levels.

Building Form and Envelopes



Figure 4.3.2.2.5
Building Envelopes

Building Form

The designs of buildings are to address both the river foreshore and all road frontages and pedestrian networks.

To ensure that buildings are articulated using an appropriate mix of design elements to provide visual interest and high quality building design.

New buildings should provide active spaces at the ground floor level as detailed in Figure 4.3.2.2.3. This should include retail and commercial spaces, as well as building entrances to the residential parts of each building.

The ground floor of each building shall have flexible floor plates to accommodate a diversity of uses and respond to changing market conditions over time.

The buildings should ensure that their presentation to the street has:

- a) Clearly defined edges and corners, and
- b) Architectural treatments that are interesting and relate to the design and human scale of built form.

The proposal complies.

The buildings are appropriately articulated with a mix of design elements.

Ground floor retail and commercial spaces are proposed. Building entrances to the residential areas are also provided on the ground floor.

The proposal complies.

The proposal complies.

Building Envelopes

Future built form should provide a high quality design solution and correlate with the indicative building envelopes shown at Figures 4.3.2.2.4 (or Figure 4.3.2.2.5 where relevant) and 4.1.10.4.

NOTE: Figure 4.3.2.2.5 provides an alternate solution to Figure 4.3.2.2.4, for 10-12 River Road West, enabling a desired extension of Arthur

The proposed building envelopes are consistent with Figure 4.3.2.2.5 in the DCP.

Noted.

<p>Street as a view corridor toward Parramatta River.</p> <p>NOTE: The building envelopes are indicative only and will be subject to further analysis and design responses relating to flooding, overshadowing, urban design and the like.</p> <p>With the exception of Building D, building envelopes (for the tower element) should not exceed 24 metres, including balcony zone. The uppermost level building envelope shall not exceed 15 metres, including balcony zone.</p> <p>For Building D the building envelope (tower element) should not exceed 27 metres, with a preferred maximum building depth of 24 metres including balcony zone. The uppermost level building envelope shall not exceed 18 metres, including balcony zone.</p> <p>For the alternate solution for Buildings D, E & F, the building envelopes and setbacks should be as dimensioned in Figure 4.3.2.2.5.</p> <p>All balconies are to meet the minimum dimensions required in Part 3 of this DCP.</p> <p>Council may consider allowing greater building depths where this will not unnecessarily add to the bulk of the building and where a high quality building design, massing and articulation is achieved, particularly when viewed from the building ends.</p> <p>Ground level podium floor plates are to be designed having regard to:</p> <ul style="list-style-type: none"> a) Flood affectation, including the need to allow for overland flow paths between and around buildings b) Commercial/retail floor space demand in this locality and the types of uses likely to occupy the spaces c) The built form objectives and principles outlined above. <p>Large ground level floor plates/podiums will not be permitted where those areas will largely be used to provide for building service areas and/or car parking unless an appropriate design solution demonstrates that the objectives and principles outlined for the land are achieved to a high level of design excellence.</p>	<p>Noted.</p> <p>No, but acceptable. The proposed building envelopes for Buildings other than Building D are 19m and 18.6m for the uppermost level. It is noted that the non-compliance is a result of extended balconies which is considered acceptable as it does not contribute to additional bulk.</p> <p>No, but acceptable. Building D has a depth of 20.8m for the tower portion. The uppermost level of Building D is 20.8m. It is noted that the non-compliance is a result of extended balconies which is considered acceptable as it does not contribute to additional bulk.</p> <p>The proposal is generally consistent with the building envelopes and setbacks in this figure with the exception of the uppermost level setbacks of each building It is noted that the non-compliance is a result of extended balconies which is considered acceptable as it does not contribute to additional bulk.</p> <p>The proposal complies.</p> <p>Noted. Greater building depths are considered and do not unnecessarily add to the bulk of the building as the increased balcony depths.</p> <p>NO. The ground level floor plates do not have regard to flood affectation as the proposed levels do not meet the required flood planning levels.</p> <p>The proposal complies.</p> <p>The proposal generally complies.</p> <p>Ground level floorplates consist of retail uses where services comprise a small portion of the floor plate and are located away from the central street.</p>
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Where hatched areas are shown in Figure 4.3.2.2.4 it is desirable that these areas be used as a courtyard/ landscaped area (and may be above basement but otherwise unenclosed). Council may permit the area east Buildings D and E to be used as service area where it can adequately screened and/or landscaped particularly when viewed from proposed units above and/or the public domain.

N/A. This figure is not relied upon as the development is designed to meet the envelopes in Figure 4.3.2.2.5.

Building Height

Maximum building heights shall be in accordance with Figure 4.3.2.2.4 (or 4.3.2.2.5 where relevant) to respond to the context of surrounding buildings and to provide visual interest with tower elements of variable heights.

Height of new buildings are to ensure positive and cohesive relationships with other buildings both on the site and off the site and are to respond to the desired scale and character of the local area.

Building height shall respond appropriately to the historic view corridors 5 and 6 detailed in Appendix 2 of this DCP (see Note regarding historic view corridors).

Storey heights shown in Figures 4.3.2.2.4 and 4.3.2.2.5 should generally not exceed the maximum height shown in metres below:

Table 4.3.2.2.1
Storeys and height in metres

Number of storeys	Maximum height in metres (m)
1	6
2	9
8	28
9	31
10	34
11	37
12	40

Building Setbacks

P.19 Building setbacks are to be in accordance with Figures 4.3.2.2.4 (or 4.3.2.2.5 where relevant) and 4.3.2.2.7.

The proposed building height exceeds the height envisioned under this DCP (12 storeys). 14 storey building heights are proposed with a maximum height of 44m. A variation to the LEP development standard is sought and has been addressed within the LEP table of this report. The variation is considered acceptable.

The proposed building heights are consistent with that of the adjoining development at 2-8 River Road West and respond appropriately to the historic view corridors within the DCP.

Notwithstanding, there is no variation between the number of storeys of the three buildings which is inconsistent with the desired built form character of this precinct.

Building Setbacks

Building setbacks are to be in accordance with Figures 4.3.2.2.4 (or 4.3.2.2.5 where relevant) and 4.3.2.2.7.

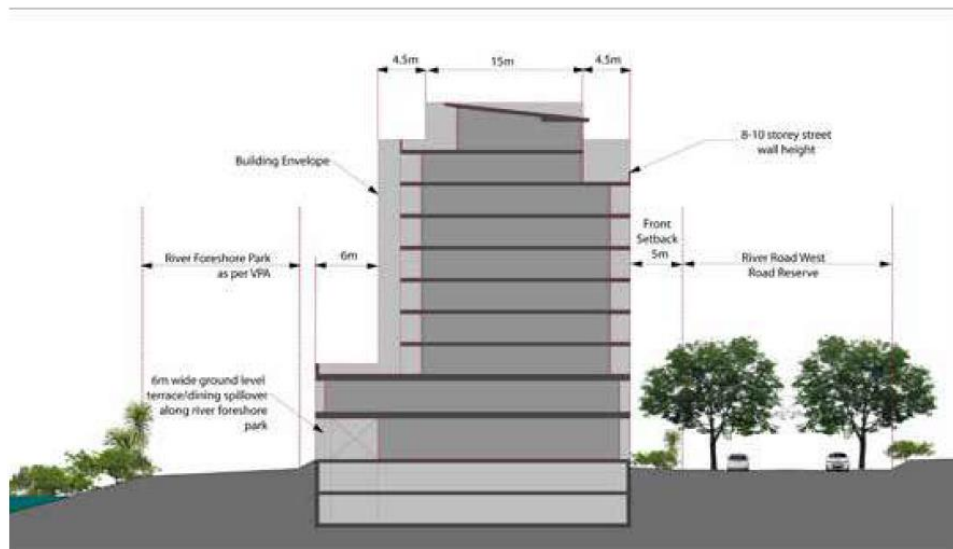


Figure 4.3.2.7
Building Setbacks

Comment: The proposed building setbacks of each building do not comply with the required setbacks under this DCP as the residential tower component of the buildings are not setback from the podium level.

Building Separation

Minimum separation between buildings should be in accordance with Figure 4.3.2.2.4 (or 4.3.2.2.5 where relevant).

The proposal complies.

Separation between each of the buildings should enable a strong visual connection between River Road West and the river foreshore and provide new sight lines to the River.

The proposal complies.

Adequate building separation should be provided between buildings to respond appropriately to Historic View Corridors 5 and 6 as referred to in Appendix 2 of this DCP (see Note regarding historic view corridors).

The proposal complies.

Areas between buildings should allow for pedestrians to comfortably move between the buildings, and promote the principles of passive surveillance. These areas should provide a sense of public, as opposed to private space.

The design of the areas between buildings is unsatisfactory as they do not clearly delineate between pedestrian and vehicle areas.

Where appropriate areas provided between buildings should be used to provide for overland flow in flood events. However, any such overland flow path must not conflict with emergency evacuation paths.

Areas between buildings are capable of being used to provide overland flow.

Residential Development

Where applicable, new residential development is to be designed to meet the Requirements of State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat

An assessment against SEPP No. 65 is provided earlier in this report.

<p>Development and the Residential Flat Design Code.</p> <p>Development should provide secure access to the residential component of each building, separate from access to any commercial development, such that there is a clear sense of building address for residents and their visitors.</p>	<p>The proposal complies.</p>
<p>Solar Access, Ventilation and Acoustic Amelioration</p> <p>Buildings are to be designed to ensure that solar access and cross ventilation requirements detailed in SEPP 65 and Section 3 of this DCP are achieved for residential development both on and off the site. Solar access must also be reasonably provided/ retained within the existing and future public domain areas and on adjoining non-residential sites.</p> <p>The design of buildings must take account of the need for adequate acoustic amelioration measures for new development, particularly where buildings have an interface with industrial development or other non-residential uses either on or off the site. Consideration must also be given to the acoustic impacts of James Ruse Drive when designing new developments.</p> <p>Where non-residential uses are proposed on the site, consideration must be given to ensure appropriate amelioration measures are considered with regard to noise, odours and the like to reduce conflict with residential development.</p>	<p>The proposal complies.</p> <p>The proposal complies.</p> <p>The non-residential uses would be subject to separate development approval depending on the use proposed as specific acoustic and/or odour amelioration measures would be applicable.</p>
<p>Flooding</p> <p>In order to minimise impacts associated with flood inundation, the buildings are to accommodate the 20 year and 100 year flood levels. New development should also consider the PMF event.</p> <p>Any future redevelopment of the site is to meet the flooding controls contained within Parramatta LEP 2011, Section 2 of this DCP and the Lower Parramatta River Floodplain Risk Management Plan (and any other relevant legislation and/or guidelines).</p> <p>In determining the flood affectation of the site, consideration must be given to the impacts of climate change and sea level rise on the Lower Parramatta River Catchment and Clay Cliff Creek, including any changes to the 100 year flood level.</p> <p>Before final building envelopes are approved an Engineers Report is to be provided to accompany a development application for new structures certifying that:</p>	<p>NO. The proposal has not been designed to incorporate the required flood planning levels at the ground floor.</p> <p>NO. The proposal does not comply.</p> <p>Noted.</p> <p>A Flood Impact Assessment was prepared and submitted with the Development Application documentation.</p>

<p>a) Any structure can withstand the forces of floodwater, debris and buoyancy up to and including a probable maximum flood (PMF) level</p> <p>b) Development will not increase flood affectation elsewhere having regard to:</p> <ul style="list-style-type: none"> • Loss of flood storage; • Changes in flood levels and velocities caused by alterations to the flood conveyance; • The cumulative impact of multiple potential developments in the same catchment. <p>The above sub-clause (b) includes the undertaking of appropriately detailed hydraulic modelling of the passage of Clay Cliff Creek catchment runoff/floodwaters through the site where issues including confirmation of the magnitude of those spill flows from the Clay Cliff Creek channel and associated blockage issues have been considered. The modelling is to include consideration of 100 year and PMF event modelling with and without concurrent Parramatta River flooding. Due to the complexity of those flood regimes the modelling shall be undertaken with either 2 Dimensional or quasi 2 Dimensional modelling software.</p> <p>Where basement parking is proposed, this shall be designed to prevent the 100 year flood waters from entering basement levels. The basement walls and entry/exits in any future development should eliminate the risk of entry of flood waters up to and including the 100 year flood event. It is desirable that the PMF event also be considered, and where possible the basement be designed to eliminate the entry of flood waters in the PMF event.</p> <p>A Site Specific Flood Evacuation Response Plan is to accompany any future development application. This plan is to be compliant with any relevant flood evacuation strategy and is to consider the full range of potential flood events. Consideration must also be given to the range of land uses on the site, including any non-residential uses at ground level. Particular emphasis must also be given to the appropriate emergency evacuation of the basement including and up to the PMF flood event.</p> <p>Emergency Service Authorities are to be consulted in the preparation of any Site Specific Flood Evacuation Response Plan for the site.</p> <p>The flowpath along the bank of the river, between the Parramatta River itself and the proposed buildings is to remain clear of any obstructions which could impede the flow of flood waters.</p>	<p>Flood modelling was undertaken and submitted as part of the Flood Impact Assessment.</p> <p>NO. The basement has not been designed to accommodate a PMF event.</p> <p>A Flood Evacuation Response Plan was submitted with the Development Application however has been reviewed by Council's Senior Catchment and Development Officer and is not considered satisfactory.</p> <p>Noted.</p> <p>Insufficient Information. Details of furniture within the through site link and the foreshore including seats, picnic tables, bike racks and other furniture have not been provided. Insufficient information has been provided to</p>
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<p>Building facades shall be designed so as not to obstruct flood flows in extreme flood events.</p> <p>Access and egress points to all buildings are to be positioned away from overland flow paths and above 100 year flood level plus freeboard.</p> <p>Adequate signage is to be installed that identifies the flood risks between the buildings and the Parramatta River and Clay Cliff Creek.</p> <p>Landscaping is to be designed to slope and/or direct flows towards Parramatta River and any increase in planting densities between the buildings and the river is to be certified as to not having adverse impact on the passage of the 100 year flood associated with both the Parramatta River and Clay Cliff Creek regimes. It is expected that such certification will be based on interrogation of the results of specific flood modelling.</p> <p>Any fencing or property security should be “flood friendly” allowing flood waters to easily pass through.</p>	<p>demonstrate that the flowpath will remain clear of obstructions.</p> <p>NO. Building entries are located 1m below the flood planning level plus freeboard.</p> <p>Were this application recommended for approval, this required would be addressed via a condition of consent.</p> <p>Insufficient information has been submitted to confirm compliance with this control.</p> <p>Were this application recommended for approval, this required would be addressed via a condition of consent.</p>
<p>Landscaping and Deep Soil</p> <p>Landscaping and deep soil planting shall be provided in accordance with Part 3 of this DCP.</p> <p>Street trees are to be provided to all frontages of the development to the Council’s specifications. Appropriate landscaping, including trees, shall be provided adjacent to the foreshore and along through site links. Endemic species shall be utilised throughout the site include the riparian corridor and foreshore area.</p> <p>Proposed landscape design is to be compatible with the Voluntary Planning Agreements made for the land.</p> <p>Roof gardens may be permitted. These should however provide adequate visual and acoustic privacy to other buildings within the development and on adjoining sites and are not to increase the height or bulk of buildings.</p>	<p>Insufficient Information. Insufficient information has been submitted demonstrating how soil volume will be provided. Council’s Tree and Landscape Officer has reviewed the proposal and has requested further information in order to assess the proposed landscaping. Refer to the referrals section of this report for further details.</p>
<p>Traffic, Access, Parking and Services</p> <p>All car parking is to be provided at basement level to ensure that the visual appearance of car parking structures does not dominate the street frontage.</p> <p>In the event that basement car parking cannot be provided on the grounds of flood affectation, any at grade or above ground parking area must be adequately screened by way of public art, or other forms of architectural treatment to Council’s satisfaction.</p>	<p>The proposal complies.</p> <p>N/A.</p>

<p>Pedestrian and vehicle conflict are to be minimised with limited vehicle crossings to the public domain. Crossings are to be generally in accordance with Figure 4.3.2.2.3 or as otherwise agreed by Council, and also having regard to flood affectation and the logical staging of development.</p> <p>Vehicle crossings must not provide conflict with pedestrian through site links or any pedestrian crossing.</p> <p>Vehicle crossings are to be provided where appropriate to enable emergency and/or maintenance vehicle access to the foreshore/through site links.</p> <p>The width and surface area of driveways and other hard surfaces associated with the movement and parking of vehicles shall be minimised, but shall be adequate to enable 2 vehicles likely to be associated with the land uses proposed to pass.</p> <p>Provision of loading bays or service vehicle areas, building service/plant areas, and building services (such as substation) must be adequately screened from any public domain areas, including the street, through site links and the river foreshore.</p> <p>The kerb and gutter adjacent the boundary of Nos. 8, 10 and 12 River Road West is to be realigned as indicated in Figure 4.3.2.2.3. The remaining verge is to be appropriately landscaped to complement the development site. This matter should be further investigated in consultation Council's Traffic Engineer at the development application stage.</p>	<p>The proposal complies.</p> <p>NO. The central street is designed as a shared path between vehicles and pedestrians. The design of this street requires amendments and is not supported in its current form.</p> <p>The proposal complies.</p> <p>A service vehicle bay is located towards the east of the site and is not visible from the street or foreshore area. Other services are appropriately located.</p> <p>Council's Traffic and Transport Engineer has reviewed the proposal and raises no objections to the proposed development. Were this application recommended for approval, appropriate conditions of consent would be included to address this.</p>
<p>Public Domain</p> <p>Foreshore open space, through site links and public domain works are to be provided in accordance with the Voluntary Planning Agreements for the land.</p> <p>Public domain areas to be dedicated to Council in accordance with the Voluntary Planning Agreements are to be integrated with the design of future redevelopment of the land. These areas shall be appropriately activated at ground level and are to be clearly distinguishable as public areas.</p> <p>Fencing within the public domain area is not desired. However, where fencing is required, it is to be transparent and must not exceed 1 metre in height and must not reduce passive surveillance of the adjoining public domain.</p>	<p>While the required foreshore area and through site link has been provided in accordance with the VPA for the site, the design of these areas remains unresolved.</p> <p>NO. Council's Public Domain Officer has reviewed the proposal and does not support the application in its current form. Refer to referrals section of this report for further details.</p>

<p>The foreshore area and through site links shall incorporate a range of treatments including grassed areas, planting, paving, seating areas, public art and interpretive heritage signage. New development is to ensure that public open spaces can be casually surveyed from new buildings on the site.</p> <p>New shared paths along the foreshore and through site links shall provide an attractive river foreshore area increasing connections along the Parramatta River and throughout the local road network. All shared paths shall be adequately connected to the existing road/pedestrian network.</p> <p>Works to the foreshore shall contribute to a rich and varied promenade experience, which draws people to, and along, the waterfront.</p> <p>Buildings shall be designed to maximise solar access to public domain areas.</p> <p>Water Sensitive Urban Design principles shall be implemented within the public domain areas.</p>	
<p>Heritage and Archaeology</p> <p>The design of the proposed buildings are to ensure that the historic view corridors 5 and 6 identified at Appendix 2 of this DCP are responded to appropriately. This is to be achieved through careful consideration of building siting, separation height, bulk and scale. (see Note regarding historic view corridors).</p> <p>Future redevelopment must ensure that all reasonable opportunities to re-establish public foreshore connections are provided.</p> <p>Due to the possibility of remnants of the former gas works site and wharf being present, a monitoring program or test excavations may be required. An appropriate strategy is to be provided as part of any future development application.</p> <p>A heritage interpretation strategy is to be implemented within the 2-12 River Road West Precinct. This is to identify historical associations of this precinct and 'tell a story' about the significance of this site within the Harris Park and broader Parramatta context. The setting of Queens Wharf, site of a former gasworks, and early association as part of the Macarthur land grant should be considered as part of this interpretation strategy.</p> <p>Due to the possibility of the site containing part of the Parramatta sand body, an appropriate exploratory test excavation strategy is to be devised in conjunction with any future development application to determine whether</p>	<p>The proposal complies.</p> <p>The proposal complies.</p> <p>Were this application recommended for approval, this requirement would be addressed via a condition of consent as per the advice of Council's Heritage Advisor.</p> <p>Were this application recommended for approval, this requirement would be addressed via a condition of consent as per the advice of Council's Heritage Advisor.</p> <p>Were this application recommended for approval, this requirement would be addressed via a condition of consent as per the advice of Council's Heritage Advisor.</p>

<p>any such remains are evident within the precinct. Archaeological testing is to be undertaken in accordance with the Code of Practice for Archaeological investigation of Aboriginal Objects in Australia. Appropriate consultation should also be undertaken in accordance with the Aboriginal community.</p>	
<p>Flora and Fauna</p> <p>Prior to the redevelopment of the site a terrestrial and aquatic flora and fauna investigation is to be undertaken and is to accompany any future development application. This investigation should be extended to include environmental assessments of bat and migratory bird habitat in the adjoining river corridor, including documentation of impacts and recommend appropriate mitigation measures.</p> <p>Future redevelopment should provide for a rehabilitation and restoration strategy for flora and fauna, particularly along the river foreshore. Such a strategy should be provided at the development application stage and is to address (but is not limited to) the following matters:</p> <ol style="list-style-type: none"> Commitments provided for in the voluntary planning agreements; Weed removal and control of noxious weeds Bank stabilisation to halt bank erosion and undermining of existing mangroves; Conservation and protection of mangroves, mature Swamp Oak and other endemic riverine species, having particular regard for their ability to stabilise the river bank; Re-establishment the elements of Swamp Sclerophyll Forest along the bank; and On-going management and protection of the riparian corridor. <p>Lighting in any future development to be designed to minimise light spill into the ecologically sensitive river riparian corridor to prevent disturbance of bat and migratory bird foraging and roosting habitat.</p> <p>Provision of construction noise limits and time restrictions to reduce noise emissions into the ecologically sensitive river riparian corridor to prevent disturbance of bat and migratory bird foraging and roosting habitat.</p>	<p>An Ecology and Biodiversity Development Assessment Report was submitted with this application and was reviewed by Council's Open Space and Natural Resources Officer. The report was considered satisfactory.</p> <p>A Vegetation Management Plan was submitted with the application and considered satisfactory subject to confirmation of the maintenance period follow completion of works.</p> <p>NO. No light pole locations and types have been identified on the submitted plans to demonstrate that light spill will be minimised.</p> <p>Were the application recommended for approval, a condition of consent would be included to this effect.</p>
<p>Contamination and Acid Sulfate Soil</p> <p>Future redevelopment of the site is to meet the requirements of Parramatta LEP 2011, Parramatta DCP 2011, State Environmental Planning Policy No. 55 (Remediation of Land) and any other relevant legislation and guidelines.</p>	<p>An assessment of the proposal against the relevant SEPPs, LEP and DCP has been undertaken in this report. The proposal acceptable with regard to contamination and acid sulfate soils.</p>

11. Planning Agreements

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

The Voluntary Planning Agreement was entered into with the following terms:

- Dedication of land as public land along the Parramatta River foreshore.
- Payment of a monetary contribution of \$525,000.
- Payment of a security amount to Council.
- Works to be undertaken by the development including
 - Weed removal, revegetation and embellishment of land for open spaces along the river foreshore.
 - Protection and upgrade of the riverbank and seawalls.
 - Construction of a through site link connecting River Road West to the river foreshore.
 - Any remediation works that may be required for the site.

12. The Regulations

Were this application recommended for approval, conditions would have been recommended to ensure the following provisions of the Regulation would be satisfied:

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

13. The likely impacts of the development

Context and setting

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

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

Response

This proposal will result in acceptable adverse physical impacts as:

- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls;
- The proposal will not generate noise or diminish views that would be detrimental to adjacent and surrounding sites; and
- The significance of the heritage item on the site has been interpreted and considered into the new proposed design.

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

Response

This proposal will have an unsatisfactory relationship with its context for the following reasons:

- The scale, form and presentation of the building is inconsistent with planning controls, and the design and site planning are unacceptable as assessed by Council's Catchment and Development Engineer, Tree and Landscape Officer, Urban Design, Accessibility and Public Domain Officers.

14. Site suitability

The potential constraints of the site cannot be satisfactorily assessed given that a number of key issues remain unresolved including flood planning, public domain, landscaping and urban design. Accordingly, the site cannot be considered as suitable for the development.

15. Submissions

The application was notified and advertised in accordance with Councils consolidated notification procedures for a 28 day period between 18 August and 15 September 2021. During this time, one individual unique submission was received. The issues raised within the submission are addressed below.

Issue	Response
Adverse impact from increased population density.	The proposed density is considered to be acceptable for the site and no significant adverse privacy, solar access or traffic impacts are anticipated from the proposed density. The application is recommended for refusal however this does not form a reason for refusal.
Reduction of rental returns.	This does not form a matter of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

Amended Plans Yes.

Summary of amendments

Amended architectural plans were submitted with the following changes:

- Clarification on land to be dedicated under the VPA and additional detail within this area.
- Amended ground floor layout.
- Elevations amended to provide separate building entry identities.
- Revised façade design.
- Internal reconfiguration of bedroom doors in 2 and 3 bedroom apartments.
- Raised retail floor levels at the rear.

Other amended documentation submitted includes:

- Revised Landscape Plan.
- Revised Civil Works Plans.
- Revised Stormwater Plans.
- Revised Public Arts Plan.
- Amended Traffic Report.
- Amended Geotechnical Report.
- Ecology Vegetation Management Plan.
- Aquatic Ecology Impact Assessment.
- Revised Acoustic Report.
- Flooding response.
- Revised Access Report.
- Planning statement clarifying affordable housing provision.

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

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

Conciliation Conference – Not Required

The application received less than ~~10~~8 unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

16. Public interest

Due to the abovementioned concerns regarding flood levels, public domain interface and urban design, the proposal is considered to be contrary to the public interest.

17. Parramatta S94A Contributions Plan (Outside CBD) (Amendment No. 5)

Were this application recommended for approval, a relevant condition of consent pertaining to the payment of Section 7.12 contributions prior to the issue of a Construction Certificate would be included within draft conditions of consent.

Summary and conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is *not* suitable for the site and is *not* in the public interest. The proposal is recommended for refusal.

Recommendation

- a) That the Sydney Central City Planning Panel as the consent authority **refuse** Development Application No. DA/722/2021 for demolition of the existing structures, tree removal, and construction of a mixed use development over two levels of basement car parking with retail premises on the ground floor and 273 residential apartments on the levels above, at 10-12 River Road West, Parramatta for the following reasons:
1. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development:
 - a) Design Quality Principles: Principle 2 Built Form and Scale
 - b) Design Quality Principles: Principle 5 Landscape
 - c) Design Quality Principles: Principle 6 Amenity
 - d) Design Quality Principles: Principle 9 Aesthetics

- e) Apartment Design Guide: 3C Public Domain
 - f) Apartment Design Guide: 3G Pedestrian Access and Entries
 - g) Apartment Design Guide: 4P Planting on Structures.
2. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Local Environmental Plan 2011:
 - a) Clause 2.3 - the development is inconsistent with the zone objectives of the B4 Mixed Use zone
 - b) Clause 5.21 Flood Planning
 3. The proposal does not exhibit a satisfactory proposal, in that it is inconsistent with the following provisions prescribed within the Parramatta Development Control Plan 2011:
 - a) Section 2.4.2.1 Flooding
 - b) Section 2.4.2.2 Protection of Waterways
 - c) Section 2.4.8 Public Domain
 - d) Section 3.1.3 Preliminary Building Envelope Tables – the development does not provide sufficient information to demonstrate that the nominated deep soil areas are capable of mature vegetation planting
 - e) Section 3.1.3 Preliminary Building Envelope Tables – the development does not meet the required minimum landscaped area
 - f) Section 3.3.1 Landscaping
 - g) Section 4.3.2.2 River Road West Precinct – Desired Future Character
 - h) Section 4.3.2.2 River Road West Precinct – Building Envelopes
 - i) Section 4.3.2.2 River Road West Precinct – Flooding
 - j) Section 4.3.2.2 River Road West Precinct – Public Domain
 4. The proposal does not exhibit a satisfactory proposal, in that insufficient information has been submitted to demonstrate how ~~the~~ sufficient soil volume will be adequately provided for the landscaping proposed.
 5. The proposal fails to satisfy the relevant considerations under Section 4.15(1)(c) Environmental Planning and Assessment Act 1979 for built environment and suitability of the site.
 6. The proposal fails to satisfy the relevant considerations under Section 4.15(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts generated by the development due to non-compliances with the applicable planning controls is not beneficial for the local community and as such, is not in the wider public interest.
- b) That the submitters ~~are~~ is advised of the decision.**