

## Report to Sydney Central City Planning Panel

<b>SCCPP reference</b>	PPSSCC-290
<b>DA No.</b>	DA/883/2021
<b>Date of receipt</b>	24 September 2021
<b>Proposal</b>	Construction of a 46-storey mixed use development containing 6 basement levels, ground floor commercial/retail, 331 apartments and 3,356m <sup>2</sup> commercial/office space on Levels 40 to 45. The proposal is Nominated Integrated Development under the Water Management Act 2000 and is to be determined by the Sydney Central City Planning Panel.
<b>Street address</b>	14-20 Parkes Street, Harris Park
<b>Property Description</b>	Lot 10 DP 128882, Lot 13 DP 1077402, Lot 14 DP 1077402 and Lot 2 DP 128524
<b>Applicant</b>	Parkes 88 Pty Ltd
<b>Owner</b>	Parkes 88 Pty Ltd
<b>Submissions</b>	Nil
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b>	Pursuant to Part 3 of Schedule 2 of the Environmental Planning and Assessment Act 1979 (at the time of lodgement), the development has a capital investment value of more than \$30 million
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act and Regulations</li> <li>• SEPP (Resilience and Hazards)</li> <li>• SEPP 65 (Design Quality of Residential Apartment Development)</li> <li>• SEPP (Building Sustainability Index: BASIX) 2004</li> <li>• SEPP (Biodiversity and Conservation) 2021</li> <li>• SEPP (Planning Systems) 2021</li> <li>• SEPP (Transport and Infrastructure) 2021</li> <li>• Parramatta Local Environmental Plan 2011</li> <li>• Parramatta Development Control Plan 2011</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Architectural Plans</li> <li>2. Architectural Floor Plans (confidential)</li> </ol>
<b>Report prepared by</b>	Paul Sartor, Senior Development Assessment Officer
<b>Report Date</b>	24 November 2022

**Summary of Sec 4.15 matters**

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

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**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**  
*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **No**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (Sec 7.24)? **No**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

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

## 1. Executive Summary

In 2020 a design competition was held for a residential tower at the subject site with the scheme by SJB architects announced as the winner of this process.

A development application was lodged for the construction of a 39-storey mixed use development. This was approved on 17 Dec 2020 and included confirmation that the scheme satisfied the relevant design excellence provisions of the Parramatta LEP.

The current proposal seeks additional GFA to the approved scheme, to take advantage of a change in planning controls under the Parramatta CBD PP. The scheme provides for the construction of a 46-storey mixed use development containing six basement car parking areas, 331 apartments and commercial space on the ground floor and levels 40-45 of the development.

The Design Jury have considered the scheme in the context of the previous design competition process and, despite the additional commercial use in the top of the building, have confirmed that the building remains consistent with the previous winning scheme.

The application generally follows the form for the site envisaged under the new Parramatta CBD Planning Proposal (CBD PP) which came into effect on the 14<sup>th</sup> October 2022 and the Parramatta DCP 2011. The proposal benefits from the increased FSR and height controls under these new controls. The controls require a minimum 1:1 of commercial FSR, which has been proposed on levels 40-45 of the building, this is intended by the developer to be their own offices.

This report recommends approval to the panel for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta Local Environmental Plan 2011
- The proposal will contribute to the overall housing supply of the local government area
- The proposal suitably integrates business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.
- For the reasons given above, approval of the application is in the public interest.

## 2. Key Issues

<b>CBD Planning Proposal</b>	<p>The CBD Planning Proposal has been finalised and came into effect on the 14<sup>th</sup> October 2022. This application is the first to be determined against these controls. The CBD DCP has been exhibited and is to be reported to Council for finalisation on the 28<sup>th</sup> November. In any event, the Site Specific DCP Controls for this site prevail, which the application has been assessed against.</p> <p><b>The proposal has a compliant FSR and height, when considering the architectural roof feature which will accommodate the lift over run.</b></p>
<b>Design Excellence</b>	<p>The proposed development was the winning entry in a Design Competition. The Design Competition Jury unanimously agree that the design exhibits Design Excellence and meets the design excellence objectives of the Parramatta LEP 2011. The Jury is supportive of the commercial use at the top of the building, provided this use is retained in perpetuity. This is discussed further in the report.</p>

<b>Flooding</b>	The site is affected by flooding, with flash flooding from Clay Cliff Creek and overland flow flooding from the local catchment. The applicant has addressed flooding with a 6m wide setback from Clay Cliff Creek for floodwater conveyance, appropriate floor levels, shelter in place above the PMF, flood exclusion from the basements up to the PMF and sound engineering practice that together minimise flood risk, this has also been secured via appropriate conditions.
<b>Activation of Clay Cliff Creek</b>	The site has been designed to create a foreshore area adjoining Clay Cliff Creek. This creek is a concrete lined channel owned by Sydney Water. The applicant has provided design measures and technical controls to provide for a safe and useable space along the creek area.

### 3. Site Context

#### 3.1 The Site

The site is located on the north-eastern corner of Parkes Street and Wigram Street, Harris Park. The site is comprised of 4 allotments of land with the following characteristics:

Address	Property Description	Lot Size	Previous use
14 Parkes Street	Lot 10 DP 128882	386.5m <sup>2</sup>	5 storey commercial building
16 Parkes Street	Lot 13 DP 1077402	838.9 m <sup>2</sup>	
18 Parkes Street	Lot 14 DP 1077402	970.5 m <sup>2</sup>	2 storey commercial building with basement car park
20 Parkes Street	Lot 2 DP 128524	681.8 m <sup>2</sup>	2 storey commercial building

Under DA/324/2020 demolition to the ground floor has been completed and basement construction has commenced as per DA/179/2020 (as amended).

The combined site has a frontage to Parkes Street of 60.255m, a frontage to Wigram Street of 28.63m (including a corner arc of 6.21m) and a site area of 2829.7m<sup>2</sup>.





Figure 1 - Aerial map, subject site highlighted in blue (Source: Neatmap, Aug 2022)



Figure 2 - Previous view east along Parkes Street to the subject site prior to demolition (Source: Pacific Planning, 2020)





Figure 3 - Current site conditions viewing east from Parkes St (Source: Pacific Planning, 2021)



Figure 4 - View of Clay Cliff Creek at the rear of the subject site (Source: Pacific Planning, 2020)

### 3.2 Surrounding Development

The subject site is surrounded by the following development:

- Clay Cliff Creek (concrete channel) at the rear with 111 Wigram Street (9 storey mixed use) located opposite to the north of the creek (DA/408/2010)
- New development adjoining to the east at 22 Parkes Street (17 storey mixed use development) (DA/442/2013)
- New 'Charlie Parker' site to the west across the road – 12A Parkes Street (22 storey mixed use development) (DA/1263/2016)
- 8 storey mixed use and 2-4 storey commercial to the south across the road in Parkes Street.

## 4. Background

The recent history of this site as of relevance to the application is outlined within the table below.

RZ/9/2015	<p>Parramatta LEP 2011 (Amendment No. 46) took effect from 18 June 2020. The amendment relates to the subject site and includes the following changes to the Parramatta LEP 2011:</p> <ul style="list-style-type: none"> <li>- Increase in the FSR from 4:1 to 8:1</li> <li>- Increase in maximum height of 54m to 110m</li> <li>- Inclusion of a site-specific clause to achieve the following: <ul style="list-style-type: none"> <li>○ Application of a maximum car parking rate in accordance with the CBD Strategic Transport Study</li> <li>○ A requirement that the development address floodplain risk management.</li> </ul> </li> </ul> <p>There are associated amendments to the Parramatta DCP 2011 which also took effect from 18 June 2020. These changes relate to Section 4.3.3 Parramatta City Centre and include specific flooding related objectives and measures to be incorporated into design.</p>
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	In addition, there is an associated Voluntary Planning Agreement (VPA) for the site providing for a monetary contribution to fund local community infrastructure. The VPA was executed on 16 June 2020.
DC/5/2016	<p>A design competition was held for the site with the design brief set against the proposed draft planning proposal controls at 10:1/122.5m. The Jury awarded the winning scheme to SJB on June 2016 and acknowledged the proposal exhibits design excellence.</p> <p>As per the assessment of DA/179/2020 and in accordance with the conditions of consent it was agreed by the Jury and by the Group Manager DTSU that Stanisic Architects would be the project architect overtaking from SJB.</p>
DA/324/2020	<p>A development application for the demolition of existing structures and tree removal on the site was approved under delegated authority on 31 July 2020.</p> <p>This work has been completed.</p>
DA/179/2020	<p>Construction of a 39-storey mixed use building which comprised of the following:</p> <ul style="list-style-type: none"> <li>- 380sq.m of ground floor retail/commercial space</li> <li>- Four level podium containing residential apartments, car and bicycle parking spaces, plant rooms, loading bays, and storage spaces</li> <li>- 38 levels of residential apartments with 294 apartments</li> <li>- Communal open space on the podium rooftop and level 31 rooftop.</li> <li>- 204 car parking spaces provided across 5 basement levels and 4 above ground levels.</li> </ul> <p>This application was approved by the Sydney Central City Planning Panel on the 17 December 2020.</p>
DA/179/2020/A	<p>Section 4.55(1A) Modification seeking to modify Conditions 13 and 137 of the development consent relating to payment of section 7.12 contributions and indemnification of the applicant for public liability on the public pathway.</p> <p>This application was refused on the 30<sup>th</sup> March 2021.</p>
DA/179/2020/B	<p>Section 4.55(2) modification to an approved mixed use development seeking the addition of a basement level; the rearrangement of storage and parking spaces within the basement levels; the relocation of eastern stairwells FS04 and FS02, relocation of structural walls and columns that align through the entire building; and other minor works. The proposal is Nominated Integrated Development under the Water Management Act 2000.</p> <p>This application was approved on the 17<sup>th</sup> June 2021.</p>
DA/179/2020/C	<p>Section 4.55(1A) modification to an approved mixed use development including structural changes to the building, internal reconfiguration of basements, adaptable unit layouts, servicing and other minor works</p>



## 5. The Proposal

The proposal involves the following:

- Construction of a 46-storey mixed use building comprising the following:
  - A 237sq.m ground floor retail/commercial restaurant tenancy with associated outdoor dining
  - Four level podium containing residential apartments, car and bicycle parking spaces, plant rooms, loading bays, and storage spaces
  - Residential apartments on tower levels 5-39 and residential open space on level 4
  - Commercial space on levels 40-45, equalling 2737sq.m of GFA
  - Commercial communal open space on the level 40 rooftop
- A total of 331 residential dwellings comprising:
  - 37 x 1 bedroom apartments (11.18%)
  - 258 x 2 bedroom apartments (77.95%)
  - 36 x 3 bedroom apartments (10.87%).
- 229 car parking spaces provided across 6 basement levels and 4 above ground levels.

**Estimated Cost of Works = \$118 mill (incl. GST)**



Figure 5 - 3D photomontage of the development

## 6. Permissibility

The site has a B4 Mixed Use zoning applying to the land under the provisions of Parramatta LEP 2011. The proposed development is defined as a “mixed use development” and is permissible with consent.

### Planning Objectives

The proposal is generally consistent with the objectives of the B4 Mixed Use zone for the following reasons:

- As it provides a mixture of compatible land uses.
- It integrates suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- It encourages development that contributes to an active, vibrant and sustainable neighbourhood.
- It creates opportunities to improve the public domain and pedestrian links.
- It supports the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.

## 7. Public Notification

The application was notified and advertised in accordance with The City of Parramatta Consolidated Notification Procedures and legislative requirements for a 28-day period from the 7<sup>th</sup> October 2021 to the 4<sup>th</sup> November 2021.

In response no submissions were received.

## 8. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	Yes, see referrals in the planning assessment below.
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## 9. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply?	No
Does Section 4.10 (Designated Development) apply?	No
Does Section 4.46 (Integrated Development) apply?	Yes Section 90(2) of the Water Management Act 2000
Are submission requirements within the Regulations satisfied?	Yes

## 10. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	A detailed assessment is provided at <b>Attachment A.</b>
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## 11. Parramatta Local Environmental Plan 2011

A detailed evaluation is provided at **Attachment A.**

The proposal complies with the development controls in the Parramatta LEP 2011.

## 12. Parramatta Development Control Plan 2011

The following table is a summary assessment against Parramatta DCP 2011.

A detailed evaluation is provided at **Attachment A.**

DCP 2011 Section	Comment or Non-Compliances
Part 1 – Preliminary	Consistent
Part 2 – Background	Consistent
Part 3 – General Controls	Satisfactory
Part 4 – Detailed Design Guidelines	Satisfactory

The proposal has also been assessed against the newly created CBD DCP controls.

## 13. SCCPP Briefing Minutes

The application was considered at a SCCPP Briefing Meeting held on 1 July 2020. Members of the panel in attendance were Abigail Goldberg (Chair), Roberta Ryan and David Ryan.

The key issues discussed at the Panel Briefing Meeting are as follows:

- Role of the boardwalk regarding passive surveillance and engineer advice regarding design and safety
- Location of commercial spaces
- Access to residential communal open space via commercial area
- Approval awaits the CBD PP which is currently with DPE

These matters are discussed further in detail below.

Matter to Consider	Comment
Role of the boardwalk regarding passive surveillance and engineer advice regarding design and safety	<p>The planning panel discussed concerns with the boardwalk and how passive surveillance will be achieved to this as per the approved DA/179/2020. This DA proposes the realignment of the ground floor outdoor dining along the corner of the Clay Cliff Creek and Wigram St. The panel recognised that it would be a better planning outcome if the surveillance was maintained to this DA.</p> <p>The applicant has partially restored the outdoor dining along Clay Cliff Creek, see comparison at figure 7 and 8 below. This with the Clay Cliff Creek Plan of Management which has been conditioned to be prepared and provided prior to OC is considered to provide adequate passive surveillance to the Clay Cliff Creek walkway.</p>

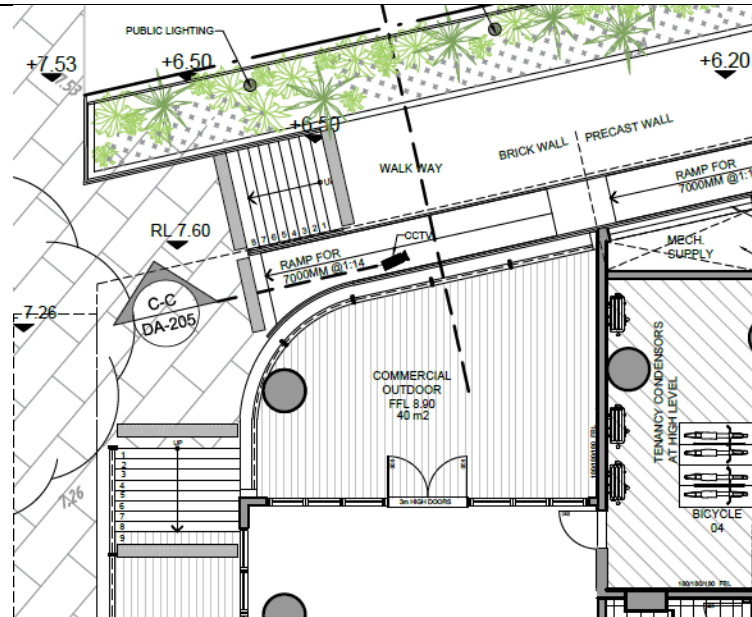


Figure 6 - Approved ground floor outdoor dining

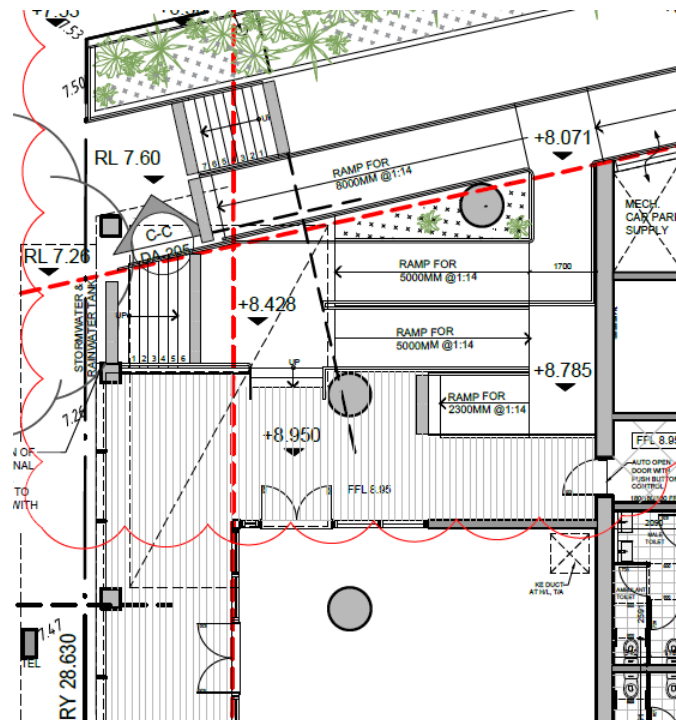


Figure 7 - Proposed ground floor outdoor dining

The development also retains the approved crime prevention methods such as the balcony common open space from level 3 of the podium, the glass boxes from the carpark throughout the podium and CCTV and lighting. The new design is considered to retain visual surveillance to this area.

Location of commercial spaces	The location of the commercial spaces within the top of the tower has been raised with the applicant who maintained that the commercial space is compliant with the CBD PP and that the commercial space is intended to be occupied by ALAND themselves. The design includes a separate commercial lobby on the ground floor and is serviced by two
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	<p>commercially dedicated lifts. Any change in use of this space from commercial would require planning consent.</p> <p>The design jury agrees that the proposed use is consistent with the award-winning scheme as it is of the same bulk and scale. The jury is satisfied that the proposal will not lead to a sub optimal commercial space as the developer has agreed to 3.8m floor to floor heights as required by the CBD DCP. The lifts level of service is also considered to be consistent with other developments within the CBD, despite being with four lifts only for the residential component of the development as compared to six approved under DA/179/2020.</p> <p>While an office use has not been proposed in the top of a mixed-use development before, provided the level of service is maintained, this is supported. A condition has been recommended from the design jury that the commercial FSR is to remain as per the minimum 1:1 commercial FSR requirement.</p>
Access to residential communal open space via commercial area	<p>The applicant has clarified that they intend that communal open space on level 40 to be for the commercial use only.</p> <p>The applicant has stated that the communal open space provided for the residential component of this development without level 40 is consistent with the ADG requirement to have a minimum 25% of the site area to be delivered as COS. The COS can be delivered along the creek and the level 4 open space and communal room.</p>
Approval awaits the CBD PP	<p>The CBD PP (Amendment No. 56) was finalised on May 6<sup>th</sup> 2022 and came into effect on Friday October 14 2022, as per section 2 of the instrument.</p> <p>The application has been assessed against these controls.</p>

## 14. Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The application is recommended for approval subject to the imposition of appropriate conditions.

## 15. Recommendation

**That** the Sydney Central City Planning Panel approve application DA/883/2021, subject to conditions, for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta Local Environmental Plan 2011
- The proposal will contribute to the overall housing supply of the local government area
- The proposal suitably integrates business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.
- For the reasons given above, approval of the application is in the public interest.

# ATTACHMENT A - PLANNING ASSESSMENT

<b>SCCPP Reference:</b>	PPSSCC-280
<b>DA No:</b>	DA/883/2021
<b>Address:</b>	14-20 Parkes Street, Harris Park

## 1. Overview

This Attachment assesses the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

### Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 3 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Refer to Section 4 below
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 5 below
Section 4.15 (1)(a)(iiia) - Planning agreements	Refer to Section 6 below
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 7 below
Section 4.15 (1)(b) - Likely impacts	Refer to Sections 2-7 below
Section 4.15 (1)(c) - Site suitability	Refer to Section 9 below
Section 4.15 (1)(d) - Submissions	Refer to Section 10 below
Section 4.15 (1)(e) - The public interest	Refer to Section 11 below

### Referrals

The following internal and external referrals were undertaken:

External Referrals	
Water NSW	The application is Integrated Development as a water supply work approval is required under Section 90(2) of the Water Management Act 2000. Water NSW has provided their General Terms of Approval, this has been conditioned appropriately to comply, see draft condition 6.
Endeavour Energy	Endeavour Energy have provided comments and recommendations with respect to the proposed development, which could be included within the recommendation section of this report if approval was being sought. Endeavour Energy's comments are a copy of the submission provided for DA/179/2020 this submission is available to the applicant via the Planning Portal and appropriately conditioned, see draft condition 52.
Sydney Water	Sydney Water submitted correspondence primarily containing advisory information for the applicant. This information covers water, wastewater servicing, building adjacent to stormwater assets. Sydney Water have raised no objection to the proposed stormwater discharge into Sydney Water's stormwater system. The stormwater connection is to be carried out as part of the Section 73 application for this development, according to Sydney Water requirements. Sydney Water "Tap in" and Section 73 requirements has been secured via conditions of consent.
TfNSW (Parramatta Light Rail)	The application was referred to TfNSW as the site is located within the notification area for the nearby light rail works. PLR noted that this proposal is not relevant to Parramatta Light Rail under Sec 138 of the

	Roads Act. TfNSW deferred comment to Roads and Maritime Service
TfNSW (Roads and Waterways)	The application was referred to TfNSW (Roads and Waterways) as the proposed development is a traffic generating development under Clause 2.122 Transport and Infrastructure SEPP 2021 as the proposal has >200 car parking spaces and has access to a road. TfNSW have advised that they raise no objection to the proposal and would provide concurrence under Section 138 of the Roads Act 1993. Suggested conditions have been recommended
Design Competition Jury	<p>The application was referred to the Design Competition Jury. The Jury originally raised concern to the location of the commercial space on levels 40-46 of the tower as it was introducing a new use into the approved design comp scheme.</p> <p>Following a design jury meeting with the applicant, the Jury supported the new use in principle given that a number of amendments had been made to the design to ensure it is not a sub optimal space:</p> <ul style="list-style-type: none"> <li>• The Jury recommended that a condition be placed on consent that a minimum 1:1 commercial FSR is retained in the building as per the LEP requirement due to the irregular location of the commercial at the top of the tower.</li> <li>• Amend the total floor to floor heights of the commercial levels to 3.8m consistent with the CBD Draft DCP</li> </ul> <p>The applicant intends for the commercial floors to be used as ALAND's offices. The Jury has provided their support for the amended plans subject to the condition being applied, see draft condition 229.</p>
<b>Internal Referrals</b>	
Urban Design Public Domain	Council's Public Domain Team has provided their support for the amended design of the Clay Cliff Creek walkway and have provided recommended conditions requiring the detailed review of the public domain plans prior to the issue of a Construction Certificate.
Civil Assets Public Domain	The application has been reviewed by Council's Civil Assets Team who raise no concerns with the proposed public domain works and alignment levels along the adjoining public streets.
Sustainability Officer	Council's sustainability consultant has reviewed the application in terms of ESD provisions and has provided support for the application. There was one issue which remained outstanding regarding the detailed modelling of some apartments not reflecting the true nature of the adjoining development. As this would only affect the exposure category of some apartments on the lower levels this has not been pursued further.
Wind Consultant	Council's independent wind consultant has reviewed the application and is satisfied with the proposed wind assessment and mitigation strategies for the development.
Catchment Development Engineer	Council's Development Catchment Engineer has reviewed the proposed development and has provided their support for the proposal subject to a number of conditions requiring the development to adequately address flood measures from Clay Cliff Creek.

Traffic	Council's Traffic and Transportation Officer has reviewed the proposed development and raises no concerns on traffic or safety grounds. Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. Standard conditions including compliance with AS2890, the provision of a construction traffic management plan and green travel plan have been recommended.
Landscape	Council's Tree Management & Landscape Officer has reviewed the application and supports the proposal subject to the imposition of standard conditions for appropriate landscaping and existing street tree protection.
Natural Resources	Council's Natural Resources Officer has reviewed the application and supports the retention and protection of street trees and the building setback to the Clay Cliff Creek foreshore. Standard conditions are recommended.
Waste Operations	Council's waste operators have reviewed the application and are satisfied with the proposed waste vehicle access and waste rooms within the site. Appropriate conditions have been recommended to enable legal access through the site for waste collection activities.
Environmental Health (Waste)	Council's Environmental Health Officer has reviewed the application and advises that the applicant has submitted satisfactory waste management information for the development. The proposal satisfies the requirements of Council's controls and can be supported subject to standard conditions of consent.
Environmental Health (Contamination)	Council's Environmental Health Officer has reviewed the submitted contamination report and supports the application subject to the imposition of standard conditions.
Environmental Health (Acoustic)	Council's Environmental Health Officer has reviewed the submitted acoustic report and supports the application subject to the imposition of standard conditions.
Accessibility	Council's Accessibility Officer has reviewed the application and raises no significant concerns with the application. Conditions were provided requiring compliance with matters concerning adaptable units (to comply with AS4299), door circulation and accessible design features in the communal open spaces areas.



## **2. Environmental Planning & Assessment Act 1979 (EPA Act)**

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

### **2.1 Application of Part 7 of Biodiversity Conservation Act 2016 (Section 1.7)**

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

### **2.2 Function of Sydney District and Regional Planning Panels (Section 2.15)**

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

### **2.3 Evaluation (Section 4.15)**

This section specifies the matters that a consent authority must consider when determining a development application. Refer to 'Section 1 – Overview' above.

### **2.4 Integrated Development (Section 4.46)**

The application is Integrated Development as a water supply work approval is required under Section 90(2) of the Water Management Act 2000. Water NSW has provided their General Terms of Approval for this application, which has been conditioned appropriately.

## **3. Environmental Planning Instruments**

Compliance with these instruments is addressed below.

### **3.1 State Environmental Planning Policy (Resilience and Hazards) 2021 - Ch4**

Clause 4.6 of this Policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

#### **Investigation Report**

A preliminary site investigation prepared by EI Australia was submitted with the application which identifies the potential contamination sources as follows:

- Potential filling soils of unknown origin and quality placed at the site
- Weathering of exposed building structures including, painted surfaces and metallic objects and cement-fibre sheeting
- Long-term application of pesticides across the site
- Low-level leakage of petroleum hydrocarbons from vehicles in the car parking area
- Hazardous building materials within existing site structures
- Historical offsite land use as agricultural fields.

The report identifies the main contaminants of potential concern at the site were:

- Soil - heavy metals (HM), total recoverable hydrocarbons (TRH), the monocyclic aromatic hydrocarbon compounds benzene, toluene, ethyl-benzene and xylenes (BTEX), polycyclic aromatic hydrocarbons (PAH), organochlorine and organophosphorous pesticides (OCP/OPP), polychlorinated biphenyls (PCB), and asbestos.
- Groundwater - HM, TRH, BTEX, PAH, and PFAS.

Notwithstanding the above, the report states that the likelihood that any of these identified contamination sources/types were present on the site, and/or had an impact, is likely to be low. Hence, they represented minimal risk to existing and future site users. In addition, it is noted that the site will be bulk excavated under the proposed redevelopment (for basement construction), further alleviating any remaining concern with regards to site contamination.

### **Report Recommendations**

A number of recommendations were also proposed including the following:

- EI recommend that a Detailed Site investigation is to be completed to characterise site soils and groundwater (including acid sulfate soils sampling) to provide baseline data for evaluation of any remedial and management requirements that may be necessary to allow the site to be made suitable for the proposed commercial development. Due to the site access constraints this should be done following the demolition of site structures.
- Groundwater sampling and laboratory testing to assess groundwater quality.

These recommendations of this report have mainly been conducted under DA/179/2020 as the excavation has taken place. The recommendations have been replicated for this consent regardless.

### **Suitability of the site**

The report concludes that *“there was low potential for contamination to be present on-site. The site was regarded as suitable for the proposed use, subject to the implementation of recommendations in [the report]”*.

### **Council Assessment**

Endeavour Energy submitted comments on the proposal, including the potential contamination from the existing indoor substation previously on the site. Any potential contamination from this infrastructure is likely to be minimal and can be dealt with as part of the unexpected finds protocol and detailed investigations to be carried out on the site.

Council's Environmental Health Officer has reviewed the application and supporting documentation and is satisfied with the information submitted with the application.

Appropriate conditions have been recommended by Council's Environmental Health Officer to ensure that the proposal meets the requirements in the report.

Accordingly, based upon the information provided, it is considered that the land can be made suitable for the proposed development and the application is considered satisfactory having regard to the relevant matters for consideration under the SEPP.

### **3.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles
- The Apartment Design Guide (ADG).

## Design Quality Principles

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be consistent with the design principles for the reasons outlined below:

Design quality principle	Response
<b>Context</b>	The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The building complies with the building height controls and generally complies with the scale regarding the site specific DCP control setbacks and the desired future character of the site which appropriately responds to its flood vulnerability.
<b>Built form</b>	The design generally achieves an appropriate built form for the site and the building's purpose in terms of building alignments, proportions, type and the manipulation of building elements.
<b>Density</b>	The proposal would result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density of the area.
<b>Sustainability, resource, energy &amp; water efficiency</b>	The development provides opportunities in this regard, as reflected within the submitted Basix Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting. The provision of dual piping is included within the recommended conditions.
<b>Landscape</b>	The concept landscaping solutions depicted in the architectural plans are considered to be of high quality and appropriately respond to the proposed built environment.
<b>Amenity</b>	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.
<b>Safety &amp; security</b>	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. The building has been designed to be satisfactory in terms of perceived safety in the public domain
<b>Social dimensions/housing affordability</b>	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements.
<b>Aesthetics</b>	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed buildings aesthetically

respond to the environment and context, contributing to the desired future character of the area. The design has been reviewed and supported by the Design Competition Jury.

### Apartment Design Guide (ADG)

The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The table below considers the proposal against key design criteria in the ADG:

Standard	Requirement	Proposal	Compliance
<b>PART 3 – SITING THE DEVELOPMENT</b>			
<b>3B: Orientation</b>	The positioning of the building on the corner block has responded to the urban form of the street, providing for an appropriate street interface to both the primary street and secondary street, whilst maintaining an acceptable level of residential amenity including solar access.		
<b>3C: Public Domain Interface</b>	The public domain interface is considered to positively contribute to the streetscape by providing high quality materials and distinct access to residential/commercial components of the design. Due to flooding issues the ground floor retail/commercial tenancy is not able to open to Parkes Street or Wigram Street at grade.		
<b>3D: Communal &amp; Public Open Space</b>	Min 25% of the site area (707.5m <sup>2</sup> )	GF Foreshore Walk = 483m <sup>2</sup> Tower (Level 4) = 491m <sup>2</sup>  Total = 974m <sup>2</sup> = 34.4%	Yes
	Min. 50% direct sunlight to main communal open space for min. 2hrs on June 21 <sup>st</sup> (242m <sup>2</sup> )	Given the orientation of the common open space and the separation distances to adjoining properties, the communal open space would receive the required solar access. It is noted that parts of the areas are roofed for weather protection.	Yes
	<p>The proposal includes:</p> <ul style="list-style-type: none"> <li>a large communal area on the level 4 podium with internal communal room, outdoor pool, bathroom facilities, shade structure and playground</li> <li>A large foreshore area at the rear adjoining Clay Cliff Creek, which although will be publicly accessible, may also be used by the future occupants of the site and meets the requirements of COS within the ADG.</li> </ul> <p>Despite the area on L40 now to be provided to the commercial component of the building, the residential COS areas are considered to provide excellent amenity to the residents.</p>		
<b>3E: Deep Soil</b>	Min. 7% with min. dimensions of 6m for sites of 1500m <sup>2</sup> or greater (198m <sup>2</sup> )	<b>0m<sup>2</sup></b>	<b>No</b>
	While the proposal provides no deep soil planting that would comply with ADG minimum width requirements, it does propose to upgrade the creek corridor with vegetative planting and public access which greatly enhances the amenity of the area along the creek. Within this 6m setback up to 183sq.m of deep soil is provided, however, the deep soil component does not meet the minimum 6m width required under the ADG. This is a similar amount as approved under DA/179/2020.		



Standard	Requirement			Proposal	Compliance												
3F: Visual Privacy	<table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>12m</td><td>6m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>18m</td><td>9m</td></tr><tr><td>over 25m (9+ storeys)</td><td>24m</td><td>12m</td></tr></table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	12m	6m	up to 25m (5-8 storeys)	18m	9m	over 25m (9+ storeys)	24m	12m	<p><u>Within the development:</u></p> <ul style="list-style-type: none"><li>Northern central units = 6m (no window to window)</li><li>Southern central units = 4m (highlight windows)</li><li>Balconies located central in Parkes Street = 4m</li></ul> <p><u>To adjoining properties:</u></p> <p><b>111 Wigram:</b> 4 storeys = N/A 5-8 storeys = 13.7m (min)</p> <p><b>22 Parkes:</b> 4 storeys = N/A 5-8 storeys = 14.4m (min) 9+ storeys = 13.7m (min)</p>			In part – highlight windows and privacy screens provided.
	Building Height	Habitable rooms and balconies	Non-habitable rooms														
up to 12m (4 storeys)	12m	6m															
up to 25m (5-8 storeys)	18m	9m															
over 25m (9+ storeys)	24m	12m															
<p>The separation distances between the subject development and the neighbouring property to the north (111 Wigram Street) and to the east (22 Parkes Street) do not comply with the recommended ADG controls. This is largely due to the buildings on the adjoining buildings having non-compliant setbacks themselves.</p> <p><b>111 Wigram Street</b> The separation distances between buildings range from 13.7m to 17m. The subject development complies with the minimum 9m setback on the property, however as the adjoining building is located almost at the boundary, the distances are not achieved for the levels above the 5<sup>th</sup> storey. The setbacks on the proposed building cannot be increased any further due to the orientation and width of the site. It is noted that Clay Cliff Creek and the proposed landscaped foreshore will separate the buildings, which provides for an improved buffer between the sites.</p> <p><b>22 Parkes Street</b> The separation distances with the buildings have been agreed on during the assessment of DA/179/2020, this separation proposes to retain this.</p>																	
3G: Pedestrian Access and Entries	A residential pedestrian access foyer is provided to the main street frontage on Parkes Street. The entry lobby, which provides access to the entire development, is serviced by 4 lifts. It is considered that suitable pedestrian access will be accommodated on site and will be in the form of grade ramps and lifts. Separate entries have been provided for pedestrian and vehicles.																
3H: Vehicle Access	The proposal incorporates separate vehicular entry points on Parkes Street for the ground level loading bay and for basement access to the car parking areas. The vehicular entry points are separated from the pedestrian building entry point to improve pedestrian safety and comfort.																
3J: Bicycle and car parking	<i>The site is within 800m of Parramatta train station. As such RMS rates apply or Council prescribed rates whichever is the lesser. In this regard, the LEP sets the rates for the site which are less than the RMS rates.</i>			see LEP compliance table	Yes												
	Bicycle parking for residents should be secure and easy to access from common areas			Sufficient bicycle parking is distributed throughout the development	Yes												
PART 4 – DESIGNING THE BUILDING																	
4A: Daylight / Solar Access	At least 70% of living rooms and private open space to receive at least 2 hours direct			229 apartments (78%)  Impacts on adjoining	Yes												

Standard	Requirement	Proposal	Compliance
	sunlight between 9.00am and 3.00pm on 21 June	<p>Overshadowing of neighbouring properties during the Winter Solstice is inevitable given the height of the proposed development and the dense urban form within the city centre.</p> <p>Properties directly to the south will be overshadowed during different times of the day however the properties are primarily commercial or low storey residential which would already be impacted by shadows cast by tall vegetation in the front yards. Properties further to the south will be affected by a faster moving shadow due to the tower height.</p> <p>The adjoining building to the east (22 Parkes Street) will lose much of the afternoon sun along its western elevation, however there are minimal windows to primary living spaces adjoining this area. Some solar access will be maintained during midday along this elevation. The rear of the building containing balconies and living areas will receive solar access between 9am-1pm.</p> <p>The overshadowing impacts are considered acceptable given the nature of the controls on the site and the dense urban environment.</p> <p>The proposed extra height will not cause any undue overshadowing to residential buildings when compared to the approved scheme (DA/179/2020).</p>	In part
	A maximum of 15% of apartments are permitted to receive no direct sunlight between 9.00am and 3.00pm on 21 June	Approximately 22% of units have no solar access.	No
	The building exceeds the maximum of 15% of apartments with no direct sunlight requirement. This is due to the long southerly aspect of the site along the main Parkes Street frontage. It is also noted however that 77% of apartment living rooms and private spaces receive a minimum of 2 hours direct sunlight between 9am and		

Standard	Requirement	Proposal	Compliance
	<p>3pm on 21 June, in excess of the 70% requirement. This is a similar non compliance to that approved under DA/179/2020.</p> <p>The design guidance of the ADG is noted in that not all sites may be able to achieve this design criteria, however the amenity of the development overall performs well despite the long southern aspect.</p>		
<b>4B: Natural Ventilation</b>	At least 60% of apartments are to be naturally cross ventilated up to L9 (32 of 52)	67% of apartments (35) are cross ventilated up to L9.  These units are either corner located or cross-through units.	Yes
	Apartment depth is not to exceed 18m	18m maximum	Yes
<b>4C: Ceiling heights</b>	Min. 2.7m habitable Min 2.4m non-habitable Min 3.3m for mixed use	<b>Residential</b> = 3.1m floor to floor <b>Mixed use</b> = 5m floor to floor on the ground floor for retail uses <b>Commercial</b> = 3.8m floor to floor for commercial levels	Yes
<b>4D: Apartment size &amp; layout</b>	Studio – 35m <sup>2</sup> 1 bed – 50m <sup>2</sup> 2 bed – 70m <sup>2</sup> 3 bed – 90m <sup>2</sup> <i>(note: minimum internal size increases by 5m<sup>2</sup> for additional bathrooms, 10m<sup>2</sup> for 4 + bedroom)</i>	Comply	Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room	Comply	Yes
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)	Comply	Yes
	Maximum depth (open plan) 8m from a window	Comply	Yes
	Master bedrooms – 10m <sup>2</sup> Other bedrooms – 9m <sup>2</sup> Bedroom dimensions – 3m <sup>2</sup>	Comply	Yes
	Living rooms have a width of: <ul style="list-style-type: none"> <li>• 3.6m for studio/1bed</li> <li>• 4m for 2 or 3 bed</li> </ul>	Comply	Yes
<b>4E: Private open space &amp; balconies</b>	Studio – 4m <sup>2</sup> 1bd – 8m <sup>2</sup> / 2m 2bd - 10m <sup>2</sup> /2m 3bd – 12m <sup>2</sup> /2.4m	Comply	Yes
	Ground or podium apartments to have POS of 15m <sup>2</sup> /3m	Apartments on the podium level all have large terraces/balconies (ranging from 76m <sup>2</sup> -112m <sup>2</sup> )	Yes

Standard	Requirement	Proposal	Compliance
<b>4F: Common circulation &amp; spaces</b>	Max. apartments off circulation core on single level = 8-12	<b>Podium</b> = 3 apartments <b>Tower</b> L4-39 = 9 apartments	Yes
<b>4G: Storage</b>	1 bed – 6m <sup>3</sup> 2 bed – 8m <sup>3</sup> 3 bed – 10m <sup>3</sup>	Internal storage is provided in apartments  Each apartment has a storage cage within the basement and it has been conditioned to comply.	Yes  Yes
<b>4H: Acoustic Privacy</b>	The proposal has generally been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible. Noisier areas such as kitchens and laundries are also located away from bedrooms when possible and bathrooms are located adjacent to lift cores/stairs to reduce noise impacts.		
<b>4J: Noise and pollution</b>	The application includes an acoustic report which recommends construction methods/materials/treatments to be used to meet the criteria for the site, given both internal and external noise sources. The recommendations cover façade glazing, building façade construction, separation between uses, mechanical noise and commercial delivery times. A condition is included requiring that the recommendations in the report be implemented.		
<b>4K: Apartment Mix</b>	<p>A range of apartment types and sizes are provided to cater for different household types now and into the future.</p> <p>The development has the following bedroom mix:-</p> <ul style="list-style-type: none"> <li>• 37 x 1-bedroom apartments (11%)</li> <li>• 258 x 2-bedroom apartments (77%)</li> <li>• 36 3-bedroom apartments (11%).</li> </ul> <p>These units vary in size, amenity, orientation and outlook to provide a mix for future home occupants. A variety of apartments are provided across all levels of the apartment building and is an improvement on the apartment mix under DA/179/2021.</p>		
<b>4M: Facades</b>	The various uses in the podium are apparent from differing facade treatments. The proposal provides a clear and legible distinction between the podium building and the tower element. Due to the scale of the building the façade design is considered to be of particular importance. The applicant has provided detailed section drawings, which have been received positively by the Design Jury, which suggest the façade will be of a high quality.		
<b>4N: Roof design</b>	The proposed building is to have a flat roof which is considered to be appropriate given the overall design of the building. The parapet has been designed to assist with screening of the plant equipment on roof and lift over run. Feature lighting has also been introduced to reinforce the gold crown of the building. Rooftop plant and lift overrun are to suitably setback to ensure they are not visible from the street and have been designed as an extension of the parapet design to become an architectural roof feature. A podium top communal open space has been incorporated into the building, increasing the amenity for occupants.		
<b>4O: Landscape Design</b>	The application includes a landscape plan which demonstrates that the proposed building will be adequately landscaped given its high density form. The proposal includes new street planting, landscaped podium spaces and a landscaped foreshore which will provide ancillary open space for occupants. The proposed landscaping will also adequately provide habitat for local wildlife contributing to biodiversity.		
<b>4P: Planting on /structures</b>	The drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting. Council's Tree Management and Landscape Officer has reviewed the proposal and supports the proposed landscaping on the		

Standard	Requirement	Proposal	Compliance
	site.		
<b>4Q: Universal Design</b>	A benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features  = 66 units	66 adaptable apartments have been indicated on the plans and a condition added to ensure compliance.	Not indicated. A condition is to be imposed on the consent requiring this be achieved.
<b>4S: Mixed Use</b>	The proposal provides for a ground floor retail interface which assists in separating the residential units from the noisier street level. The proposal provides separate entries for the retail and residential uses.  The proposal is considered to provide an appropriate public domain interface for retail uses at ground level, by employing clearly delineated entrances, additional landscaping and varying materials. All service areas are located at the ground parking level.		
<b>4T: Awnings and Signage</b>	Sun and rain protection is provided by a continuous awning around the ground floor. No signage is proposed.		
<b>4U: Energy Efficiency</b>	The BASIX Certificates demonstrates the development satisfies energy efficiency requirements. In addition, council's sustainability officer has reviewed the application and is supportive of the proposal subject to the imposition of conditions.		
<b>4V: Water management</b>	The BASIX Certificates demonstrates that the development achieves the pass mark for water conservation.		
<b>4W: Waste management</b>	Waste areas have been located in convenient ground floor locations which cannot be readily viewed from the public domain. Waste collection would occur within the loading dock. A construction and operational waste management plan has been prepared by a qualified waste consultant adhering to council's waste controls. All units are provided with sufficient areas to store waste/recyclables.		
<b>4X: Building maintenance</b>	The proposed materials are considered to be sufficiently robust to minimise maintenance requirements and costs.		

## Design Review Panels

As the proposal was reviewed by a Design Competition Jury it is not considered necessary to have the proposal reviewed by Council's Design Excellence Advisory Panel.

### 3.3 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.

#### *2.48 - Development likely to affect electricity transmission or distribution networks*

Prior to demolition under a separate DA the existing building housed an indoor substation on the site. As the substation has been removed the application is therefore not subject to section 2.48 of the SEPP, as was the case for DA/179/2020, as the development no longer proposes works within the vicinity of electricity infrastructure that would trigger a formal referral to the energy authority under this SEPP.

In any event, Endeavour Energy were notified and provided comments and recommendations with respect to the proposed development, which have been conditioned appropriately.

#### *2.120 - Impact of road noise or vibration on non-road development*

Section 2.120 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship.

An acoustic report for the proposed development has been submitted that discusses the management of noise through the implementation of appropriate construction materials and design matters. Conditions are contained within the recommendation section of this report which requires the incorporation of the construction measures to mitigate against noise.

#### *2.122 - Traffic-generating development*

The proposed development is deemed to be traffic generating development under Schedule 3 of SEPP (Transport and Infrastructure) 2021 as the proposal has >200 car parking spaces and has access to a road. The application was referred to

TfNSW, who raise no concerns with the proposed development. Details of this correspondence is discussed within the 'referrals' section of the report, TfNSW's recommended conditions have been applied including the requirement for a Construction and Pedestrian Traffic Management Plan and a Freight Servicing Management Plan.

### **3.4 State Environmental Planning Policy – (BASIX) 2004**

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

### **3.5 State Environmental Planning Policy (Planning Systems) 2021**

The development has a capital investment value greater than \$30 million. This application is captured by Part 2.4 of this policy which provides that the Sydney Central City Planning Panel is the determining authority for this application.

### **3.6 State Environmental Planning Policy (Resilience and Hazards) 2021**

The site is not affected by the provisions within Ch 2 of the Resilience and Hazards SEPP which were contained under the previous Coastal Management SEPP 2018.

### **3.7 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

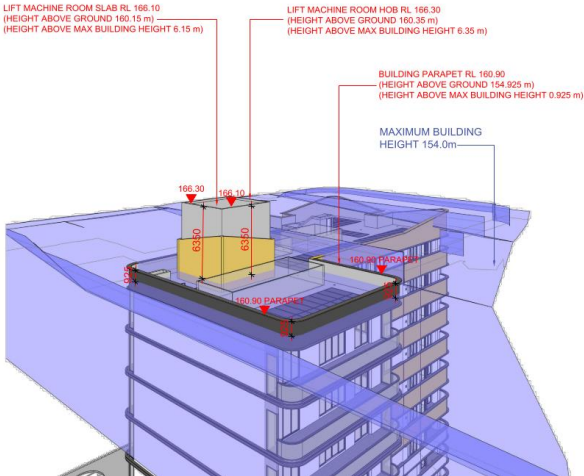
CH 10 relating to the Sydney Harbour Catchment applies to all of the City of Parramatta local government area. It aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing principles and controls for the whole catchment.


The subject site is not identified in the relevant map as *land within the 'Foreshores and Waterways Area'* or *'Wetland Protection zone'*, is not a *'Strategic Foreshore Site'* and does not contain any heritage items. Hence the majority of the controls is not directly relevant to the proposed development. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water.

### **3.8 Parramatta Local Environmental Plan 2011**

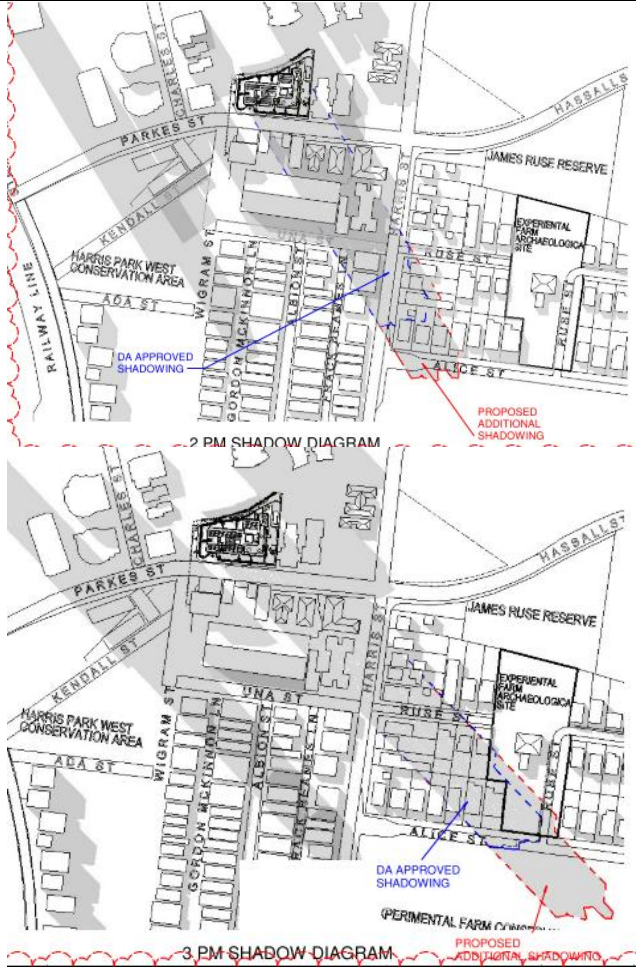
The relevant objectives and requirements of the Parramatta Local Environmental Plan 2011 have been considered in the assessment of the development application and are contained within the following table.



Development standard	Proposal	Compliance
<b>2.3 Zoning</b>  B4 – Mixed Use	The proposed use is defined as ' <i>mixed use development</i> ' (residential flat building, commercial premises) which are permissible with development consent in the zone.	Yes
<b>Zone Objectives</b>	The proposal is considered to be in keeping with the objectives of the B4 Mixed Use zone for the following reasons: <ul style="list-style-type: none"> <li>The proposal provides an appropriate mix of land uses.</li> <li>The proposal provides additional residential and commercial space in a highly accessible area.</li> <li>The proposal provides upgrades to the public domain.</li> </ul>	Yes
<b>4.3 Height of Buildings</b>  LEP Height = 134m  Design Comp Bonus +15%  Control = 154m (max)	<p><b>Height = max 154.9m to highest part of parapet, 160.15m to lift shaft/architectural roof feature.</b></p> 	Yes Via Clause 5.6 (architectural roof feature),.
<b>4.4 Floor Space Ratio</b>	See LEP section 7.3, below.	
<b>4.6 Exceptions to Development Standards</b>	The proposal does not propose any variations to the development standards.	N/A
<b>5.6 Architectural Roof Features</b>	<p>The proposal contains parapets and a lift overrun which have been designed as architectural roof features. These features:</p> <ul style="list-style-type: none"> <li>comprise decorative elements on the uppermost portion of the building</li> <li>are not an advertising structure</li> <li>do not include floor space area and is not reasonably capable of modification to include floor space area</li> <li>will cause minimal overshadowing.</li> </ul> <p>The architectural roof feature exceeds the height by 6.m (max) however may be granted under this clause of the LEP.</p>	Yes
<b>5.10 Heritage conservation</b>	The site is not identified as a heritage item nor is it located within a heritage conservation area.	Yes

Development standard	Proposal	Compliance
	<p>The site is located within proximity to the following items:</p> <ul style="list-style-type: none"> <li>• 113-115 Wigram Street – single storey attached Victorian cottages</li> <li>• 23-25 Hassall Street – single storey attached cottages</li> </ul>  <p>Council's Heritage Advisor has advised under DA/179/2020 that there is no direct impact on the significant fabric of the heritage items and as the site of the proposed development is to the south of heritage items, there will be no additional shadow cast on the heritage items. No objections were raised to the proposal on heritage grounds.</p> <p>The site is not an "Archaeological site" as identified in Schedule 5 of the LEP.</p> <p>The site is identified as being of low significance on Council's Aboriginal Heritage Sensitivity database. A Statement of Heritage Impact prepared by Cracknell &amp; Lonergan (May 2020) was submitted with the application which concludes that due to the amount of development that has previously taken place on the subject site, including carpark excavation (14-16 Parkes Street) and disturbance during the concrete channel construction (Clay Cliff Creek), it is highly unlikely for the site to have presence of potential archaeological evidence of Aboriginal material culture.</p> <p>Notwithstanding the above, the report recommends procedures be in place during excavation in the event of any objects being discovered. Conditions requiring compliance with the report recommendations.</p>	

Development standard	Proposal	Compliance
<b>6.1 Acid Sulfate Soils</b>  Class 4	The application includes an acid sulphate soils management report which concludes that ASS and PASS may be potentially encountered on the site due to the level of excavation proposed. Methods of managing ASS are contained within the report. Testing is required post demolition to determine the extent of acid sulfate soils on the site and a detailed management plan will be prepared. As such a condition is included in the recommendation of this report.	Yes
<b>6.2 Earthworks</b>	The application includes a geotechnical report which concludes that additional testing is required post demolition and also provides recommendations on excavation methodology and monitoring. A condition is included within the recommendation requiring compliance with the report.	Yes
<b>6.3 Flood Planning</b>	The site is subject to a 1:100 year flood risk, both from overland flow and from Clay Cliff Creek. The proposed building floor levels and driveway crest have been designed to be appropriately above the assumed flood level. Conditions are included to ensure the building will adequately respond to the risk.	Yes
<b>PART 7 - PARRAMATTA CBD CONTROLS</b>		
<b>DIVISION 2 – DEVELOPMENT STANDARDS GENERALLY</b>		
<b>7.3 Floor Space Ratio</b>  LEP FSR = 10:1  Design Comp Bonus +15%  Control = 11.5:1  Allowable FS = 32,541.55m <sup>2</sup>	Site Area = 2829.7m <sup>2</sup>  Proposed FS = 32,280m <sup>2</sup>  <b>Proposed FSR = 11.4:1</b>	Yes
<b>7.4 Floor Space Ratio – Parramatta Park and Park Edge Highly Sensitive Area</b>	N/A	-
<b>7.5 Sun Access</b>	The proposal does not overshadow Parramatta Sq, Jubilee Park nor Lancer Barracks.  On July 21 the proposal does overshadow Experiment Farm from 3PM only, this is outside of the sun access protection period which is between 10am and 2pm, see below excerpt of the provided overshadowing map.	Yes

Development standard	Proposal	Compliance
		
<b>7.6 Serviced Apartments</b>	N/A	-
<b>7.7 Airspace Operations</b>	<p>This clause requires the consent authority to not grant consent to a development that is a controlled activity within the meaning of Division 4 of Part 12 of the <i>Airports Act 1996</i> unless the applicant has obtained approval for the controlled activity.</p> <p>The Bankstown Airport OLS of RL156m AHD approval has been provided from the Department of Infrastructure, Transport, Regional Development and Communications for this airspace breach under the Airports (Protection of Airspace) Regulations 1996.</p> <p>This has been conditioned appropriately.</p>	Yes
<b>7.8 Active Frontages</b>	<p>Active Frontages have been identified on Parkes and Wigram St.</p> <p>This is considered to be achieved via the ground floor commercial tenancy, which is at the lowest level that can be provided considering flooding constraints.</p>	Yes
<b>7.9 Floodplain risk management</b>	The proposal is deemed to be planned to adequately withstand flooding, it has been reviewed by Councils Catchment Engineer and is deemed to adequately address the Flood risk, subject to the imposition of the recommended conditions.	Yes

Development standard	Proposal	Compliance
	The DA has also been submitted with a Flood Study Report and a Flood Emergency Response and Evacuation Plan of which the recommendations of these reports has been conditioned to comply with.	
DIVISION 3 – Design Excellence		
<b>7.10 Application of Division</b>	This division applies to this application, being a building on land in the Parramatta City Centre	Yes
<b>7.11 Design Excellence</b> <b>7.12 Competitive Design Process</b>	<p>The application has been subject to a competitive design competition and with the exception of the commercial development on levels 40-45 the proposal is the same as the winning scheme.</p> <p>The DA has been reviewed by the Design Excellence Jury and they deem the DA to exhibit design excellence, subject to conditions requiring CC and OC review and the retainment of the project architect.</p>	Yes
<b>7.13 Additional building height and floor space ratio</b>	As per 7.13 (2) the proposal utilises the 15% extra FSR and HOB from the mapped maximums.	Yes
DIVISION 4 – CAR PARKING		
<b>7.14 Application of division</b>	This division applies to the subject development	Yes
<b>7.15 Car parking - general</b>  Business and offices/retail, based off the car parking formula $3356\text{sq.m} = 6$ spaces max.  Residential: (a) 0.1 car parking spaces for each studio Dwelling = 0 spaces  (b) 0.3 car parking spaces for each 1 bedroom Dwelling, $37 \times 0.3 = 11.1$ spaces  (c) 0.7 car parking spaces for each 2 bedrooms Dwelling, $258 \times 0.7 = 180.6$ spaces  (d) 1 car parking space for 3 or more bedroom Dwelling, $36 \times 1 = 36$ spaces  Total: 228 spaces  Retail: $250\text{sq.m} = 0.37 = 0$ spaces	<p>The architectural plans have indicated the following parking quantum:</p> <p>Business: 6 spaces</p> <p>Resi: 229 spaces</p> <p>A condition is proposed to require the removal of one residential space prior to CC to ensure that the maximum requirements are met.</p> <p>Retail: 0 spaces</p>	Yes

Development standard	Proposal	Compliance
<b>7.16 Car parking for particular land in the Parramatta City Centre</b>	This section applies to the subject site and the above car parking calculation has been completed using the car parking formula.	Yes
<b>7.17 Car parking—Parramatta Park and Park Edge Highly Sensitive Area</b>	N/A	
<b>7.18 Use of car parking spaces by persons other than occupiers of building</b>	N/A as no existing building	
<b>DIVISION 5 - PROVISIONS FOR PARRAMATTA CITY CENTRE OTHER THAN "AREA A"</b>		
<b>7.19 Application of Division</b>	This division applies to the subject site	Yes
<b>7.20 Managing heritage impacts</b>	The proposal is considered to respond adequately and within the controls to the nearby heritage sites.	Yes
<b>7.21 End of journey facilities</b>	End of trip facilities have been provided near the bike storage on L1 and 2 of the building	Yes
<b>7.22 Dual water systems</b>	Dual water systems have been conditioned to be supplied.	Yes
<b>7.23 High performing building design</b>	The proposal is not seeking to benefit from the high performing building bonus under this control.	Yes
<b>7.24 Commercial premises in Zone B4 Mixed Use to provide 1:1 commercial floorspace.</b>	The proposal provides 3606sq.m (1.2:1) of commercial FSR	Yes
<b>7.25 Concurrence of Planning Secretary</b>	N/A	
<b>PART 8 – INTENSIVE URBAN DEVELOPMENT AREAS</b>		
<b>8.1 Arrangements for designated State public infrastructure</b>	The Secretary has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated state public infrastructure.	Yes
<b>8.2 Public Utility Infrastructure</b>	The site is currently sufficiently serviced by suitable public utility infrastructure. Sydney Water has been notified in writing and have confirmed that they have no objections to the proposal, a Sydney Water quick check condition and S73 certificate has been conditioned which will confirm adequate servicing. Endeavour Energy has also confirmed adequate electricity services are provided on site.	Yes

## 4. Draft Environmental Planning Instruments

### 4.1 Planning Proposal – Draft Consolidated City of Parramatta Local Environmental Plan

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

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

## 5. Development Control Plans

### 5.1 Parramatta Development Control Plan 2011

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

Development Control	Proposal	Compliance
<b>2.4 Site Considerations</b>		
2.4.1 Views and Vistas	The site is not identified as having significant views and vistas by Appendix 2 and is not located in the Harris Park Conservation Area.	Yes
2.4.2.1 Flooding	See assessment under report Section 3.8 above.	Yes
2.4.2.2 Protection of Waterways	Other than the flooding impacts and stormwater runoff, which are discussed elsewhere in this report, the proposal would not directly impact on the Parramatta River or any other waterway.	Yes
2.4.2.3 Protection of Groundwater	The application was referred to NSW Office of Water who have provided their General Terms of Approval.	Yes
2.4.3.1 Soil Management	The erosion and sediment control plan submitted with the application is considered to be satisfactory.	Yes
2.4.3.2 Acid Sulfate Soils	See assessment under LEP development standard 6.1 above.	Yes
2.4.3.3 Salinity	The site is identified as being of moderate salinity potential. As such it is not considered that any special measures are necessary.	N/A
2.4.4 Land Contamination	See assessment under report Section 3.1 above.	Yes
2.4.5 Air Quality	The proposed development is unlikely to create an air quality issues of concern.	Yes
2.4.6 Development on Sloping Land	The floor levels are dictated by the required flood planning levels on the site. As such this clause it not considered to be applicable.	N/A
2.4.7 Biodiversity	The proposal does not require the removal of any trees and includes significant new foreshore and on-structure planting. As such the proposal is considered to result in a net increase in biodiversity on the site.	Yes
2.4.8 Public Domain	The proposal includes upgrades to the public domain including new pavement, new street trees, and a publicly accessible foreshore area. The proposed building provides an adequate address to the public domain with acceptable passive surveillance of the adjoining streets.	Yes
<b>3.1 Preliminary Building Envelope</b>		
Not applicable. See 'Parramatta City Centre' controls below.		



Development Control	Proposal	Compliance
<b>3.2. Building Elements</b>		
<ul style="list-style-type: none"> <li>• Building Form and Massing</li> <li>• Building Façade and Articulation</li> <li>• Roof Design</li> <li>• Energy Efficient Design</li> <li>• Streetscape</li> </ul>	The building elements of this design are considered acceptable. See ADG assessment above.	Yes
<b>3.3 Environmental Amenity</b>		
3.3.1 Landscaping	<p><b>Tree Retention</b> Four (4) x London Plane trees are located on Parkes Street and Wigram Street and are to be retained. It is noted that special care is to be taken with the protection of one of the trees on Wigram Street (Tree 4) due to basement encroachments into the tree protection zone.</p> <p>An arborist report has been submitted and reviewed by Council's Natural Resources Officer and Tree Management Officer and found to be acceptable. Appropriate conditions for protection and planting have been incorporated into the recommendation section of this report.</p> <p><b>Additional Landscaping</b> Substantial planting is proposed along the creek corridor, including the planting of trees (Blueberry Ash), shrubs and groundcovers. Landscaping will also be provided within the development site within the outdoor communal open space areas.</p>	Yes
3.3.2 Private and Communal Open Space	See ADG assessment above.	Yes
3.3.3 Visual Privacy 3.3.4 Acoustic Amenity	<p>The application includes an acoustic report which recommends construction methods, materials and treatments to be used to meet the acceptable noise criteria for the site, given both internal and external noise sources. The location of the ground floor retail tenancy is unlikely to diminish the amenity of nearby residential uses from noise intrusion.</p> <p>For residential privacy see ADG assessment above.</p>	Yes
3.3.5 Solar Access and Cross Ventilation	See ADG assessment above.	Yes
3.3.6 Water Sensitive Urban Design  Water Efficiency Stormwater Drainage Grey Water	<p>Water sensitive urban design measures are proposed in accordance with Council requirements and include stormwater filters to achieve the quality targets.</p> <p>OSD has not been required because the site is surrounded by floodwaters in severe storms and OSD would either not work or would worsen local flooding behaviour.</p> <p>The proposal includes a dual reticulation system for water to allow for future connection to recycled water service for all non-potable uses.</p>	Yes
3.3.7 Waste Management	See ADG assessment above.	Yes

Development Control	Proposal	Compliance
<b>3.4 Social Amenity</b>		
3.4.1 Culture and Public Art	The proposal includes a draft public art plan which outlines how public art would be developed for the site. This is an on-going process which would be coordinated post-approval with Council's City Animation team. Appropriate conditions are included within the recommendation section of this report.	Yes
3.4.2 Access for People with Disabilities	The proposal includes an access report which outlines that access for people with disabilities is generally compliant with the relevant standards subject to more detail at the construction certificate stage.  Notwithstanding the above, conditions are included requiring that the proposal comply with the relevant standards. A granting of consent under the EPAA would not alleviate the applicant from the requirement to comply with the provisions of the Disability Discrimination Act 1992 in all sections of the building including the commercial component.	Yes
3.4.3 Amenities in Building Available to the Public	Amenities are provided for the retail tenancy on the ground floor, but not for use by the general public. This is not considered necessary in this private development.	No
3.4.4 Safety and Security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour. Natural surveillance of the public domain would be significantly increased with the proposed level of occupancy.  Discussions regarding the safety of the foreshore area has been discussed elsewhere within this report.	Yes
<b>3.5 Heritage</b>		
3.5.1 General 3.5.2 Archaeology 3.5.3 Aboriginal Cultural Heritage	See assessment under report Section 3.8 above.	Yes
<b>3.6 Movement and Circulation</b>		
<b>3.6.1 Sustainable Transport</b>		
Car Share <i>1 car share if over 50 units</i> <i>1 car share if over 5,000sqm commercial</i> Total required = 1	1 car share space provided	Yes
Green Travel Plan <i>Required for development within 800m radial catchment of a railway station</i>	Provided, development conditioned to comply.	Yes
<b>3.6.2 Parking and Vehicular Access</b>		
Car Parking Control	See assessment under LEP control 7.15 above.	N/A
<b>4.3.3 Strategic Precinct - Parramatta City Centre (Note: Draft DCP reported to Council on the 31st October for finalisation. Whilst endorsed at this meeting there was a recission motion in relation to the proposed setbacks for commercial buildings. The matter is to be reported back on the 28<sup>th</sup> November. For the purposes of this application there is unlikely to be any changes, noting key site specific DCP controls, and the draft clauses have been used.)</b>		
1.2 General Objectives	The proposal is considered to be consistent with the objectives of the strategic precinct for the following reasons:	Yes

Development Control	Proposal	Compliance
	<ul style="list-style-type: none"> <li>It ensures that the spaces of the public domain - streets, squares and parks - are of high quality and amenity.</li> <li>It contributes to a thriving City Centre at street level with a well-designed interface at active frontages.</li> <li>It prioritises pedestrian movements to enhance pedestrian safety and enjoyment of the city.</li> <li>It promotes urban and architectural design quality through planning procedures that foster design excellence.</li> <li>It manages flood waters to protect and enhance the quality of the public domain and private property in the City Centre.</li> <li>It limits the impact of growth and development on the City Centre environment with reduced energy and water use, greenhouse gas emissions and urban heat.</li> <li>It protects and improve the natural environment.</li> </ul>	
2. Design Quality	The proposal has been subject to a design competition and has been reviewed against the City Centre CBD DCP controls.	Yes
<b>3. Built Form</b>		
3.1 Guiding principles	The proposal complies with the guiding principles as the development is compliant with the street wall and tower setbacks for this site within the DCP.	Yes
3.2 Minimum Site Frontage	The proposal complies with the minimum 35m site frontages to Parkes St (60m). The Wigram St frontage is only 28m due to Clay Cliff Creek, the proposal complies with the specific DCP controls regardless.	Yes
3.3 The Building Envelope	<p><b>3.3.1 Street Setbacks</b> The proposal provides a compliant street wall of 14m to Wigram and Parkes St.</p> <p>The tower component is setback 6.3m to Wigram St and 6.8m to Parkes St, which is also compliant with the minimum 6m setback requirement.</p> <p><b>2.3.2 Building Separation</b> The control requires an 18m separation between towers. The proposed tower is set 9.8m from the eastern boundary. As the adjoining building is built to the boundary the required 18m cannot be achieved.</p> <p>However, as the controls are clear that separation must be apportioned equally the proposal is considered to comply.</p> <p>The setbacks are as agreed under the Design Competition and DA/179/2020.</p> <p><b>2.3.3 Tower Slenderness</b> The tower component has a floorplate of approximately 905sq.m which complies with the maximum 1100sq.m</p>	Generally compliant

Development Control	Proposal	Compliance
	<p>requirement for residential developments above 105m in height.</p> <p>The floorplate length to Parkes St is 48m, this does not comply with the 45m requirement, but is generally acceptable given the compliance with other controls.</p> <p>2.3.4 Floor Heights The commercial floor to floor heights on levels 40-45 comply with the 3.8m requirements, residential complies with the 3.1m requirement and the ground floor active street frontage is compliant with a 5m floor to floor height.</p>	
3.4 The Street Wall	<p>The Street Wall is built to the street alignment along Wigram and Parkes St and is appropriately modulated and provides adequate depth.</p> <p>An appropriate streetscape analysis is provided.</p>	Yes
3.5 Ground Floor	<p>3.5.1 Non Flood affected site Controls do not apply</p> <p>3.5.2 Flood affected Site Flood controls for this site area controlled under the site specific DCP controls, see below.</p>	Yes
3.6 Above Ground Parking	The development has proposed above ground parking, which is partially sleeved to the south western component of the building (the corner of Wigram and Parkes St). The remainder of the parking is appropriately screened and incorporated within the podium design facing Clay Cliff Creek and Parkes St.	Yes
3.7 Residential Apartment Design Quality	The proposal is considered to comply with these controls and provides adequate residential amenity as per the ADG guidelines.	Yes
3.8 Wintergardens	No wintergardens proposed	N/A
<p>3.9 Dwelling Mix and Flexible Housing</p> <p>Studio / 1 Bedroom - 10 - 20% of total dwellings</p> <p>2 Bedroom - 55 - 70% of total dwellings</p> <p>3 Bedrooms - 10 - 20% of total dwellings</p> <p>4 Bedrooms - 5 - 10% of total dwellings</p>	<ul style="list-style-type: none"> <li>37 x 1 bedroom apartments (11%)</li> <li>258 x 2 bedroom apartments (77%)</li> <li>36 3-bedroom apartments (11%).</li> <li>No 4-bedroom apartments proposed</li> </ul> <p>No dual key apartments proposed</p> <ul style="list-style-type: none"> <li>66 x adaptable (20%)</li> </ul> <p>There is only a minor variation to the controls which is considered acceptable.</p>	<p>Generally compliant, except for the 4 bedroom ratio. This mix remains the same as approved under DA/179/2020. It is noted that the introduction of a specific 4 bedroom control was introduced in the new draft DCP controls and is not actually in effect yet.</p>

Development Control	Proposal	Compliance
<b>3. Public Domain</b>		
4.1 Solar access to significant parks and spaces	The proposal will not cause any overshadowing of Ollie Webb Reserve, Rosella Park, Robin Thomas and James Ruse Reserve or St Johns Cemetery in the nominated times.	Yes
4.2 Awnings and Trees on Streets	<p>4.2.1 Awnings have priority Awnings as per the DCP specifications along Wigram and Parkes St are proposed.</p> <p>4.2.2 Street trees have priority The existing four street trees have been conditioned appropriately to be retained with security bonds to be paid. Detailed Public Domain plans have been provided and reviewed by Councils Public Domain Team who are satisfied with the PD treatment at a DA stage, subject to further conditions.</p> <p>4.2.3 Semi Recessed Awnings N/A</p>	Yes
4.3 Design of Awnings	The awning design has adequately considered these controls considering existing street trees and infrastructure.	Yes
4.4 Pedestrian lanes, shared zones and service lanes	N/A	-
4.5 Pedestrian Overpasses and Underpasses	N/A	-
4.6 Vehicle Footpath Crossings	<p>The proposed vehicle entry point is consolidated on Parkes St, it is proposed to be a left in left out entry way and is adequately setback from the Parkes St/Wigram St intersection.</p> <p>The driveway has been reviewed by Councils Traffic and Transport Team, Public Domain Team and TfNSW and is considered to comply with the DCP and Australian Standards, subject to conditions.</p>	Yes
4.7 Views	The proposal will not impact any identified view corridors.	Yes
<b>4. Special Areas</b>		
5.1 City River	N/A	-
5.2 Civic Link	N/A	-
5.3 George St	N/A	-
5.4 Church St	N/A	-
5.5 Marion St	N/A	-
5.6 Campbell St and Great Western Highway	N/A	-
5.7 Auto Alley	N/A	-
5.8 Station St West	N/A	-
5.9 Creek Corridors	The proposal is subject to these controls and these setbacks and creek treatments have been considered by the site specific controls for 14-20 Parkes St, see below.	Yes
5.10 Park Edge	N/A	-
<b>5. Heritage</b>		

Development Control	Proposal	Compliance
6.1 Guiding Principles	<p>The proposal is not a heritage site and has been designed to adequately address the nearby Heritage Conservation Area and heritage items on Wigram St.</p> <p>A detailed Heritage assessment has been conducted under the heritage controls in the LEP.</p>	Yes
<b>6. Flood Risk Management</b>		
Given the flood risk from Clay Cliff Creek the proposal has been assessed appropriately against the site specific DCP controls, see below.		
This has also been assessed and conditioned appropriately by Councils Senior Catchment Engineer.		
<b>7. Environmental Sustainability</b>		
8.1 High Performing Buildings	<p>The proposal has been submitted with appropriate BASIX and NaTHERS requirements.</p> <p>The proposal is not seeking the High Performing Building target and a NABERS Commitment Agreement has not been submitted.</p>	Yes
8.2 Dual Water Systems	A dual water system has been conditioned appropriately.	Yes
8.3 All Electric Buildings	All electric energy has been conditioned appropriately.	Yes
8.4 Electric Vehicle Charging Infrastructure	Electric Car Charging infrastructure has been conditioned to be supplied	Yes
8.5 Urban Cooling	<p>8.5.1 Roof Surfaces Satisfactory, conditioned to comply.</p> <p>8.5.2 Facades Adequate solar reflectivity measures have been addressed and reviewed in the provided Solar Reflectivity Report, the recommendations in this report have been conditioned to comply.</p> <p>8.5.3 Heating and Cooling Systems – Heat Rejection A central heat rejection unit is provided on each floor, which has been architecturally designed into the building, it is not located on the street wall frontage or balconies.</p> <p>8.5.4 Green Walls or Roofs Green Walls or roofs are not proposed.</p>	Yes
8.6 Solar Light Reflectivity (Glare)	As per the Solar Reflectivity Report, the proposal will not result in undue solar glare	Yes
8.7 Natural Refrigerants in Air Conditioning	All new air-conditioning and refrigeration equipment have been conditioned to use refrigerants with a GWP of less than 10;	Yes
8.8 Bird Friendly Design	N/A	-
8.9 Wind Mitigation	The provided Wind Tunnel Testing has been reviewed by Councils independent Wind Consultant and the proposed wind comfort criteria are considered to meet the development controls.	Yes
<b>8. Vehicular Access, Parking and Servicing</b>		
9.1 Vehicle Driveways and Maneuvering	The proposed driveway is considered to meet these controls, it has been reviewed by Councils Traffic and Transport Team, Public Domain Team and TfNSW and is considered to comply with the DCP and Australian Standards, subject to conditions.	Yes
9.2 On Site Car Parking	The proposed carparking is considered to meet the relevant Australian Standards and meets the relevant controls of this section of the DCP.	Yes

Development Control	Proposal	Compliance
	<p>34 accessible parking spaces are provided, this has been conditioned to comply with the relevant Australian Design Standards (2890.6.)</p> <p>5 Motorbike parking spaces are provided conditioned to comply with the relevant Australian Design Standards (2890.1.). The DCP requires 7 motorbike parking spaces, relevant conditions have been applied to ensure compliance with this requirement.</p>	
9.3 Bicycle Parking and End of Trip Facilities	<p>9.3.1 Bicycle Parking</p> <p>Residential = 1 per dwelling = 331 spaces  Residential Visitors = 1 per 10 dwellings = 33 spaces  Office/Business Premises = 1 space per 150sq.m GFA over 600sq.m of GFA = 20 spaces  Office/Business Visitors = 1 per 400sq.m of GFA = 7 spaces  Shop/Restaurant/Café = 1 space per 250sq.m of GFA over 600sq.m = 0 spaces</p> <p>Total Bicycle parking required: 391 spaces</p> <p>The development has proposed 166 residential bicycle parking spaces and 19 commercial/ retail spaces. While not compliant, this is consistent with the amount of bicycle parking approved under DA/179/2020 and will not impact green travel initiatives.</p> <p>The bicycle parking has been conditioned to comply with the relevant AS.</p> <p>9.3.2 End of Trip Facilities  Adequate end of trip facilities is provided within L1 and 2 of the building. It has been conditioned that this is to be shared equally to the commercial and residential users of the building.</p>	Yes
<b>9. Site Specific Controls</b>		
10.9 14-20 Parkes St	<p>Desired Future Character</p> <p><i>Building Footprint and Uses</i>  Adequate building setbacks of 6m has been provided to Clay Cliff Creek, the landscaped open space within this setback are designed to respond to the flood conditions in this part of the site.</p> <p>All FFL of the building have regard to the Flood Design Guidance and are to the satisfaction of Councils Design Jury and Catchment Engineers. They have been conditioned appropriately.</p> <p><i>Building and Basement Design</i>  A fire management system has been conditioned to be provided and the basement carpark entry complies with the flooding planning levels.</p> <p><i>Areas of Refuge and Evacuation Routes</i>  Shelter in place and Flood Emergency Response Plan measures have been conditioned to be completed.</p>	Yes



Development Control	Proposal	Compliance
<b>4.3.3.8 Design Excellence</b>		
	The applicant has followed the design excellence competition process outlined in the DCP and the Design Excellence Jury agree the proposed development exhibits design excellence. Conditions are included requiring further review of the application by the jury as the proposal proceeds through to detailed construction drawings, construction and occupation. Conditions are also included ensuring design excellence outcomes are achieved.	Yes
<b>5 Other Provisions</b>		
5.5 Signage	No signage proposed.	N/A

## 6. Planning Agreements

The proposed development is subject to a planning agreement entered into under Section 7.4 of the EPAA. This planning agreement is associated with the recent planning proposal for an uplift in floor space and height and provides for a monetary contribution to fund local community infrastructure. The VPA was executed on 16 June 2020.

Council proposes a condition of consent requiring compliance with the planning agreement. The applicant is of the view that this application is not bound by the requirements of the planning and as such, a condition should not be imposed.

### Applicability of the Planning Agreement

A monetary contribution is to be paid in relation to the approved GFA. This is defined as:

*“the total GFA approved, excluding Additional GFA, for the Development under a Development Consent, including any modification of a Development Consent”.*

In turn, ‘The Development’ is defined as: *“means the future development of the Land as anticipated by the Planning Proposal for a high density mixed use development consisting of residential and commercial uses”.*

However, the Planning Agreement specifically contemplates development in excess of the parameters set under the SSPP (being 8:1 and 110m) by virtue of the definition of *Additional GFA* in the VPA as copied below:

*“means any additional floor space that exceeds the maximum GFA for the Land based on the maximum floor space ratio shown for the land on the floor space ratio map in circumstances where the Development Application has satisfied the requirements of clause 7.10 of the LEP or a similar clause in the LEP permitting the additional floor space if the consent authority is satisfied that the Development:*

- (a) exhibits design excellence; or*
- (b) is a high performance building”.*

Further, *Development Consent*, *Development Application* and *Occupation Certificate* are each defined in the Planning Agreement are defined such that they have the meaning ascribed to each term in the *Environmental Planning & Assessment Act 1979* (NSW). Accordingly, the Planning Agreement will apply to any development consent and development application that relates to the *Development* as defined in the Planning Agreement as the extra FSR provided under the CBD PP is not defined as *Additional GFA* under the VPA.

Given the Second DA seeks consent for development anticipated in the Planning Proposal (as defined above), the Planning Agreement applies to this DA.

## **7. Environmental Planning and Assessment Regulation 2021**

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection are addressed as part of recommended conditions of consent.

## **8. Likely Impacts**

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

## **9. Site Suitability**

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

## **10. Public Interest**

### **10.1 Central City District Plan**

This *Central City District Plan* is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level and is a bridge between regional and local planning.

The 10 directions of the plan comprise the following:

- Infrastructure supporting new developments
- Working together to grow a Greater Sydney
- Celebrating diversity and putting people at the heart of planning
- Giving people housing choices
- Designing places for people
- Developing a more accessible and walkable city
- Creating the conditions for a stronger economy
- Valuing green spaces and landscape
- Using resources wisely
- Adapting to a changing world.

This application is consistent with the directions and priorities of the Central City District Plan.

### **10.2 Public Submissions**

The application was notified and advertised in accordance with the City of Parramatta Consolidated Notification Requirements for a period of 28 days from 7 October to the 4<sup>th</sup> November 2021. No submissions have been received.

### 10.3 Conclusion

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta Local Environmental Plan 2011
- The proposal will contribute to the overall housing supply of the local government area
- The proposal suitably integrates business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.
- For the reasons given above, approval of the application is in the public interest.

## 11. Disclosure of Political Donations and Gifts

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

## 12. Development Contributions Plan

The proposal requires the payment of s7.12 development contributions (3% levy) based upon the estimated cost of works. The total cost of works provided on the cost report is \$98,462,051.00 (for the purposes of section 215 of the EP&A Regulation 2021). The contributions payable will total **\$2,953,951.53**. This figure is subject to the consumer price index as per the relevant plan and will be imposed under the subject application.

The Parramatta CBD Local Contributions Plan 2022 does not apply as the savings provisions do not capture DAs lodged before its commencement.

## 13. Conclusion

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

The proposed development is appropriately located within a locality earmarked for high-density residential redevelopment, however some variations (as detailed within the report) in relation to Apartment Design Guide and the Parramatta DCP 2011 are sought.

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

The application is recommended for approval subject to the imposition of appropriate conditions.

### Reasons for Approval

Having regard to the assessment within this report, the proposal is considered to be suitable for approval for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta Local Environmental Plan 2011
- The proposal will contribute to the overall housing supply of the local government area
- The proposal suitably integrates business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.
- For the reasons given above, approval of the application is in the public interest.

## 14. Recommendation

**That** the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/883/2021 for the construction of a 46-storey mixed use development containing 6 basement levels, ground floor commercial/retail, 331 apartments and 3,356m<sup>2</sup> commercial/office space on Levels 40 to 45 on land at 14-20 Parkes Street, Harris Park for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained within **Attachment B**.