



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-427
DA Number	DA/93/2023
LGA	City of Parramatta Council
Proposed Development	A 42 and 43-storey mixed-use development comprising a 3-storey retail and commercial podium (5,804sqm of floorspace), two residential towers of 604 residential apartments and 6 basement levels for 432 car parking spaces. Stratum subdivision of 4 lots for retail and office and residential lots and 604 Strata Subdivision of the 2 residential stratum lots. Demolition of existing structures and removal of trees. The application is nominated integrated development under section 90 of the Water Management Act
Street Address	34 Hassall Street, Parramatta NSW 2150
Property Description	Lot 1 Sec 88 DP758829, Lot 2 Sec 88 DP758829; and Lot 3 Sec 88 DP758829
Applicant	Deicorp Projects (Hassall Street) Pty Ltd
Owner	Minister for Education and Early Childhood
Date of DA lodgement	15 February 2023
Recommendation	Approval subject to conditions
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 Regulations 2021• Water Management Act 2000• SEPP (Building Sustainability Index: BASIX) 2004• SEPP (Resilience and Hazards) 2021• SEPP (Transport and Infrastructure) 2021• SEPP (Planning Systems) 2021• SEPP (Biodiversity and Conservation) 2021• SEPP No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide• Parramatta Local Environmental Plan 2011, including Amendment 56 (commenced 14 October 2022)• Parramatta Development Control Plan 2011• Draft Parramatta Consolidation LEP 202X
Documents submitted with report for Panel's consideration	Attachment A – Architectural Plans Attachment B – Architectural Floor Plans (confidential) Attachment C – Landscape Drawings Attachment D – General Terms of Approval Attachment E – Design Integrity Report
Number of Submissions	5
Summary of key submissions	<ul style="list-style-type: none">• Construction impacts – traffic, noise and vibration• Construction vehicle impact on school zones• Increased traffic congestion and parking

	<ul style="list-style-type: none"> • Access for heavy vehicles. • Overshadowing to adjoining properties and Robin Thomas Reserve • Bulk and scale of the building.
Report prepared by	Bianca Lewis Executive Planner, City Significant Development
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**

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 summarised, in the Executive Summary of the assessment report? **Yes**

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**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions? **Yes**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

1. Executive Summary

The proposal provides for construction of a 42 and 43 storey mixed use development and is based on a winning entry in a design competition.

Whilst it includes some minor departures from the City Centre Parramatta DCP 2011, it has otherwise demonstrated a clearly defined and activated podium which addresses flood planning levels, substantial provision of landscaping and publicly accessible arcades linking key desire lines to the Light Rail stop and Robin Thomas Reserve.

This report recommends approval to the Panel as the proposal is in accordance with the type of development envisaged for the site under Parramatta Local Environmental Plan 2011 and the proposal integrates commercial, retail and residential in an accessible location so as to maximise public transport patronage and encourage walking and cycling. Furthermore the proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

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 (refer Attachment D).

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

2. Key Issues

Aboriginal Archaeology – The proposal is relying on conditions of consent to resolve outstanding concerns. Satisfaction is contingent on the Panel's view it satisfies the proposal can carry out the proper process for archaeology.

Tree removal – the removal of significant Jacaranda trees along Macquarie Street is due to the potential impact from the proposed building footprint and the future operation of the Parramatta Light Rail.

Flood Planning – the built form has responded to the flood planning levels, however further work is required to meet the DCP requirements for Flood Emergency Response Planning, including provisions for an adequate shelter in place.

Built Form – The Design Excellence Jury has endorsed the proposal and considers it consistent with the design excellence winning scheme. However the design has some inconsistencies with the DCP– City Centre controls, which are considered acceptable in this context.

Access to adjoining site – driveway access is future proofed to the remainder of 34 Hassall St. However, the recommendation from Transport for NSW to provide access to 193 Macquarie Street is considered unreasonable.

Balcony design – Transport for NSW mandatory conditions relating to balcony enclosure within 20 metres of the Parramatta Light Rail, impacts 84 balconies. This has impact on quality of the building design (design excellence) and natural light and ventilation.

3. Site Description, Location and Context

3.1 Site

The subject site is part of 34 Hassall Street (outlined in red in **Figure 1**) which contains 3 separate lots (Lots 1, 2 & 3, Sec 88 in DP758829) and is 5,804sqm in area. The subject site and the remainder of 34 Hassall Street (outlined in blue in **Figure 1**) are known collectively as the former 'Rowland Hassall School site' and contain one-storey education buildings, footings of former demountable classrooms and bitumen and grass areas (refer **Figures 2 and 3**).

The site has three street frontages - Hassall Street (southern edge), Macquarie Street (northern edge) and Harris Street (western edge). Immediately adjoins the site to the east is the remainder of the vacant school land. There is an existing substation on the southern boundary fronting Hassall Street and existing entryways are along Hassall and Macquarie Street (refer **Figures 4 and 5**). Existing mature trees are located within the site boundary along the Harris Street and Macquarie Street frontages (Refer **Figures 6 and 7**). The new Parramatta Light Rail route, including the Harris Street stop is directly adjacent to the site along Macquarie Street (refer **Figure 6**). Robin Thomas Reserve is located directly opposite the site along Harris Street.

The site is currently owned by the NSW Minister for Education (i.e., NSW Department of Education). The applicant has provided evidence that they are currently in negotiations to purchase the site.



Figure 1: The subject site (outlined in red). The remainder of 34 Hassall Street (outlined in blue)



Figure 2: Site existing condition (view looking east from Macquarie Street)



Figure 3: Site existing condition (view looking south from Macquarie Street)



Figure 4: Existing entry along Hassall St



Figure 5: Existing Entry – Macquarie Street



Figure 6: Mature trees along Macquarie Street, adjacent to the 'Harris St' Parramatta Light Rail stop (view west)



Figure 7: Mature trees along Harris Street (view looking south)

3.2 Surrounding Development

The surrounding development comprises of a mix of uses consistent with the site's mixed-use zoning and Parramatta Central Business District's fringe location. The subject site is opposite a 7-storey existing residential flat building at 31-37 Hassall Street and adjacent to 7-storey existing shop top housing at 32 Hassall Street (refer **Figure 8**).



Figure 8: View west along Hassall Street. Apartments at 31-37 Hassall Street on the left, and shop top housing at 32 Hassall Street on the right.

The Parramatta CBD is undergoing significant redevelopment transitioning from its historic low to medium rise commercial development to high-rise mixed-use development. A list of current applications in the vicinity of the site are listed in Table 1 below.

Table 1: Summary of surrounding applications

Address	Application	Description & Status
189 Macquarie Street Parramatta	DA/852/2013	Development consent for the construction of a 30 storey, mixed use development containing 425 apartments, retail space, commercial car park. Approved 25 May 2015.
114 Harris Street Parramatta	DA/776/2022	Construction of a 35 storey mixed use building comprising retail and commercial uses and 203 residential units. Currently under assessment by Council Officers.
39 – 43 Hassall Street, Parramatta	SSD Application SSD-34919690	The proposed construction of a 34 storey mixed use building, comprising of retail and commercial uses, and 210 build to rent apartments. Currently under assessment by DPE.
142-154 Macquarie Street, Parramatta	Design Competition	A design competition has been completed for the former Cumberland Media Site, for a mixed use development consisting of 3 towers between 25 and 60 storeys, a public plaza and basement. Pre-lodgement advice issued by Council.

The application has been submitted as Nominated Integrated Development pursuant to the provisions of Section 90 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 10: View from Macquarie Street (Source Design Report, Turner)



Figure 11: View from Macquarie Street (Source Design Report, Turner)



Figure 12 View from Hassall Street, with proposed pedestrian link (Source Design Report, Turner)

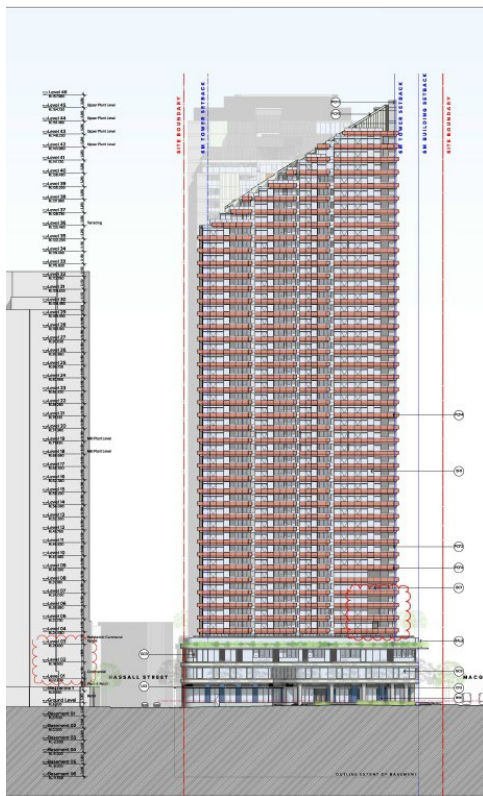


Figure 13: East Elevation – view from Harris Street (Turner Architectural Plans)

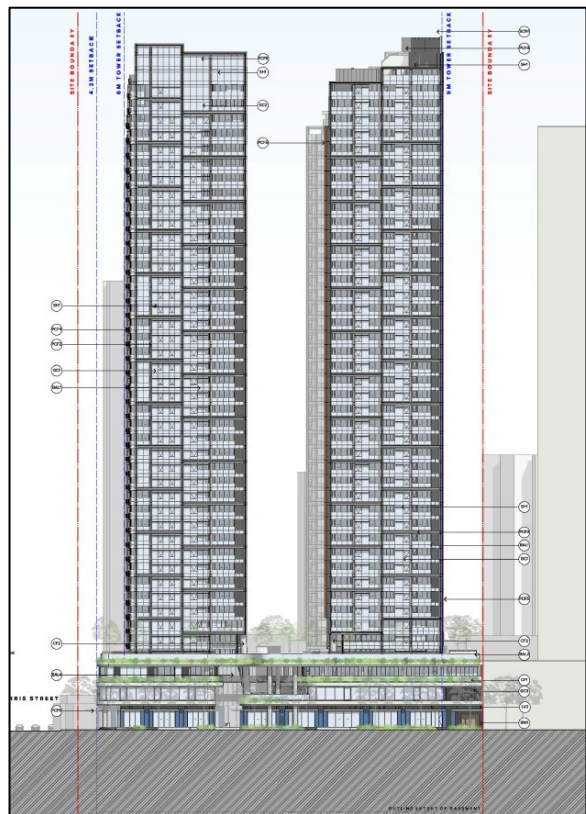


Figure 14: North Elevation – view along Macquarie Street (Turner Architectural Plans)

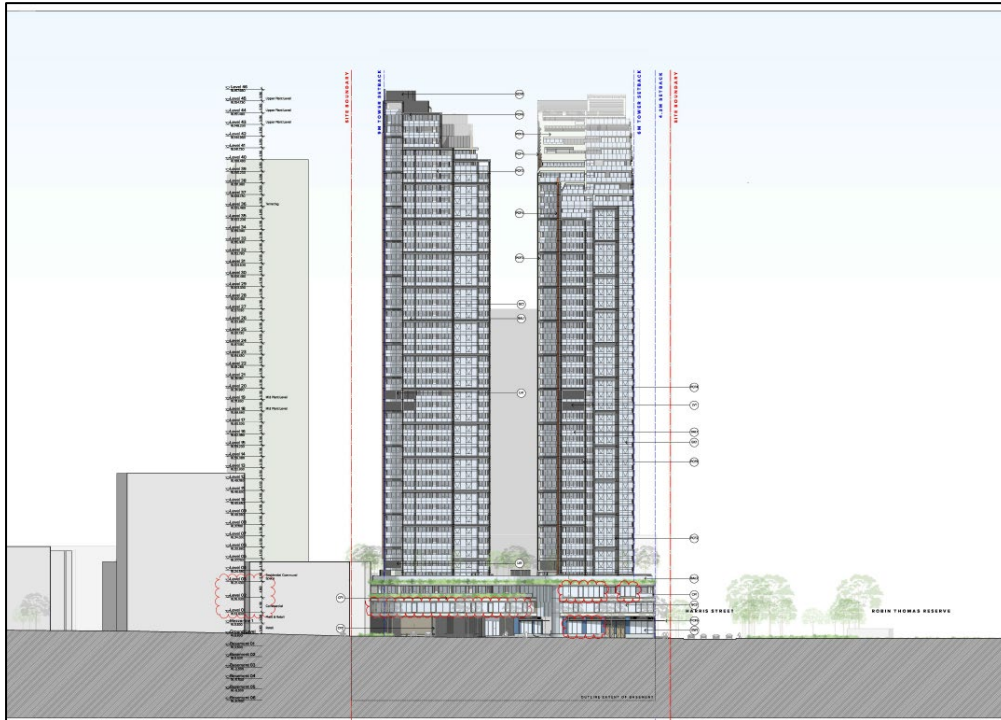


Figure 15: South Elevation – view along Hassall Street (Turner Architectural Plans)

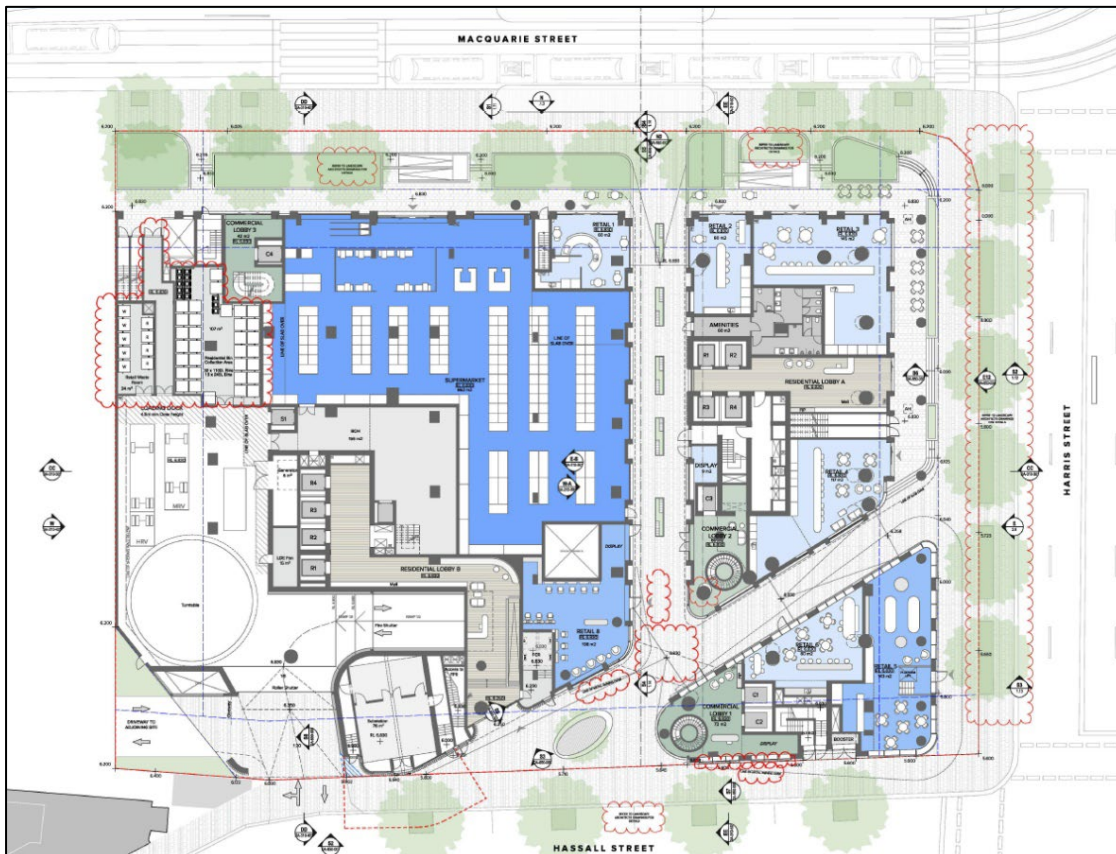


Figure 16. Proposed ground floor plan.

4.1 Summary of Amended Proposal

In response to requests from Council officers on 9 March, 7 June and 17 August 2023, the applicant submitted additional information and revised drawings which included the following material changes:

- Removal of the childcare centre and replacement with a commercial use.
- Design amendments:
 - Street walls to align with the property boundary.
 - Increased tower setbacks from the street wall;
 - East west and north south arcades improvement to sightlines and straighter; and
 - Improved landscaping and communal open space on the podium levels.
- Redesign of the 6 metre landscape zone to increase deep soil and planting of replacement trees.
- Indication on the draft subdivision plan the 4.2m road widening reservation along Harris Street (to be dedicated to Council).
- Revised parking to meet the PLEP 2011 maximum car parking requirements.
- Amendments to car park entry to ensure adequate queuing and access for all vehicle types.
- Commitment to dual water systems, provision of centralised air conditioning (as opposed to individual units), improved shading and reflectivity consistent with LEP and DCP requirements.

On the 12 September 2023, the applicant requested that the development application include “604 Strata Subdivision of the two residential stratum lots”. Subsequently Council amended the description for the application and relevant application fees were paid on 13 September 2023.

5. Referrals

The following referrals were undertaken during the assessment process:

5.1 External Referrals

Table 2: External referrals

Authority	Comment
WaterNSW	Acceptable subject to conditions, refer Section 5.1.1
Transport for NSW	Referral under Traffic generating development - acceptable, subject to conditions. Concurrence under proximity to rail corridor (Parramatta Light Rail) – acceptable subject to conditions. Refer to detail in Section 7.3.
HeritageNSW	HeritageNSW have raised concerns in relation to the potential for finding Aboriginal cultural heritage beneath the site. Refer detail in Section 5.1.2.
Sydney Water	Water servicing capacity available, however no wastewater servicing capacity (feasibility testing to be undertaken), dual piping to be provided. Acceptable subject to conditions. Refer detail in Section 5.1.3 below.
Endeavour Energy	Acceptable subject to conditions.
Bankstown Airport (Flysafe)	Acceptable subject to conditions, refer Section 7.8 below.

5.1.1 Integrated Development Approvals

In relation to this development application and in accordance with Clause 4.46 of the Environmental Planning and Assessment Act 1979, a WaterNSW integrated approval is required from Water NSW under s90(2) of the Water Management Act 2000 – Water management work.

The application is Nominated Integrated Development under the Water Management Act 2000. Water NSW have provided General Terms of Approval on 26 April 2023 which are included in the draft consent. Refer **Attachment D**.

5.1.2 Heritage NSW

The majority of the site is identified as having 'High Sensitivity' (refer **Figure 17**) and is identified to be located on the Parramatta Sand Body. It is noted that the site however, has no known 'Aboriginal place of heritage significance' (as defined by the PLEP 2011) or found archaeological deposits on the State Heritage Register. Due to its location on the Parramatta Sand Body, Council made a non-statutory referral was made to Heritage NSW.

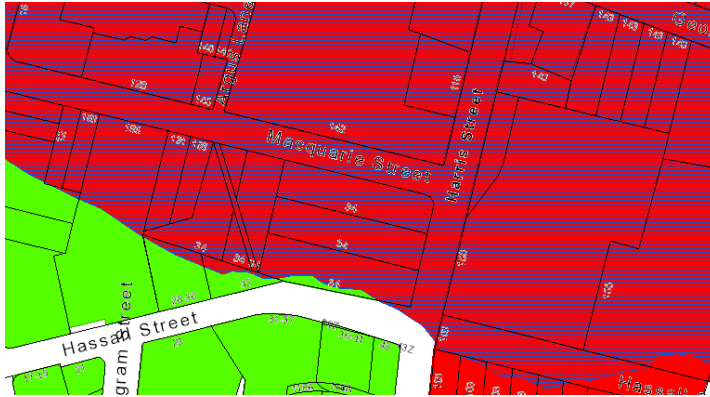


Figure 17: Source Council's GIS and Parramatta Cultural Heritage Study Review, MDCA, August 2014). Hatched red denotes High Sensitivity (Pleistocene Sands) and green denotes low sensitivity.

The application is accompanied by an Aboriginal Cultural Heritage Assessment Report (ACHAR) and an Aboriginal Archaeology Research Design and Excavation Methodology (prepared by Urbis).

Heritage NSW (HNSW) provided correspondence via the Planning Portal dated 17 April 2023 and 21 August 2023, in summary noted that (emphasis added in underlined):

- The application should not be determined until the testing program verify the presence, nature, extent and significance of cultural heritage on the subject site. An AHIP application for test excavation will be required to be lodged.
- If cultural heritage objects are found it should be identified of they would be harmed by the proposal. Options for harm avoidance, including in situ retention and harm minimisation will need to be considered and further consultation undertaken with Registered Aboriginal Parties.
- If the works proposed harm the Aboriginal objects, the process of an AHIP for harm / salvage should be completed prior to determination, as this may have implications for the design of the development.
- Furthermore if an AHIP for harm to Aboriginal objects from the development proposal is required, HNSW recommend Council refer this to HNSW as an Integrated Development Application (IDA) under s90 of the National Parks and Wildlife (NPW) Act 1974.

The applicant has made their position clear in response to HNSW referral letters as follows:

- The applicant notes that there is no statutory framework compelling them to lodge an AHIP or undertake archeological investigation processes prior to development consent being issued.
- That any development could be conditioned which would result in referrals and consultation with HNSW throughout the AHIP(s) process.
- That any design modification if significant Aboriginal deposits are identified and require conserving, can be managed through a Section 4.55 modification to the DA.

Furthermore, it is noted that the applicant lodged an Aboriginal Heritage Impact Permit (AHIP) for test excavation with HNSW on 11 October 2023 and it is currently under assessment. It is noted that the site is largely bitumen surface and is capable of undertaking test excavation.

Subsequently, Council engaged in discussions with HNSW in relation to their views on the application and the potential for conditions to be placed on any consent.. HNSW subsequently updated the referral response to Council (dated 10 November 2023) reiterating their position that process for test excavation and assessment of the object significance and future should be carried out first.

Council notes that the proposal is not Integrated Development, that HNSW recommendations are not General Terms of Approval and the subject site has no known Aboriginal objects on the development site which necessitate the need for an Aboriginal heritage impact permit under the National Parks and Wildlife Act 1974.

Council acknowledges the potential conflict between ensuring certainty in heritage (archaeological) outcomes, the general terms of approval process and orderly development within several applications within the Parramatta CBD. As part of our assessment of these applications Council staff initially raised concern that conditions could defer a critical component of the assessment process and leave uncertainty to the eventual outcome.

It is noted that on two separate occasions draft conditions have been received from Heritage NSW to manage European and Aboriginal Archaeology in relation to other sites within the Parramatta CBD. As part of our consideration of archaeological issues we reviewed these conditions and have ultimately suggested amendments to provide more certainty. Given the importance of this issue Council has also briefed the Planning Panel on this matter.

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.

On this basis, Council has drafted conditions which require, prior to works commencing or the issuing of a Construction Certificate, that the following is confirmed to the satisfaction of Council:

- Archaeological onsite test excavation are required to be carried out under an approved AHIP to establish the presence, nature, extent and significance of Aboriginal cultural heritage on site;
- The results of the test excavation must be presented in an Archaeological Report and updated ACHAR. The reports will need to identify if Aboriginal objects are present in the site and if they would be harmed by the development works. Options for harm avoidance (conservation), including in situ retention and harm minimisation will need to be considered and presented in accordance with the "Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW" (OEH, 2011). Further consultation is required to occur with the Registered Aboriginal Parties to determine the cultural significance of material identified and options for the management of objects and values.
- If Aboriginal objects are identified in the site area, Heritage NSW and Council must be consulted to comment on whether a modification to the development is necessary to allow for the harm avoidance and mitigation measures identified.
- If a modification to the development consent is necessary, a modification application may be necessary under Section 4.5 of the Environmental Planning and Assessment Act 1979.
- If Aboriginal objects are identified in the site area and cannot be avoided by the works, a second AHIP would be required to harm the object.
- Alternatively, if Heritage NSW advises Council that the test excavations do not reveal any archaeological Aboriginal objects or archaeological deposits or relics, which require further action by the applicant relative to the design of the building or the management of site works, and Heritage NSW confirms it has no objection to

the consent being confirmed as operational, then Council will issue such advice to the applicant.

The Panel must ultimately consider if heritage impacts of the development application are adequately assessed and whether applying conditions of consent would mean appropriate consideration.

5.1.3 Sydney Water

Sydney Water (SW) provided the following advice on 31 March 2023:

- Potable water servicing is available to the site. Amplifications, adjustments, and/or minor extensions may be required.
- Supports the implementation of a dual water reticulation system as part of the proposed development.
- For wastewater servicing:
 - There are significant constraints in the local wastewater network.
 - There is a Risk Rating 3 ERS (Emergency Relief Structure) along the sewage flow path downstream. This ERS is overflowing 98 times per 10 years (Frequency/10 year). The additional flows from this significant development will increase the overflow frequency and discharge volume to the environment from the ERS. As per EPA requirements, the volume and frequency of spill from high-risk ERS structures (rating 1,2 and 3) should not increase from the baseline.
 - The developer must engage a hydraulic consultant to develop a solution to ensure the current performance of the system does not worsen in both dry and wet weather flow conditions and that the wet weather Environmental Protection License requirements are satisfied.
 - The Applicant should lodge a Feasibility application through their Water Servicing Coordinator as soon as possible. Hydraulic modelling may be required to determine the servicing strategy for the development.

It was Council's understanding that the Feasibility Application process would identify whether there was a need for an onsite wastewater storage system (or alternative solution). The applicant and Council has made subsequent enquiries to Sydney Water to seek clarity on the process and future wastewater servicing. Sydney Water have clarified that a final position will not be reached until a section 73 application is lodged with Sydney Water and a Notice of Requirements are issued. Consequently, if design amendments are required to accommodate an on-site solution, this may trigger a modification application.

5.2 Internal

Table 3: Internal referrals

Area	Comment
Landscape	Landscaping Plan has had significant revisions and addressed the majority of outstanding issues, however additional issues can be resolved subject to conditions. Further root mapping should be undertaken to ascertain if the jacaranda trees along Macquarie Street could be retained.
Development /Catchment Management Engineer	Flood mitigation strategies (all habitable space and substations and emergency exit above flood planning level), deletion of flood tank and provision of a flood emergency response strategy, all acceptable subject to conditions. The dedicated of an appropriately sized and accessible shelter in place should be resolved fully before determination.
Public Domain	Removal of the significant 8 jacaranda trees along Macquarie Street is not supported.

	Public domain treatment supported, subject to conditions.
City Design (Design Excellence Team)	It is acknowledged that amendments have been made to the design, however further resolution is required in relation to the street wall, tower setbacks and awnings to ensure compliance with the DCP controls. This is detailed further in the DCP assessment in Section 9.
Traffic	Supported, subject to conditions.
Waste Services	The proposed development includes a turntable for loading and servicing, which is not supported due to the potential mechanical breakdown and operational issues. Waste management and storage is subject to standard conditions.
Environmental Health (Waste)	Supported, subject to conditions.
Environmental Health (Acoustic)	Supported, subject to conditions.
Environmental Health (Contamination)	Supported, subject to conditions.
Accessibility	Supported, subject to conditions.
Crime Prevention	Supported, subject to conditions.
Public Art	Supported, subject to conditions.
ESD and Reflectivity consultant	Supported, subject to conditions.
External wind consultant	Supported.

5.3 Design Integrity Panel

In accordance with Clause 7.12 of the PLEP 2011 an Architectural Design Competition was held in relation to the subject site. The Architectural Design Competition Jury Report (December 2022) agreed that the Turner Studio scheme was preferred.

The Design Integrity Panel (DIP) have reviewed the revised application (refer Section 4.1 of this Report) and have provided a Design Integrity Report Post Design Excellence Competition dated July 2023 (refer **Attachment E**). In summary the Report concludes:

- Turner's scheme is consistent with the winning design competition scheme
- The modifications to bring the building back into the setbacks is a supportable approach and allows no overhang/encroach or constraint to tree growth.
- The podium design has improved with design development is commended and supported; it understands the scale at which a pedestrian reads the city being a good design approach, reflects the Macquarie Street streetscape and corner site qualities, and is broadly in-line with aspects of the podium DCP
- The horizontal nature of the meta-language of the podium is clearly delineated and reads as a podium, as opposed to the towers. The podium gestures the entries with 2 and 3 storey spatial complexity (providing desirable visual interest for pedestrians), meets the oblique angle of the east-west through-site link and complements the dissolved floor plates and hanging gardens within the atrium of the north-south through-site link.

In conclusion the DIP considers the proposal consistent with the design excellence competition winning scheme and the amendments improves on the aspects of the design the DIP sought further resolution on and *“commends the Turner Studios proposal to Council”*.

Conditions are included requiring further review of the application by the Jury as the proposal proceeds through to detailed construction drawings, construction and occupation. Conditions are also included ensuring design excellence outcomes are achieved.

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:

Table 4: Matters to be considered when determining a DA

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 13
Section 4.15(1)(a)(v) - Coastal zone management plan	N/A
Section 4.15(1)(b) - Likely impacts	Refer to section 14
Section 4.15(1)(c) - Site suitability	Refer to section 15
Section 4.15(1)(d) – Submissions	Refer to section 16
Section 4.15(1)(e) - The public interest	Refer to section 17

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.

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Resilience and Hazards) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Planning Systems) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP No. 65 (Design Quality of Residential Apartment Development)
- Parramatta Local Environmental Plan 2011
- Amendment 56 of the Parramatta Local Environmental Plan 2011 (in effect 14 October 2022)

Compliance with these instruments is addressed below.

7.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is accompanied by the relevant NatHERS and BASIX certificates that list sustainability commitments. The requirements outlined in the BASIX certificates have been satisfied in the design of the proposal. However, the stamped plans are required to be amended to reflect a number of previously fixed window types have been changed to be openable in the revised certificates. This can be achieved via condition. Furthermore, a standard condition will be imposed to ensure BASIX commitments are fulfilled during the construction of the development.

7.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Traffic Generating Development

The proposal is considered to constitute 'traffic generating development', as per section 2.122 and Schedule 3 of the SEPP, as it proposes more than 300 dwellings. As such, the proposal was reviewed by Transport for NSW (TfNSW), and a response was provided on 11 August 2023. No objection was raised to the development application, subject to recommended conditions of consent, which have been included. One condition has been modified as follows

- a. Prior to any Construction Certificate, the applicant should register a Right of Way vehicular easement across the subject site that facilitates shared vehicular access from Hassall Street to 191-193 and 193A Macquarie Street and the subject site.

Comment:

The application site is the eastern portion of a larger Department of Education Landholding that also includes 193A Macquarie Street. The broader site currently benefits from access to both Hassall Street and Macquarie Street (refer **Figures 4 & 5**). The application results in the consolidation of both accesses at Hassall Street, with no point of access to the remaining Department of Education land.

To address this the proposal has been designed so that future access to the remainder of the broader site will be granted via ground level basement access to the remainder of Hassall Street (refer **Figure 18**). As such, access is secured to 193A Macquarie Street.

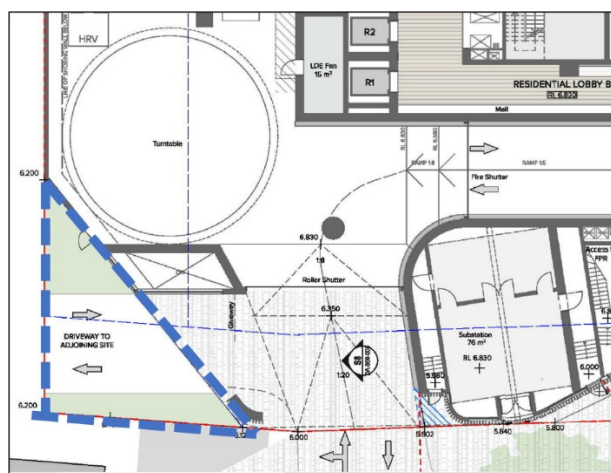


Figure 18: Ground floor plan showing Driveway to adjoining Site (marked in dashed blue line)

However, TfNSW are also requesting that access be facilitated to 191 – 193 Macquarie Street in order to restrict access along Macquarie Street to protect the Parramatta Light Rail (PLR) corridor. Council does not consider that it can reasonably request access to be facilitated to 191-193 Macquarie Street via the subject site along Hassall Street for a number of reasons:

- There is an existing driveway for 191-193 along Macquarie Street.

- The proposed driveway would be required to be redesigned to accommodate many more (unknown number of) residential and / or commercial premises, of which we anticipate require further modelling and widening of the driveway.
- The site is not directly adjacent and ownership is different.
- There is no relevant environmental planning instrument which requires this.

It is noted that the current owners of both 189 and 191-193 Macquarie Street, Parramatta (Toplace's Administrators, DVP Group). 189 Macquarie has approval for vehicular access off Hassall Street. Council has recommended that TfNSW / PLR Team approach the owners/administrators in relation to consolidating access.

Development Adjacent to Rail Corridor – Parramatta Light Rail

The subject site is located within 25 metres of the Parramatta Light Rail Corridor and includes ground penetration greater than 2 metres, therefore section 2.98 – Development adjacent to a rail corridor and Section 2.99 - Excavation in, above, below or adjacent to rail corridors of the SEPP requires concurrence from the relevant authority, Transport for NSW (TfNSW).

TfNSW issued a 'Stop the Clock' response dated 24 February 2023 requesting the applicant submit further information relating to geotechnical, structural and acoustic assessments and electrolysis analysis. The applicant and TfNSW have been engaging in resolving these matters to ensure the development does not have adverse impacts on the PLR's infrastructure and operation. Following resolution of these matters, TfNSW issued a concurrence letter on 16 August 2023 requiring the conditions of consent (as written) on any approval in and are included in the attached draft conditions of consent.

The following condition from TfNSW is of note:

"Outdoor Terraces, Balconies and External Windows

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of TfNSW (e.g. awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor unless otherwise agreed by TfNSW. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied."

Council is concerned that the redesign of balconies along Macquarie Street with awning, louvres and enclosures etc may result in poor amenity outcomes for residents in terms of reduced natural ventilation and solar access, as well as impacting on the design excellence standards of the design. Therefore, Council asked the applicant to submit some options of how they may design the balconies as a result of TfNSW requirement. The applicant submitted the following two options (refer **Figures 19 and 20**). It is noted that approximately 84 northern balconies are impacted (4 in Tower B, and 80 in Tower A).

Figure 19: Option 1 Glass Screen (Source: applicant submission)

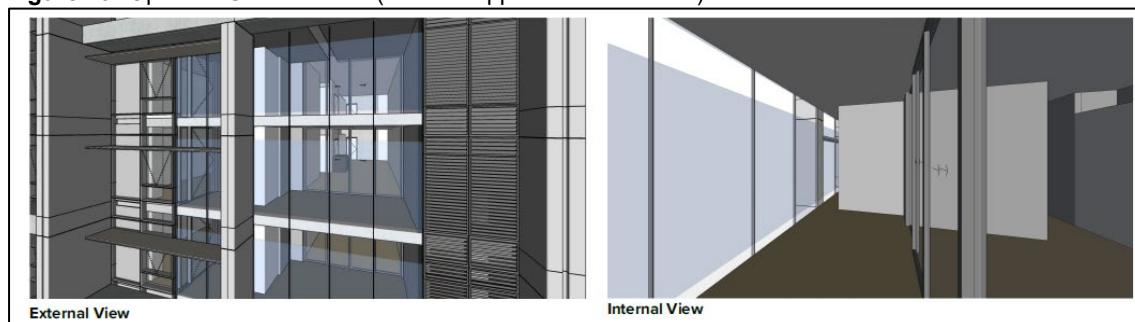
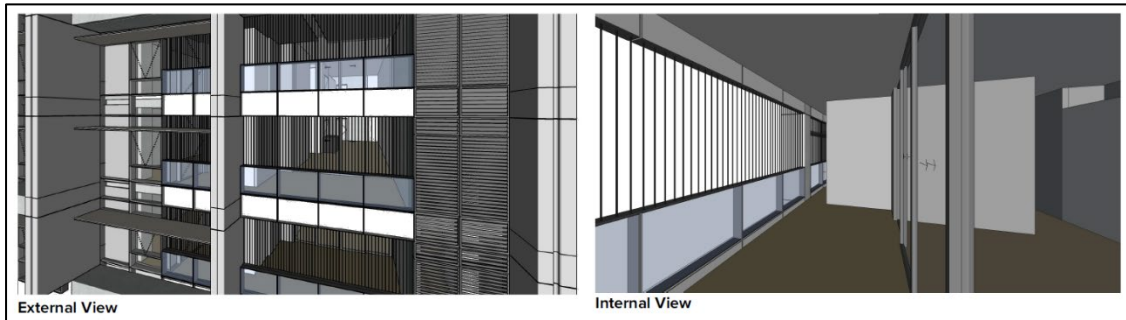


Figure 20: Option 2 Vertical Cable Screen (Source: applicant submission)



An initial assessment, Council prefers the design of the cable screen (Option 2) as it does not impact significantly on natural ventilation and solar access (as opposed to glass which would impact on ventilation), however requires further analysis (e.g. elevations) to come to a conclusion. Due to the concerns Council has raised, and notwithstanding TfNSW condition, Council recommends an additional condition that requires Council's consultation and confirmation on the proposed treatment of the subject balconies.

7.4 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.

7.5 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 a water treatment devices for stormwater.

7.6 State Environmental Planning Policy (Resilience and Hazards) 2021

A Targeted Environment Investigation prepared by KPMG, 2021, that is a detailed site investigation (DSI), was undertaken including sampling to determine the extent of any contamination. The report identified some elevated concentrations of polycyclic aromatic hydrocarbons (PAHs) in shallow fill material that required remediation to render the site suitable for the proposed use. A Remediation Action Plan (RAP) was prepared by EIAustralia, June 2023 and submitted to Council which documents the remediation program.

As requested by Council, the applicant submitted an Interim Site Audit report (Envirocene, June 2023) which reviewed both the DSI and RAP. The Interim Site Audit report agreed with the conclusions made by the DSI and those matters not addressed by the DSI, have been addressed by the RAP. The Interim Site Audit concludes that the remedial strategy documented in the RAP are appropriate and the site can be made suitable for the proposed development if it is remediated in accordance with the RAP.

The hazardous material survey, interim site audit, remediation action plan and detailed site investigation were reviewed by Council's Environmental Health team who determined that satisfactory evidence has been provided that the site was suitable for the proposed development subject to conditions of consent.

7.7 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)

SEPP 65 applies to the development as the proposal is for a new building, is more than 3

storeys in height and will have more than 4 units. SEPP 65 requires that residential flat buildings satisfactorily address 9 design quality principles, be reviewed by a Design Review Panel, and consider the recommendations in the Apartment Design Guide.

Design Quality Principles

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

Requirement	Council Officer Comments
Principle 1: Context and Neighbourhood Character	The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The building complies with the building height controls and generally complies with the DCP control setbacks and flood vulnerability.
Principle 2: Built Form and Scale	The design generally achieves an appropriate built form for the site and the building's purpose in terms of building alignments, proportions, type and the manipulation of building elements.
Principle 3: Density	The proposal would result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density of the Parramatta CBD.
Principle 4: Sustainability	The development has demonstrated that it is capable of achieving 5 Star Green Star rating. On site water reuse is proposed through a rainwater tank. The building is committed to all- electric, provision of dual piping and provision of end of trip facilities, bicycle parking and electric vehicle charging.
Principle 5: Landscape	The podium landscaping or 'stepping gardens' as viewed on the street and through the arcades is a feature identified by the Design Excellence Jury as 'exciting and interesting'. The removal of significant trees along Macquarie Street is due to its compromised location between the proposed basement and PLR, however will be replaced with medium sized trees and landscaping along the Macquarie St edge.
Principle 6: Amenity	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The development is located in close proximity to the amenity of Robin Thomas Reserve and Parramatta River foreshore.
Principle 7: Safety	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. The building has been designed to be satisfactory in terms of perceived safety in the public domain.
Principle 8: Housing Diversity and Social Interaction	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements in consideration of its location within the Parramatta CBD and proximate access to public transport and amenities.
Principle 9: Aesthetics	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The design has been reviewed and supported by the Design Competition Jury.

Design Review Panels

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

Apartment Design Guide

The relevant provisions of the ADG are considered within Table 5 below.

Table 5. Assessment against the Apartment Design Guide

Standard	Requirement	Proposal	Compliance
Part 3			
3B: Orientation	<p>The orientation of the two towers have been developed with consideration for privacy, maximisation of sunlight access to living areas and minimising wind and noise impacts from the street and Parramatta Light Rail. The towers design also considered minimal overshadowing to Robin Thomas Reserve and no additional overshadowing to Experiment Farm.</p> <p>The podium has been designed so that communal and public open spaces at street and podium level receive solar access in mid-winter at different times of the day between 9am and 3pm.</p>		
3C: Public Domain Interface	<p>The residential component of this mixed-use development will be accessible via two secured lobbies on the ground floor for each tower. These lobbies will each face a street frontage, one from Harris Street (and the north/south arcade) and the other facing Hassall Street, they will provide adequate public domain interface and a transition between the commercial and residential spaces.</p>		
3D: Communal & Public Open Space	Min. 25% of site area (1,451m ²)	1,540m ² proposed (25.9%)	Yes
	Min. 50% direct sunlight to main communal open space for min. 2hrs 9am & 3pm, June 21 st (725.5m ²)	Over 50% of the principal usable COS (1,140m ²) has access to solar between 9am and 3pm mid winter.	Yes
	The proposed communal open space includes adequate landscaping and a variety of spaces for different activities by the future residents.		
3E: Deep Soil	Min. 7% with min. dimensions of 6m for sites of 1500m ² or greater (144m ²)	No deep soil proposed, while not compliant numerically this is due to the sites CBD setting.	No, but satisfactory considering the site constraints
3F: Visual Privacy	Tower: Up to 8 storeys: >9m 9 storeys +: >12m	<p>The two towers have a building separation of 18m.</p> <p>The building has been designed to provide adequate privacy through the proposal of angled privacy screens and windows to reduce through vision between the two towers.</p>	Yes
3G: Pedestrian Access and Entries	<p>Pedestrian access to the residential lobbies is clearly identified and address a street frontage each (Harris and Hassall Streets). The development is raised due to the developments response to potential flooding and lobbies are to be located above the flood planning level (FPL) In order to provide equitable access to residential lobbies, ramps have been provided along Macquarie Street and Hassall Street. The Harris Street lobby is accessed via stairs from Harris Street, however it is located less than a 30m from the ramps along Macquarie Street.</p>		
3H: Vehicle Access	<p>Vehicle access has been centralised to one driveway from Hassall Street, this will be shared between the residential and commercial tenancies. Although 11.5m wide the entry has been designed to be located on the 'secondary street' of Hassall Street and accommodate access to the adjoining site.</p>		
3J: Bicycle and car parking	<u>Car Parking</u> Refer PLEP 2011 assessment.	Complies with PLEP maximums.	Yes
	<u>Bicycle Parking</u> Refer to PDCP 2011 assessment.	60 spaces each are provided for visitors to the residential	Yes

Standard	Requirement	Proposal	Compliance
		units are located conveniently in Basement 1.	
Part 4			
4A: Daylight / Solar Access	Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-winter (>423)	437 apartments (72%)	Yes
	Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (<91)	75 apartments (12%)	Yes
	It is expected that future developments directly to the north of the site of a similar scale to the proposal will again cause additional overshadowing to apartments. This is considered acceptable considering its location in a Parramatta CBD environment.		
4B: Natural Ventilation	Min. 60% of apartments below 9 storeys naturally ventilated (>65)	67 apartments (62%)	Yes
4C: Ceiling heights	Ground: 3.3m Commercial: 3.3m Min. 2.7m habitable Min 2.4m non-habitable	Ground: 6m (Excluding mezzanine) Commercial: 4.5m (Floor to floor) Resi: 3.15m-3.25m (Floor to floor)	Yes
4D: Apartment size & layout	1B – Min 50m ² 2B – Min 75m ² (2 baths) 3B+ – Min 95m ² (2 baths)	Satisfactory, all apartments meet the minimum size requirements.	Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	Satisfactory	
	Habitable room depths max. 2.5 x ceiling height (7m)	Satisfactory	
	Max. habitable room depth from window for open plan layouts: 8m.	Satisfactory	
	Min. internal areas: Master Bed - 10m ² Other Bed - 9m ²	Minimum bedroom sizes met.	
	Min. 3m dimension for bedrooms (excl. wardrobe space).	Minimum wardrobe sizes met.	
	Min. width living/dining: 1B – 3.6m 2B – 4m 3B – 4m	Minimum living and dining sizes met	
4E: Private open space & balconies	Min. area/depth: 1B - 8m ² /2m 2B - 10m ² /2m 3B - 12m ² /2.4m Courtyard – 15m ² /3m	All balconies and courtyards meet the minimum size requirements	Yes

Standard	Requirement	Proposal	Compliance
4F: Common circulation & spaces	Max. apartments –off circulation core on single level: 8 - 12	All levels have 9 or less apartments off each circulation core.	Yes
	Max. apartments sharing single lift: 40	No (4 residential lifts per tower ~75 units). However in CBD context with high service levels as per submitted Lift Traffic Analysis Report, is considered reasonable.	No , subject to conditions for level of service
	Corridors >12m length from lift core to be articulated.	Yes	Yes
4G: Storage	1B – Min 6m ³ 2B – Min 8m ³ 3B+ – Min 10m ³ Min. 50% required in Basement	Minimum apartment and basement storage requirements met. This will be conditioned to comply, regardless.	Yes
4H: Acoustic Privacy	<p>Adequate building separation is provided and apartments have been designed to separate bedrooms with living spaces and keep like uses together. The design is also considerate to ensuring a separation between the commercial and residential uses. Recessed balconies provide further sound reduction to the balcony and habitable rooms behind.</p> <p>An Acoustic Report has been submitted which has been supported by Councils Environmental Health team.</p>		
4J: Noise and pollution	<p>Apartment layouts have been designed to group similar uses to ensure similar acoustic levels, bedrooms of adjacent apartments located next to each other, likewise with living areas.</p> <p>Typically, bedrooms of adjacent apartments are located next to each other and likewise with living area. Where achievable, storage, circulation areas and non-habitable rooms are located to buffer noise from external sources. The party walls will be appropriately insulated in accordance with applicable requirements.</p>		
4K: Apartment Mix	<p>The development has an appropriate mix of 1,2- and 3-bedroom apartments.</p> <p>1 bed = 119 apartments (19.7%) 2 bed = 392 apartments (64.9%) 3 bed = 93 apartments (15.4%)</p>		
4M: Facades	<p>A number of façade treatments have been considered and the design has been subject to a Design Competition prior to being submitted. The façade has also considered how adequate building separation privacy between the towers can be delivered via the zig zag façade design and integration of privacy screens. There are adequate privacy screens provided along the far south western corner apartments between apartment balconies at 32 Hassall Street.</p>		
4N: Roof design	<p>Roof treatments are integrated with the building design and materials to compliment the building form. Service elements are integrated within the roof and facade design to provide a cohesive response to the street.</p> <p>Communal open space has been integrated into the design of the roof of the podium on L3.</p>		
4O: Landscape Design	<p>Overall the landscaping on the podium is extensive and will assist in creating an inviting communal open space for the residents. Significant improvements to the landscape design have been made to demonstrate that the podium planting is sustainable and also designed to be accessible to residents.</p> <p>Due to the extensive podium planting and some concerns in relation to some areas of the podium having sufficient soil depths. It is recommended that detailed Landscape Plans are provided for review prior to works commencing.</p>		
4P: Planting on structures			

Standard	Requirement	Proposal	Compliance
4Q: Universal Design	20% Liveable Housing Guidelines Silver Level design features (>121)	Satisfactory, this requirement will be conditioned to comply.	Yes
4S: Mixed Use	<p>The development proposes a large retail and commercial component on this site which will allow for an open and activated ground floor and activated street.</p> <p>Pedestrian links are provided to connect Macquarie Street (Light Rail stop) and Hassall Street. A secondary link runs east-west through the site, connecting Hassall Street to the Harris Street and Robin Thomas Reserve.</p>		
4T: Awnings and Signage	Undercover walkways are provided along Harris and Macquarie Street. No signage is proposed, this will be subject to a future application.		
4U: Energy Efficiency	<p>The application meets the Energy Efficiency requirements as required under BASIX and NAtHERS. This will be conditioned to comply.</p> <p>Councils Environmental Sustainability Consultant has reviewed the provided plans to ensure the BASIX and NAtHERS requirements can be met.</p>		
4V: Water management	Adequate WSUD is provided and dual piping for future recycled water scheme for Parramatta., Flood risk management as per the Parramatta DCP has also been considered as part of the development.		
4W: Waste management	An Operational Waste Management Plan has been provided and a variety of Waste holding spaces are provided on the Ground Floor. Council will service the residential component of the development and will be able to collect the waste within the site. Refer additional comments in section 9 of this report - Parramatta DCP 2011.		
4X: Building maintenance	Building materials selected are high quality and robust to withstand the demands of the environment and to weather. Painted and applied finishes are minimised.		

7.8 Parramatta Local Environmental Plan 2011

The development application was lodged on 15 February 2023, when the (now repealed) Parramatta LEP 2011 applied. 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 Table 6 below.

Table 6. Parramatta LEP 2011 Assessment Table

Development standard	Proposal	Compliance
2.3 Zoning B4 – Mixed Use	Shop top housing, commercial premises, subdivision and car parking are permissible within the zone.	Yes
Zone Objectives B4 – Mixed Use	<p>The proposal is considered to be in keeping with the objectives of the B4 Mixed Use zone for the following reasons:</p> <ul style="list-style-type: none"> • The proposal provides an appropriate mix of land uses. • The proposal provides additional residential and commercial space in a highly accessible area. • The proposal provides a supermarket for the daily needs of the locality. • The proposal provides upgrades to the public domain and creates two new pedestrian links. • The proposal does not negatively impact on the character of the area. 	Yes

Development standard	Proposal	Compliance
4.3 Height of Buildings Determined by sun access plane to Experiment Farm under Clause 7.5.	Refer Clause 7.5	Yes
4.4 Floor Space Ratio Mapped: 10:1 Clause 7.15 FSR bonus design excellence): 1.5:1 Total maximum FSR: 11.5:1	<p>The proposal seeks the following gross floor area:</p> <ul style="list-style-type: none"> • 5,804sqm in retail and commercial floor space • 60,371.62sqm in residential floor space <p>TOTAL: 66,275.62sqm</p> <p>Based on a site area of 5,804qm a total of 11.42:1 FSR as follows:</p> <ul style="list-style-type: none"> • 10.4:1 residential floor space • 1.02:1 retail/commercial floor space 	Yes
5.1A Development on land intended to be acquired for public purpose A 4.2m wide strip is identified along Harris Street for "Local Road Widening"	The draft subdivision/stratum plans indicate a separate lot 4.2m wide and approximately 260sqm in area for road widening. Conditions of consent are proposed which ensure this is dedicated to Council.	Yes
5.10 Heritage conservation Applies to heritage items, an Aboriginal object or a building, work, relic or tree within a heritage conservation area.	Although the site is identified in Council's Aboriginal Study as an area of High Sensitivity and located on the Parramatta Sands Body, it is not a site of known Aboriginal object. Therefore, the clause does not apply at this time. Refer Section 5.1 above for further detail.	Yes
5.21 Flood Planning That the development has adequately considered flood planning, including impacts of climate change.	<p>The site is affected wholly by the PMF and portion of the site 1% and 5% annual exceedance probability (AEP) flooding and overland flow flooding.</p> <p>A Flood Report was submitted with the application and uses the Flood Risk Management Guideline: Practical Consideration of Climate Change (Dept of Environment NSW 2022). Sensitivity analysis was undertaken using 10, 20 and 30% increases to rainfall intensities with an appropriate level adopted based on the outcomes of this analyses. This analysis informed the building freeboard and flood planning levels.</p> <p>Refer response to Clause 7.11 Flood Planning Risk in Section 7.8.1 below with regard to the proposed development response to flood planning.</p>	Yes

Development standard	Proposal	Compliance
6.1 Acid Sulfate Soils Class 4 Works >2m below Works >2m below the natural ground surface and works by which the watertable lowered >2m below the natural ground surface.	The development is within a Class 4 soil area and involves excavation for a basement to the depth of over 20 metres. The application is accompanied by an Acid Sulfate Management Plan by an appropriately qualified consultant. A condition is included requiring its recommendations be implemented.	Yes, subject to conditions
6.2 Earthworks	<p>The application includes a revised geotechnical investigation report (dated 1 August 2023). The report makes recommendations on excavation methodology and minimisation of impact on adjoining properties and the Parramatta Light Rail corridor.</p> <p>Transport for NSW has reviewed in relation to excavation impact on the PLR corridor and is satisfied and provides relevant conditions.</p> <p>The report also recommends a tanked basement due to the potential for groundwater inflow. A condition is to be included to this effect.</p> <p>Rock or clay 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
7.5 Sun Access Identified as 'Area 2' - development not to create additional overshadowing, on 21 June in any year, for Experiment Farm—between 10am and 2pm.	<p>The applicant has demonstrated that the proposal would not create additional overshadowing to Experiment Farm during the solar protection window between 10am and 2pm on 21 June.</p> <p>Council's analysis of the 3D model shows a minor incursion for 3 minutes (1:57pm and 2:00pm) into the protected area. However, Council Project Officer for 3D Modelling notes that the applicant has undertaken a more detailed survey of the subject site and therefore is satisfied that the applicant's model is sufficient.</p>	Yes

Development standard	Proposal	Compliance
7.7 Airspace Operations Requires the consent authority to not grant consent to a development that is a controlled activity within the meaning of Division 4 of Part 12 of the Airports Act 1996 of the Commonwealth unless the applicant has obtained approval for the controlled activity.	<p>Buildings A and B towers both breach the Obstacle Limitation Surface (OSL) for Bankstown Airport by 0.5m and 4m AHD respectively, therefore is a controlled activity.</p> <p>The Department approved the intrusion of both Buildings A and B into prescribed airspace for Bankstown Airport, subject to conditions on 28 June 2023. These conditions relate to no exceedances of the maximum height, separate approval for cranes. The approval for cranes was issued 28 June 2023. Conditions have been included to reflect the relevant approvals.</p>	Yes
7.8 Active Frontages Harris, Hassall and Macquarie Street frontages are identified on the Active Street frontage Map.	Retail uses and commercial lobbies frontages are provided at ground floor facing Hassall, Macquarie and Harris Streets.	Yes
7.9 Floodplain Risk Management	Refer detail provide in 7.8.1 below.	Yes
7.10-7.13 Design Excellence	<p>The proposal is the winning entry in a design competition. The Design Integrity Panel confirms the proposal is consistent with the design winning scheme and commends the design to Council.</p> <p>Some areas of non-compliance exist between the Parramatta DCP – City Centre controls and the proposed scheme. This is detailed in the DCP assessment in Section 9.1 below.</p> <p>Conditions will be included requiring a further review by the jury of the construction drawings and façade samples prior to commencement of works.</p> <p>Additional Building height and floor space ratio</p>	Yes
7.15 Car Parking - General <i>Residential Max:</i> 0.3/1 bed (x 116) 0.7/2-bed (x 392) 1.0/3+-bed (96) Max permissible: 405 <i>Retail (1 space / 90sqm) Max: 22</i> <i>Business and Office premises (1 space/175sqm): Max 22</i> Maximum permitted:44	<p>It is proposed to provide the following car parking spaces:</p> <ul style="list-style-type: none"> • 405 residential • 10 spaces for retail & commercial uses <p>TOTAL: 415 spaces</p>	Yes

Development standard	Proposal	Compliance
7.20 Managing Heritage Impacts <i>Applies to development on land on which a heritage item is located or within a heritage conservation area or adjacent to these.</i>	The site is not located adjacent to or containing a known heritage item, or a heritage conservation area.	N/A
7.21 End of Journey Facilities <i>Facilities for commercial development >600sqm to provide showers, change room and lockers</i>	Level Basement 1 of the building provides the following: <ul style="list-style-type: none"> • 60 lockers • 5 showers and changing areas. • 60 commercial, 60 residential visitor bicycle parking spaces. A condition will be placed on any consent which will ensure the provision of facilities.	Yes, refer to PDCP 2011 Assessment table for numeric compliance.
7.22 Dual Water Systems Provision of a dual water reticulation system containing pipes for potable water and recycled water for all inside and outside water uses.	The application states that it is committed to the provision of a dual water system in the development. Proposed conditions of consent have been included to this effect.	Yes, subject to conditions.
7.24 Commercial Premises of certain land. Minimum of 1:1 will be used only for commercial premises	The proposal provides 5,904sqm in retail and commercial floor space, or equivalent to 1.02:1 FSR.	Yes
7.25 Concurrence of Planning Secretary Development on land on the Intensive Urban Development Area Map must obtained the concurrence of the Planning Secretary, in order to satisfy whether contributions to designated State public infrastructure will be made.	A Satisfactory Arrangements Certificate has been issued by Department of Planning and Environment on 8 November 2011.	Yes

7.8.1 Flood Risk Management

As shown in **Figure 21** below, the site is located within the PMF and is affected by the 1% annual exceedance probability (AEP) Flood in parts and the 5% AEP Flood on the Hassall Street frontage and a portion of the Harris Street Frontage. A Flood Report was prepared by Mott MacDonald and submitted with the application.

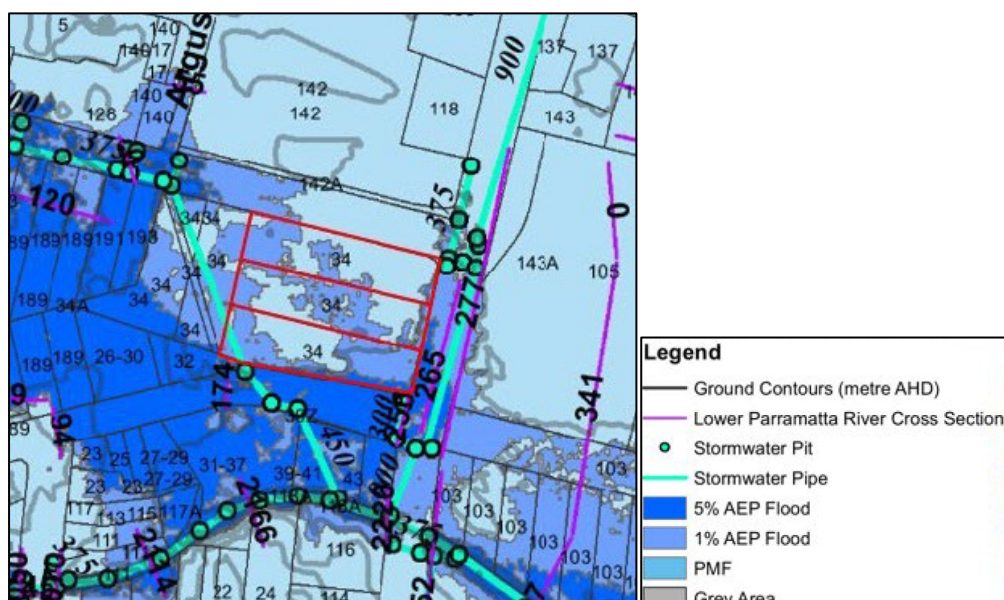


Figure 21: Flood Enquiry Extract – the subject site in red outline (Source: City of Parramatta, April 2022)

The site is identified on the Flood Risk Management Map of the PLEP 2011 and the requirements of Clause 7.9 of the PLEP 2011 apply. An assessment against the Clause 7.9 requirements for development is provided below.

Table 7. Flood Risk Management Assessment Parramatta LEP 2011

Clause 7.9(3) & (4)	Development Proposal	Complies
“(3) Development consent must not be granted to the erection of a building on the land unless the consent authority is satisfied the building—		
(a) Contains an area that is— (i) located above the probable maximum flood level, and (ii) connected to an emergency electricity and water supply, and (iii) of sufficient size to provide refuge for all occupants of the building, including residents, workers and visitors, and	<p>The entire site is inundated during the PMF event. As such no safe excavation routes can be provided.</p> <p>The Flood Report submitted with the application indicates that:</p> <ul style="list-style-type: none"> Workers and visitors of the retail /commercial will be able to use the place of refuge located on Level 1. Residents will shelter in place in their units, and are able to access the refugee if required. Residential spaces are located above the PMF level and power and water supply to these areas of the building are to be maintained through potential flood events. <p>The Shelter in Place refuge has been indicated on Level 1 (at 9.5m AHD). It comprises a 49sqm commercial lobby which is accessed via two sets of lifts through a commercial lobby located on ground level. An internal walkway and corridor at Level 1 provides access to toilets (including disabled access toilets) and a kitchenette. Council Officers have concerns in relation to:</p> <ul style="list-style-type: none"> No analysis has been undertaken on the capacity required to No back up power supply has ben 	Yes, subject to conditions

Clause 7.9(3) & (4)	Development Proposal	Complies
	<p>shown (which is flood proof and can be marinated in a flood event)</p> <ul style="list-style-type: none"> Access via stairs (no lifts) must be incorporated to the Shelter in Place in the event of a flood. <p>As detailed in the DCP Assessment table below, Council recommends a condition which requires submission of a Flood Response Emergency Plan and details in relation to the provision of shelter in place, power supply and accessibility.</p>	
(b) has an emergency access point to land above the 1% annual exceedance probability event, and	The fire escapes located on Macquarie Street and Harris Street exit on to the walkway which is at 6.83m, above the 1% AEP. It is noted the Hassall Street fire exits onto ground level are below the 1%.	Yes
(c) is able to withstand the forces of floodwaters, debris and buoyancy resulting from a probable maximum flood event."	The building is made of durable materials that will be able to withstand a PMF event.	Yes
(4) Subclause (3)(a) does not apply if— (a) there is pedestrian access located between the building and land above the probable maximum flood level, and (b) the pedestrian access is located above the probable maximum flood level.	As the site is surrounded by the PMF, this clause is not applicable.	N/A

7.8.2 Design Excellence

An assessment of the proposal against the design excellence criteria in clause 6.13(4) of the PLEP 2023 is provided in Table 8 below.

Table 8. Design Excellence Clause 6.13(4) Parramatta LEP 2011

Matters of Consideration	Comment
(4) In considering whether the development exhibits design excellence, the consent authority must consider the following matters—	
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The Design Integrity Panel supports the proposed materials. However, Council have raised concern in relation to the colour and materials of the street wall. A standard condition is recommended requiring inspection of material samples prior to construction.
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The ground floor activation and design of the street frontages in response to the flood planning levels and the introduction of through arcades will likely result in a high amenity public domain supported. Wind impacts on the public domain are considered to be addressed.
(c) whether the development detrimentally impacts view corridors,	The proposal is not subject to any significant view corridors. Notwithstanding, the additional 6m setback from the boundary and planting of trees along the Macquarie Street edge will enhance the streetscape as viewed along Macquarie Street/Light Rail corridor.

Matters of Consideration	Comment
(d) how the development addresses the following—	
(i) the suitability of the land for development,	The minimum site frontages, tower floorplates and tower separation under the DCP and ADG have been achieved. The development is considered suitable for the site.
(ii) existing and proposed uses and use mix,	It is understood that the Rowland Hassall School has relocated to Chester Hill. The mixed-use development is considered to be compatible with what is envisaged for the Parramatta CBD. Active street frontages are provided along Harris and Macquarie Streets.
(iii) heritage and archaeological issues and the constraints and opportunities of the streetscape,	As outlined in this report, ideally archaeological constraints would be identified prior to any approval. However, as outlined in this report, with due consideration of the Panel, archaeology can be addressed by way of condition in this instance.
(iv) the location of proposed towers and other buildings, having regard to the need to achieve an acceptable relationship with existing and proposed towers and other buildings on the same site and neighbouring sites, in terms of separation, setbacks, amenity and urban form,	The development allows for a 9 metre tower separation to the adjoining site (remainder of 34 Hassall Street). The 0m setback at podium level is consistent with DCP controls.
(v) the bulk, massing and modulation of buildings,	The tower floorplates are compliant. Tower A does not comply with the building length control. However, the 6.6% variation is considered a minor non-compliance.
(vi) street frontage heights,	The street wall is 17m which is within the required 15-21m (3 to 4 storeys) requirement of the DCP.
(vii) environmental impacts, including sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,	<p>The proposal will result in overshadowing to the residential apartments at 31-37 Hassall Street across the road to the south. Given the city centre character of the area this is considered to be acceptable.</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).</p> <p>Visual privacy, solar and wind impacts are considered acceptable.</p> <p>As outlined, reflectivity issues can be addressed by way of condition.</p> <p>The applicant has demonstrated the development complies with the LEP controls for no additional overshadowing of Experiment Farm between 10am and 2pm. The development complies with the overshadowing controls to Robin Thomas Reserve and James Ruse Reserve within the DCP.</p>
(viii) the achievement of the principles of ecologically sustainable development,	As outlined in this report, the proposal is considered likely to achieve excellence in ESD subject to condition
(ix) pedestrian, cycle, vehicular and service access and circulation	The proposal provides appropriate cycle, vehicular and service facilities (subject to condition).

Matters of Consideration	Comment
requirements, including the permeability of pedestrian networks,	
(x) the impact on, and proposed improvements to, the public domain,	The proposal includes a renewed public domain, including adjacent to the light rail stop with addition of street trees.
(xi) the impact on special character areas,	The site is not identified as being within a special character area in the DCP.
(xii) achieving appropriate interface at ground level between buildings and the public domain,	The site is impacted by the PMF and 1% AEP and 5% AEP, therefore the building steps up to a flood planning level of 6.83m AHD. The transition between the raised finished floor level and public domain is considered appropriate through a combination of landscaping, steps and ramps.
(xiii) excellence and integration of landscape design,	The proposal provides significant landscaping at podium levels 1, 2 and 3 and at ground level along the 6 metre setback along Macquarie Street.
(e) how the development addresses the protection and enhancement of green infrastructure.	

8. Draft Environmental Planning Instruments

8.1 Draft Parramatta LEP 20XX

Council's Harmonisation Planning Proposal and supporting documentation, known as the *Parramatta Local Environmental Plan 2023* was placed on public exhibition between 31 August 2020 to 12 October 2020. The purpose of the planning proposal was to replace five former LEPs by the new Parramatta LEP 2023. The Parramatta LEP 2023 came into effect on 2 March 2023, following the lodgement of the application. Therefore, at the time of lodgement of the subject application, the draft LEP was a matter of consideration.

It is noted that the comprehensive amendment to planning controls within the Parramatta LEP 2011, came into effect on 14 October 2022, formerly known as the *Parramatta Local Environmental Plan 2011* (Amendment No 56). These amendments were incorporated in the Parramatta LEP 2023, with some minor administrative changes. Therefore, no planning controls for the subject site were proposed to be amended as part of the draft LEP.

9. Development Control Plans

9.1 Parramatta Development Control Plan 2011

An assessment of the proposal against the relevant controls in the Parramatta Development Control Plan 2011 is provided in Table 9 below. It is noted that Part 6 City Centre of the Parramatta DCP 2011 came into effect on 2 December 2022 and therefore apply to the application.

Table 9. Assessment Table Parramatta DCP 2011

Development Control	Proposal	Comply
PART 2 – SITE PLANNING		
2.4 Site Considerations		
2.4.2.1 Flooding	See Flood section above, and City Centre DCP controls below.	Yes
2.4.2.2 Protection of Waterways	Other than the flooding impacts and stormwater runoff, which are discussed elsewhere in this report,	Yes


Development Control	Proposal	Comply
	the proposal would not directly impact on the Parramatta River or any other waterway.	
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 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 8 Parramatta LEP 2011 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, the site is considered suitable for the proposed use subject to conditions.	Yes
2.4.5 Air Quality	The location of non-residential uses in the podium, the setback from the street, reduced traffic on Macquarie Street due to the PLR will mean occupants are considered unlikely to suffer from excessive poor air quality.	Yes
2.4.7 Biodiversity Minimise the impact on cultural trees and planting and consideration to further planting and cultural trees and landscaping.	The application includes removal of 42 trees. The submitted landscape plan outlines the planting of 41 trees on the podium and Macquarie Street setback and on the street. Further detail is discussed in Section 9.1 below in relation to trees.	Yes
Public Domain	The proposal includes upgrades to the public domain including new pavement, new street trees, and a publicly accessible forecourt area. The proposed building provides adequate address to, and will permit passive surveillance of, the public domain.	Yes
PART 3 – DEVELOPMENT PRINCIPLES		
3.1 Preliminary Building Envelope		
Refer Part 6 'Parramatta City Centre' below.		
3.2. Building Elements		
Refer Part 6 'Parramatta City Centre' below.		
3.3 Environmental Amenity		
3.3.1 Landscaping	A revised landscape plan has been submitted with the application. It is proposed to include landscaping: <ul style="list-style-type: none"> Along the 6m deep soil frontage of Macquarie Street; and On levels 1, 2 and 3 of the podium level, incorporating communal open space. 	Yes



Development Control	Proposal	Comply
	The landscape plan has been reviewed by Council's landscape officer. As detailed in the ADG assessment above, the proposed landscaping is considered to be acceptable. Some detailed landscaping plan amendments are required, which can be subject to conditions which requires Council satisfaction prior to commencement of works. These relate to provision of detailed sections, plant species, soil volumes and depths and soil grading.	
3.3.6 Water Sensitive Urban Design	The rainwater tank is located at Level 1 and has been designed to ensure irrigation and re-use on site. The ground level gardens should also be incorporated in the WSUD system and can be conditioned accordingly.	Yes, subject to conditions.
3.3.7 Waste Management (& Appendix 8 'Waste Management Guidelines for new Development Applications 2016')	<p>Waste and Recycling Facilities The waste collection spaces for residential collection is considered acceptable, subject to conditions.</p> <p>Truck Access The submitted Operational Waste Plan and Traffic Parking Assessment Report allows for a medium rigid vehicle (MRV) of 8.8m long to access the basement. Council currently only has heavy rigid vehicles (HRV), which are 10.8m long, available for waste collection, which require a minimum 4.5 meters clearance and adequate area for maneuvering. The applicant will need to allow for this and show a swept path allowing access for a vehicle of this size, without the use of a turntable.</p> <p>Proposed Turntable The proposal includes a turntable for waste collection trucks (and other service vehicles). It is noted that due to the existing structural columns and other aspects of a building design, a turning bay for trucks is not likely to be possible in the current arrangement. Council's Waste Team does not support the use of turntables for the following reasons:</p> <ul style="list-style-type: none"> • The risk of mechanical breakdowns causes delays and impedes the Council's ability to efficiently provide waste services to the development and the broader community. • Any repairs or servicing need to be completed by specialised engineering / maintenance professionals and in the Council's experience their services are not available in a timely fashion, which impacts the ability to provide efficient waste services. • The Council's waste contractors are not trained to repair turntables and the Council has no right or responsibility to maintain such an asset that is not in its ownership. <p>The applicant argues that the turntable is necessary because the site footprint and structural</p>	<p>Yes</p> <p>Yes (as technically compliant), subject to conditions</p>

Development Control	Proposal	Comply
	<p>requirements does not allow for adequate turning. the applicant also contends that:</p> <ul style="list-style-type: none"> • Turntables are reliable and rarely break down. • In the event of a breakdown occurring, maintenance crews are typically dispatched to the site immediately, and that such breakdowns are usually repaired within 24 hours. • Other safeguards to ensure waste trucks will never be delayed include: <ul style="list-style-type: none"> ○ main and “battery backup” power supply ○ Principal and “backup rotation motors ○ All else fails” ability to “free wheel” and rotate the turntable and vehicle manually to ensure forward exit movement ○ A building manager will be on-site at all times when the loading dock is operational to manage the use of the turntable. Council’s truck driver will not be responsible for using or operating the turntable. <p>Although it is Council’s preference to remove the turntable, it is noted that the Parramatta DCP 2011 (which applies to this application) does not contain a control stipulating ‘no turntable’.(It is noted that Council’s updated Parramatta DCP 2023 now contains a specific control relating to turntables are not acceptable solution to maneuvering of waste vehicles).</p> <p>Therefore conditions have been drafted relating to the turntable which include:</p> <ul style="list-style-type: none"> • A Positive Covenant and Restriction must be created, burdening the owner with the requirement to service and maintain the mechanical turntable on the lot. • The turntable should be serviced in accordance with manufacturers recommendations and/or a minimum of once per year • Bins are not to be located on the turntable at any time. • A copy of the most recent service and contact number for maintenance of the vehicular turn table is to be kept in a visible place adjacent to the turn table. 	
3.4 Social Amenity		
3.4.1 Culture and Public Art	The proposal includes a Public Arts Strategy 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	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.	Yes

Development Control	Proposal	Comply
	<p>Council's Accessibility officer has reviewed the proposal and considers it to be acceptable subject to conditions.</p> <p>Notwithstanding, conditions are included requiring that the proposal comply with the relevant standards. A granting of consent under the EPAA would not alleviate the applicant from the requirement to comply with the provisions of the Disability Discrimination Act 1992.</p>	
3.4.3 Amenities in Building Available to the Public	Amenities are proposed to be located adjacent to the retail area	No
3.4.4 Safety and Security	<p>The proposal includes a Crime Prevention Report which makes recommendations for optimising safety and security. Natural surveillance of the public domain would be increased with the clear sightlines through the publicly accessible arcade and ground floor active uses.</p> <p>Council's Crime Prevention Officer has reviewed the application and considers it acceptable subject to conditions.</p>	Yes
3.5 Heritage		
3.5.1 General	See assessment under section 7.8 above.	Yes
3.5.3 Aboriginal Cultural Heritage	The site is identified as having High Aboriginal Heritage Sensitivity. As required by the DCP, the application is accompanied by an Aboriginal Cultural Heritage Assessment report and the application has been referred to Heritage NSW. A AHIP for test excavation is currently with Heritage NSW. Refer Section 5.8.1 for further detail.	Yes, subject to conditions
3.6 Movement and Circulation		
3.6.1 Sustainable Transport		
Car Share 1 car share > 50units	One (1) car share parking space is provided, as shown on the Basement Level 1 Floor Plan.	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. As requested by TfNSW, conditions are included requiring implementation and review of the plan.	Yes
3.7 Residential Subdivision		
3.7 Subdivision <ul style="list-style-type: none"> reflect and reinforce the established subdivision pattern of the locality. Should allow for a range of lot sizes to suit a mix of housing types and sizes. provide connections for public access, both vehicular and pedestrian within and beyond the site 	<p>The application seeks consent for:</p> <ul style="list-style-type: none"> The stratum subdivision for 4 proposed lots – retail, commercial, residential Tower A and residential Tower B. The strata subdivision of the 604 residential units in Towers A and B. <p>The proposed development of 3 of the 7 Torrens Title lots comprising of 34 Hassall Street, maintains the established subdivision pattern of the locality, as the remaining lot is over 3,000sqm in size (which is over the 1,800sqm which is considered a small lot under PLEP 2023). Furthermore, the addition of a future vehicle access provision for the adjoining lot means that the subdivision will not cause an isolated lot.</p>	Yes

Development Control	Proposal	Comply
	<p>Relevant condition of consent are drafted for:</p> <ul style="list-style-type: none"> The submission of a subdivision certificate for the future dedication of a new lot along Harris Street for road widening to be dedicated to Council; The submission of a subdivision certificate for the stratum lots to Council; An application to Council or an accredited certifier for strata subdivision; Consolidation of the individual lots within the development site into one lot. 	
5.4 Preservation of Trees or Vegetation	Refer comments below.	No
PART 6 – PARRAMATTA CITY CENTRE		
6.1 Introduction		
General Objectives	<p>The proposal complies with the general objectives of the City Centre controls by:</p> <ul style="list-style-type: none"> Creating a City centre with tall slender towers setback from the street; Provision of active frontages and prioritizing pedestrian movements; managing flood waters Provision of a sustainable building incorporating energy and water efficiencies and response to urban heat. 	Yes
6.2 Design Quality		
Design Quality	A design competition was held for the subject site and referenced the controls contained in the, then, Draft City Centre development control plan. As detailed below, the development complies with the now finalised DCP controls, with some minor variations which are considered acceptable.	Yes.
6.3 Built Form		
6.3.1 Guiding Principles	The proposed development provides a 4 storey active street frontage, with residential towers setback back as distinct from the street wall element. The towers are designed to be slender and minimise solar access impact on nearby Robin Thomas Reserve and Experiment Farm.	Yes
6.3.2 Minimum Site Frontage Corner lot min. 35m frontage for both streets	<p>Harris Street frontage = 64.5m</p> <p>Macquarie Street frontage = 89m</p> <p>Hassall Street frontage = 89m</p>	Yes
6.3.3 The Building Envelope		
<p>6.3.3.1 Street Setbacks</p> <ul style="list-style-type: none"> 15m – 21m street wall height Tower setback 6m from street boundary wall One step in the built form between the street wall and tower Setbacks apply to both streets 	<p>Street wall is between 16.8-17.5m.</p> <p>Tower A tower setbacks (level 4)</p> <ul style="list-style-type: none"> 4.4m Macquarie Street 4.6-5m Hassall Street 6m Harris Street <p>Tower B tower setbacks (level 4)</p>	<p>Yes</p> <p>No, variation considered acceptable</p>

Development Control	Proposal	Comply
<ul style="list-style-type: none"> Recessed ground floor frontage maybe considered where road reservation identified. 	<ul style="list-style-type: none"> 11.8m Macquarie St 3.9m Hassall Street <p>Harris Street road reservation comprises a undercover recessed walkway consistent with the DCP controls.</p>	Yes
<p>Tower Setbacks</p> <p>It is considered that the building comprises a strong podium and tower built form, notwithstanding the reduced tower setbacks. It is understood that the key component of the tower design is the placement of the east and west towers to promote outlooks beyond each tower rather than outlooks directly between the towers. The western tower is therefore shifted further to the south to improve outlooks, causing the encroachment to the southern edge of the tower (refer below).</p>  <p>It is noted that the applicant made several amendments to the architectural plans in response to Council's requests to adjust the tower setback to a minimum of 6 metres from the streetwall. Notwithstanding, Council sought further refinements to the tower setbacks. The Design Integrity Report (July 2023) signed by the Design Integrity Panel (refer Attachment E) responded to Council's request by stating <i>"The DIP considers the tower to be consistent with the design winning scheme and maintains its support for the tower form."</i></p>		
<p>6.3.3.2 Building Separation</p> <ul style="list-style-type: none"> >18m above street wall height 	<ul style="list-style-type: none"> Tower B to adjoining site – 9m Tower A and Tower B - 18m – 20m. 	Yes
<p>6.3.3.3 Tower Slenderness</p> <p>Max Residential floorplate</p> <ul style="list-style-type: none"> >105m high – 1100sqm Tower Length <45m 	<p>Tower A – 1,100sqm & 48m (6.6% variation)</p> <p>Tower B - <1,100sqm & 45m</p> <p>Tower A minor tower length exceedance which is considered acceptable.</p>	<p>Yes</p> <p>No, minor non-compliance</p>
<p>6.3.3.4 Floor Heights</p> <p>Ground floor active – min 4.3m</p> <p>Commercial – min 3.8m</p> <p>Residential – min 3.1m</p>	<p>Ground: 6m (Excluding mezzanine)</p> <p>Commercial: 4.5m (Floor to floor)</p> <p>Resi: 3.15m-3.25m (Floor to floor)</p>	Yes
<p>6.3.4 The Street Wall</p> <ul style="list-style-type: none"> Be built to the street alignment along its full frontage, minor recesses permissible Be modulated in vertical segments Predominantly masonry 	<p>The street wall is built to the street alignment along Hassall and Macquarie Street frontages. Noting the Harris Street walkway is recessed in line with controls for street wall subject to the local road acquisition provisions (refer 6.3.3.1)</p> <p>The facades along Macquarie and Harris Streets are brick (refer below)</p>	Yes, acceptable

Development Control	Proposal	Comply
<ul style="list-style-type: none"> Glazing Relief >150mm 	 <p>It is noted that there is a difference of opinion between Council and the Design Integrity Panel in relation to the treatment of the podium (see below) However, on balance, it is considered that the design has been amended to address key concerns and is now acceptable.</p>	
<p>Refer below to the Design Integrity Panel (DIP) response to Council's request for further refinements to the street wall to increase masonry elements and provide stronger vertical elements that divide the podium wall:</p> <p>DIP Response: The DIP does not support Council's request of Turner Studio to change the language of the podium from a predominately horizontal justified design to a vertical one...The DIP believes applied design language after the fact, and in a piecemeal way, begins to impose a design language that is not consistent with DNA of the original author...</p> <p>The DIP commends Turner Studios' bar, or grain, approach to the shop fronts at the street level. The high quality materials (glazed bricks, bronze detailing, bespoke bay lighting etc)...will make for a quality public domain...</p> <p>The DIP commends Turners rationalization of the Harris and Hassall Street podiums</p>		
6.3.5.2 Flood Affected Sites		
6.3.5.2.1 Active Ground Floor Frontage <ul style="list-style-type: none"> Meets Accessibility standards Max interior level change <1m 	<p>The Macquarie Street frontage (as per Section extract below) provides a level difference of .063m, between the 6.83m finished floor level (FFL) and 6.2 natural ground level. The level change is accommodated in the 6m building setback and comprises landscaping, steps and compliant ramps.</p>  <p>The Harris Street frontage is raised 0.74m (difference between the FFL and ground level) and is accessible via steps or accessible via the ramped entry to the east/west arcade. The retail and commercial lobby along the Hassall St frontage is raised above the FPL and access is via a ramped entry to the arcade.</p>	Yes
6.3.5.2.3 Floodwater Management elements	<p>Council's Catchment Engineer has not raised any issue with the design of the ground floor.</p>	Yes
6.3.5.3 Arcades <ul style="list-style-type: none"> Mid block position or provides connections 	<p>The north south arcade connecting Macquarie Street (and the PLR stop) and Hassall Street is approximately 5.3m wide. The east west arcade</p>	Yes, subject to conditions

Development Control	Proposal	Comply
<ul style="list-style-type: none"> Must not compromise active streets Provide clear access and sightlines >4m width, >4m ceiling height Connect one public space to another Provide active frontages Publicly accessible 24/7 	<p>connecting Harris and Hassall Streets is approximately 4.5m wide and provides connection to Robin Thomas Reserve. The arcades are full height from ground level to level 2.</p> <p>Both arcades have clear lines of sight and clear access, with bench seating in the north / south arcade (the wider of the arcades). Both arcades have active uses fronting them, and access to both residential and commercial lobbies.</p> <p>Draft conditions relating to public access 24/7 are recommended by Council.</p>	in relation to public access
6.3.5.4 Services and Utilities <ul style="list-style-type: none"> Be located on secondary street frontages and minimise length of ground floor frontage. Substations located above FPL 	The proposed substation is located on Hassall Street (the secondary street to Harris Street) and located further west then the current substation. The substation is located above the FPL.	Yes
6.3.7 Residential Apartment Design Quality		
6.3.9 Dwelling Mix and Flexible Housing <ul style="list-style-type: none"> Studio/1 Bed – 10-20% 2 bed – 55-70% 3 bed – 10-20% 4 bed – 5-10% 	<p>The following bedroom mix is provided:</p> <p>1 bed = 119 apartments (19.7%) 2 bed = 392 apartments (64.9%) 3 bed = 93 apartments (15.4%)</p> <p>The bedroom mix is compliant with 1, 2 and 3 bedroom controls under the DCP. It is of particular note that 3 bedroom apartments for the development are high at 15.4% (previous residential flat buildings in the CBD have delivered closer to 10%) It is the view of Council Officers that similarly to 3 bedroom apartments, the absence of 4 bedroom apartments from the proposal is due to the market adjustment over time to the new City Centre controls.</p>	No, considered minor
6.4 Public Domain		
6.4.1 Solar Access to Significant Parks and Spaces No shadow to a nominated portions of Robin Thomas Reserve and James Ruse Reserve between 10am - 12pm and 12- 2pm at midwinter.	The proposed development does not overshadow the portions indicated within Figures 6.4.1.6 and 6.4.1.7 on Robin Thomas Reserve or James Ruse Reserve between 10am and 12 midday and 12midday to 2pm.	Yes
6.4.2 Awnings and Trees on Streets Street trees required along Macquarie, Harris and Hassall Streets Alignment Drawings	<p>Street trees are provided along all street frontages. Council's Traffic Unit has raised an issue relating to potential impact on sightlines of proposed location of street trees along Hassall and Harris Street. The species, spacing are as per the Parramatta Public Domain Guidelines and sightline assessment are proposed to be addressed via conditions.</p> <p>Alignment plans have not been submitted with the development application, however, will be subject to Council's standard condition of consent.</p>	<p>Yes, subject to conditions</p> <p>Yes, acceptable</p>

Development Control	Proposal	Comply
		to be provided at CC stage
6.4.6 Vehicle Footpath Crossings	No additional vehicular crossings have been provided. One vehicular access point along Macquarie Street is proposed to be removed.	Yes
No additional crossings		
Shared access	The proposal has been designed so that future shared access will be granted via ground level basement to the remainder of Hassall Street. An easement to this effect will be drafted as a condition of consent.	Yes
Ramps perpendicular to street		
Vehicle landings adjacent public domain flat and vehicle access doors behind building line.	The driveway is perpendicular to Hassall Street and vehicle access is provided behind the building line.	Yes
6.7 Flood Risk Management		
6.7.1 Assessment and Minimisation of Flood Hazards, Risks and Potential For Harm	<p>The application is supported by a Flooding Report which assessed flood hazard and risk.</p> <p>It includes an overland flow study which shows that the 1% AEP overland flow flood level as being slightly less than the mainstream Clay Cliff Creek flood level issued by Council. The overland flow level does not therefore apply.</p> <p>The report has been reviewed by Council's flood engineer and has been found to be acceptable.</p> <p>An on site detention tank (OSD) is located between levels 1 and 2 (above ground) and is designed to satisfy the requirements of Council and manages peak runoff from the site itself. Council's Catchment Engineer has reviewed the OSD tank and does not support the tank as not demonstrated that it is beneficially safely holding water runoff, especially in a flood event. As such a condition is included to delete the OSD from the plans.</p> <p>A flood storage tank is located in Basement 1 and its purpose is that the flood storage tank offsets any flood storage lost through construction of the development. Council's Catchment Engineer has reviewed the flood storage tank and does not support the tank as not demonstrated that it is beneficially in relation to flood mitigation. Furthermore, there is concern that the tank would become a long term maintenance burden for future owners.</p> <p>The applicant's engineer considers that the flood storage tank has been provided to cater for the overland flow volumes that previously entered the site along Macquarie Street, and alleviate any flooding impacts to the adjoining properties and particularly the upstream impacts on the adjacent light rail. The TUFLOW modelling undertaken shows that during major and extreme storm events the flood</p>	Yes

Development Control	Proposal	Comply
	level along Macquarie Street will rise to the crest level at the edge of the road reserve, coincident with the site boundary. Notwithstanding, the applicant has agreed to a draft condition of consent which requires a further investigation into how off site impacts can be minimized with the reduced in size or no tank. Council Officers agree to this condition, pending Council's review of the conclusions of the investigation.	
<p>6.7.2 Land Use and Building Levels 6.7.3 Sensitive and Critical Uses</p> <p>Development above Flood Planning Level (FPL)</p>	<p>The adopted 1% AEP flood level from Clay Cliff Creek is RL 6.33 AHD. Including 500mm freeboard, this generates a Flood Planning Level and minimum Finished Floor Level of 6.83m AHD throughout the ground floor. The proposal demonstrates a 6.83m floor level throughout the ground floor and this is satisfactory.</p> <p>The proposal does not include any sensitive or critical uses below the FPL. It is noted that the substation along Hassall Street is located above the flood level at RL6.83m AHD.</p> <p>The Flooding Report indicates that the shelter in place strategy includes back up power for residential apartments and the shelter in place refugee. Council Officers consider that a risk assessment must be undertaken to determine the location of the back up power, as well as loading docks and waste areas located at ground level, to ensure they are flood proof. Currently the crest of the driveway is at 6.83m, the FFL, which is in the event of a 1% AEP. Council's Catchment Engineer recommends conditions for the installation of a flood gate at the driveway entry at Hassall Street which can be used in the event of a probably maximum flood (PMF).</p>	Yes
6.7.4 Flood Warning and Emergency Response Planning Emergency Response Plan (draft)	No Flood Emergency Response Plan has not been submitted with the application. A FERP details warning systems, evacuation measures, a building flood emergency plan and consultation with relevant agencies. Council recommends that that this can be submitted prior to works commencing for Council's approval.	No, however subject to condition.
<p>6.7.8 Car Park Basements in Flood Prone Areas</p> <p>Effective floodproofing and flood exclusion of the basement against all floods up to the PMF; adequate safety for occupants of the basement</p>	<p>The entry to the basement has been designed so that it crests from 6m at the Hassall Street entry to 6.83m to its highest point. The Flood Report submitted with the application recommends that is ramp levels cannot be achieved to meet this level, a flood barrier to provide basement protection in the event of a 1% AEP or greater flood event.</p> <p>C.01 requires "effective floodproofing and flood exclusion of the basement against all floods up to the PMF", and C.02(c) states "the basement must be protected from the ingress of floodwater via the driveway up to the PMF." Council considers the inclusion of a self-triggering and self-powered flood gate at or near the driveway crest that reaches the</p>	Yes, subject to conditions

Development Control	Proposal	Comply
	<p>level of PMF is required, and a condition has been drafted as such.</p> <p>The fire escape stairs located at the north of the basement have demonstrated that they are flood free as they exit onto to Macquarie Street at 6.83m (in the event of 1% AEP) and then onto access to lifts up to shelter in place. However, it is recommended that the FERP must demonstrate that flood free escape stairs from the basement up to a place of refuge within the building above PMF, including for people with a disability.</p>	
6.8 Environmental Sustainability		
6.8.2 Dual Water Systems	The submitted Services Report has committed to providing dual water systems).	Yes via condition
6.8.3 All Electric Buildings	The submitted Services Report indicates that the building will only use electricity for energy requirements.	Yes via condition
6.8.4 Electric Vehicle Charging Infrastructure 1 EV Ready Connection to 1 space per dwelling. All car share spaces and visitors to have a Shared EV connection. Commercial car parking 1 Shared EV per 10 car spaces (>1)	<p>The Transport Assessment Report has indicated the following:</p> <ul style="list-style-type: none"> • EV Ready Connection to at least one car space per dwelling. • EV Distribution Boards of sufficient size to allow connection of all EV Ready Connections and Shared EV connections. <p>The Architectural Plans indicate 14 EV charging spaces over Basement Levels 1 and 2.</p>	Yes, via condition
6.8.5 Urban Cooling		
6.8.5.1 Roof Surfaces Roof top areas atleast 75% vegetated or minimum solar reflectivity index (SRI) of 39 for sloped surfaces or minimum 82 if horizontal surface.	The rooftop of both towers are not used for the purpose of private or public open space, Building A has a sloped roof surface with a minimum SRI of 39 provided in the selection of the material, whilst for Building B the majority of the roof surface is occupied by an open plant area with screening as such the floor of this plant area will have a colour applied to meet an SRI min of 82.	Yes, via condition
6.8.5.2 Facades Demonstrate a min percentage of shading of facades at 21 December as per technical Requirements for UHI.	Council's Sustainability expert has reviewed the submitted solar shading diagrams that have been provided. These demonstrate the effectiveness of the shading in meeting the DCP provisions.	Yes
6.8.5.3 Heating and Cooling Heat rejection for buildings be centralised and on the roof.	Centralised heat rejection is proposed.	Yes
6.8.5.4 Green Roofs or Walls Green roofs designed appropriate irrigation,	Podium planting is proposed on Levels 1, 2 and 3. Significant revisions to the plans have been undertaken to better demonstrate adequate soil volumes and species selection. However, there are	Yes

Development Control	Proposal	Comply
<p>drainage, plant selection, adherence to ADG.</p> <p>Registration of a green roof covenant to ensure proper maintenance.</p>	<p>still a few outstanding items which need to be addressed and submitted for assessment, for example:</p> <ol style="list-style-type: none"> The Architectural plans are showing cascade planting along the edges of the podium landscapes on levels 1 and 2 and to the entire outer edge of level 3 but are missing on the landscape plans. Soil depth within the podium structure is still inadequate, on level 3 and does not meet the ADG requirements. Some shade-loving plants are still located in the full sun and need to be replaced / relocated. Additional details through the podium landscape and interface with the architectural structures (balustrade / parapet) are still required from a landscape perspective to ensure they are coordinated, and the planting along the edge (where cascading plants are shown) have been designed with the correct planting profile. Structural soil to be replaced with modular cells to enable soil volume below paving. (Modular cells are preferred over structural soil) The tree pit extents are limited at ground level. Some of the planters on the Macquarie St setback need to either increase in size towards the boundary or decrease away from the light rail stop to allow for pedestrian movement. <p>Conditions of consent have been drafted to ensure revised Landscape Plans are submitted for Council's approval prior to works commencing.</p>	
<p>6.8.6 Solar Reflectivity</p> <p>Solar reflectivity not to cause disability or discomfort.</p>	<p>Additional information provided on glare satisfies the DCP controls.</p>	<p>Yes, subject to conditions</p>
<p>6.8.7 Natural Refrigerants in Air Conditioning</p> <p>Natural refrigerants in AC (Global Warming Potential < 10)</p>	<p>The applicant has provided the following response: <i>"In the current Australian market, the reputable residential type of air conditioning suppliers [Daikin, Mitsubishi, Fujitsu, Hitachi] don't provide the option of using "a refrigerant with GWP less than 10. For the size of the development, it is paramount to use established supplier that have been in the Australian market long (20+ years), have successfully completed multiple projects of similar size – systems still operating after 10+years, and have the financial backing for continuous services, maintenance, and spare parts.... Deicorps preference is to maintain the use of "established" suppliers."</i></p> <p>Considering these are newly established controls and that the proposal has demonstrated other sustainability initiatives within the proposal, it is</p>	<p>No, however response is considered reasonable</p>

Development Control	Proposal	Comply
	considered an acceptable response to the non-compliance.	
6.8.8 Bird Friendly Design Within 100m of the Robin Thomas Reserve treatment to 95% of glazing is required.	The applicant has committed to a combination of design treatments and treatment of glazing which will help minimise the risk of bird collisions.	Yes via condition.
6.8.9 Wind Comfort and Safety	<p>A Pedestrian Wind Study was submitted by RWDI which includes a wind tunnel model investigation of the wind impacts of the proposal development.</p> <p>Council's Wind Consultant, MEL, has reviewed the Study and conclude the following:</p> <ul style="list-style-type: none"> - RWDI wind tunnel data consistently shows better wind comfort (as compared to other companies studies). This has been noted across other projects. - Notwithstanding, the RWDI report demonstrates that no locations fail the pedestrian safety criteria. - The surrounding streetscape satisfies the sitting and standing comfort criteria. However there are a few locations at the building corners and in the Hassall to Harris St connection that satisfies the walking comfort criteria. Therefore the walking comfort conditions in the connections would not be suitable for sitting/standing activation (e.g. outdoor café, building entries). - The majority of podium and private balconies satisfy the walking comfort criteria, with the majority satisfying the sitting/standing comfort criteria. 	Yes acceptable.
6.9 Vehicular Access, Parking and Servicing		
Vehicle access	Compliant with DCP requirements. Concern raised by Council's Traffic Unit in relation to sightlines due to the proposed street trees along Hassall Street within the parking lane and in proximity to the traffic signals at Harris Street.	Yes, with condition considering sightlines
Parking design	Compliant with DCP requirements.	Yes
Motorcycle Parking (1 space / 50 car parking spaces = 9 spaces required)	10 motorcycle parking spaces provided	Yes
Bicycle Parking 1 per dwelling 1 per 10 units visitors 1/150sqm for commercial occupants 1/400sqm for commercial visitors 1/250sqm for retail occupants 2 for 600sqm + 1/100sqm (>600sqm) for retail visitors	<p>Although the Traffic Report indicates that 722 bicycle parking spaces are to be provided, the architectural plans, indicate the following:</p> <ul style="list-style-type: none"> - 60 spaces commercial (basement 1) - 60 spaces residential visitor (basement 1) - 576 storage cages (of sufficient size to accommodate a bicycle) <p>Accordingly, the proposed development meets the requirements for visitor bike parking for residents</p>	Yes, visitor bike parking No residential

Development Control	Proposal	Comply
= 722 bicycle parking spaces	and commercial. The storage cages for the residents are for storage and the Transport Assessment Report has not demonstrated that these cages comply with AS2890.3-2015 – enclosed bike storage nor the location is not on the basement or first basement level. Therefore Council recommends a condition for a reduced amount of communal bike storage for residents via condition. This is considered an acceptable level of variance considering the large quantum required.	bike parking, however acceptable subject to condition
E-Bike Charging (10% of spaces = 72)	Not shown on plans, however can be conditioned.	Yes, subject to condition
End of trip facilities 1 locker per bicycle (60) 1 shower / 10 bicycles (6) Bicycle and end of trip location and access	<ul style="list-style-type: none"> 60 lockers 5 showers and changing areas. Acceptable, located in Basement level 1	Yes
5.4 Preservation of Trees or Vegetation		
<i>To ensure all new development considers and protects existing trees on development sites and provides opportunity for the healthy growth of large trees.</i>	The proposed development removes 42 trees on site and proposes planting of 41 trees both at podium and ground level. Refer detailed discussion in Section 9.2 below.	Yes, subject to conditions

9.2 Trees

The application is accompanied by Landscape Plans, a Tree Management Plan, and an Arboricultural Impact Assessment report. The proposed development requires the removal of 42 trees, due to the trees location either wholly within the building footprint or tree protection (TPZs) significantly impacted.

The row of eight significant Jacaranda trees located along Macquarie Street (refer **Figures 22, 23 and 24**) are proposed to be removed. The applicant has provided a supporting Jacaranda Tree Review Memorandum (dated 26 April 2023). Council considers these Jacaranda trees significant in their landscape due to their size, location and longevity in the streetscape, however they are not specifically nominated on the Tree Register or heritage listed.

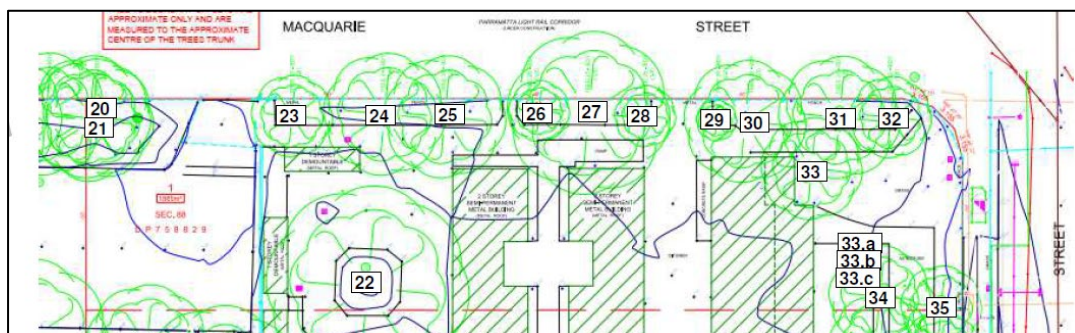


Figure 22: Tree Plan showing Jacaranda Trees Numbered 20, 24, 25, 26, 27, 30, 31 and 32 (Extract from Arboricultural Assessment)



Figure 23: Jacaranda trees along Macquarie Street (May 2023)



Figure 24: Jacaranda trees along Macquarie Street (November 2023)

The Arboricultural Impact Assessment (23 January 2023) and Addendum memo (26 April 2023) prepared by the consulting arborist has concluded that all trees located within the Macquarie Street frontage are required to be removed as they will be impacted by the proposed development. The main points raised by the consulting arborist are as follows:

- Critical root loss may have already occurred by excavation to accommodate Light Rail works.
- Tree root investigations undertaken within the site have identified significant sized roots extending towards the building footprint.
- Root loss is unable to be compensated elsewhere within the tree protection zone.
- Tree stability may be compromised through additional tree root loss due to a one-sided weight loaded canopy extension with lean loading pressure in one direction.

Transport for NSW (dated 24 March 2023) has also raised concerns in relation to tree species to be planted along Macquarie Street and impact on PLR. A meeting was held with Council Officers and the Greater River City Light Rail Team, TfNSW which indicated their concern in relation to the existing Jacaranda trees and any new species planted:

- Encroachment of branches into the PLR corridor, which would cause potential danger to operation of the light rail and would require significant trimming.
- The dropping of leaves and flowers in the PLR corridor and tracks, causing blockage of tracks and drainage and require additional maintenance by the operators.

A review by Council's Landscape and Tree Officer considered that if the Jacaranda trees are to be retained, significant changes will be required to the proposed development to ensure there is a sufficient basement and built form setback. Even with a 6 metre setback, the consulting arborist has identified that the trees will be subject to a major encroachment to the tree protection area (>10%) and are required to be removed as a result. Changes will also be required to all associated documentation including but not limited to the stormwater and landscape design. The final agreed setback is required to be guided by additional root mapping and arboricultural advice as the proposed tree protection areas a significant in size due to the scale of the trees.

The applicant was reluctant to undertake the tree root mapping as they considered that the same conclusion would be drawn as the Arboricultural Assessment submitted.

Although it is not an ideal outcome to remove these trees, on balance, it is concluded that the trees would be heavily compromised from both the proposed development and the operational needs of the PLR. If the trees were to remain, it is likely they would not survive within a 6 metre setback. It is preferable to ensure that any replacement tree planting on this

setback is sustainable and provides a canopy that is substantial.

In relation to the proposed tree planting along Macquarie Street, Council's Landscape Officer provide the following comments:

- An increase the extent of the tree pits at ground level are required to accommodate additional soil volume.
- The planters and soil volumes are to be contiguous and connected using modular cells under the paving and ramps.
- Trees within the planters to be *Fraxinus pennsylvanica* 'Urbanite', or Ash tree. These trees have symmetrical round luscious foliage (i.e., good canopy growth) and a very tough tree good for a street environment. These can grow up to 10-15m metres high. These trees do not have flowers and are deciduous.

The above matters are matters for conditions relating to the final landscaping.

9.3 Draft Parramatta Development Control Plan 2023

The Draft Parramatta Development Control Plan (PDCP) 2023 was exhibited from 13 March 2023 to 1 May 2023. The PDCP 2023 came into effect on 18 September 2023. Section 1.4 of PDCP 2023 provides for savings and transitional arrangements, where if a development application has been lodged before the commencement of the PDCP 2023, then the application should be determined as if the PDCP 2023 has not commenced. The City Centre controls were merged into the PDCP 2023 and no amendments were made to controls relating to this section.

10. Planning Agreements

No planning agreement is associated with the subject application.

11. Development Contributions

11.1 Local Infrastructure 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* came into force on 14 October 2022 and applies subject application as the cost of works are over \$250,000. A contribution of **\$16,923,172.24** is required to be paid for a mixed-use development, which equates to 5% of the total cost of works of \$338,463,445. A draft condition of consent is included requiring payment of the contribution prior to obtaining an occupation certificate.

11.2 State Infrastructure Contributions

In order to meet the requirements of the Parramatta LEP 2011, the applicant is required to enter into satisfactory arrangement with the Department of Planning and Environment (DPE) for contribution to state infrastructure. A satisfactory arrangement certificate was issued by the DPE on 8 November 2023.

12. Response to SCCPP Briefings

The Panel held one 'Kick Off' Briefing on this application on 30 March 2023. The matters raised by the Panel which relate to the application are addressed in Table 10 below.

Table 10: Response to SCCPP matters

Issue	Comment
The Chair notes that it is very early in the Council's implementation of the new DCP for reh	The DCP has largely been complied with and departures of note to the Panel include:

<p>CBD and the Panel generally seek to support these as a framework for the holistic development of the CBD as an evolving precinct. The Panel will support Council's request for compliance with DCP provisions for these reasons and taking into account the need to look beyond individual sites to achieve amenity across the CBD precinct. The panel would like to understand the materiality of the significant departures, either from Council or the applicant.</p>	<ul style="list-style-type: none"> a) Deviation of the tower setback control for the Macquarie Street and Hassall Street frontages; b) The street wall lack of vertical modulation and materiality; c) Bedroom mix (no 4 bedrooms provided) d) Shortfall of bicycle parking e) Provision of a Flood Response Emergency Plan and adequate shelter in place. <p>Items a) and b) are design matter which is subjective when balancing architectural outcomes and urban form for a city. On balance it is considered the applicant has made amendments to address Council's concerns to date and consider these variations to be acceptable.</p> <p>Council considers that items c) to e) are acceptable non-compliances. Item f) can be conditioned.</p>
<p>The panel encouraged the north south link to be better aligned with Council's desired layout.</p>	<p>The north south link has been straightened and the arcade is clear of clutter to Council's satisfaction.</p>
<p>Determination of the application prior to 250 days.</p>	<p>The total days since lodged (as of 30 November 2023) is 289 days. It is noted the application has been subject to a 122 days of Stop the Clock from Transport for NSW (concurrence role) between 6 March 2023 and 6 July 2023. Two rounds of amendments were submitted by the applicant. The formal determination timeframe is therefore 167 days.</p>

13. The Regulations

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

14. The likely impacts of the development

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

15. Site suitability

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

16. Submissions

The application was notified and advertised in accordance with Council's Notification DCP for a 28 day period between 24 February and 24 March 2023. Five (5) submissions have been received, including one from Schools Infrastructure NSW. Submission issues are

summarised and commented on in Table 11 below.

Table 11. Response to Submissions

Issues Raised (# of times mentioned)	Comment
An increase in traffic congestion and the number of vehicles along Hassall St. (2)	<p>As part of the comprehensive review of planning controls (including the subject site) in the Parramatta CBD, a detailed traffic mesoscopic traffic modelling undertaken to inform the Parramatta Integrated Transport Plan (ITP). This modelling considered the traffic impacts of the site as per the height and FSR controls in place currently in place under the Parramatta LEP. The level of traffic generation expected would be consistent with that envisaged as part of the detailed traffic modelling supporting the Parramatta ITP.</p> <p>To manage traffic congestion within the Parramatta CBD, Council has identified key road improvements, together with the NSW Government delivery of high frequency public transport services.</p>
Concern in relation in relation to potential safety implications of increased trucks movements and the ability to cross the dividing line along Hassall Street (2)	<p>It is acknowledged that the proposed development will result in increased truck movements to and from the site. This will be managed in a safe manner as part of the requirement for a Loading Dock Management Plan that is to be submitted to Council prior to approval and updated annually or as needed.</p> <p>It is noted that in accordance with the NSW Road Rules, vehicles can cross the existing double barrier (BB) lines in Hassall Street to enter or leave the road via the shortest practicable route (see Rule 134). Information provided by the applicant has demonstrated that this will not result in adverse impacts to the traffic flow in Hassall Street.</p> <p>With regards to construction vehicles, it is noted that the applicant will be required to submit a comprehensive Construction Vehicle Traffic Management Plan to Council for review and approval. This plan is to provide information on a number of matters including but not limited to construction vehicle routes and volumes. As part of approvals of CTMPs, Council generally requires the applicant to limit the number of truck movements during peak hours (including school peak hours) to limit the impact on traffic flow as well as ensuring pedestrian safety is not compromised.</p>

Issues Raised (# of times mentioned)	Comment
Insufficient parking to cater for the 604 apartments and retail businesses, therefore placing pressure on street parking. A reduction in the amount of residential units and the retail and commercial spaces should be deleted from the plan due to traffic concerns on Hassall Street and the lack of parking opportunities available in the area.(1)	<p>Parking within the Parramatta CBD and the surrounding areas generally have ticketed and time restricted parking. Furthermore, there are no Resident Permit Parking Schemes within the CBD. This is because the on-street parking within the CBD is intended to be short-term and high turnover parking and not for all day business or resident parking spaces.</p> <p>The parking rates for the Parramatta City Centre have been established to reflect the nature of the CBD location and its close proximity to employment, shopping, entertainment and high frequency public transport – including heavy rail, light rail, buses and metro. This means that residents will have a number services in close walking distance to where they live and will not need to rely on vehicle ownership. Furthermore, a reduced parking rate will encourage a modal shift from private vehicles to public transport.</p>
Demolition and construction will produce significant noise. The proposed working hours of 7am-6pm would have a negative impact on residents who are at home and attempting to work.(1)	Appropriate conditions relating to management of construction noise and hours of work are recommended as part of the draft conditions. A draft condition is to prepare a Noise Management Plan which includes confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties.
Demolition and construction will produce significant vibration which poses a significant risk of damaging near-by buildings and road surface. (2)	Appropriate conditions relating to management of vibration are recommended as part of the draft conditions, including preparation of a Geotechnical Report and Construction Management Plan which includes vibration control measures. A condition requiring a Dilapidation Reports to ensure damage has not been caused by the construction for adjoining properties is also included.
Excavation of the site will result in an increase in the amount of dust being carried in the air and potential health risk due to contaminates in the soil. The proposal should reduce the amount of basement floors due to the risk of atmospheric contamination from the extraction of soil. (1)	Appropriate conditions relating to management of potential contaminated soil and management of dust are recommended as part of the draft conditions. The management of soil and potential contaminates must comply with NSW legislation.
The development will result in overshadowing on apartments at 31-37 Hassall Street and will result in loss of sunlight to living areas, bedroom and balconies. The building should reduce height to allow a sustainable level of sunlight be made available and quality of life not to be impacted. (2).	<p>The proposal will result in overshadowing to the majority of properties at 31-37 Hassall Street between 9am - 11am. Between midday and 1pm the eastern portion of 31-37 Hassall St is in shadow (caused by the proposal) and by 2pm, the shadow from the proposal has moved eastward.</p> <p>The development is located in the Parramatta CBD, which is expected to accommodate residential apartments in a high-density setting. It is expected that most developments within the Parramatta CBD will cause overshadowing to the south, therefore expected within this environment. The development is compliant with the PLEP 2011 height and floor space ratio controls.</p>

Issues Raised (# of times mentioned)	Comment
The development will result in overshadowing Robin Thomas Reserve at certain times of the day as well. (1)	Due to the sites north / south orientation and Robin Thomas Reserves location directly to the east, the proposal will result in some overshadowing to the north west corner of Robin Thomas Reserve from 2pm in midwinter. This is considered acceptable.
This development is out of character against existing properties and an adverse visual impact on the streetscape. (1)	The development is located in the Parramatta CBD, which is expected to accommodate a mix of high density commercial buildings and residential apartments.
The development results in the loss of privacy from overlooking windows encroaching onto an apartment in 31-37 Hassall Street. (1)	The distance between the boundaries of 31-37 Hassall Street and 34 Hassall Street is over 18 metres. In accordance with the Visual Privacy controls of the NSW Apartment Design Guide, this is considered an acceptable distance and will not result in loss of privacy or overlooking.
This development and surrounding development will contribute to additional pressure on school enrolments for the limited spaces in schools in the area. (1)	As part of the comprehensive review of planning controls (including the subject site) in the Parramatta CBD, the Department of Education NSW was consulted. Council understands that DET have undertaken forecasts for the projected population growth in Parramatta CBD and have infrastructure planning in place.
The impacts of climate change may result in existing wastewater systems becoming unable to provide adequate service.(1)	Sydney Water has raised issue with the capacity of the wastewater system. As part of the s73 Application compliance certificate required from Sydney Water for this development, the capacity of the development to be serviced by wastewater service will be required to be resolved.
Loading vehicles during the early morning will impact on adjoining neighbours along Hassall Street. (1)	A condition is drafted which states that commercial /deliveries and servicing shall not occur between the hours of 7:00pm and 7:00am daily unless otherwise approved by Council. . This is considered standard for access arrangements within the Parramatta CBD.
Impact on property values(1).	Impact on property values is not a consideration under the requirements of the EP&A Act.
Would like to see additional retail/commercial as part of this application to ensure conveniently accessible grocery shops to match the increase in residents.	The application provides the minimum required floor space of non-residential in accordance with the LEP controls.
Concern that there are significant design amendments following the public exhibition period and did not have the opportunity to comment.	Any amendments made to the development application since its public exhibition were not materially significant. It is noted that the design amendments referred to by the submitter cites an article within Architecture Australia journal on the Build to Rent scheme at 39-43 Hassall Street which is a State Significant Development application currently under assessment by DPE.

Issues Raised (# of times mentioned)	Comment
The height, bulk and accumulative scale of development along Harris St, creating a massive, impenetrable wall of towers. The impact will affect light, wind, and traffic as well as being a massive visual blight from all the nearby State Heritage sites of Robin Thomas Reserve, Experiment Farm Cottage and Hambledon Cottage.	<p>As part of the comprehensive review of planning controls (including the subject site) in the Parramatta CBD (which resulted in increases to height and density at the park edge) the impact of buildings on the State Heritage sites were considered. Both in the LEP and the DCP controls overshadowing to Experiment Farm, Hambledon Cottage and Ronin Thomas Reserve are in place.</p> <p>An assessment of the application contained in this report concludes that the impacts on light, wind, and traffic are considered acceptable.</p>
Object to the removal of the largest, and recognisable stands of jacarandas in the city. These provide a 'link' or buffer from the harsh city edge to the green open spaces of Robin Thomas Reserve and James Ruse Reserve	Council Officers acknowledge that it is not favourable to remove the jacaranda trees. However, both the development of the site and the operation of the Light Rail mean significant impact on the trees which would mean they would not likely survive. Refer Section 9.2 for the full assessment.
Schools Infrastructure NSW	
<p>In order to ensure that the operation of the three schools (Parramatta Public School and McArthur Girls & Arthur Phillip High Schools) within 300m of the subject site is not adversely impacted would like to request that:</p> <ul style="list-style-type: none"> • That construction work zones are not proposed in locations that will compromise pedestrian and vehicular access to all three schools specified above, as well as associated school drop-off and pick-up spaces. • that construction vehicles, including delivery vehicles, do not enter and exit the proposed work site during school drop-off and pick-up periods. This will ensure that safety and accessibility during drop-off and pick-up periods are not compromised as a result of the construction works. 	<p>The applicant will be required to submit a comprehensive Construction Vehicle Traffic Management Plan (CTMP) to Council for review and approval prior to commencement of construction works as part of any conditions of approval. This plan is to provide information on a number of matters including but not limited to construction vehicle routes and volumes. As part of approvals of CTMPs, Council generally requires the applicant to limit the number of truck movements during peak hours (including school peak hours) to limit the impact on traffic flow as well as ensuring pedestrian safety is not compromised.</p> <p>It is noted that any Works Zone that is installed on a public road, will require approval through the Parramatta Traffic Committee process. Council staff will ensure that the proposals for Works Zones do not unreasonably impact the surrounding community, including schools, prior to approval.</p>

17. Public Interest

Having regard to the assessment of the proposal within this report, and subject to conditions, it is concluded that the proposal is in the public interest for the following reasons.

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

18. 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.

19. 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 demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

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

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

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

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

Therefore the application is recommended for approval subject to the imposition of appropriate conditions found at **Appendix 1**.

20. Recommendation

- A. **That** the Sydney Central City Planning Panel as the consent authority grant **Consent** to Development Application No. DA/93/2023 for demolition of existing structures and removal of trees, construction of a 46-storey mixed-use development comprising a 3-storey retail and commercial podium (5,804sqm of floorspace), two residential towers of 604 residential apartments, 6 basement levels for 432 car parking spaces and stratum subdivision of 4 lots for retail and office and residential lots and 604 Strata Subdivision of the 2 residential stratum lots at part of 34 Hassall Street, Parramatta NSW 2150 (Lot 1 Sec 88 DP758829, Lot 2 Sec 88 DP758829; and Lot 3 Sec 88 DP758829) for a period of five (5) years from the date on the Notice of Determination subject to the conditions under **Appendix 1**.