



**SYDNEY CENTRAL CITY PLANNING PANEL  
COUNCIL ASSESSMENT REPORT**

<b>Panel reference</b>	PPSSCC-336
<b>DA number</b>	DA/697/2021
<b>Proposed development</b>	Demolition of existing multi-storey car park and construction of a 13 storey commercial building with a four (4) storey podium.
<b>Property</b>	Lot 1 DP 1019888 7 Macquarie Street, Parramatta
<b>Applicant</b>	Miled Akle C/O M Projects
<b>Owner</b>	Castle Hill Group
<b>Date of lodgement</b>	30 July 2021.  Amended information received: <ul style="list-style-type: none"><li>• 30 May 2022.</li></ul>
<b>Submissions</b>	Three
<b>Regionally significant development criteria SEPP (SRD) 2011</b>	General development with a CIV of more than \$30 million
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• State Environmental Planning Policy (Planning Systems) 2021</li><li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li><li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li><li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li><li>• Parramatta Local Environmental Plan 2011 (PLEP 2011)</li><li>• Parramatta Development Control Plan 2011 (PDCP 2011)</li><li>• Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).</li></ul>
<b>Documents submitted with this report</b>	Attachment 1 – Planning Assessment Attachment 2 – Draft Conditions Attachment 3 – Selected Architectural Drawings Attachment 4 – Selected Civil Drawings Attachment 5 – Selected Landscape Drawings Attachment 6 – Selected General Terms of Approval from WaterNSW Attachment 5 - Contested conditions
<b>Recommendation</b>	Approval subject to conditions
<b>Report prepared by</b>	Alicia Hunter – Senior Development Assessment Officer

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
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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?	<b>Yes</b>
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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) has been received, has it been attached to the assessment report?	<b>N/A</b>
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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (s7.24 of the EPAA)?	<b>No</b>
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**Conditions**

Have draft conditions been provided to the applicant for comment?	<b>Yes</b>
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## **1. Executive summary**

Development Application DA/697/2021 was lodged on 30 July 2021 for the demolition of the existing multi-storey car park and construction of a thirteen (13) storey commercial building with a three (3) storey podium.

Amended plans were submitted to Council on 22 December 2021 and again on 30 May 2022. The amended plans reconfigured the proposal to include the construction of a thirteen (13) storey commercial building with a four (4) storey podium. In addition to this a flood study was submitted to Council on 30 May 2022.

The site is located within the Park Edge (Highly Sensitive Area) and in close proximity to significant heritage-listed items, which include Travellers Rest Inn, Old Government House (OGHD), and Parramatta Park, the latter two places being on UNESCO's World Heritage list.

Under the Commonwealth Environment Protection and Biodiversity Conservation EPBC Act 1999 (EPBC Act 1999), development that is likely to have a significant impact on the world and national heritage values of OGHD must be referred to the Australian Government Department of Agriculture, Water and the Environment for approval. As this requirement has led to uncertainty and additional assessment processes, Council has worked with the Commonwealth and State Governments to enter into a Conservation Agreement. This agreement is made under the EPBC Act 1999 and removes the need for Commonwealth referrals of developments within the Park Edge (Highly Sensitive) Area under the EPBC Act 1999.

The planning controls contained in the Conservation Agreement include the applicable maximum building height and floor space ratio controls under the Parramatta Local Environmental Plan 2011 (PLEP 2011). They also include the Parramatta Development Control Plan 2011 (PDCP 2011) controls outlined in Section 4.3 of the PDCP 2011. When these controls are complied with, development applications will not need to be referred to the Commonwealth Government for approval under the EPBC Act 1999.

The proposal, as amended, complies with the Conservation Agreement.

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 11 August 2021 and 8 September 2021. Three (3) submissions were received objecting to the proposal.

A number of concerns were raised which are detailed below:

- Site isolation (No. 5 Macquarie Street, Parramatta)
- Unacceptable impact on the amenity of surrounding Heritage Items
- Failed to satisfy the Objectives of the PLEP 2011 and PDCP 2011
- Non-compliance with the PDCP 2011
- Failed to satisfy the Conservation Agreement
- Unacceptable building height and
- Overshadowing concerns (No. 13 O'Connell Street, Parramatta).

### **Section 4.15 Assessment Summary**

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. Consideration of technical matters by Council's engineering and landscaping departments has not

identified any fundamental issues of concern, with any matters of concern recommended to be addressed via Deferred Commencement.

This report concludes that in its context, this development proposal is able to be supported in terms of the development's broader strategic context, function and overall public benefits.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/697/2021 be approved. The recommended conditions of consent are within Attachment 2.

## **2. Site Description and Location**

The site is located at 7 Macquarie Street, Parramatta, is legally described as Lot 1 DP 1019888 and has an area of 1,877m<sup>2</sup>.

The site is rectangular in shape and is located on the western edge of Parramatta City Centre, opposite Parramatta Park and Club Parramatta. The site has a primary street frontage to Macquarie Street. The site is currently occupied by a multi-storey car park which services the neighbouring Club Parramatta.

The site is located within the Park Edge (Highly Sensitive Area) and in close proximity to significant heritage-listed items, which include Travellers Rest Inn, Old Government House (OGHD), and Parramatta Park, the latter two places being on UNESCO's World Heritage list.



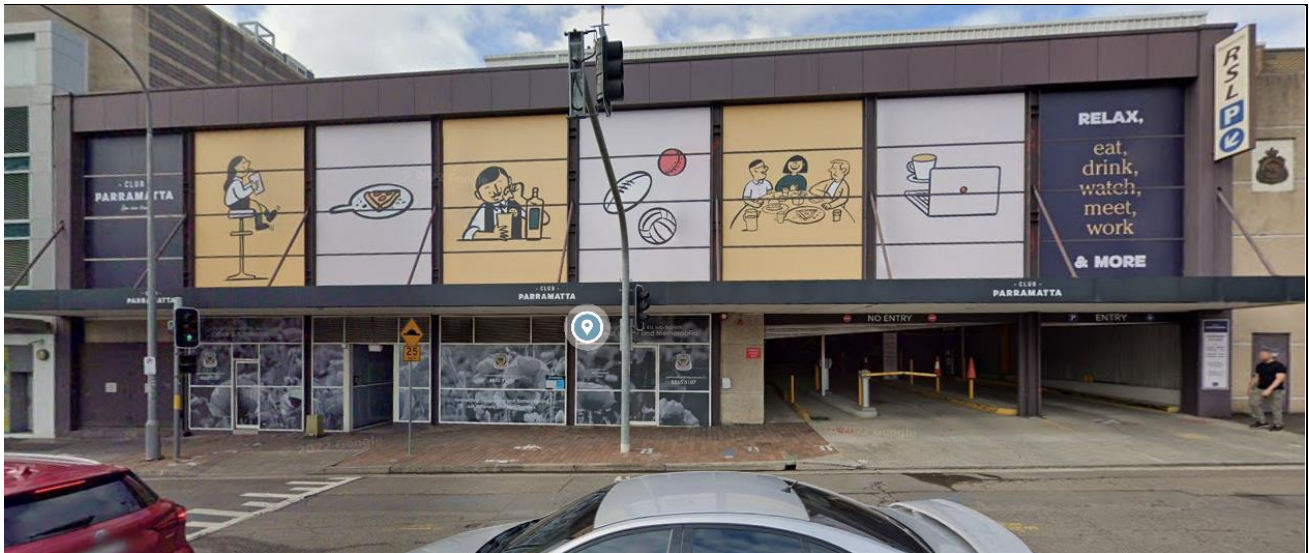
**Figure 1:** Aerial view of the subject site and surrounds. Subject site outlined in red. Source: Nearmap: August 2022.

### ***Existing Development***

The existing multi storey car park was constructed in 1999. Refurbishments occurred in 2001 to allow for the construction of an office premise associated with Club Parramatta on the ground floor.

**Figure 2** demonstrates the existing car park and office premise.





**Figure 2:** Existing car park. Source: Google Maps.

### ***Surrounding Development***

The locality is characterised by predominantly commercial uses, including those described below:

- Club Parramatta is located directly opposite the site to the north
- Parramatta Park is located to the north-west
- A commercial office building adjoins the site to the west
- An electricity substation is adjoins the site to the east
- Lachlan Tower, a commercial office building, is located to further east of the site
- Commercial premises adjoin the southern boundary and
- The T1 and T5 train line is located 90m south of the site.

See **Figures 3 to 5** below.



**Figure 3:** Club Parramatta. No. 2 Macquarie Street, Parramatta. Source: Site Inspection.



**Figure 4:** Electricity Substation. No. 15 Macquarie Street, Parramatta. Source: Site Inspection.



**Figure 5:** No. 5 Macquarie Street, Parramatta. Source: Google Maps.

The site is adjacent to two (2) heritage items:

- Parramatta Park and Old Government House (Item no 100596). Parramatta Park is located to the north of the site. Old Government House is located within Parramatta Park and is situated approximately 230m to the north west of the site and



- Travellers' Rest Inn Group (and potential archaeological site) (Item no 100748) this heritage item is located approximately 110m south-east of the site.

See **Figures 6 to 8** below.



**Figure 6:** Parramatta Park. Source: Site Inspection.



**Figure 7:** Old Government House. Source: Google Maps.





**Figure 8:** Travellers Rest. No. 14 to 16 O'Connell Street, Parramatta. Source: Site Inspection.

### 3. Relevant Site History

This land is subject to a number of prior and current applications as shown below:

Development Application	Description
Development Application DA/297/1998	Development Application DA/297/1998 for the erection of a multi storey car park with ground floor shops was granted on 15 March 1999.
Development Application DA/1987/2001	Development Application DA/1987/2001 for the fit-out and use of the premises as an office was granted on 8 November 2001.
Development Application DA/730/2019	Development Application DA/730/2019 for the erection of signage was granted on 31 January 2020.

### 4. The Proposal

Development Application DA/697/2021 was lodged on 30 July 2021 for the demolition and construction of a thirteen (13) storey commercial building with basement parking. Specifically, the application seeks approval for:

- Enabling works which comprise:
  - Demolition of all existing structures on site and
  - Removal of four (4) trees throughout the site.
- Construction of a thirteen (13) storey commercial building with basement parking comprising:

#### *Basement Car Park*

- This application proposes the construction of two (2) levels of basement parking which will comprise:
  - Car parking for up to 71 car parking spaces including two (2) accessible spaces, six (6) motorbike spaces and 70 bicycle spaces
  - End of trip facilities and
  - Associated plant rooms are also proposed.

Access to the basement car park, waste storage room and loading dock is achieved via the existing

vehicle crossing located on Macquarie Street.

### *Commercial Building*

- This application proposes the construction of thirteen storey commercial building up to 52.50m in height. The commercial building will comprise:
  - Office premise
  - Commercial food and drink premise on the ground floor and mezzanine
  - Loading dock, plant, storage and waste rooms on the ground floor and
  - Associated roof top plant equipment.

The proposed thirteen (13) storey commercial building will comprise of a four (4) storey podium with a nine (9) storey commercial tower atop. The podium will accommodate a two (2) storey food and drink premise and two (2) levels of commercial office space. Communal open space with outdoor seating and landscaping is provided on Level four (4).

The proposed works will result in a total gross floor area (GFA) of 11,248.11m<sup>2</sup>.

### *Public Domain Works*

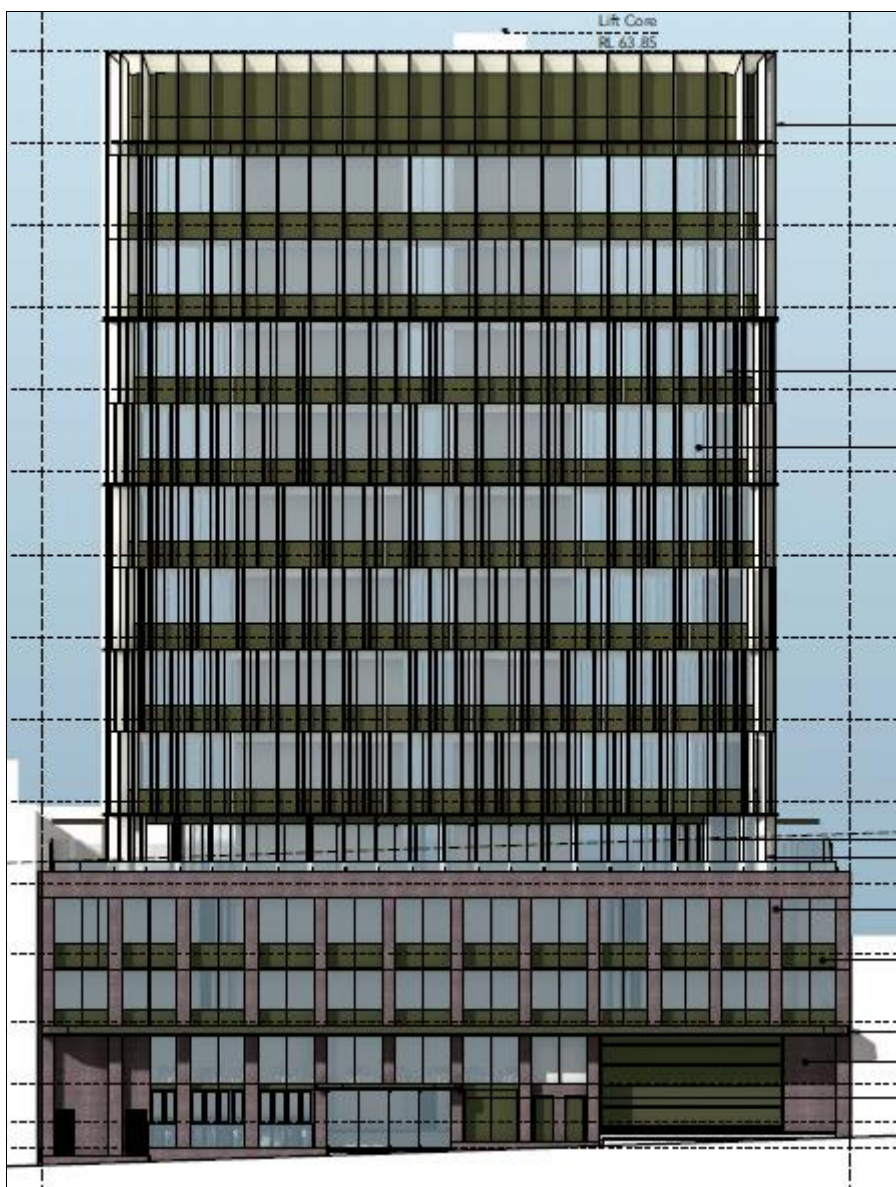
It is also proposed to undertake public domain improvements including the construction of a new pedestrian pathway.

### *Public Art*

Extensive Public art works are also proposed which include works to the external façade fronting Macquarie Street, as well as internal works.



**Figure 9:** Photo Montage (as viewed from Parramatta Park). Source: Olsson Architecture.



**Figure 10:** Northern Elevation (Macquarie Street). Source: Olsson Architecture.

## 5. Public Notification

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 11 August 2021 and 8 September 2021. Three (3) submissions were received objecting to the proposal.

A number of concerns were raised which are detailed below:

- Site isolation (No. 5 Macquarie Street, Parramatta)
- Unacceptable impact on the amenity of surrounding Heritage Items
- Failed to satisfy the Objectives of the PLEP 2011 and PDCP 2011
- Non-compliance with the PDCP 2011
- Failed to satisfy the Conservation Agreement
- Unacceptable building height and
- Overshadowing concerns (No. 13 O'Connell Street, Parramatta).



## 6. Referrals

Any matters arising from internal or external referrals not dealt with by conditions?	No
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## 7. Conservation Agreement

Under the Commonwealth Environment Protection and Biodiversity Conservation EPBC Act 1999 (EPBC Act 1999), development that is likely to have a significant impact on the world and national heritage values of OGHG must be referred to the Australian Government Department of Agriculture, Water and the Environment for approval. As this requirement has led to uncertainty and additional assessment processes, Council has worked with the Commonwealth and State Governments to enter into a Conservation Agreement. This agreement is made under the EPBC Act 1999 and removes the need for Commonwealth referrals of developments within the Park Edge (Highly Sensitive) Area under the EPBC Act 1999.

The planning controls contained in the Conservation Agreement include the applicable maximum building height and floor space ratio controls under the Parramatta Local Environmental Plan 2011 (PLEP 2011). They also include the Parramatta Development Control Plan 2011 (PDCP 2011) controls outlined in Section 4.3 of the PDCP 2011. When these controls are complied with, development applications will not need to be referred to the Commonwealth Government for approval under the EPBC Act 1999.

The table below presents a summary assessment against the terms of Conservation Agreement while a detailed evaluation is provided at **Attachment 1**.

Provision	Comment
Front Setback Nil	Complies
Street Frontage Height 4 storeys / 14m (absolute)	Complies
Side Setback Podium: Nil (absolute) Tower: 3m	Complies
Rear Setback Podium: Nil (absolute) Tower: 9m	Complies
Setback from Podium to Tower: 6m (absolute)	Complies

## 8. 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
Are submission requirements within the regulation satisfied?	Yes

## 9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	N/A. Detailed assessment is provided at <b>Attachment 1</b> .
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## 10. Parramatta Local Environmental Plan 2012 (PLEP 2012)

The table below presents a summary assessment against the terms of PLEP 2012. A detailed evaluation is provided at **Attachment 1**.

Provision	Comment
Land use zone	<ul style="list-style-type: none"> <li>B4 – Mixed Use</li> </ul>
Definition	<ul style="list-style-type: none"> <li>Commercial development</li> </ul>
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"> <li>Permitted with consent in zone</li> <li>Consistent with zone objectives</li> </ul>
Part 3 Exempt and Complying Development	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
Part 4 Principal Development Standards	<ul style="list-style-type: none"> <li>Complies with all principal development standards</li> </ul>
Part 5 Miscellaneous Provisions	<ul style="list-style-type: none"> <li>All relevant provisions satisfied</li> </ul>
Part 6 Additional Local Provisions	<ul style="list-style-type: none"> <li>All relevant provisions satisfied</li> </ul>

## 11. Parramatta Development Control Plan 2011 (PDCP 2011)

The table below presents a summary assessment against the terms of Parramatta Development Control Plan 2011 while a detailed evaluation is provided at **Attachment 1**.

Provision	Comment
Part 2 Site Planning	<ul style="list-style-type: none"> <li>Complies</li> </ul>
Part 3 Development Principles	<ul style="list-style-type: none"> <li>Complies</li> </ul>
Part 4 Special Precincts (Part 4.3 Strategic Precincts)	<ul style="list-style-type: none"> <li>Complies</li> </ul>

## 13. Response to Sydney Central City Planning Panel Briefing Minutes

Key Concern	Comment
Non-compliant floor to floor height	<ul style="list-style-type: none"> <li>The proposed floor to floor height ranges from 3.8m (the tower portion of the building).</li> <li>The proposed ground floor has a floor to floor height of 4.75m.</li> <li>The proposed mezzanine has a floor to floor height of 2.8m</li> <li>Levels two (2) and three (3) of the podium have a floor to floor height of 3.2m.</li> </ul> <p>Note: The mezzanine level does not extend past or beyond the immediate foyer space.</p>
Outstanding comments from Council's Catchment Engineer (relating to flood levels)	<ul style="list-style-type: none"> <li>Council's Catchment Engineer has reviewed the amended plans and documentation, including the submitted flood report and raised no additional concern subject to the imposition of recommended conditions of consent.</li> </ul> <p>Note: A Deferred Commencement has been recommended with regard to outstanding stormwater matters.</p> <p>This is discussed in detail in Attachment 1.</p>

### **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.

Accordingly, approval of the development application is recommended.

### **14. Recommendation**

**That** the Sydney Central City Planning Panel, as the Consent Authority:

1. Grant consent, to DA/697/2021 for the demolition of an existing multi storey car park and construction of a 13 storey commercial building at Lot 1 DP 1019888 being No. 7 Macquarie Street, Parramatta subject to the conditions of consent at Attachment B.
2. That WaterNSW and Transport for NSW be advised of the decision.
3. That those persons who made submission be advised of the Panel's decision.



## ATTACHMENT 1 – PLANNING ASSESSMENT

Panel Reference	PPSSCC-336
DA Number	DA/697/2021

### 1. Overview

#### 1.1 Environment Protection and Biodiversity Conservation Act 1999

The site is located within the Park Edge (Highly Sensitive Area) and in close proximity to significant heritage-listed items, which include Travellers Rest Inn, Old Government House (OGHD), and Parramatta Park, the latter two places being on UNESCO's World Heritage list.

Under the Commonwealth Environment Protection and Biodiversity Conservation EPBC Act 1999 (EPBC Act 1999), development that is likely to have a significant impact on the world and national heritage values of OGHD must be referred to the Australian Government Department of Agriculture, Water and the Environment for approval. As this requirement has led to uncertainty and additional assessment processes, Council has worked with the Commonwealth and State Governments to enter into a Conservation Agreement. This agreement is made under the EPBC Act 1999 and removes the need for Commonwealth referrals of developments within the Park Edge (Highly Sensitive) Area under the EPBC Act 1999.

The proposal, as amended, complies with the Conservation Agreement.

Refer to Section 2 for comment.

#### 1.2 Water Management Act 2000

In accordance with Section 4.46 of the EP&A Act the application was identified as Integrated Development as per Section 90(2) of the Water Management Act 2000. As such, the Development Application was referred to WaterNSW.

Refer to Section 2 for comment.

#### 1.3 Section 4.15 of the Environmental Planning and Assessment Act 1979: Evaluation

The relevant matters for consideration under this section of the Act noted in the table below:

Clause	Comment
4.15(1)(a)(i) any environmental planning instrument	Refer to Section 2
4.15(1)(a)(ii) any proposed instrument	Refer to Section 3
4.15(1)(a)(iii) any development control plan	Refer to Section 4
4.15(1)(a)(iv) the regulations	Refer to Section 5
4.15(1)(b) the likely impacts	Refer to Section 6
4.15(1)(c) the suitability of the site	Refer to Section 7
4.15(1)(d) any submissions	Refer to Section 8
4.15(1)(e) the public interest	Refer to Section 9

## 1.4 Referrals

### *Design Excellence Advisory Panel*

The application was initially considered by Design Excellence Advisory Panel (DEAP) at a meeting on 9 September 2021. The panel was not supportive of the application in its current form, issuing the design an Amber Light, and provided the following advice:

- 1. The Panel notes that the site is in close proximity to significant heritage-listed items, which include Travellers Rest Inn, Old Government House, and Parramatta Park, the latter two places being on UNESCO's World Heritage list. The site is therefore governed by strict built form controls which are listed in the Conservation Agreement negotiated between the Commonwealth and Council – many of them absolute - to enforce the form, height and character of development in the area of the park edge in order to protect views to and from the heritage items and their visual settings.*
- 2. With limited reference to the heritage items, the Conservation Agreement or the precise built form controls it addresses, it is very difficult to gauge if the proposal complies with these controls or if any non compliances are proposed (such as rear setback and absolute interpretation of tower setback), how they result in a reasonable outcome.*
- 3. There is no real contextual analysis provided with the proposal. I.e. there is no examination of the block pattern, street and park character, heritage and historical development of the site, adjacent landscapes, potential heritage impacts etc. Although a comprehensive view analysis may not be required for the proposal (if this has already occurred as part of the Planisphere Study which informed the Conservation Agreement - and this has not been made clear), a more comprehensive examination of the visual and physical impacts of the proposed built form would be expected for a proposal of this scale, especially given its highly significant heritage and park edge context.*
- 4. It is noted that plans and elevations provided do not adequately describe built form on adjoining properties; nor do sections extend to the park opposite. While the single page dedicated to adjacent built form – existing and future – provides likely future settings for the proposed built form, it appears to be provided in order to support the proposal, rather than explore its potential to respond to its park, street and built form context.*
- 5. The podium as proposed appears to comply with the LEP; however the Conservation Agreement seeks a four level response not three levels as proposed. The height of the ground floor level is very high however; it may be that the spatial amenity of the ground level would be enhanced (proportion and use) if additional space were to be integrated at mezzanine level.*
- 6. The Panel supports the rear landscaped garden proposed and its relationship with internal spaces (best described in the landscape drawings). Access and use would be improved if direct view lines were to be established between the street frontage and the rear.*
- 7. The podium landscape comprises a variety of themed 'outdoor rooms' designed for socialising, meetings, and respite. Seating areas, lounges, pergolas and climbing walls are interspersed around fixed raised planter beds around all four sides. The Panel supports the landscape approach and intensity of planting proposed. Further consideration of aspects such as planting selection, in- built flexibility in the layout and maintenance provisions is encouraged to ensure the long term success of this landscape asset.*
- 8. The garage opening width is excessive and adversely impacts on streetscape and visual amenity. It is therefore recommended that its width be reduced, perhaps by allowing an additional column at the west to meet the ground. Apart from reducing apparent width, this measure could formalise a secure pedestrian zone along the western edge of the internal driveway with discrete street egress.*
- 9. The Panel supports the brick materiality, scale and expression of the podium, which establishes an appropriate civic response to the street and park opposite. However:*

- *The balcony glazing proposed at the top of the podium is questioned, especially where it is raised to provide acoustic and wind protection. Landscape and greater solidity (ie. less glazing) could provide a more amenable interface all round the podium.*
  - *The hit and miss brickwork is also questioned, mainly due to the fact that it is extremely limited, yet liable to result in weakening of the podium form. As its resultant pattern appears not to be able to open and close (such as the new Tate gallery's brick skin) it could lead to unintended visual results.*
  - *In contrast to the solidity of the podium's language and materiality, the awning appears generic and a little weak. Because its height is set out to allow for trucks at the high end of the site, it is not clear if it will provide weather protection or continuity with adjoining sites' awnings.*
  - *The awning design should be co-ordinated with streetscape improvement plans and street tree planting for Macquarie Street.*
10. *The tower's form, height, materiality, and expression is supported by the Panel.*
  11. *It is noted that the building frontage incorporates a slip lane, which impacts on the width of the footpath and public domain amenity. The Panel would encourage the Applicant to seek to have the slip lane removed and the footpath widened.*
  12. *Given the heritage significance of the proposal's location, lack of clarity around Conservation Agreement compliance and minimal context analysis provided, the Panel requires substantial clarification/ information to be provided and reviewed at a future DEAP meeting.*

The application was considered again by Design Excellence Advisory Panel (DEAP) at a meeting on 10 March 2022. The panel was generally supportive of the application in its current form, issuing the design a Green Light, and provided the following advice:

1. *The Panel notes that a number of changes have been made to the proposal to directly address the Panel's recent concerns. It is the Panel's belief that all matters recently identified have now been resolved.*
2. *The site and context analysis has been greatly substantiated to better explain the proposal's relationship to its heritage context (including longer sections, street elevations, views from key locations and park edge), streetscape, adjacent built form and likely impacts on adjacent properties.*
3. *To address the Conservation Agreement noncompliance of the podium's rear setback, the podium has been extended to the rear boundary. While the Panel supports the light wells proposed south of the tower, it encourages the integration of vertical landscapes and trailing groundcovers to enhance internal amenity of adjacent commercial spaces.*
4. *To address the Conservation Agreement noncompliance with required number of storeys, a mezzanine level has been successfully integrated along the street frontage.*
5. *To reduce the excessive width of proposed garage opening, a brick panel has been successfully integrated into the frontage.*
6. *To enhance the urban design quality and open space amenity of the streetscape, the existing slipway will now be removed.*
7. *To address the potential non compliance of the tower setback at level four, structure and glazing bays have been extended to terrace level. This measure also increases weather protection around the loggia proposed at this level.*
8. *The Panel notes the level of greenery invested in the podium landscape and supports the overall principles related to the proposed uses and planting design. The Panel understands that the use of the podium is currently only available to tenants on the same floor and notes that the layout may be refined at the next iteration to integrate tenancy arrangements and requirements. This should be achieved without losing the intensity of planting in the current scheme.*



9. *Mounding of the soil levels is recommend in some of the larger planting beds in order to enhance the interest, form and scale of the plantings and the addition of small trees.*
10. *A maintenance and management plan should be incorporated including addressing the irrigation and long term sustainability of the podium landscape.*
11. *The Council has advised the Panel that additional information is still required regarding the Public Arts Plan, stormwater and flood planning and overall costing of the revised proposal.*
12. *The Panel queried the design of the tower facades all looking the same regardless of orientation relative to energy use management. Whilst the façades have been well considered aesthetically, passive energy efficiency measures could introduce subtle differences so as to reduce the proposal's reliance on mechanical heating and cooling.*

The following internal and external referrals were undertaken.

Referral	Comment
<b>Development Engineer</b>	<p>Council's Development Engineer reviewed the proposal, and the additional information provided and noted the following:</p> <p><i>Catchment</i></p> <p><i>The entrance levels are proposed below the flood planning level of 12.6m AHD within Macquarie Street. This was discussed at the SORT meeting with the DTSU group manager, and it was decided that the non-habitable and occupied spaces can be below the FPL as necessary for planning reasons. All other levels to be used as habitable spaces/ occupied spaces are proposed at the FPL.</i></p> <p><i>The site is affected by flooding, mainstream flooding from the Upper Paramatta River flood report, and overland flooding from the upstream catchment. The overland flood study prepared by Molino Stewart dated 27/05/2022 (Revision A) showed that the flood levels are below the flood levels in the mainstream flood study by the council, hence concluding that the flood levels adopted by Councils shall be used for conservative planning. The flood planning level is at 12.6m AHD, and the PMF flood level is at 13.2m AHD. The flood risk management report shows that the proposed commercial premises provide SIP above the PMF level.</i></p> <p><i>Stormwater</i></p> <p><i>The OSD tank is not compliant and needs to be relocated elsewhere in the building. The current OSD design is within the building at level 2. There are inherent issues with overflows, accessibility and maintenance problems. Therefore, the OSD tank needs to be relocated and redesigned, which has been conditioned as part of the deferred commencement condition.</i></p> <p>Council's Development Engineer concluded that, subject to the imposition of the recommended Deferred Commencement conditions, the proposal will satisfy the requirements of Council's controls and can be supported.</p>
<b>Tree and Landscape</b>	Supported, subject to conditions of consent.
<b>Urban Design (Accessibility)</b>	Supported, subject to conditions of consent.
<b>Urban Design (Public Domain)</b>	Supported, subject to conditions of consent.
<b>Civil Assets</b>	Supported, subject to conditions of consent.
<b>Transport and Traffic Engineer</b>	Supported, subject to conditions of consent.
<b>Quantity Surveyor</b>	Council's Consultant Quantity Surveyor reviewed the proposal and noted substantial concerns

<b>Open Space &amp; Natural Areas</b>	Supported, subject to conditions of consent.
<b>Environmental Health (General)</b>	Supported, subject to conditions of consent.
<b>Environmental Health (Acoustic)</b>	Supported, subject to conditions of consent.
<b>Environmental Health (Waste)</b>	Supported, subject to conditions of consent.
<b>Environmental Health (Contamination)</b>	Supported, subject to conditions of consent.

### **External Referrals**

<b>Referral</b>	<b>Comment</b>
<b>Water NSW</b>	On 25 February 2022 Water NSW provided General Terms of Approval relating to the proposal.
<b>Transport for NSW</b>	Transport for NSW has reviewed the proposal and has raised no objections subject to appropriate conditions of consent.
<b>Endeavour Energy</b>	Endeavour Energy has reviewed the proposal and has raised no objections subject to appropriate conditions of consent.
<b>Wind Consultant</b>	Supported, subject to conditions of consent.
<b>Quantity Surveyor</b>	Supported, subject to conditions of consent.

## **2. Planning Assessment**

### **2.1 Environment Protection and Biodiversity Conservation Act 1999**

The site is located within the Park Edge (Highly Sensitive Area) (Area B) and is in close proximity to significant heritage-listed items, which include Travellers Rest Inn, Old Government House (OGHD), and Parramatta Park, the latter two places being on UNESCO's World Heritage list.

Under the Commonwealth Environment Protection and Biodiversity Conservation EPBC Act 1999 (EPBC Act 1999), development that is likely to have a significant impact on the world and national heritage values of OGHD must be referred to the Australian Government Department of Agriculture, Water and the Environment for approval. As this requirement has led to uncertainty and additional assessment processes, Council has worked with the Commonwealth and State Governments to enter into a Conservation Agreement. This agreement is made under the EPBC Act 1999 and removes the need for Commonwealth referrals of developments within the Park Edge (Highly Sensitive) Area under the EPBC Act 1999.

The planning controls contained in the Conservation Agreement include the applicable maximum building height and floor space ratio controls under the Parramatta Local Environmental Plan 2011 (PLEP 2011). They also include the Parramatta Development Control Plan 2011 (PDCP 2011) controls outlined in Section 4.3 of the PDCP 2011. When these controls are complied with, development applications will not need to be referred to the Commonwealth Government for approval under the EPBC Act 1999.

The table below presents an assessment against the applicable terms of Conservation Agreement.

<b>Controls</b>	<b>Comment</b>
<b>Height of Buildings</b>	<b>Complies</b>
Maximum height permitted: 54m Proposal: 52.50m	It is proposed to construct the building to a maximum height of 52.50m.  The development complies with the height controls.

<b>Floor Space Ratio</b>  Site area: 1,877m <sup>2</sup> Max FSR allowable: 0.6:1 Max GFA allowable: 11,262m <sup>2</sup>  Basement 1: 50.60m <sup>2</sup> Basement 2: 83.89m <sup>2</sup> Ground Floor: 593.08m <sup>2</sup> Level 1: 53.20m <sup>2</sup> Level 2: 1,425.81m <sup>2</sup> Level 3: 1,619.16m <sup>2</sup> Level 4: 544.83m <sup>2</sup> Levels 5 to 10: 860.19m <sup>2</sup> Levels 11 and 12: 858.20m <sup>2</sup>  Total: 11,248.11m <sup>2</sup>  FSR: 0.6:1	<b>Complies</b>  The proposed works result in a Gross Floor Area (GFA) of 11,248.11m <sup>2</sup> which equates to an FSR of 0.6:1.  The development complies with the requirements of this clause.
<b>Podium</b>	
<b>Front Setback</b> Nil	<b>Complies</b> Nil
<b>Street Frontage Height</b> 4 storeys / 14m (absolute)	<b>Complies</b> 4 storeys within 14m
<b>Side Setback</b> Nil (absolute)	<b>Complies</b> Nil
<b>Rear Setback</b> Nil (absolute)	<b>Complies</b> Nil
<b>Tower</b>	
<b>Side Setback</b> 3m (minimum)	<b>Complies</b> 3m
<b>Rear Setback</b> 9m (minimum)	<b>Complies</b> 10.5m
<b>Setback from Podium to Tower</b> 6m (absolute)	<b>Complies</b> 6m
Where reasonably practicable, having regard to the orientation of the particular development parcel, buildings must be oriented with their narrow end not exceeding 30 metres in width facing the Domain.	The proposed building is orientated with its narrow end toward Macquarie Street and is approximately 37m in width.  Although the proposed building exceeds the 30m requirement, the proposal complies with the 'absolute' built form controls applicable to the site and compliments and reinforces the built qualities of the Parramatta CBD.
External building materials must reduce visibility against the sky, for example, use of light colours or reflective surfaces.	It is considered that the proposed building has been sensitively designed using high quality composition of building elements, textures materials, landscaping and colours, which respond to the setting and will contribute positively to the existing character of the site.  A standard condition of consent has been included in the recommendation requiring all roofing and other external materials to be of low glare and reflectivity.
Signage on the upper level of buildings must not face the Domain of Parramatta Park.	N/A. Signage is not proposed as part of this Development Application.

The proposal, as amended, complies with the Conservation Agreement and will not result in a detrimental impact on the world and national heritage values of Parramatta Park and Old Government House.

## **2.2 Greater Sydney Parklands Trust Act 2022 No. 9**

The Greater Sydney Parklands Trust Act 2022 No. 9 commenced 1 July 2022 seeks to maintain and improve the parklands estate across Great Sydney and ensure the parklands estate is effectively managed and operated to deliver world-class and ecologically sustainable parklands for the public.

The Act seeks to set out a metropolitan wide vision for open space across the city, including the 6,000ha of NSW Government parklands, known as the Parklands Estate. The Parklands Estate comprises of Centennial Parklands, Callan Park, Parramatta Park. Western Sydney Parklands and Fernhill Estate.

Given the sites location and its close proximity to Parramatta Park, an assessment against relevant provisions of the Act has been undertaken.

Relevant matters are discussed below.

### *Section 26 (Overshadowing)*

Section 26 (Overshadowing) of the Act requires the consent authority to have regard to the impact of overshadowing on public open space, including the impacts set out in a Greater Sydney Parklands shadow modelling study. The study sets out specific a Solar Protection Framework which is to be used when assessing whether a proposed development will have an acceptable or unacceptable overshadowing impact on the Parklands Estate. The Framework involves a 3-phase approach to assessing whether a proposed development will have an acceptable or unacceptable overshadowing impact on the Parklands Estate:

- *Phase 1: Identify whether a site-specific overshadowing study is required.*
- *Phase 2: Undertake a site-specific shadow study to determine if additional overshadowing occurs within the assessment period. If required, undertake additional site specific built form testing to determine the extent and impact of additional overshadowing and*
- *Phase 3: Determine whether the overshadowing is acceptable or unacceptable.*

Note: This Section only applies if a consent authority is considering the making of a determination to grant development consent for development that will or may overshadow the parklands estate.

The following assessment had been undertaken:

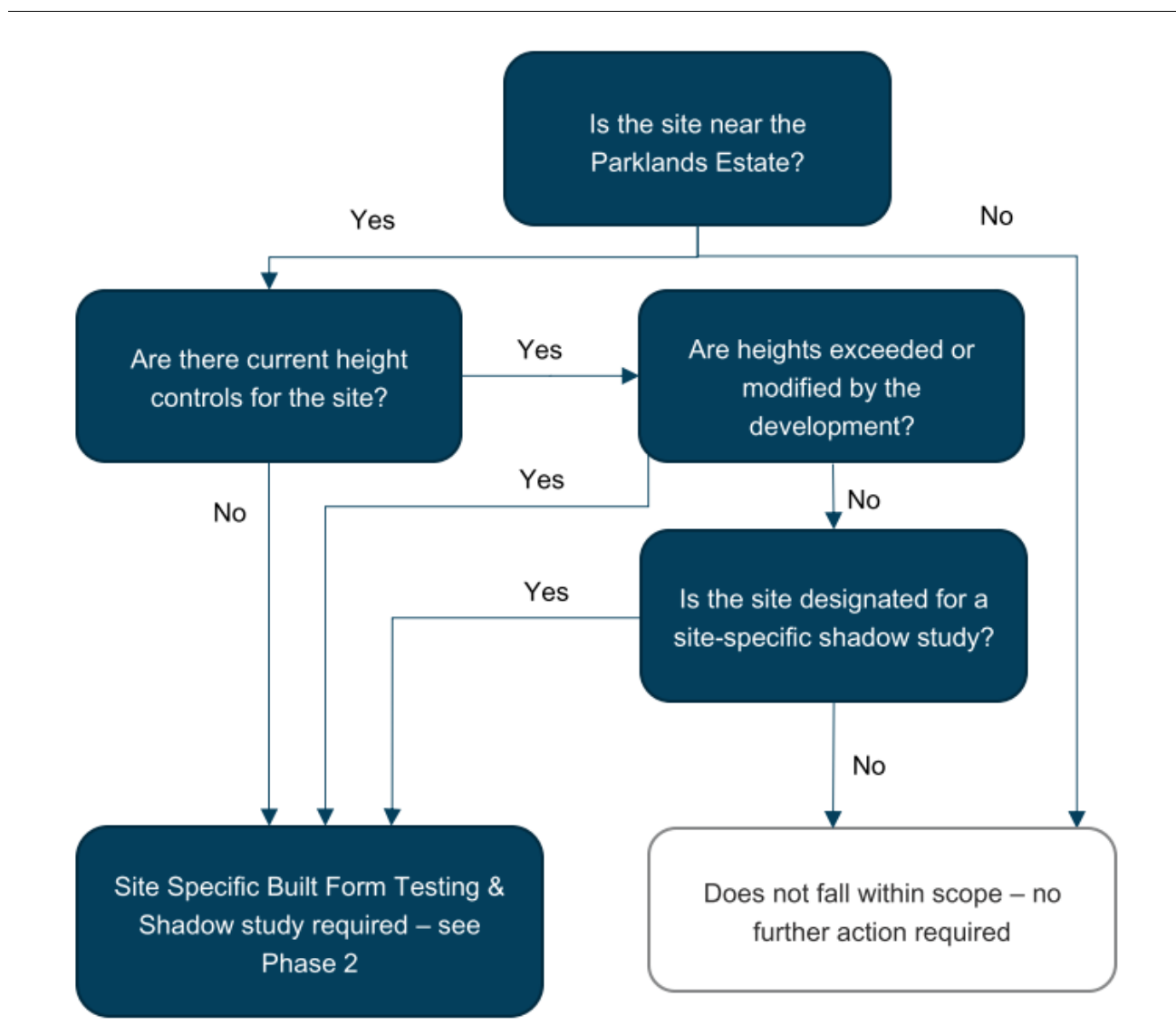
#### *Phase One: Identify requirement for a site specific shadow study*

Developments that will or may overshadow the parkland between 9am and 3pm on winter solstice (21 June) are likely to exhibit one or more of the following characteristics:

- *Located within one kilometre of the boundary of a parkland, on the west, north or eastern sides*
- *Exceeds the permitted maximum height controls at the date of this study*
- *In the case of Parramatta CBD, exceeds the planning proposal heights on exhibition at the date of this study*
- *Are not subject to permitted maximum height controls*
- *In the case of mapped parklands, on a site designated for site-specific shadow studies.*



The subject site is located approximately 60m from the boundary of Parramatta Park, however, the proposed development does not exceed specified building height controls applicable to this site. As per the Solar Protection Framework, no further action is required (see **Figure 11**).



**Figure 11:** Solar Protection Framework (Phase 1 Assessment). Source: NSW Government Gazette.

Despite this, the shadow diagrams submitted as part of the development application demonstrate that no overshadowing of Parramatta Park will occur as a result of the proposed development.

The proposal will ensure the conservation of the natural and cultural heritage values of Parramatta Park, and the protection of the environment within the Park are maintained.

### 2.3 Water Management Act 2000

In accordance with Section 4.46 of the EP&A Act the application was identified as Integrated Development as per Section 91 of the Water Management Act 2000. As such, the Development Application was referred to WaterNSW.

WaterNSW reviewed the proposal and requested additional information with regard to the construction of the proposed basement. Specifically, WaterNSW requested confirmation that the

proposed basement will be constructed using a tanked method. It was requested the submitted Geotech Report be updated to clarify this.

A response to the additional information was provided by the Applicant on 16 September 2021.

On 25 February 2022 WaterNSW provided General Terms of Approval relating to the proposal. No further objections were raised.

## 2.4 Environmental Planning Instruments

### Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Parramatta Local Environmental Plan 2011 (PLEP 2011)
- Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).

Compliance with these instruments is addressed below.

### Consolidated State Environmental Planning Policies - 1 March 2022.

As the provisions within the previous SEPPs are generally the same, savings provisions do not apply to the new SEPPs. A comparison of the previous and consolidated SEPPs are demonstrated in the table below.

Old SEPP/SREP	New SEPP	New Location
State and Regional Development	(Planning Systems) 2021	• Schedule 6
(Vegetation in Non-Rural Areas) 2017	(Biodiversity and Conservation) 2021	• Chapter 2
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)	(Biodiversity and Conservation) 2021	• Chapter 10
No 55—Remediation of Land (Infrastructure) 2007	(Resilience and Hazards) 2021	• Chapter 4
	(Transport and Infrastructure) 2021	• Chapter 2

## 2.5 State Environmental Planning Policy (Planning Systems) 2021

Pursuant to Schedule 6 of SEPP (Planning Systems) 2021, the proposal is considered 'regionally significant development' as it has a capital investment value of more than \$30 million.

As such, Section 4.5 of the EP&A Act 1979 confirms that the regional planning panel (Sydney Central City Planning Panel in this case) is the consent authority.

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

### *Chapter 2 Vegetation in Non-Rural Areas*

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

The site is currently occupied by a multi storey car park, as such no vegetation is existing on the subject site, or within the street frontage. However, this application proposes the planting of ground covers and shrubs within the public domain, as well as the planting of a number of trees, shrubs and ground covers on the Level three (3) podium.

The proposed planting scheme will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the Parramatta Local Government Area.

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

### *Chapter 10 Sydney Harbour Catchment*

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The development is consistent with the objectives and controls contained with the SEPP. Any matters of general relevance (erosion control, etc) are able to be managed by conditions of consent.

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

### *Chapter 4 Remediation of Land*

The requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A Detailed Site Investigation (DSI) prepared by Traced Environmental (dated 23 July 2022) was submitted as part of this application. The DSI noted that:

- *The site is currently used as a multi-level car park and is proposed for commercial redevelopment including basement car parking. The majority of the site will require excavation to approximately 6m below current ground levels to construct the proposed basement;*
- *Potentially contaminating activities at the site include possible imported fill of unknown sources used during construction of the current site building and/or possible historical pesticide use;*
- *The site was investigated at seven soil bore locations, with fill and underlying natural soil samples analysed for relevant COPCs to characterise the soil conditions;*
- *The subsurface profile generally consisted of shallow fill material and/or reworked clay overlying natural sandy clay, with the average fill thickness noted to be approximately 1.3m at the western half of the site (beneath Level 2) and approximately 0.2m at the eastern half of the site (beneath Level 1);*

- No concentrations of COPCs were reported above the laboratory LORs and/or site assessment criteria in the analysed soil samples, except for some exceedances of the ecological criteria. In consideration of the proposed development, the noted ecological exceedances may affect the suitability of the existing soil for use as a growing medium. As such, it is recommended that shallow fill material be removed from the proposed deep soil planting zone during redevelopment works, and material suitable for use as a growing medium be imported for use at this area of the development (refer to Section 9.2 below for additional detail). Should the proposed design plans be changed, additional consideration of the ecological exceedances will likely be necessary; and
- Based on the results and observations of the ASS analytical testing, the soils subject to this analysis are not considered to have any perceived potential for soil acidification due to the oxidation of natural soil sulfides and are not considered to be ASS, and an ASSMP is not considered necessary based on current data. However, due to site access restrictions, the only the shallow soil profile could be assessed during this investigation, and excavation to the deeper profile is required as part of the proposed development/basement excavation. As such, additional investigation of the deeper soil profile for potential ASS is recommended during redevelopment works, such as during future waste classification works (refer to Section 9.2 below for additional detail).

The report then concluded that:

*Based on the findings of the DSI, the site is considered suitable for the proposed commercial land use, subject to the recommendations provided.*

Clause 4.6 of the SEPP requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. In considering this matter it is noted:

- The site has previous history as being contaminated
- Council's Environmental Health Officer has reviewed the submitted documentation and advised that the site is suitable for its proposed use subject to the imposition of recommended conditions.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for the proposed development being a commercial land use.

Standard and special conditions relating asbestos, site audit statement, site investigation and contamination have been recommended.

## **2.9 State Environmental Planning Policy (Transport and Infrastructure) 2021**

### *Chapter 2 Infrastructure*

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development are outlined below.

#### Endeavour Energy

In accordance with Clause 2.48 of SEPP (Transport and Infrastructure) 2021 the application was formally referred to Endeavour Energy.

The application was referred to Endeavour Energy for comments. Endeavour Energy raised no objections subject to appropriate conditions being imposed on the consent relating to network



capacity/connection, earthing, safety clearances, vegetation management, noise, dial before you dig, demolition, public safety and emergency contact comments.

### Transport for NSW

#### *Clause 2.18: Development with a frontage to a Classified Road*

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

#### *Clause 2.122 Traffic Generating Development*

Clause 2.122 applies to the development of a new premises of a relevant size or capacity. For the purpose of defining traffic generating development which is of a relevant size and capacity, the SEPP refers to Schedule 3. In accordance with Schedule 3, the proposal is defined as a commercial premise and has a greater Gross Floor Area than 10,000m<sup>2</sup>, as such, is considered to be traffic generating development which requires a referral to TfNSW.

This development application was referred to TfNSW, who reviewed the proposal and raised no objection subject to the imposition of recommended conditions.

A Traffic Impact Assessment (TIA), prepared by Vagra Traffic Planning Pty Ltd (dated 19 July 2021) was submitted as part of this Development Application. The TIA concluded that a total of 28 vehicle trips per hour during the AM peak hour, and 25 vehicle trips per hour during the PM peak hour. The report further concluded that there will be a reduction in the traffic generation potential of the site given that the number of car parking spaces on the site is proposed to be reduced. The following was noted:

	AM	PM
<b>Projected future traffic generation potential</b>	28 vehicle trips per hour	25 vehicle trips per hour
<b>Less existing traffic generation potential</b>	-96 vehicle trips per hour	-85 vehicle trips per hour
<b>Nett change</b>	-68 vehicle trips per hour	-60 vehicle trips per hour

Council's Traffic Engineer reviewed the proposal with regarding to traffic generation and noted:

*The submitted Traffic and Parking Assessment report estimates that traffic generation from the development site would be approximately 28 and 85 vehicle trips per hour during AM and PM peak periods respectively.*

*The report also discounted the volume of traffic which is generated by the existing uses of the site. On this basis, the report indicates that the proposed development would reduce the traffic generation by approximately 68 and 60 vehicle trips per hour during AM and PM peak periods respectively.*

*The report also states that there will be a reduction in the traffic generation potential of the site given that the number of car parking spaces on the site is proposed to be substantially reduced in accordance with Council's requirements.*

It is considered that the intensity and nature of the proposal is compatible with road capacity and function. Both vehicle and pedestrian safety will be maintained. The proposal provides for well-designed and safe vehicle and pedestrian access and loading area.

## **2.10 Parramatta Local Environmental Plan 2011 (PLEP 2011)**

The following is an assessment of the proposed development against the applicable provisions of Parramatta Local Environmental Plan 2011 (PLEP 2011).

### *Clause 1.2 Aims of Plan*

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage a range of development, including housing, employment and recreation, that accommodates the needs of the existing and future residents, workers and visitors of Parramatta,*
- (b) to foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city,*
- (c) to identify, conserve and promote Parramatta's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,*
- (d) to improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling,*
- (e) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,*
- (f) to protect and enhance the natural environment, including areas of remnant bushland in Parramatta, by incorporating principles of ecologically sustainable development into land use controls,*
- (g) to improve public access along waterways where natural values will not be diminished,*
- (h) to enhance the amenity and characteristics of established residential areas,*
- (i) to retain the predominant role of Parramatta's industrial areas,*
- (j) to ensure that development does not detract from the economic viability of Parramatta's commercial centres,*
- (k) to ensure that development does not detract from the operation of local or regional road systems,*
- (l) to ensure development occurs in a manner that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependant ecosystems,*
- (m) to protect and enhance the viability, identity and diversity of the Parramatta City Centre and recognise it as the pre-eminent centre in the Greater Metropolitan Region,*
- (n) to encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.*

The proposed development of a commercial premise of this scale will ensure the needs of existing and future residents of Parramatta are met.

The subject site is of sufficient size and location to provide required services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding properties and is ideally located close to public transport links, services and facilities.

It is considered that the development satisfactorily meets the aims of the plan.

### *Clause 2.3 Zone objectives and Land Use Table*

The site is zoned B4 Mixed Use. The aims and objectives for the B4 Mixed Use zone in Clause 2.3 – Zone Objectives are as follows:

- To provide a mixture of compatible land uses*
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

- To encourage development that contributes to an active, vibrant and sustainable neighbourhood
- To create opportunities to improve the public domain and pedestrian links
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality and
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

The proposed development will provide a building which will result in over 11,000m<sup>2</sup> of commercial, retail and office space within the commercial core of Parramatta which will help serve the needs of the local and wider community and enhance the Parramatta City Centre.

The proposed development will contribute to an active, vibrant and sustainable neighborhood and will enable employment opportunities in an accessible location. In addition, adequate end of trip facilities will encourage public transport patronage, walking and cycling by future users.

It is considered that the development satisfactorily meets the objectives of the B4 Mixed Use zone.

Standards and Provisions	Compliance
<b>Part 4 Principal development standards</b>	
<b>Cl. 4.3 Height of Buildings</b>  Maximum height permitted: 54m Proposal: 52.50m	<b>Complies</b>  It is proposed to construct the building to a maximum height of 52.50m. The development complies with the height controls.
<b>Cl. 4.4 Floor Space Ratio</b>  Site area: 1,877m <sup>2</sup> Max FSR allowable: 0.6:1 Max GFA allowable: 11,262m <sup>2</sup>  Basement 1: 50.60m <sup>2</sup> Basement 2: 83.89m <sup>2</sup> Ground Floor: 593.08m <sup>2</sup> Level 1: 53.20m <sup>2</sup> Level 2: 1,425.81m <sup>2</sup> Level 3: 1,619.16m <sup>2</sup> Level 4: 544.83m <sup>2</sup> Levels 5 to 10: 860.19m <sup>2</sup> Levels 11 and 12: 858.20m <sup>2</sup>  Total: 11,248.11m <sup>2</sup>  FSR: 0.6:1	<b>Complies</b>  The proposed works result in an FSR of 0.6:1. The development complies with the requirements of this clause.
<b>Part 5 Miscellaneous Provisions</b>	
<b>Cl. 5.10 Heritage Conservation</b>	See assessment below.
<b>Cl. 5.21 Flood Planning</b>	<p>This site is identified as being located within a flood planning area. As such, Section 5.21 of the PLEP 2011 applies to the proposal. Section 5.21 of the PLEP 2011 details the objectives and relevant matters for consideration of this Section as they relate to development within flood planning areas.</p> <p>The relevant Objectives applicable to this development are as follows:</p> <p>(a) To minimise the flood risk to life and property associated with the use of land,</p>

- (b) To allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) To avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) To enable the safe occupation and efficient evacuation of people in the event of a flood.

Further to this, this Section of the PLEP 2011 details the following matters in which development consent must not be granted on land unless the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) Is compatible with the flood function and behaviour on the land, and
- (b) Will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) Will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) Incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) Will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

In addition, this Section of the PLEP 2011 details the following matters the consent authority must consider in deciding whether to grant development consent on land which this Clause applies:

- (a) The impact of the development on projected changes to flood behaviour as a result of climate change,
- (b) The intended design and scale of buildings resulting from the development,
- (c) Whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
- (d) The potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

Council's Development Engineer reviewed the proposal as well as the submitted Overland Flood Study prepared by Molino Stewart (dated 27 May 2022) and noted:

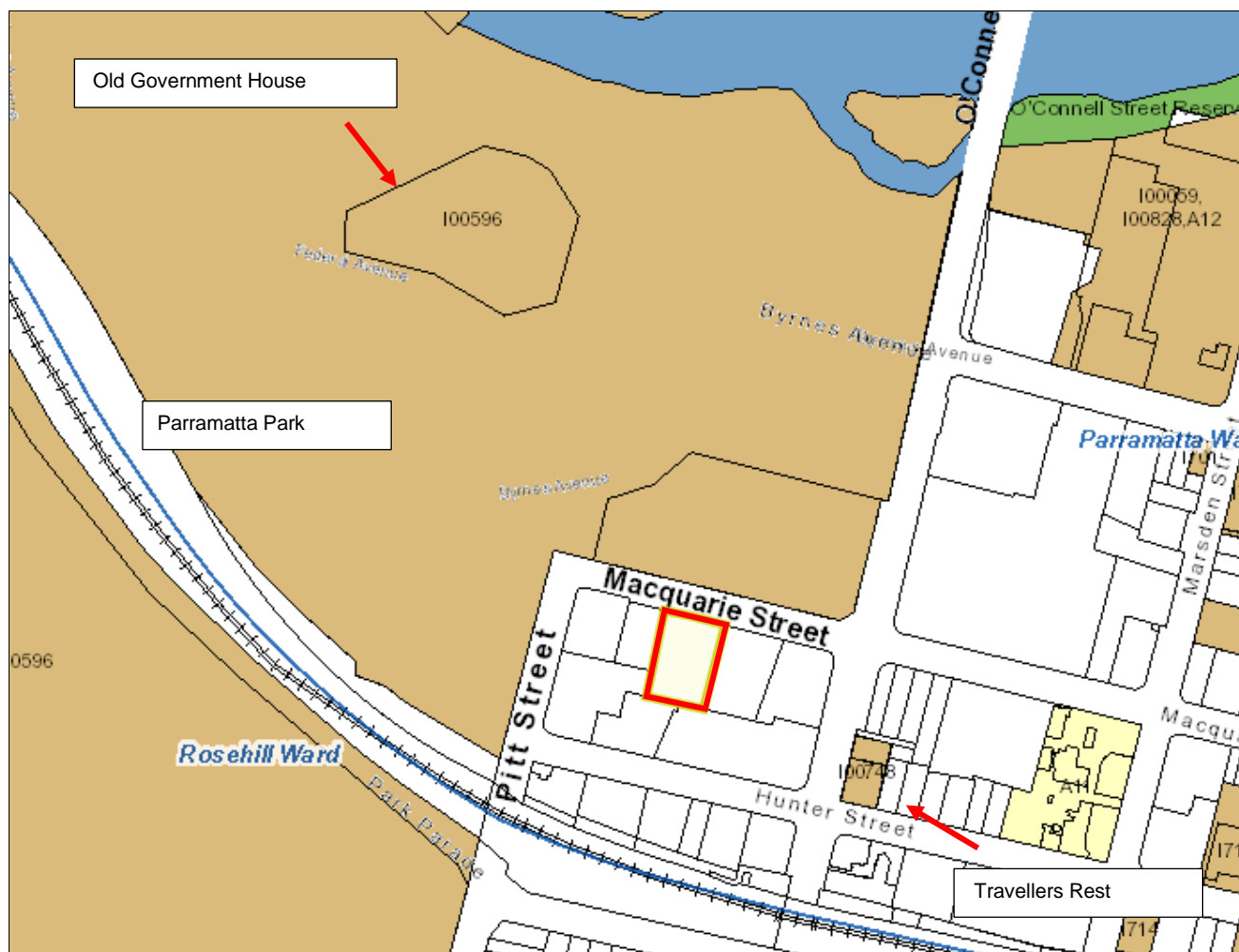
*The site is affected by flooding, mainstream flooding from the Upper paramatta river flood report, and overland flooding from the upstream catchment. The overland flood study prepared by Molino Stewart dated 27/05/2022 revision a showed that the flood levels are below the flood levels in the mainstream flood study by the council, hence concluding that the flood levels adopted by Councils shall be used for conservative planning. The flood planning level is at 12.6m AHD, and the PMF flood level is at 13.2m AHD. The flood risk management report shows that the proposed commercial premises provide SIP above the PMF level.*



	Subject to the imposition of the recommendations, Council is satisfied that the Objectives of this Clause have been satisfied, noting that, flood risk to life and property associated with the land has been minimised.
<b>Part 7 Additional Local Provisions</b>	
<b>Cl. 7.2 Earthworks</b>	<p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>Associated earthworks to create a level building platform and enable the construction of the basement car park are proposed. This will result in up to 6.78m in cut throughout the site. A total volume of 9,948m<sup>3</sup> of soil is proposed to be removed, or re purposed within the site.</p> <p>The scale and location of the proposed earthworks will not adversely affect the visual quality and amenity values of the site given the earthworks are localised to the vicinity of the site and are largely required to create a foundation for building works, access and the proposed car park. The proposed earthworks will not change the line of the landscape.</p> <p>In addition, adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.</p> <p>The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>

### Clause 5.10 Heritage Conservation

The site is located within the Park Edge (Highly Sensitive Area) (Area B) and is in close proximity to significant heritage-listed items, which include Travellers Rest Inn (I00748), Parramatta Park (I00596) and Old Government House (OGHD), the latter two places being on UNESCO's World Heritage list. See **Figure 12**.



**Figure 12:** Heritage Map. Subject site outlined in red. Source: Parramatta Council LEP 2012.

Parramatta Park is located to the north of the site. Old Government House is located within Parramatta Park and is situated approximately 230m to the north west of the site. Travellers' Rest Inn Group is located approximately 110m south east of the site.

As stated above, the site is subject to a Conservation Agreement which includes the applicable maximum building height and floor space ratio controls under the Parramatta Local Environmental Plan 2011 (PLEP 2011). They also include the Parramatta Development Control Plan 2011 (PDCP 2011) controls outlined in Section 4.3 of the PDCP 2011.

An assessment against these controls is contained in Section 2.1 of this report.

Despite this, the following is noted:

### ***Parramatta Park and Old Government House (100596)***

Parramatta Park (100596) and Old Government House (OGHD) are listed as World, National, State and Local Heritage Items. The Statement of Significance for the site is as follows:

*Old Government House and Domain, Parramatta Park, is of Local, State and National heritage significance for its unique evidence of the convict period in the history of Parramatta, New South Wales and Australia, particularly its associations with the survival of the first colonial settlement in 1788 and the subsequent establishment of European-style agriculture in Australia, the vice-regal control of the convict system, especially under governors Phillip,*

*Macquarie and Brisbane, and their activities associated with consolidating Imperial power, notably botanical collecting, astronomical observations, and the economic development of colonial New South Wales, the Georgian-style architecture of Old Government House and its outbuildings (of which it is a key Australian exemplar), the multi-layered cultural landscape embracing the vice regal residence, the parklands and the town of Parramatta, its development as one of Australia's earliest dedicated public parks, and the extent of the known and potential archaeological resources within the landscape. . The Place is also significant for illustrating the associations between the Burramatta clan of the Dharug People and their pre-contact lifestyle as well as the continuing connections of their contemporary descendants with the site.*

*Old Government House and Domain, Parramatta Park is also highly significant for its contribution to the serial inscription of eleven Australian Convict Sites on the World Heritage List, illustrating in its built forms, archaeological sites and the overall topographical form of the whole site as a cultural landscape, its role as a command centre within the Imperial convict system, and the reforming activities of Governor Macquarie; and reflecting ideas and beliefs in the punishment and reformation of convicts and the projection of British Imperial power in the South Pacific.*

*Old Government House is associated with the use of convicts to expand British geo-political interests in the Asia Pacific. The initial survival of the penal settlement in 1788-89 can be attributed to the successful establishment of farming in what became the Domain, which assured the subsequent development of the convict system in Australia. Government House was continually expanded with convict labour, and mirrors the increasing complexity of the convict system. By Governor Macquarie's time the House had become a key destination for international travellers, especially French, Spanish and Russian, who all reported upon the success of the penal colony and the use of the colony to project British power in the South Pacific. Governor King's establishment of botanic gardens on the site, using convict labour, contributed to British prestige and authority in the scientific world. Governor Brisbane's operation of the observatory, constructed with convict labour, helped maintain British naval power through accurate charting of the stars for maritime navigation, and provided the basis for surveying the colony and expanding settlement, much of it associated with the increased use of assigned convict labour, and the settling of convicts whose sentences had expired. The expansion of penal stations to western and northern Australia, partly to forestall French and Dutch colonial ambitions, was planned from Old Government House by Governor Darling.*

### **Travellers Rest Inn (I00748)**

Travellers Rest Inn (I00748) is a State Listed Heritage Item. The Statement of Significance for the site is as follows:

*House group which makes a notable contribution to townscape due to similarities in age, design, use and materials. This group of cottages is the most intact and earliest group of cottages in all of Parramatta. Their site also possesses potential to contribute to an understanding early urban development in Parramatta*

*The group is typical of the Georgian style, rare in Australia and existing only in the very early colonies of NSW and Tasmania. It is representative of the many inns that were its contemporaries in the region and physically representative of others now lost.*

### **Parramatta Archaeological Management Unit (3104)**

The site also forms part of the Parramatta Archaeological Management Unit (PAMU) (3104). The Statement of Significance for the PAMU is as follows:

*This AMU has high archaeological research potential. This area was part of the early Rose Hill settlement and the commercial centre of Parramatta through the convict and colonial periods to the present day. The physical archaeological evidence within this area may include structural features, intact subfloor deposits, open deposits and scatters, ecological samples, and individual artefacts, which have potential to yield information relating to major historic themes including Commerce, Convicts, Cultural Sites, Government and Administration, Housing, Land Tenure, Law and Order and Townships. Archaeological evidence at this site is likely to be subject to major disturbance. This AMU is of Local significance.*

Council's Heritage Advisor reviewed the proposal and concluded:

*The proposal complies with the Statutory and non -Statutory controls and related heritage policies and guidelines.*

*The additional information provided by the applicant in response to the design excellence panel, are clarifying the potential view impacts of the proposed building form and its contextual placement within the heritage sensitive area (OGH and Parramatta Park).*

*The expected visual impact from the Planisphere Study important views would be acceptable in my opinion as the building bulk would be partially visible from view 1 but mostly screened by existing trees canopy.*

*The archaeological potential of the site is still to be assessed; however, it can be conditioned of a methodology and desktop assessment by qualified archaeologist and if relicts or deposit are discovered the procedure in place for coordination with HNSW and required permits. This aspect of potential archaeology should also be integrated in the heritage interpretation strategy to be provide prior the issue of a construction certificated.*

*The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent.*

*The Amended plans and additional information addressed most of the concern about view impact from the UNESCO world listed site OGH and the Parramatta Park. Archaeology and Heritage interpretation to be addressed via condition of approval.*

This assessment concludes that the proposal, as amended, complies with the Conservation Agreement, and the Objectives of Clause 5.10 (Heritage Conservation) of the PLEP 2012. The proposal, as amended will not result in a detrimental impact on the world and national heritage values of Parramatta Park and Old Government House, the Traveller's Rest Inn or the Parramatta Archaeological Management Unit.

### **3. Draft Environmental Planning Instruments**

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

Whilst the draft LEP must be considered when assessing this application under Clause 4.15 (1) (a) (ii) of the Environmental Planning & Assessment Act 1979, the LEP is neither imminent nor certain and therefore limited weight has been placed on it.

Control	PLEP 2011	Draft LEP 2022
Zoning	B4 Mixed Use	B4 Mixed Use
Height	54m	54m



FSR	6:1	6:1
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There are no changes proposed under the draft LEP that amend key development standards applicable to the site. As such, the proposal is inconsistent with the provisions of this draft LEP in the same manner as the current LEP 2012.

## 4. Development Control Plans

### 4.1 Parramatta Development Control Plan 2011 (PDCP 2011)

The subject site is identified as being located within the Parramatta City Centre, as such Part 4.3 (Strategic Precincts) of the PDCP 2011 is applicable. Part 4.3 (Strategic Precincts) of the PDCP 2011 contains specific provisions which relate to the subject site and prevail where there is any inconsistency with other sections of the PDCP 2011. In addition to this, the subject site is further identified as being located within a City Centre Special Area. This part of the PDCP 2011 specifies supplementary built form controls for these areas.

The site is located within the Park Edge (Highly Sensitive Area) and in close proximity to significant heritage-listed items, which include Travellers Rest Inn, Old Government House (OGHD), and Parramatta Park, the latter two places being on UNESCO's World Heritage list. As a result, the subject site is subject to a Conservation Agreement.

As stated above, the planning controls contained in the Conservation Agreement include the applicable maximum building height and floor space ratio controls under the Parramatta Local Environmental Plan 2011 (PLEP 2011). They also include the Parramatta Development Control Plan 2011 (PDCP 2011) controls outlined in Section 4.3 of the PDCP 2011.

An assessment against these controls has been undertaken and is detailed below.

Controls	Comment	Compliance
<b>Section 4.3.3 Parramatta City Centre</b>		
<b>Section 4.3.3.1 Building Form</b>		
<b><i>Minimum Building Street Frontage</i></b>		
Development parcels are required to have at least one street frontage of 20m.	The subject site has a frontage of 37.29m to Macquarie Street.	Yes
<b><i>Building Depth and Bulk</i></b>		
All points on an office floor should be no more than 12m from a source of daylight.	All points of the proposed building are approximately 12m from a source of daylight.	Yes
<b><i>Building Form and Wind Mitigation</i></b>		
Site design for tall buildings (towers) should: <ul style="list-style-type: none"> <li>• Set tower buildings back from lower structures built at the street frontage.</li> <li>• Protect pedestrians from strong wind downdrafts at the base of the tower.</li> <li>• Ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre.</li> <li>• Consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level.</li> </ul>	As stated above, the Conservation Agreement set out controls for envelopes associated with building footprints and building height. As a result, the building capacity has been set for the site, as such, compliance with this requirement of the PDCP 2011 is not required.	Yes (Complies with Conservation Agreement)

<ul style="list-style-type: none"> <li>• Ensure useability of open terraces and balconies</li> </ul>		
<p>Wind Effects Report is to be submitted with the DA for all buildings greater than 32m in height.</p>	<p>The proposed building is 52.50m in height. As such a Wind Effects Report is required to be provided.</p> <p>A revised Wind Effects Report was prepared by Integrated Group Services (dated 17 November 2021) and submitted as part of this application.</p> <p>The report concluded:</p> <p>The following features are recommended to be maintained as the design of the centre continues to develop to ensure comfortable conditions are experienced throughout the public realm and are considered acceptable for their intended use:</p> <ul style="list-style-type: none"> <li>• Wind conditions in the ground level footpath areas and access ways would be expected to be within the walking comfort criterion.</li> <li>• The main entrances would be expected to be within the standing comfort criterion;</li> <li>• The podium open amenity area would be expected to be within the recommended walking to standing comfort criteria. The meeting areas underneath pergolas are expected to meet the sitting comfort criterion with the recommended a 50% porosity for the pergola roof.</li> </ul> <p>In addition to this, the submitted Wind Effects Report was reviewed by MEL Consultants Pty Ltd who concluded:</p> <p><i>In terms of technical responses, the revised IGS Wind Effects Report has addressed the issues raised in our review and there are not further queries.</i></p> <p>These recommendations contained in the report formed part of the detailed design submitted as part of the development application. A Condition will be included in the recommendation ensuring the recommendations in this report are implemented in the construction of the proposed building.</p>	<p>Yes</p>
<b>Building Exteriors</b>		
<p>Articulate façades so that they address the street and add visual interest.</p>	<p>As stated above, the Conservation Agreement set out controls for envelopes associated with building footprints and building height. As a result, the building capacity has been set for the site, as such, compliance with this requirement of the PDCP 2011 is not required.</p>	<p>Yes (Complies with Conservation Agreement)</p>

<ul style="list-style-type: none"> <li>• External walls should be clad with high quality and durable materials and finishes.</li> <li>• Finishes with high maintenance costs, those susceptible to degradation or corrosion that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.</li> <li>• To assist articulation and visual interest, avoid large expanses of any single material.</li> <li>• Limit opaque or blank walls for ground floor uses to 30% of the building street frontage.</li> <li>• Maximise glazing for ground floor retail uses, but break glazing into sections to avoid large expanses of glass.</li> </ul>	The proposed building has been sensitively designed to include a high quality composition of building elements, textures materials and colours, which respond to the setting and will contribute positively to the existing character of the site	Yes
<p>Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as;</p> <ul style="list-style-type: none"> <li>• Expressed cornice lines that assist in enhancing the streetscape projections such as entry canopies that add visual interest and amenity.</li> </ul>	As stated above, the Conservation Agreement set out controls for envelopes associated with building footprints and building height. As a result, the building capacity has been set for the site, as such, compliance with this requirement of the PDCP 2011 is not required.	Yes (Complies with Conservation Agreement)
The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building	The roof plant and lift overrun has been designed to be integrated into the overall architecture of the building.	Yes
New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	The proposed external materials are materials to be of low glare and reflectivity.	Yes
<b>Sun Access to Public Spaces</b>		
All new buildings and additions or alterations to existing buildings are to comply with the following sun access plane control established for the Lancer Barracks site and Jubilee Park, irrespective of the existing height of nearby buildings.	<p>As stated above, the Greater Sydney Parklands Trust Act 2022 is applicable to the site. Section 26 (Overshadowing) of the Act requires the consent authority to have regard to the impact of overshadowing on public open space.</p> <p>The shadow diagrams submitted as part of the development application demonstrate that no overshadowing of Parramatta Park will occur as a result of the proposed development.</p> <p>In addition, the proposal complies with the sun access plane control established for the Lancer Barracks site and Jubilee Park.</p> <p>Compliance with the Act, as well as this Section of the PDCP 2011 is achieved.</p>	Yes

A building should not be permitted above the sun access plane unless that part of the building is a minor architectural roof feature.	See above.	Yes (Complies with the Greater Sydney Parklands Trust Act 2022)
<b>Section 4.3.3.3 Public Domain and Pedestrian Amenity</b>		
<b>Active Frontages</b>		
Active frontages are required throughout the city centre on primary street frontages for a minimum of 50% of each building front; and on secondary street frontages and lanes for a minimum of 40% of each building front.	Approximately 65% of the proposed building is considered to be an active frontage.	Yes
Active ground floor uses are to be at the same level as the footpath and be accessible directly from the street. (Refer to Council's Public Domain Guidelines and the requirement for an Alignments Plan).	Entrance to the ground floor of the building is directly accessible from the street.	Yes
Extend active frontages above ground floor level with uses and building design, which provide transparency, and visual contact with the public domain	The building entrance and ground floor café has been incorporated into the streetscape façade. Glazed entries provide transparency and ensure an active public domain.	Yes
<b>Section 4.3.3.4 Views and View Corridors</b>		
Views shown in Figure 4.3.3.4 are to be protected in the planning and design of development.	As per Figure 4.3.3.4 in the PDCP 2011 the site is not subject to views or view corridors.	N/A
<b>Section 4.3.3.5 Access and Parking</b>		
<b>Location of Vehicle Access</b>		
One vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.	Access to the basement car park is achieved via one (1) existing vehicle access point.	Yes
<b>Design of Vehicle Access</b>		
Vehicle access ramps parallel to the street frontage will not be permitted.	N/A	N/A
Doors to vehicle access points are to be fitted behind the building façade and to be of materials that integrate with the design of the building and contribute to a positive public domain.	<p>A roller shutter door is proposed at the entrance to the basement car park.</p> <p>The shutter is located behind the building façade and will be constructed of materials which are integrated into the design of the building.</p> <p>Council's Traffic Engineer has recommended a condition be imposed on the consent that the proposed door be controlled by a remote control and or intercom.</p>	Yes
Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	<p>The vehicle entry has been designed to complement the streetscape, and building façade.</p> <p>No services will be visible from the street.</p>	Yes
<b>Pedestrian Access and Mobility</b>		
Main building entry points should be clearly visible from primary street	The building entrance is clearly visible from Macquarie Street. Proposed awnings and	Yes

frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity	entrance features will enhance and contribute to visitor and occupant amenity.	
Access to public areas of buildings and dwellings should be direct and without unnecessary barriers. Avoid obstructions, which cause difficulties including: <ul style="list-style-type: none"> <li>• Uneven and slippery surfaces;</li> <li>• Steep stairs and ramps;</li> <li>• Narrow doorways, paths and corridors;</li> <li>• Devices such as door handles which require two hands to operate.</li> </ul>	Access to the public areas of the building are direct, and free from obstructions.	Yes
The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428.1 and AS1438.2, or as amended) and the Disability Discrimination Act 1992 (as amended).	Council's Urban Designer (Accessibility) reviewed the proposal and raised no objections subject to compliance with the recommended conditions.  Appropriate conditions of consent have been recommended ensuring compliance with the Disability Discrimination Act, 1992 (DDA), the relevant Australian Standards and the Building Code of Australia (BCA).	Yes
The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	One (1) main pedestrian entrance is provided from Macquarie Street to the ground floor. The entrance is convenient and barrier free.	Yes
The development must provide continuous paths of travel from all public roads and spaces as well as unimpeded internal access.	Entrance to the building is achieved via Macquarie Street. A continuous path of travel is provided.	Yes
Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	The proposed pedestrian access point complies with relevant Council policies and Australian Standards.  A condition has been recommended in the consent requiring this to be demonstrated on Construction Certificate plans.	Yes
<b>Vehicle Driveways and Manoeuvring Areas</b>		
Vehicle access is to be designed to; <ul style="list-style-type: none"> <li>• Minimise the visual impact on the street, site layout and the building façade design, and</li> <li>• If located off a primary street frontage, integrated into the building design.</li> </ul>	No change is proposed to the location of the existing vehicle access point to the site.  The basement entrance has been integrated into the design of the building.	Yes
All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn	All vehicles are able to enter and exit the site in a forward direction without the need to make a three point turn.	Yes
Separate and clearly differentiate pedestrian and vehicle access.	The pedestrian and vehicle entrance points are clearly defined and are separated by approximately 7m.	Yes

Locate vehicle access a minimum of 3 metres from pedestrian entrances.		
Minimise the size and quantity and visual intrusion of vehicle access points.	No change is proposed to the location of the existing vehicle access point to the site.  The basemen entrance has been integrated into the design of the building and will minimise visual intrusion.	Yes
Vehicular access may not ramp along boundary alignments edging the public domain, streets, lanes parks, water frontages and the like	No change is proposed to the existing vehicle access point which is located adjacent to the side boundary.	Yes
Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	Council's Traffic Engineer has reviewed the proposal and noted that the existing driveway crossing and proposed basement comply with relevant Council controls, Australian Standards and the Roads Act.	Yes
Driveway widths must comply with the relevant Australian Standards.	Council's Traffic Engineer has reviewed the proposal and noted that the driveway width complies Australian Standards.	Yes
Car space dimensions must comply with the relevant Australian Standards	Council's Traffic Engineer has reviewed the proposal and noted that the driveway width complies Australian Standards.  Appropriate conditions have been recommended in the consent to ensure compliance.	Yes
Driveway grades, vehicular ramp width/ grades and passing bays and sight distance for driveways must be in accordance with the relevant Australian Standard, (AS 2890.1).	Council's Traffic Engineer has reviewed the proposal and noted that the vehicle ramp/grades width complies Australian Standards.  Appropriate conditions have been recommended in the consent to ensure compliance.	Yes
Vehicular access, egress and manoeuvring is to be provided in accordance with the NSW Fire Brigades Code of Practice – Building Construction – NSWFB Vehicle Requirements	Council's Traffic Engineer has reviewed the proposal and noted that the vehicle access and manoeuvring complies Australian Standards.  Appropriate conditions have been recommended in the consent to ensure compliance.	Yes
<b>On-site Parking</b>		
Where car parking is provided in basements, and semi-basements, development which will involve excavation shall incorporate the recommended site management procedures set out in the Parramatta Historical Archaeological Landscape Management Study	Appropriate sit management procedures have been proposed.  Appropriate conditions have been recommended in the consent to ensure compliance with site management procedures.	Yes
Consolidate basement car parking areas under building footprints to maximise the area available for deep soil planting beneath forecourts and courtyards.	The basement car park is solely contained under the building footprint.	Yes
Maximise the efficiency of car park design with predominantly	The basement car park has been designed to comply with relevant Australian Standards, and to ensure user efficiency.	Yes



orthogonal geometry and related to circulation and car space sizes.		
Design parking structures which minimise reliance on artificial lighting and car exhaust ventilation.	The basement car park has been designed to comply with relevant Australian Standards, and to minimise artificial lighting. The proposed basement is adequately ventilated.	Yes
Provide 1-2% readily accessible parking spaces, designed and appropriately signed for use by people with disabilities	Council's Traffic Engineer has reviewed the proposal and noted that the proposed basement parking facilities complies Australian Standards. The proposed accessible space is readily accessible, and signed.  Appropriate conditions have been recommended in the consent to ensure compliance.	Yes
On-site parking must meet the relevant Australian Standard (AS 2890.1 2004 – Parking facilities, or as amended)	Council's Traffic Engineer has reviewed the proposal and noted that the proposed basement parking facilities complies Australian Standards.  Appropriate conditions have been recommended in the consent to ensure compliance.	Yes
<b><i>Bicycle Parking</i></b>		
Make provision for secure bicycle parking in all public car parks and every building with onsite parking, in compliance with section 3.6.2 of this DCP.  Required: 57 bicycle spaces.	The PDCCP 2011 requires one (1) bicycle space be provided per 200m <sup>2</sup> of Gross Floor Area.  A total of 70 bicycle parking spaces have been provided. These spaces have been provided on the ground floor adjacent to the end of trip facilities to satisfy this control	Yes
For commercial and retail development providing employment for 20 persons or more must provide adequate change and shower facilities for cyclists. Facilities should be conveniently located close to bike storage areas.	Adequate end of trip facilities are provided on Basement Level One (1).	Yes
<b><i>Parking for Commercial Developments</i></b>		
Natural ventilation should be provided to underground parking areas where possible, with ventilation grilles and structures; <ul style="list-style-type: none"> <li>Integrated into the overall façade and landscape design of the development,</li> <li>Not located on the primary street façade, and</li> <li>Oriented away from windows of habitable rooms and private open spaces areas.</li> </ul>	The proposed basement car park is adequately ventilated. Associated grilles and structures have been integrated into the design of the building.	Yes
<b>Section 4.3.3.6 Environmental Management</b>		
<b><i>Landscape Design</i></b>		
Commercial and retail developments are to incorporate planting in accessible outdoor spaces such as	The proposal includes a podium space which will be access via occupants of Level four (4). The space provides extensive planting, seating options, seating and tables. Shading,	Yes

courtyards, forecourts, terraces and roofs.	social zones and meeting areas are also provided.	
A landscape concept plan must be provided for all landscaped areas. The plan must outline how landscaped areas are to be maintained for the life of the development.	A Landscape Concept Plan prepared by New Eden Design has been submitted with this application.  The plan details how the podium landscaping will be maintained for the life of the development.	Yes
Street trees are to be provided in the footpath in accordance with Council's Street Tree Plan.	Council's Public Domain Officer has reviewed the proposal and recommended the planting of two (2) street trees in accordance with Council policy.  A condition has been recommended in the consent in this regard.	Yes, via Condition
<b>Planting on Structures</b>		
Design for optimum conditions for plant growth by: <ul style="list-style-type: none"> <li>• Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established,</li> <li>• Providing appropriate soil conditions including irrigation (where possible using recycled water) and suitable drainage.</li> </ul>	Council's Landscape Officer reviewed the proposal and is satisfied with the proposed planting plan, including the soil depths, size and species of the planting proposed.  A condition has been recommended in the consent ensuring compliance with Council's controls.	Yes
Design planters to support the appropriate soil depth and plant selection by: <ul style="list-style-type: none"> <li>• Ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and</li> <li>• Providing square or rectangular planting areas rather than narrow linear areas</li> <li>• Provide sufficient soil depth and area to allow for plant establishment and growth.</li> </ul>	Sufficient soil depth for proposed podium planting has been proposed, and complies with relevant controls.	Yes Yes
<b>Recycled Water</b>		
Dual reticulation (dual pipe) systems should be installed in new commercial, industrial and mixed use buildings, with the dual reticulation system being of sufficient size to supply all non-potable water uses of the building.	The application proposes to install dual reticulation pipe systems.  A condition has been recommended in the consent requiring the proposed system to be demonstrated on plans submitted as part of the Construction Certificate.	Yes. Via Condition.
<b>Section 4.3.3.7 City Centre Special Areas (Park Edge)</b>		
<b>Podium</b>		
Front Setback Nil	The proposed podium portion of the building is setback 0m to the front boundary.	Yes
Street Frontage Height 4 storeys / 14m (absolute)	The proposed podium portion of the building is 4 storeys and within 14m.	Yes
Side Setback Nil (absolute)	The proposed podium portion of the building is setback 0m to each side boundary.	Yes
Rear Setback Nil (absolute)	The proposed podium portion of the building is setback 0m to the rear boundary.	Yes
<b>Tower</b>		

<i>Side Setback</i> 3m (minimum)	The proposed tower portion of the building is setback 3m to each side boundary.	Yes
<i>Rear Setback</i> 9m (minimum)	The proposed tower portion of the building is setback 10.5m to the rear boundary.	Yes
<i>Setback from Podium to Tower</i> 6m (absolute)	The proposed tower portion of the building is setback 6m from the podium.	Yes
Where reasonably practicable, having regard to the orientation of the particular development parcel, buildings must be oriented with their narrow end not exceeding 30 metres in width facing the Domain.	<p>The proposed building is orientated with its narrow end toward Macquarie Street and is approximately 37m in width.</p> <p>Although the proposed building exceeds the 30m requirement, the proposal complies with the 'absolute' built form controls applicable to the site and compliments and reinforces the built qualities of the Parramatta CBD.</p>	Yes
External building materials must reduce visibility against the sky, for example, use of light colours or reflective surfaces.	<p>It is considered that the proposed building has been sensitively designed using high quality composition of building elements, textures materials, landscaping and colours, which respond to the setting and will contribute positively to the existing character of the site.</p> <p>A standard condition of consent has been included in the recommendation requiring all roofing and other external materials to be of low glare and reflectivity.</p>	Yes
Signage on the upper level of buildings must not face the Domain of Parramatta Park.	N/A. Signage is not proposed as part of this Development Application.	N/A

For completeness, the following table provides an assessment against Sections 2 (Site Planning) and Section 3 (Development Principles) of the PDCP 2011 where specific controls are not mentioned above.

Development Control	Comment	Comply
<b>Section 2 Site Planning</b>		
Views and Vistas	The site is not identified as containing significant views.	Yes
Water Management	Refer to assessment under PLEP 2011.	Yes
Soil Management	Adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.	Yes
Land Contamination	Refer to assessment under SEPP Resilience and Hazards 2021.	Yes
Air Quality	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised during construction.	Yes
<b>Section 3 Development Principles</b>		
Streetscape	<p>The proposed development is compatible with the existing and future character of the locality. When viewed from the street, the development presents as a contemporary architectural style with an articulated building elevation along the street frontage.</p> <p>The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass.</p>	Yes
Water Sensitive Urban Design	The proposed stormwater management system utilises the existing system which discharges to the public drainage infrastructure approximately 50m east of the site. The works incorporate a WSUD	Yes

	<p>treatment tank incorporating stormwater quality targets and filtration devices.</p> <p>Appropriate conditions have been recommended ensuring all stormwater discharged in accordance with Council's requirements. The proposal also incorporates an on-site detention system. Council's Development Engineer has reviewed the proposal with regard to the proposed OSD and noted:</p> <p><i>The OSD tank is not compliant and needs to be relocated elsewhere in the building. The current OSD design is within the building at level 2. There are inherent issues with overflows, accessibility and maintenance problems. Therefore the OSD tank needs to be relocated and redesigned, which has been conditioned as part of the deferred commencement condition.</i></p> <p>Council's Development Engineer concluded that, subject to the imposition of the recommended Deferred Commencement conditions with respect to the proposed OSD system, the proposal will satisfy the requirements of Council's controls and can be supported.</p>	
Waste Management	<p>A Site Waste Minimisation and Management Plan (SWMMP) prepared by Loka Consulting Engineers Pty Ltd (dated 3 May 2021) was submitted as part of this application. Council's Environmental Health Officer reviewed the report and raised no objection subject to appropriate conditions of consent regarding waste transportation and excavated material.</p> <p>Further to this, the report also detailed the management of waste during the ongoing use of the site. The report concluded that the facilities provided in the proposed development will adequately cater for the projected waste generation rates at the completion of the development in addition to the existing waste generation profile for the existing operations. Council's Environmental Health Officer reviewed the report and raised no objection subject to appropriate conditions of consent regarding ongoing waste management.</p>	Yes
Culture and Public Art	<p>A Public Art Plan prepared by Payce was submitted with the application in accordance with the PDCP 2011 requirements. Council's Cultural Project Officer has reviewed the plan and requested additional information relating to the themes proposed, the artwork location and the proposed methodology regarding artist engagement. Details relating to the proposed budget were also requested.</p> <p>It is considered that the requested details are able to be provided to Council for additional assessment prior to the issuing of an Occupation Certificate. Appropriate conditions have been recommended in this regard.</p>	Yes, subject to conditions.
Access for People with Disabilities	<p>Council's Urban Designer (Accessibility) reviewed the proposal and raised no objections subject to compliance with the recommended conditions.</p> <p>Appropriate conditions of consent have been recommended ensuring compliance with the Disability Discrimination Act, 1992 (DDA), the relevant Australian Standards and the Building Code of Australia (BCA).</p>	Yes, subject to conditions
Amenities in Buildings Available to the Public	The proposal is not a public building.	N/A
Safety and Security	The proposal has been designed to reduce crime risk and opportunities for crime.	Yes
Heritage	Refer to PLEP 2011 section of this report above.	Yes

Sustainable Transport	<p>The development has a proposed Gross Floor Area greater than 5,000m<sup>2</sup>, and is located within 800m of Parramatta Railway Station, as such one (1) car share parking space is required.</p> <p>No car share spaces are proposed as part of this development application.</p> <p>Council's Traffic Engineer has reviewed the proposal and has recommended a condition be imposed on the consent requiring the applicant provide one (1) car share parking space within the proposed basement.</p>	Yes, subject to conditions
Accessibility and Connectivity	<p>The proposed development has been designed and sited to ensure an appropriate level of accessibility so that all people can enter and use these premises is achieved.</p> <p>Further, Council's Urban Designer (Accessibility) reviewed the proposal and raised no objections subject to compliance with the recommended conditions.</p> <p>Appropriate conditions of consent will be imposed to ensure compliance with the Disability Discrimination Act, 1992 (DDA), the relevant Australian Standards and the Building Code of Australia (BCA).</p>	Yes
Site Consolidation and Development on Isolated Sites	The proposal does not result in the isolation of any adjoining properties.	Yes

## 4.2 Development Contributions Plan

As this Development Application was lodged on 21 June 2021, the City of Parramatta Council Section 94A Development Contributions Plan (Amendment No. 5) applies to the land. As such, a development contribution based on the cost of the proposed development is required to be paid,

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

## 5. The Regulations

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 have been addressed by appropriate consent conditions, refer to Appendix 1.

## 6. The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and build form. In the context of the site and the assessments provided by Council's experts, the development is considered satisfactory in terms of environmental impacts.

Further to this, the proposal complies with the Conservation Agreement and will not result in a detrimental impact on Old Government House and its surrounds.

## 7. Suitability of the site

The subject site can accommodate a commercial development of this scale as the site required services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding properties and is ideally located close to public transport links, services and facilities.

Suitable investigations and documentation have been provided to demonstrate that the site can be made suitable for the proposed development and the development is consistent with the land use planning framework for the locality.

No natural hazards or site constraints exist that are likely to have an unacceptably adverse impact on the proposed development.

Subject to the conditions provided within the recommendation to this report, the site is considered to be suitable for the proposed development.

## 8. Public interest and notification

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 11 August 2021 and 8 September 2021. Three (3) submissions were received objecting to the proposal.

Key concerns raised in the submissions are addressed below.

Issue	Response
<b>Heritage Items</b> Unacceptable impact on the amenity of surrounding Heritage Items	This assessment concludes that the proposal, as amended, complies with the Conservation Agreement, and the Objectives of Clause 5.10 (Heritage Conservation) of the PLEP 2011. The proposal, as amended will not result in a detrimental impact on the world and national heritage values of Parramatta Park and Old Government House, the Traveller's Rest Inn or the Parramatta Archaeological Management Unit.
<b>Conservation Agreement</b> Failed to satisfy the Conservation Agreement	Amended plans were submitted to Council on 22 December 2021 and again on 30 May 2022. The amended plans reconfigured the proposal to include the construction of a thirteen (13) storey commercial building with a four (4) storey podium with a four (4) storey podium and a maximum building height of 52.50m.  The proposal, as amended, complies with the Conservation Agreement and will not result in a detrimental impact on the world and national heritage values of Parramatta Park and Old Government House.
Failed to satisfy the Objectives of the PLEP 2011 and PDCP 2011	The proposed development complies with the Aims and Objectives of the PLEP 2011, as well as the Objectives of the PDCP 2011. The following is noted:  <i>Parramatta Local Environmental Plan 2011</i>  The proposal will ensure the conservation of the natural and cultural heritage values of Parramatta Park, and the protection of the environment within the Park are maintained.  The proposed development of a commercial premise of this scale will ensure the needs of existing and future residents of Parramatta are met.  The subject site is of sufficient size and location to provide required services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding properties and is ideally located close to public transport links, services and facilities.



	<p>It is considered that the development satisfactorily meets the aims of the plan.</p> <p><i>B4 Mixed Use Zone Objectives</i></p> <p>The proposed development will provide a building which will result in over 11,000m<sup>2</sup> of commercial, retail and office space within the commercial core of Parramatta which will help serve the needs of the local and wider community and enhance the Parramatta City Centre.</p> <p>The proposed development will contribute to an active, vibrant and sustainable neighborhood and will enable employment opportunities in an accessible location. In addition, adequate end of trip facilities will encourage public transport patronage, walking and cycling by future users.</p> <p>It is considered that the development satisfactorily meets the objectives of the B4 Mixed Use zone.</p> <p>Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide acceptable levels of amenity. It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.</p>
<p><b>Building Height</b> Unacceptable building height</p>	<p>Amended plans were submitted to Council on 22 December 2021 and again on 30 May 2022. The amended plans reconfigured the proposal to include the construction of a thirteen (13) storey commercial building with a four (4) storey podium and a maximum building height of 52.50m.</p> <p>The proposal, as amended, complies with the Conservation Agreement, Parramatta Local Environmental Plan 2011 and Development Control Plan 2011 with regard to building height.</p>
<p><b>Site isolation</b> (No. 5 Macquarie Street, Parramatta)</p>	<p>Concern was raised with regard to the isolation of the adjoining property at No. 5 Macquarie Street, Parramatta.</p> <p>It is noted that Part 3.7 of the PDGP 2011 (site Consolidation and Development on Isolated Sites) applies to the development for the purpose of residential flat buildings, multi dwelling houses, villas or the like. As such, documentary evidence is not required to be provided.</p> <p>With regard to potential site isolation of No. 5 Macquarie Street, Parramatta, the applicant noted:</p> <p><i>A Site Survey showing the dimensions of the adjoining site at 5 Macquarie Street was submitted demonstrating a compliant minimum site frontage ensuring the site is appropriate for future development.</i></p> <p>The submitted survey indicates that the adjoining site is 51.93m in length, a width of 20.76m (at the front of the site) and tapers to a width of 22.46m at the rear.</p> <p>It is considered that the site at No. 5 Macquarie Street, Parramatta can be developed in an orderly and economic manner that will not detract from the character of the streetscape of Macquarie Street. An appropriate level of amenity including solar access, visual and acoustic privacy is afforded to all adjoining sites will be able to be achieved.</p>
<p><b>Overshadowing concerns</b> (No. 13 O'Connell Street, Parramatta).</p>	<p>As stated in this report, the Greater Sydney Parklands Trust Act 2022 is applicable to the site. Section 26 (Overshadowing) of the Act requires the consent authority to have regard to the impact of overshadowing on public open space.</p>

	<p>The shadow diagrams submitted as part of the development application demonstrate that no overshadowing of Parramatta Park will occur as a result of the proposed development.</p> <p>In addition, the proposal complies with the sun access plane control established for the Lancer Barracks site and Jubilee Park. It is noted that the applicant has demonstrated that the proposal would ensure adequate solar access to properties in the vicinity and public spaces is achieved.</p> <p>Compliance with the Act, as well as this Section of the PDCP 2011 is achieved.</p>
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## 9. Public Interest

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

## 10. 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.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide acceptable levels of amenity for future users. It is considered that the proposal sufficiently 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. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is recommended for approval subject to conditions.