

Sydney Central City Planning Panel
Section 4.15 Assessment Report
Environmental Planning & Assessment Act 1979

Key Details	
Panel reference no.	PPSSCC-563
DA no.	DA/327/2024
Local government area (LGA)	City of Parramatta
Proposed development	47-storey mixed-use building fronting Phillip Street comprising retail premises, office premises and shop-top housing units (Build-to-Rent); 30-storey mixed-use building fronting George Street comprising retail premises, office premises; basement car parking, public through-site links; landscaping; following demolition of existing 'Octagon' office building, earthworks, tree removal; and Stratum subdivision. The application will be determined by the Sydney Central City Planning Panel.
Street address	110 George Street, Parramatta
Applicant/Owner	The Trustee for 110 George Street Unit Trust
Date of lodgement	19 June 2024
Total number of submissions	One (1)
Number of unique objections	One (1)
Recommendation	Approval (Deferred Commencement)
Regional Development Criteria	Development specified in Schedule 6 Clause 2 (General development over \$30 million) of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> declared to be regionally significant development for the purposes of s. 4.5(b) of the <i>Environmental Planning & Assessment Act 1979</i> .
Relevant s. 4.15(1)(a) matters	• <i>Environmental Planning & Assessment Act 1979</i> • <i>Environmental Planning & Assessment Regulation 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Parramatta Local Environmental Plan 2023</i> • <i>Parramatta Development Control Plan 2023</i>

Documents submitted with this report	- Appendix 1 – Recommended Conditions of Consent - Appendix 2 – Architectural Drawings - Appendix 3 – Landscape Drawings - Appendix 4 – Stratum Subdivision Plan - Appendix 5 – Flood Impact Assessment & Flood Emergency Response Plan - Appendix 6 – BTR Plan of Management - Appendix 7 – Applicant Memo: Market Economic Review - Appendix 8 – Applicant Memo: Dwelling Mix - Appendix 9 – Applicant Memo: Legal Advice on Staging of Contributions - Appendix 10 – Conditions in Contention
Clause 4.6 requests	None
Summary of key submissions	Traffic & congestion, creation of wind tunnels, construction impacts
Report prepared by	Douglas Bennett, Development Assessment Officer, City Significant Development Team
Report date	12 June 2025
Additional Matters	
Summary of s. 4.15 matters Have all recommendations in relation to relevant s. 4.15 matters been summarised in the Executive Summary of the assessment report?	Yes.
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes.
Clause 4.6 exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	N/A
Conditions 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.

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Appendix 2 – Architectural Drawings

Appendix 3 – Landscape Drawings

Appendix 4 – Stratum Subdivision Plan

Appendix 5 – Flood Impact Assessment & Flood Emergency Response Plan

Appendix 6 – BTR Plan of Management

Appendix 7 – Applicant Memo: Market Economic Review

Appendix 8 – Applicant Memo: Dwelling Mix

Appendix 9 – Applicant Memo: Legal Advice on Staging of Contributions

Appendix 10 – Conditions in Contention

Appendix 11 – Council Response to Applicant’s Memos

Glossary

Build-to-rent means large-scale, purpose-built rental housing that is held in single ownership and professionally managed.

Commercial building means the 30-storey mixed use office and commercial building proposed at the south of 110 George Street, fronting George Street.

FSR means Floor Space Ratio as defined under cl. 4.5(2) of the *Parramatta Local Environmental Plan 2023*.

HRV means heavy rigid vehicle, a motor vehicle with 3 or more axles and a gross vehicle mass over 8 tonnes.

MRV means medium rigid vehicle, a motor vehicle with 2 axles and a gross vehicle mass over 8 tonnes.

PMF means probable maximum flood event.

Residential building means the 47-storey mixed use retail and residential flat building proposed at the north of 110 George Street, fronting Phillip Street.

The Octagon means the existing 6-storey, 24,162sqm office and retail building located at 110 George Street designed by Australian architect John Andrews AO and constructed sometime between 1986 and 1990.

WSUD means water sensitive urban design.

1. Executive Summary

The purpose of this report is to provide a full environmental assessment of development application DA/327/2024 at 110 George Street against the relevant matters under s. 4.15 of the *Environmental Planning & Assessment Act 1979* for the benefit of the consent authority, being the Sydney Central City Planning Panel. Supplementary matters such as application history, site history, agency & stakeholder comments, and a detailed overview of the proposed development are also included in this report to ensure the consent authority has all necessary information to make an informed decision.

The environmental assessment undertaken in this report identified several key issues that required resolution. One of the most significant concerns was the introduction of residential floor space within the E2 Commercial Core zone, which is typically reserved for employment-generating uses. While the residential component is permissible under the *State Environmental Planning Policy (Housing) 2021*, the proposal raised concerns about the cumulative loss of commercial capacity in the Parramatta CBD. However, the development retains a strong commercial focus, with nearly 60 percent of the total gross floor area dedicated to office and retail uses. This balance is considered to support the city's employment objectives while also contributing to housing supply.

Another key issue was the proposed dwelling mix. The original scheme included a disproportionately high number of studio and one-bedroom units and an insufficient number of three-bedroom apartments, falling short of the requirements set out in the *Parramatta Development Control Plan 2023*. Although the applicant amended the proposal to slightly improve the proportion of 3-bedroom units, the revised scheme still does not meet Council's requirements.

Additional concerns were raised during the assessment process regarding public domain design, accessibility, and flood resilience. In terms of accessibility, concerns were raised about the adaptability of units for tenants with mobility impairments, particularly in the context of a build-to-rent model. The site's flood-prone nature was also addressed through a range of mitigation measures, including a raised driveway crest, mechanical flood gates, and shelter-in-place facilities, all of which have been reviewed and supported by Council's engineers. Concern over the public domain design was raised in relation to the size and location of planter beds and proliferation of trees throughout the site. These concerns were addressed through the submission of amended architectural drawings.

The application is recommended for deferred commencement approval, subject to amendments to the architectural plans to improve the dwelling mix. Other conditions are recommended to address identified issues and instances of non-compliance with relevant planning instruments. Subject to these conditions, the proposal is considered to be in the public interest, delivering substantial economic, social, and environmental benefits while supporting the continued transformation of Parramatta into a vibrant, high-density urban centre.

Conditions in contention include the condition requiring an increase in 3-bedroom units within the development. The applicant has submitted two memos containing an economic analysis of dwelling mix and the broader apartment market in the City of Parramatta Local Government Area, for the Panel's consideration (see Appendix 7 & 8). Principal justification for the inclusion of this condition is stipulated under Section 5 of this report. An additional response to the memos submitted by the applicant is provided at Appendix 11. In addition, a condition requiring the payment of contributions in a single lump sum remains under contention. Legal advice has been provided by the applicant (Appendix 9) regarding the possible staging of contribution payment as construction progresses. Council's position on this request is noted in Section 8.1, and Appendix 10.

The findings and recommendations in this report reflect the views of Council Officers and have not been formally endorsed at a Council meeting.

2. Application History

2.1 Design Excellence Competition

The design of the proposed development was subjected to a design excellence competition (DC/1/2023).

A draft Design Competition Brief was submitted on 2 November 2022, with two development schemes considered. The first scheme involved two buildings (one northern residential, and one southern commercial/office) at the site with DCP compliant envelopes and a floor space ratio (FSR) of 12:1 (mapped FSR + 15% competition bonus, and 5% high performing buildings bonus). The second scheme considered the same building envelopes and land-uses, except for the southern commercial building where additional office floor space under clause 7.25A of the then *Parramatta Local Environment Plan 2011* was applied resulting in a total FSR of 13.58:1. The draft Design Competition Brief was formalised and endorsed on 19 May 2023.

The design competition was undertaken as an invited competition with four (4) entrants invited to participate. The competition ran from 22 May 2023 until 18 August 2023, with Hassall Architects selected as the winner of the competition.

The architectural plans accompanying the development application were prepared by Hassall Architects and are in keeping with their competition winning scheme. The submitted application seeks approval for development under Scheme 1 with no additional floor space for the proposed commercial building.

3. The Subject Site

3.1 Existing Site Conditions

The subject site is comprised of a single mid-block allotment with dual frontage to George Street and Phillip Street in the northern end of the Parramatta City Centre (See Figures 1-4 below). The site has a total area of 7,097sqm, has a George Street frontage of 51.095m and a Phillip Street frontage of 69.66m. The site is mostly flat. The site is located 500m to the north of Parramatta Railway Station (6-minute walk), 250m to the north of Parramatta Square Light Rail Station (3-minute walk), and 250m to the west of Parramatta Ferry Wharf (3-minute walk).

The existing development comprises multiple land-uses including office premises, retail premises, food and drink premises, and car parking. Principal pedestrian entry to the site is from George Street and Phillip Street, with additional pedestrian entry points available from through-site links to the site's east and west. On-site landscaping is located at ground level including within the internal forecourt and along the site's street frontage and side boundaries.



Figure 1 *Phillip Street Frontage*



Figure 2 *George Street Frontage*



Figure 3 *Building Interior*



Figure 4 *Internal Courtyard*

3.2 Site History

The first European development at the site comprised a dwelling known as 'Hiawatha' first constructed in 1880 and demolished in 1960. Similar workers cottages were also located around the site. The dwelling was used as a residence up until the mid-1950s when the buildings were used temporarily as a function centre and Police Boys Club. All structures at the site were demolished in 1960. The site was redeveloped for the purposes of a supermarket fronting George Street, with a hard-surface carpark with vehicular entry from Phillip Street. The supermarket was demolished sometime after 1986.

The existing development at the site was approved under development application 1243/B/163/1076/28 by the former Parramatta City Council on 15 June 1987. The building, known as 'The Octagon', was designed by Australian architect John Andrews AO and constructed between 1986 and 1990. The seven (7) storey building comprises some 24,162sqm and 322 on-site parking spaces with vehicular access from Phillip Street.

3.3 Surrounding Development

The site is located within the Parramatta City Centre and is surrounded by high-density mixed-use commercial and office development. A series of single-storey commercial heritage buildings are located to the site's north at 70 Phillip Street. Two commercial office towers are located to the east of the site including a 13-storey tower at 105 Phillip Street and a 14-storey tower at 130 George Street. Two additional commercial and mixed-use towers are located to the site's west including a 28-storey tower at 32 Smith Street and a 13-storey tower at 100 George Street. To the site's south are a range of commercial office towers. Public accessways from Smith Street and Phillip Street are located adjacent to the site's western property boundary on 32 Smith Street.



Figure 5 Surrounding Development (Source: Nearmap)



Figure 6 George Street looking east with the site on the left



Figure 7 George Street looking west with the site on the right

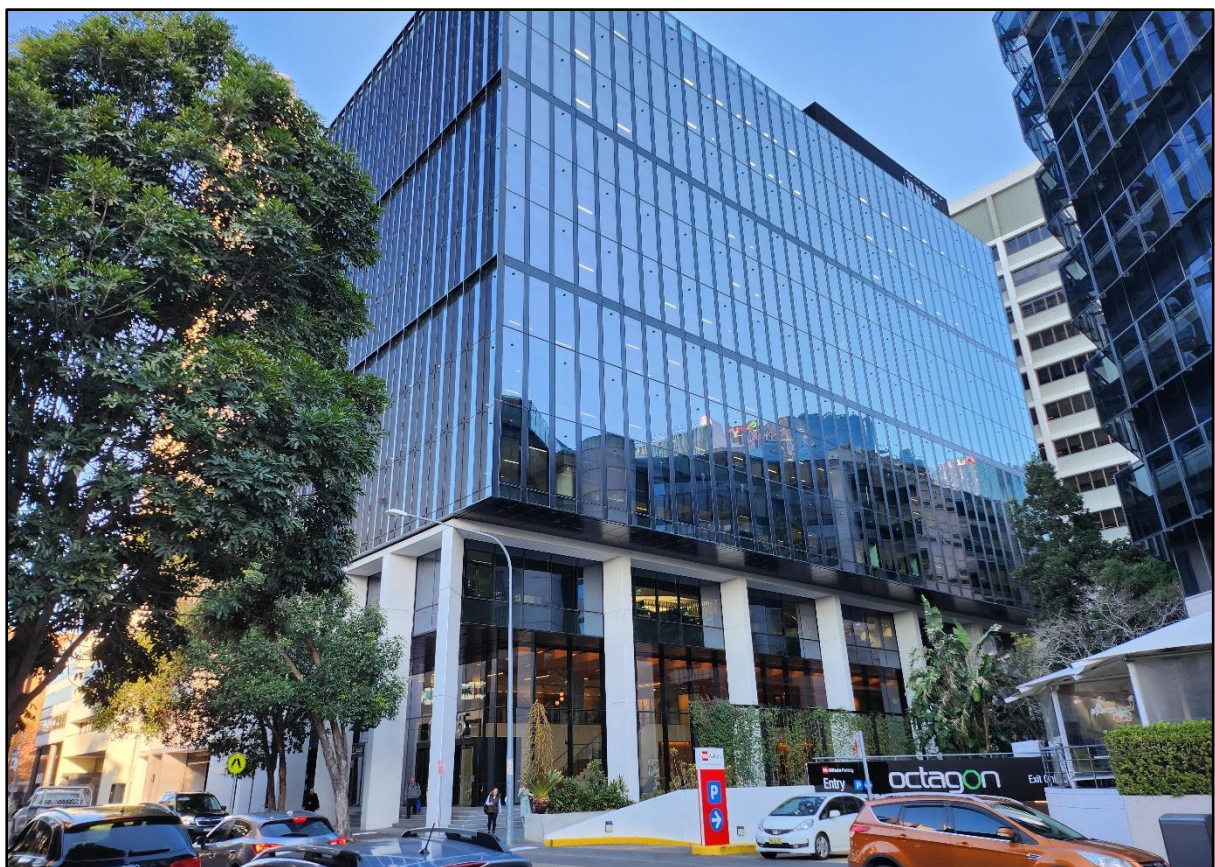


Figure 8 Phillip Street looking east with the site on the right



Figure 9 Phillip Street looking west with the site on the left

3.4 Site Improvements and Constraints

The adjoining sites to the east contain part of an underground convict drain, an item of local heritage significance (I647). To the south of the site, an item of state-heritage significance (Perth House) is located. The site itself may be contaminated and prone to acid sulfate soils. The site is identified as being of (potentially) high Aboriginal archaeological sensitivity. The site is also located on flood-prone land.

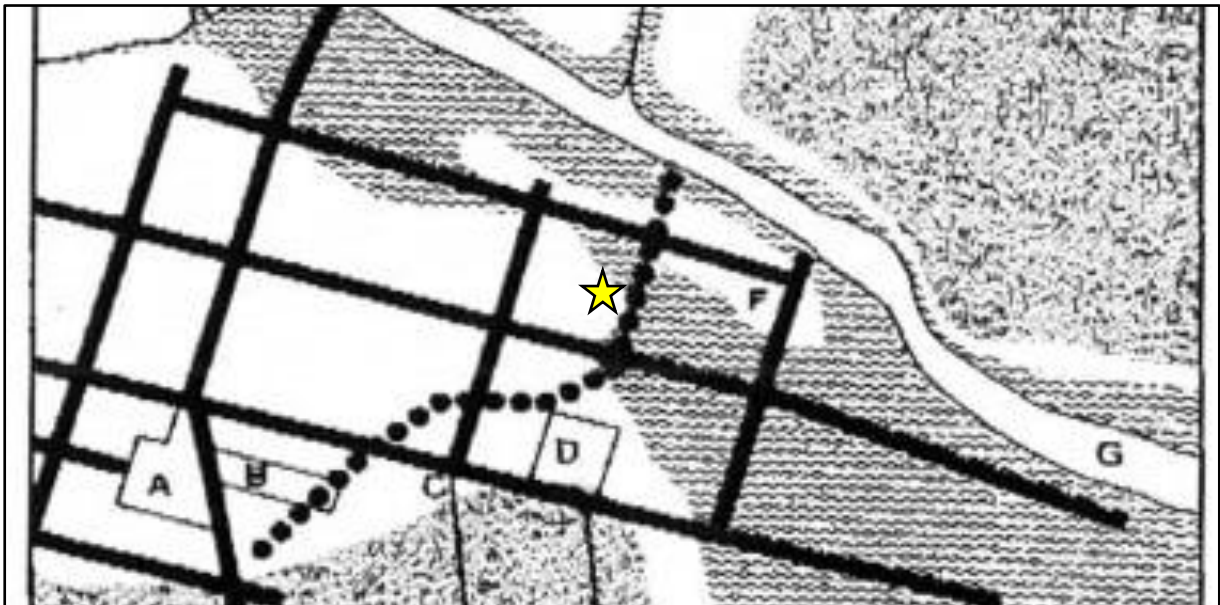


Figure 10 Indicative Location of Convict Drain (dotted line) Circa 1820 (site identified by star)

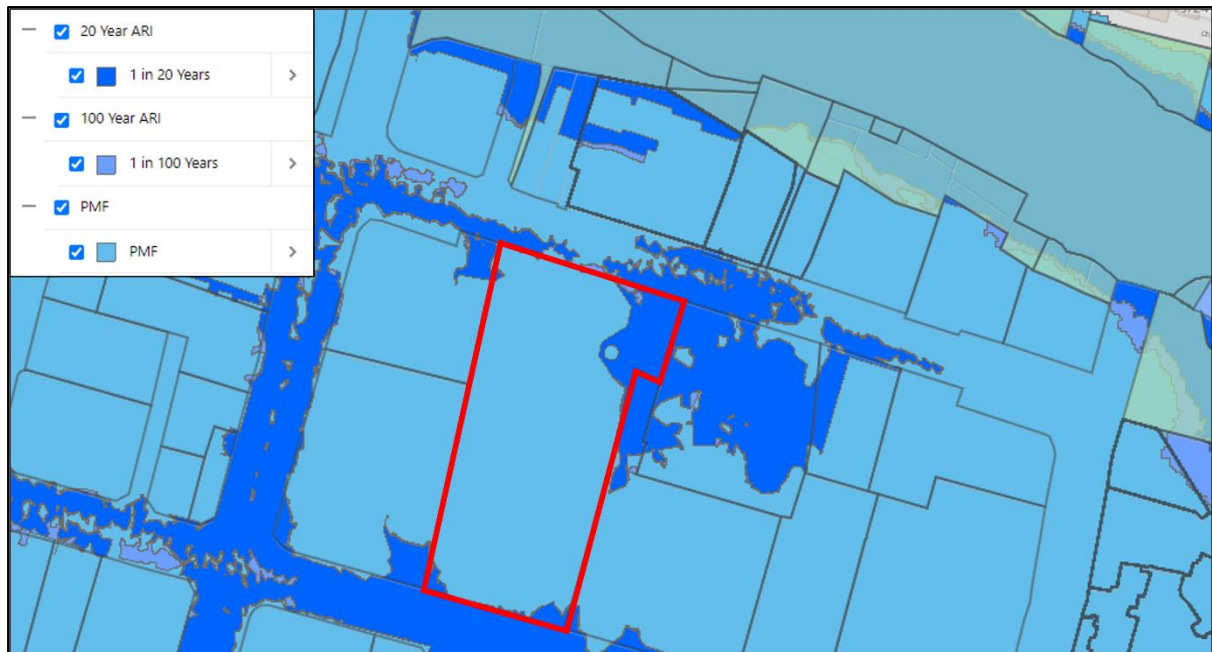


Figure 11 Flood Prone Land

3.5 Site Planning History

The site benefits from multiple development consents dating from 1987 onwards. Most consents (54 in total) relate to minor alterations and additions, fit-out, and change of use of various tenancies within the building. The following table summarises noteworthy consents issued for the site.

Application No.	Comments
2576/V/163/1076/31	Development application No. 2576/V/163/1076/31 was approved on 15 June 1987 for the construction of a seven (7) storey (36.8m) commercial/retail building at the site with 322 on-site car parking spaces and total floor space of 24,162sqm (3.36:1). The approval relates to the existing building currently located at the site known as the 'The Octagon'.
DA/657/2010	Development application DA/657/2010 was approved on 27 September 2010 for use of the entire Octagon building as business, office or retail premises. Retail uses were approved on the ground floor, with business or office uses approved on the remaining levels.
RZ/7/2019	Planning Proposal to amend the height of buildings map to allow for a height limit of 224m and 166m for the site and provide a site-specific clause allowing development for the purposes of office premises on the subject site to not be subject to the FSR control of the LEP.
DA/712/2020	Development application for concept proposal for building envelopes containing commercial premises (office/retail) and hotel accommodation, and Stage 1 detailed proposal for demolition works of existing buildings and tree removal.
DC/1/2023	A design competition was held for the site in accordance with Council's Design Excellence Competition Brief. The competition brief for the site was endorsed on 19 May 2023, with the design competition held between 22 May 2023 and 18 August 2023.

3.6 Statutory Context

The Parramatta City Centre is undergoing significant redevelopment, transitioning from its historic low-to-medium density commercial development to high-density mixed-use development.

The following development applications in the vicinity of the site are relevant to the proposal.

Site	Reference	Comments
32 Smith Street	DA/888/2017	Demolition of existing buildings on site and construction of a 28-storey commercial office tower with ground floor retail and podium level car parking. Approved 7 March 2018 (Construction Completed).
105 Phillip Street	DA/120/2016	Demolition of existing structures over the northern part of the site (adjacent to Phillip Street) and construction and use of a 13-storey commercial building over existing basement car parking (to be known as No. 105 Phillip Street Parramatta), landscaping and Stratum Subdivision to create two lots. Approved 6 July 2016 (Construction Completed).
130-150 George Street	DA/808/2017	33 storey commercial office building fronting Charles Street; 4 storey mixed use building fronting George Street comprised of retail, commercial offices and communal recreation facilities; modification to existing car park at 150 George Street including reduction in car parking spaces; pedestrian through-site link along western boundary of 140 George Street; and associated landscaping and public domain works; following demolition of existing car park at 140 George Street. Approved 2 May 2018 (not commenced). Consent lapsed on 8 May 2025.
89 George Street	DA/662/2022	Construction of a 26-storey hotel & food and drink precinct with a total GFA of 12,977sqm.
81 George Street	DA/937/2022	40 storey concept building envelope for commercial office premises.

4. The Proposal

A breakdown of the proposed development is provided in the following subsections. Figure 12 provides a 3D illustration of the proposed development.



Figure 12 3D Render of Proposed Development (North Elevation)

4.1 Demolition & Earthworks

The application proposes the demolition of the existing six (6) storey office building at the site known as ‘The Octagon’. All on-site vegetation is proposed to be removed including the assorted palm trees located in the centre of the site. Trees located on Council land on Phillip and George Street are proposed to be protected and retained.

The proposal also includes the demolition of the existing concrete slab (including associated foundations), existing suspended concrete slabs and columns on the ground floor and basement level. Sections of retaining wall around the existing basement levels are proposed to be retained, with remaining walls and basement levels to be demolished.

Excavation works for the purposes of providing a new basement level will require excavation of between 5m and 6m below the current lowest basement level. Works will extend below the expected permanent water table for the site by up to 6-8m. Temporary ground anchors are proposed throughout excavation works; however, no lateral drilling into neighbouring land is proposed.

The volume of material to be excavated from the site is unknown.

The application is accompanied by a sediment and erosion control plan (appended to the Stormwater Management Plan) which proposes the erection of sediment fencing around the perimeter of the site, sandbags at all existing stormwater pits, and the provision of a shaker grid at the Phillip Street entry to the site.

4.2 Basement Levels

The application proposes the provision of three (3) basement levels, with vehicular access provided from Phillip Street. A total of 251 vehicular parking spaces are proposed as well as 659 bicycle parking spaces,

two (2) car share spaces, nine (9) service parking spaces, and 16 motorcycle spaces. An overview of the basement levels is provided in the following table.

Basement Level	Details
Basement Level B3	104 car parking spaces, 7 motorcycle spaces, 1 car wash bay, lifts, stairwells, storage areas and other amenities.
Basement Level B2	100 car parking spaces, 7 motorcycle spaces, end of trip facilities, stairwells, lifts, storage areas, and other amenities.
Basement Level B1	47 car parking spaces, 9 service parking spaces, 2 motorcycle spaces, 659 bicycle parking spaces, loading dock, storage areas, lifts, stairwells, waste storage areas, and other amenities.

All basement levels are proposed to be tanked.

4.3 Landscaping & Public Domain

The application proposes a network of publicly accessible through-site links providing pedestrian connections from Phillip Street to George Street. In addition, a central plaza area is proposed at the centre of the site. An overview of the proposed ground plane of the development is shown in the following figure.

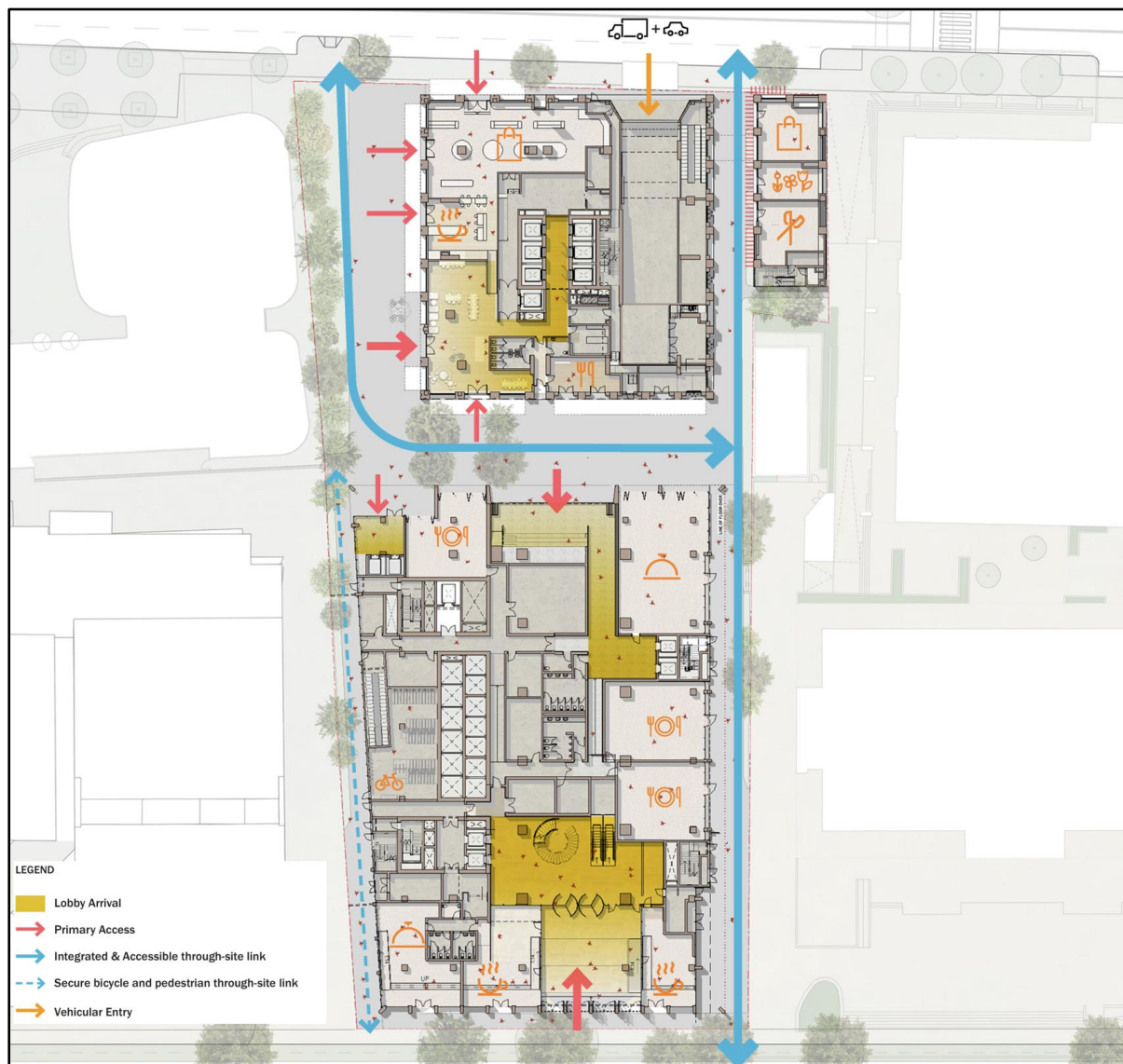


Figure 13 Through-site Links (Source: Design Report)

4.4 Residential Building

The application proposes the provision of a forty-seven (47) storey mixed-use building with direct frontage to Phillip Street. The building comprises a four (4) storey podium and forty-three (43) storey tower. A summary of the proposed building is provided in the following table. Concept images of the proposed building are included in the following figure.

Building Metric	Proposed Residential Building	
Floor Space (GFA)	Residential (Build-to-Rent): 33,998sqm Retail: 623sqm Total: 34,631sqm	
Building Height	RL 168.745 or 160.145m above existing ground	
Dwelling Mix	Studio/1-bedroom: 209 (54.71%) 2-bedroom: 146 (38.22%) 3-bedroom: 27 (7.07%) Total: 382 units	
Allocated parking spaces	Residential: 148 spaces Retail: 1 space Total: 149	
Allocated bicycle parking	Residential: 444 spaces	
Land-use(s)	Retail premises (including neighbourhood supermarket), shop-top housing/ residential flat building	
Floor Summary	Ground	3 retail tenancies, back-of-house areas, lifts, stairwell, lobby area, and other ancillary amenities.
	Level 1	Co-working lounge, ancillary amenities, stairwell, presentation room, and other amenities.
	Level 2	Five (5) units (1 x 1-bedroom, 2 x 2-bedroom, 2 x 3-bedroom), communal amenities room, lifts, stairwell, gym, and other amenities.
	Level 3	Four (4) units (2 x 1-bedroom, 1 x 2-bedroom, 2 x 3-bedroom), communal facilities, stairwell and other communal areas.
	Level 4	Seven (7) units (2 x 1-bedroom, 2 x 2-bedroom, 3 x 3-bedroom) and other amenities.
	Level 5-9	Six (6) units (2 x 2-bedroom, 4 x 3-bedroom) and other amenities
	Level 10-24	Ten (10) units (2 x studio, 4 x 1-bedroom, 4 x 2-bedroom) and other amenities.
	Level 25	Ten (10) units (2 x studio, 4 x 1-bedroom, 4 x 2-bedroom) and other amenities.
	Level 26	Nine (9) units (2 x studio, 4 x 1-bedroom, 3 x 2-bedroom), plant room, and other amenities.
	Level 27-41	Ten (10) units (2 x studio, 4 x 1-bedroom, 4 x 2-bedroom) and other amenities.
	Level 42	Four (4) units (2 x 1-bedroom, 2 x 2-bedroom), communal room(s) and other amenities including communal outdoor terrace.
	Level 43-44	Six (6) units (2 x studio, 2 x 1-bedroom, 2 x 2-bedroom) and other amenities.
	Level 45	Plant room and other amenities.
	Level 46	Plant room and other amenities.

In addition to the above, a three-storey building is proposed in the north-eastern corner of the site with direct frontage to Phillip Street. The building comprises retail tenancies on the ground floor, a plant room and presentation room on the first floor, and a rooftop pool terrace area on the second floor with landscaping. The façade of the building will comprise similar materials and colours as the principal mixed-

use building (see below). The smaller building will be connected to the podium of the mixed-use building by a pedestrian bridge on the first and second floor.

Materials and Finishes

Materials and finishes proposed on the façade of the podium and tower include cement panels, precast concrete finish cladding, steel balustrades, bricks, patterned bricks, and louvres. The colour palette for the building utilises dark red hues.

Building Amenities and Landscaping

Building amenities are located on levels 2, 3, and 42 and comprise a gym/wellness centre, yoga studio, 'wellness terrace', swimming pool and associated outdoor terrace, communal dining area, co-working lounge, outdoor terrace (podium), and a rooftop terrace area (level 42) with bar tables, study pods, dining tables, children's playground and lawn area.

A range of native and exotic tree & groundcover species are proposed within the landscaped areas of the communal facilities.



Figure 14 Level 42 Rooftop Terrace (Concept Image)

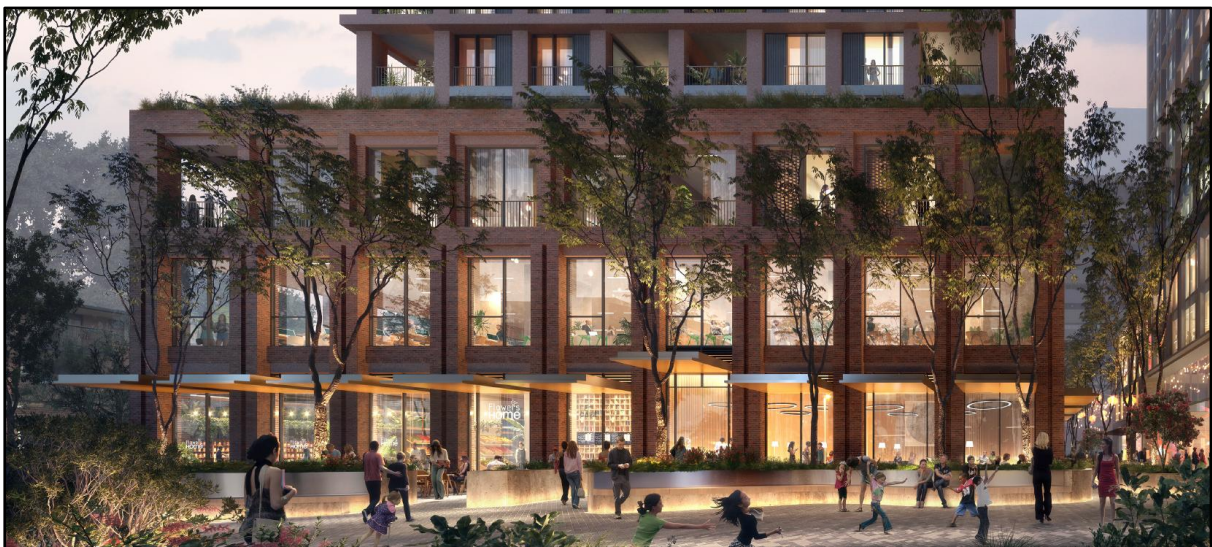


Figure 15 Mixed-use Building Podium (Concept Image – West Elevation)

4.5 Commercial Building

The application proposes the provision of a thirty (30) storey commercial building with direct frontage to George Street. The building comprises of a four (4) storey podium and twenty-six (26) storey tower. A summary of the proposed commercial building is provided in the following table. Concept images of the proposed commercial building are included in the following figures.

Building Metric	Proposed Commercial Building	
Floor Space (GFA)	Commercial Office: 46,574sqm Retail: 900sqm (Future) Childcare: 2,653sqm Total: 50,110sqm	
Building Height	RL 129.7 or 122m above existing ground	
Allocated parking spaces	Commercial Office: 75 spaces Retail: 1 space (Future) Childcare: 26 spaces Total: 102 spaces	
Allocated bicycle parking	Commercial: 215 spaces	
Land-use(s)	Office premises & retail premises	
Floor Summary	Ground Floor	Seven (7) x retail tenancies, back-of-house amenities, lobby, end-of-trip facilities, plant and other amenities.
	Level 1	Commercial tenancy, two (2) terraces, lifts, stairwells, and other amenities.
	Level 2	Commercial tenancy, two (2) terraces, plant, lifts, stairwells and other amenities.
	Level 3	Future childcare tenancy, back-of-house area, stairs, lifts and other amenities.
	Level 4	Office tenancy, plant, stairs, lifts and other amenities including outdoor terrace area.
	Level 5	Open floor plant and services area, and other amenities.
	Level 6-27	Office tenancy with two (2) mixed-mode zones, stairs, lifts and other amenities.
	Level 28	Open floor plant and services area, stairs, lifts and other amenities.
	Level 29	Outdoor rooftop terrace area & landscaping, plant room, stairs, lifts and other amenities.

Materials and Finishes

The podium and tower elements of the proposed commercial building will comprise of a range of materials and finishes including sandstone blades & columns, grilles, curtain walls, operable glass panels, pre-cast concrete, mesh façade, glass balustrades, GRC cladding, aluminium spandrel panels, and shading fins (aluminium). The colour palette for the commercial building utilises lighter colours with earthy sandstone tones. Other colours include grey tones from the use of pre-cast concrete and mesh façade.

Building Amenities and Landscaping

Building amenities within the proposed commercial building include balconies on levels 1 & 2, rooftop (podium) outdoor communal area, and rooftop (tower) outdoor communal area. The podium rooftop space on level 4 comprises three outdoor terrace areas with seating nooks and landscaping. A maintenance access path is proposed around the perimeter of the podium.

The tower rooftop space on level 29 comprises an outdoor gym, rock-climbing wall, outdoor workstation, running track, breakout garden, kitchen area & BBQ and event terrace area. 5m high glass balustrades are proposed around the perimeter of the tower rooftop space for wind protection.

A range of native and exotic tree & groundcover species are proposed within the landscaped areas of the commercial building.



Figure 16 *Proposed Commercial Tower (Concept Image - George Street Elevation)*

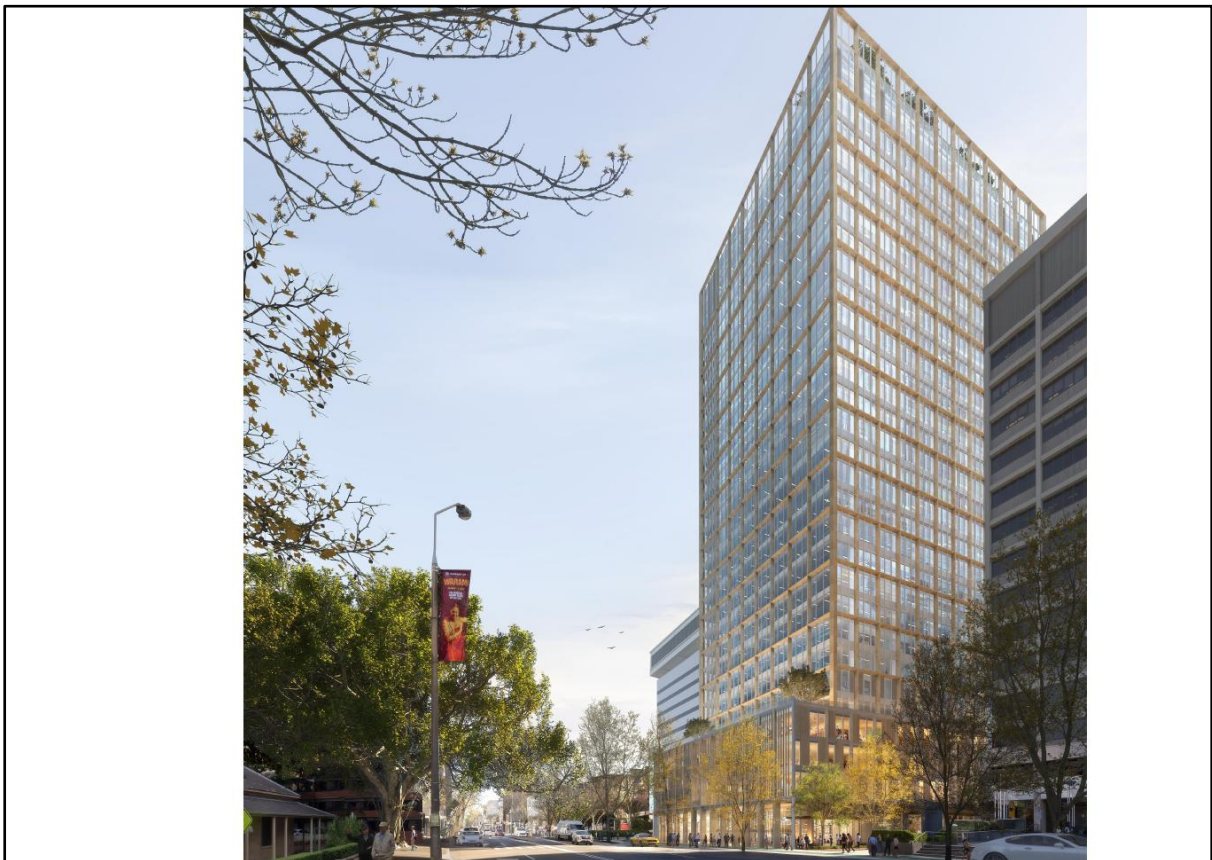


Figure 17 *Proposed Commercial Tower (Concept Image - View from George Street)*

4.6 Stormwater & Flood Management Measures

Water Sensitive Urban Design (WSUD) treatments proposed including two (2) x 10kL rainwater tanks are. No on-site stormwater detention measures are proposed. Flood measures include self-operating mechanical flood doors on the ground level, and shelter-in-place facilities above the PMF.

4.7 Subdivision and Land Acquisition

The application proposes the stratum subdivision of the site into two parcels with each lot comprising the building and basement facilities of the residential building and commercial building respectively (see overview in figure below). Several easements are proposed including an easement for pedestrian access to ground floor through-site links, laneways and plazas.

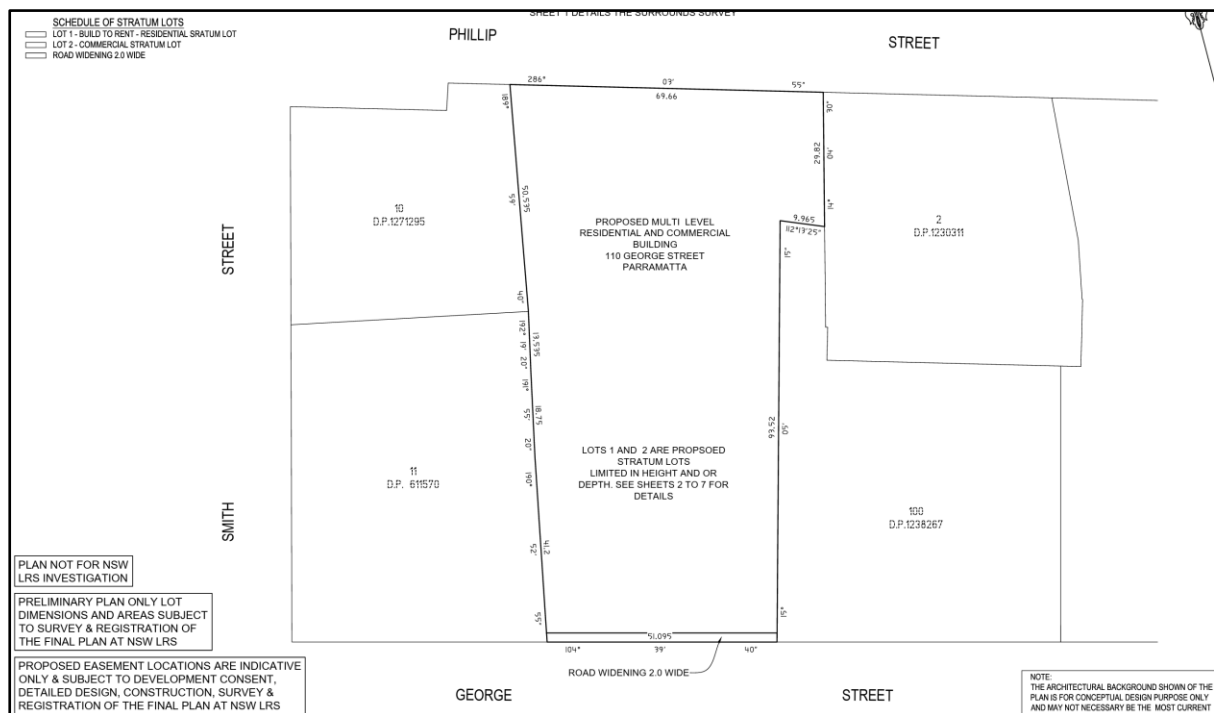


Figure 18 Proposed Stratum Subdivision (Ground Floor)

Lot 1 (notated as PT. 1 in the above figure) will comprise of the mixed-use residential building and will contain an area (at ground level) of approximately 3,006.43sqm. Lot 2 (notated as PT. 2 in the above figure) will comprise the commercial building and will contain an area (at ground level) of 4,091.04sqm.

In addition to the above, the application proposes a 2m podium setback for the commercial building from George Street for the purposes of the future George Street Cycleway, with dedication of this land proposed by way of condition of consent.

4.8 Operational Measures

Hours of Operation

The application's accompanying flood report notes the following general operational hours of the proposed development.

- Retail: 7am-10pm Monday to Sunday
- Commercial (Office): 7am-9pm Monday to Friday
- Childcare: 7am-6pm Monday to Friday
- Residential: 24 hours

Delivery of large and bulky goods to the residential building is proposed to be restricted to between the hours of 7am and 10pm.

4.9 Amended Proposal

On 13 February 2025, amended architectural plans and additional information was submitted to Council for further assessment. The amended plans included minor changes to the public domain and ground floor which have been reflected above. The amended plans also included a notation that the facilities associated with the childcare centre use were not sought to be formally approved, and that a separate development application would be submitted in the future for the use and fitout of the childcare centre.

In addition, the dwelling mix for the residential building was amended to include a greater proportion of 3-bedroom units (reflected above).

5. Key Issues

Throughout the assessment process, a number of issues with the development proposal were identified. The following includes an overview of the key issues.

5.1 Loss of Commercial Floor Space

It is noted that the proposal includes almost 34,000sqm of residential gross floor area in the E2 Commercial Core zone (*Parramatta Local Environmental Plan 2023*) which typically prohibits any form of development for the purposes of residential accommodation. The proposed 'build-to-rent' component of the development is made permissible by way of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Notwithstanding the proposal's permissibility, concern is raised over the loss of potential commercial floor space at the site.

On 9 December 2024, City of Parramatta Councillors unanimously passed a motion to oppose the application of 'build-to-rent' provisions within the Housing SEPP to the Parramatta CBD's E2 Commercial Core zone (see excerpt from Council minutes below).

Creating Grand Parramatta Station (the High Speed and Metro Rail Terminus) and Protecting Employment Capacity in Parramatta CBD (Lord Mayor, Councillor Martin Zaiter)

RESOLVED: Lord Mayor, Councillor Martin Zaiter and Councillor Pillamarri.

- (e) *That Council call on the NSW State government to support Council in its efforts to achieve 150,000 jobs in Parramatta by adopting this as Parramatta's long-term jobs target in the forthcoming Metropolitan and City Plans.*
- (f) *That Council **continue to oppose the application of Build to Rent provisions within the Housing SEPP to the Parramatta CBD's E2 Commercial Core zone** and call on the NSW State government to immediately exempt Parramatta from those provisions, recognising that they are **inconsistent with decades of planning for Parramatta's CBD** and are prejudicial to creating a world-class railway terminus and **employment centre in Parramatta.***

[Emphasis added in **bold**]

Council is aware of a number of build-to-rent projects across the Parramatta City Centre in various forms (i.e. proposed, approved, and under construction). At least six (6) of these projects are located within the E2 Commercial Core zone including the following.

- 33 Argyle Street, Parramatta: 24,576sqm of residential floor space
- 140 George Street, Parramatta: 27,180sqm of residential floor space
- 110 George Street, Parramatta (subject application): 33,998sqm of residential floor space
- 10 Valentine Avenue, Parramatta: 45,099sqm of residential floor space
- Fitzwilliam and Argyle, Parramatta: 31,438sqm of residential floor space
- 27-31 Argyle Street, Parramatta: 30,298.4sqm of residential floor space

The above projects represent a cumulative loss of capacity for up to 11,918 future jobs in the Parramatta City Centre E2 Commercial Core zone (assuming 1 job per 16sqm of floorspace based on City of Sydney *Floor Space and Employment Survey 2022*). This potential loss of permanent employment opportunities hinders the achievement of the strategic planning goals outlined in Council's long-term vision Parramatta 2050, which includes a target of 150,000 additional jobs for the city by 2050. In addition, the loss of permanent employment opportunities undermines a core tenet of Council's Parramatta 2050 vision relating to local jobs density (see excerpt below).

Council commits to no further loss in local jobs density as a core policy position, maintaining the current ratio of 1 job for every 1.5 residents. [page 18]

The provision of up to 33,998sqm of residential floor space on land primarily reserved for employment-generating land will negatively impact the target jobs density ratio as it will intensify the current trend in which the quantity of employment opportunities is not increasing at the same rate as population density in the Parramatta Local Government Area (LGA).

The following table summarises the loss of potential employment opportunities at the site.

110 George Street	Commercial GFA	Projected Jobs (16sqm:1 job)
Existing development (Octagon)	24,162sqm	1,510 jobs
Proposed Development	50,733sqm	3,170 jobs
Net jobs increase		+1,660 jobs
110 George Street	Gross Floor Area	Lost Job Capacity
Proposed development (residential component only)	33,998sqm	2,124 jobs
Potential jobs if all buildings were commercial		5,294 jobs
Net jobs increase if all buildings were commercial		+3,784 jobs

As demonstrated above, a proposal with two commercial buildings (with similar gross floor area to the existing proposal) would yield over twice the amount of additional employment opportunities when compared to the net jobs increase of the current proposal.

Despite the ongoing concerns of lost employment opportunities in the E2 Commercial Core zone in the Parramatta City Centre, Council acknowledges that the proposal represents a permissible form of development by virtue of the *State Environmental Planning Policy (Housing) 2021*. The proposal is considered to be a less objectionable form of build-to-rent development in the E2 zone as the development would not result in an outright net jobs loss (although a net loss of capacity is noted). In addition, it is noted that the commercial and retail components of the proposal represent approximately 59.87% of total floor space. Therefore, the majority of floor space in the proposed development is dedicated to commercial and other employment-generating uses.

On this basis, it is considered that the proposal achieves an appropriate balance between achieving the commercial objectives of the E2 Commercial Core zone and meeting the housing targets of the State government.

5.2 Dwelling Mix

The dwelling mix proposed in the original development proposal included at least 57% of all units comprising studio or 1-bedroom, with only 3.3% of units comprising 3-bedroom. No four-bedroom units were proposed. The original proposed dwelling mix included substantial variations to the dwelling mix requirements under the *Parramatta Development Control Plan 2023* as noted below.

Dwelling Type	Number of units Proposed	Percentage of units proposed	Dwelling mix requirements in DCP	Compliance
Studio & 1-bedroom	228 units	57.3%	10-20%	No
2-bedroom	156 units	39.3%	65-75%	No
3-bedroom	13 units*	3.3%	10-20%	No
4-bedroom	0	0%	5-10%	No

*Five of the 3-bedroom units are dual key units and can be separated into studio and 2-bedroom units and are not considered to be proper 3-bedroom units.

Following on from the submission of additional information, the application was amended to include the following dwelling mix.

Dwelling Type	Number of units Proposed	Percentage of units proposed	Dwelling mix requirements in DCP	Compliance
Studio & 1-bedroom	209 units	54.71%	10-20%	No
2-bedroom	146 units	38.22%	65-75%	No
3-bedroom	27 units	7.07%	10-20%	No
4-bedroom	0	0%	5-10%	No

Despite the amendments to the dwelling mix, including the decrease in proportion of studio/1-bedroom units, deletion of dual key units, and increase in 3-bedroom units, the proposed dwelling mix is considered to be inappropriate in the context of demographic data and recent approvals in the City Centre.

Demographic Data

Data shows that the City of Parramatta is experiencing a shift towards higher density living. Adequate provision of three-bedroom dwellings in high density developments is necessary to ensure the availability of diverse housing options to accommodate larger households.

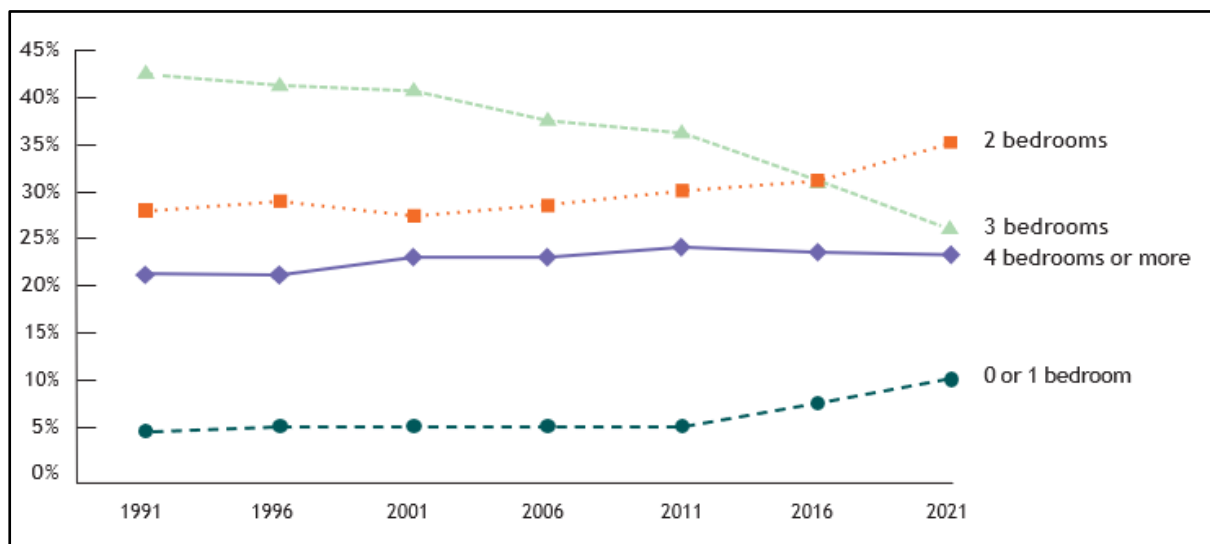


Figure 19 Proportion of bedrooms per dwelling in City of Parramatta from 1991 to 2011 (Source: Australian Bureau of Statistics)

Transformations in the built form of City of Parramatta have impacted the availability of different dwelling sizes. Whilst two- and three-bedroom dwellings are the dominant dwelling size in City of Parramatta, the above figure shows that the proportion of three and four-bedroom dwellings declined between 2011 and 2021. A gap is emerging in the availability of three-bedroom dwellings, falling from 36.5% of total dwellings in 2011 to 26.8% in 2021.

The following figure shows that the provision of three-bedroom dwellings in residential flat building developments is low (as a proportion of total dwellings).

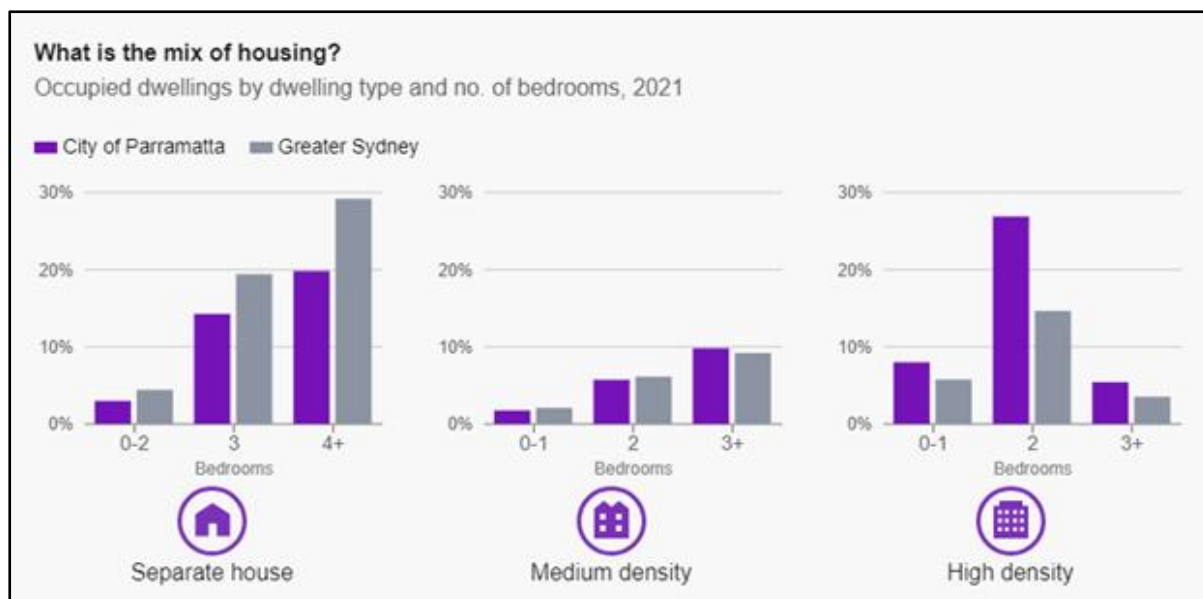


Figure 20 Occupied dwellings by dwelling type and number of bedrooms in 2021 (Source: Australian Bureau of Statistics)

In City of Parramatta, the predominant household type is couples with children, which accounts for 35.5% of all households. In total, 44.5% of households have at least one child. High-density dwellings have typically been associated with smaller households, including single people and couples without children. Despite the majority of households living in high density developments being lone persons, **Error! Reference source not found.** shows that 32.7% of families in the City of Parramatta live in high density development, which is significantly higher than Greater Sydney (14.2%). Therefore, residential apartment developments must cater for larger households, such as families with children, through ensuring the adequate provision of three or more-bedroom apartments.

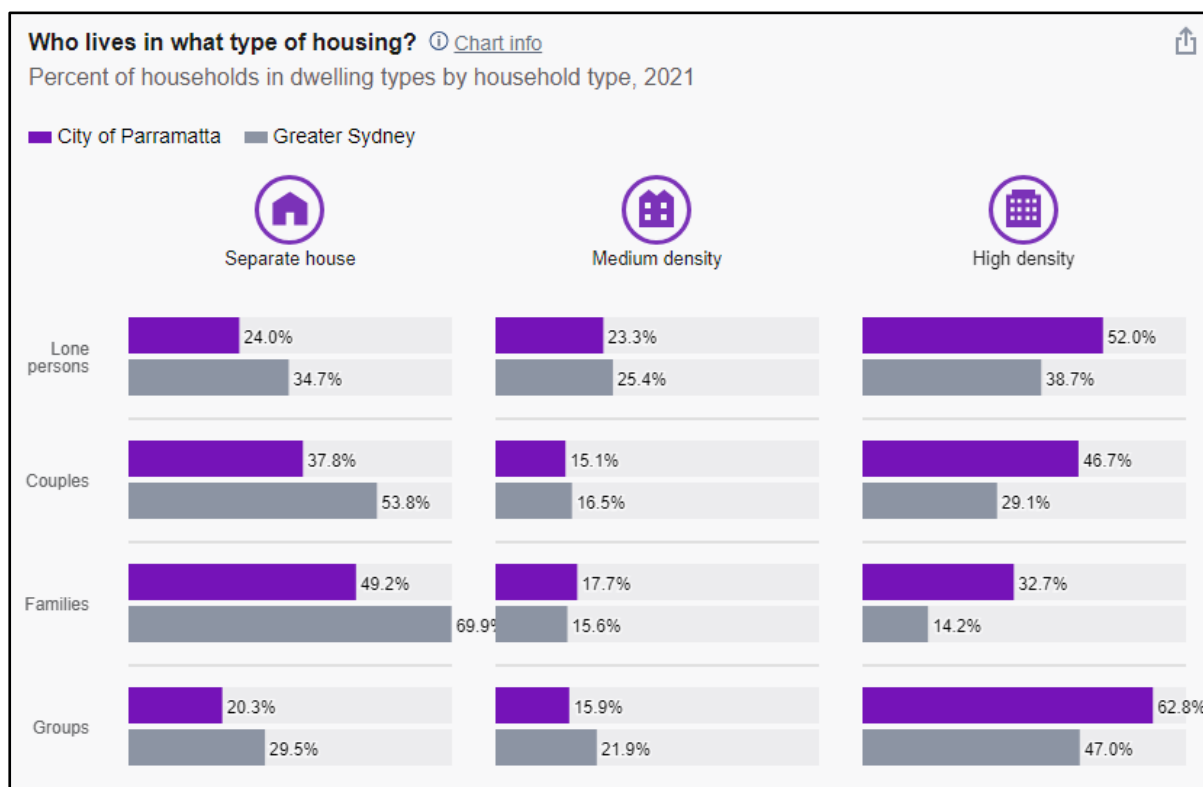


Figure 21 Comparison of households in different dwelling types in the City of Parramatta and Greater Sydney (Source: Australian Bureau of Statistics)

On the above basis, there is an overriding need for new residential flat buildings to incorporate a greater proportion of three- and four-bedroom units, particularly as more families relocate to the Parramatta Local Government Area.

Requirements of the *State Environmental Planning Policy (Housing) 2021*

In addition to the above, it is noted that Clause 75(2)(b)(iii) requires the consent authority to consider if the scheme provides tenants options to relocate within the building if their circumstances change.

The proposal is considered to be inadequate in enabling tenants to relocate to larger dwellings within the building in the event that their housing requirements change (i.e. tenants starting a family). The imbalance between the proportion of studio/one-bedroom units and three-bedroom units would provide little opportunity for tenants to relocate to larger units, requiring tenants to seek accommodation elsewhere in the local government area.

Recommended Solutions

To remedy the inconsistency between the proposed dwelling mix and the dwelling mix requirements of the *Parramatta Development Control Plan 2023*, the following condition of consent is recommended to be imposed in the event of the application's approval which requires the use of a floorplate with additional 3-bedroom units between levels 10 and 13 (inclusive).

AMENDMENTS TO ARCHITECTURAL PLANS & DWELLING MIX

1. *The architectural drawings prepared by Hassall shall be amended to substitute 'Typical Low-Rise Type 2' floorplate (noted on drawing no. DA1201A) with 'Typical Low-Rise Type 1' floorplate (noted on drawing no. DA1201) between levels 10 and 13 (inclusive) for the shop-top housing/residential flat building. A copy of amended architectural drawings shall be submitted to Council's Development and Traffic Services ('DTSU') Manager for approval prior to the activation of this consent.*

Condition reason: To ensure an appropriate quantity of three-bedroom units are provided in the development to meet the residential needs of the community.

The floorplates identified in the above condition are illustrated in the following figure.

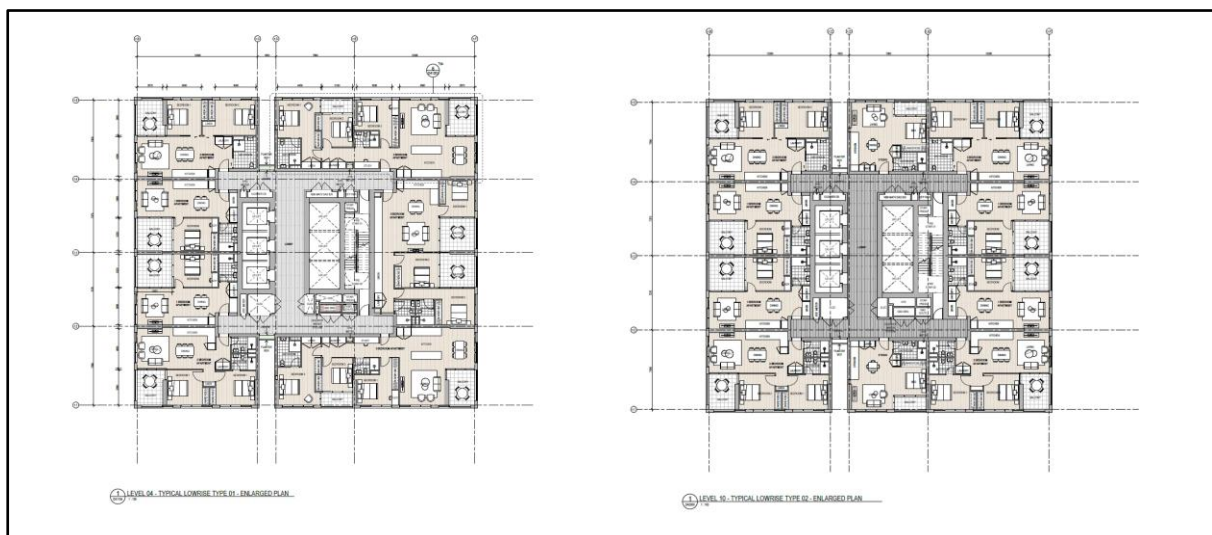


Figure 22 Low-rise Floorplates Type 1 (left) and 2 (right)

The imposition of the above condition would adjust the dwelling mix within the residential building as follows.

Dwelling Type	Number of units	Percentage of units	Dwelling mix requirements in DCP	Compliance
Studio & 1-bedroom	181 units	49.18%	10-20%	No
2-bedroom	144 units	39.13%	65-75%	No
3-bedroom	43 units	11.6%	10-20%	Yes
4-bedroom	0	0%	5-10%	No
Total	368 units			

Whilst the condition would not result in the development achieving full compliance with the *Parramatta Development Control Plan 2023*, the adjustment to the dwelling mix would result in compliance with the minimum three-bedroom unit requirements and partially address the three-bedroom unit shortage in Parramatta. Approximately 88.31% of units provided will be studio, one-bedroom, and two-bedroom units which will contribute to meeting the needs of smaller households.

The condition would also ensure that the development contributes to housing choice and diversity, consistent with the objectives of the *Parramatta Local Environmental Plan 2023* and *Parramatta Development Control Plan 2023*. In addition, the condition ensures consistency with the *State Environmental Planning Policy (Housing) 2021*. It is also noted that the condition would result in the provision of three-bedroom units exceeding the minimum stipulated in the *Parramatta Development Control Plan 2023* which partially accounts for the shortfall in four-bedroom units.

5.3 Universal Access – Adaptable Units

Concern was raised by Council's Universal Access Officer during the assessment process over the proposed provision of 59 adaptable units in the build-to-rent residential component of the development. Concern was raised over the limited ability of tenants to transition these units to the "post-adaptable state" as renters would have limited control in conducting any works to their rental units. In addition, concern was raised over the potential for financial obligations for post-adaptation works to be shifted to tenants, as well as the potential for priority to be given to prospective able-bodied tenants over prospective tenants with limited mobility to avoid the operator incurring additional financial costs.

Council's Universal Access Officer recommended that all adaptable units be constructed in their post-adaptation state from the outset to ameliorate the identified issues. However, there are no provisions in any environmental planning instrument (*Parramatta Local Environmental Plan 2023*, *Parramatta Development Control Plan 2023* or other) that requires adaptable units to be built in the post-adaptable state from the outset for any form of residential accommodation.

To ameliorate the identified concerns, a condition of consent has been included in the recommended condition set requiring the Plan of Management for the build-to-rent scheme to be updated to include provisions requiring the operator to undertake any adaptation works requested by tenants and assume all financial obligations associated with the undertaking of those works.

In relation to the concerns raised around potential discrimination against prospective tenants with limited mobility, it is considered that the provisions of section 25 of the *Disability Discrimination Act 1992* would provide appropriate legal recourse to those affected.

6. Referrals

6.1 Agency Referrals

Agency Referrals (CNR-70040)	
Stakeholder	Comment
Department of Education	The development application (in its original form) sought approval for the use (but not fitout/occupation) of Level 3 of the commercial building as a centre-based childcare facility. The application's accompanying Statement of Environmental Effects noted that whilst consent was not sought for the fitout and occupation of the facility (including the facility's layout and amenities), the proposed facility would rely on a simulated outdoor play area, as no outdoor area that meets the requirements of the Regulatory Authority of NSW is available in the commercial building. Section 3.22 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> requires that concurrence from the Regulatory Authority is required for "... development for the purposes of a centre-based child care facility if... the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) ...". As the approval of the land use in the building would necessarily approve the non-compliance with outdoor unencumbered space requirements, a concurrence request was submitted to the Department of Education through the NSW Planning Portal on 15 August 2024. On 20 December 2024, the Department of Education issued a notice of refusal of concurrence, citing the absence of detailed fitout plans and unencumbered indoor and outdoor calculations. In addition, the Department noted the absence of details of the simulated outdoor play space, and was unable to determine whether the space would include sufficient amenities, facilities, and solar access to meet the requirements of the Child Care Planning Guideline 2021. The notice was provided to the applicant. In response, the application was amended to no longer seek consent for the use of Level 3 as a centre-based childcare facility. The applicant advised that development consent for use and fitout would be sought in a separate (future) development application. As such, concurrence from the Department of Education is no longer required. As the drawing notations have not been updated accordingly, a condition is included specifically noting the use is not approved.
Sydney Water	A referral to Sydney Water Corporation under s. 78 of the <i>Sydney Water Act 1994</i> was submitted through the NSW Planning Portal on 19 June 2024. A response was received on 11 July 2024 including recommended conditions of consent which have been subsequently incorporated into the draft condition set.
Endeavour Energy	A referral to Endeavour Energy was submitted through the NSW Planning Portal on 17 June 2024. Comment from Endeavour Energy was received on 18 June 2024 including recommended conditions which have been incorporated into the draft condition set.
Air Services Australia	Building Activity Approvals – for both the buildings themselves and the cranes required to construct them – were issued by the aviation division of the Australian Department of Infrastructure, Transport, Regional Development, Communications, and the Arts on 30 April

	2025. The approvals, including attached conditions, have been subsequently incorporated into the draft condition set.
Heritage NSW	A referral to Heritage NSW under cl. 5.10 of the <i>Parramatta Local Environmental Plan 2023</i> was submitted through the NSW Planning Portal on 19 June 2024. Heritage NSW provided comment on 3 July 2024 raising no objection to the proposal. A single condition of consent was recommended in the event of the application's approval. This condition has been included in the recommended condition set.
Transport for NSW (TfNSW)	Transport for NSW (TfNSW) provided comment on 1 July 2024 and recommended the imposition of two conditions of consent in the event of the application's approval. These conditions have been included in the recommended condition set.

6.2 External Referrals

External Referrals	
Stakeholder	Comment
Wind Engineer	Council's external wind consultant has reviewed the submitted wind assessment and considers the findings of the assessment to be acceptable.
Sustainability	Acceptable subject to conditions requirement minor amendments to the Sustainability Management Plan.
Quantity Surveyor	Following on from submission of an amended QS Report, Council's external Quantity Surveyor is satisfied that the estimated cost of development is broadly within current market conditions.

6.3 Internal Referrals

Internal Referrals	
Stakeholder	Comment
Urban Design (Public Domain)	Acceptable subject to conditions.
Urban Design (Design Excellence)	Acceptable subject to conditions requiring minor amendments to the 1.5m x 1.5m recess on the Phillip Street interface to prevent accumulation of debris and litter.
Urban Design (Universal Access)	Council's Universal Access officer requested (by way of condition) that all adaptable units be constructed in their post-adaptable state to ensure prospective able-bodied tenants are not prioritised over tenants with mobility impairments (or other disabilities) due to the cost of works required to make units adaptable. Refer to comment under Section 5. Conditions of consent are recommended to address Universal Access officer's concern(s).
Landscape and Tree Management	Acceptable subject to conditions.
Catchment Engineering	Acceptable subject to conditions.
Traffic Engineering	Acceptable subject to conditions.
Waste Management	Acceptable subject to conditions.
Cycleways	Acceptable.
Public Art	Acceptable, subject to conditions.
City Strategy	Council's City Strategy Unit objected to the original proposal, on the basis that the proposed dwelling mix in the residential building would not adequately meet the residential needs of the community. In particular, concern was raised over the lack of three-bedroom units and overrepresentation of studio and one-bedroom units. See comment under Section 5. Conditions of consent are recommended in accordance with City Strategy's comments/recommendations.

Environmental Health (Contamination)	Acceptable subject to conditions.
Environmental Health (Acoustic)	Acceptable subject to conditions.
Environmental Health (Waste)	Acceptable subject to conditions.

7. Section 4.15 Assessment

The Application is assessed against the relevant provisions of s. 4.15 of the *Environmental Planning & Assessment Act 1979* as follows.

7.1 Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument

Section 4.15(1)(a)(i) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of any environmental planning instrument as are of relevance to the development the subject of the development application.

An assessment against all relevant environmental planning instruments has been undertaken as follows.

7.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The applicable provisions of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* are contained within Chapter 6 Water Catchments, as the site is located within the Sydney Harbour Catchment.

The application is consistent with the relevant provisions under Chapter 6 of the SEPP which largely set out water quality standards for stormwater. The application is accompanied by a stormwater management report. The accompanying documentation includes details on proposed WSUD measures and stormwater conveyance measures to appropriately treat and dispose of incoming stormwater at the site. Stormwater measures include rainwater tanks (2 x 10KL), and stormwater filter chambers (with filter cartridges). The proposed measures are considered to be appropriate to minimise potential adverse impacts on the Sydney Harbour Catchment.

There are no other provisions of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* that are applicable to the application.

7.1.2 State Environmental Planning Policy (Housing) 2021

The applicable provisions of the *State Environmental Planning Policy (Housing) 2021* are contained within Chapter 3 Diverse Housing and Chapter 4 Design of Residential Apartment Development. The design principles under Schedule 9 Design Principles for Residential Apartment Development are also applicable.

An assessment of the application against the relevant provisions of the SEPP is undertaken in the following table.

Chapter	Clause	Comment
Chapter 3 Diverse Housing	Cl. 72 Development for the purposes of build-to-rent housing permitted with consent	Renders 'shop-top' housing developments permissible in the E2 Commercial Core provided at least 50 dwellings are occupied by individuals under residential tenancy agreements and all dwellings are on the same lot. The proposed development meets the criteria under this clause. Notwithstanding, a condition is included to this effect.
	Cl. 73 Conditions of build-to-rent housing to apply for at least 15 years	Clause 73 requires the consent authority to be satisfied that the building will not be strata subdivided, will be owned by one person/company, and will provide on-site management.

		Strata subdivision is not proposed as part of the application and on-site management facilities are incorporated into the design of the development (i.e. ground floor reception area). Complies.
	Cl. 74 Non-discretionary development standards – the Act s. 4.15	The application meets the non-discretionary standards under cl. 74 as it does not exceed the prescribed FSR, height of building, or maximum parking limit under the LEP.
	Cl. 75 Design Requirements	The application adequately meets two of the three applicable design requirements under cl. 75. The proposed development provides sufficient communal amenities and adequate options to prospective tenants in relation to size and layout of dwellings in accordance with cl. 75(2)(b)(i) and (ii). Council is of the opinion that, in its current form, the proposed development does not provide adequate opportunities for tenants to relocate to other dwellings in the building that will better accommodate their housing requirements if their requirements change. The current dwelling mix of the residential component of the proposed development comprises of a majority of studio/one-bedroom units (54.71% of all units). Only 7.07% of dwellings are three-bedroom units. The proposal provides insufficient 3+ bedroom units to accommodate families and larger households. On this basis, a condition of consent is recommended, requiring amendments to the architectural drawings to use floorplate 'Type A' on levels 10-17 of the residential tower, to ensure at least 10% of dwellings are three-bedroom units. The inclusion of the condition will ensure the development (if approved) aligns with the intent of cl. 75(2)(b)(iii).
	Cl. 76 Active uses on ground floor of build-to-rent housing in business zones.	Complies.
Chapter 4 Design of Residential Apartment Development	Cl. 147 Determination of development applications and modification applications for residential apartment development	Clause 147 requires consideration of the design principles under Schedule 9 as well as the provisions of the Apartment Design Guide. See further assessment below.
	Cl. 148 Non-discretionary development standards for residential apartment development – the Act, s. 4.15	Complies.
Schedule 9 Design Principles for	Cl. 1 Context and Neighbourhood Character	The residential building has been appropriately designed to respond to the

Residential Apartment Development		context of the streetscape, surrounding land, adjacent heritage items and broader surrounding locality. The proposal is considered to be consistent with the context and neighbourhood character design principle.
	Cl. 2 Built form and scale	The building is appropriately articulated into podium and tower elements and affords adequate amenity to pedestrians and users of the public domain. Adequate setbacks are provided to enable visual interpretation of all building elements. The proposal is considered to be consistent with the built form and scale design principle.
	Cl. 3 Density	The proposed density is sustained by the site's proximity to existing and proposed infrastructure (Sydney Metro, Parramatta Light Rail Stage 1, Parramatta Wharf, Parramatta Train Station, and local bus services), access to jobs both at the site and in the surrounding area, and access to community facilities such as Parramatta Hive (PHIVE), Powerhouse Museum and Riverside Theatre. The proposal is considered to be consistent with the density design principle.
	Cl. 4 Sustainability	Sufficient sustainability measures and on-site landscaping are incorporated into the development scheme. The proposal is considered to be consistent with the sustainability design principle.
	Cl. 5 Landscape	The proposed development incorporates landscaping at the ground plane and within the podium and tower rooftop terraces to provide appropriate amenity to users. The proposed landscaping contributes to the establishment of a microclimate at the site whilst enhancing the urban canopy of the city centre. The proposal is considered to be consistent with the landscape design principle.
	Cl. 6 Amenity	The design and layout of units within the proposed residential building afford sufficient amenity to future residents. The proposal is considered to be consistent with the amenity design principle. The proposed residential building provides a high degree of amenity for residents through the provision of balconies and communal amenities including a gym, swimming pool & wellness centre, outdoor terrace, communal dining, co-working rooms, and a rooftop terrace.
	Cl. 7 Safety	The design of the proposed development enables passive and active surveillance of

		the public domain through ground floor commercial tenancies and residential balconies. Access points are clearly defined and delineated from the public domain. The proposal is considered to be consistent with the safety design principle.
	Cl. 8 Housing Diversity and Social Interaction	As identified in this report, the proposal can meet the housing diversity requirements of the SEPP on the proviso that the recommended conditions of consent are imposed requiring a greater proportion of 3-bedroom units.
	Cl. 9 Aesthetics	The proposal is considered to be consistent with the aesthetics design principle as it is based on the winning design in a design excellence competition and has been reviewed by Council's Design Excellence team as having design excellence.

7.1.3 Apartment Design Guide

An assessment of the application against the relevant provisions of the Apartment Design Guide has been undertaken in the following table. Note: the design criteria under the Apartment Design Guide have been applied flexibly as per cl. 75(2)(a) of the *State Environmental Planning Policy (Housing) 2021*.

Part	Subsection	Comment
Part 3 Siting the Development	Part 3A Site analysis	The proposal demonstrates a strong and contextually responsive approach to the siting of the development, consistent with the overarching objectives of Part 3 of the Apartment Design Guide. The design reflects a clear understanding of the site's opportunities and constraints, with built form and layout decisions that enhance solar access, integrate well with the surrounding streetscape, and contribute positively to the public domain. The development provides a high level of amenity for residents and the broader community through well-considered communal spaces, active frontages, and accessible pedestrian connections.
	Part 3B Orientation	
	Part 3C Public Domain Interface	
	Part 3D Communal and Private Open Space	
	Part 3E Deep Soil Zones	The development provides efficient and well-integrated access for vehicles, bicycles, and pedestrians. Vehicle entry is limited to a single, discreet access point that prioritises pedestrian safety and maintains a high-quality streetscape. Ample bicycle parking is provided to support active transport, and pedestrian access is enhanced through multiple legible and accessible entry points, including through-site links that improve
	Part 3F Visual Privacy	

	Part 3G Pedestrian Access and Entries	site permeability and connectivity to the surrounding public domain.
	Part 3H Vehicle Access	The interface between the public and private realms is handled sensitively, with clear and legible entries, landscaped plazas, and through-site links that promote permeability and safety. While there are some technical non-compliances—such as insufficient deep soil zones (288.8sqm provided, 496.79sqm required) and minor building separation shortfalls (minimum 24m separation distance required between towers above 25m in height – 18m proposed)—these are considered acceptable given the city centre context and the nature of the mixed-use development. Overall, the proposal broadly satisfies the intent of Part 3 of the ADG by delivering a well-integrated, high-quality urban outcome that balances residential amenity with public benefit.
	Part 3J Bicycle and Car Parking	
Part 4 Designing the Building	Part 4A Solar and Daylight Access	54.91% of units receive 2+ hours of sunlight in mid-winter, below the 70% target. However, 83.63% meet this when measured from 8am–3pm. The shortfall is considered acceptable when applying flexibility to the criteria as required under the Housing SEPP. A condition to increase three-bedroom units would slightly improve compliance. Rooftop communal space is well-oriented for sunlight. Shading devices and recessed balconies reduce glare and heat.
	Part 4B Natural Ventilation	All units are naturally ventilated. 60.97% of units in the first nine storeys achieve cross-ventilation, meeting the ADG requirement.
	Part 4C Ceiling Heights	All units meet minimum ceiling height requirements. Podium levels have increased heights to support future adaptability.
	Part 4D Apartment Size and Layout	All units exceed minimum internal area and room dimension requirements. Five units on level 2 exceed the maximum habitable room depth, representing 1.3% of total units. This minor non-compliance is acceptable.
	Part 4E Private Open Space and Balconies	All balconies meet size and depth requirements. They are well-located off living areas, recessed into the façade, and enhance safety through passive surveillance.
	Part 4F Common Circulation and Spaces	Up to 10 units are accessed from a single core, exceeding the ADG's 8-unit limit. This is due to a high number of smaller units. A

		condition to increase 3-bedroom units would reduce this non-compliance. Circulation spaces are central and include lift lobbies that support interaction.
	Part 4G Storage	All units meet or exceed storage requirements, with storage provided internally and in basement cages.
	Part 4H Acoustic Privacy	Acoustic treatments (e.g. glazing, seals) are proposed to minimise external noise. Unit layouts reduce internal noise transfer. The design measures are consistent with the requirements of this part of the ADG.
	Part 4J Noise and Pollution	Acoustic separation and treatments minimise external noise and pollution impacts. The design measures are consistent with the intent of this part of the ADG.
	Part 4K Apartment Mix	The mix is considered inadequate. A condition is recommended to increase three-bedroom units. Floorplates include a variety of apartment types.
	Part 4M Facades	The façade uses materials sympathetic to the local character and clearly expresses building functions.
	Part 4N Roof Design	Rooftop includes photovoltaic cells and landscaped communal areas with good solar access and weather protection.
	Part 4O Landscape Design	Landscaping is viable and sustainable, with appropriate soil depths and tree species. It enhances the streetscape and public domain.
	Part 4P Planting on Structures	Soil depths support plant growth. Landscaping on structures enhances communal and public spaces.
	Part 4Q Universal Design	All areas are accessible (except plant levels). A range of adaptable units are provided, with flexible layouts to suit various needs. A condition is recommended, requiring the Plan of Management to be updated to include provisions requiring the operator to incur any financial responsibility for converting units to their post-adaptable state.
	Part 4S Mixed Use	Active uses are provided at ground level. Residential areas are well-integrated, with secure access and separate parking.
	Part 4T Awnings and Signage	Awnings are provided and integrated into the design. No signage is proposed.
	Part 4U Energy Efficiency	Passive design features are incorporated into the development scheme. The façade design supports thermal performance through adequate shading of the facade. All units are naturally ventilated.
	Part 4V Water Management and Conservation	Rainwater tanks reduce potable water use. Stormwater is treated on-site before

		discharge. Flood gates protect basement areas.
	Part 4W Waste Management	Waste storage is in the basement, with no streetscape impact. Waste chutes and bins support source separation and recycling.
	Part 4X Building Maintenance	Weather protection is provided in communal areas. Plant areas are accessible for maintenance. Durable materials are proposed.

Based on the above assessment, the application is considered to be consistent with the relevant provisions of the *State Environmental Planning Policy (Housing) 2021* & Apartment Design Guide subject to the imposition of recommended conditions of consent.

7.1.4 State Environmental Planning Policy (Planning Systems) 2021

The applicable provisions of the *State Environmental Planning Policy (Planning Systems) 2021* are contained within Chapter 2 State and Regional Development.

An assessment of the application against the relevant provisions of the SEPP is undertaken in the following table.

Chapter	Clause	Comment
Chapter 2 State and Regional Development	Cl. 2.6 Declaration of State Significant Development: Section 4.36	The application does not meet the criteria for state significant development as the build-to-rent housing component does not represent at least 60% of the value of the estimated development cost (as prescribed under Schedule 1).
	Cl. 2.19 Declaration of Regionally Significant Development	The proposal meets the criteria for regionally significant development under Schedule 6 of the SEPP as it has an estimated development cost of more than \$30 million.

7.1.5 State Environmental Planning Policy (Resilience and Hazards) 2021

The applicable provisions of the *State Environmental Planning Policy (Resilience and Hazards) 2021* relate solely to cl. 4.6 'Contamination and Remediation to be considered in determining development applications.

Clause 4.6 of the SEPP prohibits the granting of consent to the carrying out of development on land unless the consent authority has considered a report detailing whether the land is contaminated and/or if remediation works are required to make the land suitable for redevelopment. The application is accompanied by a Preliminary Site Investigation report, the conclusions of which identify the likelihood of significant contaminant sources originating from the site as being low given the historical bulk earthworks required for construction of the current development at the site. The report identified a number of data gaps as the existing building makes an intrusive assessment impossible.

The report has been considered and assessed by Council's Environmental Health Officer (Contamination) who determined that a detailed site investigation is required in accordance with cl. 4.6(3) of the SEPP. A condition of consent requiring the preparation of this report prior to the issue of any construction certificate has been included in the draft condition set.

Based on the above assessment, the application is considered to be consistent with the relevant provisions of the *State Environmental Planning Policy (Resilience and Hazards) 2021* subject to the imposition of recommended conditions of consent.

7.1.6 State Environmental Planning Policy (Sustainable Buildings) 2022

The applicable provisions of the *State Environmental Planning Policy (Sustainable Buildings) 2022* are contained within Chapter 2 Standards for Residential Development, Chapter 3 Standards for Non-Residential Development and accompanying Schedules 1 and 3.

An assessment against the relevant provisions of the SEPP is undertaken in the following table.

Chapter	Clause	Comment
Chapter 2 Standards for residential development	Cl. 2.1 Standards for BASIX development and BASIX optional development	The BASIX standards apply to the residential component of the development. The standards are specified in Schedule 1 (see assessment below). Clause 2.1 requires embodied emissions attributable to the development to be quantified. In this regard, the application is accompanied by a completed embodied emissions form which satisfies the requirements of cl. 2.1.
Chapter 3 Standards for non-residential development	Cl. 3.1 Application of Chapter	The standards under Chapter 3 apply to the non-residential component of the development.
	Cl. 3.2 Development Consent for Non-Residential Development	The application is consistent with the matters for consideration under Cl. 3.2 for the following reasons. • The proposal includes a Construction Waste Management Plan with appropriate recycling and reuse strategies. • A Sustainability Management Plan outlines passive design measures, energy efficiency strategies, and natural lighting provisions. • No renewable energy is currently proposed, but the design allows for future installation. • Energy metering and potable water reduction measures (e.g. rainwater tanks, dual piping) are included. • Embodied emissions have been quantified and documented.
	Cl. 3.3 Other Considerations for Large Commercial Development	The application is consistent with the matters for consideration under Cl. 3.3 for the following reasons. • A Net Zero Design Statement confirms the building is designed to be fossil fuel free, with electric systems and a capped gas meter for future flexibility. • The development is capable of meeting Schedule 3 standards, supported by a NABERS commitment.

Schedule 1 Standards for erection of BASIX buildings and change of use to BASIX buildings	Cl. 1 Energy Use	The application is accompanied by a BASIX certificate, demonstrating compliance with energy and water use requirements under the SEPP.
	Cl. 2 Water Use	
Schedule 3 Standards for energy and water use for large commercial development	Cl. 1 Energy Use	The application's accompanying Sustainability Management Plan notes that the proposed development is targeting a 5.5-star NABERS energy rating for the commercial tower. Council is satisfied that the requirements of this clause can be reasonably met within the proposed development.
	Cl. 2 Water Use	The application's accompanying Sustainability Management Plan notes that the proposed development is targeting a 4.5-star NABERS water rating for the commercial tower, with preliminary workshops held with the NABERS team. Council is satisfied that the requirements of this clause can be reasonably met in the proposed development.

Based on the above assessment, the application is considered to be consistent with the relevant provisions of the *State Environmental Planning Policy (Sustainable Buildings) 2022* subject to the imposition of recommended conditions of consent.

7.1.7 State Environmental Planning Policy (Transport and Infrastructure) 2021

The applicable provisions of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* are contained within Chapter 2 Infrastructure.

An assessment against the relevant provisions of the SEPP is undertaken in the following table.

Chapter	Clause	Comment
Chapter 2 Infrastructure	Cl. 2.48 Determination of development applications – other development	The proposed development triggers the referral requirements under cl. 2.48 of the SEPP, as the development will be carried out immediately adjacent to an electricity substation (cl. 2.48(1)(b)(ii)) located at No. 105 Phillip Street, Parramatta. Comments from Endeavour Energy have been considered under Section 6.2 of this report.
	Cl. 2.98 Development adjacent to rail corridors	Not applicable.
	Cl. 2.122 Traffic-generating development	The proposed development meets the criteria for traffic-generating development under Schedule 3 of the SEPP. Comment from TfNSW has been considered under Section 6.4 of this report. The proposal is consistent with Clause 2.122(4)(ii) and (iii) in that the site benefits from excellent accessibility via public, private, and active transport, with bus,

		light rail, ferry, and train services nearby, and future metro access planned. A regional cycleway is also proposed along George Street. The development supports active transport through 659 bicycle parking spaces and end-of-trip facilities, and includes a reduced provision of on-site car parking (compared to the carparking in the existing development), helping to minimise car dependency and encourage sustainable travel. Traffic safety and congestion have been addressed through the retention of a single vehicle access point, a traffic control point at the basement entry, and compliant driveway gradients. These measures are consistent with Australian Standards and are expected to manage traffic flow effectively. The net reduction in on-site parking is considered a positive outcome, reducing reliance on private vehicles and improving the site's overall transport impact.
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Based on the above assessment, the application is considered to be consistent with the relevant provisions of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* subject to the imposition of recommended conditions of consent.

7.1.8 Parramatta Local Environmental Plan 2023

An assessment against the relevant provisions of the *Parramatta Local Environmental Plan 2023* has been undertaken in the following table.

Clause	Provision	Assessment
1.2	Aims of Plan	The application is consistent with the relevant aims of the LEP. The proposal would contribute to the economic viability of the Parramatta City Centre through the provision of over 46,000sqm of commercial and retail floor space. In addition, the proposal would contribute to the identity of the city centre through the provision of two towers that exhibit design excellence, inclusion of facades and building materials that are compatible with surrounding heritage items, and extensive on-site landscaping. Subject to conditions, sufficient stormwater and flood mitigation design measures will be incorporated into the development to ensure minimal impact on flood behaviour and risk to human life. Adequate vehicular and bicycle parking facilities are proposed to support the development and minimise impacts on the surrounding road network. Potential adverse social and physical wellbeing impacts will be managed through proposed conditions of consent including limited construction hours and implementation of mitigation methods through excavation/construction works. The proposal generally accords with the principles of ESD and CPTED and would yield positive economic, environmental and social outcomes.

		Whilst the provision of a residential building within the commercial core of the Parramatta City Centre would somewhat limit the economic viability of the city (due to loss of potential commercial floor space), this is considered to be offset through the provision of 46,238sqm of commercial and retail floor space at the site. An appropriate balance between achieving commercial and residential needs has been achieved.
2.6	Subdivision – consent requirements	Consent is sought for the stratum subdivision of the site and land dedication. The subdivision of the site is permissible by virtue of cl. 2.6 of the LEP.
2.7	Demolition requires development consent	Development consent is sought through the application for the demolition of the existing building and structures at the site.
E2	Commercial Centre	The application proposes multiple land uses at the site including commercial premises (including retail premises, neighbourhood supermarket, and office premises), and shop-top housing. Development for the purposes of commercial premises (including retail premises, neighbourhood supermarket, and office premises) is permissible with development consent in the E2 Commercial Centre zone. Development for the purposes of shop top housing is prohibited in the E2 Commercial Centre zone. However, the land use is made permissible by virtue of the provisions of the <i>State Environmental Planning Policy (Housing) 2021</i>. An assessment of the proposal against the relevant objectives of the E2 Commercial Centre zone is undertaken as follows. Whilst the proposed residential component of the development would detract from the commercial nature of the surrounding E2 Commercial Centre zone, the provision of over 46,000sqm of office floorspace at the site is considered to offset this impact as it would generate over 3,000 permanent employment opportunities. The proposal would contribute to the role of the Parramatta City Centre as the centre of business, retail, community and cultural activity as it would result in a net job increase at the site. In addition, the proposal would contribute to the activation of the city centre through the proposed extensive network of activated laneways, including a pedestrian plaza with outdoor seating. The activation of the through-site links/laneways and provision of extensive landscaping within the ground plane would provide a high level of amenity for pedestrians. In addition, the site is adjacent to an identified view corridor along George Street toward Old Government House to the west. The proposal will have little impact on the view corridor down George Street. Finally, it is noted that the proposed development incorporates materials and finishes in the façade of the podium(s) to reflect the materiality of adjacent heritage items. The design of the development appropriately reflects the heritage values of the Parramatta City Centre. No impact is anticipated on subterranean heritage items (i.e. the convict drain running parallel to the site).

		Based on the above, the application is considered to be consistent with the objectives of the E2 Commercial Centre
4.1	Minimum Subdivision Lot Size	No minimum lot size has been prescribed for the site under Clause 4.1 of the LEP. The proposed subdivision is permissible with consent.
4.3	Height of Buildings	The maximum height of buildings permitted at the site under Clause 4.3 of the LEP is RL 211m for the site's north-eastern half. The height for the south-western half is limited by the solar access controls under Clause 7.7 of the LEP. The northern (residential) tower includes a maximum building height of RL 168.745m and complies with the maximum height of building affectation applying to that part of the site. See further assessment under clause 7.7 for the southern half of the site.
4.4	Floor Space Ratio	A maximum floor space ratio of 10:1 is prescribed for the site under Clause 4.4 of the LEP. With a site area of 7,097sqm, the maximum permissible gross floor area of the site under Clause 4.4 of the LEP is approximately 70,970sqm. A floor space ratio of 11.94:1 (84,731sqm) is proposed. See further assessment under Clause 7.15 (Design Competition Bonus) & 7.25 (High Performing Buildings).
5.1	Relevant Acquisition Authority	A 2m wide corridor along the George Street frontage of the site is notated on the Land Reservation Acquisition Map under the LEP. A condition of consent is recommended requiring the dedication of this land to Council prior to issue of the final occupation certificate for the site.
5.4	Controls Relating to Miscellaneous Permissible Uses	The application seeks consent for the provision of a neighbourhood supermarket within the northern ground floor commercial tenancy in the northern (residential) tower. Consent is sought for the land-use only. Clause 5.4(7AA) limits the gross floor area of neighbourhood supermarkets to no more than 1,000sqm. The application complies with this control, as the tenancy in which the neighbourhood supermarket will occupy contains approximately 249.9sqm of GFA. A condition of consent is recommended requiring the submission of a separate development application for the fit-out and first use of the neighbourhood supermarket.
5.10	Heritage Conservation	Although the site is near multiple heritage items, no direct impacts are expected as the development incorporates sympathetic materials and finishes. A Heritage Impact Statement and Archaeological Assessment accompanies the application which has been reviewed by Council and considered to be acceptable. Subterranean excavation does not include the use of rock anchors penetrating into adjoining land and potentially disrupting neighbouring relics/subterranean heritage items. Conditions of consent are recommended to ensure excavation and construction are managed to avoid disturbance to potential relics. The existing building at the site is not a heritage listed item. Nonetheless, a condition of consent is recommended requiring the proponent to take detailed photographs/recordings of the existing structure for archival purposes.

5.21	Flood Planning	The subject site is located within the Floodplain Risk Management area under the Floodplain Risk Management Map of the LEP. The proposed development has been designed with a range of flood mitigation measures to ensure compatibility with the flood function of the land. These include setting ground floor tenancies at or above the Flood Planning Level (FPL) (with the exception of ‘transition areas’ permitted under the Parramatta DCP 2023) and incorporating flood gates and barriers at the basement driveway crest and other ground floor openings. The affected area is generally flood-free during most events, and the design is considered acceptable in this context. A detailed Flood Impact Assessment, including flood modelling, demonstrates that the development will not result in detrimental changes to flood behaviour on adjoining properties. Council’s catchment engineers have reviewed the modelling and support the findings. To ensure occupant safety, habitable areas are generally located above the FPL, and the development includes a designated emergency refuge area with backup power, water, and provisions for sheltering in place for at least seven hours. These measures are formalised in a Flood Emergency Response Plan, which is recommended to be implemented via a condition of consent. Although the site is near the Parramatta River, it is not adjacent to riparian vegetation or riverbanks. Stormwater and flood management measures are designed to prevent erosion, siltation, or degradation of water quality. The flood modelling also accounts for future climate change scenarios, with no adverse impacts anticipated. The scale and design of the development are consistent with the City Centre context, and while the buildings cannot be relocated due to their scale, the design incorporates robust flood resilience features. Based on the above, the proposal satisfies the requirements of Clause 5.21, subject to the implementation of the Flood Emergency Response Plan and other recommended conditions to manage flood risk and ensure occupant safety.
6.1	Acid Sulfate Soils	The subject site is identified as Class 4 Acid Sulfate Soils under the Acid Sulfate Soils Map. The application is accompanied by an Acid Sulfate Soil Management Plan in accordance with the requirements of cl. 6.1. The requirements of this clause have therefore been satisfied, and the submitted plan is recommended to be incorporated into the consent by way of condition.
6.2	Earthworks	The application includes partial demolition of existing basement levels at the site and excavation for the purposes of an additional basement level. The provisions of Clause 6.2 of the LEP are applicable to the application. The works are designed with moderate setbacks from property boundaries and incorporate tanked basement construction, which maintains existing drainage patterns and allows

		groundwater to flow around the structure. These measures ensure that soil stability is preserved, and that flood risk is not exacerbated. The excavation works are not expected to limit future redevelopment of the site or adjoining properties, as generous setbacks are maintained and the structural design is compatible with surrounding development potential. No fill is proposed. Soil investigations indicate the presence of low-fertility, saline alluvial soils with minimal contamination risk. However, due to the depth of excavation, a condition of consent is recommended requiring intrusive testing of excavated material to confirm soil quality and manage any unforeseen contamination. To protect the amenity of neighbouring properties, a Construction Management Plan (CMP) has been submitted and is recommended to be implemented as a condition of consent. The CMP outlines measures to manage noise, dust, vibration, and construction traffic. Excavated material will be disposed of in accordance with the CMP and relevant environmental regulations. Given the site's history of disturbance, the likelihood of encountering relics is low. Nonetheless, standard protocols for unexpected finds will apply. Overall, the application includes appropriate mitigation strategies to manage the impacts of earthworks. The CMP addresses all relevant environmental and amenity concerns, and its implementation is recommended as a condition of approval to ensure compliance with Clause 6.2.
6.5	Stormwater Management	The application is broadly consistent with the objectives and requirements of Clause 6.5. On-site landscaping, combined with stormwater pipes, filters and cartridges will effectively absorb and treat incoming stormwater, with excess stormwater discharged to a Council stormwater connection on George Street. A condition of consent is recommended, requiring the provision of an on-site detention system to ensure compliance with matters under cl. 6.5(2)(c). The condition allows the proponent to submit evidence demonstrating that adverse impacts on surrounding properties would not eventuate as a result of no stormwater detention system being provided on-site. Should such evidence be submitted to Council's satisfaction, the requirement for the detention system will be waived.
6.7	Essential Services	All required essential services are presently available at the site and serve the existing office building. The proposed development would retain access to these services through augmentation and/or provision of additional infrastructure (such as dual water reticulation system, additional substation and new stormwater pipes).
6.13	Design Excellence	The provisions of Clause 6.13 apply to the application by virtue of cl. 7.13 of the LEP. The relevant matters for consideration when

		assessing whether a development exhibits design excellence are set out under subclause (4). The proposed development demonstrates a high standard of architectural design through the use of quality materials such as sandstone cladding, aluminium shading fins, and brick-toned concrete finishes. These materials are contextually appropriate and respond sensitively to nearby heritage items. The building proportions, generous setbacks, and articulation into podium and tower elements contribute to a refined and contextually integrated design. The development enhances the public domain by introducing active street frontages and new laneways, improving pedestrian amenity and connectivity. Podium and tower forms provide shelter and solar access to public spaces, while setbacks along George Street preserve key view corridors, particularly toward Parramatta Park. The site is well-suited for high-density mixed-use development due to its size, central location, and access to essential services. The proposed land use mix introduces residential uses while retaining commercial and retail functions, enhancing diversity and vibrancy. Heritage and archaeological considerations have been addressed through sensitive design responses and supporting documentation. The podium treatments reflect the materials of nearby heritage items, and the likelihood of disturbing archaeological relics is low. The towers are appropriately separated (18m) and set back from boundaries, ensuring visual relief, privacy, and solar access. The bulk and massing are well-modulated, and street wall heights (16m on Phillip Street and 18m on George Street) are consistent with the surrounding context. Environmental impacts have been carefully considered. The development includes sustainable design features certified through BASIX and supported by specialist reports. Wind and reflectivity testing confirm acceptable impacts, and acoustic treatments are conditioned to ensure residential amenity. Shadow diagrams confirm no additional overshadowing of Lancer Barracks during critical hours. The proposal aligns with the principles of ecologically sustainable development. It incorporates the precautionary principle through detailed environmental assessments and mitigation strategies, supports intergenerational equity via fossil-fuel-free operations, and promotes biodiversity through the use of native species in on-site landscaping. Pedestrian and cyclist access is enhanced through through-site links and end-of-trip facilities. Vehicular access is consolidated via Phillip Street, with all parking and servicing located in the basement.
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		Public domain improvements include upgraded frontages, retention of street trees, and dedication of land for a regional cycleway. The interface at ground level is activated and inviting, with opportunities for outdoor dining and high-quality finishes. Landscape design is well-integrated, with deep soil zones and planter beds supporting tree growth and enhancing the urban canopy. The proposal contributes to the city's green infrastructure network through strategic planting and open space design. In summary, the development satisfies the design excellence criteria under Clause 6.13 and is supported by Council's Design Excellence team. Conditions of consent are recommended to ensure implementation of key design and environmental measures. Note: Re-referral to the Design Excellence Jury was not required under Council's Design Excellence Competition Manual.
7.3	Floor Space Ratio	Not applicable as site comprises an area of more than 1,800sqm.
7.7	Sun Access	The provisions of Clause 7.7 apply to land shown in purple on the Sun Access Protection Map. The site is partially identified in purple under that map. The application's accompanying architectural drawings include shadow diagrams demonstrating no overshadowing of Lancer Barracks from the southern commercial tower between 9am and 2pm on the winter solstice (21 June). The application meets the requirements of cl. 7.7(3)(c).
7.9	Airspace Operations	Approvals for controlled activities were issued on 30 April 2025 by the aviation division of the Australian Department of Infrastructure, Transport, Regional Development, Communications, and the Arts.
7.10	Active Frontages	The subject site is notated on the Active Frontages Map under the LEP. The application proposes active street frontages to both streets, with 27.3m of active frontage to George Street (53.4% activated) and 25.3m of active frontage to Phillip Street (36.2% activated). Activated frontages are provided to both street frontages in all areas where entrances, lobbies, access for fire services, electrical services, and vehicular access are not required.
7.11	Floodplain Risk Management	The proposed development has been designed to address the requirements of Clause 7.11 and ensure resilience to extreme flood events. The development includes designated refuge areas located above the PMF level, specifically from level 1 and above in both buildings. These areas are of sufficient size to accommodate all occupants and are supported by emergency electricity and water supply infrastructure, ensuring operational continuity during flood events. Emergency access is provided via the driveway entrance on Phillip Street, which is situated on land above the 1% AEP level

		and connects to a compliant evacuation route. This ensures safe egress in the event of a significant flood. The development's design, including flood protection and stormwater management measures, has been reviewed by Council's catchment engineers and is considered capable of withstanding the forces associated with a PMF event, including floodwaters, debris, and buoyancy. In summary, the proposal satisfies the requirements of Clause 7.11, with appropriate design responses and infrastructure in place to ensure occupant safety and flood resilience.
7.13	Design Excellence	Design excellence has been considered under cl. 6.13 of this table. The proposal is considered to exhibit design excellence.
7.14	Competitive Design Process	A competitive design process was held in 2023 (DC/1/2023) for the site. The winner of this process (Hassel Architects) has prepared the detailed architectural drawings accompanying the subject development application.
7.15	Additional Building Height and Floor Space Ratio	Pursuant to cl. 7.15(2), the proposed development may exceed the prescribed maximum permissible height of building and floor space ratio by 15% respectively. The provisions of cl. 7.15 enable a maximum building height of RL 242.65m (for part of the site not subject to the provisions of cl. 7.7 Sun Access) and a maximum floor space ratio of 11.5:1.
7.17	Car Parking – General	The proposed development is subject to the maximum car parking provisions under cl. 7.17 of the LEP. The relevant maximum parking rates under subclause (2) are as follows. • Business premises and office premises – parking calculated using the 'car parking formula'. • Residential flat buildings, dual occupancies and multi-dwelling housing – the sum of (a) 0.1 space for each studio dwelling, (b) 0.3 space for each dwelling containing 1 bedroom, (c) 0.7 space for each dwelling containing 2 bedrooms, (d) 1 space for each dwelling with 3 or more bedrooms. • Retail premises – parking calculated using the 'car parking formula' Based on 49,227sqm of gross floor area for office space, 1,528sqm for retail, and 382 units (66 x studio, 143 x 1-bedroom, 146 x 2-bedroom, 27 x 3-bedroom), the maximum permitted parking at the site is approximately 264 spaces. A maximum of 82 spaces are permitted for the office use, 3 spaces for retail use(s), and a maximum of 179 spaces are permitted for the residential use. A total of 251 parking spaces are proposed within the three basement levels including 148 spaces for the residential use, 75 spaces for the office use, and 2 spaces for the retail use(s). In addition, 26 parking spaces are proposed for the future childcare centre use (subject to separate development application). As consent is not sought for the childcare use in this application, a condition of consent has been included, requiring the allocation of the 26 parking spaces as residential visitor parking spaces.

		The allocation of these spaces to the residential use will ensure the development does not exceed the maximum parking limits under this clause.
7.22	Managing Heritage Impacts	The application has been considered against the relevant matters for consideration under cl. 7.22 and is considered to be broadly acceptable. Works are unlikely to give rise to adverse impacts on surrounding heritage items including the adjacent subterranean convict drain. No impacts on the heritage significant of the convict drain would arise as the item would not be disturbed or relocated during works. Impacts on other heritage items in the vicinity of the site are limited to (acceptable) visual impacts only.
7.23	End of Journey Facilities	The proposed development meets the requirements of cl. 7.23 as it includes sufficient end-of-trip facilities within the basement. 308 lockers are provided as well as 31 shower and changing facilities. A total of 659 bicycle parking spaces are provided over two separate bicycle storage areas within the basement.
7.24	Dual Water Supply	The application is accompanied by an Infrastructure Services Report which notes that a dual reticulation system has been provisioned as part of the building design works. A condition of consent is recommended requiring the provision of such a system to ensure compliance with this provision of the PLEP 2023.
7.25	High performing building design	The proposed development meets the eligibility criteria under Clause 7.25, including the provision of over 1,250sqm of office space, a site width exceeding 24m, a site area over 1,800sqm, and a base FSR of at least 6:1. As such, the development qualifies for a 5% bonus to the maximum permissible FSR, subject to meeting the performance criteria under subclauses (3) and (4). The additional GFA is proposed to be used for residential accommodation, with the residential component achieving an FSR of 4.52:1. This satisfies Clause 7.25(3)(a). In terms of built form impacts, the development includes appropriate side setbacks and tower separation (12–18m), which effectively distribute bulk and minimise visual dominance. Shadow diagrams confirm that there is no additional overshadowing of Lancer Barracks between 12pm and 2pm on the winter solstice. These outcomes demonstrate compliance with Clause 7.25(3)(b). The residential tower is supported by a BASIX certificate and stamped plans that confirm the building exceeds the minimum BASIX targets by at least 15 points for water and 10 points for energy, as required for buildings over 41 storeys. These documents have been reviewed by an external sustainability consultant and are considered acceptable, satisfying Clause 7.25(3)(c). For the non-residential components, the Statement of Environmental Effects and Sustainability Management Plan confirm that the retail and office premises meet or exceed the required energy and water performance targets. Specifically: • Retail:

		• Energy: 81.65 kWh/m²/year • Water: 0.848 kL/m²/year • Office: • Energy: 62.07 kWh/m²/year • Water: 0.5 kL/m²/year These figures align with the performance thresholds when converted to the required CO₂e and kL metrics. Additionally, the proponent is considering the purchase of green power to further reduce emissions, potentially achieving net-zero operational emissions for the office component. Based on the above, the proposal satisfies all relevant provisions of Clause 7.25. The additional 5% FSR bonus is therefore supported, subject to conditions of consent ensuring implementation of the sustainability measures outlined in the application. The bonus amounts to an additional 3,548.5sqm of permissible GFA, of which the development proposes to utilise 3,115.5sqm.
7.28	Additional floor space ratio for office premises	The application does not seek to utilise the provisions of cl. 7.28 to exceed the maximum permissible FSR for the purposes of providing additional office premises gross floor area.

Based on the above assessment, the application is considered to be consistent with the relevant provisions of the *Parramatta Local Environmental Plan 2023* subject to the imposition of recommended conditions of consent.

7.2 Section 4.15(1)(a)(ii) – Provisions of any proposed instrument

Section 4.15(1)(a)(ii) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of any proposed instrument that is, or has been, the subject of public consultation under the Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

As of the date of writing, there are no proposed environmental planning instruments that are of relevance to the development the subject of the development application.

7.3 Section 4.15(1)(a)(iii) – Provisions of any development control plan

Section 4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of any development control plan as are of relevance to the development the subject of the development application.

The relevant development control plan that is applicable to the site and proposed development is the *Parramatta Development Control Plan 2023*. The provisions of the development control plan have been applied in accordance with the requirements of s. 4.15(3A) of the Act.

A summary of the proposal's compliance with the relevant chapters of the *Parramatta Development Control Plan 2023* is provided in the following table.

Parramatta Development Control Plan 2023		
Chapter	Section	Comment
Part 1 - Introduction	1.6 Aims of this DCP	The proposed development demonstrates a strong alignment with the aims of the Parramatta Development Control Plan 2023 by delivering a high-quality,

		sustainable, and contextually responsive outcome. The design, which emerged from a competitive design excellence process, contributes positively to both the natural and built environments. The two towers enhance the city skyline and incorporate sustainable design features such as wind mitigation, reflectivity control, and landscaped rooftop areas, which support urban greening and improve the local microclimate. At ground level, the development integrates a network of landscaped laneways and plazas that enhance pedestrian permeability and activate the public domain. These spaces are designed to be inclusive, accessible, and comfortable, with opportunities for outdoor dining and social interaction. The ground plane is treated as an extension of the public realm, ensuring a seamless and engaging interface between private development and public space. The proposal supports economic, environmental, and social sustainability by increasing employment opportunities, promoting social interaction, and incorporating environmentally responsible materials and systems. While some environmental impacts are inevitable, these are mitigated through adherence to sustainability targets under the SEPP (Sustainable Buildings) and the use of efficient building technologies. Importantly, the development is accessible to all members of the community and is likely capable of complying with the Disability Discrimination Act and universal design principles. It also responds sensitively to its context, particularly the heritage character of Phillip Street, with podium façades that reflect the materials and scale of adjacent heritage buildings. The proposal's integration with surrounding sites and its contribution to the broader urban fabric of the Parramatta CBD further reinforce its consistency with the DCP's overarching aims.
Part 2 – Design in Context	2.1 Design in Context	The proposed development demonstrates a strong contextual response, integrating well with the surrounding built form, including nearby heritage items on Phillip Street. The podium design reflects the materials and scale of adjacent heritage buildings, while the tower elements contribute positively to the city skyline. The development enhances the public domain through the provision of new open space and laneways that, although privately owned, are designed to function as extensions of the public realm. These spaces are accessible, landscaped, and lined with active frontages, promoting safety and amenity. The proposal also incorporates sustainable design features and landscaping that support urban greening and ecological outcomes. Overall, the development aligns with the objectives of this section by enhancing the character, accessibility, and environmental quality of the site and its context.
	2.4 Building Form and Massing	The massing and articulation of the proposed buildings are well-resolved, with clear podium and tower elements

		that respond to the site's topography and urban context. Tower setbacks and modulation reduce visual bulk and mitigate wind impacts, while maintaining solar access to key public spaces. The development achieves the maximum permissible FSR, and while this represents a significant increase in scale compared to the existing built form, it is managed sensitively through design. The proposal is generally compliant with all relevant controls.
	2.5 Streetscape and Building Address	The development presents a contemporary and contextually appropriate streetscape interface, with active frontages, high-quality materials, and well-modulated façades. The podium and tower forms reflect the prevailing urban grain and scale of George and Phillip Streets. Landscaping and setbacks enhance the public realm, while the use of durable materials and architectural detailing contributes to a strong sense of identity and street address. Vehicular access is minimised and discreetly integrated, and the laneways are activated and designed to support pedestrian amenity. The proposal complies with all relevant objectives and controls in this section.
	2.7 Open Space and Landscape	While no deep soil zones are provided due to the existing basement structure, the development includes extensive landscaping at ground level and on rooftops. These areas support canopy trees and native planting, contributing to urban greening and biodiversity. The landscape design includes low-maintenance, drought-tolerant species. Although the absence of deep soil zones constitutes a technical non-compliance (Control C.03), it is considered acceptable given the site constraints and the quality of the proposed landscaping. Street trees are retained, and new planting is consistent with Council's guidelines. Non-compliance with Control C.06 is also noted as the proposal involves the removal of healthy trees from the site. This non-compliance is considered justifiable, given the net canopy increase.
	2.9 Public Domain	The proposal integrates well with the surrounding public domain, providing seamless transitions between public and private spaces. Active frontages, landscaping, and a central plaza enhance the pedestrian experience and support social interaction. Through-site links are provided at ground level and are mostly open to the sky, with the exception of a minor pedestrian bridge. Street trees are retained, and additional planting is proposed in accordance with the Parramatta Public Domain Guidelines. The development supports passive surveillance and avoids blank walls, contributing to a safe and vibrant public realm.
	2.10 Accessibility and Connectivity	The development provides a highly permeable and accessible ground plane, with multiple through-site links that connect to the surrounding street network. These links are landscaped and designed to read as extensions of the public domain. While some through-site links are less than the minimum 4m width required under the DCP (Control C.07), this non-compliance is considered acceptable due to the enhanced amenity provided by

		landscaping and the overall legibility of the site's circulation network. Public, communal, and private areas are clearly delineated, and unobstructed paths of travel are provided throughout.
	2.11 Access for People with a Disability	The proposal demonstrates compliance with the Disability Discrimination Act, the Building Code of Australia, and relevant Australian Standards. An Accessibility Report confirms that access provisions are satisfactory, and Council's Universal Access Officer supports the assessment. The development is accessible to all users, with appropriate circulation, lift access, and entry points.
	2.13 Culture and Public Art	The application includes a Public Art Strategy, as required for developments over \$5 million and sites over 5,000sqm. The strategy has been reviewed and endorsed by Council's Public Art Officer. The proposal meets all relevant controls and contributes to the cultural enrichment of the public domain.
	2.14 Safety and Security	The development incorporates CPTED principles through active frontages, clear sightlines, and passive surveillance from residential balconies and commercial tenancies. Public and private spaces are clearly defined, and access control measures are discreetly integrated. Landscaping and design elements foster a sense of community ownership and reduce opportunities for concealment. A formal crime risk assessment is not required. Non-slip surfaces and accessible pathways are included, and mail facilities are conveniently located and compliant with Australia Post standards.
Part 5 – Environmental Management	5.1 Water Management	The application includes passive and active design measures to mitigate damage to property & risk to human life during a flood event. The measures are proportionate to the flood risk at the site and are consistent with the objectives and controls under Part 5 of the DCP. In addition, shelter-in-place facilities are proposed, in accordance with DCP requirements. All flood modelling and the application's accompanying Flood Emergency Response Plan has been reviewed by Council's catchment officer and are considered to be acceptable.
	5.2 Hazard and Pollution Management	The potential for contaminants at the site has been investigated through the application's accompanying Preliminary Site Investigation Report which has been prepared in accordance with the SEPP (as required by the DCP). The report has been reviewed by Council's Environmental Health Officer and is considered to be acceptable on the proviso that a condition be incorporated into the draft condition set requiring a Detailed Site Investigation. In addition, the proponent has submitted an Acid Sulfate Soils Management Report in accordance with the requirements of Part 5 of the DCP. Based on the above, the proposal is consistent with Part 5 of the DCP.
Part 6 – Traffic and Transport	6.1 Sustainable Transport	The proposed development demonstrates a strong commitment to sustainable transport outcomes, consistent with the objectives of Section 6.1 of the DCP.

		Carshare facilities are provided in accordance with the requirements for both residential and commercial components. Two carshare spaces are proposed, with a condition of consent requiring one to be relocated closer to the commercial lift core to ensure equitable access. Additional conditions are recommended to ensure signage, public accessibility, and engagement with carshare providers. A preliminary Green Travel Plan has been submitted, and a condition of consent requires a full plan to be provided prior to the issue of a construction certificate. This plan will include mode share targets, travel data, and specific measures to reduce reliance on private vehicles, supporting long-term behavioural change and sustainable commuting patterns. In relation to electric vehicle (EV) infrastructure, the development does not fully comply with the requirement to provide an EV Ready Connection for each dwelling, as the number of dwellings exceeds the number of residential parking spaces. The proposal instead includes EV charging infrastructure for 5% of spaces, with an additional 25% of spaces designed to be EV-ready for future upgrades. Distribution boards will be installed to support this infrastructure, and shared EV connections will be provided for carshare and visitor spaces. Conditions of consent are recommended requiring additional EV infrastructure (including EV ready connections for all resident car parking spaces) to better align the proposed development with the desired intent of the DCP. Overall, the development supports a modal shift away from private vehicle use through the integration of carshare, EV infrastructure, and travel planning. These measures are reinforced through recommended conditions of consent and are consistent with the intent of the DCP to promote sustainable transport in high-density urban environments.
	6.2 Parking and Vehicular Access	The proposal generally complies with all objectives and most controls in this section. The basement car park has been reviewed by Council's traffic engineers and is considered safe and functional. Swept path diagrams confirm manoeuvrability, and pedestrian safety is addressed through splays and delineated walkways. The development retains the existing vehicular access point, minimising impact on on-street parking. Accessible and visitor parking is provided, and residential and non-residential parking is physically separated. All parking is located in the basement, and loading areas are internalised and compliant with AS2890.2.
	6.4 Loading and Servicing	All loading and servicing requirements are met. Loading docks are located on-site, operate independently of other parking areas, and are supported by swept path analysis.

		The proposal is broadly consistent with the aims and controls of this section.
Part 7 – Heritage and Archaeology	7.5 Development in the Vicinity of Heritage	The proposed development has been appropriately sited to complement the scale of development on George and Phillip Street whilst providing an appropriate interface with nearby heritage items. The proposed podium(s) reinforce the traditional alignment of buildings on George and Phillip Street, and provide appropriate context to the heritage items. The application is therefore consistent with the objectives and controls of Part 7 of the DCP.
Part 9 – Parramatta City Centre	9.1.2 General Objectives	The proposed development is consistent with the general objectives for the Parramatta City Centre. The design includes two slender towers with appropriate setbacks from George and Phillip Streets, contributing positively to the city skyline and reinforcing a human-scaled streetscape through well-articulated podium elements. The ground plane is activated with commercial and retail frontages, and the inclusion of multiple through-site links and a central plaza enhances pedestrian permeability and legibility across the site. These links are designed with paving and materials that visually extend the public domain into the site, supporting a coherent and attractive urban environment. The proposal also demonstrates a strong response to heritage and environmental objectives. The podium and tower elements incorporate materials and colours that are sympathetic to adjacent heritage items on George and Phillip Streets, and sufficient setbacks are provided to protect subterranean heritage features. Flood risk has been addressed through elevated floor levels, a flood-protected basement entry, and stormwater infrastructure that directs flows to the public drainage system. Sustainability measures include dual reticulation piping, photovoltaic cells, and a Net Zero Energy Design Statement confirming the development will be fossil fuel free upon occupation. These measures, along with extensive landscaping and additional street tree planting, support the objectives of reducing urban heat, enhancing the natural environment, and promoting sustainable growth in the city centre.
	9.2 Design Quality	The development is considered to exhibit a high standard of design quality, consistent with the objectives of this section. The architectural scheme was selected through a competitive design process held in 2023 and has been assessed as demonstrating design excellence under the <i>Parramatta Local Environmental Plan 2023</i>. The proposal incorporates high-quality materials and finishes, and the design has been refined to respond to the site's context, including its heritage setting and prominent location within the city centre. Design quality has been a central consideration throughout the project's development, from the initial

		design competition through to the preparation of the development application. The proposal integrates public and private domain elements in a cohesive manner, with active frontages, legible entries, and a well-articulated podium and tower form. The development contributes positively to the architectural and urban design character of the city centre and is fully compliant with the objectives of this section.
	9.3.1 Guiding Principles	The proposed development aligns with the guiding principles for built form in the Parramatta City Centre. The podium elements of both the commercial and residential buildings are designed to define and articulate the public domain, with street wall heights of approximately 16 metres and 18 metres respectively. These podiums are consistent with the prevailing street wall patterns and provide a human-scaled interface to George and Phillip Streets. The tower elements are clearly distinct from the podiums and are setback between 6 and 18 metres, allowing for views to the sky, mitigating wind impacts, and reducing the urban heat island effect. The design responds sensitively to the heritage context, with materials and colours that reflect those of nearby heritage buildings. The building separation and tower proportions are appropriate, ensuring privacy, daylight access, and visual amenity for both occupants and the public domain. While solar access to some publicly accessible areas is limited, the overall design is considered to minimise negative impacts and enhance the amenity of the site. The proposal also incorporates durable and sustainable materials, contributing to a high-quality urban environment. No non-compliances are identified in this section.
	9.3.2 Minimum Site Frontage	The proposed development is situated on a site with an average width of 61 metres, which significantly exceeds the minimum 35-metre frontage required under the DCP. This generous site width enables the development to achieve a high standard of amenity, including adequate building separation, privacy, solar access, ventilation, and outlook. The site layout allows for the integration of landscaping and active frontages along George and Phillip Streets, as well as through-site pedestrian links that enhance permeability and connectivity. Vehicular access and servicing are efficiently managed via Phillip Street, with all parking and loading areas located within the basement levels. The development does not compromise the redevelopment potential of adjoining sites. The building footprints and setbacks are arranged to avoid isolating neighbouring properties, and the scale of the development is consistent with the evolving character of the Parramatta City Centre. The proposal is fully compliant with all objectives and controls under this section, and no non-compliances are identified.

	9.3.3 The Building Envelope	The proposed development generally complies with the building envelope controls, including street wall heights, tower setbacks, and floorplate dimensions. The podiums are built to the boundary and range in height from 16 to 18 metres, which is within the prescribed range of 14 to 21 metres. Tower elements are setback a minimum of 6 metres from the street wall, and the floorplates of both the commercial and residential towers are within the maximum allowable areas. The commercial tower has a floorplate of approximately 2,195 square metres, and the residential tower has a floorplate of approximately 1,071 square metres, both of which comply with the relevant controls for buildings of their respective heights.
	9.3.4 The Street Wall	The street walls of both buildings are generally compliant with the design and materiality requirements of the DCP. They are built to the boundary, articulated with depth and relief, and incorporate high-quality materials such as sandstone cladding and masonry finishes. The street walls are designed to provide a human scale at the ground level and contribute positively to the streetscape character of George and Phillip Streets. However, there is a non-compliance with Control C.01(b), which requires vertical modulation of the street wall in segments that reflect a fine grain subdivision pattern where the site frontage exceeds 25 metres. While the residential building includes some modulation, including a detached three-storey element on Phillip Street, the commercial building's street wall does not incorporate vertical segmentation consistent with a fine grain pattern. This is due to the absence of such a pattern in the surrounding built form, which is characterised by larger, consolidated sites. As such, the non-compliance is considered acceptable in this context, as the overall design achieves the intended urban design outcomes of articulation, scale, and material quality.
	9.3.5 The Ground Floor	The proposed development demonstrates a strong response to the design objectives for ground floor interfaces, particularly in the context of a flood-affected site. The ground floor of both buildings incorporates active frontages, with retail tenancies fronting George Street and commercial uses along Phillip Street and the internal laneways. These frontages are designed to enhance pedestrian amenity and engagement, with generous ceiling heights, awnings, and architectural detailing that contribute to a high-quality public domain experience. The ground floor design includes transitional areas that accommodate level changes required for flood protection, with ramps and internal gradients that comply with accessibility standards. In terms of flood resilience, the development incorporates a range of passive and active measures to manage flood risk. These include a raised driveway crest, self-operating flood gates, and flood-compatible materials and landscaping. The design has been reviewed by Council's flood and landscape officers and is considered to be

		acceptable. Services and utilities are discreetly integrated into the building envelope, with substations and fire boosters located away from primary frontages where possible. The only exception is a fire booster on Phillip Street, which is required by Fire & Rescue NSW. Overall, the proposal is compliant with the objectives and controls of this section, and no non-compliances are identified.
	9.3.7 Residential Apartment Design Quality	The residential component of the development achieves a high standard of amenity for future occupants. The majority of apartments receive adequate solar access, with 86.13% of units achieving at least two hours of sunlight between 8am and 3pm. Additionally, 60.91% of units within the first nine storeys are naturally cross-ventilated, in accordance with the Apartment Design Guide. All apartments are provided with private open space in the form of balconies, which offer appropriate outlooks and privacy. Common circulation spaces are well-lit and ventilated, with windows visible from lift cores and corridor ends. However, there is a non-compliance with Control C.01, which requires building indentations providing light and ventilation to single aspect apartments to have a minimum width-to-depth ratio of 2:1. The proposed indentations have a ratio of 0.2:1, which is significantly below the required standard. Despite this, the overall design achieves the intended amenity outcomes, and the non-compliance is considered acceptable on merit. No other non-compliances are identified in this section, and the development is considered to meet the objectives for residential apartment design quality.
	9.3.9 Dwelling Mix and Flexible Housing	The proposed dwelling mix does not comply with the recommended distribution set out in Control C.01. The development includes 54.71% studio and one-bedroom units, 38.22% two-bedroom units, and only 7.07% three-bedroom units. No four-bedroom units are proposed. This mix falls short of the DCP's guidelines, which recommends 10–20% three-bedroom units and 5–10% four-bedroom units in high-density residential developments. The shortfall in larger apartment types limits the development's capacity to accommodate families and larger households, which is inconsistent with the objective of providing a diverse range of housing options. To address this, a condition of consent is recommended requiring the substitution of floorplates between levels 10 and 13 to increase the number of three-bedroom units. This modification would raise the proportion of three-bedroom units to approximately 11.6%, bringing the proposal into alignment with the DCP's target range. While the absence of four-bedroom units remains a technical non-compliance, the proposed condition is considered to sufficiently address the objectives of the control. The development otherwise provides adaptable and flexible apartment layouts that support changing household needs over time.

	9.4.1 Solar Access to Significant Parks and Spaces	The proposed development complies with the solar access requirements of the DCP. It does not introduce any additional overshadowing to areas designated as 'no overshadowing' zones during the critical times specified in the DCP. This ensures that the amenity and usability of significant public spaces and parks are preserved, aligning with the intent of maintaining solar access to key communal areas. No non-compliances are identified in this section.
	9.4.2 Awnings and Trees on Streets	The development appropriately integrates street trees and awnings in accordance with the DCP. Existing street trees on both Phillip and George Streets are retained, and three additional trees are proposed, meeting the requirements of the Parramatta Public Domain Guidelines. A narrow awning is provided over the Phillip Street entrance to the supermarket, consistent with the guidelines for footpaths wider than 3.9 metres. The proposed tree species and spacing comply with Council's standards, and a Public Domain Alignment Plan has been submitted. A condition of consent has been recommended to ensure compliance with tree installation and maintenance standards. There are no identified non-compliances in this section.
	9.4.4 Pedestrian Lanes, Shared Zones and Service Lanes	The development significantly enhances pedestrian connectivity through the inclusion of multiple through-site links that connect George and Phillip Streets. These links are designed to function as extensions of the public domain, using consistent paving and materials, and are supported by easements to ensure public access. However, there are several non-compliances in this section. The widths of some pedestrian links fall below the minimum 4-metre requirement, with the southwestern and southeastern links measuring as narrow as 2.0 to 2.1 metres. This variation is justified by the need to accommodate landscaping and to emphasise the primary pedestrian axis through the site. Additionally, while the DCP requires pedestrian links to be fully open to the sky and unencumbered by basement infrastructure, the northeastern link is partially covered by a pedestrian bridge, and all links are located above basement car parking. These non-compliances are considered acceptable due to the design quality, the provision of public access easements, and the visual integration of the links with the public domain. A condition of consent has been recommended to ensure compliance with public domain design standards.
	9.4.6 Vehicle Footpath Crossings	The development maintains the existing vehicular access point on Phillip Street and does not introduce any new vehicle crossings along George or Phillip Streets, both of which are identified as key pedestrian routes. This approach supports pedestrian safety and minimises disruption to the public domain. The driveway is designed to be perpendicular to the street, includes splay points for improved visibility, and is integrated into the building façade using materials that complement the overall architectural design. The vehicle entry is set back from pedestrian entrances and avoids conflict with habitable

		rooms. These design features ensure that the visual and functional impact of vehicle access on the streetscape is minimal and consistent with the DCP's objectives.
	9.4.7 Views	The site is partially located within a designated view corridor along George Street toward Parramatta Park and the George Street Gatehouse. The development responds appropriately by incorporating a 2-metre setback along George Street to accommodate a future cycleway and by avoiding any projections into or over the public domain that could obstruct the view. The design ensures that the view corridor is preserved and reinforced, and that the architectural form and site layout are informed by the need to maintain this important visual connection. The proposal is considered to be consistent with the DCP's intent to protect and enhance significant views within the city centre.
	9.5.3 George Street (Special Area)	The development complies with the built form requirements specific to the George Street Special Area. The commercial building's street wall is aligned with the future property boundary, following the planned dedication of land for a regional cycleway, and achieves a height of approximately 18 metres, which is within the acceptable range. The commercial tower is set back 12 metres from the street wall, reinforcing the spatial character and historical significance of George Street. The application includes a streetscape analysis that confirms the proposed setbacks and street wall heights are appropriate in the context of nearby heritage buildings and public spaces. The design is considered to contribute positively to the character and function of this special area.
	9.7 Flood Risk Management	The development demonstrates a comprehensive and proactive approach to flood risk management. A detailed Flood Impact Assessment has been submitted, addressing both the Probable Maximum Flood (PMF) and the 1% Annual Exceedance Probability (AEP) flood events. The assessment has been reviewed and supported by Council's flood engineers. The design incorporates passive flood protection measures, including a driveway crest and self-operating flood gates, to prevent water ingress into basement levels. These measures are considered effective in mitigating flood risk and protecting both public and private property. No non-compliances are identified in this section.
	9.7.1 Assessment and Minimisation of Flood Hazards, Risks, and Potential for Harm	The development is supported by site-specific flood hazard modelling. The modelling and associated risk assessment address key factors such as flood depths, velocities, warning times, and evacuation strategies. The findings have been reviewed and accepted by Council's flood engineer. The development includes both horizontal and vertical evacuation options, and where horizontal evacuation is not feasible, shelter-in-place facilities are provided. These facilities are designed to accommodate occupants for up to seven hours, which is less than the 72-hour benchmark typically expected. However, this variation is considered acceptable due to the site-specific

		modelling and the low likelihood of prolonged flood isolation. Overall, the development is considered to meet the intent of the DCP, and no unresolved non-compliances are noted.
	9.7.2 Land Use and Building Levels	The development complies with the requirement to locate all residential habitable rooms above the Flood Planning Level (FPL), with the lowest such room located approximately 11 metres above the FPL. No sensitive uses such as childcare centres or places of worship are proposed below the FPL. Non-habitable uses such as basement car parking, plant rooms, and waste storage areas are located below the FPL but are protected by passive flood mitigation measures, including mechanical flood gates and bunds. These measures have been reviewed and deemed acceptable by Council's flood engineers. Internal transitional areas in retail tenancies that sit below the FPL are designed to minimise flood risk while maintaining active street frontages. A condition of consent is recommended, prohibiting the storage of goods below the FPL in these areas. There are no outstanding non-compliances in this section.
	9.7.4 Flood Warning and Emergency Response Planning	See Part 5 assessment.
	9.7.8 Car Park Basements in Flood Prone Areas	The basement car parking design incorporates robust flood protection measures, including a self-operating flood gate and a driveway crest designed to prevent water ingress up to the PMF. Although the driveway crest sits below Council's standard flood planning level, this is supported by site-specific modelling and has been accepted by Council's flood engineers. The basement includes flood-free escape stairs and accessible routes for people with disabilities, supported by a backup generator to enable lift use during flood events. The development also includes a Building Management Plan to ensure ongoing maintenance and operation of flood protection systems. No non-compliances are identified in this section, and the proposal is considered to meet the intent of the DCP.
	9.8.1 High Performing Buildings	The development satisfies the high-performing building requirements through the submission of a NABERS Commitment Agreement and a detailed Sustainability Management Plan. These documents confirm that the building will meet the required energy and water performance targets and include provisions for post-occupancy verification. The proposal has been reviewed by Council's external sustainability consultant and is considered acceptable. No non-compliances are identified in this section.
	9.8.3 All Electric Buildings	The development is designed to operate entirely on electricity, with no reliance on fossil fuels. This is confirmed in the accompanying Sustainability Management Plan, which states that the building will be fossil fuel free from the time of occupation. The proposal aligns with the DCP's objective of reducing greenhouse gas emissions and supporting the transition to a low-

		carbon city. No non-compliances are identified in this section.
	9.8.4 All Electric Vehicle Charging Infrastructure	The development does not initially comply with the requirement for all residential car parking spaces to be EV-ready. Only 5% of spaces will be fitted with EV charging infrastructure at completion, with capacity for an additional 25%. Furthermore, the location of EV distribution boards is not shown on the submitted plans. These shortfalls are addressed through recommended conditions of consent requiring full EV readiness for all residential spaces and the inclusion of EV distribution board locations in construction documentation. Shared EV connections for visitor and commercial parking are also required by condition. While technically non-compliant, these issues are considered to be satisfactorily resolved through the proposed conditions.
	9.8.5 Urban Cooling	The development incorporates a range of measures to mitigate urban heat, including shaded communal rooftop spaces, green roofs, and appropriate façade treatments. At least 50% of accessible rooftop areas are shaded by structures or vegetation, satisfying the relevant performance criteria. Where rooftops are not used for communal space, they are occupied by solar panels and plant equipment, making the reflectivity and vegetation coverage controls inapplicable. The façade design includes shading elements and has been reviewed by Council's sustainability consultant, who found the reflectivity analysis and shading strategy to be acceptable. No non-compliances are identified in this section.
	9.8.6 Solar Light Reflectivity	The development addresses potential solar glare impacts through the submission of a reflectivity analysis, which has been reviewed and accepted by Council's external sustainability consultant. The analysis confirms that the proposed materials and façade treatments will not result in disability glare or discomfort for pedestrians, motorists, or occupants of nearby buildings. The report includes modelling of solar reflections and considers angular-dependent reflectivity and sun angles throughout the year. No non-compliances are identified in this section, and the proposal is considered to meet the DCP's intent to minimise glare impacts in the public domain.
	9.8.7 Natural Refrigerants in Air Conditioning	The development proposes the use of air-conditioning and refrigeration systems that utilise refrigerants with a Global Warming Potential (GWP) of less than 10. Supporting documentation has been submitted and reviewed by Council's sustainability consultant, who found it to be generally adequate. A condition of consent is recommended, ensuring that the proposed systems are implemented in accordance with the submitted documentation. The proposal complies with this section and supports the DCP's broader sustainability objectives.
	9.8.8 Bird Friendly Design	The development includes measures to reduce the risk of bird collisions with glazed surfaces. Specifically, fritted glass is proposed for the northern residential building, which is a recognised bird-friendly treatment. This design feature has been reviewed by Council's external

		sustainability consultant and is considered acceptable. The treatment aligns with the DCP's requirements for buildings with glazing that projects above the roofline or is located near other reflective surfaces or vegetation. No non-compliances are identified in this section, and a condition of consent has been included to ensure the implementation of the fritted glass treatment.
	9.8.9 Wind Mitigation	A Wind Impact Assessment has been submitted and reviewed by Council's external wind consultant. The assessment confirms that wind speeds around the development will remain within acceptable comfort and safety thresholds for pedestrians, including for outdoor dining, standing, and walking. The report includes wind tunnel testing and modelling for both hourly mean and gust wind speeds, and it confirms that the 3-second gust threshold for public safety is not exceeded. The recommendations of the report are supported and will be incorporated into the conditions of consent. No non-compliances are identified in this section.
	9.9.1 Vehicle Driveways and Manoeuvring	The development complies with the DCP's requirements for vehicle access and manoeuvring. The existing driveway on Phillip Street is retained, and no new access points are proposed along primary pedestrian routes. The driveway is appropriately located away from intersections and residential boundaries, and its design accommodates existing services and street trees. It is integrated into the building façade and does not visually dominate the streetscape. The driveway and basement layout have been reviewed by Council's traffic engineer and are considered acceptable. All vehicles can enter and exit in a forward direction, and separate pedestrian access is provided. No non-compliances are identified in this section.
	9.9.2 On-Site Carparking	The basement car parking is fully contained within the site boundaries and complies with relevant Australian Standards. The design includes accessible parking, motorcycle spaces, and tandem parking for residential units, all in accordance with the DCP. A minor non-compliance is noted in relation to the lighting and ventilation of the basement, which relies on artificial systems rather than natural ventilation. However, this is considered acceptable due to the retention of the existing basement envelope. A condition of consent has been included to ensure compliance with archaeological site management procedures. Overall, the proposal is consistent with the intent of this section.
	9.9.3 Bicycle Parking and End-of-Trip Facilities	The development provides bicycle parking in accordance with Australian Standards and exceeds the minimum requirements for residential uses. However, there is a shortfall of approximately 248 spaces for the commercial component. This is justified by the adoption of a 10% bicycle mode share target, which has been endorsed by Council's Strategic Land Use Planning team. End-of-trip facilities are provided but are located on basement level 2 rather than the preferred basement level 1. Despite this, the facilities are secure, accessible, and include sufficient

		lockers and showers. A condition of consent has been included to ensure compliance with e-bike charging requirements. These variations are considered acceptable, and the proposal is broadly consistent with the DCP's objectives.
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Based on the above assessment, the application is considered to be consistent with the relevant provisions of the *Parramatta Development Control Plan 2023* subject to the imposition of recommended conditions of consent.

7.4 Section 4.15(1)(a)(iia) – Provisions of any planning agreement or draft planning agreement

Section 4.15(1)(a)(iia) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of any planning agreement or draft planning agreement made under s. 7.4 of the Act as are of relevance to the development the subject of the development application.

There are no planning agreements or draft planning agreements applicable to the site or to the subject development application. The applicant is not offering to enter into a planning agreement under s. 7.4 of the *Environmental Planning & Assessment Act 1979*.

7.5 Section 4.15(1)(a)(iv) – Provisions of the Regulation

Section 4.15(1)(a)(iv) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the provisions of the *Environmental Planning & Assessment Regulation 2021* as are of relevance to the development the subject of the development application. An assessment of the proposal against the matters that are of relevance under the regulation for the purposes of s. 4.15(1)(a)(iv) has been undertaken in the following table.

Environmental Planning & Assessment Regulation 2021 – Part 4, Division 1		
Section	Provision	Assessment
61	Additional matters that consent authority must consider	Section 61(1) of the Regulation requires the consent authority to consider the Australian Standard AS 2601 – 2001: <i>The Demolition of Structures</i> . Council has considered the Australian Standard and recommended a condition of consent requiring adherence to the relevant provisions of the standard throughout demolition works.
68	Voluntary surrender of development consent – the Act s. 4.63	A condition of consent has been included in the draft condition set, requiring the surrender of the active concept consent at the site. See further discussion on this matter under Section 8 of this report.

7.6 Section 4.15(1)(b) – Likely Impacts of the Development

Section 4.15(1)(b) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. An assessment of the likely impacts of the development has been undertaken in the following table.

Likely Impacts		
Criterion		Assessment
Environmental	Natural	The application proposes the removal of all 57 existing trees at the site. The trees have been reviewed in the application's accompanying

		Arboricultural Impact Assessment which identifies all trees as either exempt or considered to be of low value. The findings of the report have been reviewed and endorsed by Council's Landscape and Tree Management Officer. The proposal includes the planting of 62 trees including the retention of street trees on Phillip and George Streets. The proposed landscaping on the ground plane of the development would enhance the internal amenity of the site and significantly contribute to the urban canopy of the locality. A selection of native species including species with low fertiliser requirements has been chosen which are compatible with high density urban environments. In this regard, the proposal will have positive impacts on the natural environment, despite the removal of existing on-site vegetation.
	Built	The proposal will make a significant contribution to the skyline of the Parramatta City Centre through the provision of two additional towers. The built form includes active street frontages and walkable laneways with active commercial uses on the ground plane. The design of the towers includes wind mitigation measures to preserve the amenity of the public domain and ground floor plane. In addition, reflectivity measures are also incorporated into the design of the towers to minimise glare. The application has the potential to give rise to adverse impacts on the surrounding built environment through construction works. However, such impacts can be reasonably minimised through the imposition of appropriate conditions of consent. Based on the above, the proposal will likely yield positive impacts on the built environment, with reasonable design (and other) measures in place to mitigate potential adverse impacts.
Social		The proposed residential building includes sufficient recreation facilities to cater to the social needs of residents. Facilities include an on-site swimming pool, gym/wellness centre, yoga studio, and an outdoor rooftop terrace and BBQ. In addition, the provision of commercial and retail shops at the ground floor of the development will cater to the commercial needs of residents with easy access to local shops. The proposal incorporates sufficient design measures to promote adherence to CPTED principles. Whilst the proposed dwelling mix would not adequately meet the housing needs of the community, the imposition of a condition of consent requiring an increase in the provision of 3-bedroom units would ensure an appropriate dwelling mix is provided. The imposition of this condition would mitigate adverse social impacts in this regard. On the above basis, the proposal will produce positive social impacts on the locality.
Economic		The proposed development (once completed) will provide up to 3,140 local jobs (net increase of 1,660 jobs). Up to 1,968 additional temporary employment opportunities will be generated through the construction of the proposed development. The creation of

	additional local employment opportunities through the proposed development will significantly bolster the local economy. The provision of up to 46,861sqm of commercial office floor space at the site will strengthen Parramatta's position as Sydney's second CBD and as a major employment hub in western Sydney. Whilst the provision of a residential building on E2 Commercial Core zoned land would diminish employment capacity in the Parramatta City Centre, the provision of the commercial building (and commercial uses in the podium of the residential building) achieves an appropriate balance in providing jobs and meeting the housing needs of the community. On the above basis, the proposal will produce positive economic impacts.
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7.7 Section 4.15(1)(c) – The suitability of the site for the development

Section 4.15(1)(c) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the suitability of the site for the development as proposed.

The site is located within a highly accessible area by means of public, private and active transport. The site has dual street frontages with vehicular access from Phillip Street to the north. Water, electricity, and sewerage services are available at the site.

Accordingly, the site is considered to be suitable for the development as proposed.

7.8 Section 4.15(1)(d) – Any submissions made in accordance with the Act or Regulation

Section 4.15(1)(d) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration any submissions made in accordance with the Act or the *Environmental Planning & Assessment Regulation 2021*.

The Application was notified in accordance with Appendix 1 of Council's *Community Engagement Strategy 2022* between 25 June 2024 and 16 July 2024. One submission was received. The issues raised within that submission are addressed in the following table, with issues grouped into common areas/themes to avoid repetition.

Public Submissions	
Issue	Response
Traffic & Congestion	The submission raised concerns over the increase in on-site parking and impacts on local congestion. An additional vehicle egress point onto George Street from the proposed basement carpark was requested. The existing building (The Octagon) includes a basement carpark with approximately 340 parking spaces. The proposal would result in a net reduction of on-site parking of around 88 spaces (251 spaces proposed). Council considers the reduction in on-site parking an appropriate outcome given the context of the site within a highly accessible urban environment. An addition vehicular access point from George Street would have a poor public domain outcome and is not supported. The <i>Parramatta Development Control Plan 2023</i> prohibits the provision of additional vehicular access points from either George or Phillip Streets for this reason.

Wind Tunnels	The submission requested that additional wind testing be conducted and raised concerns over the potential for the proposed development to exacerbate existing poor wind conditions on Phillip Street. In addition, the submission requested a compensation scheme be in place for <i>“individuals who have umbrellas shredded by high wind gusts around their buildings.”</i> Additional wind testing was requested from the proponent. Documentation submitted as part of a response to a request for additional information was subsequently referred to Council’s external wind engineer consultant. The findings of the documentation were supported.
Construction Impacts	The submission raised concerns over cumulative and ongoing amenity impacts arising from various construction works occurring in the CBD. A compensation scheme for residents affected by construction works associated with the proposed development was requested, along with a range of measures to be deployed during construction works to preserve the amenity of the area. Conditions of consent are proposed to limit amenity impacts arising from construction works wherever possible. Conditions include a requirement for dilapidation reports, limitations on construction hours, complaint handling process, and provision of dust and noise mitigation measures. Residents will be able to contact Council officers if they suspect non-compliance with conditions of consent.

Amended plans were received on 13 February 2025. In accordance with Council’s notification procedures, the application did not require re-notification as the amended application was considered to be substantially the same development and does not result in greater environmental impact.

7.9 Section 4.15(1)(e) – The public interest

Section 4.15(1)(e) of the *Environmental Planning & Assessment Act 1979* requires a consent authority to take into consideration the public interest in the evaluation of the development application.

Based on the findings of the s. 4.15 assessment undertaken in this report, the proposal is considered to be in the public interest.

8. Other Matters

8.1 Bonds and Contributions

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

Housing & Productivity Contributions

On 1 October 2023, Housing and Productivity Contributions came into effect through the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*. The Housing and Productivity Contributions apply to new residential (medium or high-density), commercial and industrial developments within the Greater Sydney area. The contributions are applicable to the subject development application.

The contributions rates are specified in clause 7(1) of the *Environmental Planning & Assessment (Housing and Productivity Contribution) Order 2023*. The applicable rates are specified in the following table.

Class of Development	Amount	HPC Unit	Application	HPC Amount
High-density residential development	\$10,000	Per new dwelling	382 new dwellings	\$3,820,000.00
Commercial development	\$30	Per sqm of new GFA	50,733sqm	\$1,521,990.00
TOTAL				\$5,341,990.00

However, it is noted that one of the recommendations of this report is the imposition of a condition of consent requiring the substitution of 'Typical Low-Rise Type 2' floorplate (noted on drawing no. DA1201) with 'Typical Low-Rise Type 1' floorplate (noted on drawing no. DA1201A) between levels 10 and 13 of the residential building. The resulting effect of the imposition of this condition is that the quantity of units in the residential building would be reduced from 382 to 368 new dwellings. Housing and Productivity Contributions are calculated below based on the adjusted number of units.

Class of Development	Amount	HPC Unit	Application	HPC Amount
High-density residential development	\$10,000	Per new dwelling	368 new dwellings	\$3,680,000.00
Commercial development	\$30	Per sqm of new GFA	50,733sqm	\$1,521,990.00
TOTAL				\$5,201,990.00

In accordance with the requirements of s. 7.28 of the *Environmental Planning & Assessment Act 1979*, a condition of consent has been included in the recommended condition set outlining the required amount of contributions payable.

Council Contributions

In addition, contributions are required to be paid in accordance with Council's *Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment No. 2)*. Contributions for development within the Parramatta City Centre are levied in accordance with the following table.

Development	Percentage Rate for land in "Area A" on Figure 2	Percentage Rate for all other land
Mixed-Use development (development including residential accommodation and other land uses) where the total development cost is over \$250,000	3%	5%

The site is located within ‘other land’ and the proposed development is classified as ‘Mixed-Use development’ for the purposes of the *Parramatta City Centre Local Infrastructure Contributions Plan 2022 (Amendment No. 2)*. As such, the applicable percentage rate is 5%. Contributions on the proposed development is calculated as follows.

Contributions Amount (\$) = Estimated Development Cost (per s. 208 of the EP&A Regulation 2021) x 0.05

Contributions Amount (\$) = 582,802,968 x 0.05

Contributions Amount (\$) = 29,140,148.40

A condition of consent is recommended which requires the payment of the above contribution prior to the issue of any construction certificate for the site. The condition requires the amount to be indexed in accordance with quarterly updates to the Consumer Price Index (All Groups Index) for Sydney at the time of payment.

Staging of Contribution Payments

The applicant has requested that development contributions be paid in stages, aligned with the proposed land uses under the application. However, this request is not supported by Council.

Under the *Parramatta City Centre Local Infrastructure Contributions Plan 2022*, established pursuant to Section 7.18 of the *Environmental Planning and Assessment Act 1979*, the staged payment of contributions is not permitted. While deferred payments may be considered, they are typically only approved in cases where the applicant can demonstrate financial hardship or other extenuating circumstances. To date, no such evidence has been provided.

Council requires that contributions be paid in full, as a lump sum, prior to the issue of a construction certificate. This ensures that infrastructure can be delivered in a timely manner, in line with the increased demand resulting from the development. Allowing staged payments would delay infrastructure delivery, potentially resulting in adverse impacts on the local community. Additionally, managing staged payments imposes an undue administrative burden on Council and is not considered to be in the public interest.

For these reasons, Council does not support the applicant’s request for staged payment of contributions.

8.2 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.”

The application received one unique submission during the formal notification period and as a result, a conciliation conference was not required to be offered to the applicant.

8.3 Additional Approvals & Other Matters

Integrated Development

The proposed works include excavation and intercepting of groundwater (dewatering). Works involving intercepting groundwater and dewatering of construction sites (at this scale) require approval under section 90(2) of the *Water Management Act 2000*.

The requirement for an approval under section 90(2) of the *Water Management Act 2000* renders the proposal eligible for classification as ‘integrated development’ under Division 4.8 of the *Environmental Planning & Assessment Act 1979*. However, the proponent has not elected to nominate the application as

‘integrated development’. As such, a condition of consent is recommended requiring the proponent to obtain an approval under s. 90(2) of the *Water Management Act 2000* prior to the issue of any construction certificate at the site.

Surrender of Concept Development Consent

The site benefits from an active concept development consent (DA/712/2020) for building envelopes containing commercial premises (office/retail) and hotel accommodation. Section 4.24(2) of the *Environmental Planning & Assessment Act 1979* requires development applications to be consistent with the consent for concept proposals for the development of the site.

The proposed development is inconsistent with the active concept development consent, primarily due to the concept consent approving a large commercial office tower and smaller hotel accommodation tower with a podium covering the entirety of the site (with the exception of a 3m laneway along the western boundary). Therefore, the approval of the application would conflict with the requirements of s. 4.24 of the Act.

On Wednesday 7 May 2025, the *Environmental Planning and Assessment Amendment Bill 2025* was passed by the NSW Parliament. The bill proposes the following addition of a subsection to s. 4.24 of the Act.

(4) Subsection (2) does not prevent the determination of a further development application for the site that is inconsistent with the concept consent if the consent authority determines the application by granting development consent subject to a condition requiring the modification or surrender of the concept consent.

A condition requiring the surrender of the concept consent is included in the recommended condition set. The condition would ensure that the concept consent is surrendered prior to the issue of the first construction certificate, ensuring consistency with the Act.

9. Conclusion

Recommendation – Approval (Deferred Commencement)

Pursuant to s. 4.16 of the *Environmental Planning & Assessment Act 1979*, it is recommended that the Sydney Central City Planning Panel grant deferred commencement development consent to DA/327/2024 on the basis that the consent is not to operate until the applicant satisfies the consent authority of the following matters:

- (1) Amendments to Architectural Drawings & Dwelling Mix
 - (a) The architectural drawings prepared by Hassall shall be amended to substitute 'Typical Low-Rise Type 2' floorplate (noted on drawing no. DA1201A) with 'Typical Low-Rise Type 1' floorplate (noted on drawing no. DA1201) between levels 10 and 13 for the shop-top housing/residential flat building. A copy of amended architectural drawings shall be submitted to Council's DTSU Manager for approval prior to the activation of this consent.

Reason: To ensure an appropriate quantity of three-bedroom units are provided in the development to meet the residential needs of the community.

Once the consent authority is satisfied that the above matters have been resolved, the consent is to operate for a period of five (5) years subject to the conditions within the accompanying appendix and subject to building, engineering or construction work to be physically commenced on the land before the date on which the consent would otherwise lapse (s. 4.53 of the Act).

The reason for conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.