

PART 2: BUILDING FORM

CONTROL		EVALUATION	COMPLIANCE
2.2 STREET FRONTAGE HEIGHTS			
a)	Buildings must comply with the relevant street frontage heights as shown on Figure 2.2 and illustrated in Figures 2.3 to 2.9.	Figure 2.2 and 2.5 show that a street frontage height of 10-12 metres applies to the Church Street frontage, with development above being set back 18 metres. The proposed amendments do not involve any change in approved the height of the podium.	No change
2.3 BUILDING DEPTH AND BULK			
a)	On land not zoned Commercial Core, above street frontage height: - The preferred maximum floor plate area of non-residential buildings is 1,200 square metres and maximum depth is 20m. - The preferred maximum floor plate area of residential or serviced apartment buildings is 900 square metres and maximum depth is 18m.	The floorplate of each tower is not proposed to change as part of the amendments. The depth of the towers is also proposed not to change.	No change
2.4 BUILDING SEPARATION			
a)	The minimum building setbacks from the side and rear property boundaries are illustrated in Figures 2.12, 2.13 and 2.14. Also refer to figure 2.1 that identifies where special side and rear setbacks apply.	The proposed tower setbacks are not proposed to change as part of the amendments.	No change
b)	Where permissible, side and rear boundaries are to be built to 0m at lower levels of buildings. Setbacks of at least 6m are required otherwise.	The podium is to be built to the side boundaries, and is unchanged in the proposal.	No change
c)	Setbacks required above 36m are average setbacks and may vary more or less by 2 metres maximum.	No change is proposed to the existing approved setbacks.	No change
d)	Notwithstanding the controls in this section, for residential development additional setbacks may be necessary to satisfy building separation, solar access and amenity requirements of SEPP 65.	The proposal generally complies with the requirements of SEPP 65 in respect of building separation, solar access and amenity requirements.	Yes

	CONTROL		EVALUATION	COMPLIANCE
e)	The building separation distances between buildings on the same site are not to be less than those required between buildings on adjoining sites, as illustrated in Figures 2.12 to 2.14, unless it can be demonstrated that reducing the separation distances provides adequate privacy and solar access to the buildings concerned.		The two towers are separated by 19 metres, which remains unchanged from the approved development.	No change
2.7 LANDSCAPE DESIGN				
a)	Landscaped areas are to be irrigated with recycled water.		The landscaped areas can be irrigated with recycled water.	Yes
b)	Commercial and retail developments are to incorporate planting in accessible outdoor spaces.		The proposed retail component will have direct access to the landscaped Parramatta River foreshore.	Yes
c)	Remnant vegetation must be maintained throughout the site wherever practicable.		Not applicable. There is no existing remnant vegetation on the site.	Yes
d)	A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.		The BASIX Certificate provides details on how the site is to be irrigated. See Annexure 9 of the planning report.	Yes

PART 3: BUILDING FORM

CONTROL		EVALUATION	COMPLIANCE
3.8 BUILDING EXTERIORS			
a)	Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of: • appropriate alignment and street frontage heights, • setbacks above street frontage heights, • appropriate materials and finishes selection, • facade proportions including horizontal or vertical emphasis, and • the provision of enclosed corners at street intersections.	The amended proposal is considered to have an appropriate relationship with the adjoining development along Church Street, which is varied in scale and style.	Yes
b)	Balconies and terraces should be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.	Balconies are provided to the apartments in the towers and podium.	Yes
c)	Articulate façades so that they address the street and add visual interest.	The façade of the building will provide a highly interesting presentation to Church Street.	Yes
d)	External walls should be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass.	The approved colours and materials are proposed not to change.	No change
e)	Finishes with high maintenance costs, those susceptible to degradation or corrosion that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.		
f)	To assist articulation and visual interest, avoid expanses of any single material.	The elevations of the buildings show that they are varied and will have a highly interesting presentation.	Yes
g)	Limit opaque or blank walls for ground floor uses to 30% of the street frontage.	No more than 30% of the Church Street frontage will be opaque at ground floor level. This is unchanged.	No change

	CONTROL		EVALUATION	COMPLIANCE
h)	Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass.		The retail frontages are glazed with intermittent mullions.	Yes
i)	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level (see Section 5.3).		A solar reflectivity report has been approved under the MP approval and is incorporated in the conditions of the approval.	No change
j)	A materials sample board and schedule is required to be submitted with applications for development over \$1 million or for that part of any development built to the street edge.		The approved colours and materials are proposed not to change.	No change
k)	Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as; • expressed cornice lines that assist in enhancing the streetscape, • projections such as entry canopies that add visual interest and amenity, and • provided that the projections do not detract from significant views and vistas (see Appendix 2).		The proposal does not include projections into public spaces.	Yes
l)	The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.		The plantrooms on each tower have been architecturally integrated into the design of the buildings.	Yes

CONTROL		EVALUATION		COMPLIANCE
3.9 ADVERTISING AND SIGNAGE				
a)	Signs are to be designed and located to: - relate to the use of the building - be visually interesting and exhibit a high level of design quality, - be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes, and colours, and ensure that architectural features of the building are not obscured, - have regard to the view of the sign and any supporting structure, cabling and conduit from all angles, including visibility from the street level and nearby higher buildings and against the skyline, and - have only a minimal projection from the building.		The proposed signs are located at the top of the serviced apartment tower to ensure that the building has a clear identity and assists the serviced apartment guests in finding their way to their destination. The amended position of the signs will ensure they are properly visible from various vantage points, including the street. The signage is part of Meriton's Serviced Apartments corporate identity. The signage will be of high quality design and will contribute to a visually interesting skyline. Tony Caro Architecture has incorporated the signage into the design of the building, which ensures that it is architecturally integrated into the building design. All cabling will be located behind the parapet wall, which will ensure that the signage has a high quality appearance from the surroundings. The signage will project approximately 300mm from the parapet walls, which will appear flush from the street below.	Yes
b)	A-frame signs unfixed signs and signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products eg soft drinks, brewers, photographic film, etc) are not permitted.		Not applicable. The proposal does not include such signage.	N/A
c)	Signs painted on or applied on the roof are prohibited.		Not applicable. The signs are not painted or applied to the roof.	N/A
d)	Corporate colours, logos and other graphics are encouraged to achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.		The proposed signage includes the Meriton corporate logo, which incorporates the colours blue, white and yellow. The colours will not compete with the colour scheme of the building, given the location of the signage.	Yes
e)	In considering applications for new signs the consent authority must have regard to the number of existing signs on the site and in its vicinity and whether that signage is consistent with the provisions of this section and whether the cumulative impact gives rise to visual clutter.		The proposed signs will be elevated well above street level. There are other buildings in the vicinity that also have similar signage – for instance, the Parkroyal Hotel. The proposed signage will not result in visual clutter.	Yes
f)	Illuminated signs are not to detract from the architecture of the supporting building during daylight.		The illumination capabilities of the signage will not be evident during the day.	Yes

	CONTROL		EVALUATION	COMPLIANCE
g)	Illumination (including cabling) of signs is to be: • concealed, or • integral with the sign, or • provided by means of carefully designed and located remote or spot lighting.		The cabling and supporting fixtures of the signage will be fully concealed and located behind each of the signage components and the parapet wall.	Yes
h)	The ability to adjust the light intensity of illuminated signs is to be installed where the consent authority considers necessary.		The illumination level of the signage will be adjustable.	Yes
i)	A curfew may be imposed on the operation of illuminated signs where continuous illumination may impact adversely on the amenity of residential buildings, serviced apartments or other visitor accommodation, or have other adverse environmental effects.		Noted. Signage illumination levels may be subject to hours.	Yes
j)	Uplighting of signs is prohibited. Any external lighting of signs is to be downward pointing and focused directly on the sign and is to prevent or minimise the escape of light beyond the sign.		The signage is to be internally illuminated.	Yes
k)	Signs are regarded as prejudicial to the safety of the travelling public if they: • obscure or interfere with road traffic signs and signals or with the view of a road hazard, oncoming vehicles, or any other vehicle or person, or an obstruction which should be visible to drivers or other road users, • give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs, • are of such a design or arrangement that any variable messages or intensity of lighting impair drivers' vision or distract drivers' attention, and • are situated at locations where the demands on drivers' concentration due to road conditions are high such as at major intersections or merging and diverging lanes.		The proposed signage is elevated well above street level and will have no implications on traffic safety of operations.	Yes

CONTROL		EVALUATION		COMPLIANCE
m)	Building name signs may only be erected on buildings which are not heritage listed and which are at the building parapet height where the sign does not obscure architectural elements of the building.		The approved development has consent to demolish the existing heritage item on the site. The approved new development on the site does not contain any heritage item. The proposed signage is to be situated on the building parapet on the eastern, western and southern elevations. The sign on the northern elevation is to be affixed to the glazing, but will not obscure key architectural design features.	Yes
3.11 VIEWS AND VIEW CORRIDORS				
a)	Existing views shown in Appendix 2 are to be protected in the planning and design of development.		The proposal will promote the view corridor identified in Appendix 2 that exists along Church Street.	Yes
b)	Align buildings to maximise and frame view corridors between buildings.		The proposed towers are spaced to provide view corridors through the development site.	Yes
c)	Carefully consider tree selection to provide views along streets and keep under storey planting low where possible.		Appropriate street tree planting would be undertaken along Church Street.	Yes
d)	Site analysis must address views with the planning and design of building forms taking into account existing topography, vegetation and surrounding development.		The amended proposal has been designed to address the characteristics of the original site analysis.	Yes

PART 4: ACCESS, PARKING AND SERVICING

CONTROL		EVALUATION	COMPLIANCE
4.1 PEDESTRIAN ACCESS AND MOBILITY			
a)	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	The entry lobby to each tower will be clearly visible from the public domain. Their locations are unchanged from the approval.	No change
b)	Access to public areas of buildings and dwellings should be direct and without unnecessary barriers. Avoid obstructions, which cause difficulties including: • uneven and slippery surfaces; • steep stairs and ramps; • narrow doorways, paths and corridors; • devices such as door handles which require two hands to operate.	The proposal has been designed to provide barrier free access. An updated access report is submitted with the application.	Yes
c)	Ensure that barrier free access is provided to common areas of all buildings, and not less than 20% of dwellings in each development.	The submitted access report gives consideration to all accessibility issues.	Yes
d)	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).		
e)	The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor;	All entrances to the buildings provide barrier free access.	Yes
f)	The development must provide continuous paths of travel from all public roads and spaces as well as unimpeded internal access;	The proposal provides continuous paths of travel and unimpeded internal access.	Yes
g)	Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	The submitted access report gives consideration to all accessibility issues.	Yes

CONTROL		EVALUATION		COMPLIANCE
4.2 VEHICULAR DRIVEWAYS AND MANOEUVRING AREAS				
a)	Driveways should be: • Provided from lanes and secondary streets rather than the primary street, wherever practical. • Located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees. • Located a minimum of 10 metres from the perpendicular of any intersection of any two roads. • If adjacent to a residential development, setback a minimum of 1.5m from the relevant side property boundary.		The proposed vehicle entry points are located at the rear of the site.	Yes
b)	Vehicle access is to be designed to; • Minimise the impact on the street, site layout and the building façade design, and • If located off a primary street frontage, integrated into the building design.			
c)	Where practicable, buildings are to share, amalgamate, or provide a rear lane for vehicle access points.		The right-of-way that provides access is shared with other adjoining landuses.	Yes
d)	All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.		All vehicles will be able to leave in a forward direction.	Yes
e)	Separate and clearly differentiate pedestrian and vehicle access.		The vehicle and main pedestrian access areas are physically separated. However, a shared pedestrian and vehicle space forms part of the proposal as shown on the submitted plans.	Yes
f)	Locate vehicle access a minimum of 3 metres from pedestrian entrances.		The proposed vehicle access is located 7 metres away from the pedestrian access to the serviced apartments lobby.	Yes
g)	Minimise the size and quantity and visual intrusion of vehicle access points. The preferred width of driveway crossings and car park and service entries is 2.7m.		The vehicle access points are appropriately sized for the development.	Yes

h)	Vehicular access may not ramp along boundary alignments edging the public domain, streets, lanes parks, water frontages and the like.		No vehicle access ramps are located alongside boundaries.	Yes
i)	Driveway widths must comply with the relevant Australian Standards.		The proposed driveway has been designed to the relevant standards.	Yes
j)	Car space dimensions must comply with the relevant Australian Standards.		The proposed carparking area has been designed to the relevant standards.	Yes
k)	Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).		The proposed driveway and ramps have been designed to the relevant standards.	Yes
l)	Vehicular ramps less than 20 metres long within developments and parking stations must have a maximum grade of 1 in 5 (20%). Ramp widths must be in accordance with AS 2890.1			
m)	Access ways to underground parking should not be located adjacent to doors or windows of the habitable rooms of any residential development.		No windows or doors of dwellings are located adjacent to near any part of the carpark.	Yes
4.3 ON-SITE PARKING				
a)	Provide car parking in basements, and semi-basements. Development which will involve excavation shall incorporate the recommended site management procedures set out in the Parramatta Historical Archaeological Landscape Management Study.		The proposal contains 4 basement levels of parking and 3 levels of parking above ground. The parking levels above ground are 'sleeved' along the Parramatta River and Church Street and eastern frontages of the development, which fully conceals the parking from view. There is no change to this from the original approval.	No change
b)	Consolidate basement car parking areas under building footprints to maximise the area available for soft landscaping.		The basement parking area is located under the podium footprint.	No change
c)	Maximise the efficiency of car park design with predominantly orthogonal geometry and related to circulation and car space sizes.		The carpark has been designed to provide effective circulation.	Yes
d)	Design parking structures, which minimise reliance on artificial lighting and car exhaust ventilation.		The greatest efficiency measures will be employed to minimise reliance on artificial lighting and car exhaust ventilation.	Yes
e)	Provide 1-2% readily accessible parking spaces, designed and appropriately signed for use by people with disabilities.		The amended access report that accompanies the application addresses all accessibility issues.	Yes

f)	Provide motorcycle parking equivalent to one car parking space in every building with on-site parking.		Motorcycle parking equivalent to one car parking space can be accommodated into the parking areas of the development.	Yes
g)	Parking provided as part of a development may only be used by the occupants of the building.		Noted.	Yes
h)	On-site parking must meet the relevant Australian Standard (AS 2890.1 2004 – Parking facilities, or as amended).		The proposed carparking area has been designed to the relevant standards.	Yes
i)	Car parking and associated internal manoeuvring areas which are surplus to Council's specified parking requirements will count towards the gross floor area, but not for the purpose of determining the necessary parking.		Noted.	Yes
j)	Provide marked pedestrian pathways with clear lines of sight and safe lighting especially at night.		Marked pedestrian pathways and lighting will be provided in the parking areas of the building.	Yes
k)	Make provision for secure bicycle parking in all public car parks and every building with on-site parking, equivalent to one car parking space per 100 spaces or part thereof.		Bicycle parking is provided in the parking areas of the building. Refer to traffic and parking report submitted with the application.	Yes
l)	Bicycle parking in public car parks will achieve safe, easy and convenient access from the building to public streets.		Bicycle users will have access to lifts that provide access to the ground level and all other levels in the development.	Yes
m)	For commercial and retail development providing employment for 20 persons or more, provide adequate change and shower facilities for cyclists. Facilities should be conveniently located close to bike storage areas.		Staff amenities will be incorporated into the development.	Yes
n)	On-site parking is to be accommodated underground, or otherwise integrated into the design of the building.		The proposal contains 4 basement levels of parking and 3 levels of parking above ground. The parking levels above ground are 'sleeved' along the Parramatta River and Church Street and eastern frontages of the development, which fully conceals the parking from view. There is no change to this from the original approval.	No change
o)	Stack parking of up to 2 cars is permitted where spaces are attached to the same strata title comprising a single dwelling unit.		Where stack parking is proposed, it will not be on separate title.	Yes
p)	Provide secure bicycle storage areas in all residential developments.		Bicycle parking is provided in the parking areas of the building. Refer to traffic and parking report submitted with the application.	Yes

PART 5: ENVIRONMENTAL MANAGEMENT

CONTROL		EVALUATION		COMPLIANCE
5.3 REFLECTIVITY				
a)	New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.		The MP approval was issued with a reflectivity report that was subsequently amended under MOD3. The report found that there will be no elements within the development facades that are capable of causing adverse glare events at surrounding locations for motorists (disability glare) or pedestrians (discomfort glare) under any reflection condition. The proposed amendments will not result in any increase in reflectivity.	Yes
b)	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.			
c)	Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.			
5.4 WIND MITIGATION				
a)	To ensure public safety and comfort the following maximum wind criteria are to be met by new buildings: • 10 metres/second in retail streets • 13 metres/second along major pedestrian streets, parks and public places • 16 metres/second in all other streets		Condition B23A of the existing MP approval requires submission of a supplementary wind environment report within 3 months of MOD3. It is proposed to amend that condition to require the submission of the report within 3 months of this MOD.	Yes
b)	Site design for tall buildings (towers) should: • Set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower. • Ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre. • Consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level. • Ensure usability of open terraces and balconies.		The two towers are set back from the edge of the podium and are generously spaced. There is no change to this on site.	No change

c)	A Wind Effects Report is to be submitted with the DA for all buildings greater than 32m in height.		Condition B23A of the existing MP approval requires submission of a supplementary wind environment report within 3 months of MOD3. It is proposed to amend that condition to require the submission of the report within 3 months of this MOD.	Yes
d)	For buildings over 50m in height, results of a wind tunnel test are to be included in the report.			
5.3 WASTE AND RECYCLING				
a)	Development applications for all non-residential development must be accompanied by a waste management plan that addresses: • Best practice recycling and reuse of construction and demolition materials. • Use of sustainable building materials that can be reused or recycled at the end of their life. • Handling methods and location of waste storage areas in accordance with the provisions of the DCP, such that handling and storage has no negative impact on the streetscape, building presentation or amenity of occupants and pedestrians. • Procedures for the on-going sustainable management of organic and putrescible waste, garbage, glass, containers and paper, including estimated volumes, required bin capacity and on-site storage requirements. The waste management plan is to be prepared by a specialist waste consultant and is subject to approval by Council.		An amended waste management plan is submitted with the application and addresses all relevant waste management issues.	Yes
b)	In development of more than six units or dwellings, or where the topography or distance to the street collection point makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is: • not visible from the street; • easily accessible to dwelling occupants; • accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to an approved collection point); • has water and drainage facilities for cleaning and maintenance; and • does not immediately adjoin private open space, windows or clothes drying areas.		The main storage/collection location is at the rear of the site inside the building. The adjoining loading dock will be used to collect all waste.	Yes

c)	Subject to Council collection policy, common garbage storage areas must be sized to either accommodate the number of individual bins required or to accommodate sufficient larger bins with the following minimum dimensions: The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.		An amended waste management plan is submitted with the application and addresses all relevant waste management issues.	Yes
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PART 6: RESIDENTIAL DEVELOPMENT CONTROLS

CONTROL		EVALUATION	COMPLIANCE
6.1 HOUSING CHOICE, AFFORDABILITY AND MIX			
a)	To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size: • Provide a mix of bed-sitter/studio, one bedroom, two bedroom and three bedroom apartments. • Bed-sitter apartments and one bedroom apartments must not be greater than 25% and not less than 10% of the total mix of apartments within each development. • Two bedroom apartments are not to be more than 75% of the total mix of apartments within each development. • Three bedroom apartments are not to be less than 10% of the total mix of apartments within each development. • For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.	The residential component of the proposal contains a mix of 1, 2 and 3 bedroom apartments, in the following mix: 69 x 1-bed (18%) 286 x 2-bed (76%) 20 x 3-bed (5%) The proposed mix of units has been devised to address specific market demand in the area. A high level of demand exists for 2-bedroom units, which provide ideal opportunities for shared tenants.	Partial
b)	For residential apartment buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299- 1995), which includes "pre-adaptation" design details to ensure visitability is achieved.	An amended access report has been prepared, which addresses all relevant access issue including adaptable housing.	Yes
c)	Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	An amended access report has been prepared, which addresses all relevant access issue including adaptable housing.	Yes
d)	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).		

PART 7: CONTROLS FOR SPECIAL AREAS

CONTROL		EVALUATION	COMPLIANCE
7.3 SPECIAL AREA CONTROLS			
	Church Street Church Street functions as a retail and civic spine and is one of the city centre's most significant public spaces. Church Street takes on a number of characteristics along its route, with buildings of a fine human scale. Overall it will provide a link to the City's historical routes, potential to provide environmental leadership in its streetscape development and also be a high street for the local community. The city centre offers a wide range of retail and entertainment options and is a key driver of the Parramatta's economy. The retail and entertainment core is focused on Church Street from Auto Alley to Westfield as the southern anchor, and the dining precinct and developing cultural precinct as the northern anchor. Church Street acts as an important retail/civic spine to the city and supports other key streets including Phillip Street, George Street and Macquarie Streets. The city centre is increasingly offering a wide range of entertainment including special events, theatre and restaurants.	The proposed development will uphold the character of Church Street north as a dining precinct. The Church Street frontage of the building is to contain retail tenancies that have the potential to be used as eateries. The retail component of the development continues around to the riverfront of the proposed building. The retail tenancies facing the river are set in a colonnade, which will provide an area suitable for dining at all times throughout the year. The development has been the result of a design competition which addresses a range of criteria to ensure architectural, environmental and sustainability issues.	Yes
a)	Provide box awnings on both sides of the street;	An awning is proposed along the full Church Street frontage. This remains as approved.	Yes
b)	Refer to and comply with Parramatta City Council's "Church Street Colour Scheme Volumes 1 and 2";	The proposed colours and materials have been selected by Tony Caro Architects to provide a carefully balanced colour scheme. No change is proposed to the approved colours and materials.	No change
c)	Developers should consider providing two storey verandah elements that extend over the footpath for outdoor dining and the like.	The proposal includes a colonnade along the riverfront that is designed to be specifically suitable for dining. This remains as approved.	Yes

	River Foreshore The river foreshore together with Parramatta Park is an important open space contributing to the recreational potential of the city centre and region. The river plays a major role in the function and form of the city, offering opportunities for walking, cycling, social gatherings and events. The plan provides for continued measures to activate the river's edge, extend pedestrian and cycle connections along the foreshore to Parramatta Park and the University, and improve connectivity with the city centre. Buildings will be required to sensitively address the river edge with high quality facades and finishes and will be encouraged to incorporate uses such as cafes and restaurants and residential apartments that take advantage of the river setting.		The proposal is entirely consistent with the desired character of the Parramatta River foreshore. The proposal has a high standard of architectural design and will be constructed using superior materials and finishes. The pedestrian environment will be enhanced by the installation of the riverfront promenade landscaped area. The colonnade that runs alongside the proposed building will provide a forecourt to the retail uses that face the river. These retail uses will be ideal for dining establishments.	Yes
a)	Provide pedestrian links, promenades and/ or colonnades along or in proximity to the river foreshore;		The proposal contains a colonnade and pedestrian environment fronting the river. This remains as approved.	Yes
b)	Provide robust ground level spaces designed to accommodate flood inundation.		The proposal has been designed to an appropriate level to minimise potential for impact from flooding. This remains as approved.	Yes
c)	Enhance safety and amenity along the riverfront; • incorporate passive surveillance of the river front from development. • maximise active uses along the river front, particularly on the south bank, with cafes, restaurants and the like; • provide multi-use or flexible use facilities, to activate the river front throughout the day, and throughout the year; • maximise pedestrian access and connectivity along the river edge;		The promenade and retail uses that address it will provide an area of high amenity and safety.	Yes
d)	Integrate public squares or courtyards within the design of development along the river foreshore to provide a system of connected open space and public domain.		The colonnade and adjoining promenade will combine to provide for a generously spaced public area that will greatly enhance the public domain along the river.	Yes
e)	Differentiate north and south orientation of buildings by responding to the aspect with articulation elements, design of openings, appropriate sunshading and the like;		The buildings on the site have been designed with appropriate articulation elements, design of openings, sunshading and the like.	Yes

LEP PROVISION	ASSESSMENT	COMPLIES
Clause 24 Exceptions to development standards		
(3) <i>Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</i> (a) <i>that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i> (b) <i>that there are sufficient environmental planning grounds to justify contravening the development standard.</i>	Strict compliance with the development standard would hinder the attainment of the objects of Clause 5(a) (i) and (ii) of the Act. Compliance with the height and FSR controls on this occasion is considered unreasonable and unnecessary. The original approved development was the subject of a design competition. The competition winner, Tony Caro Architecture, has prepared the amended drawings to ensure consistency with the original competition winning vision for the site. The proposed eastern tower amendment seeks a 15.3-metre variation to the 88-metre height limit. However, the extent of variation of only 2.5 metres above the existing approved parapet wall height under MOD3. The proposal will have acceptable environmental impacts, in that: • The proposed tower is generally positioned along a north-south axis and have a slender design, which ensures that the extent of additional overshadowing to the south will be relatively confined; • No overshadowing will occur over significant areas of public domain or areas of public parks and gardens; • The shape of the proposed building and its use of materials will assist in minimising visual scale or bulk issues; • No adverse issues will result from overlooking, given that the site is surrounded by non-residential uses; • The tower is part of a development that will provide a positive contribution to the quality of the urban environment in this part of the Parramatta CBD; • The building will not interfere with any views; • The increase in the height of the parapet wall will provide a finished look to the building and will provide a more appropriate location for building name signage.	Yes

	LEP PROVISION	ASSESSMENT	COMPLIES
(4)	<i>Consent must not be granted for development that contravenes a development standard unless:</i> <i>(a) the consent authority is satisfied that:</i> <i>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i> <i>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i> <i>(b) the concurrence of the Director-General has been obtained.</i>	In relation to public interest, the proposed development will form part of Council's vision to make the Parramatta River frontage vibrant economic, social and entertainment precinct in accordance with the Parramatta Riverbank Urban Design Strategy. The proposed VPA for the site includes the removal of the existing Council multi-storey carpark building to make way for the creation of a public park on the foreshore of Parramatta River. The new park will provide for a public space with a high level of amenity, which is in the public interest. The proposal is consistent with the objectives of the zone in which the site is located, which is demonstrated in the Planning Report. The following gives consideration to the objectives of the height control. Clause 21(1) of the LEP contains the objectives for the control of the height of buildings. The objectives are as follows: a) <i>to allow sunlight access to key areas of the public domain by ensuring that further overshadowing of parks, the river and community places is avoided or limited during nominated times,</i> b) <i>to provide high quality urban form for all buildings,</i> c) <i>to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of tower forms and to public areas, including parks, streets and lanes,</i> d) <i>to ensure that taller development occurs on sites capable of providing appropriate urban form and amenity,</i> e) <i>to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,</i> f) <i>to require the height of future buildings to have regard to heritage sites, and their settings, their views and their visual interconnections,</i> g) <i>to ensure the preservation of historic views shown in the City Centre Development Control Plan.</i> The proposal satisfies all the objectives of the height control, in that: a) the proposed tower will have no overshadowing impact on key areas of the public domain. Specifically, no overshadowing will result on parks, the river or community places; b) the approved development was the subject of a design competition and exhibits inherent design excellence. The proposed amended tower has been designed by the winning architect and are generally consistent with the architectural vision that was embodied in the winning scheme; c) The proposed tower is generally positioned along a north-south axis and have a slender design, which ensures that the extent of overshadowing over buildings and/or streets to the south will be relatively confined; d) The site is large and can comfortably accommodate the proposed minor increase in the height of the tower in terms of urban form; e) The overall proposal will play its role in acting as a transition between the river and the future taller buildings of the Parramatta CBD; f) The subject site is visually well removed from heritage buildings in the locality and will not have an adverse impacts on their settings; and g) The tower will have no impact on views along Church Street.	Yes

	LEP PROVISION		ASSESSMENT	COMPLIES
(4A)	<i>In addition to the matters set out in subclause (4), consent must not be granted for development that contravenes a development standard on land on which there is a heritage item unless the consent authority is satisfied of each of the matters set out in clause 35 (9) (a)–(e).</i>		A heritage impact assessment was considered and assessed as part of the original Major Project application. The report addressed all relevant heritage issues relating to the site. The report concluded that the proposal is acceptable in the context of heritage issues. The Major Project approval grants consent to demolish the existing heritage item on the site, which has been undertaken.	Yes
(5)	<i>In deciding whether to grant concurrence, the Director-General must consider:</i> (a) <i>whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</i> (b) <i>the public benefit of maintaining the development standard, and</i> (c) <i>any other matters required to be taken into consideration by the Director-General before granting concurrence.</i>		The proposed variation to the building height development standard does not conflict with any matters of State or regional environmental planning significance, nor does it conflict with any State Planning Policies or Ministerial directives. The significance of the non-compliance is acceptable in the context of the overall development of the broader Parramatta CBD area and the Council's future vision for the area. It is considered that due to the absence of any demonstrable adverse impacts arising from the proposed development, as argued in the Planning Report, adherence to the subject development standards would hinder the attainment of the objectives of the Act. Further, the proposed development is consistent with the objectives of the development standards. Therefore, such adherence would not be in the public interest in this instance.	Yes

DESIGN MOVE		EVALUATION		COMPLIANCE
VIEWS AND VISTAS				
1.	Preserve the open vista from Lennox Bridge across the river and parkland. Bridges or overhanging structures should not cross the river between Lennox Bridge and Barry Wilde Bridge.		The amended proposal does not involve the erection of any structures that would interfere with this viewline.	Yes
2.	Extend views from North Parramatta across the river, through the site, into the CBD; visually connect north/south of the city centre. Views from North Parramatta should draw attention to public spaces, activities, and architectural features.		The view from North Parramatta over the river to the site will be greatly enhanced by providing an activated front to the river. The amended proposal retains visual permeability to enable a visual connection with buildings of the CBD beyond.	Yes
3.	Open the ‘Civic Place Axis’ view from the city to the river. Any overhanging or intrusive elements that would obstruct the view should not be permitted. Terminate the Civic Place Axis at the river. The axis view celebrates the connection between Civic Place, the city centre, and the river. If the view is extended across the river the meaning is lost.		Not applicable. The amended proposal does not have an association with Civic Place or the intended view line.	N/A
4.	Open the view from the Phillip Street access road directly to the river, to provide a mid-block city view of the river and parkland.		Not applicable. The subject site is not associated with the intended viewline from Philip Street to the river.	N/A
5.	Explore opening the view from Phillip Lane to the river, to continue Church Street’s street pattern/hierarchy. The view may extend through an arcade, semipublic or private atrium space.		Not applicable. The opportunity does not currently exist to provide for a viewline that extends from Philip Lane through to the river.	N/A
6.	Enhance the view from the corner of Phillip and Smith Streets down to the river. An opportunity exists for a tiered/terraced path to the park to express the approach from the city to the river.		Not applicable. The subject site is not associated with the intended viewline from the corner of Philip Street and Smith Street.	N/A
7.	Reinforce the historical view along Church Street to North Parramatta by maintaining the continuity of street edge and proportions.		The proposal includes a podium that is to be built to the Church Street frontage of the site. The podium is proposed at a height that will form an appropriately scaled street wall to the northern end of Church Street. The defined edge that this creates will promote the view corridor.	Yes
8.	Strengthen the street edge corners and alignments to concentrate and frame views to the river from the city centre.		The proposal includes a bold architectural treatment to the northwestern corner of the development. This will provide strength to the corner of the site and assist in framing the view along Church Street from Parramatta North.	Yes

	DESIGN MOVE		EVALUATION	COMPLIANCE
9.	Enrich and enliven views by activating the frontages along the view, particularly to encourage movement through the block to the river.		The proposal has active frontages to Church Street and facing the river. This will enliven the north and western elevations considerably.	Yes
10.	Provide directional views of the river and city centre districts through considered orientation of buildings and architectural elements, or public art.		The proposal promotes views to the river in various ways. One such example is the proposed pedestrian/visual link at the eastern end of the development that connects the riverfront promenade with the area to the rear of the site.	Yes
MOVEMENT AND ACCESS				
1.	Retain existing River Foreshore Walk and enhance its 'natural' aesthetic.		The proposal does not affect the existing river reserve. The proposal will add to its amenity by the creation of the riverfront promenade.	Yes
2.	Extend the Phillip Street access road/shareway to meet the River Foreshore Walk; to provide the most primary, direct, and legible mid-block connection between the city and the river.		Not applicable. The subject site is not associated with the intended Philip Street shared accessway extension.	N/A
3.	Tier/terrace a public promenade/colonnade from Church Street that cascades to the park level, meeting the River Foreshore Walk. The promenade may include a series of projecting balconies for outdoor dining, allowing for shared views along the river. The tiered promenade and balconies would evoke the progression of approach to the river basin; reflecting the wider landform and encourage visitors to travel from Church Street and along the River Foreshore Corridor.		The proposal facilitates possible future provision of a landscaped promenade with projecting bays suitable for dining associated with the proposed retail uses on the site. Such a promenade may provide connection and direct access to the riverfront by steps and/or ramps.	Yes
4.	Provide a new public pedestrian lane from Church Street, with active frontages, to meet both Phillip Lane and the extended mid-block road.		This issue is covered by Condition B36 in the MP approval. Plans will be submitted to the satisfaction of the Director-General prior to the issue of a Construction Certificate for above ground works, demonstrating how the development will be adapted to provide active uses along the southern elevation of the building following the construction of the laneway.	Yes
5.	A shareway loop may be formed between Phillip Lane, part of the new Church Street lane and the extended mid-block link to be used by service vehicles (preferably during non-peak hour) or vehicle entry to carparks.		The amended proposal includes details on the introduction of the share way at the rear of the site.	Yes
6.	Recommend a new public pedestrian path to align along the Civic Place Axis (from Horwood Place) that extends to the river creating a 'dumbbell' connection between Parramatta River and Civic Place.		Not applicable. The subject site is not associated with the proposed new public pedestrian path to align along the Civic Place Axis.	N/A

DESIGN MOVE		EVALUATION		COMPLIANCE
7.	Retain the existing car park access road that travels from Smith Street under Barry Wilde Bridge to cater for future carparking needs and/or services relating to river activities.		Not applicable. The subject site is not associated with the access road under Barry Wilde Bridge.	N/A
8.	Retain the existing access/service roads parallel to Phillip Street and enhance them as shareways that integrate with the pedestrian movements within the block.		The amended proposal does not interfere with the retention of any existing access roads.	Yes
PUBLIC DOMAIN				
1.	Retain the parkland corridor characteristics and its natural elements through the Riverbank block as a continuous green ribbon through the city.		The amended proposal does not interfere with the existing riverfront reserve.	Yes
2.	Absorb Willow Grove and its garden into David Frater Reserve to form a 'green finger' that stretches from Parramatta River to Phillip Street aligning with the Civic Place Axis. The intention is to draw the park and river elements into the city; thus by opening the block to provide the strongest bond between the city and its natural environs. This move would also provide a new green space for the city (assuming the removal of the multi-storey car park).		Not applicable. The subject site is not associated with the proposed green finger.	N/A
3.	Develop an 'urban finger' that extends from the Phillip Street to the existing river platform; contrasting to the 'green finger', this space would reflect the city reaching to the river (given the access road is the primary city and mid-block street access to the river).		Not applicable. The subject site is not associated with the proposed urban finger.	N/A
LAND USE PRINCIPLES				
1.	Continue the fine-grain retail/restaurant character along Church Street, and expand this urban experience to wrap the river edge and to also expand along Phillip Street.		The amended proposal includes retail tenancies that address the Church Street frontage. These landuses will ensure that the frontage is well activated.	Yes
2.	Restaurants, cafes and shop fronts should open along the river edge and laneways, and where possible along all other primary frontages.		Retail tenancies are proposed along the frontage facing the river and also incorporated into the pedestrian link that connects the riverfront with the rear of the site.	Yes
3.	Concentrate residential development within the block to generate incidental activity, so the interior of the block does not become deserted after business hours.		The amended proposal includes 375 residential apartments and 291 serviced apartments.	Yes

	DESIGN MOVE		EVALUATION	COMPLIANCE
4.	Ensure active frontages extend above ground floor levels. This may include double storey retail/restaurant frontages to lift the perceived dimension of public space, increase the appearance of activity and increase visual contact with the street/river park.		The active frontage is continued along Church Street with the incorporation of apartments. The riverfront will be further activated above ground level with apartments overlooking the river and its reserve.	Yes
5.	Locate a cultural venue along the river to draw people into the site, assisting to activate other uses and paths. An ideal location would be on the eastern side of the block to provide a gateway feature from the northern approach on Barry Wilde Bridge. This location would also attract visitors from the eastern side of the CBD, and be a point of interest on the Riverside Walk between the Ferry Wharf and Church Street/Riverside Theatres.		Not applicable. The subject site is not associated with the proposed location of a cultural centre on the eastern end of the study area.	N/A
6.	Enliven the river basin with an open amphitheatre or stage for performances.		Not applicable. The subject site is not associated with a proposed location for an open amphitheatre or stage for performances	N/A
BUILDING FORM PRINCIPLES				
1.	Comply with DCP 2007 desired street setback spatial proportions for podiums to develop greater continuity along streets.		The proposal complies with the DCP setback requirements for the podium to ensure continuity along Church Street.	Yes
2.	Built edges should step up from the river to reveal the transitional layers between the river podiums to tower elements to the city skyline.		A future landscaped promenade will provide a transition between the riverfront reserve and the proposed colonnade. The podium provides the next transition, followed by the towers, which are set back from the edge of the podium.	Yes
3.	Two conditions of towers are proposed: ones facing Phillip Street will reinforce the street edge and towers close to the river will respect the 30m setback from the river edge and run in a north-south orientation to preserve solar access to the site, preserve views from further towers to the river.		The west tower on the site is set back 30 metres from the river edge. The east tower is set back in excess of 30 metres. Both towers have a north-south orientation to minimise overshadowing and maximise visual permeability through the site from the north.	Yes
4.	Towers along the river frontage should be elegant, of slender appearance, and unassuming elements that do not dominate the river frontage.		Both towers have been designed with elegant proportions and styling. The proposed development has been the subject of a design competition.	Yes
5.	The towers should not create a perceived wall along the river edge, they should be orientated to open views between the river and the city.		The setback of the towers from the northern edge of the podium and their shape and orientation will ensure that the buildings will not create a wall along the riverfront.	Yes

	DESIGN MOVE		EVALUATION	COMPLIANCE
6.	Buildings should have dual or multiple frontages to be orientated to address the river and city, and elsewhere to address the main street and rear lanes.		The towers have a dynamics appearance so that they appear to address the surrounding area from all aspects.	Yes
7.	Towers fronting the river should interpret through form and style the transition between natural and urban setting and consider curvilinear, organic-like elements.		The towers and their shapes are based on a winning design in a competitive design process. The towers will assist in a visual transition between the river and the CBD beyond.	Yes
8.	All towers to maintain the DCP 2007 requirements for slender towers with a maximum floor plate for commercial buildings of 1,200sqm (for A-Grade commercial space), and 900sqm for residential development; to satisfy development needs whilst improving sustainability and allow view sharing.		The floorplates of both towers comply with the maximum floorplate sizes imposed in the DCP.	Yes
9.	Highly active uses should open along the river edge and laneways and all other primary frontages. Balconies and terraces should overlook the river, parkland and key public spaces to increase outlook and improve safety and surveillance.		Active uses are proposed fronting the river and Church Street. Balconies in the towers overlook the public domain areas that surround the site.	Yes