



Planning &  
Infrastructure

**MAJOR PROJECT ASSESSMENT:  
Mixed Use Residential, Retail and  
Commercial Development  
330 Church Street, Parramatta  
(MP 10\_0171)**



Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

October 2012

## ABBREVIATIONS

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CIV	Capital Investment Value
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PPR	Preferred Project Report
Proponent	Meriton Apartments Pty Ltd
RTS	Response to Submissions

Cover Photograph: Photomontage of the site as viewed from the eastern bank of the Parramatta River.

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# 1. BACKGROUND

## 1.1 The Site

Meriton Apartments Pty Ltd (Meriton) proposes to construct a new mixed use development comprising residential, retail and commercial uses at 330 Church Street, Parramatta. The project location is shown in **Figure 1** and images of the site are provided at **Figure 2**.



Figure 1: Location Plan



Subject Site as Viewed from the Lennox Bridge



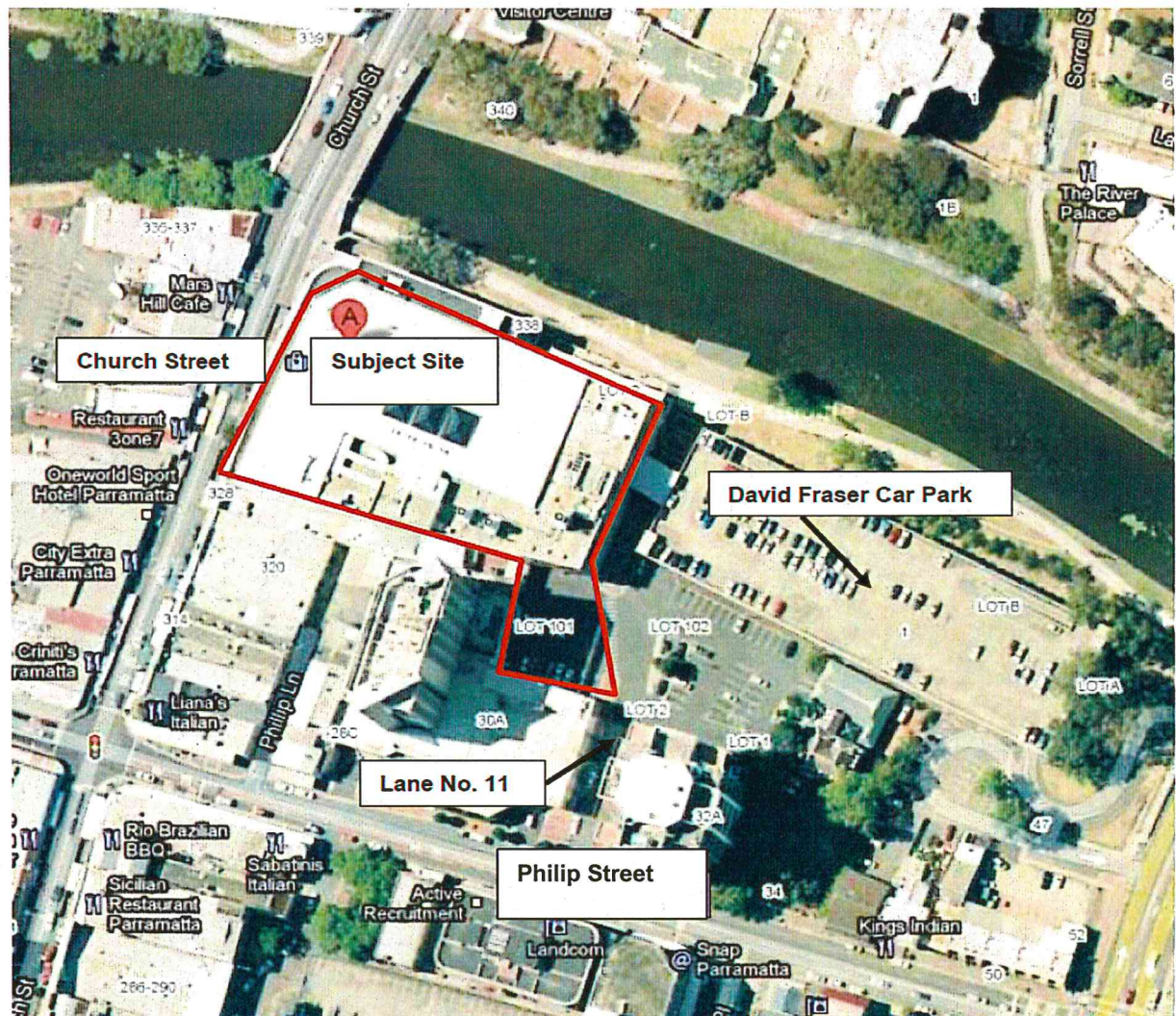
Subject Site as Viewed from the Western Side of Church Street

Figure 2: Subject Site as Viewed from Lennox Bridge and the Western Side of Church Street

The site is approximately 6,763 m<sup>2</sup> in area and has 70 m frontage to Church Street and approximately 95 m frontage to the southern bank of the Parramatta River. The existing site layout is shown in **Figure 3**.

The site currently houses the former David Jones building which is a part three, part four-storey concrete building with a basement level car park. There is no vegetation on the site.

Vehicular access to the site's car park is from Philip Street via Laneway No 11. Pedestrian access is via the public stairs from Church Street and Lennox Bridge, or via Philip Street between the existing buildings.



**Figure 3:** Existing Site Layout Plan

## 1.2 Surroundings

The site is located on the northern edge of the Parramatta city centre. The Parramatta River and Lennox Bridge are immediately north of the site. Development on the northern side of the river is setback between 20 and 40 m from the riverbank and comprising the Riverside Theatre, a 15-storey hotel and several eight to 19-storey residential flat buildings.

Immediately south of the site is the Crown Plaza Hotel, a 12-storey commercial building and a number of two to seven-storey buildings housing retail and commercial uses.

To the east is a Council owned public car park (known as David Fraser Car Park) which accommodates 535 car parking spaces.

Development on the western side of Church Street is characterised by two and three-storey Federation and Inter-War style commercial and retail buildings. These buildings predominantly accommodate ground level shops or restaurants with outdoor dining areas.

### 1.3 Architectural Design Competition

The Director-General's Requirements (DGRs) require the proponent to undertake an architectural design competition in accordance with the requirements of clause 22B of the Parramatta City Centre Local Environmental Plan 2007 (PCC LEP), prior to the lodgement of an EA. In addition, the DGRs require the design competition to be undertaken in accordance with the *Director General's Design Excellence Guidelines*, with the competition brief endorsed by the Department of Planning (now the Department of Planning and Infrastructure).

The proponent lodged a design brief which proposed an invitation only design competition. The brief nominated three architectural firms with substantial experience in designing mixed use developments (Tony Caro Architecture, Turner and Associates and DBI). The brief was endorsed by the department on 22 November 2010.

Competition submissions were reviewed by the competition Jury on 19 January 2011. The Jury announced Tony Caro Architecture as the winning entrant, however, it advised that a number of modifications would be required to the winning Scheme prior to it receiving the Jury's final endorsement. These amendments were undertaken and endorsed by the Jury on 11 February 2011.

Tony Caro Architecture has provided written certification that the final design of the project is substantially the same as the winning Scheme.

## 2. PROPOSED PROJECT

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### 2.1 Project Description

The application seeks approval to demolish the existing building and structures on site and construct a 43,787 m<sup>2</sup> mixed use development comprising:

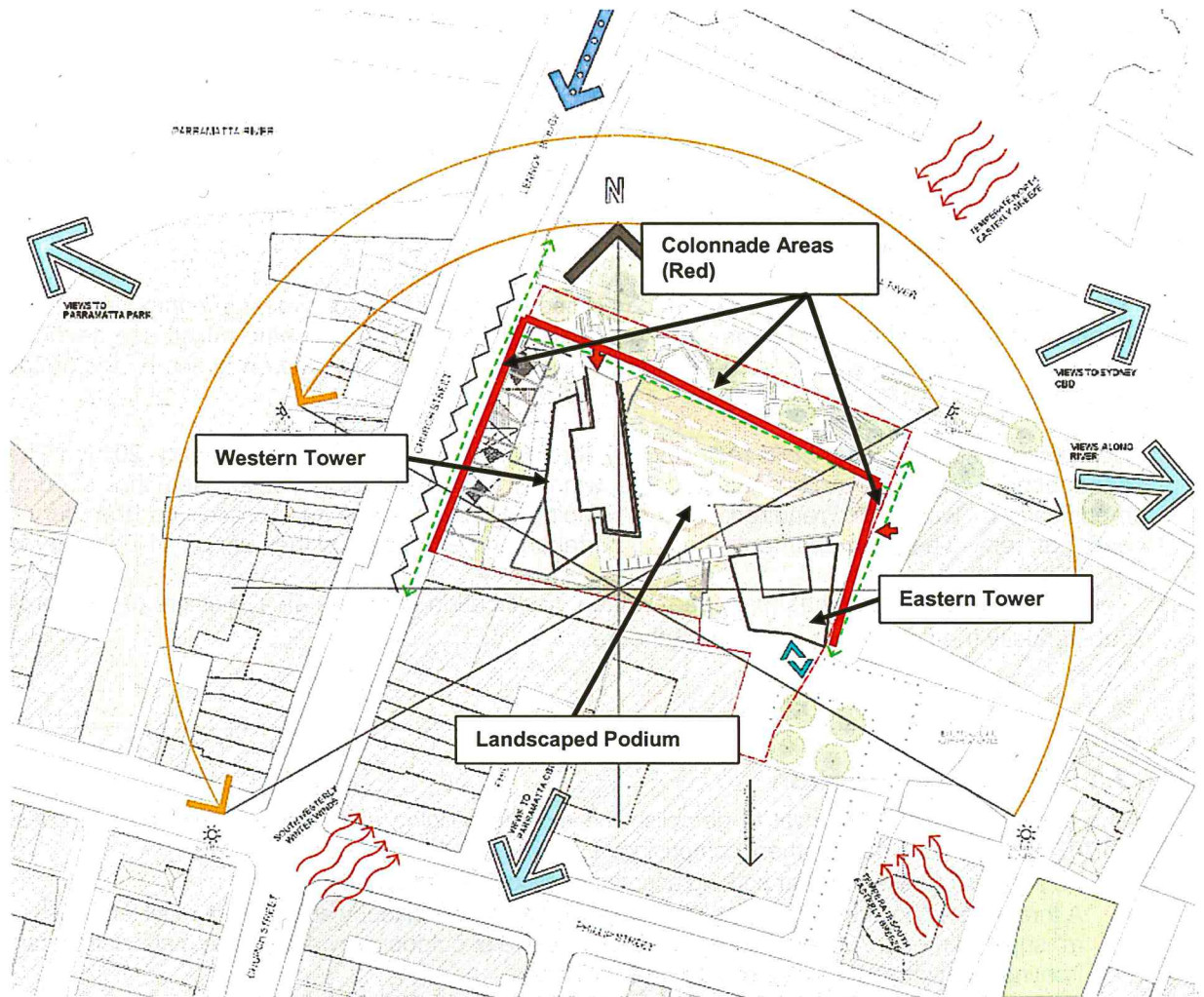
- Four levels of basement car parking accommodating 597 car spaces.
- A three-storey podium comprising residential and commercial lobby areas, eight retail tenancies, a 1928 m<sup>2</sup> supermarket, a 709 m<sup>2</sup> childcare centre (inclusive of outdoor play area), nine maisonette apartments fronting the river and resident recreational facilities.
- A 22-storey tower (eastern tower) containing 170 serviced apartments.
- A 32-storey tower (western) containing 211 residential apartments.
- Staged occupation and strata subdivision of the proposed buildings.

Following exhibition the proponent amended the project to:

- Commit to providing 24 bicycle parking spaces.
- Commit to landscaping and dedicating a 1,068 m<sup>2</sup> parcel of land adjacent to the site to the Council free of cost.
- Depict how the southern elevation could be activated following the construction of the laneway proposed along the southern boundary of the site.
- Delete the child care centre component of the project.

It should be noted that the department has not included the strata subdivision of the proposed buildings as the application did not include a strata plan of subdivision.

The project layout is shown in **Figure 4** and the components of the revised project are described in **Table 1** overleaf.



**Figure 4: Project Layout**

**Table 1: Key Project Components**

Aspect	Description
Site Area	6,763 m <sup>2</sup>
Gross Floor Area	44,117 m <sup>2</sup>
FSR	6.52:1
Car Parking	4 levels with 597 car parking spaces
<b>Podium</b>	
Number of Storeys	3
Supermarket	1,930 m <sup>2</sup>
Retail	8 tenancies ranging in size between 27 m <sup>2</sup> and 336 m <sup>2</sup>
Landscaping	2,254 m <sup>2</sup> on the podium
Maisonette Apartments	9 x 2-bed
<b>East Tower</b>	
Height	84.5 m (RL 91.5)
Number of Storeys	22 (inclusive of one level of plant)
Serviced Apartments	110 x 1 Bedroom/1 Bedroom + Study Apartments 60 x 2 Bedroom Apartments <b>Total = 170</b>
<b>West Tower</b>	
Height	117.6 m (RL 125.6)
Number of Storeys	33 (inclusive of two levels of plant)
Residential Apartments	31 x 1 Bedroom/1 Bedroom + Study Apartments 164 x 2 Bedroom Apartments 16 x 3 Bedroom Apartments <b>Total = 211 Apartments</b>
<b>Public Domain</b>	
Works within the Project Area	The application proposes the landscaping of a parcel of land adjacent to the northern boundary of the site and dedication to Council free of cost.

## 2.2 Project Need and Justification

The *Metropolitan Plan for Sydney 2036* seeks to plan for Sydney's growth. It divides Sydney into 10 subregions, with subregional plans prepared to identify employment and housing targets for each region. The subject site is located within the Central West Subregion (CWS). The *Sydney Central West Subregional Strategy* sets a target of 21,000 new dwellings and 26,000 new jobs within the Parramatta local government area by 2031. The proposed residential apartments, serviced apartments and retail floor space will assist in meeting these targets.

## 3. STATUTORY CONTEXT

### 3.1 Major Project

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A to the Act, continues to apply to transitional Part 3A projects. DGRs were issued in respect of MP10\_0171 prior to 1 October 2011, therefore the project is a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J of the EP&A Act.

### 3.2 Permissibility

The subject site is zoned 'B4 Mixed Use' within the PCC LEP. The objective of the zone is to support the higher order 'Commercial Core Zone' while providing for the daily commercial needs of the locality. Commercial, retail, tourism and residential developments are permissible subject to development consent. Given the above, the project is permissible subject to approval.

### 3.3 Environmental Planning Instruments

Under sections 75l(2)(d) and 75l(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project. The SEPPs and relevant EPIs that would apply to the site, except for the application of Part 3A include:

- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- PCC LEP

The department's consideration of the relevant SEPPs and EPIs is provided in **Appendix D**.

### 3.4 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- " (a) to encourage:
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
  - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
  - (iii) *the protection, provision and co-ordination of communication and utility services,*
  - (iv) *the provision of land for public purposes,*
  - (v) *the provision and co-ordination of community services and facilities, and*
  - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
  - (vii) *ecologically sustainable development, and*
  - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment".*

As the project will promote the orderly and economic development of land and will provide land for public purposes, the department considers that the project is consistent with the relevant objects of the EP&A Act.

### 3.5 Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- "(a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms".*

The department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

#### Precautionary Principle

The EA and PPR identified and assessed the environmental impacts associated with the project. Furthermore, the department considers that the proponent's Statement of Commitments and the recommended conditions of approval will manage the potential environmental impacts associated with the construction and operation of the project.

#### Inter-Generational Principle

The project will provide high density housing within close proximity to existing transport and infrastructure. Furthermore, the project has been designed in accordance with solar passive design principles to reduce the reliance on fossil fuels to heat and cool the building.

#### Biodiversity Principle

The project will not disturb any significant flora or fauna.

#### Valuation Principle

The cost of infrastructure and measures to ensure an appropriate level of environmental performance have been incorporated into the cost of development on the site.

The proponent has addressed in detail ESD principles as they relate to the project development and the DGRs. The proposed buildings will incorporate such principles in the design, construction and ongoing operation phases of the development. The department has fully considered the objects of the Act, including the encouragement of ESD in its assessment of the application. On the basis of this assessment, the department is satisfied that the proposal encourages ESD, in accordance with the objects of the Act.

### **3.6 Heritage**

The site is listed as a Heritage Item within Schedule 1 of the PCC LEP. In addition, the Lennox Street Bridge immediately adjacent to the northern boundary of the site is listed as an Item on the New South Wales (NSW) State Heritage Register.

The site is also located within 600 m of Old Government House and The Domain (OGH and the Domain) which is listed on the national and world heritage list. Given the above, the proponent referred the application to the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities (SEWPAC) to determine whether the project requires assessment against the provisions of the *Environmental Protection and Biodiversity Conservation Act (1999)* (EPBC Act).

On 21 May 2012, the Commonwealth Minister for SEWPAC determined that the project would not have a significant impact on the national or world heritage values of OGH and the Domain. Given the above, the Minister determined that the project would not constitute a 'controlled action' and therefore assessment under the provisions of the EPBC Act is not required. The department considers the development will not have a detrimental impact on the world heritage values of OGH and the Domain.

The department's assessment of the heritage issues associated with the application is provided in section 5.6 of this report.

### **3.7 Statement of Compliance**

In accordance with section 75I of the EP&A Act, the department is satisfied that the Director-General's environmental assessment requirements have been complied with. However, as of 24 August 2012, section 75I(2)(g) of the EP&A Act does not apply to, or in respect of, transitional Part 3A projects.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1 Exhibition**

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the department publicly exhibited it from 17 August 2011 until 7 October 2011 (52 days) on the

department's website and at the department's Bridge Street office and at the Parramatta City Council's offices.

The department also advertised the public exhibition in the Sydney Morning Herald and the Parramatta Advertiser on 17 August 2011 and 7 September 2011. In addition, the department notified landholders, local community groups and relevant State and local government authorities in writing.

## 4.2 Public Authority Submissions

Eight submissions were received from public authorities. No agencies objected to the application, however, each agency identified issues that require resolution prior to the determination of the project. A summary of agency comments is provided below.

### Parramatta City Council (Council)

Council raised no objection to the application, however it provided the following comments:

#### Design Issues

- The project would exceed the winning design competition scheme by 14 m, however the Council advised that the height of the buildings is not unacceptable.
- The podium exceeds the 12 m street frontage height control contained in the *Parramatta City Centre Development Control Plan 2007* (PCC DCP).
- In order to offset the impacts of the variation to the height control, the proponent should provide additional public benefits via a voluntary planning agreement.
- The proponent has not justified the proposed reduction to the minimum three hour solar access requirements for residential flat buildings.
- The application is inconsistent with the finished floor levels identified in the Riverbank Site Controls (RL 6.5 recommended, up to RL 8.9 proposed). The variations proposed to the Riverbank Controls would create an inappropriate transition between the site, the foreshore and the public square proposed to the east of the site, and may result in the development not achieving disabled access.
- The proponent should provide a public domain plan to demonstrate that the development will provide appropriate access between Church Street, the river foreshore and the public square proposed on the eastern boundary of the site.
- The proponent should redesign the southern elevation to incorporate appropriate uses that would activate Lane No. 11. In addition, site access should be provided via the shared basement access in Lane No. 11.

#### Flooding and Stormwater Management

- The proponent should provide a detailed flood impact study demonstrating the pre and post-development flooding regime. The study should also incorporate flood management measures.
- On-site stormwater detention is required to ensure the development will not add additional load to Parramatta River and increase the 1:100 year flood level downstream of the site.

#### Car Parking

- Stacked car parking spaces should not be used by multiple building tenants or building occupants. To manage this issue a condition should be imposed to allocate stacked parking spaces to specific tenants.
- The disabled/adaptable parking spaces within basement levels 2 to 4 do not comply with AS 2890.6-2009.

#### Heritage

- The subject site is listed as a Heritage Item in the PCC LEP. Significant heritage fabric should be retained in-situ where possible.

#### Drawing Errors/Further Information

- There are a number of drawing errors that impact on the project's ability to comply with SEPP 65.
- Materials and finishes should be annotated on all elevation plans.
- Existing and proposed finished floor levels should be marked on the ground floor plans.
- All plans should include figures and dimensions.

Council also recommended the imposition of standard conditions to mitigate and manage the construction and operational impacts of the project.

The department reviewed the Council's comments and considered that:

- The project is consistent with the height of the buildings endorsed by the design competition jury (120 m approved, 117.8 m proposed).
- The proposed variation to the podium height is acceptable on the basis that the podium has been designed to integrate with the scale of the existing development along Church Street.
- The department agrees that the project should incorporate a package of works to offset the proposed variations to the height and floor space controls applicable to the site. The department has requested that the proponent provide a letter of offer that outlines a package of works that will form the basis of a future Voluntary Planning Agreement between the proponent and the Council.
- The use of the two hour solar access criterion is consistent with the requirements of the Residential Flat Design Code (RFDC), which permits the use of the two hour solar access criterion in CBD locations.
- The finished floor levels have been set to ensure an appropriate freeboard from the 1 in 100 year and probable maximum flood levels. The department considers the finished floor levels provide an appropriate response to the flooding constraints of the site. Furthermore, the department notes that the Access Review prepared by Morris-Goding Accessibility Consultants concludes that all entry points to the site have a continuous path of travel and comply with the requirements of *AS1428.1: 2009: Design for access and mobility - General requirements for access - New building work* and the DDA Premises Standards.
- The department agrees that the proponent should demonstrate that the southern elevation adjacent to the proposed laneway can be converted to active floor space in the future. The department requested that the proponent address this issue in its PPR.
- The department notes the Council's concerns with the content of the proponent's Flooding and Stormwater Management Report and requested that the proponent address these issues in its PPR.
- The department notes that the site is identified as a Heritage Item in the PCC LEP and that the proponent's Statement of Heritage Impact (SHI) does not consider the possibility of adaptive re-use of existing heritage fabric. The department requested that the proponent address this issue in its PPR (see comments in section 4.4 below).
- As there are a number of drawing errors and non-compliances with AS 2890.6-2009 and the RFDC, the department requested that the proponent address these issues in its PPR.

In addition, the department considers the conditions of approval recommended by the Council are generally fair and reasonable, and where relevant has included them in the Instrument of Approval.

#### **Transport for NSW (TNSW)**

TNSW raised no objection to the application, however requested that the proponent:

- Identify the quantum and location of on-site bicycle parking and end of trip facilities, and explain how the site will connect to the surrounding cycle network.
- Prepare a Transport Access Guide for future building occupants prior to the issue of an Occupation Certificate.
- Consider allowing shared spaces for residents and visitors.

Issues associated with the provision of bicycle parking facilities have been addressed in the proponent's PPR. In addition, the department has recommended the imposition of a condition requiring the proponent to prepare a Transport Access Guide prior to the issue of the first Occupation Certificate.

#### **Sydney Transport Authority (STA)**

The STA raised concern that the project will not provide sufficient car parking to cater for the development.

The department has assessed the application against the requirements of the PCC LEP and has concluded that the application will provide an appropriate amount of car parking which is consistent with the car parking maxima outlined in the PCC LEP.

### **Roads and Traffic Authority (RTA), now Roads and Maritime Services (RMS)**

The RTA raised no objection to the application, however it requested that the proponent amend the application to:

- Provide a minimum of two loading docks to service the proposed development.
- Remove the car stackers proposed to service the residential and serviced apartment components of the development.
- Identify all bicycle parking spaces and end of trip facilities.

In addition, the RTA recommended a number of standard conditions relating to the design and use of the car park. The department has included these conditions in the Instrument of Approval. Issues associated with loading facilities and the use of stacked car parking spaces have been addressed in the proponent's PPR. These issues are discussed in greater detail in section 4.4 of this report.

### **Sydney Water**

Sydney Water raised no objection to the application, however it advised that:

- The 150 mm drinking water main adjacent to the site needs to be upgraded to a 200 mm main to accommodate the proposed development.
- Due to the location of the existing waste water main, a deviation may be required to service the development.
- A wastewater extension is required to provide an appropriate connection to the site.
- The developer is required to apply for a Section 73 Certificate.

The department has recommended conditions of approval to address Sydney Water's issues.

### **Office of Environment and Heritage (OEH)**

The OEH raised no objection to the application, however it advised that a small portion of the site has potential to contain significant Aboriginal objects. In order to ensure potential archaeological deposits are identified and conserved, the OEH requested the imposition of a condition requiring the proponent undertake test excavations.

The department has reviewed the proponent's Aboriginal and Historical Preliminary Archaeological Impact Assessment and has concluded that the proposed works are located within Parramatta Archaeological Management Unit (AMU) 2950. This AMU has been identified as having no archaeological significance in the *Parramatta Historical Archaeology Landscape Study 2000*. Notwithstanding the above, the south-eastern portion of the site (Lot 101 in DP 1031459) is located within AMU 3083. This AMU is of local significance and has exceptional archaeological research potential.

In order to ensure the proposed works will not adversely impact on any archaeological relics, the department has recommended the imposition of conditions requiring the proponent to:

- Undertake a professional archaeological investigation program to allow significant relics to be identified.
- Prepare and implement an Interpretation Strategy prior to the commencement of works, if relics are identified during test excavations.
- Provide an Archaeological Report to the Council and the OEH prior to the commencement of works.

### **Heritage Branch, OEH**

The Heritage Branch of the OEH did not object to the application, however it raised the following concerns:

- The application is within close proximity to OGH and the Domain and may require assessment under the provisions of the EPBC Act.
- The Aboriginal and Historical Preliminary Archaeological Impact Assessment does not include an assessment of Aboriginal and non-indigenous archaeological resources, as required by the DGRs.
- The proponent should explore the possibility of retaining elements of the former David Jones building for incorporation into the proposed development. In the event that this is not possible, an interpretation strategy should be prepared and implemented by the proponent.
- The site is adjacent to the Lennox Bridge which is listed as a Heritage Item of the State Heritage Register. The Statement of Heritage Impact (SHI) should be revised to include discussion of the visual setting of the bridge and its approaches, and should examine opportunities for interpreting the site's proximity to the bridge.

The department reviewed the comments provided by the Heritage Branch and considered that:

- Based on the Minister for SEWPAC's consideration of the project, it does not require assessment under the EPBC Act.
- The Aboriginal and Historical Preliminary Archaeological Impact Assessment provides sufficient information to determine the likelihood of encountering Aboriginal and European relics during construction works. Furthermore, these impacts can be managed through the imposition of appropriate conditions.
- The proponent should address the retention of significant fabric associated with the former David Jones building and interpretation of the site's proximity to the Lennox Bridge in its PPR.

#### **Parramatta Parkland Trust**

The Parramatta Parkland Trust advised that the project may impact on the world heritage values of OGH and the Domain. The Trust has requested that the proponent update its SHI and Visual Impact Assessment to identify the impact of the project on the world heritage values of OGH and the Domain. In addition, the Trust requested that the proponent refer the application to the Commonwealth Minister for SEWPAC to determine whether it requires assessment under the provisions of the EPBC Act.

As previously discussed, the proponent's referral was assessed by the Minister for SEWPAC, who determined that the project would not have a significant impact on the world heritage values of OGH and the Domain, and as such formal assessment under the provisions of the EPBC Act is not required.

#### **Endeavour Energy**

Endeavour Energy raised no objection to the application. However, it advised that the development will result in a substantial increase to the existing electrical load accommodated on site, and the developer will need to liaise with Endeavour Energy prior to the determination of the application to ensure the development includes appropriate infrastructure upgrades.

### **4.3 Public Submissions**

The department received 14 public submissions, including four submissions from special interest groups during the exhibition period. Of these submissions, one submission supported the project, five objected, and eight raised concerns. The key issues raised in public submissions related to:

- Adverse heritage and urban design impacts associated with the height of the building.
- Potential impacts on archaeological objects.
- Potential overshadowing impacts at adjoining commercial premises.
- The inappropriate application of the two-hour solar access criterion of the Residential Flat Design Code.
- Potential wind impacts.
- Potential traffic and car parking impacts (construction and operational).
- Potential construction impacts (noise, vibration, structural integrity of adjoining buildings, and impacts on public infrastructure).
- The allocation and use of section 94A development contributions to acquire the adjoining land parcel south of the site.

A full summary of the submissions is provided at **Appendix E**.

The department reviewed the public submissions and concluded that:

- The height of the project is appropriate given the site's gateway location and there would be no adverse amenity impacts associated with the proposed variation to the height controls. Further, the department notes that the height of the building is consistent with the winning design endorsed by the department under the design competition.
- The application acknowledges the potential for archaeological relics to occur on the site and the department has recommended the imposition of conditions to manage the conservation of archaeological relics prior to construction commencing.
- There are no minimum solar access requirements for commercial buildings. As such elevational shadow diagrams for 32 Phillip Street are not necessary.
- The use of the two-hour solar access criterion of the RFDC is appropriate given the site's CBD location.

- The project complies with the car parking requirements of the PCC LEP, and subject to the imposition of appropriate conditions, the department considers that the project would not create any adverse traffic impacts during the construction or operational phases of the development.
- The department has recommended the imposition of appropriate conditions to manage potential structural, water, traffic and amenity impacts during the construction phase of the project.
- The use of section 94A contributions to purchase land identified for a public purpose is at the discretion of Council. As such it is not appropriate for the department to require the acquisition of the adjoining land parcel as a condition of project approval.

#### **4.4 Proponent's Preferred Project Report**

The proponent provided a PPR for the project on 9 July 2012, which included a response to submissions. The PPR included the following additional information and design revisions:

- An amended landscape plan for the land between the colonnade and the foreshore of the Parramatta River.
- The addition of a kitchen to serviced apartment type A17.
- Revisions to the basement car park layout to incorporate compliant disabled car parking spaces and allocation of car bays for specific uses.
- Revised shadow diagrams.
- A schedule of materials and finishes and incorporation of all BASIX commitments in the plans and elevations.
- Identification of existing and proposed RLs on the ground floor plane and provision of key building dimensions.
- Provision of diagrams identifying how the southern laneway could be activated in the future.
- Details of the Church Street awning.

In addition, the PPR included:

- Advice from Transport and Traffic Planning Associates to address the issues raised by RMS.
- A letter from Endeavour Energy confirming the upgrades required to the existing electrical infrastructure on site.
- A supplementary Statement of Heritage Impact that assesses the impact of demolishing the former David Jones Building, options for retaining heritage fabric in-situ, and the potential impacts of the project on surrounding heritage items (including OGH and the Domain and Lennox Bridge).
- A revised Flooding and Stormwater Management Report.

It should be noted that department advised the proponent that the PPR was deficient on the basis that it was negotiating revisions to the Flooding and Stormwater Management Report to address concerns raised by the Council's independent flooding and stormwater expert (Bewsher Consulting). The final version of the Flooding and Stormwater Management Report was lodged with the department on 27 September 2012, and a supplementary Flood Emergency Response Assessment Report was provided on 9 October 2012.

The department notified the PPR to all agencies and individuals/groups that made a submission on the project between 11 July 2012 and 26 July 2012. The department received comments on the PPR from the Council, RMS and the Parramatta Parkland Trust. In addition, the department received three submissions from members of the general public and special interest groups. These submissions are summarised below.

#### **Council**

Raised no objection to the PPR, however it advised that it holds the following residual concerns:

- The department should confirm that the height of the building is consistent with the height supported under the design competition.
- All outstanding flooding and stormwater management issues raised by the Council's independent expert should be resolved by the department prior to determination.
- Conditions should be imposed to require the proponent to:
  - design and construct external shading devices on the eastern and western elevations of the building
  - activate the ground floor level of the southern elevation upon construction on the adjacent laneway
  - prepare a public domain plan prior to the commencement of above ground works

- dedicate the land adjacent to the southern foreshore of the Parramatta River to the Council free of cost. In addition, the proponent should be required to embellish the foreshore retaining wall and turf the northern setback following completion of the building.

The department has reviewed the Council's comments and considers that:

- The height of the towers is consistent with the height endorsed under the design competition.
- It would be beneficial to engage an independent peer reviewer to advise the department whether the revisions to the Flood and Stormwater Management Plan and the provisions of the Flood Emergency Response Assessment Report address the Council's concerns. This issue is discussed in greater detail in Section 5.3 of this report.
- Conditions should be imposed to require the proponent to design and construct shading devices on the eastern and western elevations of the project, prepare a public domain plan, and enter into a VPA with the Council ensure appropriate public domain upgrades occur.
- It is not appropriate to impose a condition requiring the activation of the southern façade on the basis that there are currently no arrangements in place for the construction of the laneway on the southern boundary of the site. Notwithstanding, the department considers that there may be an opportunity to require these works to be undertaken when the Council assesses the application for the fit-out of the ground floor retail area.

### **RMS**

RMS advised that the PPR addresses the issues previously raised by the RTA (now RMS). Furthermore, the RMS did not raise any objection to the use of car stackers subject to each stacker being allocated to a specific tenant.

The department notes that the basement car park plans have been revised to specify that all stacked spaces can not be used by multiple building owners or tenants.

### **General Public/Special Interest Groups**

The submissions provided by members of the general public and special interest groups reiterated the following concerns:

- The appropriateness of the height of the western tower.
- The appropriateness of demolishing the former David Jones building.
- The appropriateness of permitting a cycle tunnel under Lennox Bridge.
- The design quality of the eastern elevation in terms of its relationship with the future civic square proposed by the Council.
- The impact of the project on the world heritage values of OGH and the Domain.

As previously discussed, the department supports the proposed variation to the height of the western tower. Further, the department considers that demolition of the existing building is warranted on the basis that:

- It is necessary to facilitate the construction of a building in accordance with the design endorsed under the design competition.
- The proponent's SHI concludes that the building retains little value due to significant modifications subsequent to its listing as a heritage item.

In terms of the residual issues raised in relation to heritage conservation and the design of the eastern elevation, the department has concluded that:

- A cycle tunnel through the abutment of Lennox Bridge does not form part of the project application.
- Based on the Minister for SEWPAC's assessment of the project, it will not result in any significant impacts on OGH and the Domain.
- The eastern elevation is comprised of active uses that will integrate with the civic square proposed adjacent to the eastern boundary of the site.

## 5. ASSESSMENT

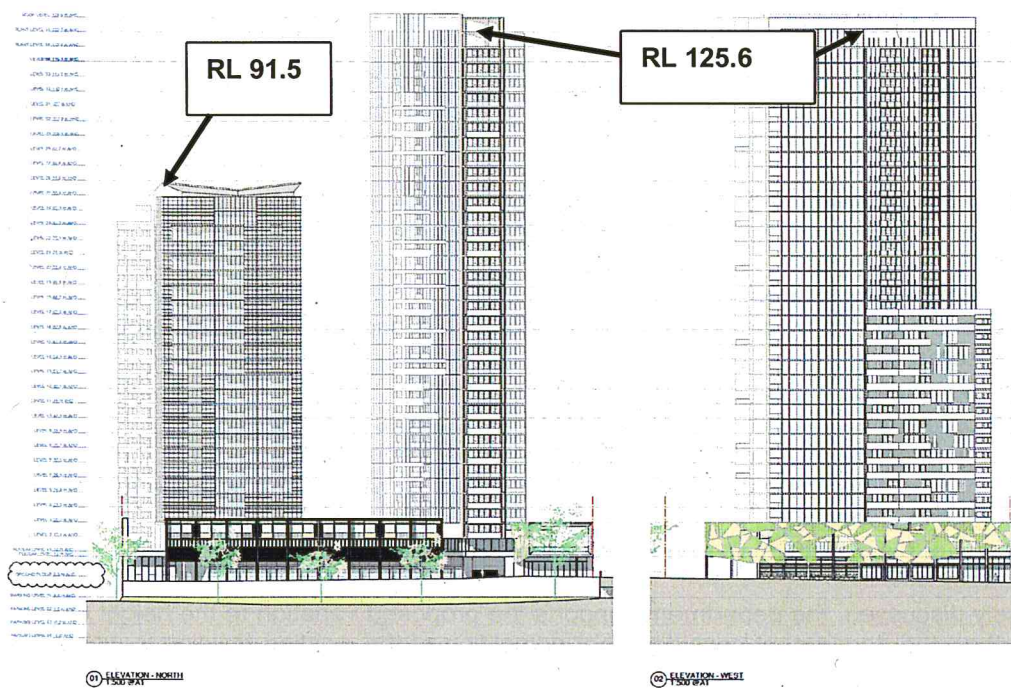
The department considers the key environmental issues for the project to be:

- Height, Bulk and Scale
- Residential Amenity (SEPP 65 requirements, overshadowing, wind, views, noise, reflectivity)
- Traffic and Transport
- Flooding
- Contamination and Remediation
- Heritage
- Developer Contributions

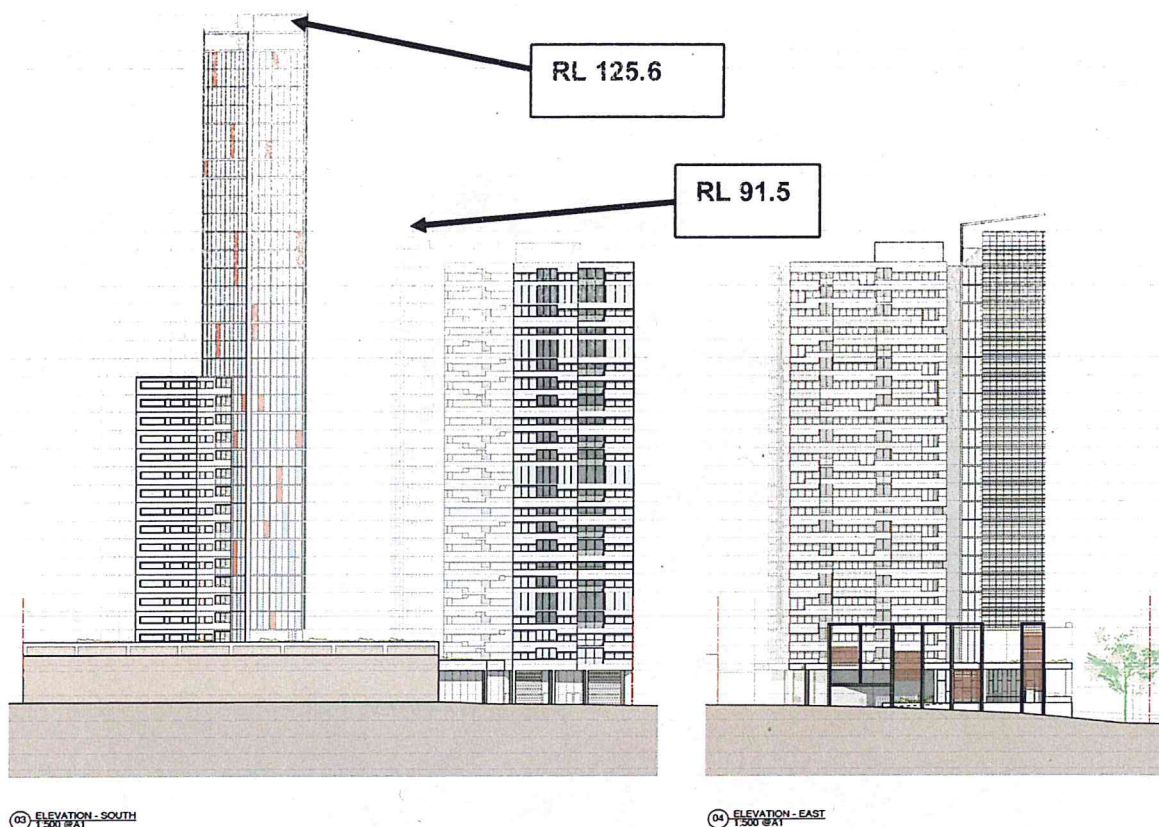
### 5.1 Height, Bulk and Scale

#### 5.1.1 Height and Floor Space Ratio Controls

The PCC LEP sets a height limit of 80 m and maximum floor space ratio (FSR) of 6:1 for the site. The eastern tower has a maximum height of 84.5 m (RL 91.5) and the western tower has a maximum height of 117.6 m (RL 125.6) (see **Figures 5 and 6**). The FSR of the project is 6.52:1.



**Figure 5: Northern and Western Elevations**



**Figure 6: Southern and Eastern Elevations**

In this regard, the eastern tower requires a 5.3 per cent variation (11.5 m) to the height control and the western tower requires a 46.9 per cent variation (45.6 m). Furthermore, the project requires an 8.6 per cent variation to the maximum FSR permissible on the site. **Table 2** below provides a summary of compliance with the height and FSR controls applicable to the site.

**Table 2: PCC LEP Height and Floor Space Ratio Controls**

Control	Permitted	Proposed		% Variation	
Height	80 m	Eastern Tower	84.5 m	Eastern Tower	5.3%
		Western Tower	117.6 m	Western Tower	46.9%
FSR	6:1	6.52:1		8.66 %	

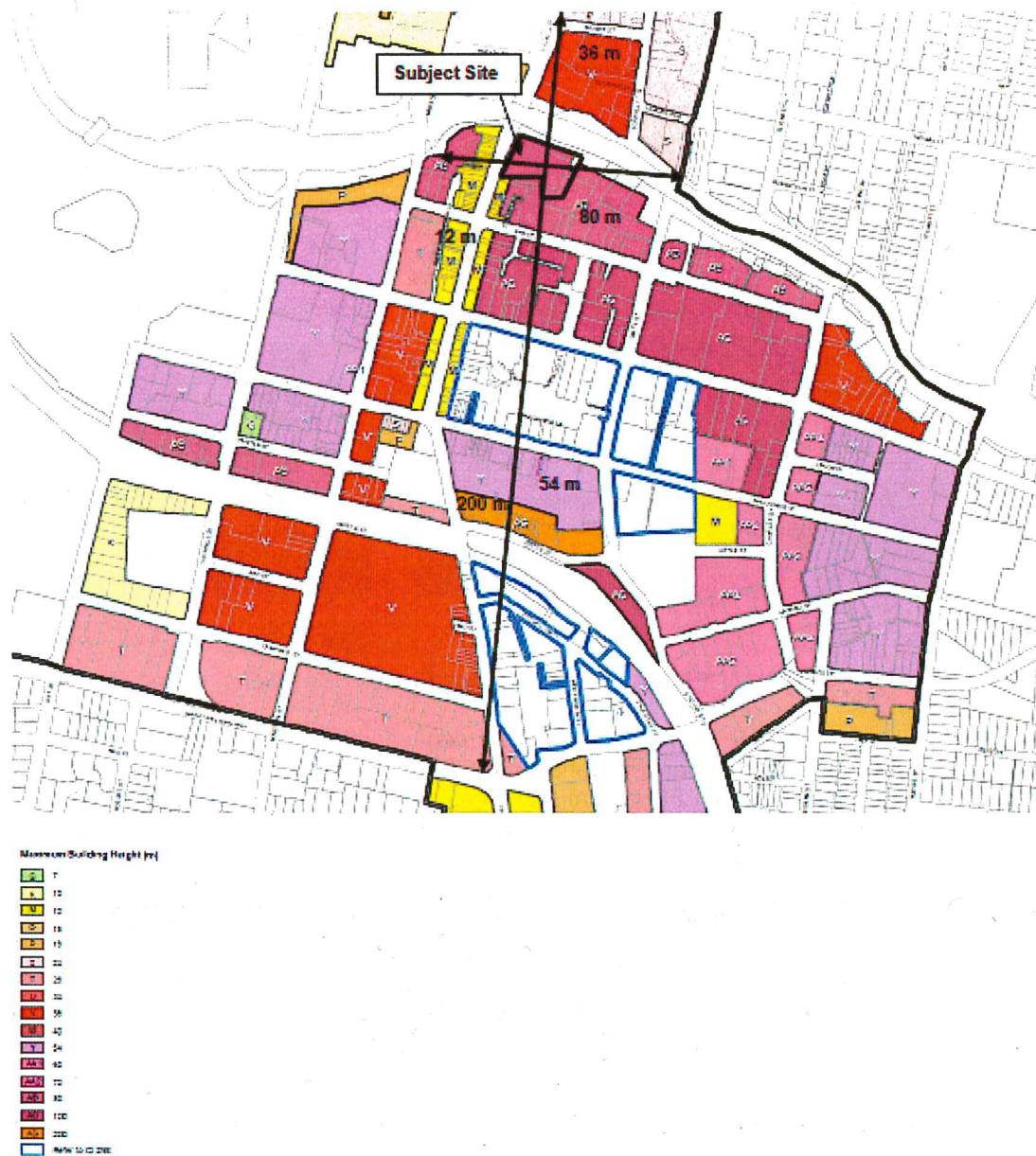
Clause 22B of the PCC LEP permits a 10 per cent variation to the height or FSR maxima provided that:

- The building exhibits design excellence.
- The design of the building has been informed by a design competition.
- The Director-General has provided his concurrence to the application.

As previously discussed, the project is based on the results of a design competition endorsed by the Director-General, and as such the department considers that the proposed building exhibits design excellence. Notwithstanding, the department notes that the application exceeds the 10 per cent variation to the height control permitted under the PCC LEP. As such, the department has undertaken a merit based assessment of the amenity impacts (visual, overshadowing, wind, reflectivity and noise) of the additional height on the western tower to determine whether the project would result in any unacceptable impacts (see section 5.2).

In addition, the department has reviewed the proponent's Height Study and SEPP 65 Design Quality Principles Verification and Report (design verification report) to determine whether the project would result in any unacceptable urban design outcomes. In this regard, the study identifies that existing development within the vicinity of the site is characterised by buildings between three and 22-storeys. Furthermore, it confirms that the future character of the area, as identified in the PCC LEP, is intended

to comprise buildings ranging in height between 36 and 200 m (approximately 12 to 66 storeys) on a north-south axis, and 12 and 80 m (approximately 4 to 27 storeys) on an east-west axis (see Figure 7 below).



**Figure 7: Height of Surrounding Buildings as per the PCC LEP**

Whilst the height of the western tower is significantly higher than that permitted under the PCC LEP, the department considers that the site's location at the northern gateway of the CBD provides a unique opportunity to provide a landmark development. Furthermore, the department considers that the design verification report supports this conclusion, with the report demonstrating that the application will provide an appropriate built form that responds to the desired future character of the area, the site's proximity to the water, the fine grain character of Church Street, and the civic place proposed on the David Fraser Car Park site.

Given that the design of the building is consistent with the results of the design competition, including the endorsed height, responds to the local context, and will not cause any adverse shadowing, wind or privacy impacts, the department supports the proposed variation to the height control.

## 5.2 Amenity

### 5.2.1 Visual Impact

The application is supported by a Visual Impacts Assessment (VIA) prepared by Urbis. The VIA provides:

- A description of the visual character of the catchment surrounding the site.
- An overview of the visual objectives of the current planning controls.
- An analysis of the impacts of the project on key vantage points within the public domain.

A location plan identifying key vantage points surrounding the site is provided in **Figure 8** below.



**Figure 8: Key Vantage Points**

Based on the future character of the area, as identified in the PCC LEP, the VIA concludes that:

- Visual sensitivity occurs within a one kilometre radius of the site. Beyond this the site is viewed as part of the skyline of the Parramatta CBD.
- The proposed development would have a low visual impact from key vantage points within the visual catchment given that the development will be read in the context of other CBD buildings, with tower forms within the midground and/or backdrop.
- The number of residences within the visual catchment is low, therefore the impact of the proposal on private views would be minimal.

The department notes that a number of submissions raised concern with the height of the proposed building in terms of it being inconsistent with the character of the area, and its potential to have an adverse impact on surrounding heritage items, including OGH and the Domain. Whilst the department acknowledges that the project would be visible from a number of residential premises north of the river and at view points 1 to 7 within the public domain, the department considers that the impact on these views will not be significant for the following reasons:

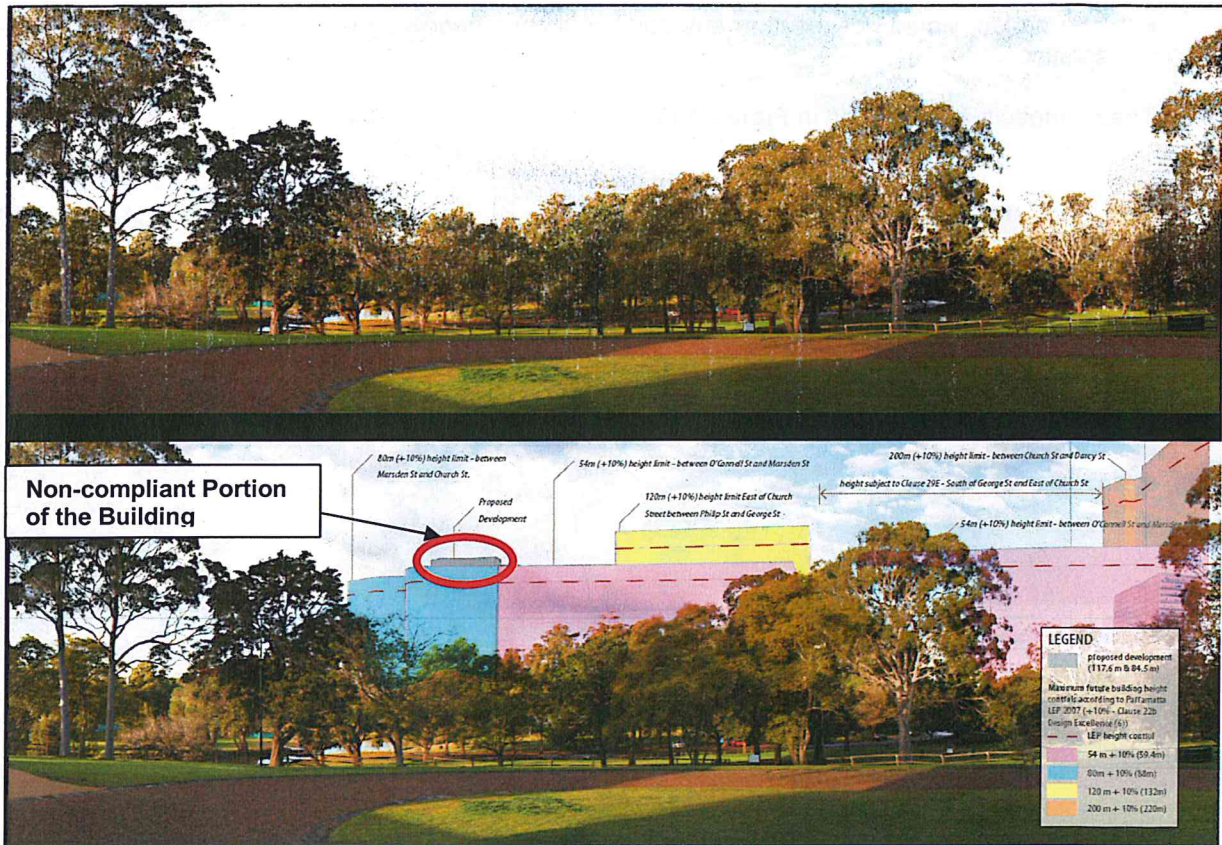
- Whilst the development would be visible from the front of Government House and within the grounds of The Domain, it would not have an overbearing impact given that it is setback a significant distance (500 m) from the eastern boundary of the Domain (see **Figure 9**).
- As the PCC LEP permits developments of up to 80 m in height on the block immediately east of the site fronting Marsden Street, the non-compliant portion of the building would not be discernable once this street block is redeveloped (see **Figure 10**).

- Views to the site from within the public domain north of the river (points 3 and 6) would be read in the context of the CBD skyline, which includes tower forms ranging in height between 80 m and 200 m. As such the department considers that the additional height proposed on the western tower would not be readily discernible in this context.
- Views to the site from residential premises north of the river would be read in the context of the CBD skyline, which includes tower forms ranging in height between 80 m and 200 m. As such the department considers that the additional height proposed on the western tower would not be readily discernible in this context.
- The site would be visible from the eastern and western vantage points (points 4 and 5). Notwithstanding, the department considers that the site will be viewed in the context of tower forms up to 88 m in height, and as such the additional height would not be discernable in this context.

Given the above, the department considers that the visual impacts of the project are acceptable.



**Figure 9:** Subject Site as Viewed from the Entrance of Old Government House.



**Figure 10:** Comparison of Compliant Building Envelopes<sup>1</sup> and the Non-Compliant Portion of the Building Project.

**Note** <sup>1</sup>: The photomontage depicts both compliant building envelopes (dashed red line) and the maximum theoretical envelope if a 10 per cent height variation is applied.

### 5.2.2 State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)

SEPP 65 applies to all applications for residential flat buildings within NSW. The policy aims to improve the quality of residential flat buildings by requiring all new applications to respond to the 10 design quality principles outlined in Part 2 of the SEPP. In addition, clause 30(2)(c) of the SEPP requires consent authorities to take into consideration compliance with the ‘rules of thumb’ of the RFDC.

The proponent has provided a Design Verification Statement, prepared by Tony Caro Architecture which evaluates the design quality of the building against the principles of the SEPP. In addition, Annexure 9 of the PPR assesses the application against the rules of thumb outlined in the RFDC.

The department has assessed the Design Verification Statement and is satisfied that the application complies with the design principles of the SEPP. In addition, the department is satisfied that whilst the application proposes variations to the building setback rules of thumb, these variations are minor in nature and will not affect the amenity of the affected apartments due to the incorporation of appropriate screening treatments (offsetting of windows and screen planting). Furthermore, the department is satisfied that the application fully complies with the residual rules of thumb outlined in the RFDC. A full assessment of the application against the provisions of SEPP 65 and the RFDC is provided in **Appendix D**.

### 5.2.3 Overshadowing

The proposed development is orientated north-south and would result in additional overshadowing during the winter solstice. The department has reviewed the overshadowing impacts of the project and notes the following:

- The project would result in a minor increase in the extent of overshadowing within Church Street.
- The project would result in increased overshadowing which would extend over the roof tops of existing commercial buildings and car parks to the south-west, south and south-east of the site between 9 am and 3 pm at the winter solstice.

- The project would not result in any additional overshadowing of the foreshore area at the winter solstice.

These impacts are depicted in **Figure 11** below.



**Figure 11: Shadows at Winter Solstice**

**Note<sup>1</sup>:** The yellow shading depicts the difference between a building envelope that complies with the LEP height control and the blue shading depicts the extent of overshadowing generated by the non-compliant portion of the building envelope.

The department considers that the shadowing impacts of the development are acceptable given that no shadows will fall on areas of public or private open space associated with existing residential developments at the winter solstice.

#### 5.2.4 Wind Impacts

The EA includes a Wind Effects Study (WES) prepared by Windtech. The study modelled wind speeds at critical outdoor locations within a 375 m radius of the centre of the site, using a 1:300 scale model of the project to determine potential impacts on pedestrian safety and amenity. Test points identified in the study are depicted in **Figure 12** overleaf.

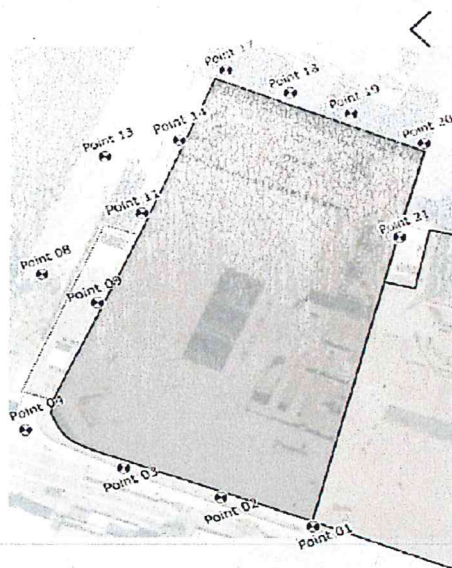


Figure 6a: Study Point Locations  
(Ground Level Areas for the Existing Site)

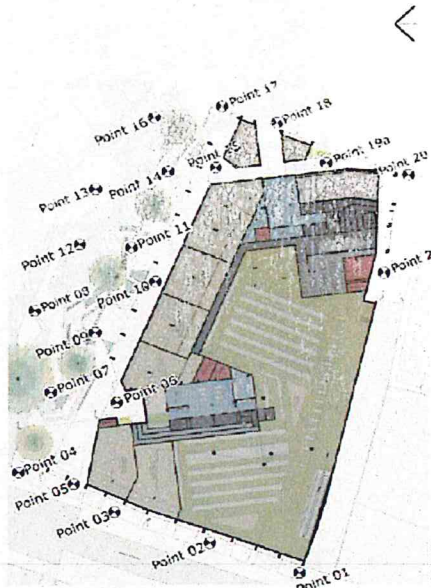


Figure 6b: Study Point Locations  
(Ground Level Areas for the Proposed Development Site)

Figure 12: Ground Level Test Point

Testing found that wind speeds within and surrounding the proposed development would comply with a comfort criterion of 16 m/s at 15 of the 41 test points without the need for ameliorative treatments. However, mitigation measures are required to ensure compliance with this criterion at the residual test points.

The department has reviewed the WES and notes that it applies the uppermost comfort criterion specified in the PCC DCP. The department considers that the use of the 16 m/s criterion at all locations surrounding the site is inappropriate given that the PCC DCP specifies a range of comfort criteria depending on the length of pedestrian exposure. In this regard, the PCC DCP recommends the application of a comfort criterion of 10 m/s in retail streets, 13 m/s along major pedestrian streets, parks and public places and 16 m/s in all other locations. On this basis, the department considers that

- The 10 m/s criterion should be applied along Church St and the areas within the colonnade to ensure that these areas are suitable for use as outdoor dining areas.
- The 13 m/s criterion should be applied within the riverbank foreshore area.
- The 16 m/s criterion should be applied at all other locations.

The department has recommended conditions of approval to ensure that the application complies with the criteria recommended above. Furthermore, in order to ensure the wind mitigation structures will not create an undesirable urban design outcome, the department has recommended the imposition of conditions requiring:

- The proponent to provide the Director-General with a revised report within three months of the date of the project approval identifying all wind mitigation measures required to ensure compliance with the criteria nominated above.
- Provide the Director-General with the design specifications of the wind mitigation measures within three months of the project approval being issued.

### 5.2.5 Reflectivity

The EA includes a Solar Light Reflectivity Analysis, prepared by Windtech. The report assessed the impact of solar reflections off the proposed building on traffic, pedestrians and the occupants of surrounding buildings. The analysis was undertaken in accordance with the Hassall methodology, which is considered the current best practice industry standard in the absence of an applicable Australian Standard. All observer viewing points are identified in **Figure 13** overleaf.



Figure 13: Observer Viewing Points

The analysis included modelling of solar reflections in a 3D environment to determine the project's potential to generate 'disability' glare for drivers, and 'discomfort' glare for pedestrians and occupants of surrounding buildings. It is important to note that, 'glare' is measured by determining the extent of veiling luminance, which is expressed in candela per metre square ( $\text{Cd/m}^2$ ). Where veiling luminance exceeds  $500 \text{ Cd/m}^2$  it has the potential to cause 'disability glare' and may impact on the ability of an observer to perform visual tasks without taking evasive action. Where luminance exceeds  $500 \text{ Cd/m}^2$  within a roadway, it is important to assess whether solar reflections will cause disability glare, given its potential to cause road accidents.

The analysis concluded that:

- There would be no adverse glare impacts for drivers or pedestrians at view points 1 to 7 and 9 to 14 as views to the proposed development would either be outside the zone of sensitive vision, or would be blocked by existing buildings and trees.
- View points 8 and 15 are within the zone of sensitive vision. As such solar reflections may impact on driver safety. In order to mitigate these impacts, the report recommends limiting the specular reflectivity of the glazing on levels 11 to 20 of the western aspect of the western tower to 11 percent, and glazing on the northern aspect of the north-western corner of the podium to 14 per cent.
- Providing that no glazing exceeds a specular reflectivity of 20 percent, there will be no adverse glare impacts for the occupants of the surrounding buildings.

In order to address the potential reflectivity impacts of the project, the department has recommended the imposition of a condition requiring the proponent to select glazing that would comply with the recommendations of the Solar Light Reflectivity Analysis.

### 5.2.6 Noise

The EA includes an Acoustic Assessment prepared by Acoustic Logic, which identifies noise criteria for the construction and operational phases of the development, as well as acoustic treatments for the residential and serviced apartments. These criteria are consistent with the OEH's *Interim Construction Noise Guideline*.

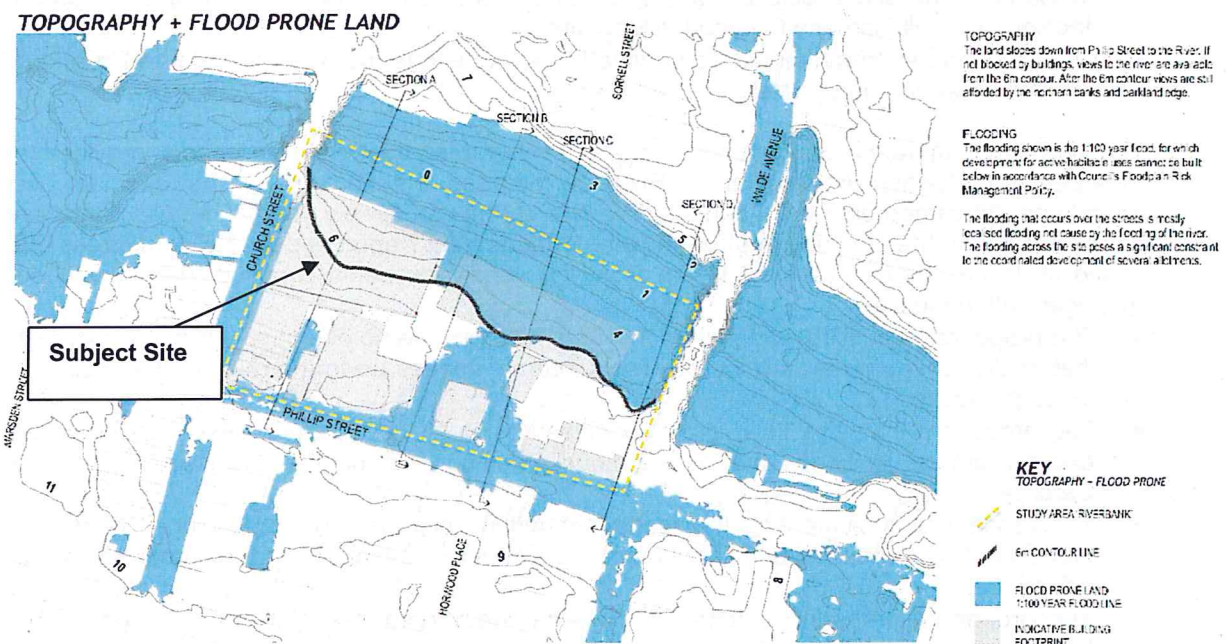
In order to ensure construction and operational noise is managed in accordance with the recommendations of the Acoustic Assessment, the department has recommended the imposition of conditions requiring the proponent to:

- Prepare a Construction Noise Management Plan that will ensure all construction noise complies with the criteria identified in the *Interim Construction Noise Guideline July 2009 (DECCW)*, prior to the issue of the first Construction Certificate.
- Ensure construction works are managed in accordance with the requirements of the Construction Noise Management Plan.
- Ensure all acoustic treatments identified in Appendix 1 and 2 of the Acoustic Assessment are incorporated in the Construction Certificate drawings, and installed prior to the issue of an Occupation Certificate.
- Ensure that any noise associated with the operation of any on-site plant and machinery will not exceed the background noise level beyond 5dB(A), when measured at the boundary of the site.

### 5.3 Flooding and Stormwater Management

Clause 33A of the PCC LEP seeks to maintain the existing flood regime, stream flow and conveyance capacity on a site to prevent adverse environmental and safety impacts. In order to achieve this, clause 33A requires applications to quantify the impact of a new development on the existing flood regime, the environment and public safety.

The proponent has provided a Flooding and Stormwater Management Report prepared by Mott Macdonald Hughes Trueman to satisfy the requirements of clause 33A of the PCC LEP. The report depicts the extent of the 1 in 100 year flood level within the site (see **Figure 14**) and assesses the impact of a 1 in 100 year ARI event on the proposed development and surrounding properties.



**Figure 14: Extent of Existing Flood Prone Land**

The report concludes that the proposed development would reduce the extent of the current building footprint by 17 per cent, which would enable the provision of additional water storage capacity on site (5,762 m<sup>3</sup>). This would also result in a minor reduction in stream velocity in the section of the Parramatta River adjacent to the site (3.5 m/s pre-development, 2.8 m/s post-development), however due to backwater impacts from the Smith Street Bridge downstream, the impact of this reduction is considered to be negligible.

In terms of public safety, the report concludes that the proposed development would achieve a minimum clearance of 1.48 m from the regional flood planning level (6.32m AHD) and a minimum clearance of 1.14 m from the local flood planning level (8.90 AHD). In addition, the report concludes that the proposed development would not alter existing overland flow paths or increase the risk of flooding at surrounding properties.

The department notes that the Council raised concern with the adequacy of the proponent's Flooding and Stormwater Management Report. In this regard, the Council requested that the proponent:

- Model the impact of the project on the 20 year, 100 year and PMF events.
- Identify how localised flooding in Church Street will be addressed by the development.
- Examine the flood risk issues associated with the project, with a focus on the impact of potential inundation of the basement car park.
- Prepare a detailed flood response plan in consultation with the SES prior to the determination of the project.
- Provide an on-site detention system in accordance with the requirements of the *Upper Parramatta River Catchment Trust On-site Stormwater Detention Handbook*.

The proponent prepared a revised Flooding and Stormwater Management Report to address the issues raised by the Council as part of its PPR. Following advice from the Council that the revised report did not address the issues outlined above, the department engaged an independent flood modelling specialists Evans and Peck to review the revised Flooding and Stormwater Management Report. In this regard, the peer review concluded that:

- The flood planning levels have been applied inconsistently across the site.
- The car park ramp level at the basement car park entrance is set too low and should be increased to 7.48 m. Evidence should also be provided that increasing the car park ramp level will not affect compliance with the relevant Australian Standards.
- The proponent should certify that there will be no openings within the building below the flood planning levels.
- The flood risk analysis is insufficient, and an assessment of the flood risk for all PMF levels surrounding the site should be provided. In addition, the analysis should quantify whether the development will increase the flood risk on site.
- An evacuation strategy should be provided to demonstrate that the any risks to life and property can be managed appropriately.

The proponent updated its Flooding and Stormwater Management Report and provided a Flood Emergency Response Assessment (FERA) to address the findings of the peer review. The department forwarded both documents to Evans and Peck for review. In this regard, Evans and Peck advised that both the Flooding and Stormwater Management Report and the FERA address the issues raised in its peer review, subject to the following conditions being imposed to ensure flood risk is managed within the site:

- The proponent providing evidence to the Certifier there are no openings within the external façade that could convey water into the building's internal spaces up to the relevant flood planning level for each façade.
- The proponent installing flood proofing measures to all building entrances that sit between the external ground level and the internal flood planning level prior to the issue of an Occupation Certificate.
- The proponent implementing the recommendations provided within Section 7 of the FERA, in particular the provision of a stair connection between the basement, ground floor and the first floor refuge area.
- The proponent preparing a formal flood emergency response plan prior to occupation of the building.

In order to ensure all flood management issues are addressed prior to occupation of the building, the department has included all of the conditions recommended by Evans and Peck in the instrument of approval.

## **5.4 Contamination, Remediation and Acid Sulphate Soils**

### **5.4.1 Contamination**

The EA included a Stage 1 Preliminary Environmental Site Assessment (PESA) prepared by Environmental Investigation Services. The assessment was based on a review of historical information, site inspections and soil and groundwater sampling and addresses the requirements of SEPP 55 and the *Managing Land Contamination Planning Guidelines*.

The Stage 1 PESA identified that one retail tenancy within the site was previously fit-out for use as a drycleaner. Given that the tenancy did not have any exposure to soils or groundwater, the Stage 1 PESA concluded that the risk of soil contamination as a result of this use was negligible and that a Stage 2 environmental assessment is not required. Notwithstanding, the Stage 1 PSEA recommends that the proponent undertake additional soil sampling in the area under the existing car park once the

existing building has been demolished as there is potential to encounter non-virgin fill. In addition, the PESA recommends that a site validation report should be produced to confirm that the site is suitable for the proposed uses.

The department has assessed the risk of on site contamination in conjunction with the OEH and agrees that the likelihood of encountering contaminated soils or groundwater is negligible. Notwithstanding, the department has recommended a condition requiring the proponent to provide a site audit statement to confirm that the site is suitable for its proposed use prior to the issue of a Construction Certificate for the construction of the basement car park.

#### **5.4.2 Acid Sulfate Soils**

Based on the results of borehole sampling, the Stage 1 PESA concluded that there was potential for acid sulfate soils to be encountered on site. In order to address this issue, the PESA recommends the preparation and implementation of an Acid Sulfate Soil Management Plan. In order to ensure potential acid sulphate soils are managed during construction works, the department has recommended the imposition of a condition requiring the proponent to prepare and implement an Acid Sulfate Soils Management Plan prior to the commencement of works.

#### **5.5 Traffic and Transport**

The proponent has provided a traffic and parking assessment prepared by Transport and Traffic Planning Associates. The traffic and parking assessment provides an overview and assessment of the existing traffic and transport arrangements, the traffic and parking impacts of the project, and the impact of the project on pedestrian movement, safety and amenity.

The assessment was updated to address the issues raised by the RMS as part of the PPR. In this regard, the supplementary traffic assessment concluded that:

- Subject to the provision of three small rigid vehicle parking spaces within the basement car park, the needs of the retail tenancies will be adequately serviced.
- Car parking for the residential tenancies will average one space per apartment, however larger apartments will be allocated in excess of one space. This will occur via the provision of car stackers for these apartments.
- Where retail tenancies are allocated more than one space, a car stacker will be provided for that tenancy.

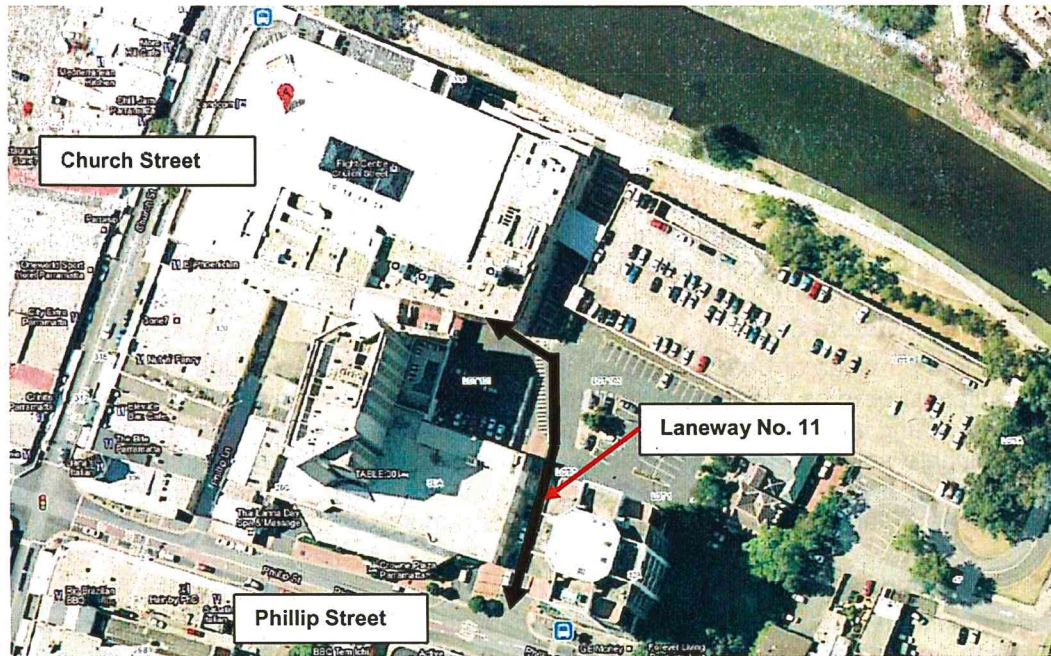
The department's assessment of traffic and transport issues associated with the revised proposal is provided below.

##### **5.5.1 Road Network and Site Access**

The project area is located within close proximity to the M4 Motorway, Great Western Highway, Windsor Road, James Ruse Drive, Pennant Hills Road and Victoria Road, all of which are major arterial roads under the control of the RTA.

Smith and O'Connell Streets provide the main north-south connections through the Parramatta CBD, with George and Macquarie Streets providing the main east-west connections. These roads are all under the control of the Council.

Left in left out vehicular access is currently provided at the south-west corner of the site via an existing right-of-way over Lot 101 to Laneway No. 11. The application seeks to maintain the current access arrangements. The department considers the proposed access arrangements will provide safe and suitable access to the site. **Figure 15** overleaf depicts the existing and proposed site access arrangements.



**Figure 15: Existing Site Access Arrangements**

### 5.5.2 Traffic Impacts

In order to identify the impacts of the project on the surrounding road network, the traffic and parking assessment modelled the impacts of the project at the following intersections:

- Marsden Street and Philip Street.
- Church Street and Philip Street.
- Smith Street and Philip Street.
- Marsden Street and George Street.
- Church Street and George Street.
- Smith Street and George Street.

The results of this modelling are provided in **Appendix F**.

In summary, the intersection modelling demonstrates that the application would result in:

- A negligible increase in the average delay time at the Marsden and Philip Street intersection during the am and pm peak period
- A negligible increase in the degree of saturation and average delay time at the Church and Philip Street intersection during the am peak period.
- A negligible increase in the degree of saturation and average queue length at the Marsden and George Street intersection during the am peak period. In addition, there would be a negligible increase in the average delay time during the pm peak period.
- A negligible decrease in the average delay time during the pm peak period at the Smith and George Street intersection.
- A minor decrease the level of service (LOS) at the Church and Philip Street intersection during the pm peak (LOS B to C). This would result in a 2.4 second increase in the average delay time, and increase vehicle queuing by 10.2 m.

The department is satisfied that the traffic and parking assessment addresses the impacts of the project on the surrounding road network during the am and pm peak periods. Furthermore, the department considers that the change in the LOS at the Church and Philip Street intersection during the pm peak is acceptable given that the intersection will function at a 'satisfactory' level. However, in order to ensure that the traffic impacts of the project are managed post-construction, the department has recommended the imposition of a condition requiring the proponent to prepare and implement an Operational Traffic Management Plan prior to the issue of the first Occupation Certificate.

### 5.5.3 Car Parking

Clause 22C of the PCC LEP provides car parking maxima for specific land uses. In this regard, the following maxima apply to the development:

- One parking space for every multi-unit dwelling, plus one parking space for every five dwellings for visitor use.
- One parking space for every 10 m<sup>2</sup> of gross floor area approved for restaurant use, or one parking space for every four seats (whichever is the lesser).
- One parking space for every 30 m<sup>2</sup> of gross floor area approved for a 'shop' use.

As the PCC LEP 2007 does not specify a car parking maxima for serviced apartments, the proponent is seeking to apply the residential car parking rate to the serviced apartment component of the project. The department accepts that in the absence of a specific rate for serviced apartments, application of the residential rate is the closest rate akin to a serviced apartment use and is therefore appropriate. The Council raised no objection to this methodology.

The department notes that as the fit-out of the floor space within the podium does not form part of the project application, there is a small degree of uncertainty in terms of the maximum number of car parking spaces that should be allocated to the site. This is due to the fact that this floor space may be suitable for either a 'restaurant' 'shop' or 'commercial' use. Furthermore, as the proponent has not allocated a use for the floor space previously identified for use as a child care centre (705 m<sup>2</sup>) on level 2 of the podium, it is likely that the car parking maxima applicable to the project will increase by a moderate number of spaces when the proponent lodges an application to allocate a use to this portion of the site (approximately 23.5 spaces if a 'shop' rate is applied, or 7.05 spaces if a 'commercial' rate is applied).

Based on the indicative uses identified within the podium levels and the car parking rates outlined above, the maximum number of car parking spaces permitted to service the proposed development is 608.33. The application proposes the creation of 597 car parking spaces and is therefore compliant with the LEP requirements (i.e. < 608 parking spaces). A breakdown of the car parking maxima based on specific land uses is provided in **Table 3** below.

**Table 3: Compliance with PCC LEP Car Parking Provisions**

Land Use		Maximum Number of Bays Permitted	Number of Bays Proposed	Compliance
Multi Dwellings <sup>1</sup>	Unit	468	457	Yes
Restaurant and Shop Uses		140 <sup>2</sup> (76 for 'restaurant' use and 64 for 'shop' use)	140 inclusive of supermarket and restaurant GFA	Yes
<b>TOTAL</b>		<b>608</b>	<b>597</b>	<b>Yes</b>

**Note**<sup>1</sup>: Multi unit dwellings include serviced apartments.

**Note**<sup>2</sup>: The lesser of the two rates has been applied as per the PCC LEP 2007 requirements.

In order to provide a degree of flexibility in the number of car parking spaces required to service the podium level once separate fit-out applications have been approved by the Council, the department has recommended the imposition of a condition specifying that the car parking allocated to the non-residential uses can not exceed the applicable maxima outlined in the PCC LEP. The final breakdown is to be submitted to the Director-General prior to the issue of a Construction Certificate for the basement car park.

### 5.5.4 Public Transport

The Parramatta Transport Interchange is within 700 m of the site at the intersection of Argyle, Darcy and Station Streets. It offers rail services for the Western, Blue Mountains and Cumberland lines. In addition, the Parramatta Ferry Wharf is located within 800 m of the site at the intersection of Charles and Phillips Streets. **Figure 16** overleaf depicts existing public transport facilities within the vicinity of the site.

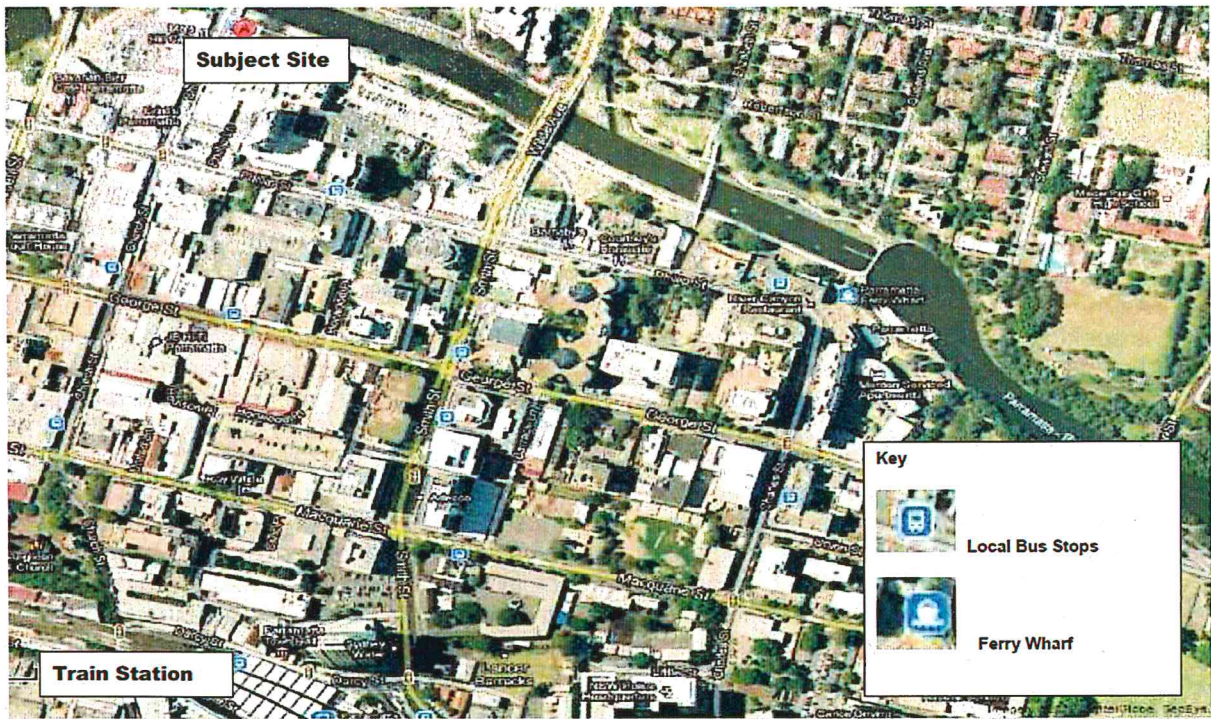


Figure 16: Surrounding Public Transport Facilities

The department considers the site has adequate public transport services to accommodate potential increases in patronage arising from the proposed development.

### 5.5.5 Walking and Cycling

The PCC DCP requires the provision of one bicycle parking space per 100 car parking spaces for residential developments. In addition, the DCP requires the provision of adequate end of trip facilities where commercial and retail developments employ 20 persons or more. No rate is specified for serviced apartments.

The department's *Guidelines for Walking and Cycling* recommend the provision of one bicycle parking space per residential dwelling and sufficient spaces to cater for three to five per cent of the population utilising the serviced apartments. In addition, the department's guidelines recommend bicycle parking to service three to five per cent of the worker population in retail and commercial developments.

The application proposes the creation of 24 bicycle parking spaces within the basement car park. In this regard, the application complies with the bicycle parking rates of the DCP, however there would be a shortfall of up to 211 spaces if the rates specified in the department's guidelines are applied. **Table 4** below summarises the project's compliance with the bicycle parking rates specified in the PCC DCP and the department's guidelines.

Table 4: Assessment of Compliance with the PCC DCP and the Department's Guidelines for Walking and Cycling

Development Component	Number of Spaces Proposed	PCC DCP	Compliance	Walking and Cycling Guidelines	Compliance
Residential	24 <sup>1</sup>	5	Yes	220	No
Retail <sup>2</sup>	24 <sup>1</sup>	N/A	N/A	0.45 – 0.75 spaces	No
Serviced Apartments <sup>3</sup>	24 <sup>1</sup>	No rate specified.	N/A	9 – 14.5	No
<b>TOTAL</b>	<b>24<sup>1</sup></b>	<b>N/A</b>	<b>N/A</b>	<b>229 – 235</b>	

**Note<sup>1</sup>:** The PPR proposes a total of 24 bicycle parking spaces to service all components of the development.

**Note<sup>2</sup>:** The PCC DCP requires the provision of adequate change facilities for cyclists where more than 20 persons are employed in a retail or commercial premise. This provision does not apply to the development on the basis that the Major Project Application Form specifies that the project will generate

15 operational jobs. It should be noted that the proponent's estimate of the number of operational jobs does not include jobs that will be created as a result of the fit-out and use of the retail tenancies at podium level.

**Note<sup>3</sup>:** The department has estimated that the maximum occupancy rates for the serviced apartments should be based on one occupant per one-bedroom apartment, and three occupants per 2-bedroom apartment.

Whilst the application represents a significant shortfall in the number of bicycle parking spaces when assessed against the department's guidelines, the department is satisfied that the number of spaces proposed to service the project is satisfactory for the following reasons:

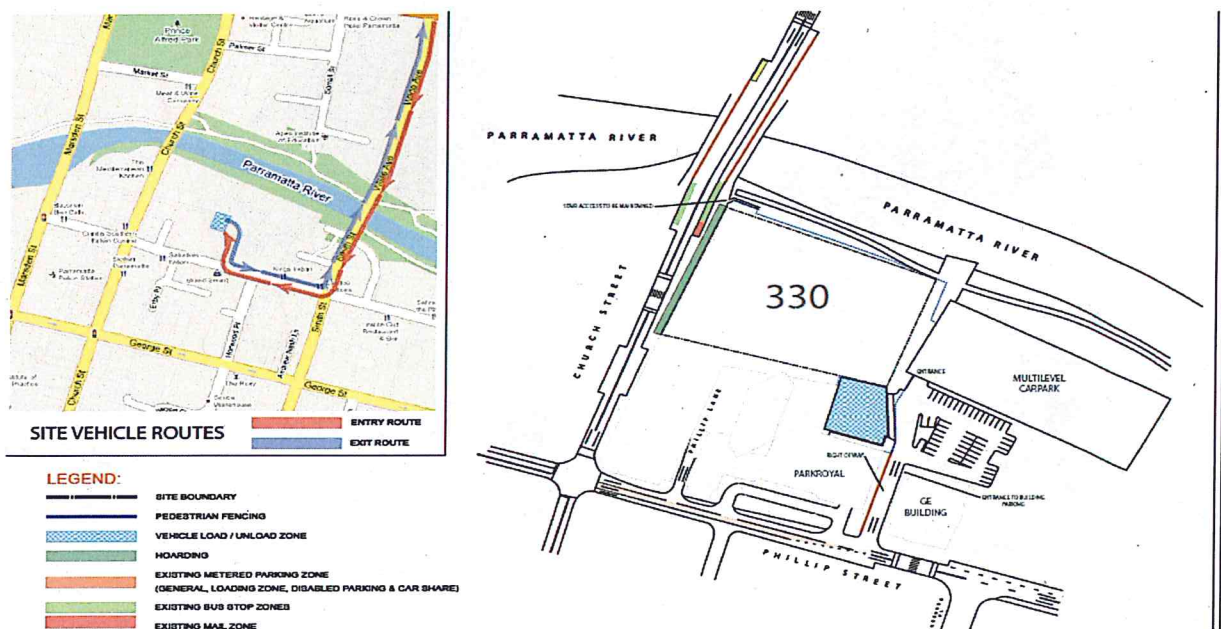
- There are 407 storage cages proposed to service the residential component of the development, all of which are large enough to store a bicycle.
- In the event that 100 per cent of the bicycle storage is accommodated via the use of storage cages, there are a sufficient number of bicycle parking spaces to accommodate the retail and serviced apartment components of the development in isolation (a maximum of 15 spaces recommended under the department's guidelines, and 24 spaces proposed).
- In the event that the serviced apartments are converted to residential apartments in the future, there are a sufficient number of storage cages to service the project (up to 390 apartments).

### 5.5.6 Construction Traffic

The EA includes a Construction Traffic Management Plan (CTMP) which outlines measures to mitigate the impact of construction on the local road network and pedestrian, cyclist and public transport facilities.

The CTMP specifies that no works zones are proposed to facilitate the delivery of goods to the site. In addition, all plant (cranes) and materials will be located within the boundaries of the site at all times. In order to further reduce the impacts associated with the delivery of goods the CTMP proposes to:

- Route delivery vehicles away from major roads in the Parramatta CBD (see proposed delivery route at **Figure 17**).
- Maintain pedestrian access along the frontages of the site during construction.
- Maintain access to public transport facilities along Church Street.
- Limit the need to remove public car parking spaces during construction.



**Figure 17: Proposed Delivery Route**

The department has assessed the mitigation measures proposed in the CTMP in conjunction with the RMS and the Council and is satisfied that the proposed mitigation measures are satisfactory. In order to ensure that the measures are implemented during construction works, the department has recommended a condition requiring the proponent to implement the CTMP during construction.

## 5.6 Heritage and Archaeology

### 5.6.1 Aboriginal Cultural Heritage and Archaeology

The EA includes an Aboriginal & Historical Preliminary Archaeological Impact Study prepared by AHMS. The study concluded that activities associated with the construction of the former David Jones building resulted in the removal of approximately 2.7 m of soil and potential deposits along the Church Street frontage of the site, and approximately 1.3 m of soil and potential deposits along the eastern boundary of the site. Notwithstanding, the study concluded that there is potential for portions of the pre-1961 surface level to remain intact along the northern, north-eastern and south-eastern boundaries of the site.

Based on searches of historical records, the study concluded that:

- Two areas in the north-eastern and south-eastern quadrants of the study area have 'high' potential for Aboriginal archaeological sites to survive due to a low level of ground disturbance associated with the construction of the former David Jones Building.
- There may be physical traces of a pre-1804 cottage and associated deposits surviving beneath the slab and bedding of the existing building on the north-east corner of the site.
- A portion of a post-1804 cottage and associated deposits may exist on the north-west corner of the site, as only a portion of this corner was affected by the construction of the former David Jones building.
- There is a possibility of encountering archaeological deposits along the south-east corner of the site as this area experienced the least disturbance during the construction of the former David Jones building.

Figure 18 below depicts the locations of potential archaeological deposits.

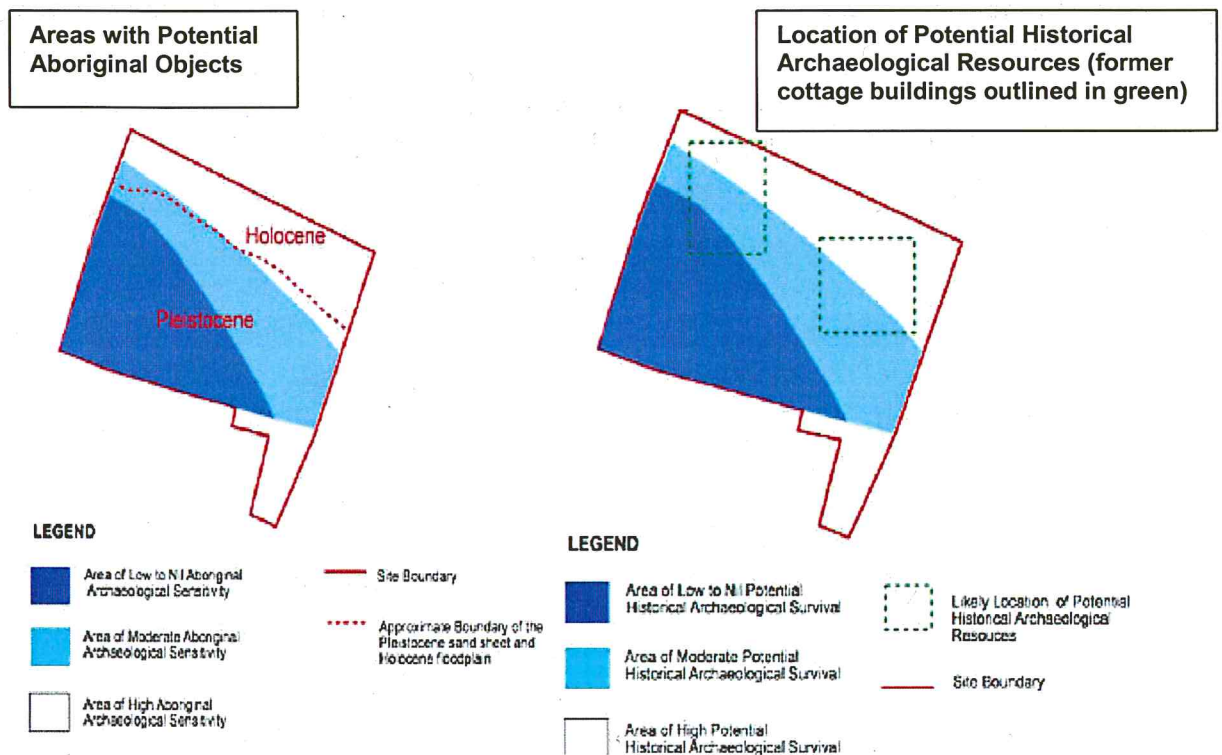


Figure 18: Potential Archaeological Deposit Locations

In order to ensure that potential archaeological relics are managed appropriately, the department has recommended the imposition of conditions requiring the proponent to:

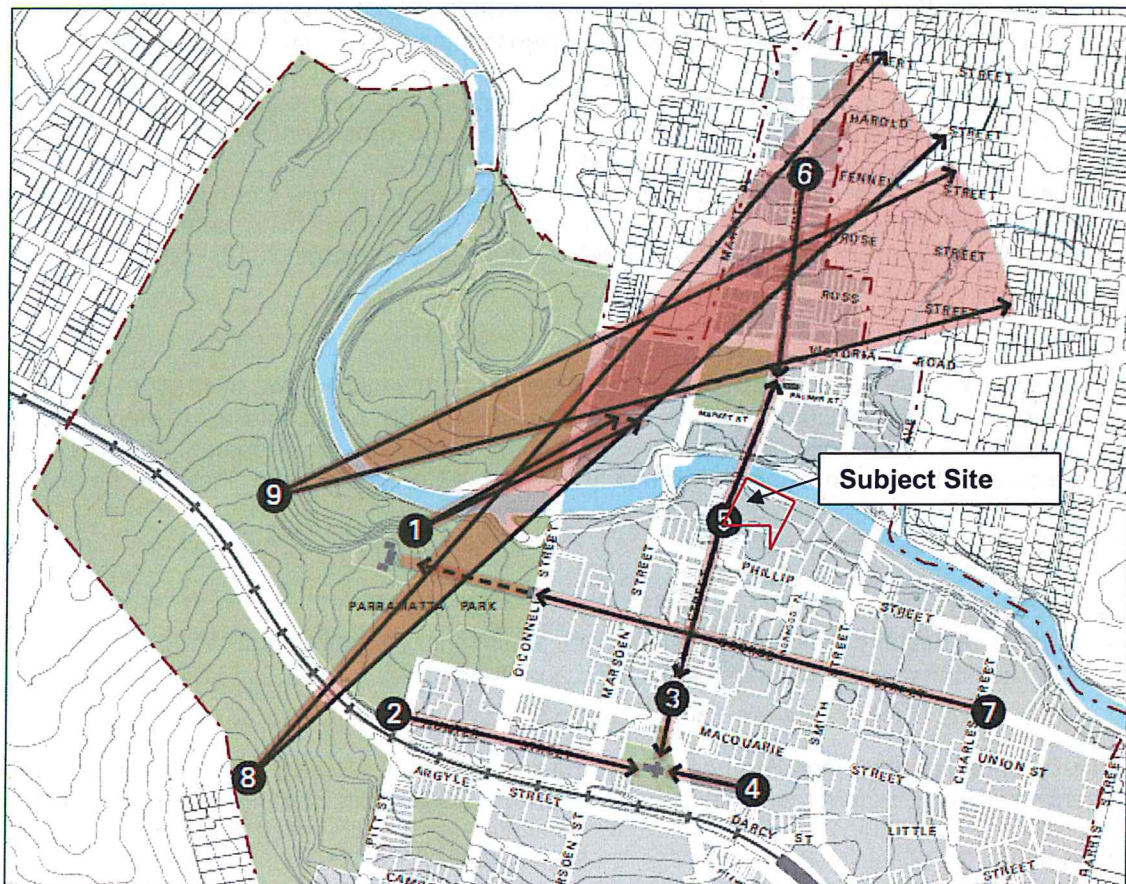
- Undertake an archaeological investigation program prior to the commencement of construction works, to identify any significant relics and allow for their management during construction.
- Provide a copy of final excavation reports to the department and the Parramatta City Council.
- Prepare and implement an Interpretation Strategy which incorporates the findings of all archaeological investigations undertaken on site.

### 5.6.2 Built Heritage

The EA includes a Statement of Heritage Impact (SHI) prepared by NBR & Partners. A supplementary statement was provided with the PPR to address the submissions received during exhibition. The supplementary statement provides an assessment of the heritage significance of the former David Jones Building, which is listed as an item of significance in the PCC LEP 2007, as well as an assessment of the impact of the project on surrounding heritage items, including OGH and the Domain.

The study concluded that:

- Based on the conclusions of the SHI prepared to support the change of use from a retail premise to a commercial premise in 1998, the former David Jones building has been heavily modified both internally and externally and no longer possesses any architectural or aesthetic characteristics of distinction. As such, the site is not considered to retain any of its heritage significance.
- The character of the immediate setting along Church Street, where there are a number of locally listed heritage items, is derived from a zero lot setback and the prominence of two and three-storey Federation and Inter-War terrace buildings. In addition, the northern most portion of Church Street retains views of the copper clad domed corner element of the former ANZ bank at 306 Church Street and views north and south across Lennox Bridge.
- The scale and composition of the podium responds to the height, rhythm and materials of the heritage buildings along Church Street. In addition, the siting of the podium will provide an opportunity to increase the physical separation between development on the site and the abutment of Lennox Bridge, allowing a greater appreciation of the abutment of Lennox Bridge from the foreshore area. Furthermore, the siting of the towers will assist in the preservation of significant views through to the Parramatta CBD from the northern side of the Parramatta River.
- The height of the western tower would not have a significant impact on the curtilage of OGH and the Domain as the site sits outside the important view corridors identified for OGH and the Domain in the PCC DCP (see **Figure 19**).



**Figure 19: PCC DCP View Corridors**

The department has reviewed the findings of the SHI and agrees that the site has limited heritage significance. Further, the department agrees that in order to implement a design that is consistent

with the results of the design competition held for the site, demolition of the item is necessary. In terms of the project's impact on the world heritage values of OGH and the Domain, the department considers that the application is suitable on the basis that the Minister for SEWPAC has declared that the project does not constitute a 'controlled action' under the provisions of the EPBC Act. By making this declaration the Minister has confirmed that the project will not have a significant impact on the national or world heritage values of OGH and the Domain.

The department notes that the Council requested the imposition of conditions to ensure the significance of the site will be interpreted in the final design of the building. In order to ensure an appropriate historical record of the former David Jones building is provided and the site's former use is interpreted, the department has recommended the imposition of conditions requiring the proponent to:

- Undertake archival recording of the former David Jones building in accordance with the OEH's current guidelines, and submit a copy of the records to the Parramatta City Council.
- Prepare and implement a plan which details the design and installation of suitable historic markers on site.

### **5.7 Development Contributions**

The subject land is included within the *Parramatta City Council Section 94A Contributions Plan – Parramatta City Centre (Amendment 1)* (PCC Contribution Plan). The PCC Contribution Plan imposes a levy of three per cent of the total cost of works where an application will increase the gross floor area of an existing development, or where the cost of works for an application exceeds \$250,000.

Based on a CIV of \$149,852,992 the applicable section 94A contribution would be \$4,495,589.76.

Following exhibition of the PPR the proponent advised that it is seeking to dedicate and landscape a 1,068 m<sup>2</sup> parcel of land adjacent to the Parramatta River foreshore to the Council in addition to their section 94A contribution. The dedication and landscaping of this land parcel has been offered to offset the proposed variation to the height controls. The proponent has provided the department with an irrevocable offer which will form the basis of a voluntary planning agreement (VPA) with Parramatta Council under which the dedication of land and landscaping works would be undertaken.

In order to achieve compliance with the requirements of the contribution plan, the department has recommended the imposition of a condition requiring the proponent to pay \$4,495,589.76 to the Council prior to the issue of the first Construction Certificate. In addition, in order to ensure the proponent landscapes and dedicates 1,068 m<sup>2</sup> of land to the Council, the department has recommended the imposition of a condition requiring the proponent to enter into a VPA which is consistent with the terms of the letter of offer dated 25 September 2012, within six months of the determination of the project.

### **5.8 ESD**

The application was accompanied by a BASIX Certificate (Certificate No. 63718608) certifying that the proposed development complies with the ESD requirements applicable to residential development. The department has recommended a condition requiring the development to be constructed in accordance with the commitments outlined in the BASIX Certificate, which includes the installation of:

- A minimum of three star shower heads and toilets.
- A 20,000 L rainwater tank.
- A gas fired boiler central hot water system.
- A photovoltaic system with a minimum output of 54 peak kW.
- Individual heating and cooling systems with a minimum 2.0 star rating.
- Tag key controlled lighting to the serviced apartments.
- A motion sensor lighting system within the basement car park.

The commercial and retail components of the development will be constructed in accordance with energy efficiency requirements of Section J of the BCA. The department has recommended the imposition of conditions to ensure all ESD commitments are complied with prior to the issue of an Occupation Certificate.

## 5.9 Conclusion

The department has reviewed the EA and duly considered advice from public authorities in accordance with section 75I(2) of the EP&A Act. All the relevant environmental issues associated with the proposal have been assessed, including the outstanding issues raised by the Council in its response to the PPR. In this regard, the department has recommended the imposition of conditions to ensure that appropriate shading devices are provided on the eastern and western elevations of the towers, the land adjacent to the existing foreshore is landscaped and transferred to the Council free of cost, and the flooding and stormwater management issues are managed post-construction.

The project is consistent with the relevant SEPPs and EPIs and would assist in achieving the housing targets specified in the Sydney Central West Subregional Strategy. Furthermore, the department considers that the development, as designed by Tony Caro and Associates exhibits design excellence, and the proposed variation to the height controls will not generate any adverse amenity impacts. In addition, the department considers that the project would take advantage of the site's proximity to strategic transport links and community facilities, and is therefore in the public interest. Consequently, the department recommends that the project be approved, subject to conditions.

## 6. RECOMMENDATION

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It is recommended that the A/Director-General:

- a) Consider the findings and recommendations of this report.
- b) Approve the project application, subject to conditions, under section 75J(1) of the EP&A Act, having considered all relevant matters in accordance with (a) above.
- c) Sign the attached Instrument of Approval (**TAG A**).

  
A/Executive Director  
Major Projects Assessment

19/10/12

  
A/Director-General

19/10/12



## **APPENDIX A      ENVIRONMENTAL ASSESSMENT**

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See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4299](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4299)



## **APPENDIX B      SUBMISSIONS**

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## **APPENDIX C      PROPONENT'S RESPONSE TO SUBMISSIONS**

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