

## APPENDIX D ENVIRONMENTAL PLANNING INSTRUMENTS

### 1.1 SEPP 55 – Remediation of Land

Clause 7(1) of SEPP 55 provides that a consent authority must not consent to the carrying out of any development on land unless:

- (a) It has considered whether the land is contaminated.
- (b) If the land is contaminated, be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, be satisfied that the land will be remediated before the land is used for that purpose.

Clause 7(2) of SEPP 55 also requires a consent authority, when considering an application for consent to carry out development that would involve a change of use on land, to consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

The application was accompanied by a Stage 1 Preliminary Environmental Site Assessment (PESA) which identifies that the risk of encountering contaminants on the site is negligible and a Stage 2 investigation is not required. In order to confirm the findings of the PESA, the department has recommended a condition requiring the proponent to employ a NSW accredited Site Auditor to produce a site validation report confirming that the site will be suitable for its proposed use prior the issue of a Construction Certificate for works above ground floor level.

In order to confirm the site will be appropriate for a mixed use development, the department has included a condition of approval requiring the proponent to provide a Section B Site Audit Statement, prepared by the NSW EPA accredited site auditor, prior to the commencement of works above RL 7.5.

### 1.2 SEPP 65 – Design Quality of Residential Flat Development and Compliance with the RFDC

The design quality principles of SEPP 65 and the RFDC aim to ensure adequate environmental and residential amenity can be achieved in new residential flat buildings. In addition, the RFDC sets out a number of 'rules of thumb' which provide numerical guidelines for residential flat development to ensure the development complies with the intent of the SEPP 65. **Tables 1 and 2** below summarise the project's compliance against the RFDC.

**Table 1: Assessment of Compliance with the SEPP 65 Design Principles**

Design Principle	Assessment
<b>Context</b>	<p>The site is located adjacent to the southern bank of the Parramatta River. In addition, the site is located adjacent to the southern abutment of Lennox Bridge and a number of heritage listed terraces along the western side of Church Street.</p> <p>The application proposes to modulate the podium both horizontally and vertically to respond to the scale and rhythm of the terrace forms prominent along Church Street. In addition, the colonnade and ground level retail spaces proposed on the northern and eastern facades of the podium will assist in activating the foreshore area adjacent to the site and the civic place proposed along the eastern boundary of the site.</p> <p>Furthermore, the podium level provides an appropriate response to the future character of the area as outlined in the Council's Riverbank Site Controls, by providing an opportunity for activation of the future laneway once it is constructed by the Council.</p>
<b>Scale</b>	<p>The project has been designed to establish a new urban scale appropriate to the site's iconic gateway location.</p> <p>A consistent podium height has been applied across the site (RL 21) to provide a cohesive human scale. In addition, the podium achieves a 25 m setback from the river as recommended in the Riverbank Site Controls.</p> <p>The towers have been setback and modulated both vertically and horizontally to ensure an appropriate sense of scale is provided when viewed from the public domain.</p>

Notwithstanding, the department notes that there will be minor non-compliances with the setback controls outlined in the Riverbank Site controls as depicted in Figure 10 below.

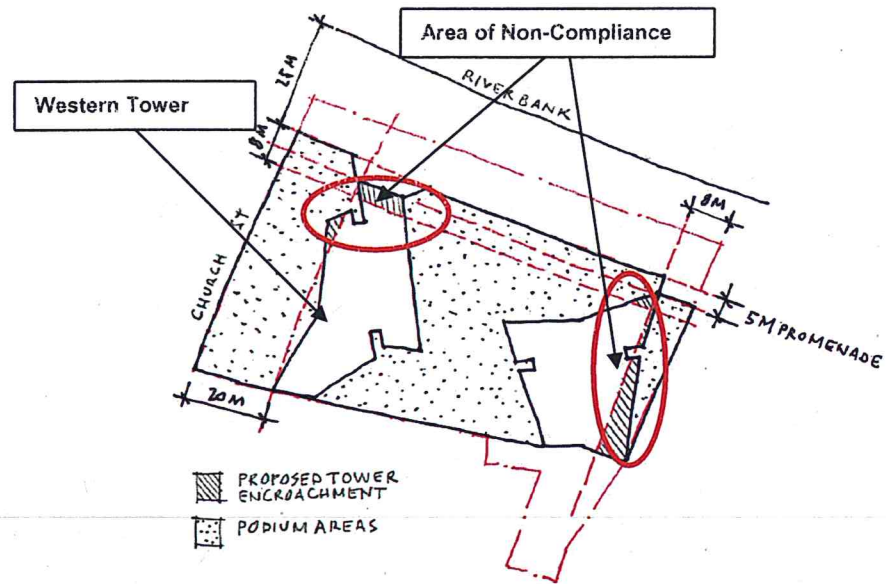


Figure 10: Non-Compliances with Riverbank Site Controls

This non-compliance is a result of the building being 'creased' in both plan and elevation. The department considers this non-compliance acceptable on the basis that the 'creasing' of the building provides a sculptural built form, and assists in providing an appropriate bulk and scale for the northern gateway of the CBD.

<p><b>Built Form</b></p>	<p>The project provides a sympathetic response to the site's proximity to the Parramatta River, the historic Lennox Bridge, the civic place proposed to the east of the site, and the historic character of Church Street. Specifically, the project has been designed to provide:</p> <ul style="list-style-type: none"> <li>• A human scale along the northern, eastern and western frontages of the site by providing a podium level that relates to the height of the adjoining buildings, and reinforces the alignment of the street grid and the horizontal and vertical rhythm of buildings along Church Street.</li> <li>• Active frontages that will engage with the site's riverfront location and integrate with the civic place proposed adjacent to the eastern boundary of the site.</li> <li>• Tall slender towers that celebrate the site's gateway location and preserve vistas through the site to the Parramatta CBD.</li> <li>• A high level of internal amenity by ensuring the floor plates are rotated to align precisely to true north to maximise solar access and take advantage of views toward the Parramatta River.</li> </ul>
<p><b>Density</b></p>	<p>The application proposes the creation of 211 residential apartments. The proposed unit mix for the residential component of the development is as follows:</p> <ul style="list-style-type: none"> <li>• 14 per cent one-bedroom/one-bedroom + study.</li> <li>• 78 per cent two-bedroom.</li> <li>• 8 per cent three-bedroom.</li> </ul> <p>Given that the site is located on the northern gateway to the CBD, the department considers that the density of the development capitalises on the site's proximity to existing infrastructure and services and provides an appropriate unit mix to cater for a variety of households.</p>
<p><b>Resource, Energy and Water Efficiency</b></p>	<p>The application has been designed to optimise the number of north facing and dual aspect apartments to maximise solar access and reduce costs associated with heating, cooling and lighting. In addition, the application is BASIX compliant and includes the following ESD initiatives:</p> <ul style="list-style-type: none"> <li>• Installation of a 20,000 L rainwater tank, a centralised gas fired boiler hot water system and a photovoltaic system with a minimum output of 54 kW.</li> </ul>
<p><b>Landscape</b></p>	<p>The application proposes the landscaping and ceding of 1068 m<sup>2</sup> of land along the northern boundary of the site to the Council free of cost. This transfer of land will widen the foreshore area adjacent to the river, providing a significant public benefit by allowing increased visibility of the abutments to Lennox Bridge which are currently obscured by the existing building. No other landscaping works are proposed at ground floor level, however, the ground level of the building has been designed to provide shade and shelter, and activate the northern, eastern</p>

	<p>and western frontages of the site via the incorporation of retail outlets with adjoining outdoor seating.</p> <p>The upper podium level incorporates passive open space which has been designed to accommodate deep soil planting.</p> <p>Given the above, the department is satisfied that the application provides an appropriate landscape response to the site's CBD context.</p>
<b>Amenity</b>	<p>The tower orientation and floor plans have been conceived to ensure:</p> <ul style="list-style-type: none"> <li>• 85 per cent of the apartments receive a minimum of two hours sunlight at the winter solstice.</li> <li>• Flexible use of the living areas through the provision of appropriately sized and dimensioned rooms.</li> <li>• 60 per cent of apartments are cross ventilated.</li> <li>• Balconies achieve the minimum dimensions specified in the RFDC.</li> <li>• Visual and acoustic privacy is provided via the use of appropriate setbacks and/or offsetting windows/balconies.</li> <li>• A minimum of 39 adaptable apartments (10 per cent) are provided to ensure the building provides accommodation for people of all age groups with varying degrees of mobility.</li> </ul>
<b>Safety and Security</b>	<p>The department notes that active frontages are provided along the northern, eastern and western elevation to maximise passive surveillance of the public domain. In addition, the application has been designed to allow the conversion of the southern elevation to a glazed façade once the laneway adjoining the site is constructed by the Council.</p> <p>Furthermore, the ground level of the building has been designed to provide a clear delineation between public and private spaces and avoid the creation of concealed spaces. As such the department considers that the application has been designed in accordance with best practice crime prevention principles.</p>
<b>Social Dimensions and Housing Affordability</b>	<p>As previously discussed, the department considers that the application will provide housing options for a range of household types.</p>
<b>Aesthetics</b>	<p><u>Podium:</u> The eastern façade provides a contemporary architectural language, whilst at the same time responding to the proportions and rhythm of the two and three-storey terrace forms which typify the northern portion of Church Street.</p> <p>The northern, eastern and southern elevations of the podium have been designed to provide active uses that respond to the civic uses proposed adjacent to the site in the Riverbank site controls.</p> <p><u>Towers:</u> The towers have been designed to incorporate an elaborate vertical and horizontal shading system which will animate the northern, eastern and western facades of the building, and respond to the site's solar orientation. In addition, the towers have been 'creased' in both plan and elevation to provide a highly sculptural built form.</p> <p><u>Materials and Finishes:</u> The materials and finishes have been selected to reflect the building's contemporary language. The department has reviewed the materials and samples board provided with the project and is satisfied that the podium will incorporate a variety of textures, materials and colours that reflect the use and internal design and structure of the project as required by the SEPP.</p>

**Table 2: Compliance with the RFDC Requirements**

RFDC Requirement		Proposed	Compliance
<b>Building Depth</b>	18 m.	The building depth varies between 17 m and 27 m for the eastern tower and 16 m and 22 m for the western tower.	Partial compliance non-compliance
<b>Separation Below 9- Storeys</b>	Between 13 m between habitable and non-habitable rooms.	The apartments on the podium achieve an 11 m setback.  The department considers this variation acceptable as it only affects two apartments where the WC and bedroom windows are off-set. Furthermore, the area will be screened by vegetation planted within the common area on the podium.	Partial compliance non-compliance.
<b>Separation Above 9- Storeys (above 25 m)</b>	24 m between habitable rooms/ balconies.	Apartments on the north-western corner of the eastern tower and the south-eastern corner of the western tower do not achieve a 24 m setback (19 m to 21 m proposed). The residual portion of the development achieves setbacks between 24 and 39 m.  The department considers this variation acceptable as it only affects a small number of apartments.	Partial compliance non-compliance
<b>Floor to Ceiling Height</b>	2.7 m.	2.7 m	Complies
<b>Units Per Core Area</b>	Maximum of 8 units.	8 units per core area.	Complies
<b>Solar Access</b>	70% of units to achieve 2 hours in mid-winter	Eastern Tower – 85 % Western Tower – 85 %	Complies
<b>Cross-Ventilated Units</b>	60%	60%	Complies
<b>Communal Open Space</b>	25%–30% of site	33% (2,254 m <sup>2</sup> proposed at podium level)	Complies
	25% deep soil planting	900 mm deep planter beds proposed to enable deep soil planting at podium level.	Generally Complies
<b>Private Open Space</b>	Courtyards – 25 m <sup>2</sup> and 4m depth.		Complies
	Balconies – 2 m depth	2 m proposed	Complies
<b>Unit Size</b>	1 bedroom – 50 m <sup>2</sup>	Min. 49.2 m <sup>2</sup>	Complies – one apartment is below the minimum, however the 140 remaining apartments exceed 50 m <sup>2</sup> .
	2 bedroom – 70 m <sup>2</sup>	Min. 78.9 m <sup>2</sup>	Complies
	3 bedroom – 95 m <sup>2</sup>	Min. 112.5 m <sup>2</sup>	Complies
<b>Storage</b>	Minimum of 2870 m <sup>2</sup> required	2035 m <sup>2</sup> of caged storage proposed	Complies – the deficit in caged storage is supplemented by additional internal storage.
<b>Single Aspect Units</b>	Max. 8 m to window	8 m	Complies
	Max. 10% single aspect south facing	8 % (32 apartments)	Complies

RFDC Requirement		Proposed	Compliance
<b>Kitchen to Window</b>	Max. 8 m	Max. 8 m	Complies
<b>Vehicle Access</b>	Min. width 6 m	6 m	Complies

### 1.3 Parramatta City Centre LEP 2007

Table 3 below provides an assessment of compliance with the Parramatta City Centre LEP 2007 (PCC LEP).

**Table 3: Compliance with PCC LEP**

Clause	Requirement	Compliance
21 Building Height	80m and 88 m with a 10 per cent height variation applied.	<b>No</b> - the western tower exceeds the 10 per cent height variation permitted under the LEP. The department considers this acceptable based on the assessment undertaken in Section 5 of the report.
22 FSR	6:1 or 6.6:1 with a 10 per cent variation applied.	<b>Complies</b> subject to the application of the 10 per cent variation.
22A Minimum Building Street Frontage	At least one street frontage of 20m or more.	<b>Complies.</b>
22B Design Excellence	Consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence	<b>Complies</b> – the application is consistent with the results of a design competition endorsed by the Director-General.
22C Car Parking	Car parking can not exceed the following maxima: <ul style="list-style-type: none"> <li>• One space per 100 m<sup>2</sup> of commercial GFA</li> <li>• One space per dwelling plus one space for every unit for visitors in multi-dwelling buildings.</li> <li>• One space per 10m<sup>2</sup> or 1 space per for seats (whichever is the lesser) for restaurant uses.</li> <li>• One space per 30m<sup>2</sup> of GFA for 'shops'.</li> </ul>	<b>Complies</b> – a maximum of 620.23 bays permitted, 597 bays proposed.
22D Building Separation	As per City Centre DCP 2007	<b>Partial non-compliance.</b> The non-compliance is acceptable – see discussion in Section 5 of this report.

22F Serviced Apartments	Consent for the strata subdivision of serviced apartments in the B4 mixed use zone must not be granted unless the consent authority is satisfied that the application complies with the requirements of SEPP 65.	The serviced apartments <b>comply</b> with SEPP 65, see Table 2 below.
33A Development on Flood Prone Land	Clause 33A 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.	<b>Complies</b> subject to the imposition of conditions. See discussion provided in Section 5 of this report.
33B Acid Sulfate Soils	Consent must not be granted unless the application assesses the impact of the development on the management of acid sulphate soils and an Acid Sulfate Soils Management Plan has been prepared in accordance with the Acid Sulfate Soils Guidelines.	The site contains acid sulphate soils and the project has the potential to impact on the management of such soils. The department has recommended the imposition of a condition requiring the preparation of an Acid Sulfate Soils Management Plan prior to the commencement of works on site.
35 Heritage Conservation	Requires new developments to conserve: <ul style="list-style-type: none"> <li>• The environmental heritage of Parramatta city centre.</li> <li>• The heritage significance of heritage items and heritage conservation areas including associated fabric, layout, settings and views.</li> <li>• Archaeological sites and relics.</li> <li>• Places of Aboriginal heritage significance</li> </ul>	<b>Complies</b> subject to the imposition of conditions outlined in Section 5 of this report.
35A Historic View Corridors	Consent must not be granted for development within a historic view corridor identified in the PCC DCP without an assessment of the impact of the development on historic view corridors.	The project is not within a historic view corridor. Notwithstanding the proponent's VIA demonstrates that the application will not have any adverse visual impacts.

## APPENDIX E SUMMARY OF SUBMISSIONS

Issue	Proportion of submissions (%)
The height of the towers should be reduced.	21%
The height of the buildings will have an adverse impact on surrounding heritage items.	14%
The height of the buildings is inconsistent with the character of the area.	14%
The design of the façade is not sympathetic to the character of the adjoining buildings and its river side location.	14%
The application does not give adequate consideration to protecting or adaptively re-using the heritage fabric of the existing building.	21%
The project would adversely impact on the heritage fabric of Lennox Bridge.	21%
The application does not discuss the impact of the project on surrounding heritage items.	7%
The proposed development may have an adverse impact on Parramatta Regional Park, which is a State listed heritage item and OGH and the Domain which are listed by UNESCO as World Heritage Sites. The SHI and Visual Impact Assessment should be revised to include a discussion of the impacts of the project on the values of OGH and the Domain.	14%
The application should be referred to the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities to determine whether it requires assessment under the provisions of the <i>Environmental Protection and Biodiversity and Conservation Act 1999</i> .	21%
The application does not give adequate consideration of the potential for archaeological remains to be located within the project area.	7%
The proposal would create an undesirable precedent within the Parramatta CBD.	7%
Elevational shadow diagrams should be provided to demonstrate the impact of the project on 32 Philip Street.	7%
The project does not comply with the minimum solar access requirements of the RFDC and a variation to permit two hours of sun access is not appropriate given the site's northern orientation and setbacks from surrounding development.	7%
The proposal does not comply with the car parking standards of the PCC LEP.	14%
The project would adversely impact on the performance of surrounding intersections.	7%
Laneway 11 has poor sight lines and queuing of vehicles within the laneway would be exacerbated by the project.	14%
The location of the loading dock may hinder the future redevelopment of Civic Place.	7%
The project would result in adverse wind impacts within the public domain.	7%
The construction management plans are inadequate, the proponent should be required to undertake dilapidation surveys pre and post-development, and the proponent should be required to manage structural and water impacts on adjoining properties throughout the construction process.	14%
The section 94 contributions applicable to the development should be used to acquire 320 Church Street, which is zoned 'SP2 Local Road' under the PCC LEP. Alternately, the proponent could enter into a voluntary planning agreement to facilitate acquisition of this site to offset the benefit of the additional height.	7%
The construction management plan depicts the right of carriageway benefitting 320 Church Street for use during the construction phase of the project. Construction at 330 Church Street should not adversely affect the use of the right of carriage for the owners of 320 Church Street and their clients.	7%
Construction at 330 Church Street may adversely affect the operation of the restaurant at 320 Church Street. Continuous noise monitoring should be undertaken to ensure there are no adverse noise or vibration issues at surrounding properties.	7%

## APPENDIX F INTERSECTION MODELLING

Table 1: AM and PM Intersection Performance

Intersection	LOS	DOS	Av Delay (sec)	Av Queue Length (m)
<b>Marsden and Philip Street</b>				
AM Existing	A	0.481	13.1	73.7
AM Post-Development	A	0.481	13.6	73.7
PM Existing	A	0.567	13.2	94.5
PM Post-Development	A	0.567	13.9	94.5
<b>Church Street and Philip Street</b>				
AM Existing	B	0.643	26.1	68.2
AM Post-Development	B	0.655	26.8	69.7
PM Existing	B	0.716	27.7	71.2
PM Post-Development	C	0.847	30.1	81.4
<b>Smith Street and Philip Street</b>				
AM Existing	B	0.589	27.1	114.1
AM Post-Development	C	0.701	30.5	122.5
PM Existing	C	0.746	35.4	116.3
PM Post-Development	C	0.806	37.0	119.5
<b>Marsden and George Street</b>				
AM Existing	B	0.586	17.9	73.9
AM Post-Development	B	0.605	17.9	77.8
PM Existing	B	0.637	14.7	79.8
PM Post-Development	B	0.637	14.9	82.4
<b>Church and George Street</b>				
AM Existing	C	0.840	34.4	95.8
AM Post-Development	C	0.840	34.4	95.8
PM Existing	C	0.817	35.6	70.2
PM Post-Development	C	0.817	35.6	70.2
<b>Smith and George Street</b>				
AM Existing	C	0.770	40.6	107.4
AM Post-Development	C	0.770	40.5	107.4
PM Existing	C	0.778	37.2	77.4
PM Post-Development	C	0.778	37.1	77.4

**APPENDIX G      DISCLOSURE OF CONTACT WITH LOBBYISTS**

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