

## SYDNEY CENTRAL CITY PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-544
DA number	DA/199/2024
LGA	City of Parramatta
Proposed Development	Demolition of existing structures and construction of a 16 storey mixed use development comprising retail and co-living accommodation with 306 rooms.
Street Address	Lot 1 DP 1019888 7 Macquarie Street, Parramatta NSW 2150
Applicant	The Trustee for Colvi Macquarie Property Trust
Owner	Marrapacca Pty Ltd
Date of DA lodgement	5 April 2024
Number of Submissions	Four (4) submissions
Recommendation	Approval, subject to conditions
Regional Development Criteria	Development with a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• Environment Protection and Biodiversity Conservation Act 1999</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Housing) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Sustainable Building) 2022</li> <li>• Parramatta Local Environmental Plan 2023 (PLEP 2023)</li> <li>• Parramatta Development Control Plan 2023 (PDCP 2023)</li> <li>• Apartment Design Guide</li> </ul>
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> <li>• Attachment A – Architectural Plans</li> <li>• Attachment B – Draft conditions of consent</li> <li>• Attachment C – Legal Advice (EPBC Referral – Confidential)</li> </ul>
Clause 4.6 requests	NA
Report prepared by	Ashleigh Kizana, Senior Development Assessment Officer
Report date	27 November 2024

<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
<b>Clause 4.6 Exceptions to development standards</b>	

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	NA
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) condition</i>	NA
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

## 1. Executive Summary

### Proposal

Development Application DA/199/2024 was lodged on 5 April 2024 for demolition of existing structures and construction of a 16 storey mixed use development comprising retail, office and co-living accommodation with 273 rooms. The application is to be determined by the Sydney Central City Planning Panel.

On 3 October 2024, the proposal was amended for demolition of existing structures and construction of a 16 storey mixed use development comprising retail and co-living accommodation with 306 rooms.

### Conservation Agreement

The site is located within the Park Edge (Highly Sensitive Area) (Area B) and is in close proximity to significant heritage-listed items, which include Travellers Rest Inn, Old Government House (OGHD), and Parramatta Park, the latter two places being on UNESCO's World Heritage list. Development within this area is controlled not only by the relevant LEP and DCP, but also by a **Conservation Agreement** between the Australian Federal Government and the New South Wales Government.

See Section 2 below for a discussion on the **Conservation Agreement** that pertains to this portion of the Parramatta CBD.

### Notification

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 16 April and 8 May 2024. Four (4) submissions were received objecting to the proposal.

The issues raised within the submissions include:

- Noise during demolition and construction
- Damage to adjoining properties during demolition and construction
- Dust control
- Crane use

### Section 4.15 Assessment Summary

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls.

The site is zoned MU1 Mixed Use pursuant to the Parramatta Local Environmental Plan (PLEP) 2023. The application proposes a mixed use development comprising commercial premises and co-living housing.

Commercial premises are permissible with consent in the MU1 Mixed Use zone pursuant to the Parramatta LEP 2023.

Clause 67 of SEPP Housing 2021 states that co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument. Both residential flat buildings and shop-top housing are permissible with consent in the MU1 Mixed Use zone pursuant to the Parramatta LEP 2023. Therefore, co-living housing is permissible with consent.

The proposal is consistent with the relevant requirements of the Conservation Agreement, State Environmental Planning Policy (Housing) 2021, Parramatta Local Environmental Plan 2023, Parramatta Development Control Plan 2023 and Apartment Design Guide. The assessment demonstrates that the site is suitable for the proposed development.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/199/2024 is approved, subject to conditions contained within **Attachment B**.

## 2. Key Issues

The key issues that need to be considered by the Panel in respect of the development application are:

- **Conservation Agreement**

The site sits adjacent to the World and National Heritage listed Old Government House and Domain (OGHD), within *Area B of the Park Edge Highly Sensitive Area* of Parramatta Development Control Plan 2023.

Area B is an area where development is likely to have a significant impact on the world and national heritage values of Old Government House and Domain.

Under the Commonwealth Environment Protection and Biodiversity Conservation EPBC Act 1999 (EPBC Act 1999), development that is likely to have a significant impact on the world and national heritage values of OGHD must be referred to the Australian Government Department of Agriculture, Water and the Environment for approval. As this requirement has led to uncertainty and additional assessment processes, Council worked with the Australian Government and New South Wales Government and signed the Conservation Agreement for Old Government House and Domain Parramatta (**Conservation Agreement**).

The **Conservation Agreement** recognises that development that complies with certain planning controls in Parramatta's 'Highly Sensitive Area' (as identified within the **Conservation Agreement**) will not have a significant impact on the place's listed values. As such, any development that meets these controls, including in relation to height limits, floor space ratios, setbacks, materials and siting, do not need approval under national environment law.

The controls outlined in the **Conservation Agreement** are derived from the Parramatta City Centre Local Environmental Plan 2007 (LEP 2007) and Parramatta Development Control Plan 2011 (DCP 2011). These Plans are now repealed and the controls from these Plans have been transferred to PLEP 2023 and PDCP 2023.

Any variations to the LEP and DCP would trigger the requirement for a referral to the Australian Government Department of Climate Change Energy and the Environment and Water for approval as the proposal would then depart from the terms of the Conservation Agreement under the Environment Protection and Biodiversity Conservation EPBC Act 1999 between Council and the Commonwealth for developments within the Park Edge (Highly Sensitive) Area.

The table below presents a summary assessment against the terms of Conservation Agreement while a detailed evaluation is provided in **Section 8 .2 Environment Protection and Biodiversity Conservation Act 1999**.

Provision	Comment
<b>Height</b> 54m	Complies
<b>Floor Space Ratio</b> 6:1	Complies
<b>Front setback</b> 0m setback	Complies
<b>Street Frontage Height</b> 4 storeys / 14m	Complies
<b>Side Setback</b> Podium: Nil Tower: 6m	Complies
<b>Rear Setback</b> Podium: Nil Tower: 9m	Complies

The application complies with the controls contained in the Conservation Agreement and a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for a decision is not required for this application.

- **Podium / street wall height**

The Conservation Agreement contains a control stating a 4 storey / 14m height limit for the podium.

The application proposes 3 storeys in lieu of 4 storeys given the site is flood affected and a Finished Floor Level (FFL) of RL 12.5 is required which results in a floor level up to 1.8m above Natural Ground Level (NGL).

The proposed mixed use development also requires floor to floor heights of 3.8m on the ground floor and 3.1m on levels above. A 4 storey podium would therefore exceed the 14m podium height limit.

Whilst the proposal provides a 3 storey podium in lieu of a 4 storey podium, a referral under section 68 of the EPBC Act is not required for this application given the proposal complies with the maximum control.

Advice was sought from the Department of Climate Change, Energy, the Environment and Water on whether '3 storeys / 14m' was considered to be a non-compliance and whether a referral was required to the Department, or whether it is taken as complying given it does not exceed 4 storeys / 14m.

The following advice was provided:

*"...Page 58 of the Conservation Agreement (and associated figures) provide the controls for street frontage height for podiums, setbacks to the street, and side and rear boundaries for Area B of the Highly Sensitive Area. The street frontage height for Area B is 4 storey / 14 metres. Based on the information available to the department, the proposed 3 storey / 14 metre street frontage height is not likely to be noncompliant with the controls outlined in the Conservation Agreement. The department notes, the height of the proposed development is 14 metres, which is in accordance with the Conservation Agreement, we consider the height in metres is the key metric in this regard, not the number of storeys.*

*Please note, this email does not constitute legal or other professional advice, or a decision under the EPBC Act. If the proponent would like absolute certainty under the EPBC Act, the best way is for them to refer the project under section 68 of the EPBC Act."*

The Applicant provided legal advice regarding this matter prepared by Herbert Smith Frehills dated 5 July 2024. An excerpt from the advice states:

*"In our view, the ordinary and natural meaning of a "4 storeys / 14m" is "4 storeys or 14 metres". As a development standard, that would be applied as a maximum of 4 storeys or 14 metres.*

*The Development proposed is consistent with the height limit in metres and is less than the height limit by number of storeys. In our view, it complies with the relevant Highly Sensitive Area Control in the Conservation Agreement."*

Council agrees with the advice provided by Herbert Smith Frehills. This advice is provided within **Attachment C**.

- **Flooding**

According to the Council's flood map, the site's frontage on Macquarie Street is affected by the 1% AEP flood. The recommended minimum habitable floor level for the proposed building is RL 12.5 m AHD (1% AEP flood level + 0.5 m freeboard). The proposed minimum habitable floor level is RL 12.6 m AHD (highlighted in red, Figure 1), which complies with the Council's DCP requirements.

The overland flow path is primarily contained within the main road reserve in front of the subject site, and the developed conditions model results show no change in flood depth compared to existing conditions.

As horizontal evacuation may be impeded by floodwaters during severe storms, a Shelter-in-Place above the Probable Maximum Flood (PMF) level is recommended. The proposed first-floor level (communal area) is set at RL 17.1 m AHD, which exceeds the PMF level of RL 14.7 m AHD, as determined in the Parramatta River Flood Study 2024, meeting the Council's DCP requirement. The proposed stormwater management plan is also satisfactory.

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

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

The subject site is located at 7 Macquarie Street, Parramatta. The current property description is Lot 1 DP 1019888. The site is a rectangular mid-block allotment with a frontage of 37.295m to Macquarie Street, a site depth of 51.13m and a site area of 1,877m<sup>2</sup>. The site has a cross fall of approximately 1.2 metres from west to east across the site.

Currently on the site is a multi-storey car parking facility which services the neighbouring Club Parramatta, located to the north of Macquarie Street.

The site is located within close proximity to Parramatta Park, which is identified on the State Heritage Register, and Old Government House which is listed on the National Heritage List and World Heritage list.

The site is located within Area B of the Park Edge Highly Sensitive Area of Parramatta Development Control Plan 2023.

The site is affected by both mainstream and overland flooding.



**Figure 1:** Lot & DP aerial of allotment (highlighted) map and surrounding properties. *Source: GIS Online*



**Figure 2:** Aerial view of subject site (blue arrow) and surrounds. *Source: Nearmap dated August 29 2024*

## 4. The Proposal

The proposal consists of:

- Demolition of existing structures.
- Construction of a 16 storey (three (3) storey podium and 13 storey tower) mixed use development comprising retail and co-living accommodation.

Details of the development as follows:

- Ground floor comprises a loading dock, lobby, concierge, retail premises (525m<sup>2</sup>) and outdoor communal garden (195m<sup>2</sup>). One (1) accessible space is provided on the ground level.



- Level 1 comprises the primary indoor communal facilities for the co-living component (1339m<sup>2</sup>) and 2x communal outdoor communal courtyards.
- Level 2-15 comprises co-living rooms. A total of 306 co-living rooms over the 14 levels.
- Outdoor communal space is provided on the ground floor, level 1 and level 3.



**Figure 3:** Photomontage, Bayley Ward

## 5. Site and Application History

### 5.1 Application History

Date	Comment
4 April 2024	The application was lodged.
5 April 2024	The application was referred to the internal specialists.
16 April – 8 May 2024	The application was notified and advertised. Four (4) submissions were received.
9 May 2024	Design Excellence Advisory Panel (DEAP) Meeting
20 June 2024	A letter was sent to the applicant raising the following concerns: <ul style="list-style-type: none"> <li>• DEAP comments</li> <li>• Urban Design</li> <li>• Landscape</li> <li>• Traffic</li> <li>• Public Domain</li> </ul>
18 July 2024	Meeting with the applicant and Council (Planner and Urban Design).
13 September 2024	The applicant uploaded additional information to the Planning Portal, in response to Council's letter dated 20 June 2024.
18 September 2024	The application was referred back to the internal specialists for review.
3 October 2024	The applicant was requested to provide an amended landscape plan, updated wind report and updated QS report.
15 October 2024	The applicant submitted an updated wind report.
23 October 2024	The applicant submitted an update QS report.

### 5.2 Related Applications

Development Application	Description
DA/297/1998	DA/297/1998 was approved on 15 March 1999 for the erection of a multi storey car park with ground floor shops.
DA/1987/2001	DA/1987/2001 was approved on 8 November 2001 for the fit-out and use of the premises for an office.
DA/730/2019	DA/730/2019 was approved on 31 January 2020 for the erection of signage.
DA/697/2021	Sydney Central City Planning Panel issued a deferred commencement consent on 23 September 2022 for demolition of existing multi-storey car park and construction of a 13 storey commercial building with a four storey podium.
PL/130/2022	Advice was provided for pre-lodgement PL/130/2022 in February 2023 for demolition of the existing carpark and construction of a 17 storey mixed use building containing retail, a commercial office, and co-living housing with 279 rooms.
PL/109/2023	Advice was provided for pre-lodgement PL/109/2023 in November 2023 for demolition of a multi-storey car park, and construction a 16-storey mixed-use building containing retail, a commercial office, and co-living housing with 273 rooms.





**Figure 4:** Perspective view of approved commercial building under DA/697/2021

A comparison between the approved DA/697/2021 and the current application:

	DA/697/2021	DA/199/2024
Height	52.50m 4 storey podium / 13 storey tower It is noted that the application proposed a mezzanine to comply with the 4 storey control	16 storeys / 54m 3 storey podium and 13 storey tower
FSR	6:1	6:1
Basement	Two (2) levels of basement	NA
Car parking	71 parking spaces	One (1)
Commercial	13 storeys commercial	One ground floor retail premises
Retail	NA	Ground floor
<b>Podium</b>		
Front setback	Nil	Nil
Side Setback Nil	Nil	Nil
Rear setback Nil	Nil	5.5m
<b>Tower</b>		
Side setback 3m (non-residential use)  6m (residential use)	3m (non-residential use)	6m (residential use)
Rear Setback 9m	10.5m	9m

## 6. Referrals

The following section outlines the responses and any recommendations from each of the internal and external referrals in relation to the subject application.

### 6.1 Design Excellence Advisory Panel

Parramatta's Design Excellence Advisory Panel reviewed the application and provided the following advice:

1. *The Panel notes that the site is in close proximity to significant heritage-listed items, which include Travellers Rest Inn, Old Government House, and Parramatta Park, the latter two places being on UNESCO's World Heritage list. The site is therefore governed by strict built form controls which are listed in the Conservation Agreement negotiated between the Commonwealth and Council - many of them absolute. The intent of these controls is to enforce the form, height and character of development in the area of the park edge in order to protect views to and from the heritage items and their visual settings.*

*The Heritage Impact Statement states that the proposal complies with all required built form controls - and therefore will not impact on adjacent heritage items. However, given its visual prominence and significant scale, it is crucial that the proposal's architectural response (especially its composition, materials and expression) sensitively and meaningfully contributes to the context's emerging civic character.*

**Applicant's response:** *"The podium language has been substantially redesigned with much greater masonry character which provides a more sensitive design response to the heritage sensitivity of the location. Refer to the Statement of Heritage Impact for additional commentary."*

2. *The Panel is broadly supportive of the proposed mix of uses; co-living will invigorate the precinct's street life and boost housing provision in the local area. The tower's layout is compact and elegantly organised, also allowing for prefabrication, which is very positive. At podium levels, commercial uses intelligently respond to the site's strategic location; given its streetscape and park vistas, the northern frontage should be especially attractive to the market.*

**Planners response:** Noted.

3. *The ground level layout however fails to provide a coherent internal layout and civic streetscape response:*
  - *There appears to be little hierarchy to govern the ground level's various lobbies, settings and "public" spaces.*
  - *With minimal active frontage, the proposed ramp feature appears wasteful and lacking in purpose;*
  - *Apart from constraining the adjacent café's rapport with the main space, the ramp fails to provide a discreet and modestly scaled accessible path and results in entry doors located well into the site.*
  - *Views through to the rear garden are prevented by an extensive distribution of service rooms, thereby reducing the spatial generosity of this key interface.*
  - *There are excessive services at ground level, which severely impacts on its capacity to provide a coherent interface with Macquarie Street.*

**Applicant's response:** *Ground floor layout has been reviewed to incorporate entry doors directly from the street and internal vertical circulation. Views and access to the rear garden has been maintained from both the retail and co-living lobby. The internal ramp sits at the edge of the lobby entry space as a more discreet, less dominant feature. lv, v. Comments related to the request for creation of an arcade at ground floor, which we understand is not supported by PCC.*

4. *To address these many concerns, it is recommended that the ground level be redesigned to become a clearly defined arcade (such as the Governor Philip's tower's internal street), extending from Macquarie Street to the rear garden; the western core should be reduced in width and designed to read as an object in continuous space. Ideally, a refined central space would become a memorable entry and meeting place for all user groups within the building. To achieve this outcome:*
- i. a partial services basement must be considered as a means to reduce services at ground floor level*
  - ii. a refined structural layout (with consistently spaced columns, aligned with the tower above) should reinforce the continuity of the central space.*
  - iii. entry doors should be relocated to the street frontage into an at grade lobby leading to full width steps.*
  - iv. a longer north south return ramp, relocated to the east side of the "arcade", could better solve accessibility; relocating the fire control room would allow the ramps to be built into the eastern wall of the new "arcade".*
  - v. re-design of rear garden should remove the awning structure and provide full width open space with large trees.*
  - vi. The rear garden should be activated by bicycle and end of trip facilities, retail space, the central arcade and (perhaps) garden facing co-housing above (see below).*

**Applicant's response:** *Comments generally related to the request for creation of an arcade at ground floor, which we understand is not supported by PCC.*

- i. OSD tank and RWT are located below ground reduce services at ground floor level. Relocation of bike store enables expansion of the rear courtyard/garden as full width.*
- ii. a refined structural layout and more robust podium masonry language has been incorporated to enable greater reference the tower grid above, however priority has been given to the creation of vertically articulated, consistent openings.*
- iii. entry doors have been relocated to the street frontage into an at grade lobby leading to internal stairs and ramp.*
- iv. N/A as relative to arcade recommendation, however internal ramp has been relocated to eastern side of lobby.*
- v. Understanding that this comment related to the arcade recommendation, however the rear courtyard has been expanded to run the entire site width through relocation of bike storage internally within primary building footprint.*
- vi. The rear garden maintains activation through communal use and views out from glazed bike storage area. Introduction of co-living rooms at level 2 and relocation of communal spaces to level 1 .*

**Planner's response:** The recommendation of an arcade departs from the following objectives and controls contained within the City Centre DCP:

- "9.34 0.01 Define the space of the street and public spaces and articulate their edges.
- "9.3.40.05 Encourage walkability by Locating active uses in streets".
- "9.3.5.3 C.01 Arcades must be Located in a mid-block position or where connections can be made between other public spaces as agreed with Council" "9.3.5.3 C.02 Arcades must not compromise or take precedence over the activation of adjacent streets."

Provision of an 'arcade' or 'internal street' would detract from the objective of the street wall to provide definition and spatial enclosure to the street and an active street frontage, which are core principles within the City Centre DCP. An arcade, as defined by the DCP, connects two public spaces - that function could not and should not occur within this site.

There is potential for a circulation corridor with visibility to the rear garden, however it should not be thought of or designed to be an arcade or internal street.

City Design reviewed the application and recommends compliance with the objectives and controls of the City Centre DCP.

5. *In contrast to the tower above, the spatial and functional organisation of podium levels appears not to have been fully considered. Not only are structural grids irregularly spaced and misaligned with the tower (this is highly visible from the Park), proposed uses appear not to optimise the potential qualities of their locations or to benefit from resultant juxtapositions:*
- i. *instead of aligning communal interior space with adjacent open landscaped terraces, a greatly inflated amount of interior communal space is distributed within the podium's very deep floor plates.*
  - ii. *level one communal space appears isolated and incongruous with adjacent commercial space; it is not clear why communal uses are proposed in this location, when provision greatly exceeds SEPP requirements.*
  - iii. *level two communal space appears too vast, homogenous and ill defined to create the variety of attractive, discrete settings required for the many single residents reliant on these spaces for social contact and interaction; rather than an interior design issue - as suggested at the meeting – this issue may not be solvable.*
  - iv. *despite being the most commercially valuable portion of the podium, the Macquarie Street frontage is compromised by a large void and balcony spaces.*
  - v. *while level 2 communal terraces are essential, they compromise the light and air penetration to level 1.*
  - vi. *Relocate the mechanical plant on the eastern side of level 3 to improve amenity and allow for the replanning suggested below.*
  - vii. *Continue to develop the podium landscape as a continuation of the internal social setting, including the addition of outdoor lounges and canopy trees*

**Applicant's response:**

*ii. The generous supply of communal allocation within the proposal is a key operational driver for MPGroup and Point Capital. The flexibility afforded by a single, open plan level for communal use enables greater staffing efficiencies and flexibility for the spaces to evolve/adapt over time. The over-supply of communal amenity, as compared to SEPP minimums has been benchmarked by the client group against precedent and past projects in the hotel and hospitality sector. Commercial office offering has been removed within revised proposal.*

*The central light-well/courtyards form a delineation between various programmable zones within the floor-plate, each with varied levels of privacy, outlook and scale.*

*iii, iv, v. Large void and terraces fronting Macquarie Street have been removed (as per podium articulation concerns), allowing for a congruous reading of interior communal spaces fronting Macquarie Street.*

6. *To address organizational and amenity concerns, more consideration should be given to the spatial potential of each part of the podium and better aligning them with the key requirements of each use; for example:*
- *dedicating the whole of level 3 to co-housing communal space could create a clearer spatial network of diverse interior spaces, each with direct access to open landscaped terraces. This may increase the appeal and apparent safety for single residents seeking social interaction at communal levels.*
  - *reducing the actual amount of communal space may better concentrate activities while reducing management issues.*
  - *extending side facing courtyards down to level one could divide podium levels into two distinct volumes. With limited depth, light and air could be provided on two sides; could such volumes better define specific uses at each level?*
  - *For example, could the park facing volume better suit high quality commercial space – with park outlook and street address enhancing market appeal?*

- *Would the rear volume be better dedicated to co-housing? Apart from boosting co-housing yield, rear facing rooms could activate the rear garden, thereby increasing its passive surveillance and safety.*

**Applicant's response:** *The client group have re-considered inclusion of commercial use, given the challenges within the Parramatta market, with concerns that it would not deliver the after activated frontage that is important for the building identity and vitality.*

*In re-considering the key uses that will drive activation (being, retail and ancillary uses to residential community with the increased hybrid working shift), the revised design proposes on cultivating day-to-night activation via an active retail interface at the ground-plane, and Level 1 communal floor (offering recreation, resident business lounge facilities to WFH) suiting the new worker rhythms that looks to balance work and life, and activated outdoor wintergarden space on Level 2, with accommodation floor set back to preserve a well-defined podium street wall.*

*Re-location of the co-living communal floor from level 2 to level 1 enables a direct relationship between the indoor communal environment and the primary outdoor courtyard spaces on the east and west. These are further supplemented by the rear courtyard at ground (incorporating generous canopy trees) and secondary north-western terrace access at Level 3.*

7. *While the tower layout is generally supported, windows into both light wells appear too large, indifferently located and insufficiently screened to prevent direct views from one room to another. Clearly demonstrable privacy measures are required, which may include:*

- *Increasing solidity of all walls to light wells.*
- *Staggering of openings.*
- *Vertical rather than horizontal proportions.*
- *Instead of large fins, tighter spaced screening is required to effectively screen lines of sight.*
- *Horizontal battens within reveals may better prevent direct views from rooms on upper levels.*
- *Vertical battens within reveals may better prevent indirect views between adjacent north/south facing and east/west facing rooms.*

**Applicant's response:** *Additional, deeper vertical, directed fins have been incorporated within the recessed rooms at the lower mid-points on the east and west. The angle and depth of fin projections as well as the staggering of openings have been planned to screen the lines of sight between these rooms.*

8. *The proposed materiality is generally supported. However, the following refinements would greatly improve the proposed architectural expression:*

- *Amend the podium structure to align with the tower above; column spacing should be regular.*
- *Intermediate columns would introduce vertical proportions and greater solidity across the podium frontage, which may enhance the proposal's civic response to the Macquarie Street streetscape.*
- *The central ramp feature should be replaced with a simple, modest fold back ramp embedded into the side wall of the central space.*
- *The central space should be conceived as a continuous civic, generous and well proportioned arcade.*
- *Entry doors should be relocated to the frontage.*
- *Ground level services should be significantly reduced.*

**Applicant's response:** *A refined structural layout and more robust podium masonry language has been incorporated to enable greater reference the tower grid above, however priority has been given to the creation of vertically articulated, consistent openings. The material application looks to balance layering of robust materiality with appropriate level of access and openness to prime northerly aspect and parkland views. Entry doors have been relocated to the street frontage into an at grade lobby leading to internal stairs and ramp. Internal fold-back ramp has been relocated to eastern side of lobby.*



9. *Rather than being unified within a single roof form, the roof top north facing built form as proposed appears to be broken into multiple elements. This volume should be simplified and refined to read as an appropriate crowning element to this highly prominent tower. In addition, the proposed glass balustrade as sky edge is not a strong enough architectural gesture and this should be reconsidered.*

**Applicant's response:** *The efficiencies gained in the podium floor to floor heights through the removal of commercial office use (to maintain 14m absolute height compliance) benefit the resolution of the tower within the upper (54m) height plane, enabling a full floor of accommodation, rather than breaking into 'multiple elements' as per DRP comment extract below.*

## 6.2 External Referrals

Referral	Comment
Transport for NSW	Supported.  The application was referred to Transport for NSW in accordance with Section 2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP). No concerns raised by TfNSW.
Endeavour Energy	Supported.
Wind Report	Supported.
Quantity Surveyor	Altus Group reviewed the submitted QS report and states that their overall high-level opinion of the costs would be in the order of \$93,662,734 (incl. GST) and not \$82,665,000 (incl. GST) as provided by the applicant.  The applicant has agreed to the cost recommended by Altus Group.

## 6.3 Internal Referrals

Referral	Comment
Traffic	Supported, subject to conditions
Universal Access	Supported, subject to conditions
Environment and Health - Acoustic	Supported, subject to conditions
Environment and Health - Waste	Supported, subject to conditions
Environment and Health - Food	Supported, subject to conditions
Environment and Health - Contamination	Supported, subject to conditions
Catchment Engineer	Supported, subject to conditions
Heritage	Supported subject to conditions
Public Domain	Supported subject to conditions
Landscape	Supported, subject to conditions
Urban Design - Building	Council's Urban Design Officer reviewed the application and raised concerns with the lift location, internal apartment separation on level 2 and floor to floor heights.  The applicant amended the plans as per the DEAP recommendations and Urban Design's original comments. The lift location is due to the site sloping from the rear south-western corner of the site to the front north-eastern corner of the site. Relocating the lift to the front of the site would result in the lift overrun exceeding the height limit, which is not permitted under the Conservation Agreement.

	<p>The window locations have been addressed under Noise Amenity in the PDCP 2023 table.</p> <p>The floor to floor heights comply with the controls under PDCP 2023.</p>
<b>Public Art</b>	Supported, subject to conditions
<b>Cycleways</b>	Supported, subject to conditions

## 7. Environmental Planning and Assessment Act 1979

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

### 7.1 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 proposed development has a capital investment value of more than \$30 million.

### 7.2 Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to Section 8
Section 4.15 (1)(a)(iii) – Development control plans	Refer to Section 8
Section 4.15 (1)(a)(iv) - The Regulations	Refer to Section 9
Section 4.15 (1)(d) – Any submissions	Refer to Section 10
Section 4.15 (1)(b) – The likely impacts of the development	Refer to Section 11
Section 4.15 (1)(c) – The suitability of the site for development	Refer to Section 12
Section 4.15 (1)(e) – The public interest	Refer to Section 15

## 8. Environmental Planning Instruments

### 8.1 Overview

The instruments applicable to this application comprise of the following:

- Environment Protection and Biodiversity Conservation Act 1999
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Building) 2022
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Parramatta Local Environmental Plan 2023 (PLEP 2023)
- Parramatta Development Control Plan 2023 (PDCP 2023)
- Apartment Design Guide

Compliance with these instruments is addressed below:

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

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

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

## 8.2 Environment Protection and Biodiversity Conservation Act 1999

As noted in “Section 2 – Key Issues” above, the site is with the Park Edge (Highly Sensitive Area) (Area B) and the Conservation Agreement applies to development on the subject site.

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

Controls	Comment
<b>Height of Buildings</b>  Maximum height permitted: 54m  Proposal: 54m	<b>Complies</b>  It is proposed to construct the building to a maximum height of 54m.  The development complies with the height controls.
<b>Floor Space Ratio</b>  Site area: 1,877m <sup>2</sup> Max FSR allowable: 6:1 Max GFA allowable: 11,262m <sup>2</sup>  Proposed FSR: 6:1 Proposed GFA: 11,262m <sup>2</sup>	<b>Complies</b>  The proposed works result in a Gross Floor Area (GFA) of 11,262m <sup>2</sup> which equates to an FSR of 0.6:1.  The development complies with the requirements of this clause.
<b>PODIUM</b>	
<b>Front Setback</b> Nil	<b>Complies</b> Nil
<b>Street Frontage Height</b> 4 storeys / 14m	<b>Complies</b> 3 storeys / 14m  The application proposes 3 storeys in lieu of 4 storeys given the site is flood affected and a FFL of RL 12.5 is required which results in a floor level up to 1.8m above NGL.  The proposed mixed use development also requires floor to floor heights of 3.8m on the ground floor and 3.1m on levels above. A 4 storey podium would therefore exceed the 14m podium height limit. Whilst the proposal provides a 3 storey podium in lieu of a 4 storey podium, a referral under section 68 of the EPBC Act is not required for this application given the proposal complies with the maximum control.  Given the site is located within Area B of the Park Edge Highly Sensitive Area of Parramatta Development Control Plan 2023, any variations to the LEP and DCP would trigger the requirement for a referral to the Australian Government Department of Climate Change Energy and the Environment and Water for approval, as the proposal departs from the terms of the Conservation Agreement under the Environment Protection and Biodiversity Conservation EPBC Act 1999 between Council and the Commonwealth for developments within the Park Edge (Highly Sensitive) Area.  Advice was sought from the Department of Climate Change, Energy, the Environment and Water on whether ‘3 storeys / 14m’ was considered to be a non-compliance and whether a referral was

	<p>required to the Australian Government Department of Climate Change Energy and the Environment and Water. Or whether it is taken as complying given it does not exceed 4 storeys / 14m.</p> <p>The following advice was provided:</p> <p><i>“....Page 58 of the Conservation Agreement (and associated figures) provide the controls for street frontage height for podiums, setbacks to the street, and side and rear boundaries for Area B of the Highly Sensitive Area. The street frontage height for Area B is 4 storey / 14 metres. Based on the information available to the department, the proposed 3 storey / 14 metre street frontage height is not likely to be noncompliant with the controls outlined in the Conservation Agreement. The department notes, the height of the proposed development is 14 metres, which is in accordance with the Conservation Agreement, we consider the height in metres is the key metric in this regard, not the number of storeys.</i></p> <p><i>Please note, this email does not constitute legal or other professional advice, or a decision under the EPBC Act. If the proponent would like absolute certainty under the EPBC Act, the best way is for them to refer the project under section 68 of the EPBC Act.”</i></p> <p>The Applicant provided legal advice regarding this matter prepared by Herbert Smith Frehills dated 5 July 2024. Council agrees with the advice provided by Herbert Smith Frehills. This advice is provided within <b>Attachment C</b>.</p>
<b>Side Setback</b> Nil	<b>Complies</b> Nil
<b>Rear Setback</b> Nil	<b>Complies</b> 5.3m-6m
<b>TOWER</b>	
<b>Side Setback</b> 6m	<b>Complies</b> 6m
<b>Rear Setback</b> 9m	<b>Complies</b> 9m
<b>Setback from Podium to Tower</b> 6m	<b>Complies</b> 6m
Where reasonably practicable, having regard to the orientation of the particular development parcel, buildings must be oriented with their narrow end not exceeding 30 metres in width facing the Domain.	The proposed building is orientated with its narrow end toward Macquarie Street. The tower is less than 30m in width facing the domain.
External building materials must reduce visibility against the sky, for example, use of light colours or reflective surfaces.	<p>It is considered that the proposed building has been sensitively designed using high quality composition of building elements, textures materials, landscaping and colours, which respond to the setting and will contribute positively to the existing character of the site. A Reflectivity Assessment Report prepared by Vipac was submitted with the application. The report concludes:</p> <p><i>“The design in conjunction with the site / environs represents an acceptable level of reflectivity and Vipac suggest that the design will perform without an adverse disposition to its environs in consideration of solar glare as described in this report.”</i></p>

Signage on the upper level of buildings must not face the Domain of Parramatta Park.	N/A. Signage is not proposed as part of this Development Application.
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The proposal complies with the Conservation Agreement and will not result in a detrimental impact on the world and national heritage values of Parramatta Park and Old Government House.

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

#### **8.3.1 Chapter 2 Vegetation in Non-Rural areas.**

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site.

The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

The site is currently occupied by a carpark, built boundary to boundary, with no vegetation on the site.

Council's Landscape Officer carried out an inspection of the site and review of the proposal and supports the proposal subject to conditions.

In this regard, the proposal is not considered to comply with State Environmental Planning Policy (Biodiversity and Conservation) 2021.

#### **8.3.2 Chapter 10 Sydney Harbour Catchment**

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

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

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

#### **8.4.1 Chapter 4 Remediation of Land**

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

A 'Detailed Site Investigation' report prepared by JK Environments was submitted with the application. The report concludes:

*Notwithstanding, we consider that the site can be made suitable for the proposed development via remediation. We recommend the following:*

- 1. Prepare an interim AMP to manage risks from asbestos in fill until the proposed development occurs;*
- 2. Preparation of a RAP for the site. In addition to outlining the remediation and validation requirements, the RAP must include requirements for confirming the waste classification and to address the minor data gaps outlined in Section 9.3 of this report;*
- 3. Preparation and implementation of a construction-phase AMP; and*



4. *Preparation of a validation assessment report for the remediation works undertaken at the site.*

Council's Environment and Health Officer reviewed the application including the Detailed Site Investigation Report and supports the proposal subject to conditions. The proposal is acceptable in respect to the requirements of SEPP (Resilience and Hazards) 2021 and the site can be considered suitable for the proposed residential development.

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

### **8.5.1 Chapter 2 – Infrastructure**

The following relevant provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

The provisions of the SEPP have been considered in the assessment of the development application.

#### **8.5.1.1 Endeavour Energy**

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

Endeavour Energy raised no objections subject to appropriate conditions being imposed on the consent relating to network capacity/connection, earthing, safety clearances, vegetation management, noise, dial before you dig, demolition, public safety and emergency contact comments.

#### **8.5.1.2 Transport for NSW**

The application is not subject to Clause 2.119 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to Clause 2.120 of the SEPP as the average daily traffic volume of **Macquarie Street** is less than 20,000 vehicles.

The application is not subject to Clause 2.120 as the proposal is not listed in Schedule 3 Traffic Generating Development.

The application was referred to Transport for NSW in accordance with Section 2.98, the application is supported.

## **8.6 State Environmental Planning Policy (Sustainable Building) 2022**

The application is accompanied by an ESD Report, prepared by E-LAB.

## **8.7 State Environmental Planning Policy (Housing) 2021**

### **8.7.1 Chapter 3, Part 3 – Co-Living Housing**

Clause	Discussion	Compliance
<b>68 Non-discretionary development standards—the Act, s 4.15</b>  (2) The following are non-discretionary development standards in relation to development for the purposes of co-living housing—		

<p>(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—</p> <p><b>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</b></p> <p><b>(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,</b></p>	<p>The application does not seek the 10% bonus.</p>	<p>NA</p>
<p>(b) for co-living housing containing 6 private rooms—</p> <p>(i) a total of at least 30m<sup>2</sup> of communal living area, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	<p>The co-living component of the development contains more than 6 private rooms.</p>	<p>NA</p>
<p><b>(c) for co-living housing containing more than 6 private rooms—</b></p> <p>(i) a total of at least <b>30m<sup>2</sup></b> of communal living area <b>plus at least a further 2m<sup>2</sup> for each private room in excess of 6 private rooms, and</b></p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	<p>306 co-living rooms are proposed, requiring 630m<sup>2</sup> of communal living area.</p> <p>The application proposes 1,325m<sup>2</sup> of communal living space, with dimensions greater than 3m.</p>	<p>Yes</p>
<p><b>(d) communal open spaces—</b></p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p>	<p>Required: 375.4m<sup>2</sup> of communal open space</p> <p>Proposed: 494m<sup>2</sup> of communal open space</p>	<p>Yes</p>
<p>(e) unless a relevant planning instrument specifies a lower number—</p> <p><b>(i) for development on land in an accessible area—0.2 parking spaces for each private room, or</b></p> <p>(ii) otherwise—0.5 parking spaces for each private room,</p>	<p>There is no parking proposed due to the site's location within the CDB and the close proximity of the site to public transport links including Parramatta train station, Parramatta light Rail and the future Parramatta Metro.</p>	<p>Yes</p>
<p>(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,</p>	<p>NA – the site is zoned MU1.</p>	<p>NA</p>

<p>(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.</p>	<p>NA – the site is zoned MU1.</p>	<p>NA</p>
<p><b>69 Standards for co-living housing</b></p> <p>(1) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—</p> <p>(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, <b>that is not more than 25m<sup>2</sup> and not less than—</b></p> <p style="padding-left: 20px;"><b>(i) for a private room intended to be used by a single occupant—12m<sup>2</sup>, or</b></p> <p style="padding-left: 20px;"><b>(ii) otherwise—16m<sup>2</sup>, and</b></p> <p>(b) the minimum lot size for the co-living housing is not less than—</p> <p style="padding-left: 20px;">(i) for development on land in Zone R2 Low Density Residential—600m<sup>2</sup>, or</p> <p style="padding-left: 20px;"><b>(ii) for development on other land—800m<sup>2</sup>, and</b></p> <p style="padding-left: 20px;">(iii) (Repealed)</p> <p>(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing—</p> <p style="padding-left: 20px;">(i) will not contain more than 12 private rooms, and</p> <p style="padding-left: 20px;">(ii) will be in an accessible area, and</p> <p>(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and</p> <p>(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and</p> <p>(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and</p>	<p>Each single occupant private room is no more than 25m<sup>2</sup> and no less than 12m<sup>2</sup>.</p> <p>Each dual occupant private room is no more than 25m<sup>2</sup> and no less than 16m<sup>2</sup></p> <p>The site area is 1,877m<sup>2</sup>.</p> <p>The site is not zoned R2.</p> <p>An appropriate workspace for the manager is provided on the ground floor.</p> <p>The site is within a mixed use zone. The ground floor comprises a retail premises.</p> <p>Each room is provided with a bathroom and kitchen. Communal laundry is provided on each floor and additional communal kitchen is provided on Level 1.</p>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>(g) each private room will be used by no more than 2 occupants, and</p> <p>(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.</p> <p>(2) Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—</p> <p>(a) the front, side and rear setbacks for the co-living housing are not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or</p> <p>(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and</p> <p>(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and</p> <p>ADG Building Separation requirements:</p> <p><i>Minimum separation distances for buildings are:</i></p> <p><i>Up to four storeys (approximately 12m):</i></p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 6m between non-habitable rooms</li> <li>• 0m blank wall</li> </ul>	<p>No more than 2 occupants are to be accommodated within the private rooms.</p> <p>Adequate bicycle and motorcycle facilities is provided on the ground floor.</p> <p>NA – the site is located within a Mixed Use zone.</p> <p>The subject site is located within a mixed use zone and adjoins a 2 storey commercial building to the east and west, both of which are built to the boundary.</p> <p>Council's records indicate no applications for any new development on either of these sites, adjoining the subject site.</p> <p><b>Ground, level 1 and level 2 (Podium)</b></p> <p>The proposal contains a 3 storey/ 14m high podium with nil side setbacks, which is consistent with the Conservation Agreement requirements for the site.</p> <p>No concerns are raised with the nil side setbacks for the podium.</p> <p>The podium has a 5.5m-6m rear setback, resulting in a variation of 500mm. No concerns raised over this variation, for the following reasons:</p> <ul style="list-style-type: none"> <li>• The conservation agreement allows for a nil setback to all boundaries of the podium.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p>
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<p><b>Five to eight storeys</b> (approximately 25m):</p> <ul style="list-style-type: none"> <li>• 18m between habitable rooms/balconies</li> <li>• 12m between habitable and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> <li>• 0m blank wall</li> </ul> <p><b>Nine storeys and above</b> (over 25m):</p> <ul style="list-style-type: none"> <li>• 24m between habitable rooms/balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable rooms</li> <li>• 0m blank wall</li> </ul> <p>(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and</p> <p>(d), (e) (Repealed)</p> <p>(f) the design of the building will be compatible with—</p> <ul style="list-style-type: none"> <li>(i) the desirable elements of the character of the local area, or</li> <li>(ii) for precincts undergoing transition—the desired future character of the precinct.</li> </ul>	<ul style="list-style-type: none"> <li>• The ground floor does not contain residential, and no windows are proposed within the elevation that is less than 6m.</li> <li>• The first floor does not contain residential apartments. The first floor contains a communal space.</li> <li>• Level 2 contains residential and maintains compliance with a setback of 6m to the windows.</li> </ul> <p><b>Level 3</b> 6m side setbacks and 6.4m rear setback.</p> <p><b>Proposed Level 4-Level 7 (tower)</b> 6m side setbacks 9m rear setbacks</p> <p>Supported given the proposal has blank walls and the only windows are within the hallway and bathrooms only.</p> <p><b>Proposed Level 8-Level 15</b> 6m side setbacks 9m rear setbacks</p> <p>Supported given the window within the side elevation are within the hallway and bathrooms.</p> <p>The level 1 communal living space will receive at least 3 hours solar access between 8am and 3pm at mid-winter.</p> <p>Complies The proposal is compatible with the future character of the area, complying with the building envelope controls provided within the Conservation Agreement.</p>	<p>Yes</p> <p><b>No, however supported</b></p> <p><b>No, however supported</b></p> <p>Yes</p> <p>Yes</p>
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## 8.8 Parramatta Local Environmental Plan 2023

The Parramatta Local Environmental Plan 2023 (PLEP 2023) is the principal environmental planning instrument that applies to the site. The Parramatta Local Environmental Plan 2023 commenced on 2 March 2023. The LEP replaces the five previous LEPs that applied within the Local Government Area and is now the primary legal planning document for guiding development and land use decisions made by Council.



An assessment of the proposal against the relevant principal planning controls of the PLEP 2023 is provided below:

#### a) Land Zoning and Permissibility

The site is zoned MU1 Mixed Use pursuant to the Parramatta Local Environmental Plan (PLEP) 2023. The application proposes a mixed use development comprising commercial premises and co-living housing. The two proposed uses are defined as follows:

**commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**co-living housing** means a building or place that—

- (a) has at least 6 private rooms, some or all of which may have private kitchen and bathroom facilities, and
  - (b) provides occupants with a principal place of residence for at least 3 months, and
  - (c) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, maintained by a managing agent, who provides management services 24 hours a day,
- but does not include backpackers' accommodation, a boarding house, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

**Note—**

Co-living housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.


Commercial premises are permissible with consent in the MU1 Mixed Use zone pursuant to the Parramatta LEP 2023.

Clause 67 of SEPP Housing 2021 states that co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument. Both residential flat buildings and shop-top housing are permissible with consent in the MU1 Mixed Use zone pursuant to the Parramatta LEP 2023. Therefore, co-living housing is permissible with consent.

Standards and Provisions	Compliance
<b>Part 4 Principal Development Standards</b>	
<b>Cl. 4.3 Height of buildings</b>	<b>Complies</b> Maximum = 54m Proposed = 54m
<b>Cl. 4.4 Floor space ratio</b>	<b>Complies</b> Maximum = 6:1 (GFA 11,262m <sup>2</sup> ) Proposed = 6:1 (GFA 11,262m <sup>2</sup> )  Note: Under the provisions of the SEPP an additional 10% bonus can be applied to the co-living component of the development. However, the application does not seek the bonus floor space.
<b>Cl. 4.6 Exceptions to development standards</b>	N/A
<b>Part 5 Miscellaneous Provisions</b>	
<b>Cl. 5.6 Architectural roof features</b>	An architectural roof feature is not proposed
<b>Cl. 5.10 Heritage conservation</b>	The subject site is not a heritage item or within a heritage conservation area.

	<p>The subject site is within close proximity to the following heritage items:</p> <ul style="list-style-type: none"> <li>• Local heritage item no. I611: Parramatta Park and Old Government House; and</li> <li>• Local heritage item no. I613: Travellers Rest Inn Group at 14 O'Connell Street and 16 Hunter Street.</li> </ul> <p>Parramatta Park and Old Government House is also a National and World Heritage listed item. It was 1 of 11 Australian Convict Sites listed on the UNESCO World Heritage Register in 2010.</p> <p>Council's Heritage Advisor reviewed the application, including the submitted Heritage Impact Statement prepared by Weir Phillips and the application is supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• <i>The site is not a heritage listed, nor in the immediate vicinity of heritage listed sites.</i></li> <li>• <i>The site has no archaeological potential. A methodology and desktop assessment by qualified archaeologist would be required and if relicts or deposit is discovered during the excavation a procedure should be in place for appropriate coordination with HNSW and required permits. This aspect of potential archaeology should also be integrated in the heritage interpretation strategy to be provide prior the issue of a construction certificate.</i></li> <li>• <i>The site is visible from the direction of Parramatta Park, however, the approved 13 storey building and the 16 storey proposal will have substantially same impact on the views.</i></li> <li>• <i>Demolition of the extant car park building will have no adverse heritage impact. The structure, built c.2000, is an intrusive element in the streetscape.</i></li> <li>• <i>The proposal addressed Park Edge Highly Sensitive Areas guidelines.</i></li> <li>• <i>The podium is adequately designed and will form a strong element in the streetscape</i></li> <li>• <i>The proposal complies with the Statutory and non -Statutory controls and related heritage policies and guidelines.</i></li> <li>• <i>The proposal is not dissimilar in level of heritage impacts to the approved DA/697/2021.</i></li> </ul>
<p><b>Cl. 5.21 Flood Planning</b></p>	<p>According to the Council's flood map, the site's frontage on Macquarie Street is affected by the 1% AEP flood. The applicant was reviewed by Council's Catchment Engineer and the following comments were provided:  <i>"Based on modelling results, the maximum 1% AEP flood level adjacent to the proposed dwellings is RL 12.0</i></p>

	<p><i>m AHD. This level matches the Council's flood level from the Parramatta River Flood Study 2024. The recommended minimum habitable floor level for the proposed dwellings is RL 12.5 m AHD (1% AEP flood level + 0.5 m freeboard). The proposed minimum habitable floor level is RL 12.6 m AHD (highlighted in red, Figure 1), which complies with the Council's DCP requirements. The overland flow path is primarily contained within the main road reserve in front of the subject site, and the developed conditions model results show no change in flood depth compared to existing conditions.</i></p> <p><i>As horizontal evacuation may be impeded by floodwaters during severe storms, a Shelter-in-Place above the Probable Maximum Flood (PMF) level is recommended. The proposed first-floor level (communal area) is set at RL 17.1 m AHD (Figure 2), which exceeds the PMF level of RL 14.7 m AHD, as determined in the Parramatta River Flood Study 2024, meeting the Council's DCP requirement. The proposed stormwater management plan is also satisfactory."</i></p> <p>The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent.</p>
<b>Part 6 Additional Local Provisions</b>	
<b>Cl. 6.2 Earthworks</b>	<p>The objective of this clause is to ensure earthworks associated with the proposed development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>A basement is not proposed as part of this application. Excavation proposed as part of this application is minimal and not considered to result in a detrimental impact on environmental functions and process, neighbouring use, culture or heritage items or features of the surrounding land. The submitted stormwater plans have been reviewed by Council's Engineer and the application is supported subject to conditions.</p>
<b>Cl. 6.13 Design excellence</b>	A Design Competition as described in clause 6.13 was not required for this development.
<b>Part 7 Additional Local Provisions – Parramatta City Centre</b>	
<b>Cl. 7.4 Floor space ratio—Parramatta Park and Park Edge Highly Sensitive Area</b>	<p>The site is land identified as 'Area A' on the Special Provisions Area Map.</p> <p>Maximum FSR 6:1 Proposed FSR: 6:1</p>
<b>Cl. 7.7 Sun Access</b>	The proposed development will not result in loss of sunlight access to any sites listed on the Sun Access Protection Map.

	 <p><b>Figure 5: Sun Access Protection Map.</b></p>
<b>Cl. 7.8 Services Apartments</b>	The Clause states application does not propose Serviced Apartments.
<b>Cl. 7.9 Airspace Operations</b>	<p>This Clause states that Development consent must not be granted to development that is a controlled activity, within the meaning of the <i>Airports Act 1996</i> of the Commonwealth, Part 12, Division 4, unless the applicant has obtained an approval for the controlled activity under regulations made for the purposes of that Division.</p> <p>The application is not for a controlled activity.</p>
<b>Cl. 7.10 Active Frontages</b>	The site is not identified on the Active Frontages Map.
<b>Cl 7.11 Flood plain risk Management</b>	Refer to Clause 5.21 above.
<b>Cl. 7.13 Design Excellence</b>  (1) Development consent must not be granted to development to which this Division applies unless the consent authority is satisfied the building resulting from the development exhibits design excellence. (2) In considering whether a building exhibits design excellence, the consent authority must consider the matters specified in clause 6.13(4)(a)–(d).  (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,  (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,  (c) whether the development detrimentally impacts view corridors,  (d) how the development addresses the following—	<p>Council considers the development as having exhibited design excellence.</p> <p>The following is an assessment of the design against clauses 6.13(4)(a)–(d).</p> <p>The proposal provides a high standard of architectural design and materials, reviewed and supported by the Design Excellence Advisory Panel.</p> <p>The external appearance of the development will improve the quality and amenity of the public domain by providing an active street frontage, extension of the footpath to be consistent with adjoining properties and improving pedestrian movement.</p> <p>The proposal is not within any view corridors and will not impact view corridors, in particular all view corridors to Parramatta Park are protected.</p>

<p>(i) the suitability of the land for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage and archaeological issues and the constraints and opportunities of the streetscape,</p> <p>(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,</p> <p>(v) the bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) environmental impacts, including sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</p> <p>(viii) the achievement of the principles of ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,</p>	<p>The site is suitable for the proposed development, proposing a mixed use development that is permissible in the zone, meets the requirements of the Conservation Agreement and complies with all applicable planning controls.</p> <p>The proposed mixed use development provides an active street frontage with retail on the ground and residential co-living and communal space above, meeting the objectives of the MU1 zone.</p> <p>The site is not heritage listed or adjoins any heritage listed properties. The proposal is subject to a Conservation Agreement which protects the nearby significant heritage-listed items, which include Travellers Rest Inn, Old Government House (OGHD), and Parramatta Park.</p> <p>The proposal includes a podium and towers, that meets the controls of the Conservation Agreement and PDCP 2023 controls in terms of built form, which is consistent with the existing and future character of the area.</p> <p>The proposal complies with the FSR and height controls applicable to the site and complies with the Conservation Agreement which sets out building envelope controls, to protect the nearby heritage items.</p> <p>The proposal meets the required 14m height for podiums on this site.</p> <p>The proposal complies with the Conservation Agreement which sets out building envelope controls and as a result the environmental impacts are minimal.</p> <p>The proposed development embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.</p> <p>The pedestrian, cycle and vehicular access is satisfactory.</p>
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<p>(x) the impact on, and proposed improvements to, the public domain,</p> <p>(xi) the impact on special character areas,</p> <p>(xii) achieving appropriate interface at ground level between buildings and the public domain,</p> <p>(xiii) excellence and integration of landscape design,</p> <p>(xiv) the protection and enhancement of green infrastructure.</p>	<p>The proposal will improve the public domain, with an extension of the footpath to be consistent with adjoining properties and provide an active street frontage with retail on the ground floor.</p> <p>The subject site is not within a special character area.</p> <p>The proposal provides an active street frontage with retail on the ground floor, which is an improvement from the current existing carpark which has no street activation.</p> <p>An extension of the footpath allows for new trees to be planted within the front of the site on the Council footpath.</p> <p>Planting on the footpath, rear of the site and on the podium will provide a high level amenity and enhance the public domain.</p>
<p>(e) (Repealed)</p>	<p>Noted.</p>
<p><b>CL. 7.19 Car parking – Parramatta Park and Park Edge Highly Sensitive Area</b></p> <p><i>The maximum number of car parking spaces, including existing car parking spaces, for development to which this clause applies is the number calculated for the land use in accordance with the following table:</i></p> <p><i>Residential flat buildings</i></p> <p><i>The sum of</i></p> <p><i>a) 1 space for every dwelling,</i></p> <p><i>b) 1 visitor space for every 5 dwellings,</i></p> <p><i>Commercial premises</i></p> <p><i>1 space for every 100m<sup>2</sup> of gross floor area</i></p> <p><b>Total = maximum 130 spaces</b></p>	<p>The application proposes nil carparking.</p> <p>The site is located within the Parramatta CBD area where parking maximums apply. The application has been reviewed by Council's Traffic Engineer, who supports the proposal subject to standard conditions.</p>

## 8.9 Parramatta Development Control Plan 2023

The proposal is subject to the provisions of Parramatta Development Control Plan (PDCP) 2023 of the following sections:

- Part 2 – Design in Context
- Part 3 – Residential Development
- Part 4 – Non-Residential Development
- Part 5 – Environmental Management
- Part 6 – Traffic and Parking
- Part 7 – Heritage and Archaeology
- Part 9 – Parramatta City Centre

The subject site is identified as being located within the Parramatta City Centre, as such Part 9 Parramatta

City Centre of the PDCP 2023 is applicable.

Part 9.5 Special Areas of the PDCP 2023 contains specific provisions which relate to the subject site and prevail where there is any inconsistency with other sections of the PDCP 2023.

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

The controls contained in the Conservation Agreement include the applicable maximum building height and floor space ratio controls under the Parramatta Local Environmental Plan 2023 (PLEP 2023). They also include the Parramatta Development Control Plan 2023 (PDCP 2023) controls outlined in Section 9.5.10 of the PDCP 2023.

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

<b>Development Control</b>	<b>Proposal</b>	<b>Comply</b>
<b>2.2 Context Analysis</b>	The applicant submitted a context analysis with the application.	
<b>2.3 Preliminary Building Envelope</b>	<p>Articulation zones, balconies, lift overruns and eaves are all within the permissible building envelope.</p> <p>The proposal complies with the setback and height controls contained within the Conservation Agreement.</p> <p>The ground floor FFL exceeds 500mm above NGL, however this is due to the site being flood affected. Ramp access is provided within the building.</p>	Complies
<b>2.4 Building Form and Massing</b>	<p>The proposed height responds to the topography of the site and maintains a maximum height of 54m which is the maximum height permitted under the Conservation Agreement.</p> <p>The proposed height does not result in unreasonable loss of amenity to adjacent properties, or adjoining heritage items including Parramatta Park or Old Government House and Domain.</p>	Complies
<b>2.5 Streetscape and Building Address</b>	<p>The proposal maintains a nil front setback, complying with the Conservation Agreement controls and will be consistent with the existing and future pattern in the street.</p> <p>Council's Urban Design Office has reviewed the application and supports the proposed façade design.</p> <p>The building frontage and entries provides legible sense of street address and visual interest. A retail tenancy is proposed on the ground floor, activating the street.</p> <p>The building's frontage is not dominated by the parking entry or services.</p>	Complies
<b>2.8 Views and Vistas</b>	The site is not subject to views or view corridors.	Complies
<b>2.9 Public Domain</b>	The proposal provides an outlook to the public domain and provides passive surveillance of the public domain and	Complies

Development Control	Proposal	Comply
	<p>street activation, with a ground floor retail space.</p> <p>Windows are provided within dwellings within the front elevation which overlook the public domain.</p>	
<b>2.10 Accessibility and Connectivity</b>	<p>The requirement for a through-site link, departs from the following objectives and controls contained within the City Centre DCP controls, which applies to this site:</p> <ul style="list-style-type: none"> <li>• "9.3.4 O.01 Define the space of the street and public spaces and articulate their edges."</li> <li>• "9.3.4 O.05 Encourage Walkability by Locating active uses in streets".</li> <li>• "9.3.5.3 C.01 Arcades must be Located in a mid-block position or where connections can be made between other public spaces as agreed with Council"</li> <li>• "9.3.5.3 C.02 Arcades must not compromise or take precedence over the activation of adjacent streets."</li> </ul> <p>Provision of an 'arcade' or 'internal street' would detract from the objective of the street wall to provide definition and spatial enclosure to the street and an active street frontage, which are core principles within the City Centre DCP.</p> <p>An arcade, as defined by the DCP, connects two public spaces - that function could not and should not occur within this site, to ensure compliance with the Conservation Agreement and to ensure a street wall is provided along Macquarie Street.</p>	
<b>2.11 Access for People with a disability</b>	<p>The application was lodged with a DDA report, and the application is supported, subject to conditions.</p>	<p>Complies</p>
<b>2.13 Culture and Public Art</b>	<p>Given the development has a capital value of more than \$5,000,000 and is located in the City Centre, an Arts Plan is required. A public Arts Plan prepared by UAP was submitted with the application and reviewed by Council's Public Art Officer.</p> <p>Additional information relating to the proposed budget was requested.</p> <p>It is considered that the requested details are able to be provided to Council for additional assessment prior to the issuing of a Construction Certificate. Appropriate conditions have been recommended in this regard.</p>	<p>Complies</p>
<b>2.14 Safety and Security</b>	<p>The proposal has been designed to reduce crime risk and opportunities for crime.</p> <p>A Crime Prevention Assessment prepared by Harris Crime Prevention Services was submitted with the application. The report provides an assessment on the Proposal against the Crime Prevention Through Environmental Design Principles.</p> <p>The site and building layout ensures that entrances and</p>	<p>Complies</p>



Development Control	Proposal	Comply
	uses are easily identifiable by prospective users.  Security devices, such as roller shutters or grilles on shopfronts, are not proposed and a standard condition is recommended to be included in the consent restricting the use of roller shutters.	
<b>2.15 Signage</b>	No signage proposed.	NA
<b>Part 4 Non-Residential Development</b>		
<b>4.1.1 Consideration Of Adjoining Uses</b>	The proposal has considered adjoining uses and potential future uses, with sufficient setbacks and appropriate window and open space location.	Complies
<b>4.1.2 Noise Amenity</b>	<p>An acoustic report prepared by Volta Acoustics was submitted with the application and reviewed by Council's Environment and Health Officer.</p> <p>The acoustic report takes into consideration the noise from mechanical services, substation, loading dock and traffic general. The acoustic report provides building envelope acoustic treatment.</p> <p>The applicant was requested to investigate the noise transfer between rooms where windows of adjacent apartments are in close proximity to one another. An example of this instance is Type A and Type C2 apartment where there is a separation 6m. The acoustic report was updated and the following comment was provided:</p> <p><i>"The only applicable criteria for apartment-to-apartment noise transfer are NCC intertenancy partition ratings. While glazing elements do not present a direct connection between apartments, NCC performance requirements include flanking noise transmission pathways (indirect pathways), such as via the façade. Volta have undertaken an assessment based on the project plans and the glazing requirements laid out in Table 13, and have concluded that the current façade design is expected to comply with NCC performance requirements for intertenancy acoustic separation. A separate assessment has been conducted based on typical occupant noise generation such as raised voices, TV and music noise. Low risk of nuisance noise transmitting between apartments via the façade glazing has been predicted."</i></p> <p>The applicant has satisfactorily addressed noise transfer between dwellings, and the application is supported subject to standard conditions.</p>	Complies
<b>4.2 Business and Commercial Development</b>	Controls for business or commercial types of development are outlined in Table 4.2.1. However, the controls are superseded by the Conservation Agreement.	Complies
<b>Part 5 Environmental Management</b>		
<b>5.1 Water management</b>		
<b>5.1.1 Flooding</b>	According to the Council's flood map, the site's frontage on Macquarie Street is affected by the 1% AEP flood. The	Complies

Development Control	Proposal	Comply
	<p>applicant was reviewed by Council's Catchment Engineer and the following comments were provided:</p> <p><i>"Based on modelling results, the maximum 1% AEP flood level adjacent to the proposed dwellings is RL 12.0 m AHD. This level matches the Council's flood level from the Parramatta River Flood Study 2024. The recommended minimum habitable floor level for the proposed dwellings is RL 12.5 m AHD (1% AEP flood level + 0.5 m freeboard). The proposed minimum habitable floor level is RL 12.6 m AHD (highlighted in red, Figure 1), which complies with the Council's DCP requirements. The overland flow path is primarily contained within the main road reserve in front of the subject site, and the developed conditions model results show no change in flood depth compared to existing conditions.</i></p> <p><i>As horizontal evacuation may be impeded by floodwaters during severe storms, a Shelter-in-Place above the Probable Maximum Flood (PMF) level is recommended. The proposed first-floor level (communal area) is set at RL 17.1 m AHD (Figure 2), which exceeds the PMF level of RL 14.7 m AHD, as determined in the Parramatta River Flood Study 2024, meeting the Council's DCP requirement. The proposed stormwater management plan is also satisfactory."</i></p> <p>The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent.</p>	
<b>5.1.2 Water Sensitive urban Design</b>	Council's Development Engineer has reviewed the submitted stormwater plans and supports the proposal subject to conditions.	Complies
<b>5.1.3 Stormwater Management</b>	Council's Development Engineer has reviewed the submitted stormwater plans and supports the proposal subject to conditions.	Complies
<b>5.1.4 On-Site Detention Management</b>	Council's Development Engineer has reviewed the submitted stormwater plans and supports the proposal subject to conditions.	Complies
<b>5.1.5 Groundwater</b>	A Geotechnical report prepared by JK Geotechnics was submitted with the application. The report concludes that groundwater occurs at 3m and below. A basement does not form part of this application.	Complies
<b>5.2 Hazard and Pollution Management</b>		
<b>5.2.1 Control of Soil Erosion and Sedimentation</b>	Adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.	Complies
<b>5.2.2 Acid Sulfate Soils</b>	The site is identified as Class 5. The application does not include a basement and proposes minimal excavation.	Complies
<b>5.2.3 Salinity</b>	Complies	
<b>5.2.4 Earthworks and Development on Sloping Land</b>	<p>The site is relatively flat with a slope from the rear northern corner of the site to the front southern corner of the site by approximately 1.5m, over approximately 50m.</p> <p>The proposal responds to the slope of the site and provides</p>	Complies

Development Control	Proposal	Comply
	floor levels above the PMF.	
<b>5.2.5 Land Contamination</b>	A Detailed Site Investigation Report prepared by JK Environments was submitted with the application and reviewed by Council's Environment and Health Officer. The application is supported subject to conditions.	Complies
<b>5.2.6 Air Quality</b>	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised during construction.	Complies
<b>5.2.7 Bush Fire Prone Land</b>	The site is not identified as being bush fire prone.	Na
<b>5.3 Protection of the Natural Environment</b>		
<b>5.3.1 Biodiversity</b>		
<b>5.3.2 Waterways and Riparian Zone</b>	NA – The site does not adjoin any waterways or riparian zones.	NA
<b>5.3.3 Development on Land Adjoining Land Zoned C2 Environmental Protection or W1 Natural Waterways Zone</b>	NA – The site does not adjoin land zoned C2 or W1.	NA
<b>5.3.4 Tree and Vegetation Preservation</b>	NA – The site does not contain any trees.	NA
<b>Part 6 Traffic and Transport</b>		
<b>6.1 Sustainable Transport</b>		
<b>6.1.1 Carshare</b>	<p>The proposed development does not include any car-sharing spaces, and the applicant has provided the following comment:</p> <p><i>“The proposed development is highly sustainable in relation transport as it does not provide any car parking provision. Accordingly, there is no need for carshare, travel plans or electric vehicle charging infrastructure.”</i></p> <p>Council's Traffic Engineer reviewed the application and supports the proposal subject to conditions.</p>	<b>No, however supported.</b>
<b>6.1.2 Travel Plans</b>	<p>The proposed development does not include a Travel Plan, and the applicant has provided the following comment:</p> <p><i>“The proposed development is highly sustainable in relation transport as it does not provide any car parking provision. Accordingly, there is no need for carshare, travel plans or electric vehicle charging infrastructure.”</i></p> <p>Council's Traffic Engineer reviewed the application and supports the proposal subject to conditions.</p>	<b>No, however supported.</b>
<b>6.1.3 Electric Vehicle Charging Infrastructure</b>	<p>The proposed development does not include Electric Vehicle Charging Infrastructure, and the applicant has provided the following comment:</p> <p><i>“The proposed development is highly sustainable in relation transport as it does not provide any car parking provision. Accordingly, there is no need for carshare, travel plans or electric vehicle charging infrastructure.”</i></p>	<b>No, however supported.</b>

Development Control	Proposal	Comply
	Council's Traffic Engineer reviewed the application and supports the proposal subject to conditions.	
<b>6.2 Parking and Vehicular Access</b>	<p>The site is located within the Parramatta CBD area where parking maximums apply. One accessible parking space is provided within the development.</p> <p>The proposed development incorporates a turntable to allow service vehicles and users of the accessible parking space to enter and exit the site in a forward direction.</p> <p>The demand for the site access is likely to be low given that only 1 parking space is provided on the site. Queuing is not likely to be an issue at the access point.</p> <p>In accordance with AS 2890.2, the maximum grade of a driveway for the first 6m into the property is 5% or the length of the wheelbase of any vehicle likely to be using this. However, the proposed driveway has a maximum grade of 12.5%.</p> <p>Consideration is given to AS 2890.1 which does allow for the maximum grade to be increased to 12.5% if it is a downward grade when leaving the site. Furthermore, given that the access is for only one loading bay, the proposed driveway gradient is likely to be OK if further mitigation measures are taken such as speed humps. This can be addressed as part of a Loading Dock Management Plan.</p> <p>As there is no car parking provided, the two (2) motorcycle spaces provide more than the minimum that is required.</p>	Complies
<b>6.3 Bicycle Parking</b>	<p>The Parramatta DCP does not have specific bicycle parking rates for Co-Living units. The Housing SEPP specifies that adequate bicycle parking is required to be provided, though does not specify a required number.</p> <p>The development proposes to provide 44 bicycle spaces as well as 10 additional spaces for shared bikes for hire.</p> <p>This is considerably less than what an equivalent residential accommodation building would require, however as the proposed use is for co-living a reduction in this requirement is considered acceptable. Furthermore, the provision of 10 hire bikes is considered suitable for a co-living development which may have tenants staying for shorter periods.</p>	Complies
<b>6.4 Loading and Servicing</b>	<p>A preliminary Loading Dock Management Plan (LDMP) and vehicle ground clearance checks was submitted with the application. Council's Traffic Engineer reviewed LDMP which is considered sufficient for the development to be supportable from a Traffic perspective, however, a revised LDMP is required prior to the issue of the Construction Certificate to address the following:</p> <ul style="list-style-type: none"> <li>- <i>The risk of a vehicle arriving when the loading dock is occupied, and issues associated with the narrow</i></li> </ul>	Complies, subject to condition

Development Control	Proposal	Comply														
	<div>one-way driveway;</div> <div><div><div>-</div><div>Delivery requirements and service schedules;</div></div><div><div>-</div><div>Details of any roller shutter doors or gates that are to be provided along the driveway;</div></div><div><div>-</div><div>Measures that are to be taken to address any sight distance non-compliances such as a camera with a monitor along the eastern wall of the loading dock and speed humps. Note that any measures taken must not devalue the pedestrian priority along the footpath such as flashing lights to warn pedestrians of trucks exiting;</div></div><div><div>-</div><div>How safe access to the end-of-trip facility will be ensured;</div></div><div><div>-</div><div>Operational aspects on how to use facilities; and</div></div><div><div>-</div><div>Management duties and responsibilities.</div></div></div>															
Part 9 Parramatta City Centre																
9.3 Built Form																
9.3.2 Minimum Site Frontage	The subject site has a street frontage of 37.295m.	Complies														
Minimum street frontage width of 35 metres																
9.3.3 The Building Envelope																
9.3.3.1 Street Setbacks	Nil street setback is accordance with Figure 9.5.10.5															
9.3.3.2 Building Separation	Refer to Conservation Agreement controls for building separation.															
9.3.3.3 Tower Slenderness	<div>The maximum floor plate area is 750m<sup>2</sup>.</div> <div>The maximum floorplate length is 36m.</div>	Complies														
The maximum floorplate area for a residential tower must be 800 square metres for a building which is less than 75 metres high.																
The maximum floorplate length for any tower in the MU1 Mixed Use zone must be 45 metres.																
9.3.3.4 Floor Heights	Ground floor: 4.5m Level 1: 3.15m Level 2: 4.05m Level 3-15: 3.1m	Complies														
Minimum floor to floor heights must be as follows:																
<table><tr><td></td><td>Minimum Floor to Floor Height (metres)</td></tr><tr><td>Commercial</td><td>3.8m</td></tr><tr><td>Residential</td><td>3.1m</td></tr><tr><td>Ground floor active street frontage</td><td>4.5m</td></tr><tr><td>Above ground parking</td><td></td></tr><tr><td>In the E2 Commercial Centre zone</td><td>3.8m</td></tr><tr><td>In the MU1 Mixed Use zone</td><td>3.1m</td></tr></table>		Minimum Floor to Floor Height (metres)	Commercial	3.8m	Residential	3.1m	Ground floor active street frontage	4.5m	Above ground parking		In the E2 Commercial Centre zone	3.8m	In the MU1 Mixed Use zone	3.1m		
	Minimum Floor to Floor Height (metres)															
Commercial	3.8m															
Residential	3.1m															
Ground floor active street frontage	4.5m															
Above ground parking																
In the E2 Commercial Centre zone	3.8m															
In the MU1 Mixed Use zone	3.1m															
9.3.4 The Street Wall	The proposed street wall is predominantly masonry in character and built to the street alignment at the full frontage on all three (3) levels.	Complies														

Development Control	Proposal	Comply
	<p>The street wall is modulated, and the podium grid and column alignment has been improved with regular column spacing.</p> <p>An awning is proposed in accordance with section 9.3.5, 9.4.2 and 9.4.3.</p>	
<b>9.3.5 The Ground Floor</b>		
<b>9.3.5.2 Flood Affected Sites</b>		
<b>9.3.5.2.1 Active Ground Floor Frontage</b>	<p>The site is flood affected and the recommended minimum habitable floor level for the proposed building is RL 12.5 m AHD. The proposed minimum habitable floor level is RL 12.6 m AHD. Given the proposed floor levels, the ground floor is approximately 1.8m above the footpath.</p> <p>The ground floor provides for an active street frontage, with the proposed retail shop having a nil setback to the footpath. Stairs are proposed internally.</p> <p>A ramp is provided within the main foyer of the building and secondary access to the retail shop is provided within the main foyer of the building.</p>	Yes
<b>9.3.5.4 Services And Utilities</b>	Services are shown on the plans and not considered to prevent activation of the ground floor.	Yes
<b>9.3.7 Residential Apartment Design Quality</b>	<p>All dwellings are single aspect and have a minimum width to depth ratio of 2:1.</p> <p>All units have openable windows, for access to natural light and ventilation.</p>	Yes
<b>9.4 Public Domain</b>		
<b>9.4.1 Solar Access To Significant Parks And Spaces</b>	The site is not within proximity to any areas marked as 'parks and places with solar access protection' or 'Parks and places with solar access protection'.	Yes
<b>9.4.2 Awnings And Trees On Streets</b>	<p><u>Awnings</u></p> <p>The site is not identified on the map as requiring a continuous awning.</p> <p>An awning is proposed which has a height above the footpath of between 4.2m and 5.3m. This is due to the site having a slope from west to east. The proposed awning extends 2.6m outside the property boundary, over the street footpath.</p> <p>Conditions are recommended to be included in the consent relating to the design of the awning.</p> <p><u>Street trees</u></p> <p>No street trees are proposed in front of the site. The site is not identified as having a street tree priority or part of the street tree strategy.</p> <p>Conditions are recommended to be included in the consent for street trees to be provided.</p>	Yes

Development Control	Proposal	Comply
<b>9.4.7 Views</b>	The site is not within a corridor of identified views.	Yes
<b>9.5 Special Areas</b>		
<b>9.5.10 Park Edge Highly Sensitive Area</b>	The site is listed in Area B.	
<b>Area B</b>	<p>The street frontage height for podiums, setbacks to the street, side and rear boundaries comply with Figures 9.5.10.5, 9.5.10.6 and 9.5.10.7, as follows:</p> <ul style="list-style-type: none"> <li>• The proposal has a zero lot side setback up to street wall height, complying with the zero lot setback requirement.</li> <li>• The proposal has a 6m side setback to residential use, complying with the 6m side setback for residential use.</li> <li>• The proposal has a 5m rear setback, complying with the zero lot rear setback for podiums.</li> <li>• The proposal has a 9m rear setback, complying with the 9m rear setback for the tower.</li> <li>• The proposal has a 3 storey / 14m high podium, complying with the 4 storey / 14m high podium requirement for this site.</li> </ul> <p>The proposal is orientated with its narrow end to Macquarie Street and the tower does not exceed 30m in width.</p>	Yes
<b>Area B - Building Height and Floor Space Ratio controls</b>	<p>A Design Competition was not carried out for this proposal and therefore the application is not subject to bonus height and FSR.</p> <p>The proposal does not include any minor variations to the building height or FSR (less than 5%).</p>	Yes
<b>9.6 Heritage</b>		
	<p>The subject site is not a heritage item or within a heritage conservation area.</p> <p>The subject site is within close proximity to the following heritage items:</p> <ul style="list-style-type: none"> <li>• Local heritage item no. I611: Parramatta Park and Old Government House; and</li> <li>• Local heritage item no. I613: Travellers Rest Inn Group at 14 O'Connell Street and 16 Hunter Street.</li> </ul> <p>Parramatta Park and Old Government House is also a National and World Heritage listed item. It was 1 of 11 Australian Convict Sites listed on the UNESCO World Heritage Register in 2010.</p> <p>A Heritage Impact Statement prepared by Weir Phillips was submitted with the application.</p> <p>Refer to Clause 5.10 of PLEP 2023 for heritage comments.</p>	Yes
<b>9.7 Flood Risk Management</b>		
<b>9.7.1 Assessment And Minimisation Of Flood Hazards, Risks And</b>	According to the Council's flood map, the site's frontage on Macquarie Street is affected by the 1% AEP flood. The	Yes

Development Control	Proposal	Comply
Potential For Harm	applicant was reviewed by Council's Catchment Engineer and supported subject to conditions.	
9.7.2 Land Use And Building Levels	Based on modelling results, the maximum 1% AEP flood level adjacent to the proposed dwellings is RL 12.0 m AHD. This level matches the Council's flood level from the Parramatta River Flood Study 2024. The recommended minimum habitable floor level for the proposed dwellings is RL 12.5 m AHD (1% AEP flood level + 0.5 m freeboard). The proposed minimum habitable floor level is RL 12.6 m AHD (highlighted in red, Figure 1), which complies with the Council's DCP requirements.	Yes
<b>9.8 Environmental Sustainability</b>		
9.8.2 Dual Water Systems	The applicant proposes to install a dual reticulation system.	Complies
9.8.3 All Electric Building	The building is fully electric, with no provision for gas use on-site.	Complies
9.8.4 Electric Vehicle Charging Infrastructure	Electric vehicle charging structure is not proposed as only one accessible car parking space is provided on site.	<b>No, however supported.</b>
9.8.5 Urban Cooling	The development provides on-site landscaping as well as on structures to assist in reducing urban heat.	Complies
9.8.6 Solar Light Reflectivity (Glare)	A Reflectivity Assessment Report prepared by Vipac was submitted with the application. The report concludes:  <i>"The design in conjunction with the site / environs represents an acceptable level of reflectivity and Vipac suggest that the design will perform without an adverse disposition to its environs in consideration of solar glare as described in this report."</i>	Complies
9.8.7 Natural Refrigerants In Air Conditioning	This is to be imposed via a condition of consent.	
9.8.8 Bird Friendly Design	The proposal complies with DCP design guidance.	Complies
9.8.9 Wind Mitigation	A wind impact assessment prepared by Vipac was submitted with the application.  Council engaged an external consultant, MEL Consultants, to review the submitted Wind Study. MEL recommended a scaled wind tunnel model study be conducted during the detailed design stage, to quantify and confirm the wind conditions achieve the target criteria on the terraces on level 3, due to the exposure to the prevailing wind directions.  The Applicant's consultant, Vipac, responded as follows:  <i>"We generally agree with the assessments made by MEL Consultants however we do not expect that the wind levels</i>	Complies



Development Control	Proposal	Comply
	<p><i>will be in excess of the walking comfort criterion. Given the height of the proposed development, the terrain category, size of the terrace, 1m high solid balustrade and height of the proposed landscaping; we predicted that the highest mean wind speeds for a 5% of time exceedance from the western sectors to be close to or less than 8m/s and occurring near the northwestern corner of the tower.....</i></p> <p><i>We also note that we have recommended that, at a minimum, the walking comfort criterion should be achieved at communal terrace and private balcony areas as we understand that these amenities areas are a private open space that are optional in their use. The proposed development has many other open areas for the occupants to enjoy, and many indoor amenity areas where the residents can retreat to on stormy days. Whereas this optional is not available for pedestrian in the public realm. The application of a stricter wind comfort criterion to these spaces may cause an overabundance of wind amelioration structures that may hinder the provision of a well-ventilated and open space.</i></p> <p><i>We believe to condition this development for a wind tunnel study may be a little onerous given we have no concerns for use of the areas or any safety concerns. A condition for a detail study via computational fluid dynamics may be more appropriate as we are aiming to determine comfort levels of a communal terrace that is intended for use on fair weather days.”</i></p> <p>The application proposes four (4) communal outdoor spaces located at ground level within the rear setback (195m<sup>2</sup>), 2x first floor courtyards (80m<sup>2</sup> each) and a third floor courtyard (120m<sup>2</sup>).</p> <p>The review by MEL consultants raised concern over the third floor courtyard and private terraces.</p> <p>Given the terraces on level three meet the safety criteria and there are a number of options for communal space that meet the walking criteria, the application can be supported.</p>	
<b>9.9 Vehicular Access, Parking and Servicing</b>		
<b>9.9.1 Vehicle Driveways And Manoeuvring</b>	Refer to Section 6.2 Parking and Vehicular Access above.	
<b>9.9.2 On Site Car Parking</b>	Refer to Section 6.2 Parking and Vehicular Access above.	
<b>9.9.3 Bicycle Parking And End Of Journey Facilities</b>	<p>The proposed development provides end of trip facilities at greater than the required rate.</p> <p>However, there are safety concerns with the access as it is provided through the loading dock. Accordingly, the loading dock management plan is to address access to the EOTF via conditions.</p>	Yes, subject to conditions.

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

## 10 PUBLIC CONSULTATION

### 10.1 NOTIFICATION AND ADVERTISING

The application was notified, in accordance with Council's Consolidated Notification Procedures. In response four (4) unique submissions were received.

The issues raised within those submissions are addressed below. Issues have been grouped to avoid repetition.

Issue	Response
Noise during demolition and construction	<p>The objector raised concern over noise during demolition and construction as it will affect their work, which involves meeting clients to provide legal advice and a recording studio.</p> <p>The objector has requested:</p> <ul style="list-style-type: none"> <li><i>the most stringent noise restrictions possible be placed on work during normal office hours; and</i></li> <li><i>the Developer pay for sufficient additional soundproofing of our Unit to allow us to continue operating next door during demolition and construction process.</i></li> </ul> <p>Conditions are recommended to be included in the consent to mitigate noise during demolition and construction.</p> <p>It is not considerate reasonable to require the applicant to pay for additional soundproofing to the adjoining buildings, given the demolition and construction works are temporary.</p>
Damage to adjoining properties during demolition and construction	<p>Conditions are recommended to be included in the consent to avoid any damage to adjoining properties, including dilapidation reports prior to works commencing.</p>
Dust control	<p>Concern is raised over dust emission as a result of demolition and construction.</p> <p>Conditions are recommended to be included in the consent for dust control measures during demolition and construction.</p>
Crane use	<p>Concern is raised over any proposed crane use over adjoining properties. Conditions are recommended to be included in the consent relating to crane use.</p>

### 10.2 CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

*"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."*

### Conciliation Conference – Not Required

The application received four (4) unique submissions during the formal notification periods and as a result a Conciliation Conference was not required to be held.

## 11 LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the development have been considered in this report.

## 12 SUITABILITY OF THE SITE

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

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

## 13 DEVELOPMENT CONTRIBUTIONS

### 13.1 SECTION 7.12 CONTRIBUTIONS

A condition of consent is recommended for the payment of the Section 7.12 contributions in accordance with the *Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment No.1)*.

### 13.2 HOUSING PRODUCTIVITY CONTRIBUTION

The EP&A (Housing and Productivity Contribution) Order 2024 came into effect on 1 July 2024. A housing and productivity contribution is required for development which development consent is granted if it involves development of any of the follow classes:

1. residential development,
2. commercial development,
3. industrial development.

The proposal is for the development of a mixed use development comprising retail and co-living.

As the proposed development results in an intensified land-use (carpark to 13 storey mixed use), the payable contributions are calculated as follows.

<b>Housing and productivity contribution</b>	<b>Amount</b>
Housing and productivity contribution (base component)	\$317,995.19
Transport project component	\$0.00
<b>Total housing and productivity contribution</b>	<b>\$317,995.19</b>

A condition of consent is recommended for the payment of the Housing Productivity Contribution in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024*.

## 14 BONDS

A condition of consent requiring the payment of a Security Bond is recommended to be included in the consent.

## 15 PUBLIC INTEREST

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

## 16 CONCLUSION

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide acceptable levels of amenity for future users. It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

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

## 17 RECOMMENDATION

- A. **That** the Sydney Central City Planning Panel, exercising the function of the consent authority, **approve** DA/199/2024 for the demolition of existing structures and construction of a 16 storey mixed use development comprising retail and co-living accommodation with 306 rooms, on land known as 7 Macquarie Street, Parramatta for the following reasons:
- a. The development is permissible in the MU1 Mixed Use zone pursuant to the Parramatta Local Environmental Plan 2023 and satisfies the requirements of all applicable planning standards controls.
  - b. The development will protect the natural environment.
  - c. The development will not adversely impact on the visual character of the area.
  - d. The development preserves and conserves the heritage values of the nearby heritage items.
  - e. The application meets the controls within the *Conservation Agreement* applicable to the site.
  - f. For the reasons given above, approval of the application is in the public interest.
- B. That submitters be notified of the decision.

