



**SYDNEY CENTRAL CITY PLANNING PANEL**

**COUNCIL ASSESSMENT REPORT**

<b>SCCPP Reference</b>	PPSSCC-98
<b>DA No:</b>	DA/269/2020
<b>Property:</b>	Lot 1 DP 952720, Lot 1 DP 972068 & Lot 10 DP 605684, No. 24-26 Railway Parade, WESTMEAD NSW 2145
<b>Proposed Development</b>	Demolition, tree removal and construction of a part 4, part 14-storey mixed use development over 4 levels of basement. The mixed-use development will comprise commercial uses, a tavern, a medical centre and a hotel. The proposal also includes changes to the VPA relating to public domain upgrades, site preparation works, public domain works and an accessible through site link. The proposal is Integrated Development pursuant to the Water Management Act 2000. The application will be determined by the Sydney Central City Planning Panel.
<b>Date of receipt:</b>	11 May 2020
<b>Applicant:</b>	Drill Pty Ltd
<b>Owner:</b>	Drill Pty Ltd
<b>Property owned by a Council employee or Councillor:</b>	The site is not known to be owned by a Council employee or Councillor
<b>Political donations/gifts disclosed:</b>	None disclosed on the application form
<b>Submissions received:</b>	Three submissions received during the first notification period.  No submissions received during the second notification period.
<b>List of All Relevant Section 4.15 Matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act 1979</li><li>• Environmental Planning and Assessment Regulation 2000</li><li>• State Environmental Planning Policy 55 –Remediation of Land</li><li>• State Environmental Planning Policy (Infrastructure) 2007(ISEPP)</li><li>• State Environmental Planning Policy (State and Regional Development) 2011</li><li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.</li><li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li><li>• Parramatta Local Environmental Plan 2011 (PLEP 2011)</li><li>• Parramatta Development Control Plan 2011 (PDCP 2011)</li><li>• Parramatta S94A Contributions Plan</li></ul>

<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment 1 – Architectural Drawings</li> <li>• Attachment 2 – Landscape Drawings</li> <li>• Attachment 3 - Traffic Impact Assessment</li> <li>• Attachment 4- Sydney Trains Concurrence</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Bulk and Scale</li> <li>• Overshadowing</li> <li>• Traffic generation</li> <li>• Traffic Noise</li> <li>• Operational Noise</li> <li>• Street light</li> <li>• Air Pollution</li> <li>• On-Street Parking</li> <li>• Loading/Unloading</li> <li>• Pedestrian Crossing</li> </ul>
<b>Recommendation</b>	Deferred Commencement
<b>Council Officer</b>	Deepa Randhawa, Senior Development Assessment Officer

#### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

#### Legislative clauses requiring consent authority satisfaction

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

#### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard has been received, has it been attached to the assessment report? No

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)? No

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

## **1. EXECUTIVE SUMMARY**

This report considers the proposal to construct a part 4, part 14 storey mixed use development comprising of retail, commercial, licensed bar/restaurant, a medical centre, 100 room hotel component and car parking for 126 vehicles. The proposal also includes site preparation works, an accessible through site link and public domain upgrades along Railway Parade and Ashley Lane.

The proposed development generally follows the form for the site envisaged under Parramatta Local Environmental Plan (PLEP) 2011, Parramatta Development Control Plan (PDCP) 2011 and Parramatta Public Domain Guidelines.

The proposal has been subject to review by Council's Design Excellence Advisory Panel (DEAP) and is considered to be consistent with providing a high quality development in the context of the local area.

The amenity impacts on adjoining and nearby properties and the public domain are considered to be reasonable. It is considered that the proposed increase in traffic is appropriate with the level anticipated by the planning controls.

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment (EP&A) Act 1979, taking into consideration all relevant state and local planning controls. Referral responses from external bodies and Council's technical departments support the application subject to recommended conditions of consent. Sydney Trains has provided concurrence subject to granting a deferred commencement consent requiring the applicant to submit additional detailed rail specific geotechnical engineering, structural and civil engineering reports.

On balance, the proposal demonstrates a satisfactory response to the objectives and controls of the applicable planning framework and as such approval is recommended, subject to a deferred commencement consent.

## **2. KEY ISSUES**

- Variation to the site specific controls stipulated in the Parramatta Development Control Plan 2011.
- Amendments to the public domain works to be undertaken by the developer as part of the Parramatta Light Rail scope of works.

## **3. SITE DESCRIPTION, LOCATION, AND CONTEXT**

### **3.1 Site and Location**

The subject site comprises of three lots, legally described as Lot 1 DP 952720, Lot 1 DP 972068 & Lot 10 DP 605684 and also and is known as No. 24-26 Railway Parade, Westmead.

The site has frontages to Railway Parade to the south and Ashley Lane to the east of the site.

The site is rectangular in configuration having a total area of approximately 2514m<sup>2</sup>. The site currently accommodates the Westmead Shopping Village (1,380m<sup>2</sup> of retail] and the Westmead Tavern (520m<sup>2</sup>). A through-site link is established from Railway Parade to the rear of the site, extending to Hawkesbury Road.

Access to the site is currently provided via a vehicular crossing on Ashley Lane which serves 22 on site car parking spaces at the rear of the building.

The site is located on the western side of Railway Parade and forms part of the Westmead Town Centre. Multi-storey residential developments are located to east of the site and commercial uses are located adjacent to the western boundary of the site. The site is located approximately 500 metres from Westmead Hospital and the Western Sydney University.



Figure 1: Aerial photo of the subject site outlined in red; Source Nearmap October 2020

### 3.2 Site Context

The subject site is located within the Westmead Precinct. This precinct is identified as being of strategic value as it contains a regionally significant health and educational establishments and is scheduled to transition into an innovation district to provide additional opportunities for residential, retail, business, health, education and community facility developments which are to be integrated with the existing and planned public transport network.

The existing public transport options within easy access of the subject site include:-

Local and regional bus routes that operate throughout the area within 400m of the site all along Railway Parade, Hawkesbury Road and Darcy Road.

Westmead Railway Station is located immediately opposite the site. The Railway Station lies on the T1 Western Line, BMT Blue Mountains Line, and the T5 Cumberland Line providing connections to Campbelltown, Blacktown, Emu Plains, Richmond and Chatswood.

Westmead and Parramatta Bicycle Routes are located in close proximity of the site. The bicycle route map has been included in the Traffic Impact Assessment (see Attachment No.3).



Pedestrian facilities are also located around the site with pedestrian paths located on both sides of Hawkesbury Road and Railway Parade and on the western side of Ashley Lane.

New planned public transport options are to be located within close proximity of the site, which include the Parramatta Light Rail – Stage 1, that is currently under construction with the Westmead Light Rail stop to be built at corner of Hawkesbury Road and Railway Parade and, the Sydney Metro West line, linking the Sydney City Centre (CBD) with Westmead. The new Metro platform will be located south of the existing Westmead Station on the eastern side of Hawkesbury Road.

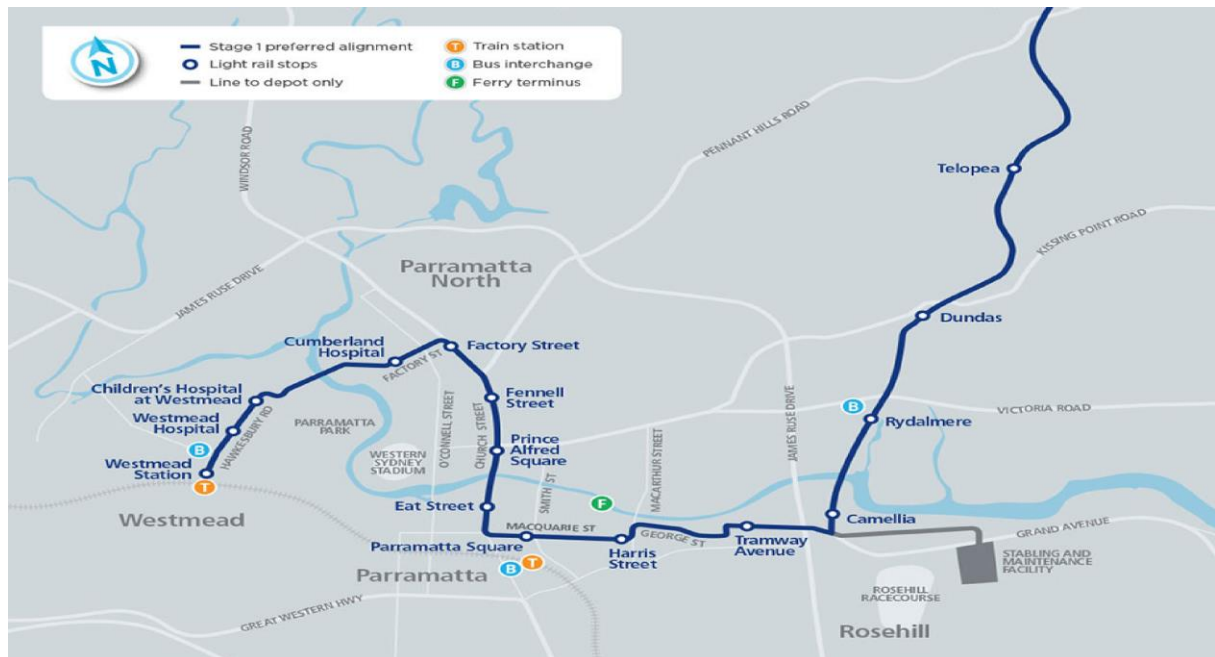


Figure 2: Parramatta Light Rail Stage 1, Source Transport for NSW



Figure 3: Sydney Metro West Stations, Source: Sydney Metro

## 4. BACKGROUND

#### 4.1 PLEP 2011 and PDCP 2011 amendments and related applications

Of relevance to this application, the following applications and amendments to the Parramatta LEP 2011 and Parramatta DCP 2011 have been made:

Application	Development
RZ/2/2012	A Planning Proposal was approved to increase the permissible building height from 12m to 52m and floor space ratio (FSR) of 1.5:1 to 4.5:1 and introducing a provision limiting the residential floor space to a maximum of 1.5:1 under the Parramatta Local Environmental Plan 2011 for the subject site.
Site Specific DCP	<p>A site specific amendment to the Parramatta Development Control Plan (DCP) was prepared to provide more detailed objectives and design controls in support of the above proposed amendments to the Parramatta LEP 2011.</p> <p>The amendments to the Parramatta LEP were gazetted on 4 March 2016 and Council subsequently adopted the DCP amendment.</p>
DA/381/2018	Sydney Central City Planning Panel at its meeting of 31 <sup>st</sup> July 2019, granted a deferred commencement consent for demolition of existing structures, tree removal and construction of a part 4, part 16 storey mixed use development comprising retail, indoor recreation (gymnasium), licensed bar/restaurant and medical centre from basement to Level 2, 5 storeys for use as a hotel containing 97 rooms, 6 storeys for use as residential apartments containing 33 units over 4 levels of basement car parking for 130 vehicles. The proposal also included site preparation works, public domain works and an accessible through site link.
Voluntary Planning Agreement	Drill Ply Ltd executed a Voluntary Planning Agreement under Section 7.4 of the EP&A Act 1979 with Parramatta City Council, associated with the site-specific amendment to the Parramatta LEP, for upgrading the public domain in the Railway Parade and Ashley Lane road reserves and courtyard.

#### 4.2. Desired Objectives for the site at 24 – 26 Railway Parade, Westmead under PDCP 2011

Under PDCP 2011, the site is intended to support a greater intensity of uses in order to benefit from ready availability of transport services in the locality.

The mixed use character of the proposed development is in keeping with this objective as the proposal incorporates a mix of land uses including shops, a tavern, medical suites and short term accommodation (hotel).

## 5. PROPOSAL

The amended proposal involves the following:

- Demolition of existing buildings and structures on the site
- Removal of one tree

- Excavation of 4 basement levels for the provision of 126 car parking spaces; comprising of 25 spaces for the hotel component and 102 spaces for the commercial and retail uses;
  - Basement No. B1 consist of a loading dock with vehicle turn table, a retail tenancy, back of house areas for the supermarket, plant and equipment and building services; and
  - Basement No.B2, B3 and B4 consists of car parking spaces.
- Construction of a part 4-storey and part 14 storey building, connected via an air bridge, comprising the following uses:
  - Lower ground level contains a retail entry, back of house areas for the hotel use, fire stair exits onto Ashely Lane, building services and plant rooms;
  - Upper ground level comprises of a supermarket (including the sale of packaged liquor) and retail tenancies. A single shared lobby is provided with access from the through site link.
  - Level 1 reinstates the existing tavern located on the site, food and beverage precinct and a retail tenancy. The pedestrian overhead bridge connects to additional lifts and restrooms.
  - Level 2 consists of a medical centre in western building connected via the overhead bridge to the medical centre in the eastern building.
  - Level 3 to Level 5 contains commercial floor space. Level 3 is the top of podium and includes an outdoor communal open space accessible only to the commercial tenancies.
  - Level 6 to Level 11 contains the hotel use, consisting of 100 hotel rooms. Level 6 contains the sky lobby for the hotel, and also includes a bar/restaurant, restrooms, conference and function rooms, hotel manager's office space, and an outdoor terrace, all associated with the hotel use.
  - Level 12 contains the lift overrun and plant rooms.
- Vehicular access is provided via Ashley Lane to the basement levels.
- Retention of existing trees within the public domain fronting Railway Parade and on immediately adjacent property boundaries.
- Provision of a pedestrian through-site link extending from Railway Parade to the south through to the rear of the site with the relocation of the escalator from the through site link to the rear of the site (adjacent to the stair entry).
- Landscaping throughout the site including the provision of a 280m<sup>2</sup> courtyard in the north-western corner near the termination of the through-site link.
- Amendments to the public domain upgrades being undertaken through the Voluntary Planning Agreement.
- All required civil works including an Onsite Detention System for stormwater management.

## 6. REFERRALS

The following referrals were undertaken during the assessment process:

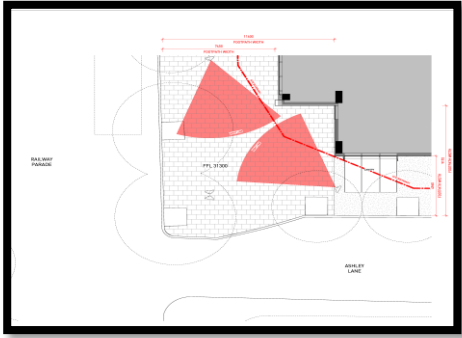
### 6.1 Sydney Central City Planning Panel Briefing held on 5/08/2020

The matters raised by the Panel at its briefing meeting held in August 2020 are addressed below:

Panel's matters	Applicant's response	Council Assessment
TfNSW had requested SIDRA modelling for traffic to include the Darcy Avenue/ Hawkesbury	The proponent issued the SIDRA files to TfNSW for review.	The applicant submitted the electronic copies of SIDRA model to Transport for NSW.  Correspondence received from TfNSW on the 19th August 2020, raising no objections to the

<p>Road, Park Avenue/ Queens Road and Hawkesbury Road/ Caroline Street intersection in the model.</p>	<p>On the 19 August 2020, a response was received from TfNSW confirming that a review of the traffic modelling indicates it is satisfactory.</p>	<p>proposal and confirmed that the intersection of Hawkesbury Road/Caroline Street will also be signalised as part of the PLR works.</p> <p>Concurrence conditions have been received from TfNSW that requires the applicant to prepare a Coach Management Plan in consultation with TfNSW, prior to the issue of the occupation certificate.</p>
<p>Given existing and likely future traffic conditions in the locality, detailed assessment of traffic at the macro and micro level is required. Issues include adequacy of the proposed 3 metre setbacks, including in the context of setbacks on adjoining buildings on Ashley Lane and how that effects traffic conditions along the Lane; the width of Railway Parade.</p>	<p>The proposed ground floor setbacks are consistent with the site specific DCP controls, and the setbacks approved under DA/381/2018.</p> <p>The footpath widths have been substantially increased by the development proposal relative to the existing situation. As illustrated in Drawing PL-85-02 and PL-85-03 submitted.</p> <p>The overall width of the footpath along Railway Parade ranges between approx...7.5m - 11.4m and between 4.8m - 9.2m along Ashley Lane.</p> <p>These footpath widths provide an enhanced pedestrian experience around the site and are suitable in the context of the expected traffic generation.</p>	<p>A minimum 3m setback to Railway Parade and to Ashley Lane is required to allow for a wider footpath along these streets.</p> <p>It is noted that the proposed development provides for footpath widths as previously approved under the VPA and previous DA/381/2018, which is more than the required 3m setback along both Railway Parade and Ashley Lane except at the a pinch point at the corner of Railway Parade and Ashley Street.</p> <p>This is acceptable as the generous footpath widths have been achieved at this point with a minimum width of 8.45m at the Railway Parade corner and a minimum width of 4.95m Ashley Lane corner of the site, as illustrated below:-</p> <div data-bbox="836 1077 1323 1447" data-label="Image"> </div> <p><b>Figure 4: Drawing PL-85-02 -Proposed setbacks at the ground level to Railway Parade and Ashley Street.</b></p> <p>The sight lines at the corner of Railway Parade and Ashley Lane are satisfactory as seen in the figure below:-</p>



		 <p><b>Figure 4: PL-85-03 -The sight lines at the corner of Railway Parade and Ashley Lane.</b></p> <p>It should also be noted that there is no road widening affectations applicable to both Railway Parade and Ashely Street pursuant to the Parramatta LEP 2011.</p>
<p>The 24/7 pedestrian right of way is likely to be a major pedestrian thoroughfare connecting the Heavy Rail Station with the Light Rail Terminus. Detailed assessment is required of the design of this ROW in terms of its width and general configuration as well as escalator capacity and location, to ensure its 'fitness for purpose' based on pedestrian flow analysis/ modelling.</p>	<p>The through-site link is generally consistent with the design that was assessed and approved under DA/381/2018.</p> <p>It is noted that Parramatta Council and the Sydney Central Planning Panel supported and approved the location of the escalator in the centre of the through-site link under DA/381/2018.</p> <p>Following the feedback received from DEAP, the proposal has been revised to relocate the escalator to the rear of the site alongside the entry stair to the level 1 food and beverage precinct and tavern. The revised location is considered to result in a superior outcome than what was approved under DA/381/2018.</p>	<p>Amended plans have been received whereby the proposal has been revised to relocate the escalator to the rear of the site alongside the entry stair to the Level 1.</p> <p>The relocation of the escalator will result in seamless and safe flow of pedestrians within the through link.</p> <p>The proposal adopts ground floor setbacks consistent with the site specific DCP (section 4.3.4.2) to achieve wider footpath widths along the site's frontages to Railway Parade and Ashley Lane. This is complemented by the delivery of a publicly accessible through site link, to facilitate safe and convenient mobility between the site and Westmead Railway Station.</p> <p>The additional traffic is offset by the public domain upgrades in particular new raised pedestrian crossing, the through-site link and greater footpath widths which would otherwise not be achieved if this project did not proceed.</p>
<p>The applicant has been requested to review the proposed number of loading</p>	<p>The RMS Guide recommends 1 servicing bay per 4,000m<sup>2</sup> GFA for</p>	<p>Council's Senior Traffic Engineer has reviewed and assessed the development application and raised no objections to the proposed 4 loading</p>

docks, supported by a Loading Dock Management Plan.	<p>commercial premises under 20,000m<sup>2</sup> GFA.</p> <p>Application of this rate to the proposed 4,031m<sup>2</sup> GFA of commercial space results for a requirement of 1 servicing space.</p> <p>The commercial/office waste (general/paper recycling/ commingled recycling) will only be collected weekly as outlined in the Elephants Foot Waste Management Plan.</p> <p>Other servicing demands such as couriers are expected to be minimal and are included in the RMS servicing rate.</p> <p>The proponent is committed to preparing a LDMP. It is requested this is conditioned to be prepared prior to issue of the relevant CC.</p>	<p>bays subject to the preparation and approval of the Loading Dock Management Plan.</p> <p>In addition TfNSW has also imposed a condition requiring a detailed Car Park and Loading Dock Management Plan (CPLDMP) to be submitted prior to the issue of any construction certificate, in consultation with and endorsement by TfNSW.</p> <p>Accordingly a condition to this affect is imposed to form part of the consent.</p>
DEAP has recommended further refinements to the design.	The feedback from DEAP has been considered and addressed in the amended documentation.	Amended plans have been submitted to address the matters raised by Design Excellence Advisory Panel. Council's Urban Design team considers the revised scheme to be well resolved and consistent with the recommendations made by DEAP.
Suitable lift access for the proposed mix of uses is to be assessed.	<p>Passenger lifts 1 and 2 are sized to accommodate a stretcher and are dedicated for use by the medical centre and lower level retail uses.</p> <p>The hotel and commercial uses in the tower will be serviced by Lifts 3, 4 and 5.</p> <p>From a vertical transport perspective,</p>	This arrangement is acceptable.

	the lift arrangements are more than adequate to service the building.	
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The application was briefed to the Sydney Central City Planning Panel the second time on 12<sup>th</sup> November 2020 and the matters raised in the minutes are addressed below:

Traffic and pedestrian movement is a key concern as the site is in a busy city centre location and across from the heavy rail station. As a result, the Panel highlighted the following issues to be addressed in the assessment going forward:

- *Road safety, noting the intensive pedestrian activity in this location and the intention for the existing pedestrian crossing to be widened under the VPA.*

Comment

The relocated and upgraded pedestrian crossing will be designed in accordance with the relevant Australian Standards/TfNSW requirements to ensure pedestrian safety is priority. This includes all line marking, traffic signage, lighting and overall geometric layout, noting the upgraded facility will be a raised "wombat" crossing design. The raised "wombat" crossing design encourages slower vehicle speeds when compared to the existing crossing design.

- *TfNSW and PLR are proposing widening the public domain around the development, which will assist with managing pedestrian movements and reducing potential pedestrian-vehicle conflict.*

Comment

The application also proposes widening of the public domain around the development by incorporating a minimum of 3m setback at ground level as per the site-specific controls contained at section 4.3.4.2 of the Parramatta DCP 2011.

The footpath widths will be substantially increased by the development proposal relative to the existing situation. The overall width of the footpath along Railway Parade will range between approx... 7.5m - 11.4m and between 4.8m - 9.2m along Ashley Lane. These footpath widths will provide an improved pedestrian experience around the site and are suitable in the context of the expected traffic generation.

- *A supermarket is proposed on the ground floor, with 90 additional car parking spaces. The additional vehicular movements due to this facility should be factored in to the assessment.*

Comment

The supermarket proposed at ground floor results in a car parking requirement for 35 spaces. 35 spaces are to be provided. The size of the supermarket and quantum of car parking spaces is generally consistent with DA/381/2018 which was supported and approved by the Sydney Central City Planning Panel in July 2019.

The traffic generation arising from the development has been assessed as part of the Traffic Impact Assessment prepared by Traffix and submitted with the application. The traffic assessment has taken into consideration the additional vehicular movements as a result of the proposed development including the proposed supermarket, tavern, hotel, medical centre and the commercial floor spaces. The traffic assessment established that the traffic generation arising from the proposed retail component, including the supermarket development will be 105 vehicular trip during evening peak period (52 in and 53 out and that the surrounding road network can accommodate the additional traffic generation. Council's Traffic Engineer has reviewed the traffic report and the likely traffic impacts and it is supportive of the development application on traffic grounds.

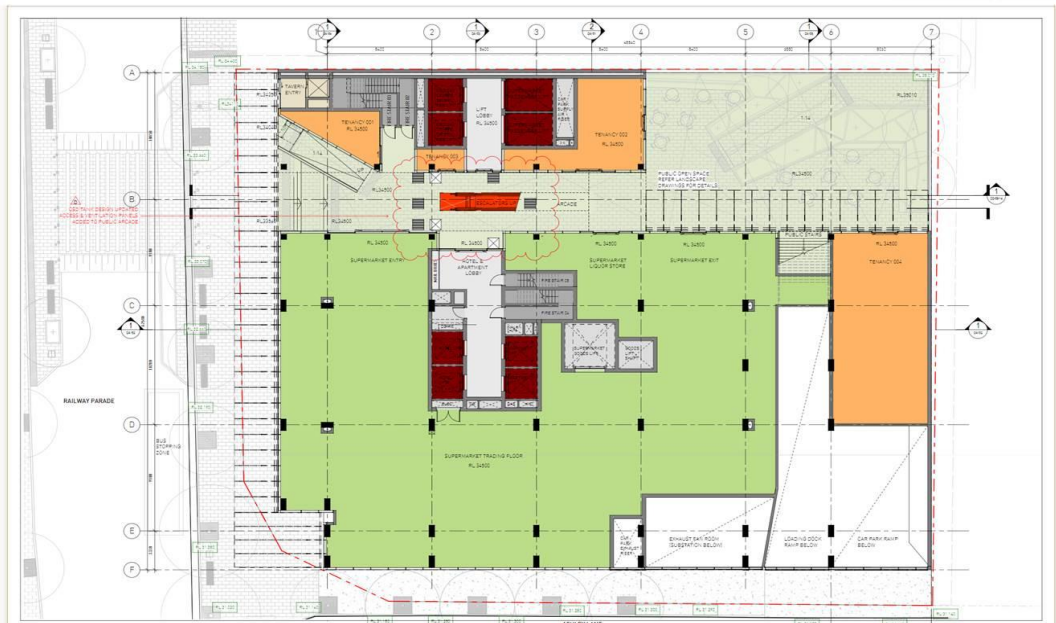
In addition, the delivery of a highly active ground plane with retail uses is consistent with the objectives and controls contained in the site specific DCP.

- *The proposal includes a through-site link which would facilitate pedestrian connection to Hawkesbury Road and the medical facilities in this location. The assessment should clarify whether pedestrian flow has been adequately considered noting the busy location of the site, which also sits between the heavy rail and light rail stations. The assessment should clarify that potential pedestrian pinch points or bottle necks have been addressed.*

#### Comment

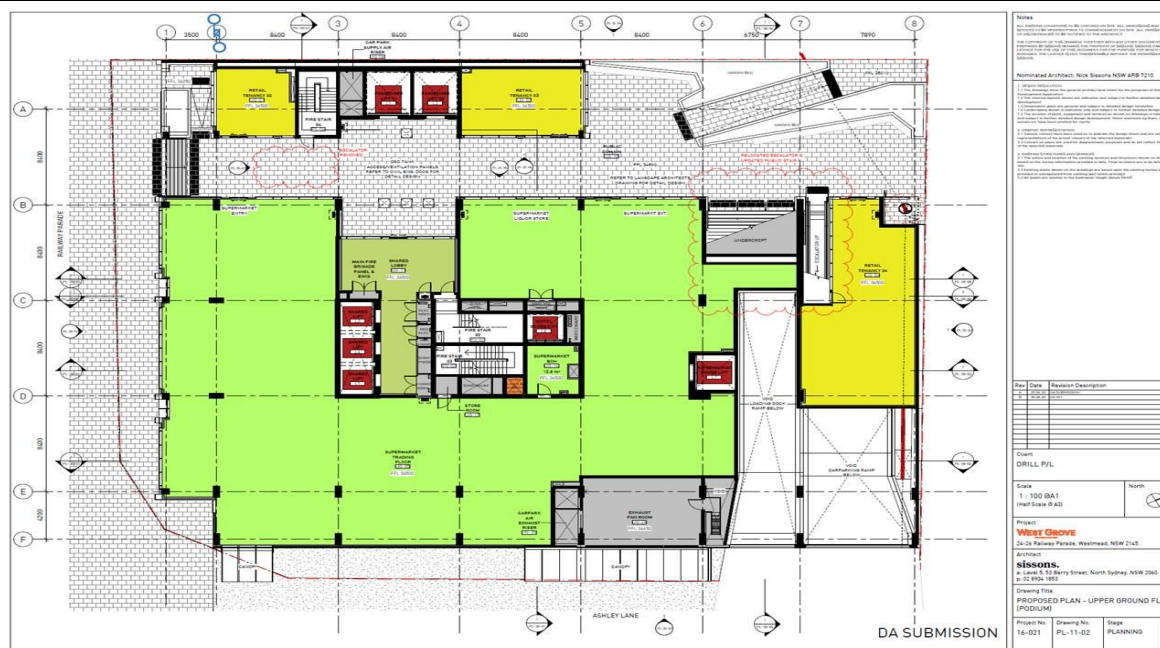
The through-site link is consistent with the site specific DCP and VPA and responds to the desire to create a line between the station and hospital uses. The proponent has been working closely with Parramatta Connect (Parramatta Light Rail contractors), Parramatta Council's Light Rail Interface Manager and TfNSW to ensure a seamless and coordinated transition is achieved between public and private land. This has included working alongside Parramatta Connect to ensure the levels on each site closely align match to provide seamless pedestrian flows through and around the site.

The previously approved plans for the subject site had an escalator in the centre of the through site link to provide access from the upper ground floor level to Level 1. Refer to approved upper ground floor plan 16-021 DA116 D below:



**Figure 5: Approved location of the escalator under DA/381/2018.**

The design of the through site link has amended in the proposed plans for this application. Refer to **proposed** upper ground floor plan 16-021 PL-11-02 B below:



**Figure 6: Proposed changes to the escalator to be relocated to the rear along the stairs.**

The changes to the approved through site link are designed to provide improvements for pedestrian movement through the site and avoid potential pinch points and bottle necks. These changes are, as follows:

- Rationalisation of the entry of the through site link from Railway Parade through a consistent width;
- Relocation of the escalator from the centre of the through site link, to the rear of the site, removes potential pinch points; and
- Widening of the area in front of the lifts to create more waiting space for people off the main path of pedestrian movement reduces potential pinch points.

The design of the proposed through site link is considered to achieve the right balance of activation with retail uses fronting the space, whilst maintaining adequate width for pedestrian movement through the site to formalise what has always been conceived as a secondary pedestrian link. This is on the principal that Railway Parade will remain the primary pedestrian access between the Westmead Train Station and Hawksbury Road where access to the light rail station is located, and beyond to Western Sydney University and the hospitals.

The through link, in addition to the proposed widening of the public domain around the development, will assist with managing pedestrian movements and reducing potential pedestrian-vehicle conflict.

- *The Panel noted that procedurally Traffic Committee approval is required for traffic and transport related interventions. As such, conditions should be carefully worded and may need to factor in deferred commencement pending Committee approval, require approval prior to CC, or a similar construct.*

Comment

The existing pedestrian crossing on Railway Parade is proposed to be widened under the VPA. While this pedestrian crossing widening is supported in principle, this proposal is to be approved through the Parramatta Local Traffic Committee (TLPC) and appropriate conditions are recommended in relation to the TLPC approval.



## 6.2 Design Excellence Advisory Panel

Council's DEAP considered the application and provided advice relating to the following comments. The applicant has submitted revised drawings responding to satisfactorily address these concerns as seen in the assessment below:-

DEAP Comments	Applicant's response	Council Assessment
The Panel acknowledged this was a well presented and configured scheme that had changed from the previous DA with deletion of the residential units.	Noted	Noted
As was explained to the Panel, the property 149 Hawkesbury Road is to become a public domain strip incorporating facilities and pavilions linking through to Ashley Lane, and therefore the need to coordinate with PLR documentation.	<p>The proponent met with representatives from Parramatta Connect to share their respective plans to ensure a seamless and coordination transition is achieved from the subject site and public land, in particular where the proposed courtyard and ramp crosses over to 149 Hawkesbury Road.</p> <p>The proposed through-site link and courtyard have been purposely designed to have future connections, both visually and physically, with the PLR site so the proponent is committed to continuing to engage with Parramatta Connect/ TfNSW to ensure a successful outcome is achieved.</p>	Transport for NSW, (including Parramatta Light Rail division) has provided concurrence subject to recommended conditions which includes amongst other requirements, an agreement between the applicant, and the Parramatta Light Rail Contractor(s) to deal with matters including, but not limited to the public domain interface related works.
As the precinct will contain PLR, bus and rail interchange and Metro services in relatively close proximity, the Panel supported the priority need to maximise ground plane legibility, permeability and accessible connections to and from transport destinations for this link that will be in use 24/7.	Noted	The Voluntary Planning Agreement for the site was approved to allow 24/7 access for the general public.
Concerns were also raised about the potential for overlooking and associated privacy at the rear, and more detail of landscape sections should be given to show how sight lines would avoid any issues.	<p>Detailed drawings showing compliance submitted.</p> <p>Based on the use of the site, and the adjoining PLR site, it is unlikely that the proposal will give rise to any privacy impacts.</p>	<p>The adjoining site to the rear is, i.e. No.149 Hawkesbury Road has been acquired by PRL for a public domain strip linking through to Ashley Lane.</p> <p>The terraces to Level 3 are provided with planter boxes all along the edges of these terraces to avoid any over</p>

		looking into the adjoining properties.
There was also the matter of hotel patrons using the site thoroughfare at night and the need for CPTED review to ensure a safe environment for users.	<p>A CPTED review was completed and documented as part of the Statement of Environmental Effects.</p> <p>The assessment found that the proposal has considered CPTED principles, to provide positive outcomes for crime prevention and passive surveillance. It concluded that through the implementation of the recommendations, the proposal will further minimise the conditions that encourage crime and will help to activate and improve safety and security of the local area.</p> <p>In addition, the design of the through-site link is generally consistent, albeit sight lines improved and enhanced, compared to the design that was assessed and approved under DA/381/2018.</p>	<p>The Voluntary Planning Agreement (VPA) for the site was approved to allow 24/7 access for the general public.</p> <p>The VPA under Schedule 4 – Terms of the Thoroughfare list a number of CPTED measures including the installation CCTV cameras in the Public Thoroughfare and prohibiting smoking and the consumption of alcohol.</p> <p>In addition, the CPTED assessment has been included as part of the Statement of Environmental Effects. The proposal is considered to adequately provide sightlines, casual surveillance and secure access.</p>
The Panel recommended reconfiguration of the escalator as its current location compromises the scope for fluid pedestrian movement with a projected high volume of people expected to use this link. Alternative locations for the escalator were discussed, but it was decided a preferable outcome would be to have access from street level on Railway Parade directly rather than first having to take stairs or the ramp.	<p>Despite the escalator being supported and approved in the through-site link under DA/381/2018, the architect has considered a series of options for the relocation of the escalator in consultation with food and beverage experts.</p> <p>As a result, the escalator is proposed to be relocated to the rear of the site alongside the entry stair to the level 1 food and beverage precinct/ tavern. The new location is considered to adequately address the panel's concerns about compromising fluid pedestrian movement.</p> <p>The architects explored locating the escalator along Railway Parade as suggested by the Panel, but this was considered to impact upon ground plane activation and required extensive changes to the proposed retail layout and design.</p>	Council's Urban Design team have reviewed the amended location of the escalator to the rear of the site alongside the entry stair to the level 1 and considers that the relocation of the escalator to adequately address the panel's concerns about compromising fluid pedestrian movement.
The Applicant detailed the retail challenges faced by the nature of the site, and priorities for	Noted	Active frontages are provided in accordance with the provisions of the site specific DCP

active frontages where possible that was an approach supported by the Panel.		
While the Panel had only had access to the Public Art Plan prepared for the previous DA, the applicant tabled an updated version of this that the Panel considered to be a positive approach for necessary changes, with a consistent theme following around the development and activation of blank facades.	An updated Public Art Strategy has been prepared. The revised Strategy includes the new public art opportunities tabled at the DEAP meeting.	The amended Public Arts plan has been reviewed by Council's Public Arts Officer to be satisfactory.

### 6.3 External Referrals

Transport for NSW - Sydney Trains	Concurrence received subject to Deferred Commencement Conditions
Water NSW	Satisfactory – concurrence and GTAs received
Endeavour Energy	Acceptable, subject to recommended conditions
NSW Police	Acceptable, subject to recommended conditions
Transport for NSW – RMS & Parramatta Light Rail	Concurrence received subject to subject to recommended
Sydney Metro West	Satisfactory
Civil Aviation Safety Authority	Satisfactory
Air Services Australia	Satisfactory
Sydney Metro Airports Bankstown	Satisfactory
Wind Consultant	Acceptable, subject to recommended conditions

### 6.4 Internal Referrals

Authority	Comment
Building Surveyor	Acceptable, subject to conditions of consent.
Development Engineer	Acceptable, subject to conditions of consent.
Landscape Officer	Acceptable, subject to conditions of consent.
Traffic Engineer	Acceptable, subject to conditions of consent.
Environmental Health (Acoustic)	Acceptable, subject to conditions of consent.
Environmental Health (Contamination)	Acceptable, subject to conditions of consent.
Environmental Health (Waste)	Acceptable, subject to conditions of consent.
Property & Assets Services	Acceptable, subject to conditions of consent.
Public Domain	Acceptable, subject to conditions of consent.
Urban Design	Acceptable
Public Art	Acceptable, subject to conditions of consent.
Social Outcomes	Acceptable, subject to conditions of consent.

Authority	Comment
Civil Assets	Acceptable, subject to conditions of consent.
Crime Prevention	Acceptable, subject to conditions of consent.

## 7. Environmental Planning and Assessment Act 1979

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

### 7.1 Section 4.15: Evaluation

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

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 8
Section 4.15(1)(a)(ii) - Draft environmental planning instruments	Refer to section 9
Section 4.15(1)(a)(iii) – Development control plans	Refer to section 10
Section 4.15(1)(a)(iiia) - Planning Agreement	Refer to section 11
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 12
Section 4.15(1)(b) - Likely impacts	Refer to section 13
Section 4.15(1)(c) - Site suitability	Refer to section 14
Section 4.15(1)(d) – Submissions	Refer to section 15
Section 4.15(1)(e) - The public interest	Refer to section 16

## 8. Environmental planning instruments

### 8.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy 55 –Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007(ISEPP)
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Parramatta Local Environmental Plan 2011 (PLEP 2011)

Compliance with these instruments is addressed below.

### 8.2 State Environmental Planning Policy No. 55 – Remediation of land

A Preliminary Site Investigation report and a Detailed Site Investigation report was submitted with the previous application that was recently approved for this site, i.e. DA/381/2018. The Preliminary Site Investigation (PSI) had identified several potential sources for contamination.

- Potential misuse and leaks/spills of the three triple interceptor traps within the northern carpark;
- Potential leaks and spills arising from the storage of chemicals and operation of the dry cleaners on site;
- The demolition of historical residential premises on site resulting in contaminated soil/fill material;

- The potential for contaminated fill material to have been imported and used on-site during levelling activities when construction of the buildings occurred; and
- Asbestos materials noted within buildings on site that will require appropriate management and consideration during demolition works.

As a result, the Preliminary Site Investigation recommended that a Detailed Site Investigation (DSI) be prepared.

A DSI was consequently submitted to Council. Based on the field works and investigation undertaken, the DSI concluded that as the majority of the site is capped with hardstand/concrete, that exposure between any sources of contamination and ecologically sensitive receptors are unlikely.

With regards to the asbestos on site, the DSI noted that it does not preclude the redevelopment of the site. However, upon demolition and redevelopment of the site, the works will need to consider the presence of asbestos and ensure that it is managed appropriately.

The DSI also recommended that the triple interceptor traps be decommissioned and should include validation of surrounding soils for contaminants.

Chlorinated hydrocarbons associated with the dry cleaning operations were also detected by the DSI and that this impacted on the soil below the existing building. Due to existing structures, access to this area is limited, therefore the DSI recommended that additional investigation and delineation is required to determine the extent of the chlorinated hydrocarbons following demolition of the structures on the site.

An addendum letter to the DSI was further submitted to Council which concluded that based on the investigation completed that the site can be made suitable for the proposed use being for a mixed use development following detailed investigation upon demolition and application of remediation activities.

A review of the environmental investigations has been submitted as part of the current application. The review notes that amended design does not impact upon the results or conclusions of the Preliminary Investigation and the Detailed Site Investigation reports and no further updates to the DSI report is required and that the further assessment is to be undertaken once demolition works commence as previously recommended in the DSI report.

Council's Environmental Health Officer (EHO) has reviewed the proposal, the documentation submitted with the application and concurs with the methodology, and conclusions noted, and agrees the site can be made suitable for the proposed use. Conditions of consent nominated by Council's EHO are included in the recommendation of this report.

In particular, Council imposed a condition a further DSI be prepared upon demolition of the existing building and submitted to Council for review. The condition also requires that any subsequent remediation works required be completed in order to render the land suitable for the proposed use. This is to be validated and that a Validation Report be submitted to Council.

Those circumstances are sufficient to satisfy the requirements of clause 7 of this Policy.

### **8.3 State Environmental Planning Policy (Infrastructure) SEPP**



The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is subject to clause 45 of the SEPP as the application proposes works within the vicinity of electricity infrastructure. Endeavour Energy provided comments with regards to the development and found the application to be satisfactory subject to conditions.

The application is subject to Clause 86 (excavation in, above, below or adjacent to rail corridors) of the SEPP as the development proposes works within proximity to a rail corridor. As such, Sydney Trains was notified of the proposal.

In response, Sydney Trains assessed the proposed development in accordance with the requirements of Clause 86(4) and provided concurrence on 9 June 2020 subject to Council imposing the deferred commencement conditions and operational conditions that will need to be complied with upon satisfaction of the Deferred Commencement Conditions. These requirements form part of the recommendations.

The application was referred to Transport for NSW (TfNSW) pursuant to Clause 101 and 104 of the SEPP as the proposal seeks approval for more than 2500m<sup>2</sup> of commercial space. In response, TfNSW raised no objections to the proposal subject to recommended conditions of consent.

#### **8.4 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005**

This Policy applies to all of the City of Parramatta local government area. It aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing principles and controls for the whole catchment.

The site is located within proximity to Parramatta River to the east of the site. The nature of this project and the location of the site (approx. 700m) are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water.

#### **8.5 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The application has been assessed against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application was accompanied by landscape plans and an Arborist Report prepared by Earthscape Horticultural Services, which proposes the removal of 1 tree, identified as Old Man Banksia located within the nature strip of Railway Parade, on the opposite side of the site.

Council's Landscape Officer notes that this tree will require removal to facilitate the proposed development and allow a footpath widening.

Accordingly, Council's Landscape Officer has reviewed the application and raise no objection subject to conditions.

#### **8.6 State Environmental Planning Policy (State and Regional Development) 2011**

The proposed development has a Capital Investment Value (CIV) of more than \$30 million. As such, Part 4 of this Policy provides that the application is 'regionally significant development' and thus the Sydney Central City Planning Panel (SCCPP) is the consent authority for this application.

## 8.7 Parramatta Local Environmental Plan 2011

### Zoning and permissibility

The proposed uses meet the definitions of '*mixed use development*' and is permissible with consent in the zone.

### Zone objectives

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the B4 zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that contributes to an active, vibrant and sustainable neighbourhood.*

The proposal is consistent with the above listed objectives.

### PLEP 2011 compliance table

The relevant requirements of PLEP 2011 have been considered in the assessment of the development application, and are contained within the following table.

Clause	Proposal	Complies
Clause 2.7 Demolition	Demolition of the existing shopping complex is proposed. A Demolition Plan and a Waste Management Plan has been prepared by the applicant.	Yes
Clause 4.3 Building height	The development standard is 52 metres. The proposed development proposes an overall height of 52 metres (measured to the top of roof plant and lift overrun).	Yes
Clause 4.4 Floor space ratio	The development standard for the site is 4.5:1. The total FSR for the development is 4.5:1 with a total GFA of 11,313m <sup>2</sup>	Yes
Clause 4.6 Exceptions to standard	Not applicable.	N/A
Clause 5.1 Relevant acquisition authority	Not applicable.	N/A
Clause 5.6 Architectural Roof Feature	No architectural roof features are proposed	N/A

Clause 5.10 Heritage	<ul style="list-style-type: none"> <li>The site is not a listed heritage item, nor is it within a conservation area.</li> <li>The site is within proximity to a heritage item located to the west on the WSU site (located on Lot 1).</li> <li>As the subject site and the heritage item is separated by Hawkesbury Road and the (under construction) Parramatta Light Rail Stop, it is considered that the proposed development is unlikely to result in adverse impacts on the heritage item.</li> </ul>	<b>Yes</b>
Clause 6.1 Acid sulphate soils	<ul style="list-style-type: none"> <li>The site is identified a "Class 5" Acid Sulphate Soil (ASS).</li> <li>The works do not trigger need for an ASS management plan.</li> </ul>	<b>Yes</b>
Clause 6.2 Earthworks	<ul style="list-style-type: none"> <li>The earthworks include excavation of 4 levels of basement. A geotechnical report has been submitted which outlines measures to reduce the impacts of excavations and earthworks.</li> <li>Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council's Development Engineer, who is satisfied the works can be managed without adverse impact.</li> <li>Standard conditions have been imposed to ensure that the site works will not prejudice the future development of any adjoining land, or the amenity of that land.</li> <li>Issues relating to soil quality are addressed via considerations of SEPP 55</li> <li>No circumstances identified to indicate potential for disturbing relics.</li> </ul>	<b>Yes</b>
Clause 6.3 Flood Planning	The site is not identified on the flood planning map	<b>N/A</b>
Clause 6.4 Biodiversity	The site is not identified on the biodiversity map	<b>N/A</b>
Clause 6.5 Water protection	The site is not identified on water protection map	<b>N/A</b>
Clause 6.6 Landslide Risk	The site is not identified on the landslide risk map	<b>N/A</b>
Clause 6.7 Foreshore Building Line	The site is not identified on the foreshore building line map	<b>N/A</b>
Clause 6.10A Development on 24 – 26 Railway Parade, Westmead	<p>Maximum residential FSR for the site shall not be more than 1.5:1.</p> <p>Not applicable. The development comprises no residential component</p>	<b>N/A</b>

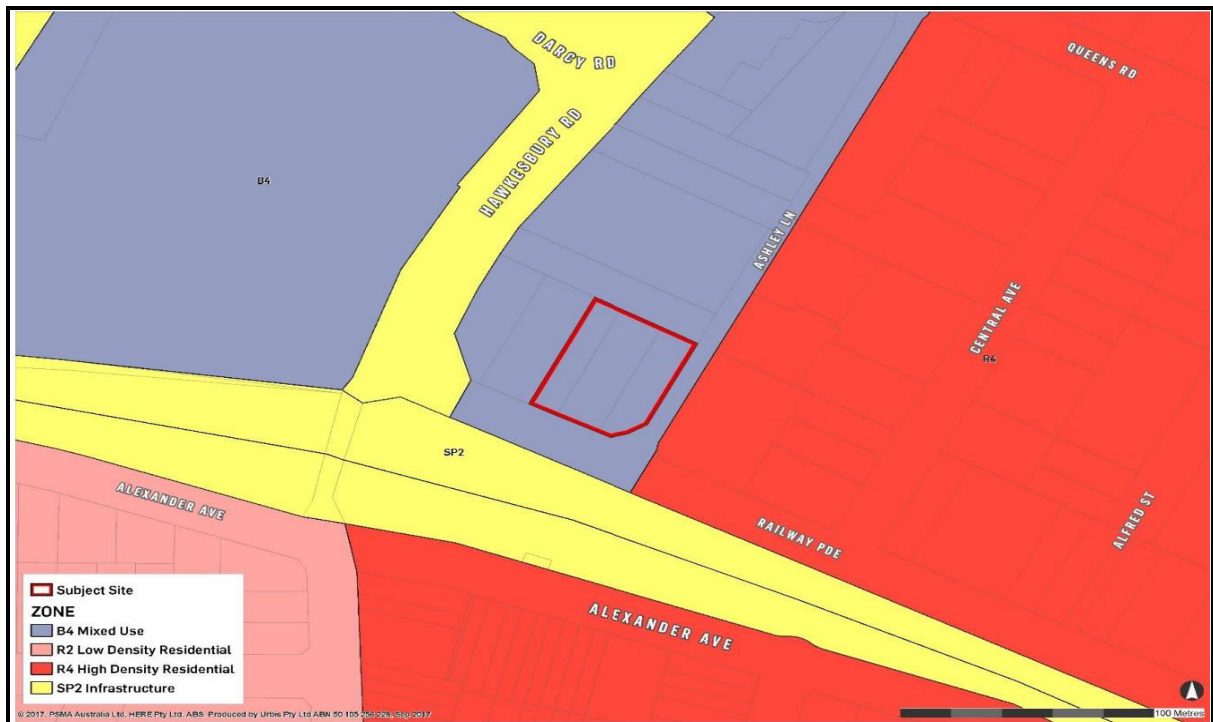


Figure 7: PLEP 2011: Zoning map (subject site outlines in red). The site is zoned B4 – Mixed Use zone.

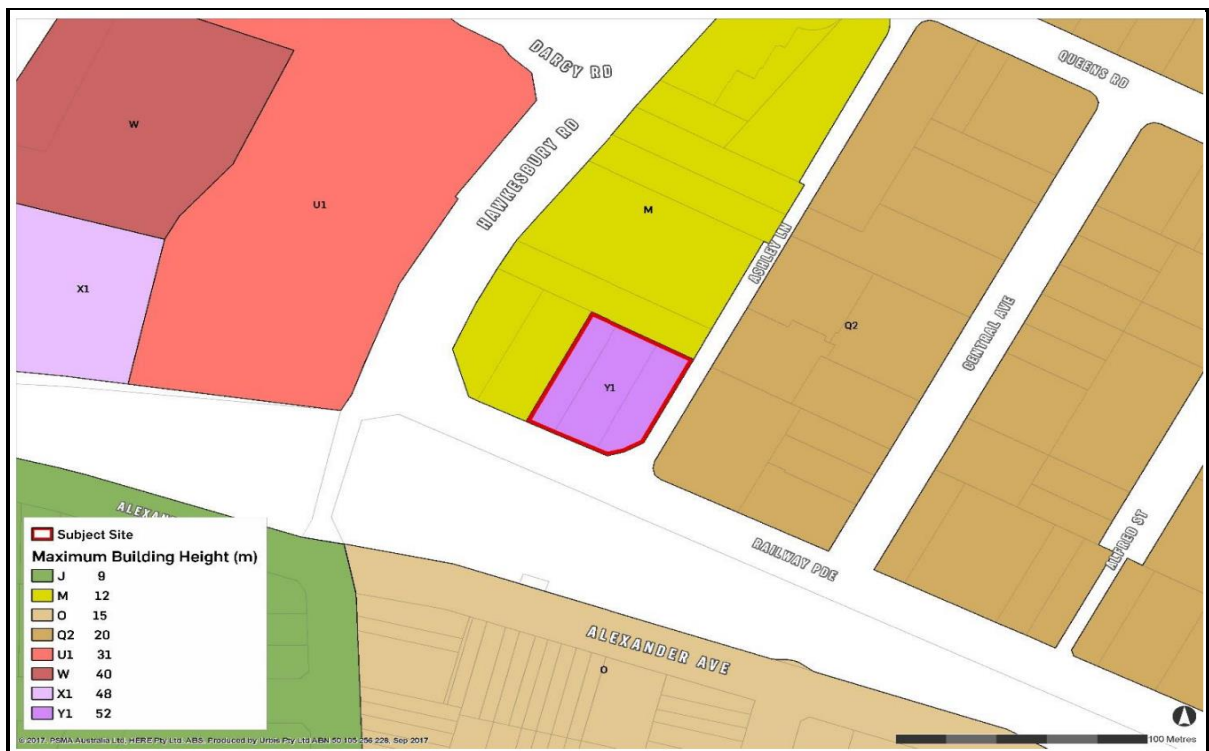
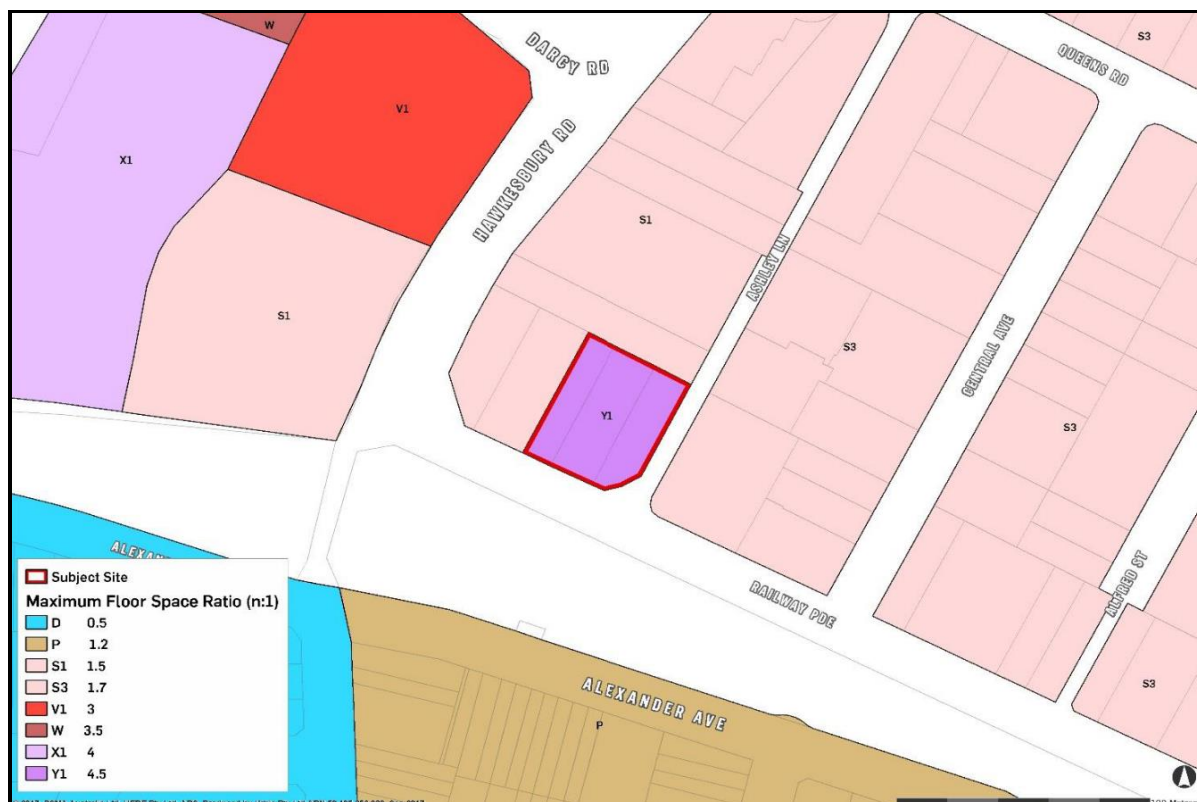


Figure 8 PLEP 2011: Zoning map (subject site outlines in red). The maximum building height is 52m.



## 9. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Draft Parramatta LEP 2020 was placed on public exhibition on the 31 August 2020, with exhibition closing on the 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

Whilst the draft LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the Environmental Planning & Assessment Act, the LEP is not imminent at this stage and therefore limited weight has been placed on it.

Notwithstanding, the proposed development is consistent with the objectives of the Draft LEP.

## 10. PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The DCP is comprised of the following sections:

- 2 – Site Planning
- 3 – Development Principles
- 4 – Special Precincts

Compliance tables are provided below:

Part 2 – Site Planning		Complies
2.4.1 Views and Vistas	The site is not identified as having views and vistas identified as being significant by Appendix 2 nor is the site located in the Harris Park Conservation Area.	Yes



2.4.2.1 Flooding	The site is not identified by Council as being flood prone.	N/A
2.4.2.2 Protection of Waterway	The site does not adjoin a waterway.	N/A
2.4.2.3 Protection of Groundwater	<p>Four levels of basement parking is proposed below the natural ground level.</p> <p>A Geotechnical report has been submitted with the application.</p> <p>The application was referred to Water NSW who determined that the proposed excavation works will encounter groundwater and is therefore subject to a Water Supply Work Approval for dewatering. Despite this, Water NSW raised on objections to the proposal and issued their General Terms of Approval (GTA's).</p>	Yes
2.4.3.1 Soil Management	An erosion and sedimentation plan has been submitted with the application.	Yes
2.4.3.3 Salinity	Subject to conditions, the works will not impact or be impacted by salinity.	Yes
2.4.4 Land Contamination	Refer to assessment under SEPP 55.	Yes
2.4.5 Air Quality	Standard conditions of consent will be applied.	
2.4.6 Development on sloping land	The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform.	Yes
2.4.7 Biodiversity	<p>Council's Landscape Officer considers Landscape Plan satisfactory subject to conditions.</p> <p>The site does not adjoin bushland nor does it adjoin land zoned E2 or W1.</p>	
2.4.8 Public Domain	<p>The proposal provides an appropriate street address with distinguishable entries via a clear pedestrian pathway to ensure clear identification from the public domain.</p> <p>Balconies and windows on the upper levels address the street frontage promoting natural surveillance from within the development to the front, public domain and Ashley Lane.</p> <p>Standard conditions incorporated in the consent requiring the payment of a bond to ensure that the nature strip is maintained and in the event that it is</p>	

	<p>damaged due to the works associated with the proposal that Council be reimbursed for the damages.</p> <p>Indicative plans of the public domain works that adjoins the development site (covered under the VPA) have also been reviewed to ensure that the public domain works for the site is appropriate.</p>	
<b>Part 3 – Development Principles</b> <b>B4 Zone – Built Form Controls</b>		<b>Complies</b>
Height	See LEP assessment under 'height'	Yes
FSR	<p>Site - 2514m<sup>2</sup></p> <p>Max FSR - 4.5:1</p> <p><b>Proposed</b> 11,313.m<sup>2</sup> Total FSR – 4.5:1</p>	Yes
Minimum Site Frontage	<p><b>Required</b> – Min. 18m</p> <p><b>Provided:</b> South Frontage – 35.31m Eastern Frontage – 43.7m</p>	Yes
Front Setback	See Assessment under Part 4.	
Side Setbacks / Rear Setbacks	See Assessment under Part 4.	
Deep Soil / Landscaped Area	<p><b>Required</b> – Rear setback area is to be a deep soil landscaped area in the B4 zone if residential development is proposed at ground.</p> <p><b>Provided</b> - The proposal does not provide residential dwellings on the ground floor or otherwise.</p>	Yes
3.2.1 Building Elements	<p>The bulk of the building is consistent with the desired future character of Westmead.</p> <p>It is considered that the proposed development will not adversely impact on the existing streetscape as plans indicate satisfactory setbacks and articulation, thereby, reducing the bulk and scale of the development and as such, any adverse impacts on the amenity of the potential adjoining properties.</p>	Yes
3.2.2 Building Façade and Articulation	<p>The proposal provides appropriate setbacks and building articulation resulting in a reduced perception of bulk and scale.</p> <p>The development is designed with multiple recesses to create articulation, improve solar access to the adjoining properties and to create some visual interest on the pedestrian level. Accordingly, there will be no unreasonable loss of amenity to adjacent properties.</p> <p>The application proposes terraces on the commercial and tavern level which address the street frontage and do not project more than 800mm beyond the building envelope.</p>	Yes

3.2.3 Roof Design	The development incorporates a flat roof which is not uncommon with the modern design for similar forms of development. It is noted that the recently approved developments on the WSU site have also been approved with flat roofs and as such, the roof form for the proposed development is considered consistent with that of approved development within the locality.	Yes
3.2.5 Streetscape	<p>The urban context of the wider locality is residential of medium to high density. Westmead is also a health and educational precinct with buildings of varied forms and heights.</p> <p>As previously stated in this report, the development is of an appropriate bulk and scale with adequate setbacks and landscaping. As such, the development is considered to be consistent with the B4 Mixed Use zoning of the site and the future streetscape character of the area.</p> <p>Basement carparking is provided to minimise the impact of parking structures on the building façade and the front setback.</p>	Yes
3.2.6 Front Fences	No front fences are proposed.	N/A
3.3.1 Landscaping	<p>The proposed works has the endorsement of Council's Landscape and Tree Management Officer subject to conditions of consent.</p> <p>The basement is located within the building footprint. Accordingly, landscaping on the ground floor public open space areas is limited to shrub planting. However, landscaping is also provided on Level 3 and 8 in the form of a green roof, garden pavilion and a lawn area.</p>	Yes
3.3.3 Visual Privacy	<p>The site contains three street frontages, southern boundary frontage to Railway Parade, eastern boundary fronting Ashley Lane and the northern boundary fronting No.149 Hawkesbury Road, which has been newly acquired land for the purposes of a public domain strip linking Hawkesbury Road through to Ashley Lane.</p> <p>As such, the northern, southern and eastern boundaries are sufficiently separated from buildings to the north, south and east.</p> <p>The adjoining site to the west is a 4 storey commercial development. The proposed development has been designed generally in accordance with the setback and separation distances developed for the site under Part 4.3.4.2 of the Parramatta DCP 2011, with the exception of a few inconsistencies due to the removal of the residential land use from the scheme but overall the built form is considered to address visual and acoustic privacy adequately.</p>	Yes

	<p>The separation distance to the closest residential development at No. 21 Railway Parade is 15m at ground level and 19m from the 4<sup>th</sup> storey onwards and therefore complies with the separation requirements of the Apartment Design Guidelines.</p>	
<p>3.3.4 Acoustic Amenity</p>	<p>A Noise and Vibration Impact Assessment was submitted with the application. The noise report identifies the potential sources of noise emissions for the proposed development such as:-</p> <ul style="list-style-type: none"> <li>• Mechanical plants;</li> <li>• Loading dock activities;</li> <li>• Vehicular movements on the site;</li> <li>• Entertainment Noise Emissions;</li> <li>• Road Traffic Noise;</li> <li>• Noise from Rail Corridor; and</li> <li>• Rail Vibration</li> </ul> <p>The assessment concludes that noise from the mechanical plant will be controlled to meet noise criteria developed in accordance with the NSW Industrial Noise Policy. Controls such as selection of quiet equipment, physical attenuation controls, carefully selected locations and barriers will be considered for mechanical equipment.</p> <p>The report also concludes that the entertainment noise comprising of amplified music or speech and patron noise from the tavern meet the day time criteria levels at No. 21 Railway Parade, the nearest residential receiver, this has been tested assuming that there are patrons on the outdoor terrace and the tavern terrace doors are open. Likewise, during the night, entertainment noise emissions meet the night time criteria assuming tavern terrace doors are shut. In relation to the food and beverage uses, the report concludes that noise breakout from the food and beverage area is expected to meet the commercial criteria levels at 27 Railway Parade. The noise report recommends noise control treatments that may be applied to the loudspeaker design and patron management strategies to ensure compliance with the established entertainment noise criteria.</p> <p>The noise report finds that the car movements on and off the site at the access points, including delivery vehicles using the loading dock, are expected to comply with the Industrial Noise Policy criteria. The report identifies that road traffic noise will result in a marginal 1dB exceedance of the daytime criterion for local roads.</p> <p>Noise ingress to hotel rooms will be controlled to meet recommended design levels given in AS2107:2016 through façade design.</p> <p>Construction of partitions and floors within the development will be designed to meet the sound insulation requirements for Class 2 buildings, in</p>	<p>Yes</p>

	<p>accordance with Volume One, Part F5 of the Building Code of Australia.</p> <p>The report also assesses the potential noise and vibration impact of the proposed Light Rail operation based on a review of the Environmental Impact Statement. It concludes however that the development is unlikely to require additional mitigation measures.</p> <p>The recommended noise treatment measures will be imposed as conditions of consent.</p>	
3.3.5 Solar Access & Cross Ventilation	The adjoining sites to the north, east and west will receive more than 3 hours of solar access during the winter solstice. Due to the orientation of the site, overshadowing will fall mainly on the railway corridor and Alexandra Avenue (south of the railway corridor). Accordingly, the proposal is acceptable in this regard.	Yes
3.3.6 Water Sensitive Urban Design	Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.	Yes
3.3.7 Waste Management	<p>The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.</p> <p>The garbage room is located within the basement level 1 adjoining the loading dock.</p>	Yes
3.4.1 Public Art	An Arts Plan has been submitted with the application. The related documentation was reviewed by Council's Public Art Officer to be satisfactory, subject to conditions of consent.	Yes
3.4.2 Access for People with disabilities	<p>The application was submitted with an Accessibility Report. This report as well as standard conditions requiring compliance with the relevant BCA and Australian standards will be included in the consent.</p> <p>It is noted that the ground floor is accessible from the street by people with disabilities. Access from the basement to the upper levels is via a lifts located in the lobby.</p> <p>Accessible parking is also provided within the basement.</p> <p>The submitted architectural plans and the accessibility report has been reviewed by Council's Accessibility to be satisfactory, subject to recommended conditions of consent.</p>	Yes
3.4.4 Safety and Security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The entries on the ground floor face the street, the pedestrian link and common areas	Yes



	promoting natural surveillance from within the development to the public domain.	
3.5 Heritage and Archaeology	The site does not contain a heritage item.  The site is not within a heritage conservation area.	Yes
3.6 Parking Provisions	See Part 4 below for breakup of all car parking provided.	Yes
3.7 Residential Subdivision	The site does not result in the isolation of any adjoining properties.	Yes
<b>Part 4 – Strategic Precinct Site Specific Controls for 24 – 26 Railway Parade, Westmead</b>		<b>Complies</b>
<b><u>Maximum Building Height</u></b>		
C.1 Max 15 storeys at the corner of Railway Parade and Ashley Lane.	The proposed building has a maximum of 14 storeys.	Yes
C.2 Max 10 storeys to rear of site along Ashley Lane.	The proposed building is a maximum of 7 storeys to the rear of the site along Ashley Lane.	Yes
C.3 Max 4 storeys to south west of site on Railway Parade.	The proposed building on the south west corner of the site is a maximum of 4 storeys.	Yes
<b><u>Street Frontage Heights</u></b>	The proposed building street frontage is a maximum of 4 storeys fronting Ashley Lane.	No, however acceptable due to the slope of the land.
C.4 Max 3 storeys facing Ashley Lane.	This non-compliance is a result of the slope of the land, with part of the ground floor being below ground level.  It is also noted that this design is consistent with the design of the approved building under DA/381/2018.	
C.5 Max 4 storeys facing Railway Parade with transition to 3 storeys in 1/3 of the façade length towards the east.	The proposed building street frontage is a maximum 4 storeys fronting Railway Parade, and Ashley Lane, due to the slope of the land.  The variation accommodates the slope of the site which is lower towards Ashley Lane. As a result, the Lower Ground Level is partially below and above the NGL. Notwithstanding, the proposal was reviewed by DEAP and Council's Urban Design team, who considered that the departure and the overall proposal is a better design outcome.	No, however acceptable.
<b><u>Building Setbacks</u></b>		Yes
C.6 Min 3m setback to Railway Parade to widen the existing footpaths.	Ground level setbacks are 3m from Railway Parade.	

C.7 Min 3m setback to Ashley Lane to allow for a wider footpath along the laneway.	<p>Ground level setbacks are 3m from Ashley Lane, except at the corner of Railway Parade and Ashley Lane.</p> <p>Notwithstanding this, the footpath at this corner is of generous width of 4.95m at Ashley Lane and 8.45m at the Railway Parade corner.</p>	Minor variation acceptable
<p><b>Building Setbacks Above Maximum Street Frontage Heights</b></p> <p>C.8 Min 6m to Ashley Lane, i.e. above 3 storeys.</p>	<p>Min. 3m from 3<sup>rd</sup> storey and Min. 8.5m from 4<sup>th</sup> storey</p> <p>The variation to the setback to Ashley Lane from the 3<sup>rd</sup> storey is considered to be minor given that the setback to Ashley Lane increases to 7.2 metres from the 4<sup>th</sup> storey. Given this, the proposal is considered to be satisfactory.</p> <p>Acceptable as 6m setbacks are typically applied to residential development, whereas this development involves commercial floor space at the upper levels.</p> <p>In addition, the adjoining sites to the north, east and west will continue to receive more than 3 hours of solar access during the winter solstice. Due to the orientation of the site, overshadowing will fall mainly on the railway corridor and Alexandra Avenue (south of the railway corridor). Accordingly, the proposal is acceptable in this regard.</p>	No, but acceptable
C.9 Min 6m to Railway Parade, i.e. above 4 storeys.	Min. 7m from 4 <sup>th</sup> storey along Railway Parade.	Yes
<p><b>Public Domain and Landscaping</b></p> <p>The subject site will provide a publicly accessible open space with:</p> <p>C.1 Min 350m<sup>2</sup>, with minimum dimensions of 17m x 20m.</p>	<p>The courtyard provided in this development is 299m<sup>2</sup> with dimensions of 13m x 23m.</p> <p>Although the, open space is deficient in area, the public open space has been revised by deleting the escalator within this space to provide seamless and convenient mobility between the site and Westmead Railway Station.</p>	No, however acceptable
C.2 Solar access for min 2 hours to 50% of the public open space area during the winter solstice.	The public open space will receive adequate solar access.	Yes
C.3 A double storey through-site pedestrian link with a min width of 6m.	<p>The through site link provided between the two buildings ranges in width from 5m to 12m.</p> <p>Minor variation to the minimum width, however acceptable as the DCP and VPA envisaged the provision of the escalators in this area, however the</p>	Minor variation

	escalator has been removed from the middle of the pedestrian link to the rear of the site to allow for a seamless flow of pedestrian traffic.	
The open space is to be:  C.4 Activated on all edges with the proposed development (min 90% of active edges min).	The through site link and open space is activated by retail tenancies, a supermarket and the hotel lobby.	Yes
C.5 A high quality urban space including landscaping, art works and areas for dining and passive recreation.	The open space provides for landscaping and passive recreation areas. Council's Landscape Officers and Urban Design - Public Domain Officers are satisfied with treatment of this area.	Yes
The pedestrian link will be:  C.6 Activated on all edges with the proposed development (min. 90% to be active edges).	The through site link and open space is activated by retail tenancies, a supermarket and the hotel lobby.	Yes
C.7 Max depth of building covering the link is to be 12m.	The building covering the link has a depth of 12m.	Yes
C.8 The link is to have a glazed roof to optimise solar access.	16.8m of the roof above the through site link will be glazed.	Yes
<b>Traffic and Transport</b>  C.9 Car Parking space  Maximum 134 parking spaces	<p>Maximum parking</p> <p><u>Hotel:</u></p> <p>1 space per every 5 rooms = <math>1 \times (100 \text{ rooms} \div 5) = 20</math></p> <p>Plus 1 space for every 3 employees = <math>1 \times (5 \text{ employees} \div 3) = 1.7 (2)</math></p> <p><u>Retail:</u></p> <p>1 space per 30m<sup>2</sup> GFA = <math>1 \times (2,284.3\text{m}^2 \text{ retail area} \div 30) = 76.1 (76)</math></p> <p><u>Medical Centre:</u></p> <p>1 space per 300m<sup>2</sup> GFA = <math>1 \times (1,546.5\text{m}^2 \text{ medical centre area} \div 300) = 5.1 (5)</math></p> <p><u>Tavern:</u></p> <p>1 space per 100m<sup>2</sup> GFA = <math>1 \times (499.9\text{m}^2 \text{ tavern area} \div 100) = 5</math></p>	Yes

	<p><u>Commercial:</u></p> <p>1 space per 100m<sup>2</sup> GFA = 1 × (2,681.4m<sup>2</sup> commercial area ÷ 100) = 26.8 (26)</p> <p>Total = Maximum 134 parking spaces required</p> <p>126 spaces provided</p>	
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## 11. PLANNING AGREEMENTS

As previously noted, a Voluntary Planning Agreement associated with the changes to the PLEP regarding the height and FSR for the site has been executed. The VPA involve public domain upgrades to Railway Parade and Ashley Lane road reserves.

Further, Part 8 (a) to (c) of the VPA excludes the application from being subject to Section 7.11 / 7.12 Contribution payments to the hotel or motel component of the development. Accordingly, the contribution payments was calculated on the basis of the overall cost of works excluding the cost related to the hotel component of the proposal.

## 12. ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The recommendation of this report includes conditions to ensure the following provisions of the Regulation will be satisfied:

- Clause 92 - Demolition works are to satisfy AS 2601 - 1991; and
- Clause 98 - Building works are to satisfy the Building Code of Australia.

## 13. LIKELY IMPACTS

### 13.1 Context and setting

This proposal will have a satisfactory relationship with its context for the following reasons:

- It contributes to the mix of land uses contemplated by the planning controls and the economic needs of the Westmead precinct;
- The scale and form and presentation of the building is generally consistent with planning controls, and the design and site planning is acceptable as independently assessed by Council's Design Excellence Advisory Panel;
- The built form does not result in any significant adverse impacts for adjacent sites;
- The public domain treatment is satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.
- The development is suitably located opposite a railway corridor and in the vicinity of light rail and Sydney metro infrastructure.

### 13.2 Site works

### Excavation

The excavation required to provide the basement levels is considered to be acceptable. Both Sydney Trains and Water NSW have not raised any objections with regards to extent of excavation work with proximity to the rail corridor and any impacts to ground water.

### Tree removal

One tree is required to be removed. The scheme makes satisfactory adequate arrangements for re-landscaping of private and public elements of the proposal.

### Utility services

All utility services are available to the site. Standard conditions will be imposed on the consent requiring approvals to be obtained for connection to the service providers prior to the issue of the Occupation Certificate.

## **13.3 Natural and technological hazards**

The contamination of the site is assessed elsewhere in this report. See SEPP 55 assessment.

## **13.4 Site design**

### Setbacks

There are several instances where the design does not strictly comply with the stipulated DCP setbacks, however the outcome is nevertheless satisfactory. See DCP table for the assessment.

### Height, bulk and scale

The height of the building is satisfactory as previously discussed. The bulk and scale of the proposal is consistent with the outcomes contemplated by the precinct planning controls, and is satisfactory on merit.

### External materials

The schedule of external materials and finishes is satisfactory.

### Accessibility

The application is supported by a technical report which concludes the proposal is able to achieve compliance with the requirements of the BCA, DDA and AS 4299, subject to recommended conditions of consent.

## **13.5 Amenity considerations**

### Noise

The application is supported by a noise report which takes into account the noise emissions from vehicle movements, loading docks in the basement, mechanical plants, entertainment noise, road traffic noise, rail noise for the Western Railway line and Parramatta Light Rail.

The assessment concludes that noise from the mechanical plant will be controlled to meet noise criteria developed in accordance with the NSW Industrial Noise Policy (INP). Controls such as selection of quiet equipment, physical attenuation controls, carefully selected locations and barriers shall be considered for the mechanical equipment.

Entertainment noise comprising of amplified music or speech and patron noise from the tavern were considered and modelled. The report's findings conclude that the entertainment noise emissions meet the day time criteria levels at the nearest residential receiver at No. 21 Railway Parade. Likewise, during the night, entertainment noise emissions meet the night time criteria assuming tavern terrace doors are shut. In relation to the food and beverage use, the report concludes that noise breakout from the food and beverage area is expected to meet the commercial criteria levels at 27 Railway Parade. The report recommends noise control treatments that may be applied to the loudspeaker design and patron management strategies to ensure compliance with the established entertainment noise criteria.

Car movements on and off the site at the access points, including delivery vehicles using the loading dock, are expected to comply with INP criteria. The report identifies that road traffic noise will result in a marginal 1dB exceedance of the daytime criterion for local roads.

Noise ingress to hotel rooms will be controlled to meet recommended design levels given in AS2107:2016 through façade design. Construction of partitions and floors within the development shall be designed to meet the sound insulation requirements for Class 2 buildings, in accordance with Volume One, Part F5 of the Building Code of Australia.

The report also assesses the potential noise and vibration impact of the proposed Light Rail operation based on a review of the Environmental Impact Statement and it concludes that the development is unlikely to require additional mitigation measures.

### Hours of Operation

The hours of operation for the individual uses in the development are as follows:

- Supermarket and food and beverage- 7am-10pm (7 days)
- Medical centre - 9am-7pm; (7 days)
- Tavern – 10am to 3am (Monday – Saturday) and 10am to Midnight (Sunday)

**Note:** The above are the current operating hours of the tavern. It is noted that under Consent No. DA/1353/2002/A, the approved hours operation are 7am to 3am Monday to Saturday and 10am to 12 midnight, Sunday.

- Hotel - 24 hour/7days;

The above hours of operation are supported by the various technical reports including acoustic and CPTED assessments. The hours of operation for the various uses are not uncommon for a town centre, which is located within close proximity to public transport. The hours of operation also support the local community in their day-to-day needs.

Council's Crime Prevention Officer as well as the NSW Police have reviewed the proposed hours of operation (including the current hours of operation for the Tavern) for the various uses within the development and raised no objections subject to conditions of consent.

## **13.6 Public domain**

### Built form relationship to public domain

Drill Ply Ltd executed a Voluntary Planning Agreement under Section 7.4 of the EP&A Act 1979 with Parramatta City Council for upgrading the public domain in the Railway Parade and Ashley Lane road reserves and courtyard. The public domain provides for the desired outcome as:-

- The building achieves a desirable interface with public areas in terms of the relationship between the ground floor levels and the adjoining footpaths;
- The building addresses its street frontages;
- Service areas are integrated into the building design and do not visually dominate the streetscape or pedestrian areas adjoining the site;
- The building provides for a direct visual connection to the street ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces around the site;
- The architectural treatment will achieve a suitable streetscape presentation; and
- An appropriate landscape treatment is provided for those edges of the site that contribute to the public domain.

### Public domain works consistency with Transport for NSW

Transport for NSW (TfNSW) and Parramatta Light Rail authorities proposes the widening of public domain around the development and in order to ensure that the design and construction of the kerb and gutter, new driveway, public domain and associated works on Railway Parade and Ashley Lane are in accordance with TfNSW requirements, conditions of consent are recommended for detailed design plans of the proposed works are to be submitted to TfNSW and Council for approval prior to the issue of a construction certificate.

## **13.7 Relationship to adjacent sites**

### Overlooking

The development ensures adequate setbacks to boundaries so that in the event of re-development of adjoining sites satisfactory building separation will be provided to mitigate any overlooking impacts to and from the subject site.

## **13.8 Access, transport and traffic**

### Traffic Generation

As discussed earlier in this report the increase in traffic movement within the locality as a result of the development was reviewed by Council's Traffic Engineer to be satisfactory subject to conditions of consent. Further, the proposal provides the required parking spaces for the development and is considered to be appropriate given its proximity to public transport.

Entry and Exit point from Ashley Lane was reviewed by Transport for NSW and Council's Traffic Engineer to be satisfactory with regard to its impacts on adjoining roads. Ashley Lane is also the preferred option for vehicle entry/exit under PDGP 2011.

#### Parking supply

The 126 number of parking provided satisfies maximum provisions under the DCP.

#### Parking access and design

The geometry and design of parking areas and associated elements, including service areas, is satisfactory. Council's Traffic Engineer supports the development subject to conditions of consent.

#### Construction Traffic

A condition will be imposed on the consent requiring the submission of a Construction Traffic Management Plan to be prepared and submitted to Council for review and approval prior to any works commencing.

### **13.9 Water management**

#### Stormwater collection and disposal

Council's Engineer is satisfied with the approach to stormwater management, including arrangements for WSUD.

#### Water quality during construction

This matter is addressed by conditions in recommendation to this report.

### **13.10 Waste management**

#### Construction phase

This matter will be addressed within a Construction Management Plan.

It is noted that the fit-out of the individual uses will be subject to separate applications and will include waste management procedures specific to the construction of their fit-out.

#### Operation phase

Dedicated space for the storage and collection of waste is provided within the loading dock area (on basement level 1). Council's Waste Officer has reviewed the Waste Management Plan which supports the application, and is satisfied with arrangements for the storage and collection of waste from the development.

Council's Traffic Engineer is satisfied the design of the service areas are satisfactory for the type and size of waste vehicles required to attend the site.



### **13.11 Construction Management**

To minimise nuisance during the construction period the recommendation to the report requires the preparation of a construction management plan addressing the following matters:

- Dilapidation reports;
- Demolition and removal of hazardous materials;
- Sediment and erosion control and water quality during construction;
- Construction traffic management plan;
- Hours of works;
- Construction noise and vibration;
- Material delivery and storage;
- Safety fencing;
- Traffic and pedestrian safety;
- Dust control; and
- Tree protection.

### **13.12 Safety, security and crime prevention**

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard has been given to those considerations. Further, a CPTED Assessment was submitted with the application which ensures suitable outcomes are achieved. The recommendation of the assessment includes:

- Restrict access to car parking through implementation of physical barriers.
- Provision of signage to be prominently displayed
- Control access to parking allocated to different users of the basement
- Internal and external lighting to Australian Standards
- Installation of CCTV to the basement entry and exit points;
- Provide clear sightlines.
- Apply low maintenance and graffiti resistant materials.
- Implement random security patrols in high risk areas.
- Landscaping for the communal open space on Level 8 should not interrupt sightlines or provide opportunities for entrapment.
- Install greenways or vertical planting on blank walls to deter vandalism.
- Implement maintenance schedule as outlined in the landscaping strategy.

### **13.13 Social and economic impacts**

Council's Social Outcomes In summary Social Outcomes recommends approval and the following conditions of consent are imposed:

1. The public domain and various uses within the development are well lit and applies the CPTED design principles to the highest quality to ensure shift workers such as nurses

and health personnel feel safe coming and going from the Westmead Station past the Tavern at night.

2. Part of the commercial space is rented as subsidised office space to support Not For Profits (NFPs).
3. That, the proponent keeps an ongoing daily incident and complaint register available at Council's request.
4. That, the appropriate steps be taken to confirm that the proposal meets (at minimum) Australian standards for universal design specifically focusing on the retail/commercial facilities with regard to physical, visual and hearing accessibility and that specific attention be given to the activation and accessibility of the site's street frontage and through-site pedestrian link.
5. That, the proponent consider a fee schedule for the Hotel meeting rooms to support NFPs and community groups.

## 14. SITE SUITABILITY

Subject to the conditions provided within the recommendation to this report the site is suitable for this development given:

- That the proposal is an appropriate "fit" for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- Site attributes are conducive, noting a lack of natural constraints/hazards.

## 15. PUBLIC NOTIFICATION

The application was notified between 27 May 2020 and 25 June 2020. In response, three (3) submissions were received, which included a submission from the Western Sydney Local Health District.

Amended plans were notified between 9 October 2020 and 6 November 2020. In response, no submissions were received. Moreover, correspondence was received from Western Sydney Local Health District declaring no objection to the proposed development.

The issues raised in the submissions are as follows.

Issue	Comment
<b>Bulk and Scale</b>	The proposed bulk and scale is considered appropriate for its location and is designed as envisaged by Council's controls for the Westmead Precinct. It is also noted that the proposed height and FSR of the development is compliant with maximum height and FSR allowed on the site.
<b>Acoustic</b>	An Acoustic Report has been submitted and reviewed by Council's Health (Acoustic Officer) who raised no objections to the proposal subject to conditions of consent.
<b>Air Pollution</b>	The proposed mixed use development and the proposed individual uses are unlikely to produce adverse air pollutants.
<b>Overshadowing</b>	As previously noted, due to the orientation of the site, the development is unlikely to result in adverse solar access impacts on adjoining developments. The majority of the overshadowing is expected over the railway corridor and on Alexandra Avenue.
<b>Anti- Social behaviour</b>	A CPTED Assessment has been submitted that provides recommendations to deter anti-social behaviour. This report will be incorporated in the consent to ensure that the recommendations are

	implemented. Council's Crime Prevention Officer as well as the NSW Police also reviewed the development and neither raised any objections to the proposal on grounds of anti-social behaviour, subject to recommended conditions of consent.
<b>The Tavern component will continue to be a disturbance to residential premises</b>	Council's Health Officers, Social Outcomes, Crime Prevention and NSW Police raised no objections to the use of the Tavern, subject to recommended conditions of consent.
<b>Privacy</b>	Overlooking and privacy impacts to and from the development site are considered to be mitigated through adequate building separation as well as provision of fixed louvres.
<b>Increase in parking and traffic</b>	The increase in traffic movement within the locality as a result of the development was reviewed by Council's Traffic Engineer to be satisfactory subject to conditions of consent. Further, the proposal provides the required parking spaces for the development and is considered to be appropriate given its proximity to public transport.
<b>Entry and Exit point from Ashley Lane will result in traffic congestion.</b>	Entry and Exit point from Ashley Lane was reviewed by Transport for NSW and Council's Traffic Engineer to be satisfactory with regard to its impacts on adjoining roads. Ashley Lane is also the preferred option for vehicle entry/exit under PDCP 2011.
<b>Need for a pedestrian overpass across Railway Parade.</b>	There are currently no plans for a pedestrian overpass over Railway Parade. However, a wider street crossing across Railway Parade (in front of the development site) to the train station will be provided as part of the agreed works under the VPA for the development.
<b>Noise and Dust during construction</b>	Standard conditions of consent will be imposed to regulate and minimise unreasonable noise and dust during construction works.
<b>Development will result in increase light spill</b>	The proposal does not seek approval for external lighting that would result in adverse light spill impacts.

#### Amended Plans

Yes

Summary of amendments:

- Relocation of the escalator from the through site link to the rear of the site (adjacent to the stair entry).
- Revision to stair design to accommodate escalator adjacent.
- Update to elevation plans to illustrate the L03 and L06 canopy which was previously indicated on the floor plans but not documented on the elevations.
- Drawing No. PL -85-02 & PL-85-03 added to illustrate the significant footpath widths along Ashley Lane and Railway Parade.
- Minor change of 0.4sqm in GFA, with total GFA of 11,310.8sqm proposed.

The amended application was notified in accordance with Council's notification procedures contained within Appendix 5 of DCP 2011. In response, no submissions were received.

#### CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

#### Conciliation Conference – Required and Held

The application received three unique submissions during the initial notification period and as a result a Conciliation Conference was required to be held.

## 16. PUBLIC INTEREST

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

## 17. DEVELOPMENT CONTRIBUTIONS

The Section 7.11 is based off 1% of the total development cost. Part 8 (a) to (c) of the VPA excludes the application from being subject to Section 7.11 / 7.12 Contribution payments to the hotel or motel component of the development.

Accordingly, the contribution payments was calculated on the basis of the overall cost of works excluding the cost related to the hotel component of the proposal.

## 18. SUMMARY AND CONCLUSION

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

1. The development is permissible in the B4 zone and satisfies the requirements of all the applicable planning controls.
2. The development will be compatible with the emerging and planned future character of the area.
3. For the reasons above, approval of the application is in the public interest.

## 19. RECOMMENDATION

**a) That** the Sydney Central City Planning Panel, as the consent authority, approve Development Application No. DA/269/2020 for demolition, tree removal and construction of a part 4, part 14-storey mixed use development over 4 levels of basement. The mixed-use development will comprise commercial uses, a tavern, a medical centre and a hotel at 24-26 Railway Parade, Westmead (Lot 1 DP 952720 & Lot 1 DP 972068 & Lot 10 DP 605684) subject to deferred commencement conditions. The reasons for the conditions imposed on this application are as follows:

- i. 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 Instruments.
- ii. To ensure that local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
- iii. To ensure that the development does not hinder the proper and orderly development of the subject land and its surrounds.
- iv. To ensure that the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 are maintained.

**b) That** submitters are advised of the decision.