

INNOVATIVE

ITEM NUMBER	14.3
SUBJECT	Post Exhibition - Site-specific DCP and Planning Agreement for land at 142-154 Macquarie Street Parramatta (Cumberland site)
REFERENCE	RZ/15/2014 - D06738705
REPORT OF	Project Officer
LANDOWNER	Landmark East Pty Ltd
APPLICANT	Dyldam

PURPOSE

To report to Council the outcome of the public exhibition of the Planning Proposal and supporting site-specific Development Control Plan and Planning Agreement for 142-154 Macquarie Street, Parramatta, and to seek re-exhibition of the draft Development Control Plan and Planning Agreement.

RECOMMENDATION

- (a) **That** Council receives and notes the submissions received, summarised at **Attachment 1**, during the public exhibition of the Planning Proposal, site-specific Development Control Plan and Planning Agreement for the site at 142-154 Macquarie Street, Parramatta.
- (b) **That** consideration of finalising the Planning Proposal be deferred until completion of the cumulative shadow impact analysis required as part of the CBD Planning Proposal Gateway Determination.
- (c) **That** the exhibited draft Development Control Plan shown at **Attachment 2** and Planning Agreement be amended to address issues raised in response to the public exhibition and the revised versions be publicly exhibited.
- (d) **That** the revised draft Development Control Plan and Planning Agreement be reported back to Council after the re-exhibition.
- (e) **That** Council authorise the Acting Chief Executive Officer to make any minor amendments and corrections of an administrative and non-policy nature relating to the draft Development Control Plan.
- (f) **Further, that** Council authorise the Acting Chief Executive Officer to make amendments to the Planning Agreement as detailed in this report and to make corrections of an administrative nature.

SITE DESCRIPTION

1. The subject site is located at 142-154 Macquarie Street, Parramatta. It comprises a large single allotment of approximately 12,500sqm. The site occupies almost 80 percent of the street block bounded by Macquarie Street, Harris Street, George Street and Argus Lane.
2. The site is currently vacant and was formerly occupied by the Cumberland Newspaper Group. An aerial photo of the site is shown in Figure 1 below.

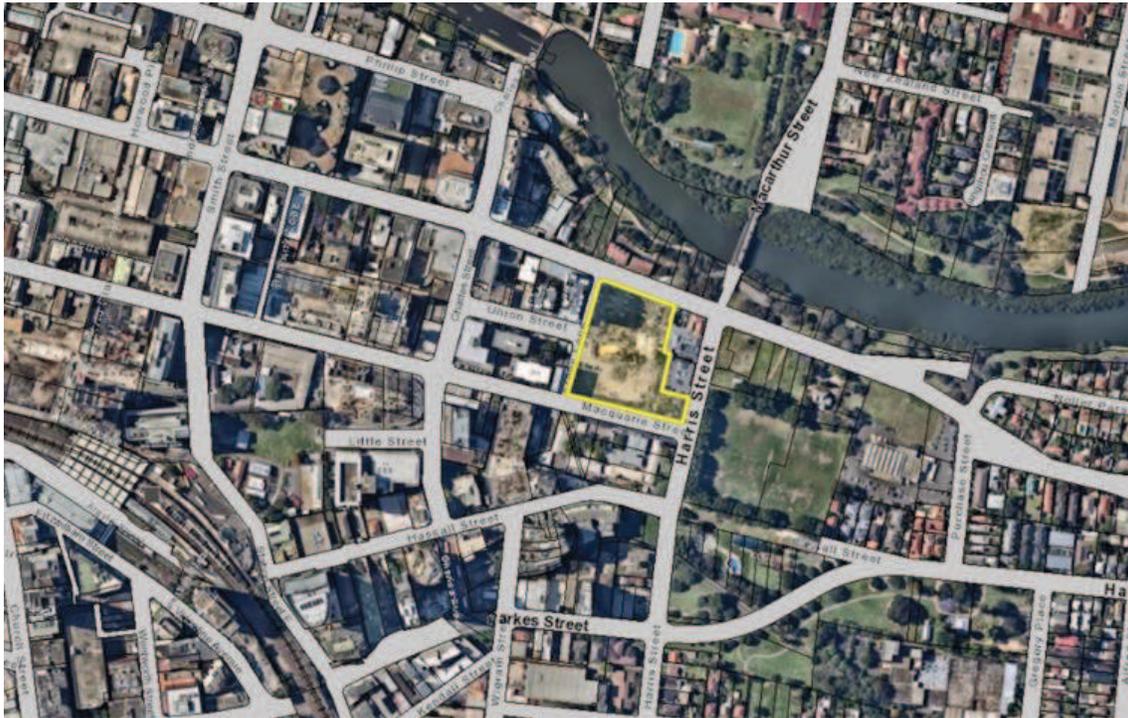


Figure 1 – The subject site outlined in yellow

3. The remaining north-eastern corner of the block is occupied by The Albion Hotel for which a separate Planning Proposal has been lodged. A decision on whether to seek a Gateway Determination for the Albion Hotel Planning Proposal was recently considered by Council at its meeting on 8 April 2019. Council resolved to support the Local Planning Panel's recommendation to defer progress on the Planning Proposal until a cumulative shadow analysis has been completed and Council has made a decision on what is an acceptable level of shadowing impact on the adjoining Robin Thomas Reserve, James Ruse Reserve and on State listed heritage items outside the CBD.

BACKGROUND

4. In November 2014, the applicant lodged a Planning Proposal for 142-154 Macquarie Street, Parramatta, seeking to:
 - a. Increase the maximum building height control from 54 metres to 200 metres; and
 - b. Increase the maximum floor space ratio (FSR) control from 4:1 to 8:1 (or 9.2:1 with design excellence).

5. Council considered a report on the Planning Proposal on 9 February 2015. At that meeting Council resolved:
 - a. **That** Council endorses the Planning Proposal at Attachment 2 to increase the building height to 157 metres and floor space ratio to 7:1 and introduce two site-specific clauses at 142 – 154 Macquarie Street, Parramatta and forwards it to the Department of Planning and Environment for Gateway determination.
 - b. **That** Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the plan making process.
 - c. **That** a site-specific DCP be reported to Council prior to formal exhibition of the Planning Proposal.
 - d. **That** Council proceed with negotiations on a Voluntary Planning Agreement (VPA) with the applicant in relation to the planning proposal on the basis that any contribution in a VPA would be in addition to Section 94A contributions payable for the development.
 - e. **Further, that** delegated authority be given to the CEO to negotiate the VPA on behalf of Council and that the outcome of the negotiations be reported back to Council.

6. As well as resolving a floor space ratio control of 7:1 (8:1 with design excellence) and a maximum building height control of 157 meters, Council also resolved to include the following two local clauses discussed in Part (a) at the resolution above:
 - i. Enable reliance on clause 7.6 Airspace operations in *Parramatta LEP 2011* to ensure that buildings do not intrude into prescribed airspace; and
 - ii. Introduce a site-specific clause which mandates a minimum of 21 percent of total non-residential floor space.

7. The Department of Planning and Environment issued a Gateway determination on 12 June 2015 which allowed the public exhibition of the Planning Proposal subject to conditions. The conditions included;
 - Inclusion in the exhibition material of cumulative overshadowing impact diagrams showing the impact of this development and one other Planning Proposal at 184-188 George Street, Parramatta.
 - Consultation with the Commonwealth Department of Infrastructure and Regional Development prior to public exhibition regarding the suitability of the proposed building height for airspace operations and, if required, an amendment to the proposal in accordance with the outcome of the consultation.

8. In order to address these conditions the following action was taken:
 - The City's Urban Design team prepared cumulative overshadowing diagrams showing the impact of the shadows from the subject proposal and nearby Planning Proposal. These diagrams were included as

additional appendices to the Planning Proposal during exhibition. Copies of the exhibited shadow analysis are provided at **Attachment 4**.

- In addressing the Gateway conditions, the applicant submitted an aeronautical study which was forwarded to the Commonwealth Department of Infrastructure and Regional Development (DIRD). DIRD did not raise any in-principle objections to the Planning Proposal, but provided comments which are to be considered at Development Application stage. The aeronautical study was also included as an appendix to the Planning Proposal.
9. Following the resolution of the Gateway conditions, Council resolved on 26 April 2016 to, in summary:
 - Allow the CEO to continue to negotiating the Planning Agreement offer for the site;
 - Grant the CEO delegation to authorise the draft Planning Agreement documentation for public exhibition on behalf of Council; and
 - Exhibit the Planning Proposal, draft Development Control Plan and Planning Agreement concurrently once finalised.
 10. The applicant due to issues with the drafting and finalisation of the Planning Agreement requested Council allow the Planning Proposal and draft Development Control Plan to be exhibited separately from the draft Planning Agreement. Council resolved to support this request on 11 July 2016.
 11. The Planning Proposal (including supporting studies) and site-specific draft Development Control Plan were publicly exhibited from 27 July 2016 to 26 August 2016. The exhibition comprised of an advertisement in the local newspaper, letters to adjoining landowners, the relevant material placed on the City's website and hard copies located at the City's Administration Building and Parramatta Central Library.
 12. The exhibition material consisted of a copy of the Planning Proposal and draft Development Control Plan and supporting appendices including:
 - The June 2015 Gateway Determination;
 - Contamination study;
 - Pre-exhibition consultation with the Department of Infrastructure and Regional Development;
 - Pre-consultation with NSW Office of Environment and Heritage;
 - Urban Design report;
 - Winning design competition scheme;
 - Arborist report;
 - Cumulative overshadowing analysis;
 - Flood study;
 - Heritage issues identification report;
 - Aeronautical study; and
 - Traffic engineering review.
 13. The Planning Agreement was exhibited from 8 December 2016 to 24 January 2017. It underwent an extended public exhibition as it was exhibited during the Christmas period.

DESIGN EXCELLENCE COMPETITION

14. A Design Excellence Competition was held at the request of the applicant for this site prior to the completion and exhibition of a site-specific Development Control Plan.
15. The Design Excellence Competition jury convened on 4 March 2016 and selected a winning design scheme submitted by a consortium of PTW Architects, Collins and Turner and McGregor Coxall. As per the provisions of the Parramatta City Centre LEP 2007 (now incorporated into the Parramatta LEP 2011), the winning design included the 15 percent Design Excellence floor-space ratio bonus afforded by the design competition. As a result of this bonus, the effective floor-space ratio on the site increased to 8:1 from 7:1. The winning scheme included 964 units and 21,130sqm of commercial floorspace.
16. The winning scheme subsequently informed the site-specific Development Control Plan for this site.

PARRAMATTA CBD PLANNING PROPOSAL MILESTONES

17. On 11 April 2016, Council endorsed the draft Parramatta CBD Planning Proposal and resolved to seek a Gateway Determination from the Department of Planning and Environment.
18. Under the CBD Planning Proposal controls, the subject site would have an incentive floor-space ratio control of 10:1 and no height of buildings control. The site could also qualify for Design Excellence and Opportunity Sites floor-space ratio bonuses, allowing a theoretical floor space ratio of 15:1.
19. Council received a Gateway Determination for the CBD Planning Proposal on 13 December 2018. The Gateway Determination conditioned, amongst other things, that Council:
 - Provide further assessment of the overshadowing impact of the proposed controls on public open spaces surrounding the CBD compared to the existing controls;
 - Incorporate an assessment of the potential overshadowing impacts on Experiment Farm that may result from the proposed planning controls (outside the proposed sun access plane of 10am to 2pm); and
 - Carry out an urban design study of the southern heritage interface areas to ensure that excessive cumulative shadow impacts are not created across the northern sections of adjoining heritage conservation areas, including the Experiment Farm Heritage Conservation Area. These areas should receive a minimum two hours direct sunlight between 9am and 3pm at midwinter. If required, heights and floor space ratios are to be adjusted accordingly.

SUBJECT PLANNING PROPOSAL

20. The issue of solar access raised in the CBD is a critical issue in the assessment of this site-specific Planning Proposal. Whilst it is acknowledged that the current site-specific Planning Proposal seeks lower floor space ratio and height of buildings controls than proposed under the CBD Planning Proposal, the current proposal still overshadows Robin Thomas Reserve and James Ruse Reserve.
21. The subject site will be examined as part of the cumulative shadow analysis required by the CBD Planning Proposal Gateway Determination. In addition, Council recently resolved at its meeting on 8 April 2019 to defer the Planning Proposal for the adjoining site (referred to as the Albion Hotel site) and requested that the Planning Proposal be reported following the completion of the Parramatta CBD cumulative shadow analysis. Due to this, the finalising of the Albion Hotel Planning Proposal has been deferred until the cumulative shadow analysis for the CBD Planning Proposal is complete and Council has adopted a position on the acceptable level of overshadowing on surrounding sensitive open space and heritage areas. It is recommended the subject Planning Proposal also be deferred to allow the cumulative overshadowing analysis to be undertaken, consistent with Council's recent resolution for the Albion Hotel site.

PUBLIC EXHIBITION OF THE DRAFT PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN

22. A total of 19 submissions were received in response to the public exhibition of the Planning Proposal and draft site-specific Development Control Plan. The submissions comprised of:
- Five from local residents/landowners;
 - One from a planning consultancy (JBA) on behalf of the landowner; and
 - 13 from state agencies.
23. While the draft site-specific Development Control Plan was exhibited concurrently with the site-specific Planning Proposal for this site, this report does not seek to report on the submissions made on the Planning Proposal. It is acknowledged that many submissions may be relevant to both the Planning Proposal and the site-specific Development Control Plan. Details of all submissions can be found at **Attachment 1**. A full assessment of the Planning Proposal will be formally reported to Council once the complete assessment including the overshadowing impact assessment is reported to Council at a later date.

Table 1 – Summary of Agency objections to the site-specific Development Control Plan

Agency Submission	Summarised Response
State Emergency Services	
The SES raised several objections in relation to flood management on the site.	The site-specific Development Control Plan has been amended to include additional flood

Agency Submission	Summarised Response
A key concern related to the site-specific Development Control Plan is that it presents a lack of flood resilient development.	management controls that have been drafted in preparation for a new Parramatta CBD Development Control Plan. The new provisions address the concerns raised by the SES.
Office of Environment and Heritage (OEH)	
<p>The OEH raised the following concerns in relation to the draft site-specific Development Control Plan:</p> <ul style="list-style-type: none"> Lack of protection contained with the DCP regarding historical Aboriginal archaeology of State significance, particularly the retention of historical allotments 46, 47, 48 and 49. 	<p>The site-specific Development Control Plan has been amended to address the OEH's concerns regarding the retention of in-situ archaeological remains and the historical allotments on the site.</p> <p>The applicant advised Council they had met with all relevant OEH officers and had resolved their concerns by providing amendments to the Draft Development Control Plan. Council Officers have made contact with Officers from OEH and are yet to obtain a formal reply. However, the re-exhibition of the Draft Development Control Plan provides further opportunity for OEH to confirm their position.</p>
Transport for New South Wales (TfNSW)	
<p>A revised joint submission from TfNSW and RMS requested that:</p> <ul style="list-style-type: none"> The road widening reservations as depicted within Attachment 3 are to be dedicated as public road (at no cost to Council, RMS and TfNSW) and formalised into a draft Planning Agreement. 	<p>Council, TfNSW and the applicant have worked together to ensure that the Planning Agreement addresses the land reservation requirements on Macquarie and Harris Streets needed for Parramatta Light Rail and other Transport agencies. A more detailed discussion of the Planning Agreement will be provided later in this report.</p> <p>Moreover, the draft Development Control Plan has also been amended to identify these setbacks and make changes to the building form resulting from the new setbacks (see at Attachment 2).</p>

Table 2 – Summary of landowner and community submissions

Landowner's Submission	Response
Applicant's Planning Consultant (JBA)	
<p>A submission was received from JBA on behalf of the landowner raising one issue with the draft site-specific Development Control Plan. The following comment was made:</p> <ul style="list-style-type: none"> <u>The drafting of controls in the DCP amendment</u> – Concern is raised with the prescriptive nature of a number of the controls that do not accord with the intent of the DCP controls. In particular controls relating to Plazas and Walkways, Private Domain, Access, Parking & Servicing and Sustainability, 	<p>As per the applicant's request, the draft Development Control Plan has been drafted in conjunction with a Design Competition. As such, the Draft Development Control Plan is reflective of the winning Design Competition scheme and does not impose any onerous or unforeseen controls on the development site.</p>

Landowner's Submission	Response
Microclimate and Water.	

PUBLIC EXHIBITION OF DRAFT PLANNING AGREEMENT

24. The draft Planning Agreement as exhibited was the result of negotiations and the CEO who was operating under a delegation from Council determining the final value of the Planning Agreement. The value of the Planning Agreement as negotiated and exhibited was \$5.8 million.
25. Two submissions were received during the exhibition of the Planning Agreement, however, neither commented on Planning Agreement matters, but rather raised concerns with the proposed development and impacts of height and increased density within the surrounding area. These submissions have been addressed in Table 4 of **Attachment 1**.
26. At the time of the Planning Agreement's exhibition, Council and the applicant had agreed on a monetary contribution of \$5.8 million which was based on the applicant's revised Letter of Offer dated 15 March 2016. Since the date of this offer, Council has adopted a Planning Agreements Policy which seeks to capture \$150 per square meter of residential uplift. Under these provisions, a monetary contribution of \$4,743,370.50 would apply. This is about \$1.05 million less than the monetary contribution previously exhibited.
27. While the monetary contribution was previously agreed on by both parties, the applicant is not obligated to formally enter into a Voluntary Planning Agreement with Council and has requested that the monetary contribution be amended to reflect the adopted Planning Agreements Policy. Given the new offer is consistent with Council's current policy, Council Officers recommend the offer be accepted and the monetary contribution in this draft Planning Agreement be reduced to \$4,743,370.50.

IMPACT OF LIGHT RAIL ON DRAFT DCP AND PLANNING AGREEMENT

28. In March 2017 the NSW Government announced the preferred Parramatta Light Rail Stage 1 route which identified an alignment along Macquarie and Harris Streets, and a Light Rail stop in front of the subject site on Macquarie Street.
29. Whilst the exhibition of the Planning Agreement did not receive any objections from transport agencies, as identified earlier in the report, the Planning Proposal and draft Development Control Plan received an objection from TfNSW and RMS identifying parts of the site required for road widening to allow for both road improvements and Parramatta Light Rail. State Transport agencies requested the following road widening which was not shown in the exhibited draft site-specific Development Control Plan:
 - Initially a 6.5 metre wide strip along Macquarie Street. However, following further consideration, the requirement for widening in Macquarie Street was reduced to an average of 2.7 metres.

- A 7 metre strip along Harris Street for road widening associated with potential future duplication of the Gasworks Bridge further north on Harris Street.
30. In negotiations between the applicant, the City and TfNSW, it was agreed that the Draft Development Control Plan would be amended to retain the applicant's development potential and on this basis the applicant would be willing to dedicate the land to the City via a Planning Agreement. The land would be dedicated to the City who would then make it available to the light rail project under the Development Agreement already in place between Council and TfNSW.
31. In order to accommodate the land reservation required by Parramatta Light Rail as specified in **Attachment 3**, the Development Control Plan for the site has been amended so that the two southern towers have 'shifted north' from Macquarie Street. The separation distance between the northern and southern towers has been reduced. Council's Urban Design Officers consider that the resulting separation distance between the towers is still acceptable.
32. To address TfNSW's concerns in securing the land reservations and dedication required for Parramatta Light Rail, it was determined that the Planning Agreement include the Access License signed between the Applicant and TfNSW as an annexure. The Access License allows TfNSW to commence works in the area to be dedicated which are needed to deliver Parramatta Light Rail before the land is dedicated to Council so that the timing of the dedication will not impact on the timing of Stage 1 Light Rail work.
33. In summary, the terms of the revised Planning Agreement includes the following:

Terms of the revised Planning Agreement	Changes made
Creation and embellishment of 2,500m ² of Public Open Space	No changes have been made – consistent with originally exhibited version
A monetary contribution of \$4,743,370.50	The monetary contribution has been reduced by \$1.05 million, consistent with the current adopted Planning Agreements Policy
Dedication of approximately 524m ² to Council for the purpose of widening Macquarie and Harris Streets	Additional item in the Planning Agreement – to address requirements for Parramatta Light Rail and RMS.
Grant license to carry out light rail works until the land is dedicated	Additional item in the Planning Agreement – to address requirements for Parramatta Light Rail

34. Both the revised draft Development Control Plan (**Attachment 2**) and the revised draft Planning Agreement are recommended for re-exhibition as part of this report.

IMPACT OF THE CBD PLANNING PROPOSAL ON THE PLANNING AGREEMENT

35. The Gateway Determination for the CBD Planning Proposal did not support Council's proposed mechanism for 'value-sharing' and required that community infrastructure be delivered on-site, rather than in the form of a monetary contribution. The determination instead recommended that Council consider an alternative funding mechanism to support the provision of community infrastructure, such as the preparation of a new section 7.11 (formerly Section 94) development contributions plan or a potential increase to the existing fixed rate contribution rate under the current section 7.12 (formerly Section 94A) contributions plan.
36. At its meeting on 25 March 2019, Council resolved to adopt a 'no net financial loss' position as an interim measure when negotiating Planning Agreements in relation to site-specific Planning Proposals in the CBD. This is to ensure contributions are consistent with Council's adopted value sharing rates in the Parramatta CBD. Council officers are currently exploring possible options for a new development contributions plan which seeks to incorporate higher contribution rates to secure the infrastructure funding amount specified in Council's proposed value sharing mechanism.
37. As a result of both the Gateway Determination and Council's adopted position of 'no net loss', it is possible that the applicants of site-specific Planning Proposals in the CBD will be subject to double charging. More specifically, applicants would be required to enter into Planning Agreements in accordance with Council's current position, but may also face higher development contributions if the contribution plans are amended in the future. The table below is an example of the double charging which could occur.

Table 3 – Hypothetical Example of the double charging which may occur

	Current Scenario	Future Scenario – no double charging	Future Scenario – with double charging
VPA Amount	\$5 million	\$1 million	\$5 million
S7.11/12 Amount	\$1 million	\$5 million	\$5 million
Total Amount	\$6 million	\$6 million	\$10 million

38. To equitably apply Council's value capture rates, it is recommended that Council authorise the CEO to approve draft amendments to the Planning Agreement to address the issues of double charging should amendments be made to the Development Contributions Plan that result in development contributions increasing. The draft Planning Agreement will include provisions which allow the Planning Agreement contributions to be decreased if Section 7.11/12 contributions increase. The revised draft Planning Agreement will need to be publicly exhibited.

39. This issue of double charging applies to all Planning Agreements currently being negotiated in the Parramatta CBD. A separate report will be provided to Council at a later meeting to address more fully Council's policy approach to manage this double charging issue.

CONCLUSION AND NEXT STEPS

40. The Planning Proposal for this site will be reported to Council once analysis relating to the cumulative shadow impacts of the CBD Planning Proposal have been completed and Council has adopted a position on what level of overshadowing is acceptable.
41. In the meantime, it is recommended that the revised draft site-specific Development Control Plan and the Planning Agreement be re-exhibited for reasons detailed in this report.
42. In addition, the Parramatta Light Rail team are eager to have the Planning Agreement finalised as soon as possible so they have greater certainty about the timing of the Macquarie Street road widening dedication that they require for the light rail project. This is another reason for progressing with the re-exhibition immediately.

FINANCIAL IMPLICATION FOR COUNCIL

43. The applicant has agreed to enter into a Planning Agreement with Council which includes a monetary contribution of \$4,743,370.50, the creation and embellishment of public open space, and dedication of land required for road widening and the Parramatta Light Rail project.

Marko Rubcic
Project Officer Land Use

Jonathon Carle
Land Use Planning Manager

Jennifer Concato
Acting Executive Director City Strategy and Development

ATTACHMENTS:

1 	Complete Submissions Table	20 Pages
2 	Draft site-specific Development Control Plan	15 Pages
3 	Land Reservation	1 Page
4 	Cumulative Overshadowing Analysis	21 Pages

REFERENCE MATERIAL

Attachment 2
 Table 1: Agency Submissions – Planning Proposal and draft site-specific Development Control Plan

Submission Author	Key Issues Raised	Response
Office of Sport	No key issues raised and have no objection to the progression of the proposal	Council notes this submission.
Sydney Metro Airports	<ul style="list-style-type: none"> • The proposed height of 180 metres AHD will penetrate the Prescribed Airspace pertaining to Bankstown Airport, in particular the Outer Horizontal of the Obstacle Limitation Surface (OLS) which is set at 156 metres AHD. • This proposal will require referral to Bankstown Airport Limited for an aviation safety assessment, and then referred to the Department of Infrastructure and Regional Development for final determination. • Where the use of cranes exceeds the OLS height, it will also require this process. 	<p>The planning proposal seeks to amend the Special Provisions Area Map to include the site so that it can rely on the application of Clause 7.6 Airspace Operations in Parramatta LEP 2011. The consent authority must not grant development consent to development that is a controlled activity within the meaning Division 4 of Part 12 of the Federal Airports Act 1996, unless the applicant has obtained approval for the control activity under regulations made for the purposes of that Division. Controlled activities include the construction or alteration of buildings or other structures (such as construction cranes) that may cause an intrusion into prescribed airspace.</p> <p>The applicant should be advised that an aviation safety assessment will be required at the development assessment stage for review by Bankstown Airport. If it is considered that there is a risk to safety, it will then be referred to CASA and Air services Australia. All commentary will then be provided to the DIRD for final determination.</p>
Airservices Australia	<p>Airspace Procedures</p> <p>The development and tower crane respectively, will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Bankstown or Sydney airports. (Note: procedures not designed by Airservices at Bankstown or Sydney Airports were not considered in this assessment).</p>	Council notes this submission.

<p>Endeavour Energy</p>	<p>Communications, Navigations, Surveillance (CNS) Facilities</p> <p>The proposal for a building to 200.9m AHD will not adversely impact the performance of any Airservices Precision/Non-Precision Navigation Aids, Anemometers, HF/VHF/UHF (High/Very High/ultra high frequencies) Comms (Communications), A-SMGCS (Advanced Surface Movement Guidance & Control System), Radar, PRM (prime air) , ADS-B (Automatic Dependent Surveillance – Broadcast), WAM (Air taxi and cargo) or Satellite/Links.</p> <p>Indicative Endeavour Energy’s G/Net Master facility model plans show that there is an easement over the site benefiting endeavour energy for a pad-mount substation.</p> <p>As a nearby landowner/occupier Endeavour Energy raises no objections to the planning proposal.</p> <p>From an electricity transmission/distribution networks perspective Endeavour Energy has made a number of comments/recommendations in regards to network/capacity connection, potential asset relocation, easement management and network access, excavation, vegetation management, asbestos , dial before you dig, demolition, public safety and emergency contact. Whilst this advice does not apply at the planning proposal stage, Endeavour Energy’s preference is to alert applicants of the potential matters that may arise should further development of the site occur.</p>	<p>These matters will be considered in detail as a part of the assessment of the associated DA.</p> <p>The applicant has been provided with the further comments made by Endeavour Energy.</p>
<p>Sydney Airport</p>	<p>The subject land to the proposal is outside Sydney Airport’s Obstacle Limitation Surface (OLS). Aircraft operations surface (PANS-OPS) is 335 metres AHD.</p>	<p>Council notes this submission.</p> <p>The planning proposal seeks to amend the Special Provisions Area Map to include the site so that it can rely on the application of Clause 7.6 Airspace Operations in Parramatta</p>

<p>Sydney Water</p>	<p>The building height will not intrude into the PANS-OPS and would not be considered a controlled activity for the purposes of section 182 of the <i>Airports Act 1996</i> and <i>Airports (Protection of Airspace) Regulations 1996</i>.</p> <p>For proposals outside of Sydney Airport's OLS, they must be in accordance with CASA regulations including – Clause 7.1.1.1, where any object exceeds 110 metres or more above local ground level must be notified to CASA. In addition to Clause 7.1.5.2, where any object that extends to a height of 150 metres or more above local ground level must be regarded as an obstacle unless it is assessed by CASA to be otherwise.</p>	<p>LEP 2011. The consent authority must not grant development consent to development that is a controlled activity within the meaning Division 4 of Part 12 of the Federal Airports Act 1996, unless the applicant has obtained approval for the control activity under regulations made for the purposes of that Division. Controlled activities include the construction or alteration of buildings or other structures (such as construction cranes) that may cause an intrusion into prescribed airspace.</p> <p>CASA was also notified during the exhibition of this planning proposal. See CASA submission and response below.</p>
<p>Sydney Water</p>	<p>The following issues were raised:</p> <p>Water The proposed land is located within the Greater Parramatta to Olympic Peninsula Urban Renewal corridor in which Sydney water is currently progressing a strategic plan. The aim of this is to develop an integrated long-term servicing strategy that includes drinking water, wastewater, and recycled water and stormwater services.</p> <p>Preliminary assessment indicates that system amplifications are likely to be required within the next 5-10 years due to the significant growth that is forecasted in this corridor. The proposed development was not taken into consideration in Sydney Water's growth forecast informing this area. Further detailed planning will be required to confirm the timeframe and extent of system amplifications for the additional growth.</p> <p>Wastewater The proposed development site is traversed by two existing sewer mains</p>	<p>These matters will be considered in detail as a part of the development application.</p>

	<p>The developer will be required to deviate and amplify the existing mains and will be subject to the future deviation design proposal</p> <p>The developer is required to submit a sewer servicing concept plan and catchment analysis for initial review (at the section 73 phase).</p> <p>No key issues raised and have no objection to the progression of the proposal. The National Trust has indicated that they may consider commenting at the Development Application stage.</p> <p>The ground height above sea level at this location is approximately 7 metres (figure extracted from aeronautical study). Therefore the finished height of the proposed would be approximately 164 metres AHD. The proposed height would therefore intrude the controlled prescribed air surface in the future Bankstown OLS (156 metres AHD).</p> <p>CASA discourages development that exceeds this height and recommends that the LEP height for the site be set at 148 AGL (Above Ground Level) to ensure that it does not intrude the Bankstown OLS. Any proposal extending above the Bankstown OLS (149 AGL), would be an encroachment into Bankstown's prescribed airspace and be considered a controlled activity. Controlled activities cannot be carried out without an approval.</p> <p>Impact on radio navigational equipment or terminal area radar facilities must be conducted by Airservices Australia (AsA).</p>	
National Trust		Council notes this submission.
CASA (Civil Aviation Safety Authority)		<p>The planning proposal is seeking to apply the site specific clause 7.6 Airspace Operations to Parramatta LEP 2011. This requires the consent authority to not grant development consent to development that is a controlled activity within the meaning of Division 4 Part 12 of the <i>Federal Airports Act 1996</i> unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that division. Controlled activities include the construction or alteration of buildings or other structures (such as construction cranes) that may cause an intrusion into prescribed airspace.</p> <p>AsA have advised that the development and crane tower will not affect any sector circling altitude, or any instrument approach or departure procedure at Bankstown or Sydney airports. The proposed building will also not adversely impact the performance of Communications, Navigations, Surveillance (CNS) Facilities.</p>

<p>DIRD (Development of Infrastructure & Regional Development)</p>	<p>DIRD expressed that they were previously consulted with as part of the gateway determination for the site. These comments expressed that any controlled activity (including cranes) resulting in an intrusion into an airports protected space would require an approval under the regulations.</p> <p>The DIRD have maintained this view in the current submission.</p> <p>The submission also notes that maximum height of the development (200.9 metres inclusive of design excellence) is still below the 243 metres AHD protected airspace of Sydney Airport with the aeronautical report noting that it is below the PANS-OPS for Bankstown airport (300 metres AHD), and that mitigation measures would be implemented for the OLS penetration. Approval from the DP&E would be subject to advice from CASA and Airservices Australia as well.</p>	<p>The planning proposal seeks to amend the Special Provisions Area Map to include the site so that it can rely on the application of Clause 7.6 Airspace Operations in Parramatta LEP 2011. The consent authority must not grant development consent to development that is a controlled activity within the meaning Division 4 of Part 12 of the Federal Airports Act 1996, unless the applicant has obtained approval for the control activity under regulations made for the purposes of that Division. Controlled activities include the construction or alteration of buildings or other structures (such as construction cranes) that may cause an intrusion into prescribed airspace.</p>
<p>TfNSW/RMS</p>	<p>The first joint submission from Transport for New South Wales (TfNSW), Roads Maritime Services (RMS) and Sydney Trains raised concern around the cumulative transport and traffic impacts as a result of the increased amount of site-specific Planning Proposals within Parramatta CBD. The following suggestions were provided:</p> <ul style="list-style-type: none"> • That the finalisation of the planning proposal should be contingent on the finalisation of the Parramatta Integrated Transport Plan. • A revised Traffic Impact Assessment (TIA) is required using the outputs of the mesoscopic modelling that is currently being undertaken by TfNSW. • The development needs to contribute to an appropriate pro-rata rate to any regional transport infrastructure necessary to mitigate the impact of development when the Parramatta CBD Transport Plan is developed. • Verification from the City of Parramatta Council on whether intersection capacity enhancements or footpath widening is required on George, Macquarie or Harris Street fronting the development site, and is to be determined prior to the finalisation of the planning proposal. 	<p>Due to the impact of the light rail alignment on the subject site, the applicant has agreed with Parramatta Light Rail to provide a land reservation along the Macquarie Street and Harris Street frontages to accommodate light rail. The winning design scheme has been reconfigured to provide an average 2.8 metre setback along Macquarie Street and 7 metre setback along Harris Street. The applicant has agreed to dedicate this land to TfNSW under the Planning Agreement which has been revised to include a licence agreement for the subject land. The draft Development Control Plan has also been amended to identify these setbacks and make changes to the building form resulting from the new setbacks (see at Attachment 4).</p> <p>Under the CBD Planning Proposal, a Strategic Transport Study was reported to Council on 10 April 2017 endorsing new car parking rates for the Parramatta CBD based on those currently used in Sydney CBD. The new rates represent a significant reduction in the maximum car parking rates currently permitted in the Parramatta CBD,</p>

	<p>Following receipt of this submission, discussions have occurred between the proponent, TfNSW, RMS and the City to determine a way forward. The process agreed requires the applicant to provide adequate setbacks to ensure their proposed development would be able to accommodate the future infrastructure requirements in this area. A revised letter was provided by TfNSW containing the following comments:</p> <ul style="list-style-type: none"> • Finalisation of the Planning Proposal should ensure that a site-specific clause is inserted into Part 7 of PLEP 2011 that enables provisions for restricting/capping parking on site to a maximum of 700 car parking spaces (comprising 650 residential and 50 retail and commercial parking spaces). This is required to ensure that the proposal minimises its impact on the surrounding road network. • The road widening reservations as depicted within Attachment 6 are to be dedicated as public road (at no cost to Council, RMS and TfNSW) and formalised into a draft Planning Agreement, to be finalised by Council prior to the making of the draft planning instrument for the Planning Proposal. • The draft Planning Agreement should address the requirements detailed in the TfNSW correspondence to Council dated 25 July 2017. • Details of vehicle and pedestrian access and road widening should be finalised by Council prior to determining any Development Application. 	<p>and will significantly mitigate the cumulative traffic impacts associated with the new proposed planning controls for the CBD. The proposed number of car parking spaces is also below the 700 car space cap specified by TfNSW. Moreover, this Planning Proposal is seeking a floor space ratio control less than what is permitted under the draft CBD Planning Proposal controls, reducing the potential traffic impacts of the development.</p> <p>There were a number of Planning Proposals in the CBD at:</p> <ul style="list-style-type: none"> • 2-10 Phillip Street – Gateway issued 17 June 2016; • 180 George Street – Gateway issued 17 June 2016; • 184-188 George Street – Gateway issued 12 June 2015; and • Subject site – Gateway issued 12 June 2015. <p>The Planning Proposals above were issued with Gateway Determinations close to the time the Gateway Determination for the subject site was issued. The three Planning Proposals listed above for alternate sites have now all been finalised. In each case the floor space ratio and density is in accordance with the CBD Planning Proposal. The issue of a contribution to State transport infrastructure was not raised when these Planning Proposals were exhibited and they have now been finalised with no requirement for a contribution to be made to State transport infrastructure.</p> <p>Given these circumstances, Council Officers are not satisfied that requiring a contribution from this site towards State infrastructure is a defensible position because of the inconsistency. It is therefore recommended that the Planning Proposal not be amended to require the contribution requested and that the matter be reported to</p>
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<p>OEH – Heritage Council</p>	<p>The OEH raised key concerns in relation to the density, archaeological impacts and overshadowing as a result of the Planning Proposal and draft DCP. The following comments were provided:</p> <ul style="list-style-type: none"> • Increase in FSR for the site negatively affects the site’s ability to protect the remaining and State significant historical archaeological resources. • Impacts of the Planning Proposal on State significant and world heritage listed items in the vicinity of the site • Lack of protection contained with the DCP regarding historical Aboriginal archaeology of State significance, particularly the retention of historical allotments 46, 47, 48 and 49. • Impacts of overshadowing and visual impacts in relation to Robin Thomas Reserve, Elizabeth Farm, Hambledon Cottage, and Harrisford House • No evidence provided indicating that the planning proposal had been referred to the relevant Federal Minister as a requirement under the Commonwealth <i>Environmental Protection and Biodiversity Conservation Act 1999</i>. 	<p>the Department of Planning and Environment as an unresolved Agency objection.</p> <p>As part of the CBD Planning Proposal, a high level heritage assessment was prepared by Urbis reviewing the impact and issues associated with the scale of density and height increases proposed across the CBD. This study did not raise any objection to the proposed FSR and height controls proposed under the CBD Planning Proposal (FSR of 10:1 and no height limit).</p> <p>Following the Urbis study, a further report commissioned by the City was prepared by Hector Abrahams Architects (HAA) focusing on the ‘interface’ of proposed development in the vicinity of areas and items of heritage significance. The subject site was considered as part of that study. The study, which was endorsed by Council on 10 July 2017, did not recommend any changes to the CBD Planning Proposal controls for this site.</p> <p>The City acknowledges that the proposed development overshadows portions of Experiment Farm between 1pm-3pm, however, as part of the endorsed recommendations of the HAA report, part of the site will be subject to a solar sun access plane to ensure Experiment Farm Cottage is not overshadowed between 12pm-2pm mid-winter. The proposed height and FSR do not overshadow the cottage itself. Furthermore, during mid-winter Robin Thomas Reserve is shadowed. However, there is potential for the impacts to be offset by VPA contributions towards maintenance, and upgrade of the reserve in accordance with the Robin Thomas Reserve Masterplan. Elizabeth Farm and Hambledon Cottage remain clear of overshadowing impacts by the proposed development.</p>
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	<p>The Planning Proposal report to Council on 9 February 2015 noted that the NSW Heritage Office raised concerns in their advice to Council in 2014 about the visibility of the proposed towers from the World and National trust listed Old Government House and Domain. A Conservation Agreement prepared in response to this issue satisfactorily protects the heritage values of this item. Under the terms of this agreement a referral is not required under the EPBC Act 1999.</p> <p>In response to the concerns of historical archaeology of State significance, the site-specific Development Control Plan has been revised to ensure that additional objectives and controls relating to the protection and retention of historical lots 46, 47, 48 and 49 are applied. The following items are proposed to be incorporated as draft Development Control Plan:</p> <ul style="list-style-type: none">• The basement line for the development be located outside of historical lots 46-49.• Below ground structures such as ramps and building lift cores to also be located outside of these lots.• Proposed piling and foundations for B25 (located on lots 46, 47 and 48) to protect the lots and provide in-situ retention.• Proposed piles and structures will be required to fall outside of a 1 metre exclusion zone to protect the heritage foundations in the historical lots. <p>Development Consent for excavation or below ground works on the site, will require an application under S140 of the Heritage Act 1977. In addition, any activities that may cause harm to any Aboriginal objects located on the site will require an Aboriginal Heritage Impact Permit (AHIP) in</p>
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<p>SES</p>	<p>The SES objected to the Planning Proposal on the basis that it will;</p> <ul style="list-style-type: none"> • Facilitate residential intensification within a low flood island placing a higher volume of people into the floodplain. • Present a lack of evacuation capability. The SES do not support the management strategy of 'shelter in place' during a Probable Maximum Flood (PMF) flood event. • Become isolated for road evacuation by the 1% Annual Exceedance Probability (AEP) and therefore present an unacceptable risk to life. • Enable development that is not flood resilient • Result in increased operational complexity due to the scale, location and accessibility of development requiring a large number of people to be rescued. 	<p>accordance with S90 of the National Parks and Wildlife Act 1974.</p> <p>In support of the CBD Planning Proposal, the City commissioned a flood study by Molino Stewart consultants with respect to flood risk management. This flood study recommends 'shelter-in-place' as the primary risk strategy for flooding during a Probable Maximum Flood (PMF) event. Shelter-in-place is considered appropriate due to the type and nature of flooding that Parramatta CBD experiences during extreme rainfall events. Ensuing from the SES's objection to 'Shelter in place', Molino Stewart was commissioned by the City to conduct a further evacuation study comparing the different types of flood evacuation i.e. Horizontal Street Level (HSL), Horizontal High Level (HHL) and Vertical Evacuation (Shelter-in-Place) in the context of flooding within the Parramatta CBD.</p> <p>The evacuation study report provides further justification that 'shelter in place' is an acceptable primary response within the Parramatta CBD and presents a reduced risk to life. When considering the flash flood nature of the Parramatta CBD, the time required for vehicular or pedestrian evacuation to occur whilst considering the time it would take for a PMF event to reach its peak, vehicular and pedestrian evacuation begin to present a risk to life.</p> <p>The draft evacuation study forms part of Council's Flood Risk Management Plan which was forwarded to the Department of Planning and Environment on 21 November 2017 as an addendum to the CBD Planning Proposal. A Gateway determination was subsequently issued for the CBD Planning Proposal on 13 December 2018.</p> <p>The City acknowledges that the proposed development will become isolated for road evacuation by the 1% Annual</p>
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		<p>Exceedance Probability. This is proposed to be addressed by a further recommended provision under the flood study suggesting that an access route located above the 1-in-100 year flood planning level is provided for use in the event of a 'secondary emergency'. A secondary emergency refers to a medical or fire emergency during a 1% Annual Exceedance Probability. This is to allow emergency workers to be able to enter the development during a medical emergency, or allow occupiers to exist the building in the case of a fire.</p> <p>On 7 October 2016, the applicant provided further flood advice demonstrating that the proposed development would seek to deliver shelter in place, locate residential levels above the PMF and provide a raised ground floor above the Flood Planning Level (100 year Annual Recurrence Interval (ARI) plus 0.5m freeboard). Moreover, advice from the City's catchment engineers has identified that an access route heading north of Gasworks Bridge over Parramatta River may potentially be used to satisfy the secondary emergency requirement and enable an access route. As part of the future development application, the applicant will be required to confirm that the flood levels for the bridge are above the 1% AEP. In this regard, the proposed development is considered to be consistent with the Council's policy position in respect to flooding. Future DCP provisions relating to flood affected development will also need to be considered within the development at the DA stage.</p> <p>Moreover, the site-specific Development Control Plan has been amended to include additional flood control measures to be consistent with the proposed draft Development Control Plan for the Parramatta CBD Planning Proposal.</p>
Sydney Trains	No objections were raised in relation to the progression of the proposal.	

Table 2: Applicant's Submission – Planning Proposal and draft site-specific Development Control Plan

Submission Author	Key Issues Raised	Response
<p>Planning Consultant (JBA) on behalf of the landowner</p>	<p>Overall support for the rezoning/redevelopment of the site however the following concerns have been raised:</p> <p>The requirement for minimum residential floor space – as the site has the potential to achieve a greater FSR under the future CBD controls, this clause should only apply to a maximum FSR of 8:1 and cease to apply to any development above that. Any additional increase in non-residential development may potentially undermine the economic viability/integrity of the Parramatta CBD commercial core.</p> <p>The drafting of controls in the DCP amendment – Concern is raised with the prescriptive nature of a number of the controls that do not accord with the intent of the DCP controls. In particular controls relating to Plazas and Walkways, Private Domain, Access, Parking & Servicing and Sustainability, Microclimate and Water.</p> <p><u>Plazas and Walkways</u></p> <ul style="list-style-type: none"> • The total area of the public domain (5950m²) does not take into consideration the widening of Argus Lane in which will reduce the area of the public domain by 455m². • C.1 and C.2 - The detailed breakdown of the areas of each public space is onerous and does not allow for any variation to the spaces. • C.3 – Seeking to preserve solar access to the Porte Cochere during mid-winter is unnecessary and unachievable for an area intended to be sheltered and principally covered by a roof. 	<p>Council notes this submission and makes the following comments:</p> <p>In relation to the non-residential floor-space requirement, the applicant is required to provide 21% of total floor-space (which under the design competition winning scheme is 21,000sqm) as non-residential floor space on this site, which is equivalent to 1.47:1 floor space ratio on this site as non-residential floor-space. The CBD Planning Proposal requires 1:1 floor-space ratio as non-residential floor-space, or approximately 14,285sqm.</p> <p>The control in the exhibited Planning Proposal expresses the requirement as a percentage of the total floor space (i.e. 21%). The applicant is concerned that if a 21% is specified in the LEP control and they in the future seek additional floor-space ratio on the site as part of the CBD Planning Proposal, that their requirement to provide non-residential floor-space will increase as the total floor-space permitted increases. For example, if they achieved a floor-space ratio of 9:1, they would be required to provide 23,625sqm of non-residential floor-space if the control of 21% was required.</p> <p>The applicant is requesting that their contribution to non-residential floor-space be capped at 21,000sqm rather than 21% of the total floor-space, so if the floor-space increases in the future they are not required to provide additional non-residential floor-space. Given that they are willing to accept a cap of 21,000sqm, which exceeds the 1:1 required in the CBD Planning Proposal, this is considered acceptable.</p>

	<ul style="list-style-type: none"> C.4 – is too prescriptive on the type and location of uses and does not allow the objective of the control to be fully achieved. It does not recognise opportunities for other ideas for design development and the uses of the plaza according to the recommendations of the design jury. <p><u>Private Domain</u></p> <ul style="list-style-type: none"> C.1 – concern with prescriptive description of the private recreational facilities to be provided by the development, detailing that each tower is to have private pool and gym facilities or accessible to all residents within the development which is not a practical outcome. The ADG mandates minimum requirements for communal residential facilities and a DCP should not specify recreational facilities for residential dwellings over and above the relevant state policy. The drafting of this control also suggests that the development is not entitled to utilise the surrounding public open space facilities despite the requirement to pay S94 contributions towards these facilities. <p><u>Access, Parking and Servicing</u></p> <ul style="list-style-type: none"> C.1 (d) and C.4 (b) - The shareway has been illustrated with a minimum width of 12m, and demonstrated throughout other sections of the Draft DCP. However, controls in this section demonstrate a 20m wide shareway (which is not possible). C.1 (i) – appears to require the development to provide facilities for cyclists. This will be provided with Part 4.3.3.5(d) of the DCP. The additional control provides ambiguity and is more 	<p>The prescription on the type, location of uses and breakdown of the areas is only indicative, the DCP will be amended to clarify that other uses may be acceptable however will require Council's approval.</p> <p>The labelling of the plazas in an earlier version of the site specific DCP referred to Plaza 1 (European Heritage Theme) in preserving solar access however following a revised version, the plaza area locations and names were revised. This has subsequently led to an incorrect reference to the Porte Cochere and should be amended. Council acknowledges that this structure does not require solar access however; the control should still refer to the preservation of solar access in relation to Plaza 3 (Markets/Event Plaza), Plaza 4 (Main Square/Kitchen Garden), and Plaza 5 (Heritage Cottages Pavilion) as initially indicated. The DCP will be amended accordingly.</p> <p>The DCP control relating to the provision of private facilities (i.e. gymnasium and pool) has been taken from the winning design scheme. It is not expected that each tower within the development is required to provide a pool and gymnasium with the primary intent of the control aimed at delivering private facilities that will enable future residents to enjoy these spaces, as well compliment the increase of residents on the site. Based on the winning design scheme, Council encourages the inclusion of such private facilities however these uses are indicative only.</p> <p>According to the winning design the share-way is likely to be a 12 metre width. The DCP should be amended to reflect this consistently. The site specific DCP does not require its own set of controls for bicycle facilities. This will be informed by Section 4.3.3.5(d) of Parramatta DCP 2011.</p>
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	<p>onerous than existing bicycle parking controls for other developments in the site.</p> <p><u>Sustainability, Microclimate and Water</u></p> <ul style="list-style-type: none"> • Whilst sustainability is supported, no agreement has been made with the land owner with respect to the satisfaction of such controls. Concern is raised regarding the practicality of the controls as they are onerous requirements on the development. • The provision of photovoltaics on the site is not a component of the winning design and would substantially alter the appearance of the building. • C.8 - The DCP requirement to achieve a BASIX energy 50 (which is over and above the BASIX requirement of 40), and cannot apply/be included in the DCP as it is inconsistent with 2004 (SEPP BASIX). • FSR bonuses (under the CBD PP) for 'high performing buildings' that achieve ratings above standard BASIX targets will require 'over and above' sustainability initiatives. <p>The site specific controls apply more onerous provisions to the site than any other land covered in Parramatta DCP 2011.</p> <p>Inclusion of controls for wind affected balconies on the site – An LEP and DCP amendment is required to enable balconies to provide wind shielding without consuming FSR, however inserting a site specific clause of such nature would require the planning proposal to be exhibited. This LEP amendment will be suggested for inclusion in the CBD PP and made through a separate submission to Council when appropriate.</p>	<p>The provision of photovoltaic's were not included within the architectural plans for the development scheme however, they did form part of the ESD Principles/Sustainability statement. Active solar design such as the incorporation of solar hot water heating and the use of photovoltaic cells, were only identified as items to be discussed with the client and consultant group during design development for the Development Application.</p> <p>The BASIX energy target of 50 is a requirement under the high performing buildings clause under the CBD PP, in achieving a greater FSR (Clause 7.17). Although this clause forms part of the 'over and above' controls, it is unlikely the control will be delivered given its incentives under the CBD Planning Proposal.</p> <p>It is not unreasonable to assume balconies situated on the upper floors of a development would be subject to amenity impacts such as high winds. However, for the purpose of consistency with Council's current policy position and fairness across other CBD sites, this is not a matter that should be assessed on a site by site basis. Rather, it should form part of a broader policy review under the CBD Planning Proposal which currently does not allow exemptions from the FSR calculated for the purpose of wind affected balconies. Thus the applicant can make a submission on the CBD Planning Proposal during its public exhibition and the matter can be discussed in a CBD-wide context.</p>
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Table 3: Community Submissions – Planning Proposal and draft site-specific Development Control Plan

Submission Author	Key Issues Raised	Response
<p>109 George Street, Parramatta (across from the Site)</p>	<ul style="list-style-type: none"> • Solar access – Buildings are tall and will block sunlight for surrounding buildings such as the KOI Apartment, schools, reserves and Experiment Farm. Lack of sunlight may also lead to health issues and impact on day to day living. • Safety – Concern raised with safety of residents in upper floors and issues concerning life function, building fires and security. • Privacy – Lack of privacy for residents in proposed development and KOI development. • Traffic – Existing traffic is already an issue. The proposed development will increase the amount of traffic nearby with streets that are not being widened. • Size – the bulk of the proposed development is not consistent with the surrounding context. Most buildings do not exceed 20 storeys. It will not blend in with existing infrastructure including schools, reserves and surrounding development. • Concern with overall quality of the building not being delivered to expectations. 	<p>The proposed design concept consists of tall, slender building forms which help minimise the effect of overshadowing on neighbouring properties. Surrounding properties will not remain in shade for significant periods of time as the slender shadow will pass through more quickly than a shadow cast by bulkier buildings.</p> <p>Overshadowing of Robin Thomas Reserve and James Ruse Reserve will begin to occur from 1pm during mid-winter and will still receive a total of 3-4 hours of sunlight between the hours of 9am-3pm. As such, Council considers this level of overshadowing to be acceptable.</p> <p>The proposal does not overshadow Hambleton Cottage and is consistent with the sun access plane provision endorsed by Council on 10 July 2017 in respect to Experiment Farm.</p> <p>The overshadowing of Rowland Hassall School is inevitable from development of the subject site (even under existing controls), as it is situated immediately south of the subject site. Breaks in the building form and orientation of the buildings will assist in alleviating the overshadowing impact of the school.</p> <p>Overshadowing impacts on Arthur Phillip High School and Parramatta Public School will only occur during summer between 9am-10am and are therefore considered minimal.</p>
<p>Local resident</p>	<ul style="list-style-type: none"> • Overshadowing – overshadowing impacts on nearby buildings i.e. other residential buildings, Rowland Hassall School, Experiment Farm. Shadows during winter will create undesirable 	<p>The overshadowing of Rowland Hassall School is inevitable from development of the subject site even under current controls as it is situated immediately south of the site in Macquarie Street. However, breaks in the building form and orientation of the</p>

	<p>areas particularly at Rowland Hassall School and Robin Thomas Reserve.</p> <ul style="list-style-type: none"> • Skyline Profile –Increasing heights on the site will not enable a skyline profile that tapers off in height as it approaches its edges and nearby park land. • Privacy – Privacy issues for residents that occupy the 109 George Street Koi Apartment building as well as residents occupying the proposed. No privacy may lead to residents closing their blinds and utilising privacy screens which will only block out sunlight. • Bulk – the proposed development will tower over the area and not fit in with the surrounding context. • Design – design is underwhelming and is dominated with sharp angles and very few curves. • Night time – developments could be more dynamically lit to provide a more interesting look for the city. For e.g. use of LED lights to create patterns and colours that make structures more interesting to observe at night. • Supportive of FSR increase as long as it does not contribute to the issues raised above, as well as Clause 7.6 Air space operations clause and local clause delivering 21% of total non-residential floor space. 	<p>buildings will assist in alleviating the overshadowing impact of the school. Council raised concern with the overshadowing of Robin Thomas Reserve as a result of the development noting that passive open spaces will be overshadowing during winter from 1pm and from 3pm from the development at 184-188 George Street. This is considered reasonable as these areas will still receive 3-4 hours of morning sunlight between 9am and 3pm in mid-winter and at the equinoxes (23 March and 23 September) no overshadowing until 2pm in spring and until 3pm in autumn. Also see submission response above.</p> <p>Parramatta’s skyline under the current controls creates a convex profile and the height of this profile significantly raised due to recent approvals for significantly taller developments. Therefore the proposed height does not appear out of place in the CBD and would complement similar heights on other gateway sites whilst not diminishing the iconic status of the Aspire tower at the centre of the CBD. Planning proposal justifies its development to contribute to a Convex Skyline Profile.</p> <p>The planning proposal has undergone the Design Excellence process as part of Clause 7.10 of Parramatta LEP 2011. The objective of this clause is to promote innovative design solutions that achieve high quality buildings and spaces within the city centre. Under this clause, development consent is only granted where the site is the winner of a competitive design process. This is determined by a panel of experts with relevant experience in design and expertise. The use of LED lights within a development does not form part of the design criteria required under the design competition process, however may be a design feature that the developer may wish to pursue. Design features such as this may be considered at the DA stage.</p>
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<p>Local Resident</p>	<ul style="list-style-type: none"> The increase in height will lead to significant overshadowing and affect the amenity of nearby residents The scale of the proposal is excessive and is not complimentary to surrounding developments The development will have adverse effects on traffic in the area The final deliverables on projects vary from what the developer proposes and what the developer actually delivers 	<p>The proposed increase in height is consistent with the endorsed CBD PP. Moreover, the shadow diagrams indicate that the KOI building will not receive any more than 2 hours of additional overshadowing between 9am and 3pm on the winter solstice.</p> <p>The Traffic Impact Assessment which has been completed in correspondence with TfNSW and the RMS has stipulated reduced car parking rates in order to mitigate the traffic impacts of this development.</p> <p>This Planning Proposal is accompanied with a site-specific DCP which has been informed by a competitive Design Excellence processes. As such, the final deliverables of the project will be enforced via an agreed-upon development plan.</p>
<p>Local Resident</p>	<p>The following issues were raised throughout this submission:</p> <ul style="list-style-type: none"> No public involvement in Design Competition process. The proposed development will set a precedent for all development within the area. Bigger and taller buildings don't result in good functional designs that are in the interests of the public. Traffic – the proposed development will generate a considerable traffic increase in/post peak periods not only within the Parramatta CBD but out in single-lane road arteries and exacerbate present traffic issues. Overshadowing: Proposed development will impact on Arthur Phillip High school and Parramatta Public School. These schools and open space/play areas will be overshadowed. Developments casting extensive shadows will impact on future residential, business and commercial mixed uses. 	<p>The Design Excellence competition is open to architectural professionals and is assessed by a panel of experts in the field. The result of the competition is used to inform a reference design and in this instance, a site specific DCP. Community participation is not required during the Design Competition process as the exhibition of the Planning Proposal and/or DCP are the relevant consultation mechanism used in this process. Moreover, public consultation will also be required as part of the Development Application process.</p> <p>Following a detailed Traffic Impact Assessment in consultation with TfNSW and RMS, reduced car parking rates are being proposed for the site which account for the adjacent Light Rail stop and limit the intensity of car use stemming from the development.</p> <p>A shadow analysis based on the indicative building envelopes reveals that the Arthur Phillip High School and Parramatta Public School will not receive any additional overshadowing between</p>

	<ul style="list-style-type: none"> Heritage impacts – concerns with impacts of development on nearby state heritage items including Hambledon Cottage, Elizabeth Farm and Experiment Farm. The proposed development will look unaesthetically pleasing from other view points within the CBD as well as the Parramatta Harbour and <i>Rivercat</i> etc. Concern for residents occupying higher levels of the development during fire events. 	<p>9am and 3pm on the Winter Solstice as a result of this development.</p> <p>Council and the applicant have been working alongside the Office of Environment and Heritage in order to mitigate the impact on Heritage values. Elizabeth Farm and Hambledon cottage remain clear of overshadowing impacts by the proposed development. Moreover, the site-specific DCP has been amended to take into consideration impacts on historical archaeology of state significance.</p> <p>Council acknowledges that the proposed development overshadows portions of Experiment Farm between 1pm-3pm, however as part of the endorsed recommendations of HAA report, part of the site will be subject to a solar sun access plane to ensure Experiment Farm Cottage is not overshadowed between 12pm-2pm mid-winter.</p>
<p>Robison Urban Planning (on behalf of landowners)</p>	<p>Whilst the increase in development of the site is supported in principle, the following concerns were raised throughout the submission, taking into account a number of scenarios.</p> <ul style="list-style-type: none"> No change/existing use of the site – the operation of the site as its existing use should not be constrained by the residential amenity expectations of new residents on the Cumberland Media site. Conflict may occur between noise amenity and cross ventilation acoustic standard requirements for the newly proposed residential development. It is recommended that that an acoustic amenity clause be included in the Draft DCP. 	<p>BCA compliance, including Fire Safety standards and Emergency Evacuation Plans, will form part of the conditions at DA stage.</p> <p>It is noted that this submission was lodged on behalf of the previous landowner for the Albion Hotel site. The site has recently been sold and is under new ownership. A new site specific planning proposal has been lodged by the new owner and is currently under assessment. Notwithstanding this, Council provides the following response.</p> <p>Whilst a site specific DCP has been prepared for the site, any future development application on this land will continue to be subject to the general controls under Parramatta DCP 2011. In this regard, controls relating to acoustic amenity (Section 3.3.4) and acoustic privacy (Section 3.3.3) will apply. These controls aim to minimise the impact of noise transmissions between properties,</p>

	<ul style="list-style-type: none"> • Current controls – the exhibited draft DCP and winning design scheme for the proposed assumes that a low rise building will be constructed at the southern end of the Albion Hotel site. The design is effectively borrowing amenity from the southern section of the Albion Hotel site. • B35 of the winning scheme is built to the boundary of, orientated towards and overlooks the subject site and does not comply with the Apartment Design Guide. This will adversely impact on future hotel amenity for development on the Albion Hotel site. In assuming a low scale built form on the southern end of the Albion site, the Cumberland media site assumes: <ol style="list-style-type: none"> 1. Uninterrupted views to the east (to robin Thomas reserve), and to the north-east (to the river, harbour, Sydney city and beyond), across the AH site. 2. Solar access to the north and east across the AH site 3. Absence of privacy impacts to the north and east • The landowner strongly objects to these assumptions and recommend that the Planning Proposal and Draft DCP consider the potential of a taller building/s on the Albion Hotel site. • Current planning proposal on the site – concern raised regarding potential land use conflicts between future residents and the operation of the redeveloped site as well as variations to the building separation guidelines in the ADG. Variations to this guide will impact on the redevelopment of the Albion Hotel site. • Parramatta CBD strategy/proposal – in order to realise the development potential on the site, it would need to accommodate a tower for where the low tower form is 	<p>including noise-generating land uses, and to ensure that any commercial/industrial development does not unreasonably diminish the amenity of nearby residential uses from noise intrusion.</p> <p>Council acknowledges that at the time of preparation, the draft DCP and winning design scheme for the Cumberland Media site demonstrated its relationship to the planning proposal application for the Albion Hotel Site from the previous land owner (this application included a low rise building at the southern end of the Albion Hotel site). Council recognises that the potential density permissible on this site under the CBD Planning Proposal permits a greater FSR that that being sought under the site specific planning proposal for the Albion Hotel site. Any additional density sought on the site will be subject to a future detailed urban design assessment including the relationship with adjoining development and consistency with the Apartment Design Guide.</p> <p>Moreover, in response to the work that has since progressed under the CBD Planning Proposal and light rail alignment impacting the Cumberland media site, Council has taken the opportunity to facilitate joint discussions with both land owners in an attempt to develop a masterplan for the block, and ensure that key principles are incorporated into future development controls established for these sites. This process will facilitate a single site specific DCP that will ultimately apply to the whole block.</p>
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	<p>assumed on the site. The planning proposal, draft DCP and winning design will severely impede the potential to realise additional height and FSR on the Albion Hotel site. Further, the distribution of uses and the provision of setbacks that breach the ADG could frustrate site planning options on the site.</p>	
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Table 4: Community Submissions – Planning Agreement

Submission Author	Key Issues Raised	Response
Local Resident	<ul style="list-style-type: none"> • Oversupply of apartments in Parramatta • Insufficient services for an increased population • Additional height will diminish the value of neighbouring properties and have a detrimental effect on nearby heritage buildings • Concern that the planned events will compound the noise which already emitted by The Albion Hotel 	<p>The proposal generally aligns with the objectives of the Parramatta CBD Planning Proposal and the objectives of the site's current zoning. The assessment of a Planning Proposal cannot be based on market speculation.</p> <p>The proposed development features multiple levels of commercial floor space which can provide direct amenity to the increased resident population. Moreover, the site will be directly adjacent to a proposed Light Rail station.</p> <p>Surrounding properties will not remain in shade for significant periods of time as the slender shadow will pass through more quickly than a shadow cast by bulkier buildings.</p> <p>The operation of events and/or uses will still be subject to Council regulations and conditions enforced within a Development Application.</p>

<p>Local Resident</p>	<ul style="list-style-type: none"> • Oversupply of apartments • Traffic congestion will be worsened due to the increased population • Combination of residential land uses and a pub/licenced venue will impact on night-time noise generation 	<p>In consultation with TfNSW/RMS, reduced parking rates are being proposed for the site which account for the adjacent Light Rail stop and limit the intensity of car use stemming from the development.</p> <p>The operation of a pub/licenced venue will be subject to a Development Assessment and, pending consultation with relevant stakeholders, will be subject to conditions surrounding operational hours.</p>
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[Draft Parramatta City Centre Development Control Plan – to be inserted as a new section 4.3.3.7 e)]

e) Nos 142-154 Macquarie Street, Parramatta

Land and Development Covered by this Part

This Part of the DCP applies to Nos 142 to 154 Macquarie Street, Parramatta (Lot 11 DP 790287) as shown in Figure 4.3.3.7.20.

Note: The DCP does not apply to the adjoining Albion Hotel Site at 135 George Street, Parramatta (Lot 135 DP 748984). Common principles have been shown to create an integrated vision for the block however the site specific provisions that will apply to the adjoining site shall be subject to a separate process as part of a future DCP amendment.



Figure 4.3.3.7.20 – Land covered by this Part

Relationship to other Planning Documents or Sections within DCP 2011

This Part is to be read in conjunction with other parts of this DCP and the *Parramatta Local Environment Plan (LEP) 2011*. It has been prepared in accordance with the winning design from Council's Design Excellence process (LA/353/2015), as per Clause 7.10 of Parramatta LEP 2011. It establishes principles, objectives and controls to be interpreted during preparation and assessment of development applications.

Whilst this section contains site specific controls for the site, the other Parramatta City Centre DCP provisions will still apply. In particular, these controls are considered to be relevant to the development of this site.

- 4.3.3.1 (a) Built Form – Minimum Building Street Frontage
- 4.3.3.1 (d) Built Form – Building Depth and Bulk
- 4.3.3.1 (f) Built Form – Building Form and Wind Mitigation

- 4.3.3.1 (g) Built Form – Building Exteriors
- 4.3.3.2 Mixed Use Buildings
- 4.3.3.3 (e) Courtyards and Squares
- 4.3.3.5 (b) Pedestrian Access and Mobility
- 4.3.3.5 (c) Vehicular Driveways and Manoeuvring Areas
- 4.3.3.5 (d) On-site Parking
- 4.3.3.6 Environmental Management
- 4.3.3.8 Design Excellence

In addition to the Parramatta City Centre Controls (section 4.3.3, as per above), other parts of PDCP 2011 also apply.

Note: Where there is any inconsistency between this section and other parts of the DCP, this section prevails.

This part of the DCP provides principles, objectives and controls on the following:

- Public domain
- Building form
- Access, parking and servicing
- Sustainability, microclimate and water

Design Principles

The following design principles support the objectives and development controls for the site.

Relationship to Parramatta CBD:

- P.1. To revitalise the eastern edge of Parramatta's CBD and create a new destination for the city.

Architectural Design:

- P.2. To create a high quality, high-density mixed-use development in Parramatta CBD.
- P.3. To respond to the existing streetscape pattern and scale.
- P.4. To mitigate wind impact through design of towers and podiums.
- P.5. To provide an accessible open space with separate plaza spaces activated by a variety of retail, cultural, community, entertainment and commercial uses.

Landscape and Public Domain:

- P.6. To support the amenity of the adjacent parklands and open space.
- P.7. To improve the landscape character and quality of the public domain which adjoins the site.
- P.8. To provide a high quality communal open space.
- P.9. To minimise overshadowing impacts on the open space and heritage items.

Pedestrian Connectivity:

- P.10. To improve connectivity in a north-south and east-west direction across the site and link a series of smaller public open spaces of different shapes and character.
- P.11. To provide active street frontages to George Street and Macquarie Street.
- P.12. To minimise traffic conflicts between pedestrians and vehicles on the site.
- P.13. To integrate pedestrian linkages with the future Light Rail station.

History and Culture:

- P.14. To respond to the history, heritage and archaeological values of the area and incorporate Aboriginal and European elements into the future development through the built elements, streetscape, landscape design and interpretation on the site.

The proposed master plan concept for the site is shown on Figure 4.3.3.7.21.

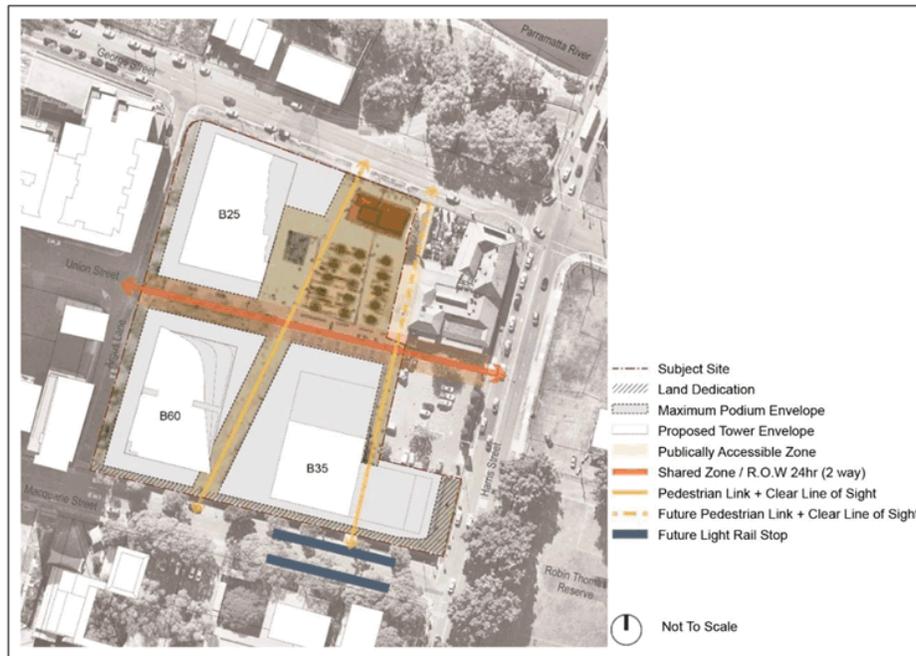


Figure 4.3.3.7.21 – Master plan diagram for 142-154 Macquarie Street

Plazas and Walkways

The publicly accessible plaza includes publicly accessible walkways and shared spaces within and around the site including streets, lanes and plazas which provide 24/7 access (to be delivered by a voluntary planning agreement).

Objectives

- O.1. Enhance the public domain through improvements to the streets and lanes within and adjoining the site and the creation of publicly accessible plazas.
- O.2. Respond to the existing and planned streetscape pattern and scale
- O.3. Provide active street frontages to George Street and Macquarie Street.
- O.4. Provide a new publicly accessible open space which is activated by a variety of retail, cultural, community, entertainment and commercial uses.
- O.5. Provide heritage interpretation within the publicly accessible open space.
- O.6. Improve connectivity in a north-south and east-west direction across the site and link a series of smaller public open spaces of different shapes and character.
- O.7. Ensure a high level of pedestrian amenity, safety and security through the inclusion of weather protection and lighting.
- O.8. Address the new public place to the riverfront.
- O.9. Ensure the Heritage Cottage Pavilion is activated.
- O.10. Ensure that the plazas and walkways respond to the history, heritage and archaeological values of the area.

Controls

- C.1. New pedestrian walkways and plazas shall be provided in accordance with Figure 4.3.3.7.22.



Figure 4.3.3.7.22 – Control diagram: Open Space - Plazas, walkways and shareway

C.2. New pedestrian walkways, plazas and shareway are composed of the following areas:

- a) Plaza area – 2,500sqm (comprising Plazas 1 to 4)
- b) Shareway – 1,000sqm
- c) Laneways – 850sqm

The total area of the entire public open space to be provided is 4,400sqm.

C.3. Plaza 3 (Market/Events), 4 (Main Square/Kitchen Garden), 5 (Heritage Cottages Pavilion) are to receive a minimum of 2 hours of solar access between the hours of 10am and 3pm on June 22nd to a minimum of 50% of the area

C.4. The plazas and laneways are designed to celebrate the heritage and archaeological values of the site's history and location through high quality public domain design and on site interpretation, with consideration given to the themes in Figure 4.3.3.7.22 (above) as well as the descriptions provided in the table below. Alternate themes that link to the history and values of the site may also be considered (subject to Council's approval).

PUBLIC DOMAIN PLAZA	USES/DESCRIPTION
Plaza 3 – Market / Events	<ul style="list-style-type: none"> flexible event space in the plaza space adjoining the markets Market Stalls and seating – grand market containing an eatery within the ground floor of Building 25 (B25). Flexible stalls and seats spill out into the open space and towards the Laneway 1.
Plaza 4 - Main Square / Kitchen Garden	<ul style="list-style-type: none"> Kitchen Garden- Contained within Heritage Lots 49 & 50.To provide edible gardens containing passive recreation space and supplies of produce to the kitchen garden restaurant (restaurant contained within B25 and serving the Convict Cottages).

Plaza 5 - Heritage Cottages Pavilion	<ul style="list-style-type: none"> An open pavilion structure interpreting the convict cottages on Lots 48 & 49, acting as an educational tool. It also provides sheltered seating for the customers of the Kitchen Garden Restaurant.
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- C.5. A two storey under-croft is to be provided along Laneway 2 in the south east building to allow for a clean line of site as indicated in figure 4.3.3.7.22
- C.6. A shareway as indicated in Figures 4.3.3.7.22 and 4.3.3.7.27 is to be provided, forming an active spine across the site. The minimum width of the shareway is 12 metres.
- C.7. Continuous street frontage awnings are to be provided along building frontages and along active frontages to provide shade and shelter in accordance with Figure 4.3.3.7.23.



Figure 4.3.3.7.23 – Control diagram: Awning location

- C.8. Frontage, activation and entries:
 - a) The site is to provide active frontages on ground level along the public spaces as per Figure 4.3.3.7.24.



Figure 4.3.3.7.24 – Control diagram: Location of active edges and/or pedestrian entries

- b) Access to residential and commercial uses above ground level is to be provided directly from plaza or ground level pedestrian walkway.

Private Domain

The private domain comprises a series of spaces within the residential component of the development that are enjoyed by the development's future residents.

Objectives

- O.1. To provide high quality private open space and recreational facilities within the development, to meet the needs of future residents.
- O.2. Accessible terraces are to provide opportunities to enhance its amenity for residents.

Controls

- C.1. The development is to provide private recreational facilities (a communal gymnasium and pool facility) to complement Robin Thomas Reserve and other local recreation facilities.
- C.2. Each tower within the development must provide high quality private open space. This may be in the form of communal gardens or other alternate communal open space facilities or by way of accessible roof terraces containing landscaped rooftop gardens and activity spaces/uses. Activity spaces/uses are required to suit the orientation, height, proximity and privacy of the differing levels.

Building form

Objectives

- O.1. Establish high quality architectural and urban design of the site.

- O.2. Create three distinct built forms (towers) with heights varying from 25 storeys to 35 storeys to 60 storeys which transition within the site towards the park and the river.
- O.3. Protect the amenity of adjacent parklands and open space, nearby schools, heritage items and surrounding urban areas by minimising overshadowing impacts.
- O.4. Mitigate wind impact through design of towers and podiums.

Controls

- C.1. Building envelopes:
 - a) The heights (in storeys) of the podium and tower elements are to be consistent with Figure 4.3.3.7.25.
 - b) The Heritage Cottages Pavilion is to have no internal and external walls (as it is an open pavilion structure and not part of the GFA of the development).

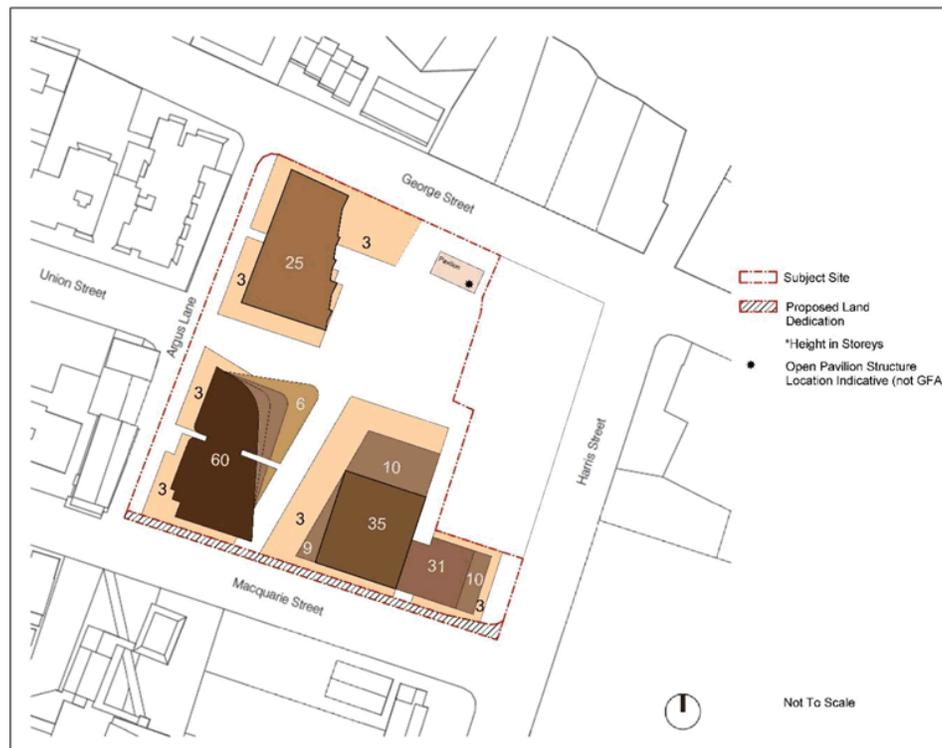


Figure 4.3.3.7.25 – Control diagram: Height of buildings in storeys

- c) New building forms are to be consistent with dimensions of the street setbacks and above street setbacks as shown in Figure 4.3.3.7.26 and Figure 4.3.3.7.27.
- d) Residential towers should not exceed the maximum building floor plate of 950sqm.
- e) The size of a podium floor plate is to be proportional to the height of each tower in order to achieve the effect of a slim tower form. Taller tower forms will require a larger floor plate and lower tower forms will require a smaller floor plate (refer to Figure 4.3.3.7.27).

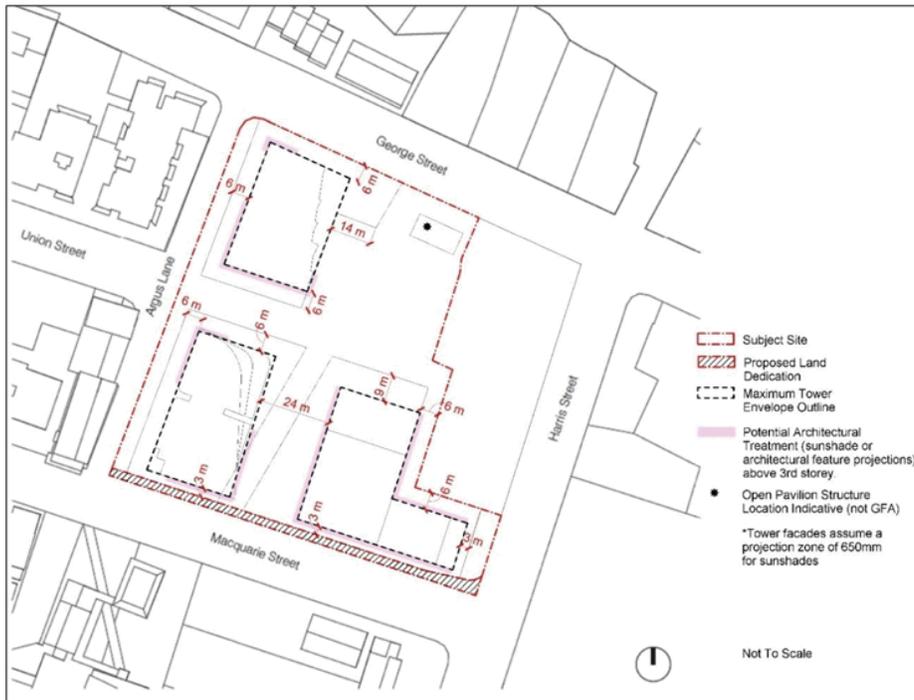


Figure 4.3.3.7.26 – Control diagram: Setbacks to towers above podium

C.2. Building podiums are to be consistent with the setbacks shown in Figure 4.3.3.7.27. and be consistent with the Apartment Design Guide

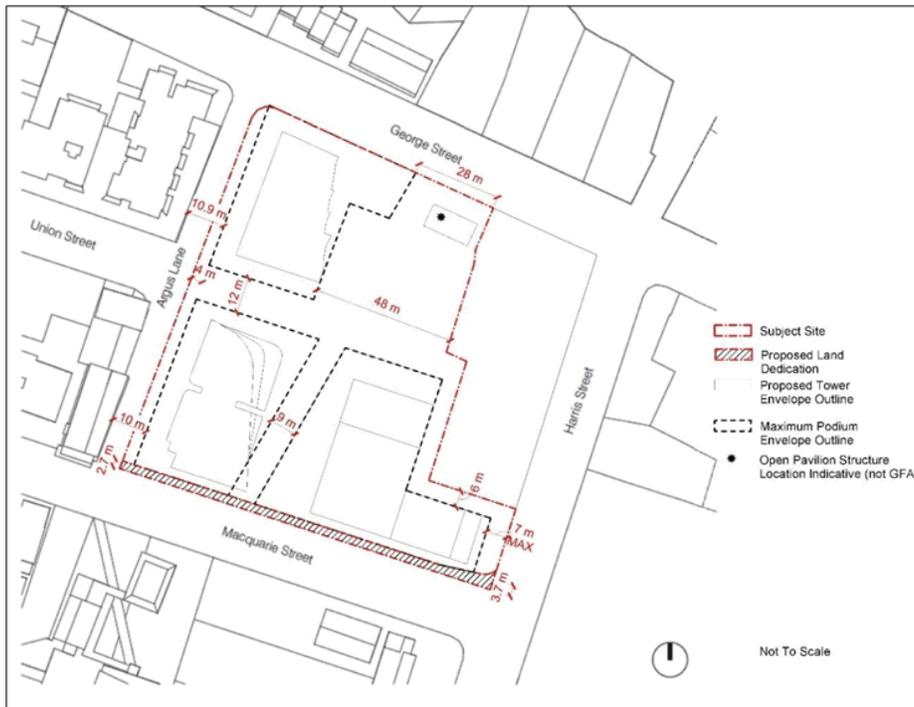


Figure 4.3.3.7.27 – Control diagram: Setbacks and separations at street level

Access, Parking and Servicing

Objectives

- O.1. Connect the new network of spaces to Robin Thomas Reserve.
- O.2. Provide access for vehicles to the site balanced with pedestrian amenity, access and safety.
- O.3. Improve traffic impacts by widening Argus Lane
- O.4. Minimise the number of vehicular access and service points along the active frontages in particular along George Street and Macquarie Street.
- O.5. Provide high quality design of the vehicular access areas with high quality materials.
- O.6. Ensure safety by minimising pedestrian and vehicular conflicts through lighting and signage.
- O.7. Reduce the visual impact of above ground car parking.
- O.8. Increase opportunities to use public transport, to cycle or walk to work.
- O.9. Improved pedestrian connectivity through the site to the City Centre.
- O.10. Ensure that the design of the development, below ground structures and basement is sympathetic to the archaeological heritage on the site and provides in situ retention of State Significant Archeology on lot 46, 47, 48 and 49.

Controls

- C.1. Vehicular access and servicing:
 - a) Vehicular access and egress are to be provided in the locations shown on the Figure 4.3.3.7.28.
 - b) Service vehicle access points and utilities are to be minimised along pedestrian routes and adjacent public open space.
 - c) A 12 metre wide two-way share way shall connect Argus lane and Harris Street for pedestrian and service vehicle access. The share way shall deny access to private vehicles except for emergency vehicles, vehicles associated with the hotel/serviced apartments (i.e. taxis and hotel deliveries) and loading/unloading during defined loading times. The development application shall address any temporary parking and loading/unloading arrangements to be implemented.
 - d) Entry to the share way via Harris Street shall not be permitted. The development application must outline the security measures that will be implemented to control access into the share way such as bollards.
 - e) Vehicular and service access widths are to be minimised and incorporated into the building design.
 - f) High quality design and materials are to be used for the security shutters into the car park and loading areas. Details of design and materials are to accompany the development application.
 - g) Any on grade or above ground car parking and service areas are to be sleeved with other uses such as commercial and residential and is not to be visible to the public domain.
 - h) Development application plans are to provide evidence of signage and urban design elements that reduce pedestrian and vehicle conflicts over the shared zones illustrated in Figure 4.3.3.7.30.
 - i) Provide facilities for cyclists such as parking, storage and end of trip facilities for bicycles in accordance with Parramatta DCP 2011. Additional showers for office buildings and public bicycle racks located within the pedestrian walkways must also be provided to encourage the use of bicycles to encourage the use of bicycles.



Figure 4.3.3.7.28 – Control diagram: Vehicular Access and Servicing

C.2. A Travel Plan consistent with section 3.6.1 of this DCP must accompany each DA stage with the last stage including a comprehensive Travel Plan for the entire development. In addition, the following is also required:

- a) An annual survey to estimate the travel behaviour to and from the site and a review of the measures.
- b) A copy of the Travel Plan must be available to Council on request.

Travel Plan:

Provision of Travel Plans and Travel Information Guides A Travel Plan is a package of measures designed to reduce car trips and encourage the use of sustainable transport. Where a Travel Plan is required as a condition of development, it must be submitted to Council prior to the release of the Occupation Certificate.

If the future occupant(s) are known then the Travel Plan must be prepared in co-operation with them. The condition of consent remains for the life of the development:

- a) Development that contains 5,000sqm of gross floor space or 50 or more employees must prepare a Travel Plan.
- b) Travel Plan must include:
 - Targets: This typically includes the reduction of single occupant car trips to the site for the journey to work and the reduction of business travel particularly single occupant car trips.
 - Travel data: An initial estimate of the number of trips to the site by mode that is required
 - Measures: a list of specific tools or actions to achieve the target.
 - An annual survey to estimate the travel behaviour to and from the site and a review of the measures.
 - A copy of the Travel Plan must be available to Council on request.

- C.3. A community car share scheme is available for the future residents and is integrated into the development. Development application plans for the basement are to show car share car spaces.
- C.4. Pedestrian movement controls:
 - a) Provide a series of pedestrian links allowing access from Macquarie Street to the main plaza and George Street and from Argus Lane to the Harris Street as shown on the Figure 4.3.3.7.29.



Figure 4.3.3.7.29 – Control diagram: Pedestrian links and shared zones

- b) The pedestrian links are to be in accordance with the street level setback widths outlined in Figure 4.3.3.7.27 and the minimum width be no less than 6m.
- C.5. Basement and below ground structure controls:
 - a) The basement line is not to extend further north (into the protected archaeological zone) than the existing sewer line shown in Figure 4.3.3.7.30 and shall be designed such that it will not result in adverse heritage impacts on the archaeology in Lots 46, 47, 48 and 49. This is to be demonstrated on the development application plans.

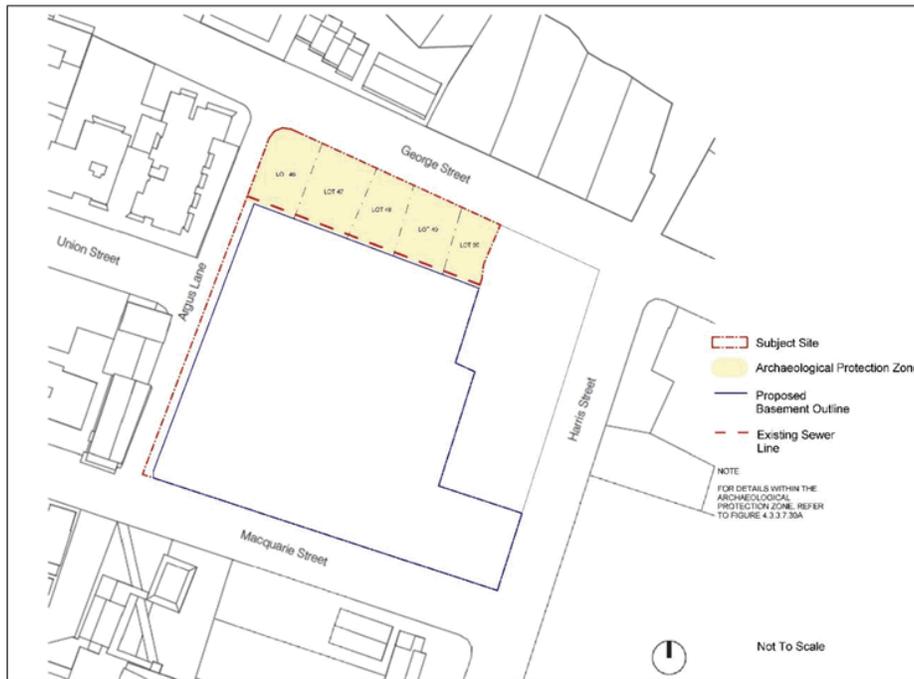


Figure 4.3.3.7.30 – Control diagram: Protected archaeological zone and lots

- b) Ensure that the basement and below ground structures and services allow for the in-situ retention of State Significant Archaeology in lots 46, 47, 48 and 49 in Figure 4.3.3.7.30. Ramp access and building lift cores are to be located south of the basement line, outside of the protected archaeological zone. This is to be demonstrated on the development application plans.
- c) The design of the piling and foundations for building B25 shall ensure the retention of the archaeology in Lots 46, 47, 48 and 49 in-situ. All piles and structures must fall outside of a one-metre exclusion zone as shown in Figure 4.3.3.7.31. This is to be demonstrated on the development application plans.

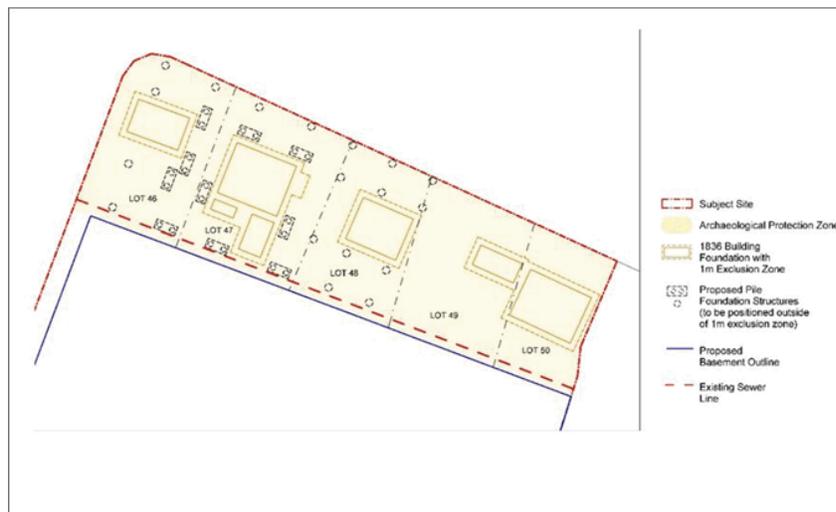


Figure 4.3.3.7.31 – Control diagram: Piles and structures in relation to archaeological exclusion zone

- d) An application pursuant to Section 140 of the Heritage Act 1977 is to be submitted with the development application that seeks consent for excavation or below ground works on the site.

Sustainability, Microclimate and Water

Objectives

- O.1. Use landscape design to respond to summer and winter climatic conditions and improve amenity for people using the open space.
- O.2. Ensure the buildings are designed to minimise detrimental wind generation within public and private open spaces.
- O.3. Implement the principles of water sensitive urban design into the design of the public domain.
- O.4. Minimise reliance on mechanical ventilation through applying good climate design principles to building and public domain design.

Controls

- C.1. Utilise best practice in water sensitive urban design (WSUD) elements for water management infrastructure in the design of the publicly accessible plaza to minimise water use (for e.g. grey water for irrigation and surrounding trees). Details are to be provided with the development application.
- C.2. Drought tolerant planting is to be used for landscape planting in the public domain and private communal open spaces.
- C.3. Water features within the plaza space (i.e. the civic reflection pond) shall make use of water harvested from the development
- C.3. Incorporate appropriate built form structures / shade structures to create appropriate microclimate in public domain areas, to ameliorate the temperature extremes of summer and winter.
- C.4. For optimum internal amenity, the design of dwellings is to maximise sunlight access to private open spaces and the common areas of the individual units.
- C.5. The design of buildings is to maximise natural/cross ventilation to individual units, corridors and lobbies (including lift lobbies) within the development in accordance with the ADG.
- C.6. Lobbies (including Lift lobbies) and corridors within all towers are to be designed to maximise use of natural light to reduce reliance on artificial lighting in accordance with the ADG.
- C.7. Achieve a 5 Star Green Star Design and As-built rating for any commercial office or commercial hotel components. Evidence is provided by a Design Review certified rating from the Green Building Council of Australia at CC stage for any relevant building portion.
- C.8. Consideration shall be given to the provision of solar hot water and solar photovoltaics within the development. Panels should be located to optimise orientation and efficiency and avoid areas that are overshadowed. If this cannot be achieved, evidence must be provided with the Development Application.
- C.9. The provision of an on-site Central Energy Plant is to be considered in the design of the development. If this cannot be provided, alternative energy efficient mechanical systems must be incorporated into the development such as floor by floor condensers or centralised plant room for air-conditioning. Evidence must be provided with the Development Application.

Flood Risk Management

Objectives

- O.1. To facilitate redevelopment of the site as a high quality mixed use development.
- O.2. To ensure the building interfaces positively with the public areas and contributes to an attractive public domain and desirable setting for its intended uses.
- O.3. To ensure the design of the building addresses the local flood conditions and does not impede local overland flow paths.

- O.4. To minimise the risk to life by ensuring appropriate safe areas within the building to shelter during a flood, and safe access from the building during a medical or fire emergency.
- O.5. To allow uses and development on the site that are appropriate to the flood hazard.

Controls

Building Footprint and Uses

- C.1. All structures must have flood compatible building components below the PMF.
- C.2. Residential lobbies must be located above the PMF, where access points to basement levels are provided in the residential lobby level.
- C.3. All habitable rooms / floors must be above the 1% annual exceedance probability (AEP) flood level plus 0.5m freeboard.

Building and Basement Design

- C.4. To minimise the chance of a fire during a flood situation, the building must have a fire management system which meets the Australian Building Code Board (ABCB).
- C.5. External fire doors must be located above the 1% annual exceedance probability (AEP) flood level plus 0.5m freeboard.
- C.6. To prevent flood waters from entering the basement car park, a driveway crest at or above the flood planning level (1% AEP flood level plus 0.5m freeboard) including associated bund walls must be provided. Above this, at or near the crest of the driveway, a passive automatic flood barrier up to the probable maximum flood (PMF) must be installed. Flood doors and other measures must also be provided to ensure flood waters up to the PMF cannot enter the basements.
- C.7. Wherever possible, critical services infrastructure that could be damaged by flooding such as electrical, lift, sewer and water are to be placed above the PMF level, or, where that cannot reasonably be achieved, effectively floodproofed.
- C.8. Development Application submission requirements must:
 - demonstrate that the building and basement will be protected from floodwaters up to the PMF; and
 - include evidence demonstrating why all or some of the critical infrastructure services cannot be located above the PMF and the floodproofing measures to be taken instead.

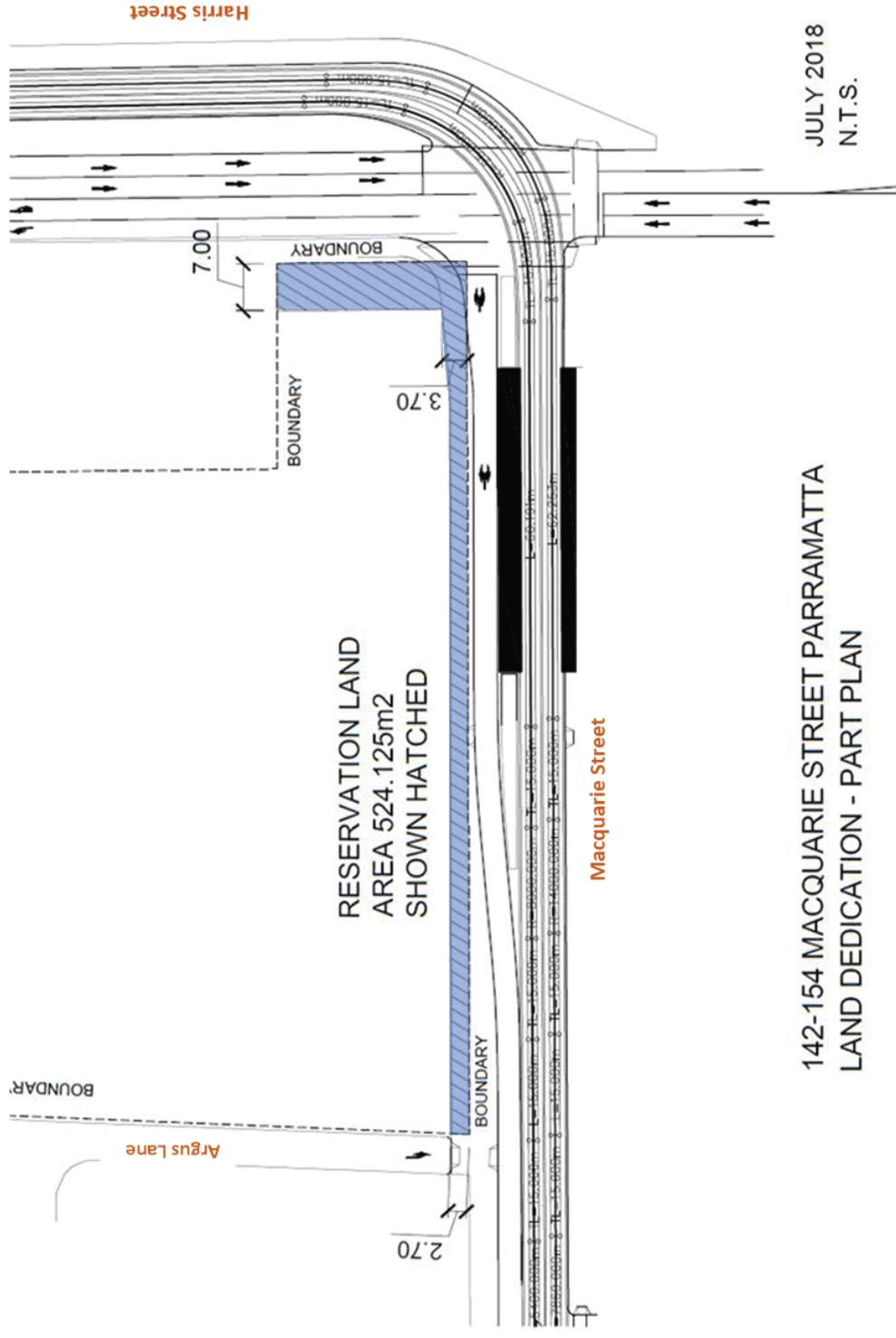
Areas of Refuge and Evacuation Routes

- C.9. All building occupants (residents, workers and visitors) must have access to a safe area of refuge above the PMF where they can remain until the flood event has passed and any subsequent disruption after the flood has been rendered safe and serviceable. A safe area of refuge can be within a resident's own apartment, and or a communal area for workers, residents and visitors.
- C.10. A communal safe area of refuge must have emergency electricity, clean water, food, ablutions and medical equipment including a first aid kit.
- C.11. All safe areas of refuge (residents own apartment or a communal area) must have:
 - fail safe access from anywhere in the building (elevator access is not allowed) that is protected from floodwaters up to the PMF by suitable flood doors, flood gates and the like; and
 - fail safe access to an exit/entry point located above the 1% AEP flood level plus 0.5m freeboard that enables people to exit the building during a fire and/or flood, and allows emergency service personnel to enter a building to attend to a medical emergency.
- C.12. The buildings exit/entry points located above the 1% AEP flood level plus 0.5m freeboard, must enable a safe route above the 1% AEP from the site to a flood free location above the PMF.
- C.13. Development Application submission requirements must include a Flood Emergency Response Plan (FERP) consistent with the FERP for the CBD. The FERP must outline:
 - both warning and evacuation measures for occupants in the building including the most appropriate 'safe areas' and 'safe evacuation routes';

- measures to prevent evacuation from the site by private vehicle;
- the most appropriate emergency response for flood and fire events that occur together;
- a building flood emergency response plan, similar to a building fire evacuation drill, and measures to ensure this is tested at least annually; and
- consultation undertaken with relevant state and local agencies in the preparation of the FERP.

Applicable flood levels

- C.14. The Applicant must make a 'Flood Enquiry' to Council to obtain adopted flood levels for the Parramatta River for this site.
- C.15. Council may also require the Applicant to carry out an overland flow flood study of the rainfall catchment that directly affects this site.
- C.16. The applicable 1% AEP flood level and the corresponding flood planning level will be the higher of the river and the overland flow flood levels.
- C.17. The applicable PMF level will be that advised for the Parramatta River flood.



142-154 MACQUARIE STREET PARRAMATTA
LAND DEDICATION - PART PLAN

Midwinter shadows

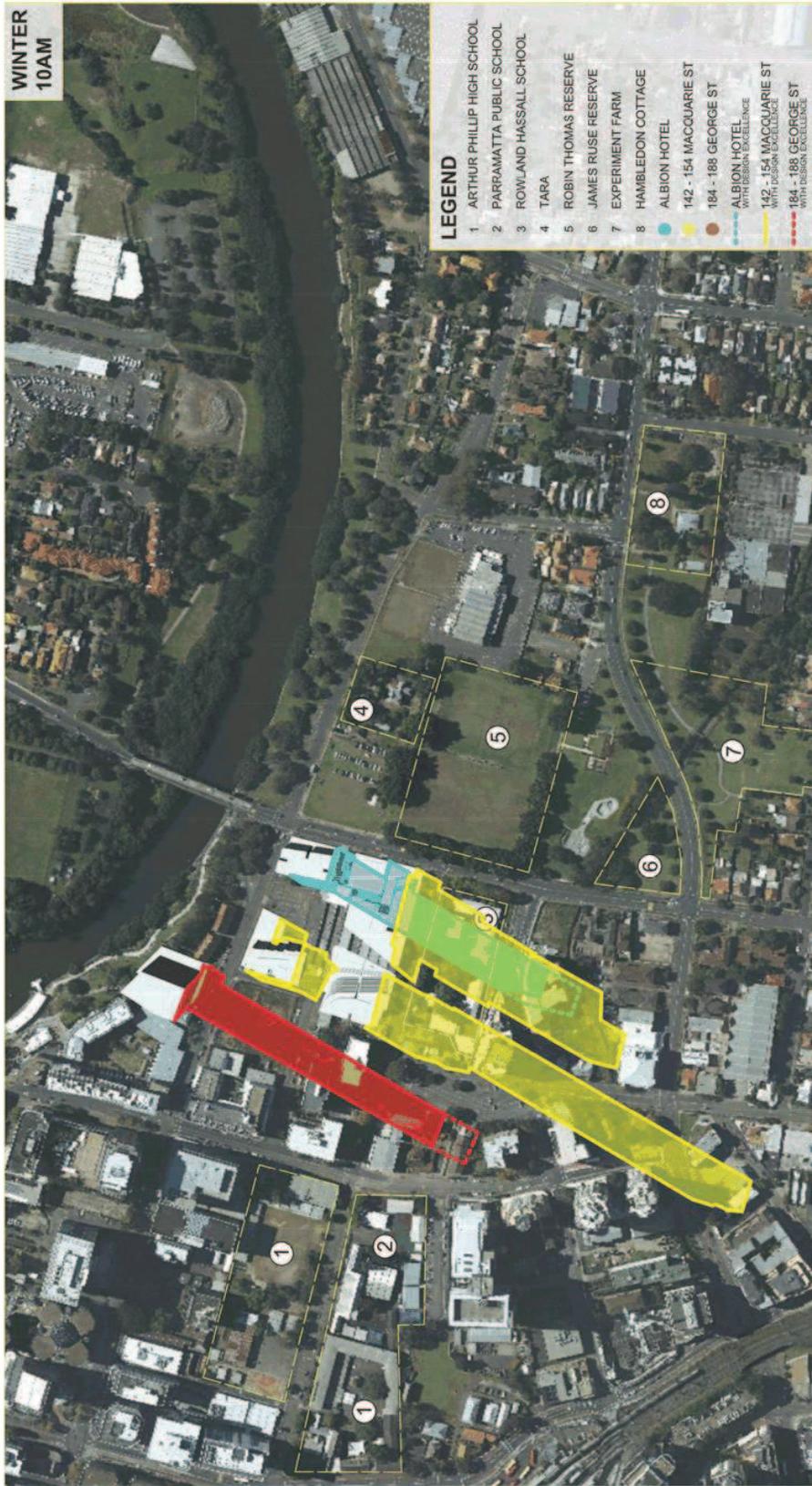
Note

The following series of shadow images overlaid has been prepared by Council through the use of 3D GIS software.

The critical shadows are taken on midwinter's day as the established benchmark standard for shadow analysis.

The shadows cast are between 9:00AM and 3:00PM. The different shadows and areas affected have been colour coded and numbered.















Midsummer shadows

Note

The following series of shadow images overlaid has been prepared by Council through the use of 3D GIS software.

The shadows are taken on midsummer's day as juxtaposition to the midwinter shadows at the opposite time of year.

The shadows cast are between 9:00AM and 3:00PM. The different shadows and areas affected have been colour coded and numbered.

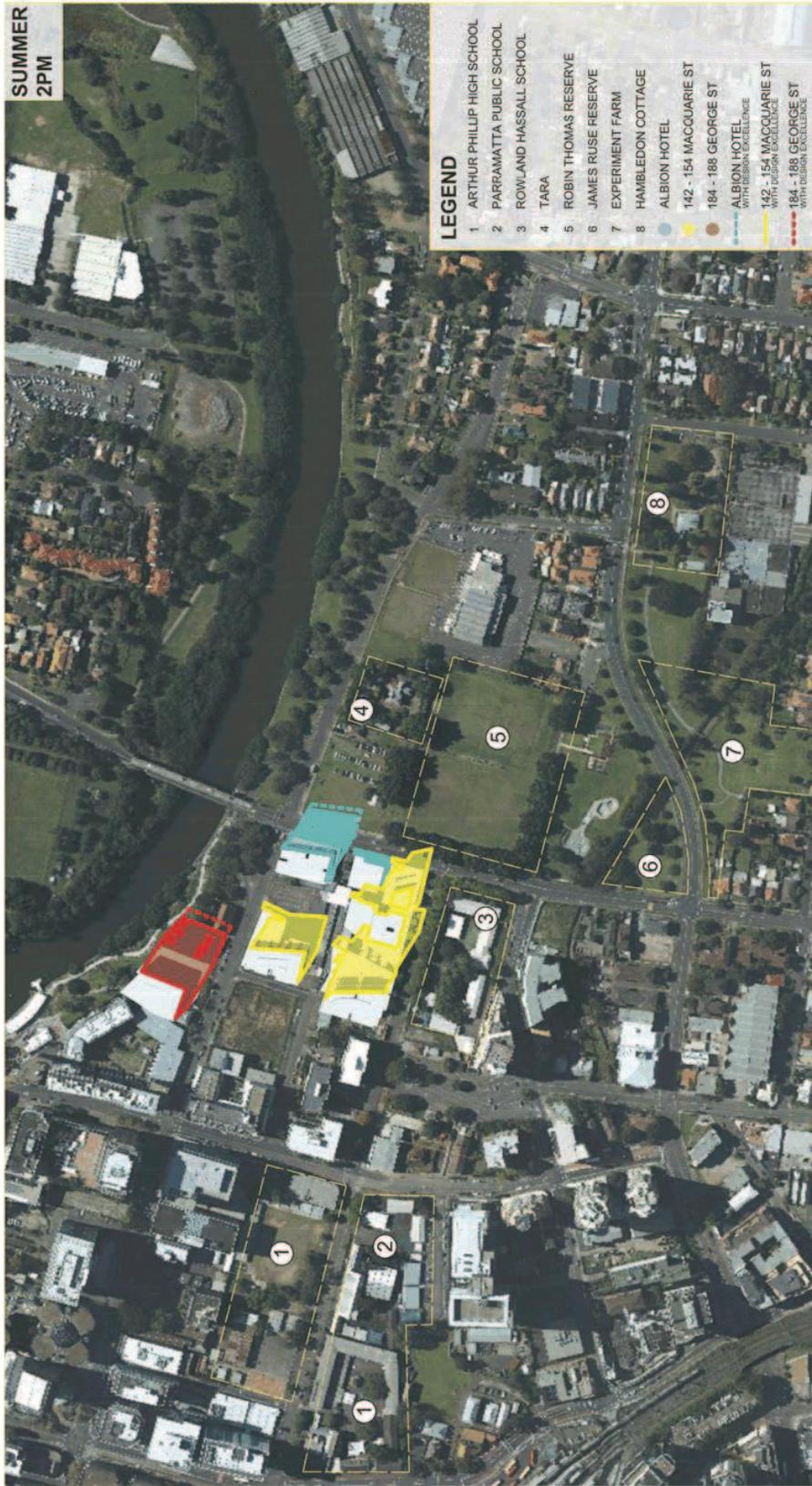














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