



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-389
DA Number	DA/662/2022
LGA	City of Parramatta Council
Proposed Development	58 storey commercial office tower, ground level retail and 2 storey basement with 51 car parking spaces and 8 service bays; demolition of existing buildings; tree removal; landscaping; signage zones; and public domain works. This application will be determined by the Sydney Central City Planning Panel and is also nominated integrated development under section 90 of the Water Management Act 2000.
Street Address	89-91 George Street, Parramatta NSW 2150 (Lot 1 DP 505486 & Lot 1 DP 1050741)
Applicant	L Clancy
Owner	GPT Management (Custodian) Pty Ltd
Date of DA lodgement	24 August 2022
Number of Submissions	1
Recommendation	Refusal
Regional Development Criteria	Pursuant to Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, the development has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979• Environmental Planning and Assessment Regulation 2021• Water Management Act 2000• SEPP (Resilience and Hazards) 2021• SEPP (Transport and Infrastructure) 2021• SEPP (Planning Systems) 2021• SEPP (Biodiversity and Conservation) 2021• SEPP (Industry and Employment) 2021• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011• (Then Draft) Parramatta Local Environmental Plan 2023
Documents submitted with report for Panel's consideration	<ul style="list-style-type: none">• Attachment 1 – Architectural Drawings• Attachment 2 – Landscape Drawings• Attachment 3 – Water NSW General Terms of Approval• Attachment 4 – Flysafe Controlled Activity Approval• Attachment 5 – Council Report 12 April 2021 (Site-Specific DCP Control Consideration)• Attachment 6 – Retail Layout (indicative)• Attachment 7 – Sydney Metro Letter
Clause 4.6 requests	<ul style="list-style-type: none">• None
Summary of key submissions	<ul style="list-style-type: none">• Green wall scale• Dilapidation Report required• Traffic and Construction Management Plan required• Dust Management Plan required
Report prepared by	Alex McDougall
Report date	30 November 2023

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	N/A
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1. Executive Summary

The proposal provides for construction of a 58-storey office tower. While the proposed building design is based on the winning entry in a design competition, it includes substantial departures from the form for the site envisaged by Parramatta LEP 2011 and Parramatta DCP 2011.

The applicant has not demonstrated the proposed western tower setback non-compliance would have an acceptable impact on the redevelopment potential of the adjoining site, or that the precedent set by the proposal would have an acceptable long-term impact on the adjoining state significant heritage item and pedestrian amenity (daylight and views to sky).

Further, the proposed building does not include a clearly defined or activated podium and as such fails to appropriately define and enclose the street, a key desired future character element for the Parramatta CBD.

The application is Nominated Integrated Development per the Water Management Act 2000. The NSW Department of Natural Resources Access Regulator have provided General Terms of Approval for the proposal.

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 not demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, refusal is recommended.

Notwithstanding the recommendation for refusal, matters that are resolvable via condition are noted as such throughout the report.

2. Key Issues

Tower Setbacks – The proposal does not comply with the western and southern tower setback controls.

Heritage Conservation Management – The Conservation Management Plan does not consider there is any redevelopment potential for the adjoining heritage site to the west (Perth House).

Built Form and Desired Future Character – The proposed building does not have a clearly defined podium with set back tower above.

Street Activation – The proposal includes minimal street activation.

Green Wall – The proposal includes a significant green wall in the front setback.

Wind Assessment – The wind tunnel modelling results are abnormally positive.

Accessibility – Direct step-free access is not provided to the primary front entrance.

Heritage – The lower western façade, which forms the backdrop of Perth House, has several projecting elements and includes a multitude of materials.

Height Bonus – The proposal's reliance on a height bonus is contingent on the consent authority coming to the view that the proposal exhibits design excellence.

Infrastructure Concurrence – Impact on Sydney Metro West tunnels below the site.

3. Site Description, Location and Context

3.1 Site

The site is located on the south side of George Street in the east end of the Parramatta CBD. The site is composed of two allotments with a combined area of 2,871m² with a George Street frontage of 39.2m. The site exhibits a slight fall of approximately 1.2m from rear to front. The site is located 600m walking distance to the north-east of Parramatta Railway Station (7-minute walk), 400m to the north-east of the Parramatta Light Rail stop currently under construction along Macquarie Street (5-minute walk) and 400m south-west of the Parramatta Wharf ferry services (5-minute walk).

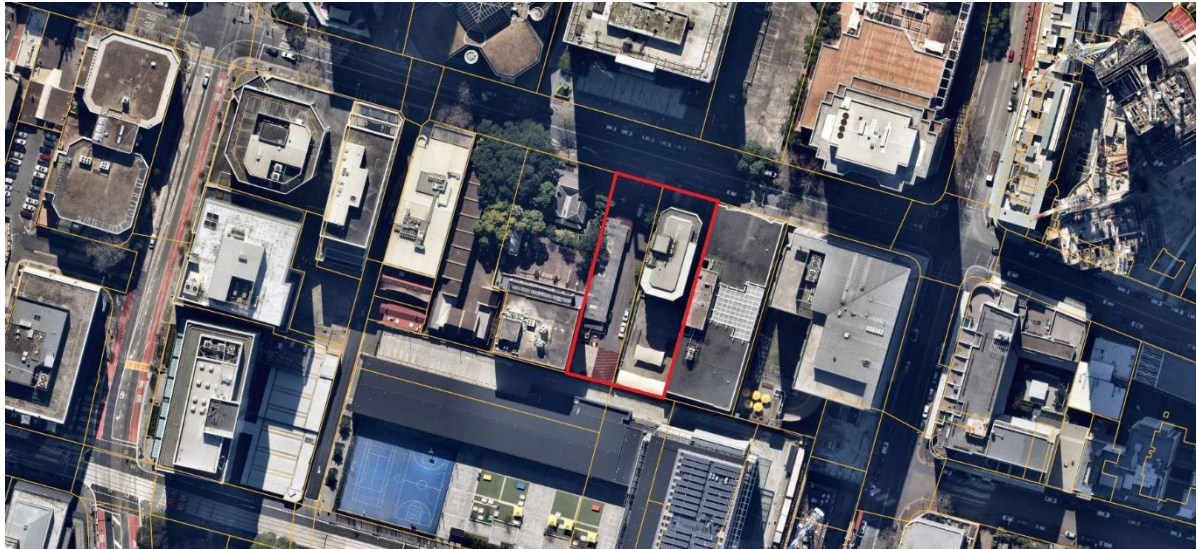


Figure 1. Locality Map (subject site in red)



Figure 2. Subject site as viewed from George Street looking south.

3.2 Surroundings Development

Direction	Address	Development
North-west	130 George St	14 storey office building 'Aon tower'
North-east	150 George St	16 storey office building 'Commonwealth Bank tower'
East	93 George St	7 storey office building
West	85 George St	Single storey State Listed heritage building (Perth House) to front of site, parking/vehicular access common property in middle of site (see Figure 3 below), and 8 storey office building to rear of site 'Aussie tower'. <i>Note. The site is strata subdivided. The applicant owns strata units 1 and 2 which includes the Perth House building and associated stables.</i>
South	80-100 Macquarie St	16 storey educational establishment building 'Arthur Philip High School'



Figure 3. Vehicular access and parking for the commercial building to the rear of Perth House outlined in blue. The arrows indicate location of basement access.

3.3 Site Improvements & Constraints

The site is occupied by a single storey vehicle repair station and a 6-storey office building.

The site has been occupied by contaminating land uses.

The site is designated Class 4 and 5 acid sulphate soils.

The site is subject to 1:100 year flooding, the Probable Maximum Flood and overland flow flooding.

The site is classified as having high Aboriginal archaeology potential.

The subject site does not contain any heritage items but is in the vicinity of the following heritage items:

- Perth House – State Listed – Adjacent to West (See Figure 4 below). An olive tree located in the eastern side setback of Perth House also forms an important part of the listing.
- Convict Barrack Wall – Locally Listed – Adjacent to South (see Figure 5 below).



Figure 4. Perth House



Figure 5. Remnants of Convict Barracks Wall adjacent rear boundary of site.

3.4 Site History

DA/954/2017, approved in 2018, allows for a 28-storey hotel on 89 George Street. This consent is still active but has not been taken up. Of note, the approved buildings included a distinct podium with setback tower form (see Figure 6 below). The approved building had a 0.6m (rear) – 1.2m (front) western tower setback. The lower levels of the podium included a 'cut-out' in response to the adjoining heritage Olive tree.



Figure 6. Existing hotel approval at 89 George Street.

The applicant undertook a site-specific DCP process for the site based on the then draft Parramatta CBD Planning Proposal (see Attachment 5 for Council report on proposal). The DCP was endorsed by Council at its meeting 11 October 2021.

A design competition was held for the site (Council Ref: DC/2/2021) and on 2 March 2022 a proposal by Bates Smart Architects was selected as the winner by the Design Competition Jury.

Subsequently the applicant sought pre-lodgement advice (Council Ref: PL/22/2022). Council officers provided a list of issues to be resolved prior to submission of the application. In particular, Council officers raised concerns with the lack of compliance with the site-specific DCP, including non-compliant tower setbacks.

3.5 Statutory Context

The Parramatta CBD is undergoing significant redevelopment transitioning from its historic low to medium rise commercial development to high-rise mixed-use development.

Relevant recent approvals include the following:

DA Reference	Address	Development
DA/888/2017	32 Smith Street	Demolition of existing buildings on site and construction of a 28 storey commercial office tower with ground floor retail and podium level car parking. Approved 07/03/2018 & Constructed Note. Allowed 2.5m (south) and 4.7m (eastern) tower setbacks.

DA/808/2017	130-150 George Street	33 storey commercial office building fronting Charles Street; 4 storey mixed use building fronting George Street comprised of retail, commercial offices and communal recreation facilities; modification to existing car park at 150 George Street including reduction in car parking spaces; pedestrian through-site link along western boundary of 140 George Street; and associated landscaping and public domain works; following demolition of existing car park at 140 George Street. Approved 02/05/2018 & Not Yet Taken Up Note. Allowed 1m tower setback for part of the site (adjacent an undevelopable section of adjoining site)
DA/937/2022	81-83 George Street & 1 Barrack Lane	40 storey building envelope for commercial office premises. This application is a concept application pursuant to section 4.22(1) of the Environmental Planning and Assessment Act 1979. The application is to be determined by the Sydney Central City Planning Panel. Under Assessment

4. The Proposal

The proposal involves the following:

- Construction of a 58-storey office tower comprising:

Level	Contains
2 Levels Basement	<ul style="list-style-type: none"> • 51 below ground car parking spaces (1 x accessible, 6 x EV); • 8 service vehicle spaces (1 x MRV, 4 x SRV and 3 x B99); • 2 car share space; • 3 motorcycle parking spaces; • 474 bicycle parking spaces (of which 55 e-bikes); • Waste rooms; • Plant.
Ground Floor:	<ul style="list-style-type: none"> • Ancillary retail/food and drink floor space (undefined extent); • 22 bicycle parking spaces (3 in public domain, 3 in front setback, 16 internal) • Storage; • Plant.
Level 1 & 1M:	<ul style="list-style-type: none"> • Lobby; • Lifts Access
Level 2:	<ul style="list-style-type: none"> • End of trip facilities;
Levels 3, 25, 26 & 55	<ul style="list-style-type: none"> • Plant
Level 4 and above (Tower):	<ul style="list-style-type: none"> • Commercial Office Space. (The applicant's target is a minimum 1,500sqm NLA floorplate based on market demand. As proposed, the low-rise levels achieve 1,460sqm, the mid-rise 1,516sqm and the high-rise 1,582sqm).

- On-site landscape works including planting of 32 trees.
- Signage zones:
 - 3 x Building Identification Signage Zones -
 - Top of Building, eastern elevation, top of building
 - Top of Building, western elevation, top of building
 - Wall sign, western elevation of green wall, ground level
 - 3 x Business Identification Signage Zones – Under awning signs, western setback, ground level

- Public domain works including forecourt, upgraded footway and street tree planting (x4).
- Right of way easement over driveway and basement benefitting No. 85 George Street to allow for future shared vehicular access.

The application has been submitted as Nominated Integrated Development pursuant to the provisions of Section 91 of the Environmental Planning and Assessment Act 1979 as an approval is required from NSW Department of Natural Resources Access Regulator in accordance with the requirements of the Water Management Act 2000.



Figure 7. Photomontage of proposal as viewed from George Street looking south-east (Perth House in foreground).



Figure 8. Photomontage of lower western façade as viewed from the courtyard behind Perth House.

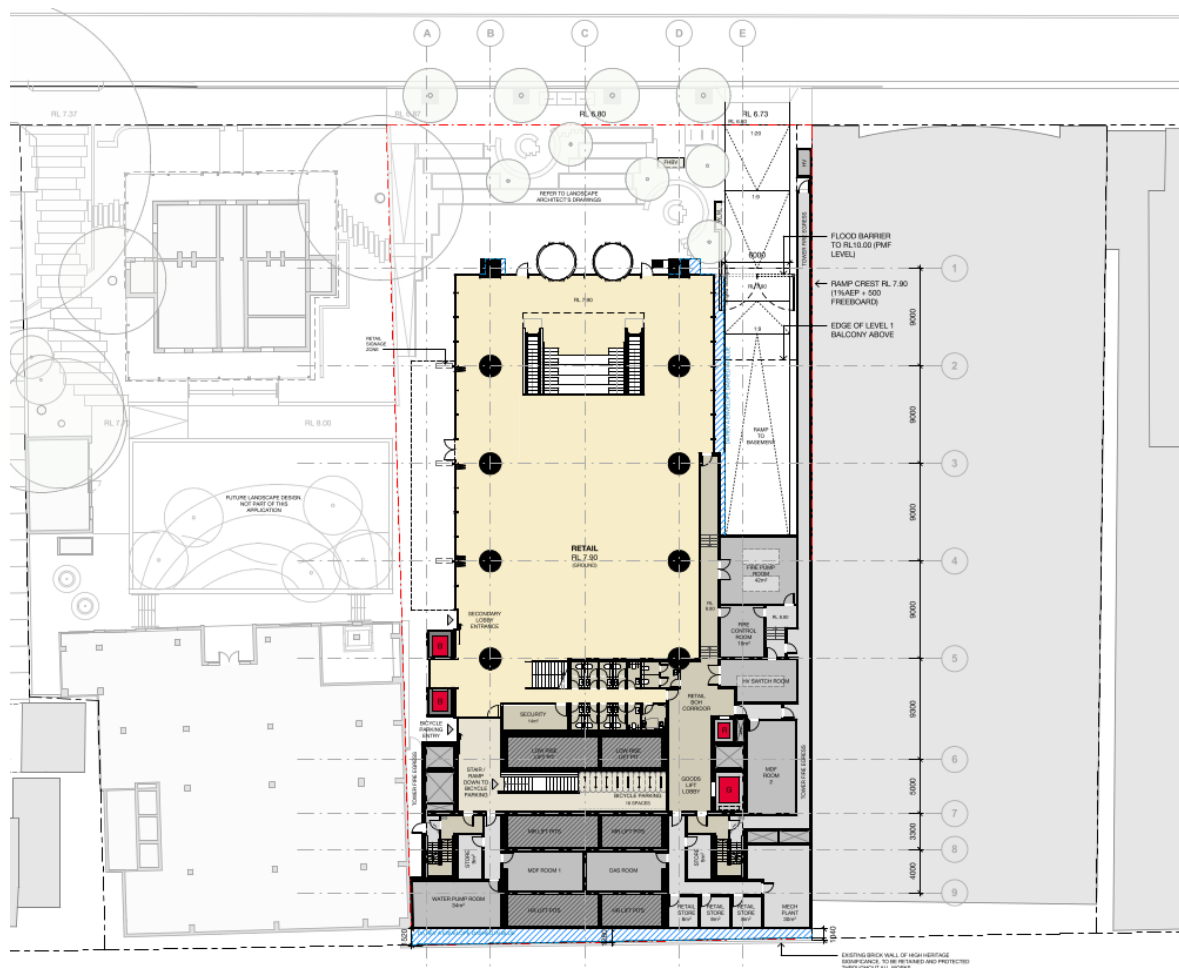


Figure 9. Proposed ground floor plan. The landscaping shown to the rear of Perth House is not existing and is shown as a potential future option.

4.1 Summary of Amended Proposal

In response to concern's raised by the Design Competition Jury and Council officers the applicant submitted additional information and revised drawings which included the following changes:

- Revised cost of works from \$527M to \$500M (-\$27M)
- East podium setback increased from 8.2m to 9.0m (+0.8m)
- Rear (south) podium setback increased from 0m to 1-1.5m (+1-1.5m)
- East tower setback increased from 4.5m to 6m (+1.5m)
- Increase in e-bike charging spaces from 20 to 55 (+35)
- Mid & highrise lifts reduced from 6 to 5 per (-1/per)
- Overall GFA reduced from 84,829sqm to 77,106sqm (-7,723sqm)
- Replaced substations with direct high voltage feed
- Included proposed vehicular right of way easement to benefit adjoining site.
- Reduction in height:
 - Storeys: 60 to 58 (-2)
 - Height: 241.5m AHD to 240.2m AHD (-1.3m)
- Revised parking:
 - Service Vehicles 9 to 8 (-1):
 - Vans: 5 to 3 (-2)
 - SRV: 2 to 4 (+2)
 - MRV: 2 to 1 (-1)
 - Parking: 54 to 51 (-3)

5. Referrals

The following referrals were undertaken during the assessment process:

5.1 Sydney Central City Planning Panel

Kick Off Briefing (27/09/22)

Issues Raised	Comment
Enquired whether replacements trees are proposed, as a number of trees are to be removed.	The proposal includes 32 replacement trees on the subject site and 4 street trees in the public domain.
Commended the design competition and the design outcome as well resolved, however, noted that further design provisions are to be assessed against controls.	Noted.
States that the Panel's responsibility is to balance the proposed design response with the recommendations of Council and the Design Excellence Advisory Panel. The Panel focuses on design merit and the best case outcome but is cognisant that each Panel determination sets a precedent. As such, variation to controls, if supported, need to be very well considered.	Noted.
The final CBD LEP amendments is to be considered, and notes that it is challenging at this stage to comment when those final provisions are not yet to be released.	The LEP ultimately did include the unlimited commercial floor space provision.

5.2 Design Competition Jury

Issues Raised	Comment
The pedestrian access along the ground floor western boundary must be a minimum of 2.4m in width.	A condition could be included to this effect.
Glass selection must be considered by the Jury prior to construction	A condition could be included to this effect.

5.3 Integrated Referrals

Authority	Comment
Water NSW	Requested confirmation of tanked basement or alternative strategy. Subsequently provided General Terms of Approval. A condition could be included requiring a tanked basement.

5.4 External

Authority	Comment
Reflectivity	Acceptable, subject to conditions requiring implementation of reflectivity report recommendations.
ESD	Acceptable, subject to conditions requiring compliance with NABERS ratings, maximisation of solar panels on roof, dual piping, all electric building, rainwater collection, reduction in embodied carbon, and electric vehicle charging.
Sydney Airport	Outside the Sydney Airport Obstacle Limitation Surface. No comment.
Fly Safe	Approved, subject to conditions.
TfNSW (RMS)	Acceptable subject to additional loading vehicle capacity (2 x MRV spaces, 4 x SRV spaces and 9 x B99 spaces), and implementation of a Construction Pedestrian and Traffic Management Plan (to be conditioned).
TfNSW (PLR)	Referral not required due to separation from light rail.

TfNSW (Metro)	TfNSW are not in a position to make a decision on concurrence until additional engineering documentation is received demonstrating the proposal will have an acceptable impact on the approved Sydney West Metro tunnels under the site.
Heritage NSW Aboriginal Archaeology	Acceptable, subject to conditions requiring archaeological test excavations and potential future modifications to the development if in situ retention of any objects are required. Discussed further in assessment below.
Heritage NSW European Archaeology	Acceptable subject to conditions requiring test excavations. Also recommended Council consider imposing a condition requiring a Heritage Interpretation Strategy related to site's proximity to Perth House. A condition could be included to this effect.
Heritage NSW – State Significant Heritage	No response.
Endeavour Energy	Raised concern with elevated substations. Otherwise acceptable subject to conditions. Applicant subsequently engaged with Endeavour Energy directly to find an alternative. Endeavour have agreed in principle to a direct high voltage connection to the site via a new conduit from a district substation which would avoid the need for a substation on site. A condition would be needed requiring this alternative to ensure no substation is later added to the front setback.
Sydney Water	Water servicing capacity available, no wastewater servicing capacity (amplification required), dual piping to be provided. Acceptable subject to conditions.
Quantity Surveyor	Cost of works a reasonable estimate.
Wind	Raised concern that the predicted wind conditions were lower than for other smaller buildings in the area. Suggested there may be a problem with the type of wind tunnel used.

5.5 Internal

Authority	Comment
Development/Catchment Engineer	Flood mitigation strategies (all habitable space at or above flood planning level, active protection provided to, or close to, probable maximum flood), flood emergency strategy, all acceptable subject to conditions.
Landscape	Acceptable subject to conditions.
Traffic	Acceptable car, bicycle, motorcycle and car share parking, and servicing space. Acceptable access and basement layout subject to conditions of consent. Conditions to be included for construction management, loading dock management and green travel plan.
Environmental Health Acoustic	Acceptable subject to conditions.
Environmental Health Contamination	Acceptable subject to conditions.
Environmental Health Waste	Draft Construction Management Plan acceptable. Acceptable subject to conditions of consent.
Assets - Waste Management	Acceptable (private waste collection)
Assets - Roadway	Acceptable subject to conditions.
Urban Design	High architectural standard if considered as standalone building. <i>Podium Form/Design</i> Freestanding tower inappropriate next to small heritage item. No human scale. Lack of street wall not appropriate. Front setback does not relate to Perth House and does not frame important view corridor along George Street. Setback awkward and busy, does not assist curtilage of Perth House and reduces activation. Awning does not provide an appropriate separation between lower levels and tower,

Authority	Comment
	<p>and makes tower appear to hang over Perth House. Upper storey materials generally supported. Lower western façade cluttered.</p> <p>Retail activation of George Street should be more defined on drawings. Little analysis of how front landscaping/level changes relate to Perth House site and Olive Tree. Ramping up potentially not appropriate for heritage curtilage (could happen internally). Integration with rear of Perth House a key design element, but no agreement or plans to help make this happen and this area is not in the applicant's ownership.</p> <p><i>Tower Setbacks</i></p> <p>Reduced western tower setback not appropriate, accentuates scale of tower against Perth House, limits sky views and reduces development potential of 85 George Street. Setback already significantly less than required under general controls.</p> <p>Reduced southern tower setback not appropriate. Podium should provide a lower scaled foreground to mitigate visual impacts of tower from adjacent school site.</p> <p>Reduced setbacks demonstrate proposed floorplates unsuitable for site.</p> <p><i>Other</i> - Green wall excessive in size, not integrated with building.</p>
Public Domain	Acceptable subject to conditions.
Accessibility	Lack of step-free access to main entrance not appropriate. Otherwise acceptable subject to conditions.
Heritage	<p>Acceptable impact on curtilage in isolation. However, not clear how 85 George Street site can also be developed, given minimal setbacks, without unacceptable impact on Perth House curtilage.</p> <p>Otherwise, acceptable subject to conditions requiring protection methodology for heritage convict wall to rear, protection methodology for trees on Perth House site, and heritage interpretation strategy.</p>
Community Crime Prevention	Acceptable subject to implementation of recommendations in CPTED Report as well as public CCTV conduits in footway.
Public Art	Acceptable subject to conditions.
Heritage Committee	Height of the proposal should be reconsidered.
Land Use Planning	The City Centre and Site Specific DCP together achieve the assessment <i>criteria</i> requirements under Clause 7.25A(4,5) relating to unlimited floor space.

6. Environmental Planning and Assessment Act 1979

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

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

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

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

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

6.3 Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) – Environmental planning instruments	Refer to section 7
Section 4.15(1)(a)(ii) – Draft environmental planning instruments	Refer to section 8
Section 4.15(1)(a)(iii) – Development control plans	Refer to section 9
Section 4.15(1)(a)(iia) – Planning agreement	Refer to section 10
Section 4.15(1)(a)(iv) – The Regulations	Refer to section 11
Section 4.15(1)(b) – Likely impacts	Refer to section 12
Section 4.15(1)(c) – Site suitability	Refer to section 13
Section 4.15(1)(d) – Submissions	Refer to section 14
Section 4.15(1)(e) – The public interest	Refer to section 15

6.4 Section 4.46: Integrated Development

The application is Nominated Integrated Development under the Water Management Act 2000. Water NSW have provided General Terms of Approval which are included in the draft consent. See Attachment 3 for the full responses.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

- SEPP (Transport and Infrastructure) 2021
- SEPP (Planning Systems) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Industry and Employment) 2021
- Parramatta Local Environmental Plan 2011

Compliance with these instruments is addressed below.

7.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal is considered to constitute ‘traffic generating development’ (per Schedule 3 of the SEPP) as it proposes more than 10,000m² commercial floor space. As such, the proposal was referred to TfNSW, who did not raise any objection, subject to conditions of consent.

The Sydney Metro West tunnels run partly under the site. As such the proposal was referred to TfNSW for their concurrence per s.2.99(4) of the SEPP. On 30 August 2022, TfNSW requested additional engineering information to demonstrate the proposal would not have an unacceptable impact on the tunnels. The applicant has been corresponding with TfNSW directly seeking to provide the required information. However, as of the date of this report, TfNSW still require additional information and as such are not yet able to provide their concurrence (see Attachment 7). Given the request was first made 15 months ago, it is not considered expedient to further delay a recommendation. As such this forms reason to refuse the application.

7.3 State Environmental Planning Policy (Planning Systems) 2021

As the application has a Capital Investment Value of more than \$30 million, Part 2.4 of this Policy delegates the Sydney Central City Planning Panel as the consent authority.

7.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 of this Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. The proposal includes water treatment devices for stormwater.

7.5 State Environmental Planning Policy (Resilience and Hazards) 2021

A preliminary phase 1 site investigation report concluded that, due to a number of historical and current activities in and around the site, the site was likely to be contaminated and required remediation.

As such a phase 2 detailed site investigation (DSI) was undertaken, composed of 7 soil boreholes (2 of which were also used to analyse groundwater), and 3 soil vapour detectors. Concentrations of chemicals in soil and soil vapour were below the site assessment criteria (SAC). Concentration of contaminants in groundwater were within the SAC except for some metals (copper and zinc) and perfluorooctanoic sulfonate. However, these concentrations were likely representative of background concentrations. The DSI determined the site can be rendered suitable for the proposed development subject to additional groundwater modelling, an additional data gap investigation (for parts of the site currently occupied by buildings), and monitoring of groundwater during disposal to stormwater system.

Given the uncertainty of the outcomes of the future data gap investigation, the applicant also submitted a Remediation Action Plan.

The documentation was reviewed by Council's Environmental Health team who are satisfied that the site can be made suitable for the proposed use. Conditions to be included requiring validation of the site.

7.6 SEPP (Industry and Employment) 2021

Chapter 3 'Advertising and Signage' of SEPP (Industry and Employment) 2021 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish. The SEPP applies to all signage and requires that development consent must not be issued unless the consent authority has had regard to the relevant matters for consideration.

The proposed development includes the following signage zones:

- 3 x Building Identification Signage Zones -
 - Top of Building, eastern elevation, top of building (circular, 7.2m diameter)
 - Top of Building, western elevation, top of building (circular, 7.2m diameter)
 - Wall sign, western elevation of green wall, ground level (5.6m W x 3.8m H)
- 3 x Business Identification Signage Zones – Under awning signs, western setback, ground level (1.5m W x 0.5m H x 0.4m D)

Clause 3.6 of the SEPP requires assessment of the signage zones against the objectives of the policy and the Schedule 5 Assessment Criteria. An assessment is provided below:

Aims and Objectives

The proposed signage zones are compatible with the desired amenity and visual character of the area and are in suitable locations. The effectiveness and quality of the design and finish will be addressed at future detailed stage. As such, the proposal is consistent with the aims and objectives of section 3.6 of the SEPP.

Assessment Criteria	Assessment
1. Character of the Area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The signage zones are considered to be compatible with the city centre typology.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is similar in scale and design to signage displayed on office buildings within the immediate locality such as the sky signage atop 4 Parramatta Square ('PS') (DA/447/2019) and atop 3PS (DA/548/2018), 6PS (DA/239/2021) and 8PS (DA/34/2020 and DA/329/2022).
2. Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The signage zone integrated in the structure supporting the green wall would not interrupt or obscure views to and from Perth House. The future detailed design of the sign may need to consider the signs place in the backdrop of Perth House (i.e. with restrained colours / lighting).</p> <p>The 3 under awing signage zones would have a minimal impact as they are small in size and are set behind Perth House. They would primarily only be visible in close views from within the site.</p> <p>The top of building signage zones are well above street level and as such will not be read as part of the backdrop of Perth House.</p>
3. Views and Vistas	
Does the proposal obscure or compromise important views?	No. The proposed signage zones would not obscure views down George Street, or of the adjacent heritage fabric.
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The proposed quantum of top of building signage zones are considered to be appropriate given the commercial context.
Does the proposal respect the viewing rights of other advertisers?	Yes. The proposal will not block any other signs.
4. Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The signs are commensurate in scale and proportion to the scale of the city centre streetscape. Form is subject to future detail application.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Subject to future detail application.

Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A. There is no existing signage to rationalise.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Yes. The proposal protrudes into the skyline. This is considered to be acceptable given the city centre commercial context.
5. Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The signs are commensurate in scale and proportion to the proposed building. Characteristics are subject to future detail application.
Does the proposal respect important features of the site or building, or both?	The wall sign is clear of the green wall, and the top of building signs are contained within the building parapet. The under awnings signs do not impact any important features of the site or building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Subject to future detail application.
6. Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Subject to future detail application.
7. Illumination	
Would illumination result in unacceptable glare?	Subject to future detail application.
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	
8. Safety	
Would the proposal reduce the safety for any public road?	Subject to future detail application.
Would the proposal reduce the safety for pedestrians or bicyclists?	Subject to future detail application.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage zones are not in any public sightlines.

As such the size and location of the proposed signage zones are considered to be acceptable. A condition is to be included requiring a further DA for the detailed signage design.

However, as outlined later in this report, it is recommended that the first-floor western balcony be deleted. The balcony is the fixing point for the 'under awning' signs and thus deletion of the balcony also results in deletion of these signage zones.

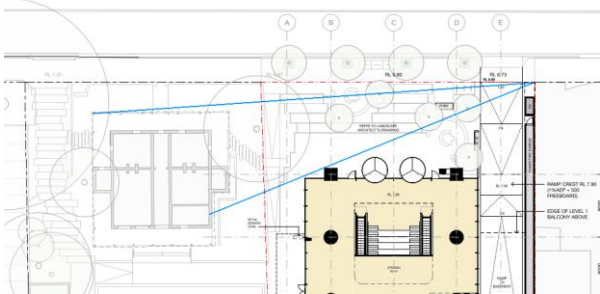
7.7 Parramatta Local Environmental Plan 2011

LEP Version

The application was submitted on 24 August 2022. On 14 October 2022 the 'Parramatta CBD Planning Proposal' was gazetted, which introduced new controls for the subject site. Despite the savings provision in the LEP, the applicant can rely on these new controls per clause 3.39 of the Act. Most relevantly, the new controls included clause 7.25A which allows for unlimited commercial floorspace.

The relevant objectives and requirements of the Parramatta Local Environmental Plan 2011 (14 October 2022 version) have been considered in the assessment of the development application and are contained within the following table.

Development standard	Proposal	Compliance
2.3 Zoning B3 – Commercial Core	The proposed use is defined as Commercial Premises – Office Premises (Ancillary Retail at Ground Level) which is a permissible use with development consent in the zone.	Yes
Zone Objectives	<p>The proposal is considered consistent with the following zone objectives:</p> <ul style="list-style-type: none"> The proposal provides a suitable land use (i.e. offices) in the commercial core. The proposal would provide employment opportunities in an accessible location. The proposal would maximise public transport patronage – by complying with the maximum car parking requirement - and encourage walking and cycling – by providing cycle parking and generous end-of-trip facilities. The proposal would strengthen Parramatta CBD as a regional business centre. The proposal would improve the public domain by rejuvenating the existing footway. The 12m front tower setback would maintain the historic view corridor down George Street. <p>The following objectives are not considered to be achieved:</p> <ul style="list-style-type: none"> The proposal would not protect heritage values as it has not been demonstrated that the Perth House site can be developed in such a way as to retain the heritage significance of the item. The proposal does not provide an adequately activated street frontage due to the significant front setback, the predominance of the frontage as a lobby and the lack of defined retail offerings. 	Part
4.3 Height of Buildings Map: 211m AHD With Clause 7.13 'design excellence' 15% 'bonus': 242.65m	Max Height: 240.2m AHD	No (as design excellence bonus is not considered to be achieved, see below)
4.4 Floor Space Ratio Map: 10:1 With Clause 7.3 – 15% 'bonus': 11.5:1 Clause 7.25A – Unlimited FSR	Total GFA: 77,106m ² Site: 2,871m ² FSR: 26.9:1	Yes
4.6 Exceptions to Development Standards	No variation request submitted.	N/A
5.6 Architectural Roof Feature	The roof feature alone does not cause the building to exceed the height limit.	N/A
5.10 Heritage conservation	The site is located in proximity to 2 heritage items (outlined above).	Yes, subject to conditions.

Development standard	Proposal	Compliance
	<p><i>In isolation</i>, and subject to a condition deleting the first floor balcony (see discussion under DCP section below), the proposed tower is considered to have an acceptable impact on the fabric and curtilage of the adjacent Perth House (state listed item) for the following reasons:</p> <ul style="list-style-type: none"> • The basement and above ground structure of the proposed building have been adequately set back from the olive tree in the eastern setback of the Perth House site. • The geotechnical report outlines measures to reduce the risk of construction impacts on the foundations and walls of Perth House. • The scale of the building, while significantly out of keeping with the scale of the heritage item, is characteristic of the high-density city centre surrounds of the item. • Sufficient views of Perth House are retained (see diagram below).  <p>However, as outlined under clause 7.20 below, the constraints placed on the redevelopment of the wider Perth House site, by the non-complying western tower setback of the proposal, are not considered to be acceptable.</p> <p>The proposal is considered to have an acceptable impact on the fabric and curtilage of the adjacent convict wall (local item) as the structure is setback 1.0-1.5m from the convict wall. A condition is to be included requiring a protection methodology be developed to minimize structural impacts on the wall.</p>	
5.21 Flooding	<p>The site is subject to flood risk.</p> <p>A flood study and flood impact risk assessment have been provided, including modelling of overland flow. The adopted floor planning level of 7.9m AHD (the modelled 1:100 year flood level + 500mm freeboard) is considered to be appropriate. The ground floor is designed at this level.</p> <p>The driveway ramp crests at 7.9m AHD, to protect the basement passively to the flood planning level (FPL). A flood barrier is also proposed to protect the basement up to 10.0m AHD in more extreme floods. Conditions are to be included to ensure that all other ground level openings have flood protection above the 1:100 year flood.</p>	Yes

Development standard	Proposal	Compliance
	The proposal is not considered likely to displace flood waters to adjoining or nearby land.	
6.1 Acid Sulfate Soils Class 4/5	<p>The proposal includes works more than 2m below the natural ground surface in an area mapped Class 4 acid sulfate soils risk. As such, an acid sulfate soils management plan is required.</p> <p>The applicant has submitted an Acid Sulfate Soils Management plan by an appropriately qualified consultant. A condition is included requiring its recommendations be implemented.</p>	Yes
6.2 Earthworks	<p>The application includes a geotechnical report.</p> <p>The report makes recommendations on excavation methodology and minimisation of impact on adjoining properties.</p> <p>The report also recommends a tanked basement due to significant groundwater inflow. A condition is to be included to this effect.</p> <p>Rock anchors may be required. A condition is to be included requiring approval from adjoining owners and Council if ultimately required.</p> <p>A condition is to be included requiring compliance with the report.</p>	Yes
7.3 Floor Space Ratio	The site is greater than 1,800sqm and as such the applicable FSR is not limited by this clause.	Yes
7.4 Parramatta Park and Park Edge Highly Sensitive Area	The site is not located in this area.	N/A
7.5 Sun Access	The site is not located in the sun access plane of any protected areas.	N/A
7.6 Serviced Apartments	The proposal does not include serviced apartments.	N/A
7.7 Airspace Operations	<p>The proposed building is a 'controlled activity' per the Commonwealth Airports Act 1996, as it will intrude into the Obstacle Limitation Surface of Sydney Metro Airport Bankstown.</p> <p>The crane to build the building will also be a controlled activity. However, the applicant has clarified that this consent does not seek consent for the crane. As such, a separate approval will be required, and a condition is to be included to this effect.</p> <p>The applicant submitted an aeronautical report outlining the required obstacle lighting. The report was reviewed by the relevant authorities who provided approval subject to conditions.</p>	Yes
7.8 Active Frontages	See discussion at end of table below.	No
7.9 Floodplain Risk Management	The proposal includes a Flood Emergency Management Plan which demonstrates that sufficient shelter in place and evacuation routes are provided for the proposed occupancy.	Yes

Development standard	Proposal	Compliance
7.10 – 7.13 Design Excellence	<p>The proposal is the winning entry in a design competition.</p> <p>The design as submitted has been reviewed and is supported by the original design jury.</p> <p>Assessment against the design excellence criteria is provided below.</p> <p>Conditions would be included in any consent requiring a further review by the jury of the construction drawings and façade samples prior to commencement of works and a final review at occupation stage.</p> <p>Building Height and Floor Space bonuses of 15% are applicable if the consent authority are of the view that the proposal is design excellent (though the FSR bonus is irrelevant per the operation of clause 7.25A).</p>	No
7.14 – 7.15 Car Parking – General GFA: 77,106sqm (all considered to be offices for the purposes of this calculation, retail at ground floor is ancillary to primary use) Max Parking: 57	Basement 2: 35 Basement 1: 16 (2 car share spaces not included) Total: 51	Yes
7.20 Managing Heritage Impacts	See discussion at end of table below.	Part
7.21 End of Journey Facilities	<p>The proposal includes extensive end of trip facilities at Level 2, including the following:</p> <ul style="list-style-type: none"> • 604 lockers • 56 showers • 12 toilets • 12 sinks • 4 ironing boards <p>While these are not co-located with the bicycle parking facilities in the basement, there are 2 specific basement lifts which provide direct access to the end of trip facilities, which is considered to be acceptable.</p>	Yes
7.22 Dual Water Systems	The proposal includes a dual piping system to serve toilets with rainwater. As per Sydney Water advice, a further condition will be included to ensure a connection point is available to any future district recycled water network.	Yes
7.23 High Performing Building Clause	This clause sets out higher ESD standards than normally required for development to achieve an FSR bonus. However, this subject site does not require such a bonus to achieve an unlimited FSR per clause 7.25A.	N/A
7.25 Concurrence of Planning Secretary	The site is not identified as one requiring concurrence under this clause.	N/A
7.25A Additional Floor Space for Office Premises		

Development standard	Proposal	Compliance
Additional FSR Office	Office Premises	Yes
Site > 1,800sqm	Yes	Yes
DCP must provide for list of matters	The unlimited floorspace controls are conditional on there being a DCP which provides for certain assessment criteria. Council's Land Use Planners are satisfied that the CBD DCP provides the required assessment criteria. Of note, it is considered that the CBD DCP 'general' controls and the 'site-specific' controls together make up the required DCP controls to be eligible for the bonus. As such added weight is given to the 'general' DCP controls in the assessment under Section 9 below.	Yes (the criteria exist, not that the proposal complies with the criteria)

7.7.1 Design Excellence

An assessment of the concept proposal against the design excellence criteria in clause 7.11 of the PLEP 2011 is provided in the table below:

Matters of Consideration	Comment
whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	<p>The Jury recommended a condition requiring inspection of glazing samples prior to construction.</p> <p>The tower facades (i.e. above the awnings) are considered to be of a high standard of design, materials and detailing appropriate for the city centre. The lower levels are not considered to be appropriate as outlined in this report.</p>
whether the form and external appearance of the development will improve the quality and amenity of the public domain,	As outlined in more detail under the DCP assessment below, the lower levels are not considered to be of an appropriate form, the non-complying tower setbacks result in amenity impacts on the public domain, and the wind impacts are not considered to be adequately justified.
whether the development detrimentally impacts on view corridors,	The proposal does not impact on the protected view corridor down George Street. There are general district views across the site enjoyed from adjoining and nearby properties, but they are primarily across side boundaries, and not significant views.
how the proposed development addresses the following—	
the suitability of the land for development,	The applicant has provided evidence that a minimum 1,500sqm NLA floorplate is required for viability. Such a floorplate requires unacceptable variation to the setback controls. As such the site is not considered to be suitable for the development.
existing and proposed uses and use mix,	<p>The office use is considered to be appropriate for the commercial centre.</p> <p>The lack of defined retail spaces addressing the George Street frontage is not considered to be appropriate.</p>
heritage and archaeological issues and streetscape constraints or opportunities,	<p>As outlined in this report, the proposal would have an acceptable heritage impact in isolation, subject to conditions. However, the lack of consideration of future development could have an unacceptable impact on heritage fabric.</p> <p>Ideally archaeological constraints would be identified prior to any approval. However, as outlined in this report, archaeology can be addressed by way of condition in this instance.</p>

the location of any proposed tower, having regard to the need to achieve an acceptable relationship with other existing or proposed towers on the same site or on a neighbouring site in terms of separation, setbacks, amenity and urban form,	<p>There are no existing or proposed towers on neighbouring sites.</p> <p>However, as outlined the proposal would result in unacceptable impacts on the development potential of the adjoining site to the west.</p>
bulk, massing and modulation of buildings,	The tower does not comply with the building length control. However, it is a fairly minor non-compliance (3% variation, 2m length) and the high-quality façade design is considered to offset this minor non-compliance.
street frontage heights,	The proposal does not provide a street frontage height (i.e. a podium) consistent with the DCP.
<p>environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</p> <p>the achievement of the principles of ecologically sustainable development,</p>	<p>The proposal would significantly overshadow the adjoining low-rise school building and the school open space in the middle of the day. The open space would continue to receive afternoon sun. Given the city centre character of the area this is considered to be acceptable. Residential buildings are well separated from the site and as such will receive minimal additional overshadowing as a result of the development. As outlined in this report, the proposal will result in unacceptable loss of daylight and sky views from the public domain in George Street.</p> <p>The proposal would result in close views to commercial windows on adjoining sites. However, as commercial uses are considered to be less sensitive to privacy impacts, and the views are not direct, this is considered to be acceptable. The proposal is considered to be adequately separated and above the windows and open space of the adjoining school so as to ensure no unacceptable loss of privacy.</p> <p>The proposal is not considered likely to be adversely affected by any noise sources or result in an acoustic impact on adjoining properties (subject to appropriate conditions). As outlined, concerns are raised as to the accuracy of the wind tunnel results. As outlined, reflectivity issues can be addressed by way of condition. As outlined, the proposal is considered likely to achieve excellence in ESD subject to conditions.</p>
pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,	The proposal provides appropriate cycle, vehicular and service facilities (subject to condition).
the impact on, and any proposed improvements to, the public domain,	The proposal includes a renewed public domain, with addition of 4 street trees.
the impact on any special character area,	The site is located in the George Street area of the Parramatta City Centre, which has a desired future character of podia with setback towers above. This is not achieved. The significant front setback does not allow the building to appropriately define the street and reduces activation to an unacceptable level.
achieving appropriate interfaces at ground level between the building and the public domain,	
excellence and integration of landscape design.	The proposal provides appropriate landscaping in the front setback, as well as at podium and tower levels. However, as outlined in this report, the green wall is not considered to be excessive and not appropriately integrated into the building.

7.7.2 Activation

The site is identified as requiring an active frontage, with the objective of attracting pedestrian traffic. As outlined later in this report, the DCP provides more specific guidance on the expectations for activation.

The floor plans list the ground floor as 'retail' but do not include any delineation from the commercial office lobby (see Figure 9 above). As such Council requested the applicant justify how the space would be set out to achieve the objectives of the LEP/DCP controls, namely activation of the frontage and attraction of pedestrian traffic. The applicant subsequently provided a draft retail strategy for the ground and first floor lobbies (see Attachment 6). Figure 10 is an extract of that study, focusing on the ground floor frontage.

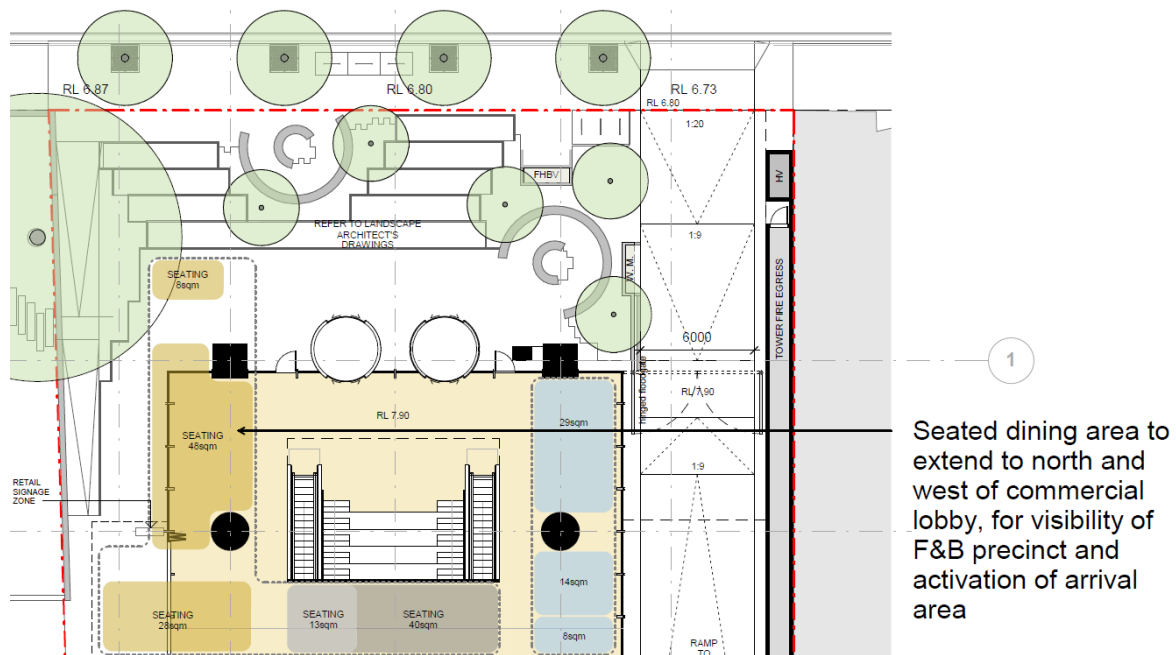


Figure 10. Applicant draft layout for ground floor frontage.

As is evident, the majority of the frontage is commercial lobby arrival space, with a small area of seating for a food and drink premises on the western side of the lobby and in the front setback. The area shown in blue is noted as a concierge area in other application documentation.

The proposal is not considered to provide sufficient activation for the following reasons:

- Due to the significant ground floor front setback (13.8m) and lack of frontage length, it is unlikely that the proposal will be sufficiently visible/inviting to attract pedestrian traffic in its own right. The majority of customers are likely to be from the office building.
- The proposal does not provide for a fine grain frontage. If the proposal included a podium, there would be sufficient width to provide distinct retail tenancies either side of the lobby, closer to the footpath, and thus more likely to activate and be engaged with the street and pedestrians passing by.

The proposal focusses on activating the side setback which is even further removed from the street, and conflicts with the proposal for the primary cycle and disabled access to be down the side setback. The applicant justifies activation on the western side setback under the pretence that there could be landscaping to the rear of Perth House in the near future (as shown envisaged by their architectural drawings). As that area is currently the primary vehicular access for the commercial tower, it is not clear how this could be practicably achieved.

It is considered that more defined, street facing retail tenancies should be provided on site. As such, this forms reason to refuse the application.

7.7.3 Managing Heritage Impacts

Clause 7.20 of PLEP 2011 seeks to ensure that development relates appropriately to heritage items.

The proposal includes a Heritage Impact Statement which is considered in the assessment of the development's impact on the heritage significance of nearby items. As outlined above, the building in isolation (subject to a condition) is considered to have an acceptable impact on the adjacent heritage items.

Sub-clause (3) also requires the consent authority to consider - where there is lot amalgamation proposed - a heritage conservation management plan that identifies whether:

- (i) further lot amalgamations will be required to support the development of the land, while retaining the heritage significance of the heritage item, and*
- (ii) the significance of the heritage item has been prioritised in the amalgamation of the lots,*

The applicant has submitted the existing 2004 Conservation Management Plan for Perth House, along with a new Heritage Conservation Strategy, and a letter which argues that further amalgamation with the Perth House site is not necessary to retain the significance of the item.

The applicant notes that the existing building to the rear of Perth House, an 8-storey office building, is already detracting from Perth House, and thus no bigger building would ever be considered acceptable. Presumably the implication being that there is certainly a gap will be maintained between the subject building and any future development on the other side of Perth House (subject to a separate concept DA) allowing Perth House to be enjoyed with little to no backdrop in views from George Street.

However, the built form proposed (i.e. a 200m+ tower) will form a backdrop of Perth House from close views to the north-west of the item. It is not clear why a similar tower would not thus be considered acceptable directly to the rear of Perth House. As such, it is considered that the outdated CMP should be updated, to consider how a tower can be accommodated on the site, particularly given the significant increase in allowable heights in the area since 2004.

The 85 George Street lot narrows to the rear. As such it would be difficult to develop a tower while complying with existing side setback controls (i.e. 6m either side).

For this application, the applicant argues that the western tower side setback must be reduced on the grounds of viability. This sets a precedent for a future developer of the Perth House site to argue they should be entitled to the same concessions to form a viable tower footprint. This could potentially result in an almost unbroken wall of development around the heritage item (see figure 11 below).

A CMP appropriately developed for the existing context may set out that development on adjoining sites (i.e. the subject site) need be respectful of side setbacks controls, given the site-specific constraints they impose on the heritage site and potential knock on impact on the heritage item.



Figure 11. Potential footprint for tower to rear of Perth House seeking to take advantage of 'viability' justified reduced setbacks on the precedent of the subject proposal (Council drawings).

It is an established planning principle (see for example *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251) that where an adjoining site is constrained, it may be appropriate to provide increased setbacks (relative to controls requirements) to ensure both sites are viable.

Given the above, if the applicant still wished to breach the side setback controls, it would need to amalgamate with the Perth House site in order to ensure no development could occur on the Perth house site.

Indeed, if the subject site were amalgamated with the Perth House site, and certainty provided that the area to the rear of Perth House would not be developed, it may be possible for the proposed tower to encroach even closer to Perth House and still have an acceptable impact on the item.

It should be noted that there is usually a natural incentive to amalgamate with heritage sites to excise their GFA potential. In this case, as the site benefits from an unlimited GFA clause, this incentive does not exist. However, this does not negate the need to either provide for the reasonable development potential of the adjoining site (outlined in a new CMP), or amalgamate with the site. As such this forms reason to refuse the application.

8. Draft Environmental Planning Instruments

8.1 Parramatta LEP 2023

Parramatta LEP 2023 (PLEP 2023) was gazetted 2 March 2023. PLEP 2023 has a savings provision which outlines that existing development applications be determined as if the plan had not commenced. Notwithstanding, the Parramatta LEP 2023 had been notified at time of lodgement of the subject application. As such it is a valid planning consideration under Section 4.15(1)(a)(ii) of the Act. However, as outlined under the precursor to the LEP assessment above, the new controls for the city centre were adopted under the PLEP 2011 and form part of the assessment of this application. The other changes adopted as part of PLEP 2023 are not of relevance to the application.

9. Development Control Plans

9.1 Parramatta Development Control Plan 2023

Parramatta DCP 2023 came into effect 18 September 2023. Similarly, to the PLEP 2023, it contains a savings provision for existing DAs and the pertinent controls were included in the Parramatta DCP 2011. As such PDCP 2011 is applicable to the development.

9.2 Parramatta Development Control Plan 2011

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

Development Control	Proposal	Comply
PART 2 – SITE PLANNING		
2.4 Site Considerations		
2.4.1 Views and Vistas	The site is not identified as having significant views and vistas by Appendix 2 and is not located in the Harris Park Conservation Area.	Yes
2.4.2.1 Flooding	See Flood section above, and city centre section below.	Yes
2.4.2.2 Protection of Waterways	Other than the flooding impacts and stormwater runoff, which are discussed elsewhere in this report, the proposal would not directly impact on the Parramatta River or any other waterway.	Yes
2.4.2.3 Protection of Groundwater	The application was referred to NSW Office of Water who provided general terms of approval, which included a requirement for the basement to be tanked (waterproofed) so as not to draw on groundwater. While Water NSW require tanking, Council also require tanking, to ensure groundwater is not ultimately pumped into Council's stormwater system. As such a condition is included requiring tanking regardless.	Yes
2.4.3.1 Soil Management	The erosion and sediment control plan submitted with the application is considered to be sufficient.	Yes
2.4.3.2 Acid Sulfate Soils <i>Class 4/5 site</i>	See assessment under section 7.8 above.	Yes
2.4.3.3 Salinity	The site is identified as being of moderate salinity potential. As such it is not considered that any special measures are necessary.	N/A
2.4.4 Land Contamination	As outlined under the SEPP Resilience and Hazards assessment above, it is considered that the site can be made suitable for the proposed use subject to further data gap investigations, implementation of the remedial action plan and subsequent validation.	Yes
2.4.5 Air Quality	The commercial nature of the use, the tower set back from the street, and the height of the lowest office level are such that the occupants are considered unlikely to suffer from excessive poor air quality.	Yes
2.4.6 Development on Sloping Land	The site is relatively flat and as such this clause is not considered to be applicable.	N/A
2.4.7 Biodiversity	The proposal does not include removal of the large fig tree at 83-85 George Street. The proposed works are well separated from the fig tree and will not affect its roots or canopy. Further, the application proposes retention and protection of the	Yes

Development Control	Proposal	Comply
	<p>significant olive tree in the eastern setback of 85 George Street.</p> <p>The application includes removal of 10 trees at 91 George Street, which are comprised of 1 tree of high significance (a 16m tall Chinaberry tree, the removal of which does not require consent) and 9 of low significance (a row of 7m tall Lilly Pillys).</p> <p>The submitted landscape drawings outline the planting of 4 street trees, 4 front setback trees, and 24 trees elsewhere on site.</p> <p>As such the proposal will result in a net increase of planting on the site and in the public domain.</p>	
2.4.8 Public Domain	<p>The proposal includes upgrades to the public domain including new pavement, new street trees, and a publicly accessible forecourt area.</p> <p>The proposed building provides outlook to and passive surveillance of the public domain.</p>	Yes
PART 3 – DEVELOPMENT PRINCIPLES		
3.1 Preliminary Building Envelope		
Not applicable. See Part 6 'Parramatta City Centre' below.		
3.2. Building Elements		
3.2.1 Building Form and Massing	See Part 6.3 and 6.10.17 assessments below.	N/A
3.2.2 Building Façade and Articulation	The tower façade is of a high quality, as evidenced by the support of the design excellence jury. The lower levels are considered to be architecturally 'busy' and as such a condition is to be included requiring deletion of the first-floor western balcony. The quality of the tower façade is not considered to overcome the massing concerns (i.e. lack of a podium).	Yes
3.2.3 Roof Design	The proposal includes a 2 storey glazed roof parapet which is considered to be appropriate given the size of the building and the city centre context.	Yes
3.2.4 Energy Efficient Design	See Part 6.8 assessment below.	Yes
3.2.5 Streetscape	As outlined elsewhere in this report, concern is raised that the lack of a true podium and the large front setbacks fail to appropriately define and activate the streetscape.	No
3.3 Environmental Amenity		
3.3.1 Landscaping	The landscape plan has been reviewed by Council's landscape officer and is considered to be appropriate subject to conditions.	Yes
3.3.3 Visual Privacy 3.3.4 Acoustic Amenity	See design excellence assessment above.	Yes
3.3.5 Solar Access and Cross Ventilation	See design excellence assessment above.	Yes
3.3.6 Water Sensitive Urban Design	WSUD devices have been incorporated into the stormwater management system. These devices are considered to be acceptable to Council's engineer subject to a condition requiring their maintenance and retention.	Yes

Development Control	Proposal	Comply
3.3.7 Waste Management	The applicant submitted a comprehensive operational waste management plan which demonstrates that the building can appropriately store and remove waste.	Yes
3.4 Social Amenity		
3.4.1 Culture and Public Art	The proposal includes a draft public art plan which outlines how public art would be developed for the site. This is an on-going process which would be coordinated post-approval with Council's City Animation team. A condition is included to this effect.	Yes
3.4.2 Access for People with Disabilities	<p>The proposal includes an access report which outlines that access for people with disabilities is generally compliant with the relevant standards subject to more detail at the construction certificate stage.</p> <p>Council's accessibility officer raised several concerns, most of which can be resolved by way of consent conditions. However, the lack of direct step-free access to the main entrance is not considered to be acceptable. See further discussion at end of this table.</p>	No
3.4.3 Amenities in Building Available to the Public	While the proposal would not include increased provision of facilities for women or parents this is not considered to be reason to refuse the application given the predominant office use of the building.	No (acceptable)
3.4.4 Safety and Security	<p>The proposal includes a Crime Prevention Through Environmental Design (CPTED) report which makes recommendations for optimizing safety and security.</p> <p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour. Natural surveillance of the public domain would be increased with the proposed level of occupancy.</p> <p>Conditions are included requiring additional CCTV, additional public CCTV infrastructure and implementation of the CPTED report's recommendations.</p>	Yes
3.5 Heritage		
3.5.1 General	See assessment under section 7.8 above.	Yes
3.5.2 Archaeology	<p>The site contains Parramatta Archaeological Management Unit 3102 which states that the site has nil research potential for European archaeology.</p> <p>Notwithstanding, as the site is located adjacent a state listed heritage item, Heritage NSW have recommended test excavations prior to works. Conditions are included to this effect.</p>	Yes, subject to conditions.
3.5.3 Aboriginal Cultural Heritage	<p>The site is identified as having high Aboriginal archeological potential.</p> <p>The applicant has submitted an Aboriginal Cultural Heritage Assessment report which recommended consultation with Registered Aboriginal Parties,</p>	Yes, subject to conditions

Development Control	Proposal	Comply
	<p>Aboriginal Heritage Impact Permits for test excavations, and development of an archaeological research design and methodology.</p> <p>Heritage NSW originally requested that test excavation occur prior to any consent. However, the site is occupied by several buildings which would need to be demolished to complete such an exercise. Subsequently Heritage NSW acquiesced and provided a set of draft recommended conditions requiring consideration of test results prior to any bulk site excavation, including the potential for the development to need modification (under s4.55) to allow for <i>in situ</i> retention of objects if necessary.</p> <p>Council officers initially raised concern that such conditions would defer a critical component of the assessment process and leave uncertainty to the eventual outcome. As part of officers' consideration of archaeological issues on this and other sites, these conditions have been reviewed and have ultimately been amended to provide more certainty. Given the importance of this issue Council has also briefed the Planning Panel on this matter.</p> <p>Council has concluded that whilst all archaeological constraints would ideally be identified prior to approval, appropriately worded conditions of consent can be used to achieve HNSW objectives.</p>	
3.6 Movement and Circulation		
3.6.1 Sustainable Transport		
Car Share		
1 car share if over 5,000sqm commercial	2	Yes
Green Travel Plan		
Required for >5,000sqm commercial	The applicant has submitted a green travel plan which outlines strategies for reducing reliance on personal motor vehicles. Conditions are included requiring implementation and review of the plan.	Yes
3.6.2 Parking and Vehicular Access		
Car Parking	See LEP assessment above.	N/A
Loading (1 bay per 400sqm = 193 spaces)	<p>13</p> <p>Noting TfNSW recommended 15 spaces, the applicant submitted a letter from their traffic engineer arguing that 2 x MRV spaces, 3x SRV spaces and 8 x B99 spaces), would be sufficient to achieve an 88% efficacy using TfNSW's Urban Freight Forecaster. They also argued this efficacy, along with a Loading Dock Management Plan, would ensure the proposal would not have queuing impacts in George Street. Council's traffic team consider this quantum of service vehicle parking to be acceptable.</p>	No (acceptable subject to traffic engineer advice)
Motorcycle Parking	See Section 6.9 below.	N/A
Bicycle Parking	See Section 6.10.17 below.	N/A

Development Control	Proposal	Comply
3.6.3 Accessibility and Connectivity		
Through site links	None required.	N/A
3.7 Residential Subdivision		
Site Consolidation and Development on Isolated Sites	As this control relates specifically to residential development, site isolation is dealt with in Section 12 below.	N/A
PART 6 – PARRAMATTA CITY CENTRE		
6.1 Introduction		
General Objectives	The proposal complies with the general objectives of the City Centre controls except for the following: <ul style="list-style-type: none"> The street interface is not sufficiently active. The street is not defined by a podium of human scale. The proposed tower setback non-compliance would detract from the amenity of the public domain by reducing views to sky and daylight. 	Part
6.2 Design Quality		
Design Quality	The DCP controls (except where varied by the site specific DCP) are to form the primary basis of assessment. The design competition brief was consistent with the site-specific DCP (i.e. included a podium and DCP setback controls).	Noted.
6.3 Built Form (controls not modified by site-specific section)		
6.3.1 Guiding Principles		
P.01/02/03/04 - Lower storeys to define street	Proposal does not include lower levels which define the street (i.e. a podium).	No
P.05/06 Amenity/Slenderness	The proposed building bulk and lack of separation does not sufficiently protect public domain amenity, such as daylight penetration, and views to the sky.	No
P.07 – Materials	The proposed materials are considered to be of sufficient quality, durability and sustainability.	Yes
P.08 – GFA not as of right	While there is no limit to the commercial GFA on site, the desired NLA/floor is not achievable given the controls.	Noted.
6.3.2 Minimum Site Frontage		
>35m frontage	39.3m	Yes
Objectives must still be achieved	Objectives O.01(a) 'amenity' and (b) 'building separation' are not achieved due to the non-complying side setbacks.	No
6.3.3 The Building Envelope		
<i>Building Separation</i>		
C.01 Minimum separation >15m	2.1m average tower setback to west. The adjoining site to the west is narrow and as such is not likely able to make up for the unequitable separation contributed by the subject proposal. 6m tower setback to east. The adjoining site to the east is narrow and as such is not likely able to make up for the unequitable separation contributed by the subject proposal. However, the proposal complies with the site-specific setback control and as such is considered to be acceptable in this instance.	No No, acceptable subject to site-specific controls

Development Control	Proposal	Comply
<p>C.09 An existing adjacent building, even if heritage listed, cannot be used to justify a reduced setback which could compromise the development potential of the adjacent site in the future.</p> <p><i>Tower Slenderness</i></p> <p>Floorplate <2,500sqm</p> <p>Length <60m</p> <p><i>Floor Heights</i></p> <p>Floor to Floor height >3.8m</p>	<p>1.1m tower setback to the south. However, the existing tower to the south (school) makes up more than the remaining 15m required separation.</p> <p>As outlined in this report, the proposal includes reduced setbacks which compromise the redevelopment potential of the adjoining heritage site.</p> <p>~1,775sqm</p> <p>~62m</p> <p>3.75m</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No (minor)</p> <p>No (minor)</p>
6.3.4 The Street Wall		
Be modulated	Not modulated. Addition of discrete retail tenancies on the frontage would assist.	No
Predominantly masonry	Not predominantly masonry. However, not considered to be reason alone to refuse the application.	No (acceptable)
Glazing Relief >150mm	>150mm	Yes
Undercrofts which expose underside of tower not permitted	Proposal includes undercroft which exposes underside of tower.	No
6.3.5.4 Services and Utilities		
Services minimised in ground floor frontage	<p>The applicant has submitted evidence that a direct high voltage connection to the site can be provided, eliminating the need for a large substation in the front setback. The HV switch room is small in size.</p> <p>The Fire Hydrant Booster Valve is located in a discrete cupboard in the front setback.</p>	Yes
6.4 Public Domain		
6.4.1 Solar Access to Significant Parks and Spaces		
No overshadowing of significant parks/spaces	The proposal does not overshadow any of the significant parks and spaces identified in the DCP.	Yes
6.4.2 Awnings and Trees on Streets		
Awnings	Not required for subject site	N/A
Street trees required	4 proposed, spacing as per Public Domain Guidelines.	Yes
Alignment Drawings	Provided. Acceptable subject to conditions.	Yes
6.4.6 Vehicle Footpath Crossings		
No additional crossings	The proposal consolidates 2 existing vehicle crossings down to a single crossing.	Yes

Development Control	Proposal	Comply
Shared access	The proposal provides a potential connection point in the basement to the adjoining property at 85 George Street. A condition requiring an easement be registered allowing 85 George Street to benefit from this future access point is included.	Yes
Ramps perpendicular to street	The proposed vehicular ramp is perpendicular to the street.	Yes
Vehicle landings adjacent public domain flat	The vehicle landing adjacent the public domain is near flat (1:20)	Yes
Vehicle access doors behind building line.	None proposed.	Yes
6.4.7 Views		
Views	View analysis for George Street view corridor submitted demonstrating the proposal would adequately maintain the view corridor.	Yes
6.5.3 Special Areas (George Street)		
Tower Setback >12m	12m	Yes
Consistent Street Wall	Street wall not provided.	No
6.6 Heritage		
6.6.2 Understanding the Place		
Heritage Impact Statement	Provided. Acceptable justification for building's impact on heritage item (in isolation and subject to condition).	Yes
6.6.3 Heritage Relationships		
C.03 Development must not overhang curtilage	The proposal overhangs the curtilage established in site-specific DCP. However, the visual impact of the building (in isolation) is considered to be acceptable. The overhang does unacceptably impact the development potential of the adjoining site as discussed elsewhere in this report.	Yes
C.04 Heritage trees retained	The proposal is adequately set back to retain the olive tree in the eastern setback of Perth House.	Yes
C.05 Vertical walls adjacent heritage item	Wall adjacent heritage item is vertical.	Yes
C.06 New development must consider character of heritage item.	The proposed awnings to the front and side elevations are a response to the sloped roof of Perth House.	Yes
C.10/C.16 Backdrop elements must retain visual prominence of heritage item.	Busy lower levels adjacent heritage item, including awning and balcony (see Figure 8 above). The balcony introduces additional material palette, bifold doors and furniture which will clutter the backdrop of the heritage item. As such it is considered necessary to impose a condition requiring the first floor western balcony be deleted.	No (acceptable subject to condition)
C.19 Setback to ensure views	The proposal provides appropriate views to the heritage item.	Yes
C.20 Landscape features retained	The proposal provides adequate separation to the adjoining significant olive tree in the eastern setback of Perth House.	Yes

Development Control	Proposal	Comply
C.23 Signage must not obscure or adversely affect heritage	As outlined in Section 7.6 above, the proposed signage zones are considered to be acceptable. Detailed design will ensure acceptable impact on heritage.	Yes
6.6.5 Amalgamation of Lots		
O.03 Ensure that amalgamation does not result in an adverse impact on the relationship of a heritage item to its historic and visual context.	See assessment under Section 7.7.3 above.	No
6.6.6 Development to Benefit a Heritage Item		
C.01 Development that derives benefit must bestow benefit	The proposal benefits from a reduced western tower setback <i>control</i> on the basis of the heritage item. The proposal includes an easement for any future redevelopment of No. 85 George Street to share the proposed vehicular access. This would allow for more landscaping to the west and rear of Perth House, improving its landscaped setting. Until such time as the rear of No. 85 George Street is redeveloped, the landscaping shown to the rear of Perth House can not eventuate. As such it is inappropriate to assume it as part of the context and rely on it for providing retail activation on the side of the site as opposed to the street frontage.	Yes
6.6.7 Interpretation		
Interpretation Plan required for any works to heritage item	The proposal does not include any works to the adjacent heritage item. However, it does form part of the visual curtilage of the item. As such Heritage NSW recommended that such a plan be developed for the subject site.	Yes, subject to condition.
6.7 Flood Risk Management		
6.7.1 Assessment and Minimisation of Flood Hazards, Risks and Potential For Harm		
Flood Hazard and Risk Assessment	The application is supported by a Flood Impact Assessment which assessed flood hazard and risk. The report has been reviewed by Council's flood engineer and has been found to be acceptable.	Yes
6.7.2 Land Use and Building Levels		
Flood Planning Level (FPL)	The flood risk assessment established a FPL of 7.9m AHD for the subject site. All habitable space is above this level.	Yes
6.7.3 Sensitive and Critical Uses		
No sensitive uses below FPL	The proposal does not include any unacceptable uses below the FPL.	Yes
6.7.4 Flood Warning and Emergency Response Planning		
Emergency Response Plan (draft) required	The proposal includes a draft Flood Emergency Management Plan which has been reviewed by Council's flood engineer and found to be acceptable.	Yes
6.7.8 Car Park Basements in Flood Prone Areas		
Driveway Crest at FPL, Flood Barrier above	The driveway crest is at the FPL, a flood barrier protects up to an additional 2.1m.	Yes
Flood Barriers to stairwells and lifts	The flood report commits to flood barriers at stairwells and lifts. However, these barriers are not shown on the drawings. As such a condition is included to ensure their inclusion.	Yes (subject to condition)

Development Control	Proposal	Comply
6.8 Environmental Sustainability		
6.8.1 High Performing Buildings		
Report verifying sustainability targets.	The applicant has verified the proposal will achieve the applicable targets. A condition will be included to confirm.	Yes
6.8.2 Dual Water Systems		
Dual Piping	Proposed. Condition will be included to confirm.	Yes
6.8.3 All Electric Buildings		
Electric only	Applicant agreed, though noted that there may need to reconsider as part of future modification. Condition will be included to confirm.	Yes
6.8.4 Electric Vehicle Charging Infrastructure		
1 Shared EV connection for every 10 car spaces (>6)	6 EV connections provided.	Yes
6.8.5 Urban Cooling		
Communal Open Spaces at least 50% covered or landscaped.	The outdoor areas are covered by building overhang and/or include sufficient planting.	Yes
Roof top areas (ex. solar voltaics) high reflectivity or at least 75% vegetated	A condition will be included to ensure compliance.	Yes
Minimum façade shading requirements	Poor quality reporting, but sufficient for Council's ESD officer to be satisfied the proposal complies.	Yes
Heat rejection on roof / not on street wall	The specific location of heat rejection is not included on drawings. However, the plant levels are appropriately located.	Yes
Green walls integrated into building façade	Green wall separate to façade along side boundary.	No
Green walls waterproofing	A condition would be included in any consent.	Yes
Green walls appropriate irrigation, drainage, species	Detail provided in landscaping drawings. A rainwater tank is provided for irrigation.	Yes
Green wall covenant	A condition would be included in any consent.	Yes
Solar reflectivity not to cause disability or discomfort.	The proposal includes a reflectivity analysis which recommends shading fins to parts of the lower northern and southern facades as well as glazing with a reduced reflectivity rating for part of the lower western façade. Subject to a condition requiring implementation of these recommendations and standard reflectivity requirements the proposal is not considered likely to result in unacceptable glare.	Yes
Natural refrigerants in AC (Global Warming Potential < 10)	Report specifies R-1234z(e) refrigerant (GWP of 7). A condition is included requiring use of this refrigerant or similar.	Yes
Bird Friendly	No submission. A condition requiring treatment is included.	Yes, subject to condition.
Wind comfort and safety	Not demonstrated (see discussion at end of table below).	No

Development Control	Proposal	Comply
6.9 Vehicular Access, Parking and Servicing		
Vehicle access	Fully compliant with DCP requirements.	Yes
Parking design	Fully compliant with DCP requirements.	Yes
Motorcycle Parking (1 space / 50 car parking spaces, 2 spaces required)	3 motorcycle parking spaces provided.	Yes
Bicycle Parking (1/150sqm for occupants + 1/400sqm for visitors = 707)	496 (considered sufficient given extreme quantum)	No
E-Bike Charging (10% of spaces = 50)	55	Yes
End of trip 1 locker per bicycle (493) 1 shower / 10 bicycles (50)	604 lockers 56 showers	Yes Yes
Bicycle and end of trip location and access	Acceptable per LEP assessment above.	Yes
6.10.17 Site Specific Controls (89-91 George Street)		
<i>Desired Future Character</i>	<p>The proposal is inconsistent with the following elements of the desired future character:</p> <ul style="list-style-type: none"> Retail space is ambiguous and occupies little if any frontage, thus not activating the street. Public space amenity is not sufficiently retained due to non-complying tower setbacks. The busyness of the lower western levels impacts on the setting of Perth House (resolved by way of condition). 	Part
<i>Heritage</i>		
Views of Perth House eastern façade maximised	The proposal provides for sufficient visibility of the eastern façade of Perth House from George Street.	Yes
Setback to maintain heritage olive tree	Sufficient setbacks are provided above and below ground to ensure protection of heritage tree.	Yes
3m western tower setback	1.1m (rear of site) – 3.1m (front of site, adjacent Perth House)	Part
Western podium façade respect legibility of Perth House, recesses limited, subdued, visual clutter minimised	Busyness of western lower levels impacts on setting of Perth House. As outlined previously, a condition deleting the balcony would resolve this concern.	Yes (subject to condition)
Landscaping to enhance Perth House presentation.	The proposal includes small trees in the front setback which will contribute to the landscaped character of the Perth House setting.	Yes
Ground floor areas provide outlook to Perth House curtilage	Ground floor western elevation fully glazed.	Yes

Development Control	Proposal	Comply
Heritage significance of place	A condition is to be included requiring a Heritage Interpretation Strategy for the site based on its curtilage for Perth House.	Yes
Materials, finishes, colours not visually intrusive	Lower levels consist of off form concrete, glazing, red painted metal window framing, and timber soffits. Subject to deletion of the awning, the material palette will be sufficiently constrained so as not to be visually intrusive.	Yes
Signage not to obscure or affect setting of Perth House	The signage zones will not obscure or affect the setting of Perth House. The detailed design of signage is subject to a future application.	Yes

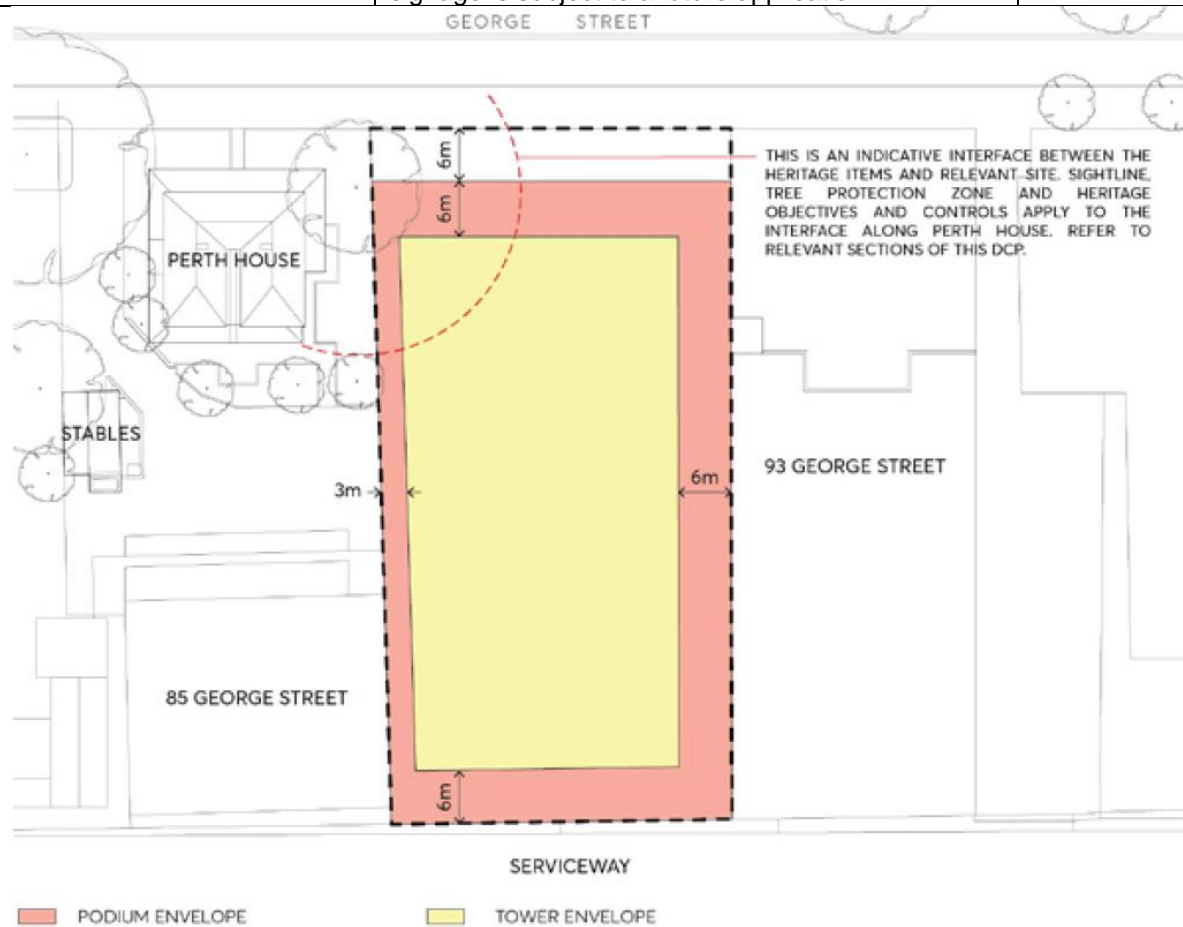


Figure 12. Site-specific DCP built form controls

Built Form	(measurements to glass lines, do not include external shading)	
Setbacks:		
• North:		
o Podium: >6m	13.8m (ground floor – level 2)	Yes
o Tower: >12m	12.3m (level 3+)	Yes
• East		
o Podium: >0m	0m-9.0m (ground floor – level 2)	Yes
o Tower: >6m	6m (level 3+)	Yes
• South		
o Podium: >0m	1.0m-1.5m (ground floor – level 1)	Yes
o Tower: >6m	1.1m -6.1m (level 2+)	No
• West:		
o Podium: >0m	0m-5.8m (ground floor – level 2)	Yes
o Tower: >3m	1.1m -3.1m (level 3+)	No

Development Control	Proposal	Comply
Podium Height: 14m – 21m	No podium	No
Heritage Views maximised	See above.	Yes
Heritage Trees protected	See above.	Yes
Suitable Solar Access to 85 George Street	Due to the small chamfer in the north-west corner of the proposed tower, 85 George Street will receive negligibly more solar access than the allowable envelope.	Yes
Roof Design	Roof design, 2 storey glazed parapet, acceptable to Jury and Council's Urban Design team.	Yes
Outdoor Areas/Terraces	The proposal includes communal open spaces adjacent the Level 1 lobby and Level 24 office space.	Yes
Wind Impacts	See discussed at end of table below.	No
Vehicular access to north-east corner.	North-east of site.	Yes
<i>Sustainability</i>		
Zero Net Carbon Operation	Council's ESD consultant consider that the proposal adequately responses to the relevant sustainability requirements, subject to conditions of consent.	Yes
6 star Green Star		
5.5 Star NABERS Energy		
4 Star NABERS Water		
Resilient/flexible energy supply		
Natural ventilation		
Thermally efficient façade		
Materials – Low embodied energy		
Fully electric building		
Renewables		
Engagement		

The site is subject to site-specific controls (section 6.10.17 of the DCP), street-specific controls for George Street (section 6.5.3 of the DCP), and Parramatta CBD-specific controls (Part 6 of the DCP). The precursor to the site-specific section relevantly states, “*This Section is to be read in conjunction with other sections of this DCP and the relevant provisions in Parramatta LEP 2011. If there is any inconsistency between this Section and other sections of the DCP, this section prevails*”. In other words, the only controls in the wider DCP that are not relevant are those specifically contradicted by the site-specific section of the DCP. As outlined above, the objectives of the wider controls still prevail per the requirements of PLEP 2011 Clause 7.25A(5).

9.2.1 Podium Form

The DCP and design competition brief clearly specified that a podium with setback tower was the desired building typology for the site, consistent with the desired future character of the street, and city centre generally. The design competition had four entries; two of which included ‘podium with setback tower’ typologies and two diverging with ‘freestanding tower’

typologies. The Jury, in choosing the subject freestanding tower design as the winner of the competition, were of the view that the lack of a podium was appropriate in this location to maximise the curtilage around the heritage item.

Notwithstanding, a podium is considered to be a necessary element for any redevelopment of the subject site for the following reasons:

- Council officers are of the view that a podium would provide an appropriate curtilage for the heritage item, and indeed better define that curtilage with a low scale form more in keeping with the scale of the heritage item. Council officers consider that views to Perth House would be sufficiently retained with a podium on the subject site.
- The desired future character for the city centre is podiums of a human scale which define and enclose the street with setback towers above. The street-specific objectives for George Street are to, “*strengthen framing of George Street by providing a consistent street wall...*” The site-specific built form controls also anticipate a podium typology (See Figure 12 above). The proposal does not define/enclose the street but rather includes a freestanding tower.
- DCP s6.3.4 C.02 states, “*Undercrofts or other interruptions of the street wall which expose the underside of the tower and amplify its presence on the street are not permitted.*” The proposed lower levels have a smaller footprint than the upper levels, resulting in the underside of the tower being exposed. The awnings extend this amplification, making the tower overbearing (see Figure 7 above).
- DCP s6.5.3 C.03 states, “*Building alignments and setbacks should respond to important elements of the nearby context including existing forecourts and heritage buildings.*” It goes on to say, “*In some places, this may require greater setbacks or lower street wall heights than those specified in Figure 6.5.3.3*”. That greater setback, in this case 6m to align with the Perth House front setback, was adopted as part of the site-specific DCP, ensuring a consistent street wall for this part of the street. The proposed 13.8m ground floor setback has no relationship to Perth House or the other adjoining/nearby buildings on the south side of George Street.
- A true podium, which would be wider and closer to the street, would have more frontage for separate defined retail uses, which would also assist in providing the fine grain activation desired for the site and George Street generally (DCP s6.10.17.3 Objective 4, s6.5.3 Objective 3).
- Given the sheer scale of the tower, and its large unshielded western elevation, it is likely that a podium form will be necessary to deflect strong winds away from the ground floor public domain.
- It is not considered necessary to abandon a podium typology on the basis of the Olive Tree on the adjoining site. A cut-out, or some other design solution could retain the tree while providing the benefits of a podium outlined above. Indeed, the applicant is proposing a podium cut-out to protect the Fig tree on the opposite side of Perth House as part of their concurrent concept envelope application for 81-83 George Street (DA/937/2022). The Olive tree constraint was known when the site-specific DCP was developed requiring a podium.

9.2.2 Tower Setback Non-Compliances

The relevant built form objectives within the site-specific controls are as follows (abridged):

1. Create high quality urban form which respects heritage significance of adjoining sites and exhibits design excellence.
2. Provide flexible and efficient commercial floorplates suitable for achieving A-grade office space without compromising heritage objectives.

Notably, these objectives do not include the usual separation and setback objectives relating to amenity.

Where a proposal seeks to benefit from the unlimited commercial floorspace provisions, Section 7.25A of the Parramatta LEP requires that a DCP must provide for, among other things, *“the location of the development, having regard to the need to achieve an acceptable relationship with other buildings on the same site or on neighbouring sites in terms of **separation, setbacks, outlook, orientation, amenity and urban form**” (emphasis added).*

As such it is considered necessary to assess the proposal against the more general building separation objectives of the DCP. The building separation objectives more generally within the City Centre section of the DCP are as follows (verbatim):

1. *Protect the amenity of streets and public places by providing a healthy environment for street trees, and allowing adequate daylight and views to the sky.*
2. *Provide adequate privacy, access to light, air and outlook for the occupants of buildings, neighbouring properties and future buildings.*
3. *Ensure towers are sufficiently separated so that tower buildings are seen in the round.*
4. *Ensure development does not prejudice the re-development of adjoining sites in the future.*

Regardless, these objectives are also reflected in the design excellence criteria assessed above and as such are relevant to the proposal.

9.2.2.1 Western Tower Setback Non-Compliance

The proposal seeks to vary the site-specific 3m western tower setback control by up to 1.9m, providing an average 2.1m setback for the length of the western façade. This variation is not considered to be acceptable for the following reasons:

- The variation would result in excessive loss of views to sky and daylight for pedestrians in George Street. A street already heavily enclosed by built form.
- The proposal would compromise redevelopment of the adjoining site to the west, which is already constrained by its narrow width and is unlikely to be consolidated with its western neighbour (as evidenced by the concurrent proposal on the west side of Perth House). Due to the splayed nature of the shared boundary between the sites, the biggest non-compliance occurs at the south side of the site and directly adjacent the existing commercial building at 85 George Street. The precedent set by this proposal would also allow for the adjoining site to propose a reduced setback, resulting in the potential for 2 tall buildings in close proximity (see Figure 11 above), limiting views to the sky and daylight in the public domain, creating mutually poor outlook between the building, increasing wind speeds at pedestrian level and losing the ability to experience both buildings in the round.
- The applicant contends that the non-compliance is necessary to achieve the A-grade office space which is an objective of the controls and necessary for the viability of the project. The applicant considers viable A-grade office space to be at least 1,500sqm net lettable area floorplates. Council officers are of the view that 1,300sqm floorplates can be classified as A-grade¹ and will be sufficiently attractive to future tenants. The proposal can achieve A-grade floorspace while complying with the western setback control. Council has commissioned a study which has found that there are significant opportunities for sites of a size capable of

¹ The Property Council of Australia, in their ‘A Guide to Office Building Quality’, consider ‘Premium’ grade floorplates to be >1,200sqm NLA in non-capital CBDs and ‘A-grade’ to be >800sqm NLA in non-capital CBDs.

comfortably delivering A-grade office space. See paragraphs 32-39 of Council Report at Attachment 5 for more commentary on this point. Were the site immediately to the east of the subject site included, the larger site could comfortably accommodate the applicant's desired floorplate. The proposal would set a poor precedent, allowing undersized sites to accommodate excessive floorplates, discouraging site amalgamation in general and having a cumulative negative impact on the amenity of the public domain as outlined above. The site is not suitable for the type of development the applicant proposes.

- The site-specific DCP already provides the site with significant concessions relative to the 15m separation requirements (i.e. 7.5m/site) for such buildings.
- Concessions provided to side tower setback controls on other sites in the city centre were in the context of site-specific circumstances such as:
 - larger adjoining sites (i.e. adjacent site able to provide more than half of required setback),
 - only small parts of the building breaching the setback offset by other parts exceeding setbacks (i.e. curved facades),
 - open spaces on adjoining sites ensuring building separation, or
 - the much smaller scale of the proposed buildings.

Of note, the existing approved hotel at 89 George Street, which included a 0.6m (rear) – 1.2m (front) western tower setback, is not considered to be a precedent for the subject building for the following reasons:

- The existing CBD planning controls were not in effect at the time.
- At the time it was assumed that 89 George Street was isolated due to the fragmented ownership of the adjoining sites.
- At the time it was not yet clear that 85 George Street would not be amalgamated with 81-83 George Street.
- The approved building is of a significantly smaller volume than proposed:
 - Hotel: 680sqm floorplate, 50m tower length, 93.5m height; versus
 - Proposed: 1,775sqm floorplate, 62m tower length, 230m height
- It is not clear how the façade could be maintained given the close proximity to the adjoining structure (existing office building at 85 George Street).

9.2.2.2 South

The proposal seeks to vary the 6m southern tower setback control by up to 5m, providing a setback of ~1m for part of the southern façade.

This variation is generally considered to be acceptable for the following reasons:

- The proposal would achieve a 17m separation to the recently completed high school tower to the south-east (which exceeds the required 15m separation for a commercial tower).
- Despite the reduced setback the proposal would still be sufficiently separated from the adjoining school and school open space so as to retain privacy.
- The non-compliance will result in minimal additional overshadowing relative to a complying development. Due to the height of the building the additional overshadowing will be fast moving and spread out over a large area across the year.
- The non-complying element complies with the side setback controls.

However, the overall acceptability of the rear setback non-compliance is partly predicated on the proposal resulting in acceptable wind conditions at ground level, which, as outlined in this report, are not yet confirmed.

9.2.3 Green Wall

The proposal includes a significant green wall along the eastern boundary of the site, extending from the front boundary back into the eastern side terrace of the building (see Figure 7 above and Figure 13 below). The wall will be 5 storeys high and over 50m in total length.

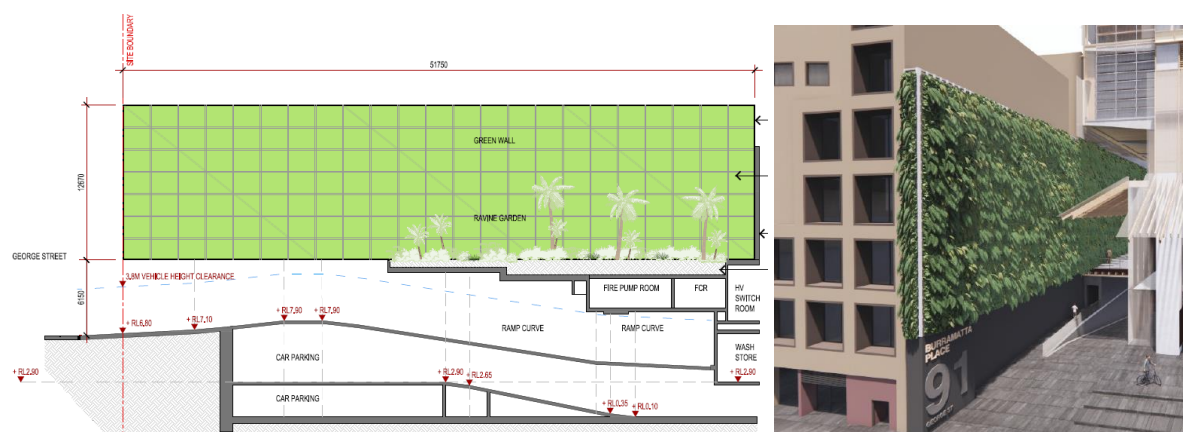


Figure 13. Proposed green wall on eastern boundary.

The green wall is not considered to be appropriate for the following reasons:

- The DCP sets out that green wall should be integrated into the design of new buildings. The proposed green wall is a distinct and stand-alone structure.
- The green wall is excessive in scale. Were the planting on the structure to fail, or were the wall to be poorly maintained, it would have a significant visual impact on the streetscape.
- The green wall appears to be a response to the large blank wall exposed on the adjoining site as a result of the lack of a podium and the significant setback of the lower levels. A podium with the street wall set back 6 metres would expose an acceptable extent of the well-constructed adjacent brick wall without need of any further treatment.

9.2.4 Wind

The application includes a wind tunnel test report which predicts that conditions at ground level around the building will generally meet the sitting or standing comfort criteria and will not result in any unsafe wind conditions. Council's independent wind reviewer is concerned with the accuracy of these predictions. The results suggest lower wind speeds than predicted for other much smaller buildings in the CBD. Further, the large western façade would be subject to strong prevailing winds without the benefit of shielding from any existing buildings. Council's wind officer suggested the results could be due to the type of wind tunnel used. The applicant subsequently defended use of the tunnel and provided other suggestions for the positive results. Notwithstanding, Council's consultant remains unsatisfied with the applicant's analysis. If the wind conditions are more than predicted, this could result in uncomfortable and potentially dangerous conditions in the public domain and grounds of Perth House. A more traditional podium may be necessary to achieve acceptable wind conditions. As such this forms reason to refuse the application.

9.2.5 Accessibility

The proposal does not provide direct step-free access to the main entrance. Those unable to use the stairs in the front setback will need to enter the building via a secondary entrance at the rear of the western side elevation (see Figure 14 below). Further, the inclusion of the grand stairs, bleacher seating and escalators which occupy most of the lobby frontage result in an imposing blockage for persons who are unable to use stairs. While the proposal is supported by the applicant's accessibility consultant, Council's accessibility officer considers it to be unequitable. As such this forms reason to refuse the application.

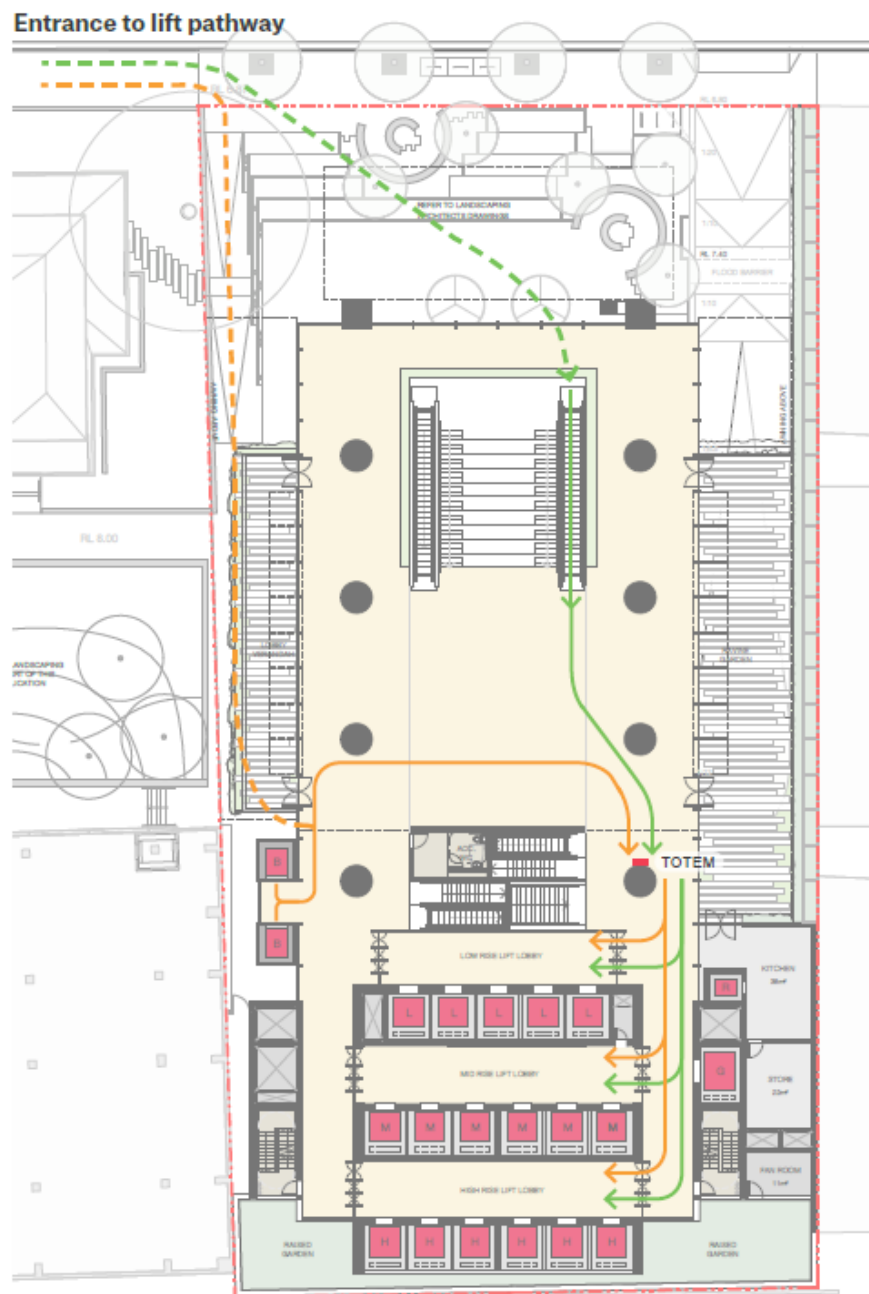


Figure 14. Entrance sequence for those arriving from the west, able to use stairs (green line) and unable to use stairs (orange line).

10. Planning Agreements

No Voluntary Planning Agreements relate to the site.

11. The Regulations

Any consent would include conditions to ensure the relevant provisions of the Regulations are addressed.

12. The Likely Impacts of the Development

As outlined in this report, the proposal would have an unacceptable impact on the development potential of the adjoining site to the west, No. 85 George Street.

85 George Street has a site area of ~2,450sqm and as such qualifies for unlimited commercial floorspace under the LEP. While its site frontage (33.8m) does not quite meet the minimum frontage requirement in the DCP (35m) it is unlikely to be amalgamated with 81-83 George Street for the following reasons:

- A DA has been submitted for the development of 81-83 George Street without 85 George Street (DA/937/2022).
- Including 85 George Street would not incur any GFA benefit to the owners of 81-83 George Street as they benefit from the ability to seek the unlimited floor space provision in clause 7.25A of the LEP.

As such No. 85 will be an isolated site and must be considered a development site in its own right. Based on the setbacks requirements of the DCP, and the constraints imposed by the heritage fabric to the front of the site, any redevelopment would likely seek reductions in side setbacks, which would be hard to defend if reductions were allowed on the subject site. These reduced setbacks, together with those on the subject site, would likely have an unacceptable impact on the backdrop of Perth House and the amenity of the public domain.

13. Site Suitability

As outlined in this report, the site is not considered to be suitable for the development proposed (i.e. a tower with the floorplate sizes desired by the applicant). Further, the impact of not complying with setback controls on the redevelopment potential of the adjoining site is further reason the site is not suitable.

The subject site and locality is affected by flooding. Council's Engineering Department have assessed the application and considered the proposal to be satisfactorily designed to minimise risk to human safety and property.

Suitable investigations and documentation have been provided to demonstrate that the site can be made suitable for the proposed development in terms of contamination.

Appropriate safeguards can be put in place for European and Aboriginal archaeological heritage.

14. Submissions

The application was notified and advertised in accordance with Council's Notification DCP for a 28-day period between the 2nd and 30th of September 2022. One submission was received from an adjoining property. The revised drawings were not notified as they resulted only in reductions to the proposed built form.

Submission issues are summarised and commented on as follows:

Issues Raised	Comment
Non-compliant eastern tower setback, impact on development potential of adjoining site	The applicant subsequently revised the eastern tower setback to comply with the site-specific DCP.
Green wall, impact on development potential of adjoining site (natural light)	The Parramatta City Centre DCP anticipates podiums with 0m front and side setbacks. As such redevelopment of the adjoining podium is unlikely to have windows on its western elevation. The existing adjoining building does not have windows on its western elevation. However, as outlined in this report, the green wall is considered to be unacceptable for other reasons.
Dilapidation Report required prior to any works.	Could be addressed via condition.
Traffic and Construction Management Plan required.	Could be addressed via conditions.
Dust Management Plan required, prior to determination of DA.	Could be addressed via conditions. Given the standard nature of such plans, it is not considered necessary for such a plan to be reviewed prior to DA consent.

15. Public Interest

For the reasons outlined in this report, the proposal is not considered to be in the public interest.

Of specific concern is the implication of accepting the justification of economic viability to vary tower setback controls. Doing so would reduce the incentive to amalgamate small sites, and also make larger more appropriate sites less attractive for development (due to their otherwise higher cost).

16. Disclosure of Political Donations and Gifts

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

17. Developer Contributions

Section 7.12 'Fixed Development Consent Levies' of the Environmental Planning and Assessment Act 1979 allows Council to collect monetary contributions from developers towards the provision, extension or augmentation of public amenities or public services in accordance with a contributions plan. The Parramatta CBD Development Contributions Plan 2007 requires a contribution of 3% of the cost of works (calculated per clause 208 of the Regulations 2021) for development over \$250,000.

A detailed estimate cost of works was provided outlining the development cost to be \$500,662,800 (calculated per clause 251(1)(b) of the Regulations 2021). An independent review of the estimate was commissioned which found that the cost of works was reasonable for the development proposed.

The applicant subsequently submitted an estimate cost of works (calculated per clause 208 of the Regulations 2021) of \$487,964,400 (Clause 208 allows for exclusion of consultant costs). This figure is also considered to be reasonable.

Based on this figure a monetary contribution of \$14,638,932 would be required (subject to indexation). A condition of consent would be included in any consent requiring the contribution be paid at the relevant time.

18. Summary and Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has not demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, refusal of the development application is recommended.

19. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority **Refuse Consent** to Development Application No. DA/662/2022 for construction of a 58 storey commercial office tower, ground level retail and 2 storey basement with 51 car parking spaces and 8 service bays; demolition of existing buildings; tree removal; landscaping; signage zones; and public domain works at 89-91 George Street, Parramatta NSW 2150 (Lot 1 DP 505486 & Lot 1 DP 1050741) for the reasons outlined below:
1. **Inappropriate Western Tower Setback** – The western tower setback is not consistent with the applicable control requirements or objectives, resulting in unacceptable impacts on the adjoining site and the public domain, and setting a poor precedent for future development. Practical considerations regarding building maintenance given the severely reduced side setback are of concern. The non-compliance is a result of the size of the floor plate desired by the applicant and not a particular constraint of the site.
 2. **Insufficient Heritage Conservation Management** – The conservation management documents do not adequately allow or plan for the reasonable development potential of the adjoining Perth House site. The proposal sets a poor precedent for reduced setbacks based on viability which is likely to be exploited by the Perth House site and thus result in a potentially unacceptably continuous built form in the rear curtilage of the heritage item.
 3. **Built Form Inconsistent with Desired Future Character** – The proposed building does not have a clearly defined podium with setback tower above as required by the relevant controls and as envisaged in the desired future character of the area, resulting in a development which does not appropriately enclose and define the street at a pedestrian scale.
 4. **Insufficient Street Activation** – The large front setback, reduced building frontage length and lack of defined retail spaces result in an unacceptable lack of contribution to the vitality of the street and its CBD setting.
 5. **Excessive Green Wall** – The green wall is of excessive scale and is insufficiently integrated with the building.
 6. **Insufficient Wind Assessment** – The wind tunnel modelling results do not appear to be accurate and as such the proposal has not demonstrated that the building will have an acceptable impact on ground level wind conditions. It may be necessary for a podium form to ensure appropriate wind conditions.

7. **Insufficient Accessibility** – Step-free access is not provided to the primary front entrance which is not considered to be appropriately equitable for users of a building of this scale and occupancy.
8. **Height Bonus Not Achieved** – For the reasons outlined above, the proposal is not considered to achieve design excellence. As such the proposal is not entitled to the additional height 'bonus' on which it relies.
9. **Infrastructure Concurrence** – Transport for NSW (Sydney Metro division) have not provided their required concurrence to the proposal as the applicant has not yet demonstrated it will have an acceptable impact on the Sydney West Metro tunnels which run under the site.