



## **SYDNEY CENTRAL CITY PLANNING PANEL**

### **COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	PPSSCC-410
<b>DA Number</b>	DA/937/2022
<b>LGA</b>	City of Parramatta Council
<b>Proposed Development</b>	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.
<b>Street Address</b>	81-83 George Street & 1 Barrack Lane, Parramatta NSW 2150 (Lot 1 DP 6280044, SP 19718, Lot 101 DP 1110883)
<b>Applicant</b>	GPT Re Limited
<b>Owner</b>	GPT Funds Management 2 Pty Ltd
<b>Date of DA lodgement</b>	28 November 2022
<b>Number of Submissions</b>	One (1)
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b>	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.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li><li>• Environmental Planning and Assessment Regulation 2021</li><li>• SEPP (Resilience and Hazards) 2021</li><li>• SEPP (Transport and Infrastructure) 2021</li><li>• SEPP (Planning Systems) 2021</li><li>• SEPP (Biodiversity and Conservation) 2021</li><li>• SEPP (Industry and Employment) 2021</li><li>• Parramatta Local Environmental Plan 2011</li><li>• Parramatta Development Control Plan 2011</li><li>• (Then Draft) Parramatta Local Environmental Plan 2023</li><li>• (Then Draft) Parramatta Development Control Plan 2023</li></ul>
<b>Documents submitted with report for Panel's consideration</b>	<ul style="list-style-type: none"><li>• Attachment 1 – Concept Drawings</li><li>• Attachment 2 – Architectural Reference Design</li><li>• Attachment 3 – Landscape Reference Design</li><li>• Attachment 4 – Urban Design Report</li></ul>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"><li>• None</li></ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"><li>• Demolition of building at 1 Barrack Lane not appropriate.</li></ul>
<b>Report prepared by</b>	Alex McDougall Team Leader, City Significant Development
<b>Report date</b>	30 November 2023

<b>Summary of s4.15 matters</b>	<b>Yes</b>
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
<b>Legislative clauses requiring consent authority satisfaction</b>	<b>Yes</b>
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	
<b>Clause 4.6 Exceptions to development standards</b>	<b>N/A</b>
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?	
<b>Special Infrastructure Contributions</b>	<b>No</b>
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	
<b>Conditions</b>	<b>Yes</b>
Have draft conditions been provided to the applicant for comment?	

## 1. Executive Summary

The application seeks concept approval for a 40-storey commercial office tower envelope above 2 basement storeys.

Parramatta LEP 2011 allows for unlimited commercial floor space in the Parramatta CBD. The concept envelope is of a size such that it could make use of this provision.

Section 6.3.3.2 of the Parramatta DCP requires 15m building separation for commercial towers seeking to benefit from the unlimited commercial floorspace provisions (i.e. 7.5m/site). The DCP recommends that any variation to this side setback control be tested via a concept application prior to undertaking costly, and potentially abortive, design excellence and detailed design processes. The subject application seeks to test tower setback variations to both side setbacks (east and west) and the rear setback (southern).

The application primarily seeks to justify the variations on the basis of the limitations placed on adjoining sites due to their heritage fabric, intervening laneways and the presence of recently completed development.

After negotiation with Council officers, the applicant submitted revised concept envelopes with setbacks of which Council officers are supportive.

The site is subject to known subterranean European heritage and has a high potential for discovery of items of Aboriginal heritage significance. As such a condition is included to clarify there is no implied approval for a basement. The DCP allows the future detailed DA to consider provision of above ground parking in the podium as an alternative.

The land may contain contamination and acid sulphate soils, and is flood affected. However, it is considered that sufficient evidence has been provided, or can be provided at future detailed DA stage, such that these risks can be managed appropriately.

The proposed envelope, and subject to future assessment at the detailed design stage, is considered likely to have an acceptable impact on the amenity of the public domain and adjoining properties.

Other impacts, such as on traffic, have not been considered as part of this application and will be considered at the detailed design stage.

The application has been assessed relative to sections 4.15 and 4.22 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. Subject to conditions, the proposal would satisfactorily achieve compliance with the relevant planning objectives. As such approval is recommended.

## 2. Key Issues

### Key Concept Issues

**Eastern Tower Setbacks** – The proposed 6m tower setback to the middle part of the eastern boundary, adjacent state listed heritage fabric, is not consistent with the DCP requirements (i.e. 7.5m).

**South Tower Setback** – The proposed 1m rear tower setback to the southern boundary, adjacent an educational site, is not consistent with the DCP requirements (i.e. 7.5m).

**Western Tower Setback** – The proposed 3m tower setback to the western boundary, adjacent Barrack Lane, is not consistent with the DCP requirements (i.e. 4.5m to the boundary, given the 6m separation provided by the lane).

**South-Western Tower Setbacks** – The proposed 2m and 5m tower setbacks to the south-western boundaries, adjacent state listed heritage fabric, are not consistent with the DCP requirements (i.e. 7.5m).

**Archaeology** – The indicative basement envelope conflicts with known and potential archaeological objects and relics.

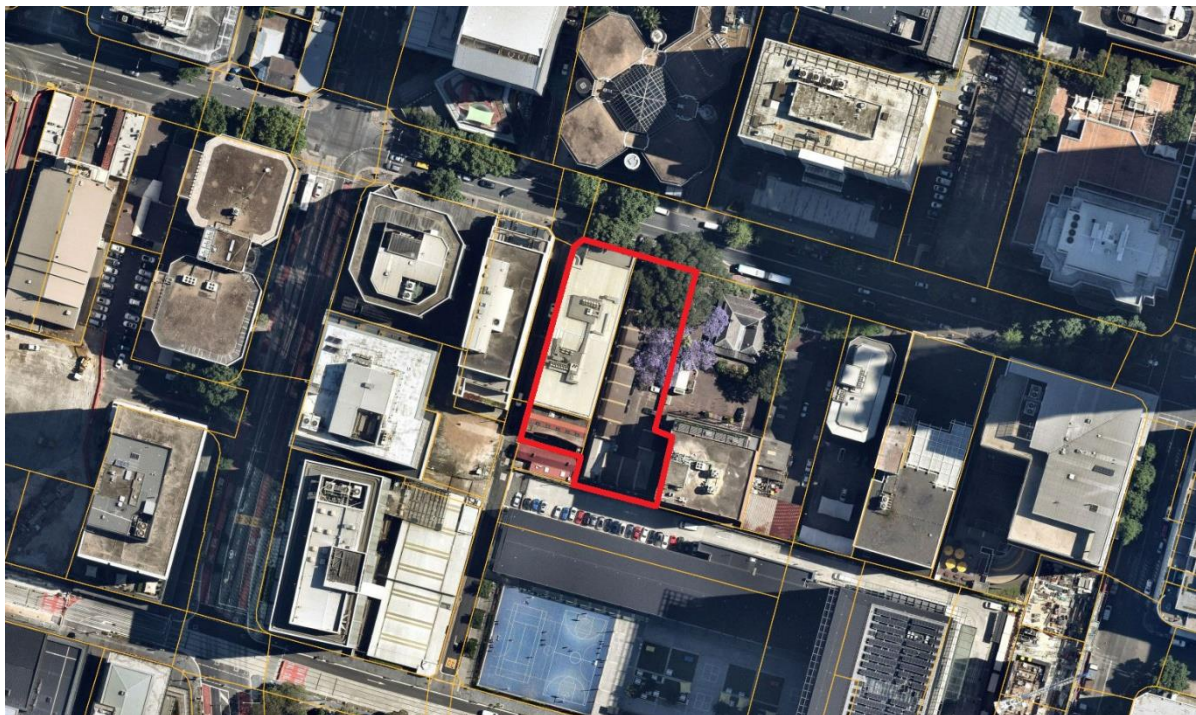
### **Other Concept Issues**

**Tree Removal** – Podium envelope would require removal of significant Jacaranda on the site.

## **3. Site Description, Location and Context**

### **3.1 Site**

The site is located on the south-eastern corner of the intersection of George Street and Barrack Lane in the east end of the Parramatta CBD. The site is composed of three allotments with a combined area of 3,071.5m<sup>2</sup> with a George Street frontage of 38.2m and Barrack Lane frontage of 64.8m. Barrack Lane is one way (north to south) and approximately 6m in width. The site exhibits a slight fall of approximately 1.1m 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 ferries (5 minute walk).



**Figure 1.** Locality Map (subject site in red)



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

### 3.2 Surroundings Development

Direction	Address	Development
North	110 George Street	7 storey office building 'Octagon'
North-East	130 George Street	14 storey office building 'Aon tower'
West	79 George Street	10 storey office building
East	85 George Street	Single storey state listed heritage buildings to front of site 'Perth House and Stables', 8 storey office building to rear of site 'Aussie tower'.  The site is strata subdivided.  <i>Note. The applicant owns strata units 1 and 2 which includes the Perth House building and its associated stables.</i>
South	80-100 Macquarie Street	2 & 16 storey educational establishment building 'Arthur Philip High School'
South-West	3 Barrack Lane	Single storey state listed heritage building, 'Warder's cottage'

### 3.3 Site Improvements & Constraints

The site is occupied by various low rise commercial office buildings.

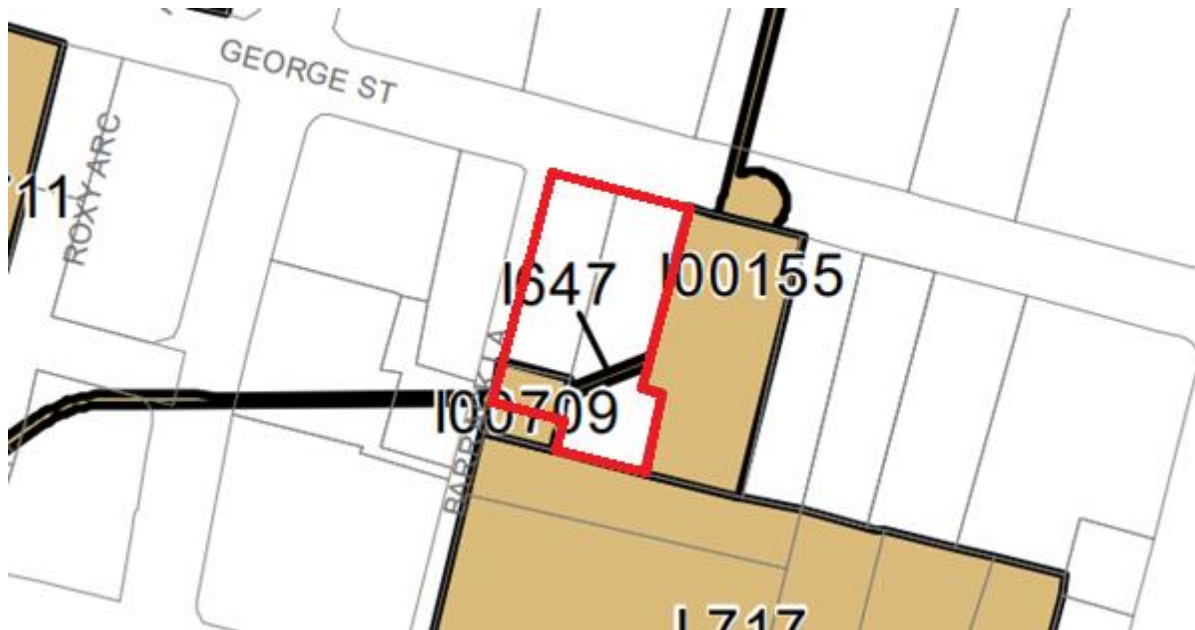
The site is designated Class 4 and 5 acid sulphate soils.

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

#### *Heritage Constraints*

The site is classified as having high Aboriginal archaeology potential.

1 Barrack Lane forms part of the state listed heritage site at 1-3 Barrack Lane. 1 Barrack Lane is occupied by a 3-storey office building completed in 1989. However, the substantive heritage fabric is located at 3 Barrack Lane, adjacent the site.



**Figure 3.** PLEP 2011 Heritage Map extract (subject site in red)

The site contains the 'convict drain' subterranean local heritage item, which runs in a south-west to north-east orientation under the southern part of the site.

The subject site is in the vicinity of the following heritage items:

- Perth House and Stables – State Listed – Adjacent to East (See Figure 4 below).
- Convict Barrack Wall – Locally Listed – Adjacent to South (see Figure 5 below).
- Warders Cottage – State Listed – Adjacent to South-West (See Figure 5 below).

A large fig tree occupies the north-eastern corner of the site, which forms part of the adjoining Perth House heritage listing. A large Jacaranda tree also occupies the eastern setback (See Figure 6 below).



**Figure 4.** Perth House



**Figure 5.** Warders Cottage (single storey red building) and Convict Barracks Wall adjacent rear boundary of site.



**Figure 6.** View from within site looking north (Jacaranda in foreground, Fig behind, rear of Perth House stables to the right)

### 3.4 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. <b>Approved 07/03/2018 &amp; Constructed</b> 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. <b>Approved 02/05/2018 &amp; Not Yet Taken Up</b> Note. Allowed 1m tower setback for part of the site (adjacent an undevelopable section of adjoining site)
DA/662/2022	89-91 George Street	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. <b>Under Assessment</b>

Barrack Lane is also subject to a Council led proposal to be converted into a shared zone. Works are due to begin in 2023.

#### 4. The Proposal

The proposal seeks consent for a 40-storey office tower envelope with the following characteristics:

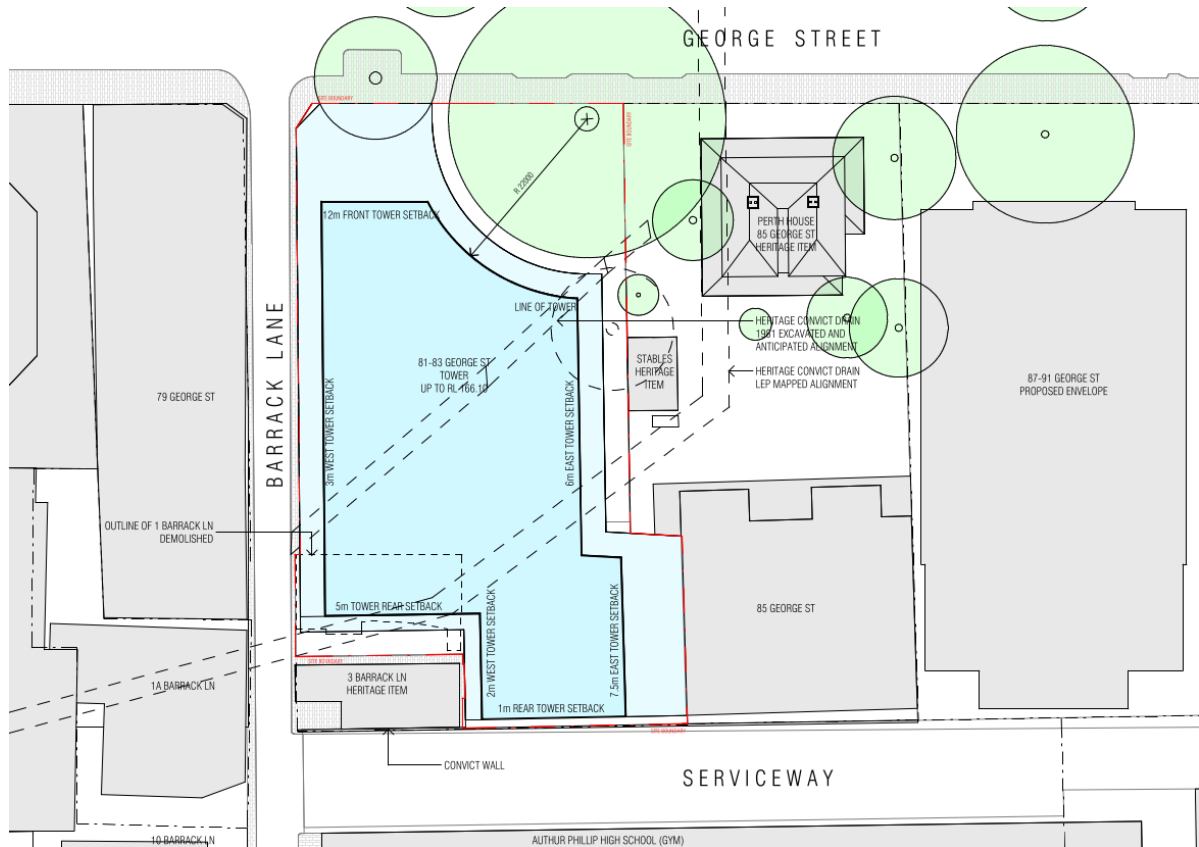
- 2 storey basement (indicative only)
- 3 storey podium
- 40 storey<sup>1</sup> tower (the roof tapers down from RL 166.1m at its north-west corner down to RL 121.3m at its south-east corner)

The proposal does not seek approval for any works. A future detailed DA will be required for demolition, tree removal, earthworks and building. The proposal does not seek approval for details, such as car parking or floor space quantum.

The applicant has submitted a basic reference design to demonstrate that a complying tower can fit within the envelope. The reference design has the following characteristics:

<sup>1</sup> Including 3 storey podium

- 2 storey basement containing 61 parking spaces, bicycle storage and plant
- 3 storey podium containing:
  - Ground: 4 x retail units, 2-lane car park entry/exit (Barrack Lane north), 1-lane loading dock entry/exit (Barrack Lane south), lift lobby
  - Levels 1 & 2: commercial floor space, substation
- 40 storey commercial office tower containing mid-tower and roof plant



**Figure 7.** Concept Envelope Footprint (tower in dark blue, podium in light blue).



**Figure 8.** Reference Scheme Render

## 4.1 Summary of Amended Proposal

In response to concern's raised by Council officers the applicant submitted revised concept drawings with the following changes:

- Providing a tower setback of 3m relative to the podium adjacent the Fig tree;
- Increasing the eastern tower setback adjacent the Perth House stables from 3m to 6m;
- Increasing the southern podium and tower setback from 0m to 1m;
- Increasing the tower setbacks adjacent the Warders cottage to provide a 2m setback relative to the podium levels;
- Providing a 1-3 storey podium adjacent the Warders cottage;
- Providing a 3m splay in the podium at the corner of George Street and Barrack Lane;
- Clarifying the basement envelope is indicative only subject to further archaeological testing; and
- Removed reference to a ground floor RL.

Please note that the Architectural Reference Design was not updated to account for these changes. However, this is not considered to be critical to assessment of the concept drawings, as no approval is being given to the Architectural Reference Design.

## 5. Referrals

The following referrals were undertaken during the assessment process:

### 5.1 Sydney Central City Planning Panel

Kick Off Briefing (23/02/23)

Issues Raised	Comment
Noted that setbacks are considered important not only to the site but for consistent approach across the CBD.	As outlined in this report, the proposed setbacks, as amended, are considered to be appropriate for the site, and Council's vision for the CBD.
Advised that Panel will be undertaking a site visit to understand the site and proposed development more fully	Noted.
Acknowledged that the proposal is for an important site and development, Panel will likely seek a further briefing prior to determination.	Noted. Panel requested several informal updates on the proposal but did not consider a full briefing prior to receiving a report to be necessary.

### 5.2 External

Authority	Comment
Heritage Committee	<ul style="list-style-type: none"><li>• Recommended a 1m setback to the Convict Barracks wall.</li><li>• 3m podium setback may not be sufficient</li><li>• Podium should be clearly articulated</li><li>• Concern with regard to impact on fig tree</li><li>• The overall height of the building should be reconsidered.</li></ul> <i>These issues are addressed in the report.</i>
Reflectivity Consultant	<ul style="list-style-type: none"><li>• Noted external solar shading would be required on facades <i>It is considered that this matter can be addressed at future detailed design stage.</i></li><li>• Raised concern with concentration of solar heat on Fig tree from a curved façade <i>While it may be possible to address solar concentration through façade treatments, a condition is included requiring the façade not be concave for urban design reasons.</i></li></ul>

Environmentally Sustainable Design Consultant	<ul style="list-style-type: none"> <li>• Raised concerns with deficient environmental targets and initiatives</li> <li>• Noted a solar study would be required.</li> </ul> <p><i>It is considered that these matters can be addressed at future detailed design stage.</i></p>
Civil Aviation Safety Authority	<p>No response.</p> <p><i>Notwithstanding, the proposal does not include any building works and as such aviation impacts can be considered as part of the future detailed DA.</i></p>
Sydney Metro Airports (Bankstown)	
Air Services Australia	
Transport for NSW (Roads and Maritime Services)	<ul style="list-style-type: none"> <li>• Requested a Green Travel Plan</li> <li>• Requested additional service vehicle parking</li> <li>• Noted the development should not impact on light rail operations or infrastructure</li> </ul> <p><i>It is considered that these matters can be addressed at future detailed design stage.</i></p>
Transport for NSW (Sydney Metro)	Acceptable subject to consultation at detailed design stage. Granted concurrence.
Heritage NSW – State Heritage	No response.
Heritage NSW – European Archaeology	<p>Recommend a Historical Archaeological Research Design be prepared to guide test excavations prior to future detailed DA design. The results of this test would then inform detailed design (including whether relics needed to be retained on site).</p> <p><i>It is recommended that this be included as an advisory note in the determination notice.</i></p>
Heritage NSW – Aboriginal Archaeology	Not referred due to lack of applicable report and indicative nature of basement.
Wind Consultant	<p>Building would be heavily shielded from <i>allowable</i> adjacent built form, however there are limited approvals in vicinity. Particularly strong winds from west to consider; proposed 3m tower setback would likely not be sufficient to have good ground level wind conditions if no development to west. Complying south tower setback would result in improved wind conditions at ground level without relying on mitigation.</p> <p><i>These issues are addressed in the report.</i></p>

### 5.3 Internal

Authority	Comment
Development/Catchment Engineer	<ul style="list-style-type: none"> <li>• Concept drawings do not reflect flood planning level.</li> <li>• Basement must be tanked</li> </ul> <p><i>The applicant subsequently removed reference to a ground floor RL from the concept drawings. It is considered that the overland flow study can be deferred to the design competition stage. Basement tanking can be considered at future detailed design stage.</i></p>
Landscape & Tree Officer	<ul style="list-style-type: none"> <li>• Envelope acceptable for fig tree. Will require further assessment at detailed design phase.</li> <li>• Envelope would require removal of Jacaranda which is of high significance in its own right. However, as it is not part of the heritage listing and likely to significantly constrain the development, its removal is likely acceptable.</li> <li>• Landscape Reference Design layout supported in principle.</li> <li>• The existing street tree is worthy of retention. Detailed root mapping will be required at detailed DA stage to confirm.</li> </ul> <p><i>An advisory note is included to this effect.</i></p> <ul style="list-style-type: none"> <li>• Trees on adjacent site will be affected by the proposed basement footprint, which is not setback as recommended by the Arborist Report.</li> </ul> <p><i>As a condition is included clarifying no approval is granted to the basement scope, it is considered that this can be considered at future detailed DA stage.</i></p>

Authority	Comment
Traffic & Transport Officer	Acceptable subject to conditions. Conditions recommended include details of swept paths, sightlines, Barrack Lane interface. <i>It is considered that these issues can be addressed as part of the future detailed DA. An advisory note is included to this effect.</i>
Environmental Health – Contamination	Given the preliminary investigation identified potential for contamination, it is considered that a Phase 2 Detailed Site Investigation (including for acid sulphate soils) and Remediation Action Plan are required. Given the site is identified as Class 4 acid sulphate soils, a preliminary soil assessment is required to ascertain the presence of such soils. <i>As the consent would not allow for any works or give approval for use of the site, it is considered that these documents can be provided at future detailed DA stage.</i>
Urban Design	Concept Drawings: Recommended several changes including tower setbacks relative to podium, increased tower setbacks generally and no curved façade. <i>Adopted as part of revised drawings and conditioned.</i>  Architectural Reference Design: <ul style="list-style-type: none"> <li>• Through site links to rear of Perth House not appropriate unless agreement in principle with 85 George Street owners to landscape this area.</li> <li>• Tenancies all must have street address.</li> <li>• Plant in podium not appropriate.</li> <li>• Podium should be primarily masonry.</li> <li>• Activated edge on Barrack Lane encouraged.</li> <li>• Combined basement and loading dock to be investigated.</li> </ul> <i>As the reference design is only indicative, these points are added as advisory notes to the consent.</i>  Landscaping Reference Design: Includes works to rear of 85 George Street outside the applicant's control, is misleading. <i>It will be a requirement of any future detailed DA that only existing or approved surrounds be shown on drawings.</i>
Public Domain	Concept Drawings: Driveway design requires further consideration, including site width, swept paths, convict drain, upgrades to Barrack Lane. Maximum width preferred is 6m. <i>It is considered that these issues can be addressed as part of the future detailed DA. An advisory note is included to this effect.</i>  Reference Design: <ul style="list-style-type: none"> <li>• Through site links to 85 George Street not appropriate unless agreement in principle with George Street to landscape area.</li> <li>• Retention of existing street tree supported, recommend consideration of providing additional street tree.</li> <li>• Activation of Barrack Lane encouraged.</li> </ul> <i>As the reference design is only indicative, these points are added as advisory notes to the consent.</i>
Heritage	<ul style="list-style-type: none"> <li>• Consider site amalgamation with 85 George Street.</li> <li>• Provide better visual separation from heritage assets (i.e. tower setback above eastern podium)</li> <li>• No overhang of fig tree. Maintain TPZ. Ensure excavation does not interfere with tree.</li> <li>• Retain Jacaranda in eastern setback.</li> <li>• Further investigation of convict drain required. Should be no approval for removal at this time.</li> <li>• Consideration of active link connecting to area to rear of Perth House (subject to relevant land owner consents). Link could be themed with heritage interpretation.</li> </ul> <i>These issues are addressed in the report.</i>

Authority	Comment
Heritage Committee	The Committee believes that all of the setbacks at ground level are insufficient with regard to the setting of the heritage features on the side buildings and the wall. And that with regard to the height and the bulk of the podium, there should be more articulation at podium level. That the height of the tower be reconsidered with regard to the impact and raise concerns around the survival of the Fig tree. <i>Subject to the revised concept drawings, the envelope is considered to have an acceptable impact on heritage fabric.</i>
Contributions	Confirmed that the applicant would not be required to provide directly for the upcoming upgrades to Barrack Lane (s7.12 contributions applied at detailed DA stage would contribute).

## 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 4.22: Concept Development Applications

This section sets out the requirements for concept development applications.

Section 4.22(5) of the Act states that,

*The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.*

The concept proposal includes building envelopes. This report provides only an assessment of the impacts that will be inextricably approved as a result of determining this application.

The NSW Land & Environment Court set out a planning principle for the amount of information that must be provided at Stage 1 of a concept application in *Anglican Church Property Trust v Sydney City Council* [2003] NSWLEC 353 at paragraphs 58-59 which state:

*58 We accept that multi-stage applications are useful for large or controversial projects as they provide the applicant with certainty about the major parameters of a proposal before it embarks on the expensive exercise of preparing detailed drawings and specifications for a development application. The critical issue is: how much detail should be provided in the Stage 1 application as against the Stage 2 application?*

*59 The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal. Where traffic generation is the critical issue, Stage 1 should include information on the precise number of cars accommodated on a site. Where the floor space is critical, Stage 1 should include the precise FSR. Where the major issue is the protection of vegetation, the footprints of the proposed buildings may be sufficient. In the proposal before us, however, the two major issues are the impact on the heritage-listed Church and the heritage streetscape. In our opinion, two building envelopes, within which buildings of any shape or design might emerge, are not sufficient to make a proper assessment.*

It is considered that the applicant has provided sufficient information to make an assessment of the critical issues, which relate to the confirmation of appropriate setbacks and key built form outcomes for any future building.

## **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 future detailed building will likely be 'traffic generating development' (per Schedule 3 of the SEPP) as it will include more than 10,000m<sup>2</sup> commercial floor space. As such, the proposal was referred to TfNSW, who did not raise any objection.

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

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

## 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. Water quality will be assessed at future detailed DA stage.

## 7.5 State Environmental Planning Policy (Resilience and Hazards) 2021

A preliminary phase 1 site investigation report concluded that the risk of contamination at the site was low due to predominantly residential and office uses at the site, but noted there was some risk from previous filling of the site and due to groundwater migration. A detailed site investigation was recommended.

As the application is a concept only application, and will not approve any use or building on the site, it is considered that such an investigation can occur prior to submission of a detailed development application. An advisory note is included to this effect.

## 7.6 Parramatta Local Environmental Plan 2011

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

Development standard	Proposal	Compliance
<b>2.3 Zoning</b>  B3 – Commercial Core	The proposed envelope is to accommodate a Commercial Premises – Office Premises which is a permissible use with development consent in the zone.	Yes
<b>Zone Objectives</b>	<p>The proposal is consistent with the following zone objectives:</p> <ul style="list-style-type: none"><li>• The proposal would provide suitable land uses.</li><li>• The proposal would provide employment opportunities in an accessible location.</li><li>• The proposal would strengthen Parramatta CBD as a regional business centre.</li><li>• The 12m front tower setback would maintain the historic view corridor in George Street.</li></ul> <p>The following objectives require further assessment at detailed DA stage but are not prejudiced by the proposal:</p> <ul style="list-style-type: none"><li>• Improving the public domain by rejuvenating the existing footway and providing a publicly accessible forecourt.</li><li>• Maximising public transport patronage and encouraging walking and cycling</li><li>• Active street frontage</li><li>• Protecting heritage values</li></ul>	Yes

Development standard	Proposal	Compliance
<b>4.3 Height of Buildings</b>  Map: Area 2 / 211m AHD With Clause 7.13 – 15% ‘bonus’ *: 242.65m  * bonus does not apply as competition not yet run.	Max Height: 166.1m AHD  Also See Clause 7.5	Yes
<b>4.4 Floor Space Ratio</b>  Map: 10:1 (30,715m <sup>2</sup> ) Clause 7.13 – 15% ‘bonus’ *: 11.5:1 35,322m <sup>2</sup> ) Clause 7.25A – Unlimited FSR  * bonus does not apply as competition not yet run.	Total GFA (Reference Design): 47,109m <sup>2</sup> * Site: 3,071.5m <sup>2</sup> FSR: 17.5:1  * proposal does not seek approval for specific GFA quantum.	Yes (subject to compliance with cl. 7.25A)
<b>4.6 Exceptions to Development Standards</b>	No variation proposed.	N/A
<b>5.6 Architectural Roof Feature</b>	Does not rely on roof feature	N/A
<b>5.10 Heritage conservation</b>	<p>The site is located in proximity to 3 above-ground heritage items (outlined above).</p> <p>The application includes a Heritage Impact Statement which seeks to justify the impact on the surrounding heritage items.</p> <p>The proposed envelope 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"> <li>• The indicative basement and above ground structure of the proposed building have been adequately set back from the fig tree in the north-eastern setback of the site.</li> <li>• A distinct podium, with setback tower above, will form the backdrop of Perth House, providing a low scaled element against which to read the scale of Perth House.</li> <li>• The scale of the tower, while significantly out of keeping with the scale of the heritage item, is characteristic of the high density city centre surrounds of the item.</li> <li>• The north-eastern built form ‘cut-out’ allows uninterrupted views of Perth House when approaching from the west.</li> <li>• The podium is setback 3m from the stables to the rear of Perth House, which will adequately retain views to the side of the building.</li> </ul> <p>The proposal is considered to have an acceptable impact on the fabric and curtilage of the adjacent warder’s cottage (state item) for the following reasons:</p>	Yes

Development standard	Proposal	Compliance
	<ul style="list-style-type: none"> <li>• A distinct podium, with setback tower above, will form the backdrop of the Warders Cottage, providing a low scaled element against which to read the scale of the cottage. Given the very small scale of this item, a notation is included on the drawings allowing for the podium adjacent the item to be between 1-3 storeys, depending on the detailed design response. While the tower setback relative to the podium is only 2m in this location, when a minimum of 3m would normally be considered the minimum to achieve an appropriate differentiation (as provided elsewhere on the building), given the narrowness of Barrack Lane, the cottage is only visible from close views and as such the lesser tower setback relative to the podium is considered to achieve the required effect in this instance.</li> <li>• The redevelopment will provide the opportunity to provide increased public access to the space between the new building and the heritage item, increasing public enjoyment and appreciation of the item.</li> </ul> <p>While the proposal would necessarily require demolition of the existing building at 1 Barrack Lane, which forms part of the Warders cottage heritage site, this is considered to be acceptable as the building, completed in 1989, is not heritage fabric.</p> <p>The proposed envelope sections show localised raising of the ground level directly adjacent the warder's cottage, which would appear to 'bury' the item. This is not considered to be appropriate and as such a condition is included to clarify.</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 podium and tower are setback 1m from the wall.</p> <p>Subterranean heritage, including the Convict drain, is discussed in the archaeology section below.</p>	
<b>5.21 Flood Planning</b>	<p>The site is subject to 1:100 year flooding, the Probable Maximum Flood and overland flow flooding. A flood risk assessment has been submitted which establishes a flood planning level of 8.2m AHD on the western side of the site, and 7.9m AHD on the eastern side of the site which are approximately 500mm above street level. Notwithstanding, the proposed envelope does not seek to secure a particular ground floor level. While the dimensions of the site are such that it may be difficult to accommodate a basement driveway that crests at an FPL that was moderately above ground level, there is also the opportunity for car parking in the podium. As such the concept is not considered to lock in any poor flood outcomes.</p>	Yes

Development standard	Proposal	Compliance
<b>6.1 Acid Sulfate Soils</b>  Class 4/5	<p>The proposal includes an indicative basement envelope more than 2m below the natural ground surface in an area mapped Class 4 acid sulfate soils risk.</p> <p>However, as the proposal does not include the carrying out of works, an acid sulfate soils management plan is not required at this time.</p> <p>An advisory note will be included in the consent noting that such a management plan will need to be provided at future detailed DA stage if a basement is ultimately proposed.</p>	Yes
<b>6.2 Earthworks</b>	<p>The application includes a 'due-diligence' geotechnical report. The report is not supported by any on site testing and notes that such testing will be required. Notwithstanding, as the proposal does not include any works, and the basement envelope is indicative only, it is considered that earthwork impacts can be assessed at the future detailed design stage. An advisory note is included to ensure that the report specifically considers how to minimise impacts on heritage fabric.</p> <p>The report also recommends a tanked basement due to significant groundwater inflow. An advisory note is included to this effect.</p> <p>Rock anchors may be required. A condition would be included on any future detailed DA consent.</p>	Yes
<b>7.3 Floor Space Ratio</b>	The site is greater than 1,800sqm and as such the applicable FSR is not limited by this clause.	Yes
<b>7.4 Parramatta Park and Park Edge Highly Sensitive Area</b>	The site is not located in this area.	N/A
<b>7.5 Sun Access</b>	The site is located in the sun access plane of Lancer Barracks. As such it must demonstrate that it does not overshadow Lancer Barracks between noon and 2pm. The application includes shadow diagrams which demonstrate that the proposed envelope would not overshadow the protected area of Lancer Barracks between noon-2pm. Indeed the unusual shape of the top of the envelope is as a result of specifically avoiding this impact.	Yes
<b>7.6 Serviced Apartments</b>	The proposal does not include serviced apartments.	N/A
<b>7.7 Airspace Operations</b>	<p>The proposed envelope would allow for a building that would be a 'controlled activity' per the Commonwealth Airports Act 1996, as it would intrude into the Obstacle Limitation Surface of Sydney Metro Airport Bankstown (&gt;156m AHD). The crane to build the building would also be a controlled activity.</p> <p>While the envelope gives some certainty that a building will be able to occupy that form, controlled activity approval is not considered to be necessary at this time for the following reasons:</p>	Yes

Development standard	Proposal	Compliance
	<ul style="list-style-type: none"> <li>The applicant submitted an aeronautical report supporting the proposal.</li> <li>Other taller buildings in the vicinity have been granted controlled activity approval.</li> <li>The element breaching the OLS is minor in volume and thus its deletion is not likely to result in loss of significant development potential.</li> <li>Legislation separate to the EP&amp;A Act governs airspace intrusions.</li> <li>The consent would convey no right to build a building.</li> </ul> <p>Further consideration will be required of the detailed design at future DA stage.</p>	
<b>7.8 Active Frontages</b>	<p>The site is identified as requiring an active frontage along its George Street frontage.</p> <p>The reference design indicates that the ground floor can be occupied by retail and/or lobby spaces. While the eastern portion of the building is setback significantly from George Street, and thus will not provide as much activation, it is necessitated by retention of the significant heritage fig tree on site.</p>	Yes
<b>7.9 Floodplain Risk Management</b>	While the proposal does not include a Flood Emergency Management Plan it is considered that this information can be provided and assessed at the future detailed DA stage.	N/A
<b>7.10 – 7.13 Design Excellence</b>	<p>Clause 7.11 requires that development in the CBD demonstrate compliance with a set of design excellence criteria. An assessment against the design excellence criteria is provided at the end of this table.</p> <p>Clause 7.12 requires that design excellence competitions be held in certain circumstances, but excludes concept applications.</p> <p>Clause 7.13 allows for building height and floorspace bonuses for design competition winning buildings that exhibit design excellence. However, in this case, the building does not seek to rely on either bonus.</p>	Yes
<b>7.14 – 7.15 Car Parking – General</b>  Max Parking: <61 (Site Area/50)	<p>61 car parking spaces (reference design).</p> <p>The reference design demonstrates that all 61 spaces could not feasibly be contained in a single basement level and as such 2 basement levels are considered to be appropriate for the allowable car parking.</p> <p>The quantum of car parking is not proposed or approved as part of this application.</p>	Yes
<b>7.20 Managing Heritage Impacts</b>	The proposal includes a Heritage Impact Statement which is considered in the assessment of the developments impact on the heritage significance of nearby items under cl.5.10 assessment above.	Yes

Development standard	Proposal	Compliance
	The proposal includes a Heritage Conservation Strategy (HCS) for Perth House which references and builds on the existing Conservation Management Plan for Perth House. While the HCS does not consider there to be any development potential for the Perth House site, the proposed setbacks do not prejudice development of the adjoining site, allowing for appropriate separation to any future tower on the Perth House site. As such it is not considered necessary for the proposal to amalgamate with the Perth House site.	
<b>7.21 End of Journey Facilities</b>	<p>The future building would be required to provide end of journey facilities, including showers, change rooms, lockers and bicycle storage areas in one area.</p> <p>The reference scheme outlines 'bike storage' at the first basement level. However, the basement does not appear to be large enough to accommodate the quantum of such facilities necessary to service such a large building. The reference design does not include detail of end of journey facilities in the podium.</p> <p>Notwithstanding, it is considered that such facilities could fit within the proposed envelope and as such these facilities can be detailed at the future detailed design stage.</p>	Yes
<b>7.22 Dual Water Systems</b>	The ESD report outlines commitment to recycled water for non-potable uses, which would require dual water reticulation system. Notwithstanding, details can be confirmed at future DA stage.	Yes
<b>7.23 High Performing Building Clause</b>	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
<b>7.25 Concurrence of Planning Secretary</b>	The site is not identified as one requiring concurrence under this clause.	N/A
<b>7.25A Additional Floor Space for Office Premises</b>  Additional FSR Office  Site > 1,800sqm  DCP must provide for list of matters	Office Premises  Yes  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.	Yes  Yes  Yes

### 7.6.1 Design Excellence

The concept proposal is considered to demonstrate design excellence per clause 7.10 of the PLEP 2011 as it provides satisfactory certainty with regard to the criteria as outlined in the table below:

<b>Matters of Consideration</b>	<b>Comment</b>
whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposal meets two of the criteria which trigger the need for a design competition which will be required for stage 2. The competition will ensure that a high standard of architecture is achieved.
whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The envelope is considered to be an acceptable form given the site constraints and desired future character of the area (i.e. towers set back from podiums). The external appearance will be subject to assessment at future detailed DA stage.
whether the proposed development detrimentally impacts on view corridors,	The proposal does not detrimentally impact on any view corridors as outlined in this report.
how the proposed development addresses the following matters—	
the suitability of the land for development,	The site is considered to be suitable for the development owing to its zoning, location and ability to manage constraints.
the existing and proposed uses and use mix,	The site is located in a high-density commercial area and as such is considered to be compatible.
any heritage and archaeological issues and streetscape constraints or opportunities,	As outlined in this report, the form is considered to be appropriate given the adjoining heritage items. Detailed design of facades will also need to demonstrate an appropriate relationship with these items.  The existing European and Aboriginal archaeology constraints on site will require further planning and investigation.  The basement envelope is only indicative at this stage and a consent condition is recommended specifically noting that there is no implied approval for the basement levels or disturbance of archaeology.
the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposed tower is considered to be appropriately sited and sized so as to ensure acceptable relationships with any future towers on adjoining sites.
the bulk, massing and modulation of buildings,	The reference scheme demonstrates articulation and modulation can be provided within the envelope. Such matters will be assessed at future detailed design phase.
street frontage heights,	The podium envelope is set at the lower end of the allowable range of street frontage height controls. This is considered to be appropriate given the low-scale of Perth House.
environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,  the achievement of the principles of ecologically sustainable development,	ESD requirements to achieve design excellence are set by the DCP and will be assessed at detailed design phase.  The proposal is not considered likely to have an unacceptable overshadowing impact for the reasons outlined in this report.  Acoustic and visual privacy will be subject to assessment at stage 2.  The applicant has submitted a qualitative wind report which estimates that unacceptable wind impacts can likely be managed subject to further wind tunnel testing. Council's wind consultant is concerned the proposed western and

	<p>southern tower setbacks will not be sufficient to ensure comfortable wind conditions in the respective adjacent lanes. The Barrack Lane frontage is likely to be occupied mostly by building services and vehicular access ways and as such wind comfort in the lane will be easier to achieve (i.e. higher wind speed targets). The adjacent school lane is primarily a vehicular lane. Notwithstanding, a future detailed design will require wind tunnel modelling to demonstrate an acceptable impact.</p> <p>Reflectivity assessment will be subject to detailed design. It is likely that external solar shading will be required in part to minimise reflectivity.</p>
pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,	Given the key objective of activating the George Street frontage and the constraint on doing so imposed by the Fig tree, it is considered imperative that vehicular access be from Barrack Lane. As such a condition is included to this effect. Given the narrow width and flooding constraints of the site it may be difficult to accommodate a basement driveway off the lane. If that is the case, there exists the option to provide podium parking (subject to compliance with the DCP requirements). Subject to the above condition, the proposal is considered likely to result in improved access for the site.
the impact on, and any proposed improvements to, the public domain,	The proposal would provide an upgrade of the public domain along the George Street frontage, which would be confirmed at detailed DA stage (Barrack Lane renewal works are being undertaken by Council).
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 achieved. The podium is along the front boundary and as such will appropriately define and activate the street (subject to detailed design).
achieving appropriate interfaces at ground level between the building and the public domain,	
excellence and integration of landscape design.	<p>The tree protection zone around the retained fig tree allows for ~14% of the site to remain true deep soil and provides an opportunity for further planting, which is significant in the city centre context.</p> <p>The proposal includes a Landscape Reference Design which includes significant planting and amenity in the area around the fig tree, as well as landscaping adjacent the Warder's cottage to the rear.</p> <p>However, the indicative basement envelope extends under the proposed trees adjacent the Warder's cottage. At least a single level of soil would be necessary in this location to ensure the viability of these trees.</p> <p>Landscape Reference Design includes works not controlled by the applicant (to rear of Perth House) which are disregarded for the purposes of this assessment.</p> <p>The Landscape Reference Design shows a podium setback to George Street, which is not consistent with the concept envelope drawings. For the avoidance of doubt, the Landscape Reference Design drawings are not approved.</p> <p>Subject to detailed design, it is considered that the proposal can achieve excellence in landscape design.</p>

## 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. Notwithstanding, the 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. 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
<b>PART 2 – SITE PLANNING</b>		
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 geotechnical report states that it is likely that the basement will need to be tanked (waterproofed). Notwithstanding, it is considered that this can be confirmed at detailed DA stage.	Yes
2.4.3.1 Soil Management	Erosion and sediment control will be assessed as part of the future detailed DA.	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 site suitability can be confirmed at future detailed DA stage.	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 levels are such that the occupants are considered unlikely to suffer from excessive poor air quality.	Yes

Development Control	Proposal	Comply
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	<p>The proposal includes sufficient setbacks to retain the existing significant heritage fig tree in the north-eastern corner of the site. Conditions are included to ensure the adjacent façade does not unacceptably concentrate solar energy or wind on the tree.</p> <p>The proposed envelope would result in defacto approval to remove the significant Jacaranda tree on site. Given the difficulty in protecting such a large tree, and the need to provide a podium in this location to offset the visual impacts of the tower, removal of this tree is likely to be considered acceptable. To clarify this approval does not actually include approval to remove the tree.</p> <p>The proposal would retain the existing street tree. Exploration of additional street trees, as recommended by the Parramatta Public Domain Guidelines, is recommended at future detailed DA stage. An advisory note is included to this effect.</p> <p>The Landscape Reference Design demonstrates that additional planting can be accommodated on site.</p>	Yes
2.4.8 Public Domain	<p>As outlined above, the proposal seeks to retain the existing street tree.</p> <p>The Landscape Reference Design indicates that public domain upgrades, such as new footway paving and furniture, would be provided. Details will be assessed as part of the future detailed DA.</p> <p>The building envelope can accommodate a building that would provide adequate address to, and permit passive surveillance of, the public domain.</p>	Yes
<b>PART 3 – DEVELOPMENT PRINCIPLES</b>		
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 assessment below.	N/A
3.2.2 Building Façade and Articulation	To be assessed at future design competition and detailed DA stage.	N/A
3.2.3 Roof Design	To be assessed at future design competition and detailed DA stage.	N/A
3.2.4 Energy Efficient Design	See Part 6.8 assessment below.	N/A
3.2.5 Streetscape	See Part 6 assessment below	N/A
3.3 Environmental Amenity		
3.3.1 Landscaping	The Landscape Reference Design has been reviewed by Council’s landscape officer and is considered to be appropriate.	Yes
3.3.3 Visual Privacy	Will be assessed as part of the future detailed DA.	N/A
3.3.4 Acoustic Amenity		
3.3.5 Solar Access and Cross Ventilation	Will be assessed as part of the future detailed DA.	N/A

Development Control	Proposal	Comply
3.3.6 Water Sensitive Urban Design	Will be assessed as part of the future detailed DA.	N/A
3.3.7 Waste Management	Will be assessed as part of the future detailed DA.	N/A
<b>3.4 Social Amenity</b>		
3.4.1 Culture and Public Art	Will be assessed as part of the future detailed DA.	N/A
3.4.2 Access for People with Disabilities	Will be assessed as part of the future detailed DA.	N/A
3.4.3 Amenities in Building Available to the Public	Will be assessed as part of the future detailed DA.	N/A
3.4.4 Safety and Security	Will be assessed as part of the future detailed DA.	N/A
<b>3.5 Heritage</b>		
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.</p> <p>Notwithstanding, the applicant has submitted a Archeological Heritage Assessment which concludes that the convict drain likely remains under the site and that there may be other remnant relics (such as convict huts). The assessment concludes that further testing is required to determine the significance of the remnants, prior to finalising a detailed design.</p> <p>The proposed two storey basement envelope would intercept the existing convict drain and any other archaeological relics. Heritage NSW have indicated further testing is required prior to coming to a view on whether removal of those relics is acceptable. As such conditions/advisory notes are included that the basement envelope is subject to further archaeological investigation and does not provide indicative approval for removal of any archaeology.</p> <p>Heritage NSW have recommended test excavations prior to future detailed DA and design excellence process. An advisory note is included to this effect.</p>	Yes
3.5.3 Aboriginal Cultural Heritage	<p>The site is identified as having high Aboriginal archeological potential.</p> <p>The applicant has not undertaken test excavations or submitted an Aboriginal Cultural Heritage Assessment report.</p> <p>Notwithstanding, for the same reasons outlined for European archaeology above, it is considered that this can be completed as part of the future detailed DA. An advisory note is included to this effect.</p>	Yes
<b>3.6 Movement and Circulation</b>		
<b>3.6.1 Sustainable Transport</b>		
Car Share		
1 car share if over 5,000sqm commercial	Car share would be required of any future detailed development application. The basement envelope appears to be able to accommodate such parking.	Yes

Development Control	Proposal	Comply
Green Travel Plan		
Required for >5,000sqm commercial	A green travel plan would be required of any future detailed development application.	Yes
<b>3.6.2 Parking and Vehicular Access</b>		
Car Parking Control	See LEP assessment above.	N/A
Bicycle Parking	See LEP assessment above and Part 6 assessment below.	Yes
<b>3.6.3 Accessibility and Connectivity</b>		
Through site links	None required.	N/A
<b>3.7 Residential Subdivision</b>		
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
<b>PART 6 – PARRAMATTA CITY CENTRE</b>		
<b>6.1 Introduction</b>		
General Objectives	<p>The proposed envelope is considered to be consistent with the general objectives for the CBD as:</p> <ul style="list-style-type: none"> <li>• The podium at the street alignments with setback tower above will define and enclose the street with built form of a human scale consistent with adjoining heritage.</li> <li>• The tower is sufficiently slender and setback from the streets.</li> <li>• The form will provide for protection of the heritage significant fig tree.</li> </ul>	Yes
<b>6.2 Design Quality</b>		
Design Quality	To be developed at design competition and future detailed DA stage.	N/A
<b>6.3 Built Form</b>		
<b>6.3.1 Guiding Principles</b>		
	As outlined under the general objectives above, the proposal is consistent with the guiding principles of the CBD DCP.	Yes
<b>6.3.2 Minimum Site Frontage</b>		
>35m frontage	40.2m (George Street) 67.9m (Barrack Lane)	Yes
Objectives must still be achieved	The proposed envelope does not prejudice achievement of the objectives of the control.	Yes
<b>6.3.3 The Building Envelope</b>		
<i>Street Setbacks</i>		
Podium Setback 0m	0m	Yes
Podium Height 14m-21m	14m	Yes
Tower Setback 12m (George Street)	12m (George Street)	Yes
Tower Setback 3m (Barrack Lane), subject to separation	3m (Barrack Lane)	Yes
One Step in Built Form	One Step	Yes
Corner Splay	3m x 3m	Yes
<i>Building Separation</i>		
C.01 - >15m (7.5m setbacks)	East: 6m (mid-block), 7.5m (rear) South: 1m (east), 5m (west) West: 3m See discussion at end of table.	Part No No

Development Control	Proposal	Comply
C.09 Existing heritage building not justification for reduced separation if it would compromise development potential.  <i>Tower Slenderness</i>  Floorplate <2,500sqm  Length <60m  <i>Floor Heights</i>  Floor to Floor height >3.8m	While the proposal does rely on adjacent heritage to justify some of the proposed reduced setbacks, these reductions are not considered to reduce the development potential of the adjoining site.    ~1,700sqm  63.3m    Not specified. Subject to future design.	Yes       Yes  No (minor)    N/A
6.3.4 The Street Wall		
Be modulated  Masonry  Glazing Relief >150mm  Awning	Will be assessed as part of the future design competition and detailed DA.	N/A
6.3.5 The Ground Floor		
Flood Transition	Subject to future design.	N/A
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		
Street trees required       Alignment Drawings	Applicant to explore whether more can be provided at future detailed DA stage. An advisory note is included.      Will be assessed as part of the future design competition and detailed DA.	N/A       N/A
6.4.4 Pedestrian Lanes, Shared Zones and Service Lanes		
Must deliver/improve service lane       Entry from service lanes      Active uses along lanes	The DCP identifies Barrack Lane as requiring upgrades. The contributions plan allocates for these upgrades and a Council initiative seeks to deliver the upgrades in 2023. The development would contribute to the upgrades through the contributions plan. As such no works to the lane are required by the developer.      The reference scheme demonstrates that servicing can occur from Barrack Lane, thus freeing up the George Street frontage. As outlined above, it is considered critical and thus a condition is included to this effect.   Subject to detailed design.	N/A       Yes, subject to condition    N/A
6.4.6 Vehicle Footpath Crossings		
No additional crossings       One vehicle access point	Subject to the condition requiring access from the lane, the proposal will result in a net reduction in crossing to George Street.      Subject to detailed design.	Yes       N/A

Development Control	Proposal	Comply
Access from lanes	Access will be from Barrack Lane via condition.	Yes
Shared access	The proposal does not seek to share access. The adjacent school have previously denied for such shared access via their private lane. A proposed easement as part of the redevelopment of concurrent application DA/662/2022 seeks to allow for any future redevelopment of 85 George Street to be accessed via 87-89 George Street and as such it is not considered appropriate to seek to rely on the existing driveway at 85 George Street.	N/A
Ramps perpendicular to street	Subject to detailed design.	N/A
Vehicle landings adjacent public domain flat	Subject to detailed design.	N/A
Vehicle access doors behind building line.	Subject to detailed design.	N/A
<b>6.4.7 Views</b>		
Views Analysis Required	While the proposal does not include a view analysis for its impact on the George Street view corridor this is considered to be acceptable for the concept envelope as the proposal complies with the desired northern podium and tower alignments. The view analysis can be conducted as part of the detailed design.	Yes
<b>6.5 Special Areas (George Street)</b>		
Consistent street wall and upper level setbacks	Street wall and upper level setbacks provided.	Yes
Lower street wall heights in some heritage circumstances	14m (low end of allowable range).	Yes
<b>6.6 Heritage</b>		
<b>6.6.2 Understanding the Place</b>		
Heritage Impact Statement	Provided. Acceptable to heritage officer.	Yes
<b>6.6.3 Heritage Relationships</b>		
C.03/10/18 Development must not overhang curtilage, provide setbacks, maintain prominence of item	The proposal is considered to provide an appropriate curtilage to the adjoining heritage items by providing an appropriate setback and lower scale podium against which to read the item.	Yes
C.04 Heritage trees retained	The proposal retains the significant Fig tree. The Jacaranda is not considered to be of heritage significance.	Yes
C.05 Vertical walls adjacent heritage item	The envelopes adjacent the heritage items are vertical. Further assessment will be undertaken at detailed design stage.	Yes
C.06, C.11, C.12, C.13, C.16 [Detail Controls]	Will be assessed as part of the future design competition and detailed DA.	Yes
C.13/14/15 Existing ground plane around heritage items retained.	The DCP allows for the flood transition to occur internally, if need be, which would allow for retention of the existing ground levels around the heritage items. Subject to design at detailed design	Yes

Development Control	Proposal	Comply
C.17 Historic setback patterns	phase. As outlined above, a condition is included to clarify there is no approval to fill the site.  It is not considered necessary to match the historic setback of Perth House given the transition afforded by the Fig tree.	N/A
C.19 Setback to ensure views	The proposal would provide adequate views of the adjacent heritage fabric.	Yes
C.20/21 Landscape features retained	While the Jacaranda contributes to the landscaped setting of Perth House, its retention would compromise the ability to provide a distinct podium (which benefits the setting of the item) and the podium setbacks provided allow for appropriate replacement planting. As such removal of the Jacaranda is likely to be acceptable.	Yes
<b>6.6.6 Development to Benefit a Heritage Item</b>		
C.01 Development that derives benefit must bestow benefit	Removal of the existing George Street driveway and likely provision of increased public access to the Warders cottage will bestow benefits to the heritage items.	Yes
<b>6.6.7 Interpretation</b>		
C.07 Interpretation plan required when works affect heritage	Can be required as part of future detailed application.	N/A
<b>6.7 Flood Risk Management</b>		
<b>6.7.1 Assessment and Minimisation of Flood Hazards, Risks and Potential For Harm</b>		
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
<b>6.7.2 Land Use and Building Levels</b>		
Flood Planning Level (FPL)	See LEP assessment above.	Yes
<b>6.7.3 Sensitive and Critical Uses</b>		
No sensitive uses below FPL	Subject to detailed design.	N/A
<b>6.7.4 Flood Warning and Emergency Response Planning</b>		
Flood Emergency Response Plan (draft)	The proposal does not include a draft Flood Emergency Response Plan (FERP). However, the Flood Hazard and Risk Assessment does consider what will be required of the plan. The envelope appears capable of accommodating a building which can accommodate shelter in place. As such it is considered reasonable to defer consideration of the FERP until detailed DA stage.	Yes
<b>6.7.8 Car Park Basements in Flood Prone Areas</b>		
Driveway Crest at FPL, Flood Barrier above	Flood report notes this requirement. Subject to further assessment at detailed DA stage.	N/A
Flood Barriers to stairwells and lifts	Flood report recommends barriers. Subject to further assessment at detailed DA stage.	Yes
<b>6.8 Environmental Sustainability</b>		
<b>6.8.1 High Performing Buildings</b>		
Report verifying sustainability targets.	The applicant has submitted an ESD report which claims compliance with the Parramatta DCP. The report appears to mistakenly equate the site specific controls for 89-91 George Street (a site with the same owner as the subject site), with those that apply generally. The proposal is not consistent with	N/A

Development Control	Proposal	Comply
	the more general DCP requirements. Notwithstanding, the concept envelopes do not themselves make compliance with the DCP unachievable at detailed design stage. As such, an advisory note is included in the consent notifying the applicant of the relevant provisions which will be considered at detailed design stage.	
<b>6.8.2 Dual Water Systems</b>		
Dual Piping	Not specified in offer, but achievable at detailed DA stage.	N/A
<b>6.8.3 All Electric Buildings</b>		
Electric only	Not specified in offer, but achievable at detailed DA stage.	N/A
<b>6.8.4 Electric Vehicle Charging Infrastructure</b>		
1 Shared EV connection for every 10 car spaces	Not specified in offer, but achievable at detailed DA stage.	N/A
<b>6.8.5 Urban Cooling</b>		
Communal Open Spaces at least 50% covered or landscaped.	The open space would generally be covered by the canopy of the fig tree.	Yes
Roof top areas (ex. solar voltaics) at least 75% vegetated or high reflectivity	Not specified in offer, but achievable at detailed DA stage.	N/A
Façade shading	Not specified in offer, but achievable at detailed DA stage (shading not included in setbacks so not necessary to consider in context of approved envelope)	N/A
Green Wall	None specified, subject to detailed design assessment.	N/A
Solar reflectivity not to cause disability or discomfort.	The proposal includes a qualitative solar reflectivity report. The report notes that a concave northern façade, such as the one outlined in the reference scheme, could result in concentration of solar light and property damage. The concave shape also wraps around the significant fig tree and as such could potentially do damage to that tree. While there may be design solutions, such as external shading or articulation, as outlined above such a form is also not desirable from an urban design perspective. As such a condition is included to exclude concave façade elements. A further reflectivity assessment will be required at future detailed design assessment.	Yes, subject to conditions
Natural refrigerants in AC (Global Warming Potential < 10)	Not specified, subject to detailed design assessment.	N/A
Bird Friendly	Not specified, subject to detailed design assessment.	N/A
Wind comfort and safety	See assessment under Section 7.6.1 above.	Yes

Development Control	Proposal	Comply
<b>6.9 Vehicular Access, Parking and Servicing</b>		
Vehicle access	Need to demonstrate driveway works from lane, with crest and dive.	N/A
Parking design		
Motorcycle Parking		
Bicycle Parking		
E-Bike Charging (10% of spaces)		
End of trip		
1 locker per bicycle		
1 shower / 10 bicycles		
Bicycle and end of trip location and access		

### 9.3 Tower Setback Non-Compliances

#### 9.3.1 East

The proposal seeks to vary the 7.5m eastern tower setback control by 1.5m in the middle part of the site, adjacent the heritage stables building to the rear of Perth House. This is considered to be acceptable as any future built form on the other side of the stables would likely require similar setbacks to that proposed. Given the width of the stables, ~6m, any future tower on the opposite side of the stables would be approximately 18m away from the subject tower, and thus comply with the 15m tower separation requirement in the DCP. This variation would result in negligible additional overshadowing or loss of daylight/sky views to the public domain due to the compliant return tower element in the south-eastern corner of the site.

#### 9.3.2 West

Barrack Lane is ~6m wide. As such the proposed tower envelope would need to provide a 4.5m setback from the site's western boundary to ensure it equitably contributed to the 15m separation required to the adjoining site on the opposite side of the lane. However, the site on the opposite side of the lane is approximately 20m in width and as such is unlikely to be able to accommodate a tower without amalgamating with the adjoining site to its west. Such an amalgamated site would have sufficient capacity to provide the additional separation required. As such the reduced setback is considered to be sufficient in this instance. The additional overshadowing would be minimal as a result of the non-compliance and primarily affect non-residential buildings.

#### 9.3.3 South

The proposal seeks to vary the 7.5m southern tower setback control by 6.5m (in the eastern part of the site) and 2.5m (in the western part of the site).

The western variation, adjacent the Warder's cottage, is considered to be acceptable for similar reasons to those outlined under Section 9.3.1 above. The cottage is 8m wide and as such any future tower to the south would be approximately 18m away from the subject tower.

The eastern variation is considered to be acceptable as the site to the south has recently been developed as a school site, with the school tower located in the eastern part of the

school site, well separated from the proposed 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.

## **10. Planning Agreements**

No Voluntary Planning Agreements relate to the site.

## **11. The Regulations**

The concept is consistent with the requirements of the Regulations.

## **12. The Likely Impacts of the Development**

85 George Street has a 33.8m frontage and is ~2,450sqm in size. While the frontage does not quite meet the minimum frontage requirement in the DCP it is unlikely to be amalgamated with the subject site or 87 George Street for the following reasons:

- A DA has been submitted for the development of 87-89 George Street without 85 George Street (DA/662/2022).
- Including 85 George Street would not incur any GFA benefit to the owners of the subject site or 87 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.

The eastern tower setback to the rear of the site complies with the setback requirements and thus provides an equitable share of total building separation and does not set a precedent for reduced setbacks at 85 George Street. The minor setback variation is not considered to impede the development potential of 85 George Street as outlined in Section 9.3.1 above. As such the proposal is not considered to constrain redevelopment of 85 George Street.

## **13. Site suitability**

As outlined in this report, the site constraints have been adequately considered given the application seeks approval only for a concept envelope.

## **14. Submissions**

The application was notified and advertised in accordance with Council's Notification DCP for a 21 day period between the 12<sup>th</sup> of December 2022 and 11<sup>th</sup> of January 2023. One (1) submission was received.

Submission issues are summarised and commented on as follows:

Issues Raised	Comment
Demolition of building at 1 Barrack Lane not appropriate.	<p>The envelope would subsume 1 Barrack Lane, implying that it would be removed. 1 Barrack Lane does not form part of the significance of the adjoining heritage fabric. However, the current application does not include demolition of the item.</p> <p>Assessment of demolition would occur at future detailed DA stage. As the building has won architectural awards, it may be appropriate to require a photographic survey of the building prior to its demolition.</p>

## 15. Public Interest

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

## 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 City Centre Local Infrastructure Contributions Plan 2022 requires the payment of a levy equal to 4% of the cost of development for works over \$250,000. The contribution requirement for the building would be applied to the future detailed development application.

## 18. Summary and Conclusion

The application has been assessed relative to section 4.15 and 4.22 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval of the development application is recommended.

## 19. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority **Grant Consent** to Development Application No. DA/937/2022 for a 40 storey building envelope for commercial office premises at 81-83 George Street & 1 Barrack Lane, Parramatta NSW 2150 (Lot 1 DP 6280044, SP 19718, Lot 101 DP 1110883) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under Appendix 1.